

Garden City Planning & Zoning

April 29, 2023

Last night the hearing for SAPFY2023-0001, the designer for the developer touted the amenity of a 4+ acre linear park as part of their 22-acre project. In my 50 years as a licensed architect, I had never heard the of required set back of a property referred to as an amenity called a liner park. The only real amenity to this proposal is the existence of the golf course and the community around it.

Please help preserve this community by not approving the proposed SAP.

Parker Massman
6460 W Plantation Ln.

Kena Champion

From: Jenah Thornborrow
Sent: Saturday, April 29, 2023 8:55 AM
To: planning
Subject: FW: Plantation Third Comments/ SAPFY2023-0001 RIVER CLUB
Attachments: Plantation Third Comments.pdf

Public Comment

From: Lisa Leiby <lleiby@GARDENCITYIDAHO.ORG>
Sent: Thursday, April 27, 2023 4:43 PM
To: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>; Hanna Veal <hveal@GARDENCITYIDAHO.ORG>
Subject: FW: Plantation Third Comments/ SAPFY2023-0001 RIVER CLUB

Thanks,



Lisa Leiby

City Treasurer/Clerk

City of Garden City

p: 208-472-2907

f: 208-472-2998

a: 6015 N. Glenwood St., Garden City, ID 83714

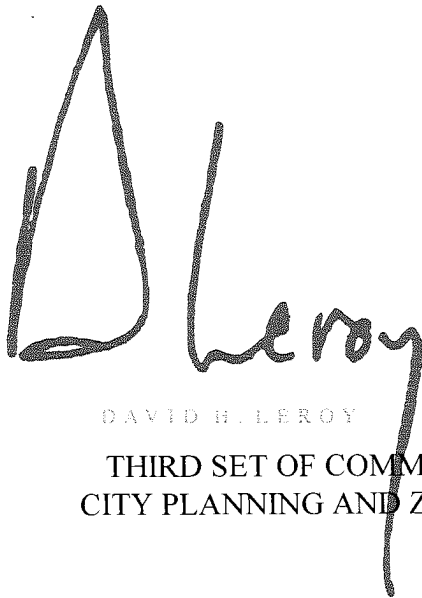
w: www.gardencityidaho.org e: lleiby@gardencityidaho.org



From: Dave Leroy <dave@dleroy.com>
Sent: Thursday, April 27, 2023 3:36 PM
To: Lisa Leiby <lleiby@GARDENCITYIDAHO.ORG>
Cc: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Subject: Fw: Plantation Third Comments/ SAPFY2023-0001 RIVER CLUB

MADAM CLERK AND COUNSELOR: WILL YOU PLEASE CAUSE MY ATTACHED COMMENTS TO BE FILED WITH THE RECORD OF TONIGHT'S HEARING AND IN SUPPORT OF MY TESTIMONY THEREAT ON BEHALF OF MY CLIENTS, YOUR GARDEN CITY RESIDENTS, THE LIVINGSTONS, THE SCHMELICKS AND THE PATTERSONS.....PROFESSIONAL REGARDS, DAVE LEROY

From: Davalee Davis <davalee@dleroy.com>
Sent: Thursday, April 27, 2023 3:26 PM
To: Dave Leroy <dave@dleroy.com>
Subject: Plantation Third Comments



DAVID H. LEROY

ATTORNEY AT LAW

THIRD SET OF COMMENTS TO THE GARDEN CITY COUNCIL VIA THE GARDEN
CITY PLANNING AND ZONING COMMISSION ON THE PROPOSED RIVER CLUB SAP
APPLICATION FILE SAPFY 2023-0001

SUPPORT FOR ORAL COMMENTS - PLANNING AND ZONING HEARING SESSION -
APRIL 27, 2023

I.

FURTHER INTRODUCTION

As noted earlier, we formally represent the Livingstons, Schmellicks and the Pattersons, all Garden City residents affected by the Application. (The "Objectors") I also will speak orally as a spokesman, per your rules, for other neighbors, as identified.

Subsequent to the time that this Office's Second Set of Comments on the above topic was prepared and filed with the City Clerk on April 17th and 18th, 2023 the following additional documents, studies and proposed testimony were filed by other parties with the City:

1. The Ada County Highway District Review and Comments on the Residence at River Club Specific Area Plan, dated April 17, 2023, comprised of nine pages with Exhibits.

2. A 21 page "Design Vision Presentation," dated April 20, 2023, filed by the Applicant, mostly of renderings and generic photographs, but also confirming some SAP relevant-details and layouts.

3. As of this date, these Objectors have also just received an update of the Garden City Planning "Specific Area Plan (SAP) Staff Report" which replaces that document which had been drafted for the March 15 Planning and Zoning Commission Hearing. All copies previously seen by the Objectors were marked "Working Draft" on each page of said report. We now, for the first time, review, analyze and comment on this final or revised Report by the staff. We may also request a delay in any Commission decision, if necessary, to further respond to or rebut any further change made therein or any inconsistent oral statements at hearing offered by Staff, if such further changes materially impact the full consideration of the position of these affected R-2 neighbors.

II.

THE ACHD REPORT AND RECOMMENDATIONS

The Objectors have complained that this SAP amendment leaves future development decisions to a “design review consultant,” thereby removing the Commission and the Council from all but appeals.

The Highway District comment also further confirms the previously expressed concerns of these Objectors that the adoption of this proposed SAP removes such future decision making of Garden City officials from traditional consultative processes to summary, staff level judgments, as follows, at page 2 of the ACHD report:

“The intent is to establish standards and guidelines for future phases. However, Garden City staff has indicated that future development applications may not be required once the Specific Area Plan is in place. Because of this, ACHD has recommended conditions to be required by Garden City that are included as part of this report.”

The District also confirms the usage of the estimated 4945 vehicle trips per day traffic generation figure used by these Objectors. Presumably, the Applicant no longer disputes that number. That equates to 4.8 trips per day per proposed dwelling unit. This figure suggests to these Objectors that a minimum of 1500 vehicles will be based in the project area, driven by the occupants of the 750 units. Please note, as discussed below, the developer plans only for 1100 parking spaces, to be inclusive not only of residential use, but also to accommodate commercial and restaurant patrons, transit riders, event visitors and all others. The only spill over parking available will be found in the Plantation Subdivision streets.

At page 3, the ACHD demands that until the completion of the widening of State Street and revised Pierce Park intersection, the project must be limited to no more than 113 residential units and 4500 square feet of commercial space, confirming that State Street, as currently configured, has significant rush-hour traffic problems.

At pages 4-6, the lack of on-site turning lane que space and the limitation of the Eastern access to right turn in, right turn out only, and the inadequacy of the planned internal private driveway to and from the “East Sub-district” (Phase 3) are discussed. Redesign of the Phase 3 connectivity is demanded as an approval condition by ACHD at page 8, paragraph 1. Finally at page 8, paragraph 10, as feared by these Objectors, the ACHD Report predicts:

“ Given the estimated trip generation anticipated to be generated by the land uses proposed in the Specific Area Plan, a connection from the East Sub-district to Fair Oaks Place will likely create cut-through traffic, and increase volumes above local street thresholds, on existing residential streets with front-on housing. This scenario is undesirable

for homeowners, and not in conformance with ACHD policy. ACHD will not allow a vehicular connection from the site to Fair Oaks Place.”

However, the District goes on to recommend, as feared by the Objectors:

“that the City require pedestrian and bicycle connectivity at this location and throughout the site.”

If this happens, daily and nightly, the estimated new ten percent of the entire population of Garden City will have direct access into the formerly sedate North Fair Oaks Place street and adjacent neighborhoods. If this happens, several hundred pedestrians/cyclists per week will foreseeably also traffic these general neighborhood streets. Overflow parking from the River Club residents and visitors will encroach.

Finally, again at Page 8, in explaining its Recommended Conditions, the ACHD again confirms these Objector’s position that City staff and consultants alone may control the future build out of this huge complex without further application submission or review. ACHD also seems to suggest that, if a future application is by some circumstance required for Phase 3, that ACHD might reserve the right to later revisit and possibly reverse its position on the vehicular connection to North Fair Oaks:

“Garden City staff has indicated that future development applications may not be required once the Specific Area Plan is in place. Because of this ACHD recommends that Garden City include the following site specific conditions as part of their action on the Specific Area Plan application OR that the City require development applications for all future phases that will be transmitted to ACHD for review and approval, allowing ACHD to establish site specific conditions of approval at that time.”

In summary, especially as long as Phase 3 is included in this SAP, the Plantation Subdivision community is now and will remain at risk of all forms of traffic and parking being channeled into it via North Fair Oaks connectivity.

III.

THE APPLICANT’S DESIGN VISION PRESENTATION

The map layouts included in the current “vision” of the Developer continue to illustrate and propose Phase 3, as the “East Sub-District” with no direct contiguity to any public street, except possibly North Fair Oaks, and to illustrate, very graphically, that this proposed collection of “multi-family residences” on 8.6 acres has no immediate utility to or physical relationship with either State Street or the SAP promised-featured-amenities of commerce, transportation,

central recreation, connectivity, dining, shopping, open space or sense of place. It is simply a peninsular appendage of dense housing, inadequately connected to somewhat distant, undersized and turn- limited State Street ingress and egress points. There is no “mixed use” in Phase 3. It is not an SAP. Mere adjacency, does not give a dense and vertical residential building of five stories of an estimated length of up to 650 feet in relevance as an activity center. Phase 3 is merely a threat to the existing neighborhood, with no functional SAP purpose.

As the neighbors vigorously testify, Phase 3 was not part of the original concept sold to them in exchange for development upon and within the Golf Course. The Applicant’s slide presentation makes liberal usage of superlative and comforting adjectives and verbs like “best in class,” “high quality,” “cultivate,” “embrace,” “prioritize.” However, even a cursory examination of these promises, easily indicates that a contrary impact will result. The Applicant’s visionary suggestions of:

“Create compatibility with existing residential development” fall very poorly upon the adjacent R-2 neighbors who are facing the proposed traffic, parking and monolithic adjacency of the three and five story structures in Phase 3 real estate close feet to their now comfortable kitchens and patios. Even the Will Gustafsen-promised six foot high wrought iron boundary fence to isolate Phase 3 preclude pedestrian and bicycle traffic onto North Fair Oaks Place has never seemed to materialize.

“Embrace the local views” is also a bit challenged given the overlay and orientation of all the three phases of residential units either fronting on State Street or blocking the current green space view corridor of both the existing neighborhood and the traveler driveway on that arterial. The Plantation Subdivision homes are one and two story family residences. At an estimated fifty five feet in height, both the five story Phase 3 and the SAP buildings along State Street will be about 83% taller-almost double the height- of the peak of the highest rooftop in the established neighborhood. The Objectors do not seek that “embrace.” Rather, they enjoy the current pastoral view, as the Comprehensive Plan promotes.

“Prioritize Open Space” is also hard to do when 22 acres of grassy, tree-filled golf acreage is consumed in the process. This is especially true when part of the trade off is by replacement with eight acres of asphalt parking lots and interior streets.

In sum, the “Birds Eye View Looking South” slide, from an elevation of 150 feet above ground or so contained in the Applicant’s presentation appropriately illustrates the very outer limits of what might be legitimately proposed to Garden City as an SAP District. It also shows exactly what has no place being considered at all or ever included in such a District: The entirety of Phase 3 is not shown at all!

IV.

GARDEN CITY FINAL SAP STAFF REPORT

Of great concern to these Objectors, the Final Staff Report, just received and prepared by Jenah Thornborrow, for the April 27th P&Z Commission hearing, continues to contain and incorporate various consultant recommendations at pages 6 through 10 urging pedestrian, bicycle and even vehicular connectivity to North Fair Oaks. However, the Staff has not presented with equal contexting or reference the numerous legal and factual objections, including the promises of Developer against such access, which have been already submitted from several quarters and should be likewise identified within the record. Instead of a direct dialog or any citation of source or development of such detail, these directed criticisms are presented as “concerns” in summary form or swiftly dismissed. A inadequate list of 20 one word or short phrase objections as bullet points taking one half a sheet is found on page 38. At page 22, the vigorous objections to ownership confusion, Master Declaration violation and Spot Zoning are summarily dismissed. This brevity precludes a voting member of the Commission or the Council utilizing and relying upon the Report from obtaining any objective understanding of the negative case against the SAP from the staff document itself.

At page 14, consistent with the objections of the existing neighbors, the Report now advises that the most objectionable feature of Phase 3, density, will be “30 units/acre,” down from the “35” which was promised in the Draft Report. These Objectors are uncertain where or how the Staff obtained this new detail. However, no layout alterations or other explanation of this new calculation relieves the complaints and concerns about the still foreseeable negative impacts of Phase 3.

At pages 18-19, the Staff repeats the ‘written reasoned statements’ of the SAP code and the Development Code Amendment and Rezone Required Findings of 8 6B-5D and 8 6B-10 F, all which must be entered into this Record if the Commission is to recommend anything but denial to the Council of this Application. As noted in this Third Comment and our earlier and individual written and oral presentations, these Objectors respectfully suggest that said positive findings can not be made as this Application is presented. Instead, we specifically request that this Commission utilize the Draft form Findings of Facts and Conclusions of Law and Recommendation before you, as prepared by the Staff, entering thereon appropriate data and reasons to deny the Application or to return it to the Applicant with instructions.

At page 23 of the Report, the issues of School Bus and Fire access are again noted, but unresolved. These Objectors have no doubt that North Ada County Fire and Rescue, property contacted and pursued, will require the typical second access point off of North Fair Oaks, if the 744 units, including Phase 3 are authorized. Likewise, if pedestrian and bicycle access are authorized, the North Fair Oaks traffic circle will become the pick up and drop off point for all K-12 children living in the development. (See the Boise School District request noted at page 27 of the Report) Thus, these forms of vehicular access will necessarily be involved upon the

neighborhood under all circumstances, if Phase 3 is built. These readily anticipated negative impacts on the adjacent neighborhood must be factored, now, into the Commission and Council decisions, despite their failure to yet be fully pursued.

As noted above, at page 22, the Report gives summary, undeveloped and dismissive treatment of three major issues previously and consistently raised at length by these Objectors and other neighbors:

1. A lack of adequately demonstrated ownership detail, constituting a defect in its standing to apply as a qualified Applicant. Staff proposes that you merely draft conditions to verify and later to nullify, if we are correct. These are a curious set of remedies. They are also inconsistent with City Code, as we pointed out in our Second Comments.
2. The Master Declaration of the subdivision actually precludes this subdivision of the golf course and the entire SAP exercise without HOA approval, in the opinion of these Objectors. We are not asking the City to enforce the CC&Rs. However, this purported Applicant, upon this issue, does not comply with City Code requirements, as also stated in our earlier Comments.
3. The Spot Zoning challenge is evident and well asserted here. Staff makes no effort at explanation about or refutation of the earlier Comments of these Objectors or others. It suggests no finding or rationale for the Commission or Council upon which a Type II Spot Zoning legal challenge is unfounded. Instead, you are merely directed to consult various pages of the Givens Pursley Handbook. We stand by our objection.

From pages 24 - through 25, your Staff now even aggressively promotes the proposition of North Fair Oaks Place as a required and approved pedestrian and bicycle access and connection. This SAP is sold to the City as prioritizing "open space connectivity." The SAP is sold to the neighborhood residents as utilizing a State Street bike path to Plantation River Drive solely for that connection. The City is now on notice, as is the Applicant, that the pertinent subdivision HOA surrounding the alleged entry point, as well as various neighbors individually, dispute that the planned access is a public right of way to the Greenbelt path. Incredibly, the City Staff proposes to the Commission:

"Whether the connection to the Greenbelt is public is an issue of bike and pedestrian connectivity that is tangential but not fundamental to this application. Subsequently, it is suggested that this matter be addressed separately from the application."

These Objectors respectfully suggest that whether the existing neighborhood should become a transportation corridor and whether the 1500 or more River Club recreationists have

any access at all to the Greenbelt, even via State Street and then Plantation River Drive, is a most fundamental and immediate issue of broad significance. The City Staff have become obvious and imaginative advocates for something even the Developer promised would not happen. The Staff certainly should not be allowed to suggest to you decision makers that the Commission and Council should “approve it anyway and we will figure out later if it is possible”.

At page 28, the Staff advises that “No Compliance Concerns Identified” as to Code 8-6-B-6 “Applicability.” Presumably, the Staff is not suggesting that the Commission can make all of the Required Finding necessary under Subsection 6-E as this SAP Application neither is “consistent with the comprehensive plan, as amended including the future land use map” nor “promotes the orderly planning and development of land,” nor still “complies with all city zoning regulation and codes in effect.”

As noted in our earlier Comments, deficiency in any one such criteria, or more, requires denial of the Application. Further, the Maps only Transportation note clearly appears to be located at the intersection of State Street and Glenwood, not on or adjacent to the subject property. Just as obviously Phase 3 has no real role as a neighborhood destination “activity” node, contrary to the Staff conclusion. Despite any ordinance text to the contrary or long term reference in the codes or plans of other jurisdictions, destroying Garden City “Open Space/Future Parks” for private gain by an Applicant would appear to be in conflict with the published Future Land Use Map.

On page 31, the Staff discusses applicable Idaho Code Local Land Use Planning Act provisions, but has failed to highlight again for the Commission the apparent Type II Spot Zoning issue identified by these Objectors, as might have been appropriate in that text.

Page 34 of the Report suggests that this Application conflicts only with two Goals and Objectives of the Comprehensive Plan: Connect the City and Maintain a Safe City. As noted in these Objectors, Second Comments pages 4-5, arguable nearly all of those Goals are far more conflicted than compatible with this SAP. The key to that conclusion, as measured against these lofty precepts, is that the negative impacts to the existing, established neighborhood of R-2 family homes, protected by CC&R’s, the Zoning Ordinance and a Comprehensive Plan, have been entirely disregarded, both procedurally and factually. Nowhere do the Applicants or the staff honestly and directly consider and present our obvious and legally-protected set of concerns and rights.

Instead, in noting the only conflicts which the Staff admitted, they gave just three reasons for incompatibility: an unrestricted left turn onto State Street, the removal of the pedestrian path and lack of a planned school bus stop on a local road. Utterly unaddressed, utterly unrecognized in the Report are the significant conflicts of many types and on many levels which this proposed development, particularly with Phase 3, will significantly impact the existing R-2 neighborhood and its citizens. The Staff’s failure to recognize the School, Fire, pedestrian, bicycle street parking and even the potential for a future-required vehicular impacts on the Plantation

Neighborhood must be addressed by the Commission and the Council.

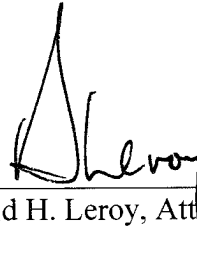
V.

CONCLUSION

This Application, four years in the making, has expanded the proposed SAP in area and scope to the point where it is no longer legally permissible in current form to approve. Procedurally, the Developer has failed to follow neighborhood Master Declaration preliminaries and has added an unnecessary, unrelated and existing resident damaging Phase 3. As offered by your Staff in draft form, the typical Findings of Fact, Conclusions of Law and Recommendations do not adequately and comprehensively address the factual and legal findings which this Record will justify. Accordingly, the proper judgment of the Commission at this time should be either to deny the Application, or as these Objectors have twice before suggested, return it to the Developer for further refinement, consistent with the CC&R's, the Code and the Comprehensive Plan.

Respectfully Submitted:

DATED This 26th day of April, 2023.

A handwritten signature in black ink, appearing to read "D. Leroy", is written over a horizontal line.

David H. Leroy, Attorney for the Objectors

Kena Champion

From: Winnie Morton <winnie@boisehome.com>
Sent: Thursday, April 27, 2023 12:10 PM
To: planning
Subject: regarding SAP - River Club

My name is Winnie M Morton at 3601 N. Plantation River Drive, Garden City, Idaho. My biggest comment is the traffic problems. I would like to see a reduction in the number of units and an increase in the parking for those units. Each unit should be a minimum of 2 parking spaces, but 2.5 parking would be best so that people are not parking on adjacent streets. The number of units greatly increases traffic on State Street, which is already overburdened. I have lived her 32 years and I can tell you by the number of sirens that the accident level is way up and the traffic jams at 4:00-5:30 pm are terrible. Glenwood and State is a nightmare compared to 5 years ago.

Thank you.



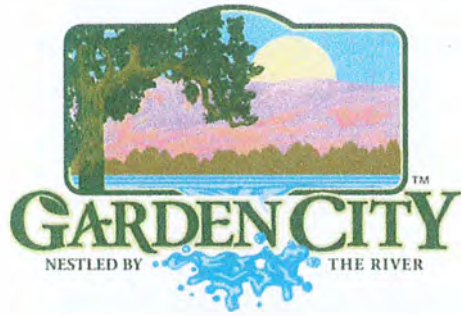
Winnie Morton
Associate Broker
208.724.8580
winnie@boisehome.com
www.sellyouridaho.com

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REALTOR

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CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SPOKESPERSON SIGN-UP SHEET

The chairman must authorize spokespersons ahead of time. Please submit this form at least 72 hours in advance of the hearing to planning@gardencityidaho.org. Please provide presentations more than one week in advance to planning@gardencityidaho.org.

Date: 4/27/2023

PLEASE PRINT LEGIBLY


Name: Alexander Robinson
E-Mail: alexander.robinson@edgewoodhealthcare.com

Application File Number: SAPFY 2023-0001

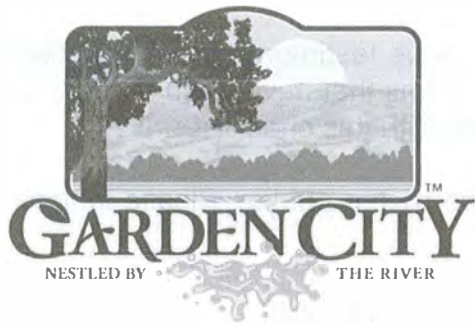
Choose one: _____ Support the application _____ Neutral X Oppose the application

Briefly describe the group that you represent; e.g. Homeowner's Association, etc: Edgewood Plantation Place

Please provide the information for each person that you are representing.

Name	Physical Address (City & State of residence, not PO Box)	Signature
Alexander Robinson	3921 N. Kessinger Boise ID 83703	

Spokespersons may be limited to 3 minutes per person that they represent up to a maximum of 15 minutes.



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

6 min.

You must sign up to testify – or submit comments

Date: 4-27-2023

PLEASE PRINT LEGIBLY

Name: Andrea Fogleman

Physical Address (City & State of residence, not PO Box):

6420 W. Plantation Lane

Garden City, 83703

E-Mail: ea.fog@msb.com

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Andrea Fogleman
Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☐ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☐ The plans are thoughtful
- ☐ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



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Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 27 April 2023

PLEASE PRINT LEGIBLY

Name: Art Peavey

Physical Address (City & State of residence, not PO Box):

6565 W. Plantation Ln.

E-Mail: art.peavey@gmail.com

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☐ White

☐ Male ☐ Female Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/23

PLEASE PRINT LEGIBLY

Name: BOB RUNNING

Physical Address (City & State of residence, not PO Box):

3520 N. ROCK CREEK LN.
BOISE ID 83703

E-Mail: bobrun@live.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

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- ☐ The golf course should not be considered an open space for the proposal

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- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☐ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 27, 2023

PLEASE PRINT LEGIBLY

Name: Brently Bird

Physical Address (City & State of residence, not PO Box):

6283 N Fair Oaks Pl

Garden City, ID 83703

E-Mail: brentlydb@gmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled ☐ Yes ☐ No

Do you wish to be an interested party? X Yes No. If yes, email must be provided above.

Choose one: Support the application Neutral X Oppose the application

Do you wish to testify? Yes No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

For work, I drive to Micron and usually take Veterans Memorial to I-184. In the mornings, the traffic getting onto
I-184 from Curtis is often backed up to Ustick. With new condos going up along Veterans Memorial and the
huge golf course development, I foresee that the traffic will get considerably worse. I will have to leave home earlier
to get to work on time, which takes time away from my family and creates a frustrating experience for drivers,
increasing the likelihood of road rage and accidents. Please earnestly consider how this development and others
will negatively impact our roads.

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Assurance that the golf course open space will be preserved |
| <input checked="" type="checkbox"/> | Density |
| <input checked="" type="checkbox"/> | Height |
| <input type="checkbox"/> | Massing |
| <input checked="" type="checkbox"/> | Lack of open space |
| <input checked="" type="checkbox"/> | Overflow parking within adjacent neighborhood |
| <input checked="" type="checkbox"/> | Public access to adjacent neighborhood |
| <input checked="" type="checkbox"/> | Spot Zoning |
| <input checked="" type="checkbox"/> | Traffic |
| <input checked="" type="checkbox"/> | Wildlife |
| <input checked="" type="checkbox"/> | Property value reduction |
| <input checked="" type="checkbox"/> | Renters are not invested in their community |
| <input checked="" type="checkbox"/> | Inability of existing services to accommodate proposal |
| <input checked="" type="checkbox"/> | Incompatibility of proposed homes with existing homes |
| <input checked="" type="checkbox"/> | Public access to N. Fair Oaks Place |
| <input checked="" type="checkbox"/> | Increased presence of dogs |
| <input checked="" type="checkbox"/> | Liability to golfers for errant balls |
| <input checked="" type="checkbox"/> | Noise |
| <input checked="" type="checkbox"/> | Crime |
| <input type="checkbox"/> | The golf course should not be considered an open space for the proposal |

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space. |
| <input type="checkbox"/> | The plans are thoughtful |
| <input type="checkbox"/> | Increased property value |
| <input type="checkbox"/> | Those who are opposing are a small but vocal group |
| <input type="checkbox"/> | Lincoln's portfolio includes some of the finest developments in the US and Europe |
| <input type="checkbox"/> | There is capacity for traffic on State Street |
| <input type="checkbox"/> | The proposal facilitates adequate parking |



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-27-23

PLEASE PRINT LEGIBLY

Name: Briana + Doug Werner

Physical Address (City & State of residence, not PO Box):

5158 N. Edinburgh Way
Boise ID 83714

E-Mail: JumbleDog@yahoo.com

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☐ White

☐ Male ☐ Female ☐ Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

Choose one: ~~Support~~ Support the application ____ Neutral ____ Oppose the application

Do you wish to testify? Yes ____ No ____

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

We support this Project all the way. Thank heaven
the buildings are not 5+ stories. 3 would be good...
but 4 is OK

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-27-23

PLEASE PRINT LEGIBLY

Name: CURT & LINDA BLAKE

Physical Address (City & State of residence, not PO Box):

4601 N YORGASON Way
Boise ID 83703

E-Mail: _____

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male ☒ Female Disabled ☐ Yes ☐ No

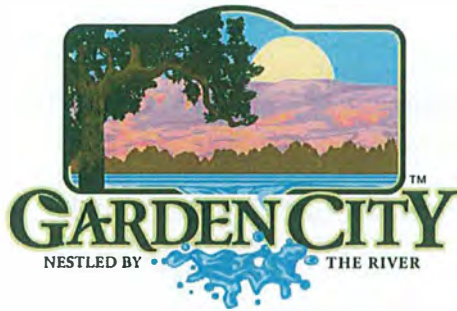
Do you wish to be an interested party? ____ Yes ____ ☒ No. If yes, email must be provided above.

Choose one: ____ Support the application ____ Neutral ____ Oppose the application

Do you wish to testify? Yes ____ No ____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/2023

PLEASE PRINT LEGIBLY

Name: David Patterson

Physical Address (City & State of residence, not PO Box):

6326 W Charleston Place

Garden City, Idaho 83703

E-Mail: d.patterson65@msn.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I am giving my 3 minutes to
Paul Robert Schmellick

David Patterson

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

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- ☒ Height
- ☒ Massing
- ☒ Lack of open space
- ☒ Overflow parking within adjacent neighborhood
- ☒ Public access to adjacent neighborhood
- ☒ Spot Zoning
- ☒ Traffic
- ☒ Wildlife
- ☒ Property value reduction
- ☒ Renters are not invested in their community
- ☒ Inability of existing services to accommodate proposal
- ☒ Incompatibility of proposed homes with existing homes
- ☒ Public access to N. Fair Oaks Place
- ☒ Increased presence of dogs
- ☒ Liability to golfers for errant balls
- ☒ Noise
- ☒ Crime
- ☒ The golf course should not be considered an open space for the proposal

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- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
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CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: Dick Curtis

PLEASE PRINT LEGIBLY

Name: _____

Physical Address (City & State of residence, not PO Box):

6256 N. Charleston Ln

E-Mail: curtiscw@gmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☒ No ____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-27-23

PLEASE PRINT LEGIBLY

Name: Doug Werner

Physical Address (City & State of residence, not PO Box):

5158 N. Edinburgh Way
Boise ID 83714

E-Mail: _____

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

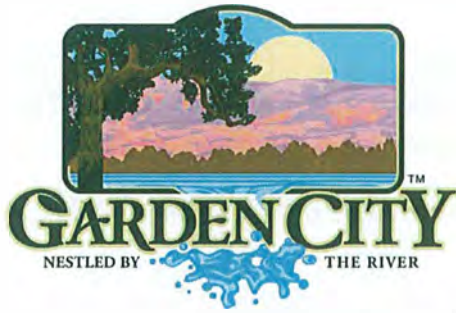
Choose one: * Support the application ____ Neutral ____ Oppose the application

Do you wish to testify? Yes ____ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I support this Project

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 23, 2023

PLEASE PRINT LEGIBLY

Name: EDWARD W. ALTMAN

Physical Address (City & State of residence, not PO Box):

6529 W. PLANTATION LN
BOISE, IDAHO 83703

E-Mail: WUWALTER101@MSN.COM

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ____ Yes X No. If yes, email must be provided above.

Choose one: ____ Support the application ____ Neutral X Oppose the application

Do you wish to testify? Yes ____ No ____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I GIVE MY TIME TO BOB SCHMELUCK

Written Signature (only if not testifying)

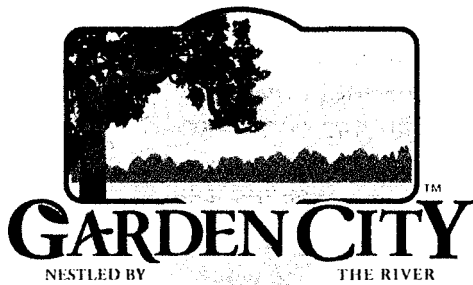
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

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- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

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- ☐ The plans are thoughtful
- ☐ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-27-2023

PLEASE PRINT LEGIBLY

Name: Eric Fogleman

Physical Address (City & State of residence, not PO Box):

6420 W. Plantation Lane

Garden City, 83703

E-Mail: _____

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

Choose one: ____ Support the application ____ Neutral ____ X Oppose the application

Do you wish to testify? Yes ____ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Eric Fogleman

Written Signature (only if not testifying)

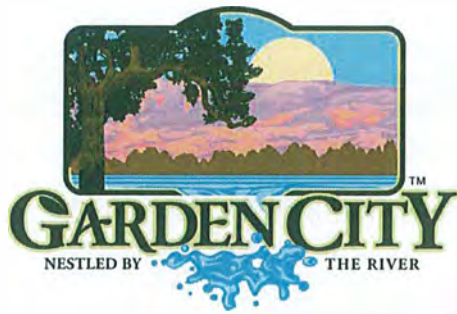
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- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
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- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
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- ☐ The golf course should not be considered an open space for the proposal

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- ☐ There is capacity for traffic on State Street
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CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/2023

PLEASE PRINT LEGIBLY

Name: Græchen Massman

Physical Address (City & State of residence, not PO Box):

6460 W. Plantation Ln.

E-Mail: _____

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
- ☐ Asian
- ☐ Black or African American
- ☐ Hispanic or Latino
- ☐ White

☐ Male ☐ Female Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

Choose one: ____ Support the application ____ Neutral X Oppose the application

Do you wish to testify? Yes ____ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I am opposed to SAPFY2023-001 because I desire to keep
• Invested in Plantation Golf Course Contiguous property
• the 2-3 story Compatible Lake Harbor apts.
• the love of green open space for all to see the garden
• the limited homeowners traffic thru ^{of Garden City} our neighborhood
• the quiet neighborhood which protects health, safety and
• I want to have the applicant designate and protect the golf course as "open space are in perpetuity."
Græchen Massman
Written Signature (only if not testifying) Welfare of my neighbors

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

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- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

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- ☐ Increased property value
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CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/23

PLEASE PRINT LEGIBLY

Name: HEIDI PEARSON

Physical Address (City & State of residence, not PO Box):

10445 W. Sutherland Ave
GC

E-Mail: _____

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

Choose one: ____ Support the application ____ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/23

PLEASE PRINT LEGIBLY

Name: Jeanne Patterson

Physical Address (City & State of residence, not PO Box):

6326 N Charleston Pl
Garden City Id 83703

E-Mail: pattersonj2@msn.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? X Yes No. If yes, email must be provided above.

Choose one: Support the application Neutral X Oppose the application

Do you wish to testify? Yes X No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I am giving my 3 minutes To Dave Leroy.

Jeanne Patterson
Written Signature (only if not testifying)

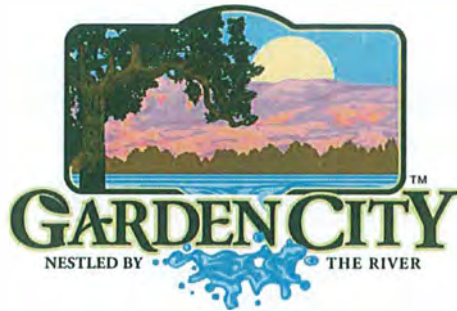
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| <input checked="" type="checkbox"/> | Traffic |
| <input checked="" type="checkbox"/> | Wildlife |
| <input checked="" type="checkbox"/> | Property value reduction |
| <input checked="" type="checkbox"/> | Renters are not invested in their community |
| <input checked="" type="checkbox"/> | Inability of existing services to accommodate proposal |
| <input checked="" type="checkbox"/> | Incompatibility of proposed homes with existing homes |
| <input checked="" type="checkbox"/> | Public access to N. Fair Oaks Place |
| <input checked="" type="checkbox"/> | Increased presence of dogs |
| <input checked="" type="checkbox"/> | Liability to golfers for errant balls |
| <input checked="" type="checkbox"/> | Noise |
| <input checked="" type="checkbox"/> | Crime |
| <input checked="" type="checkbox"/> | The golf course should not be considered an open space for the proposal |

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|--------------------------|--|
| <input type="checkbox"/> | Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space. |
| <input type="checkbox"/> | The plans are thoughtful |
| <input type="checkbox"/> | Increased property value |
| <input type="checkbox"/> | Those who are opposing are a small but vocal group |
| <input type="checkbox"/> | Lincoln's portfolio includes some of the finest developments in the US and Europe |
| <input type="checkbox"/> | There is capacity for traffic on State Street |
| <input type="checkbox"/> | The proposal facilitates adequate parking |



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/23

PLEASE PRINT LEGIBLY

Name: Karen Hauser

Physical Address (City & State of residence, not PO Box):

3695 N. Gramercy Ln -
Boise, ID 83703

E-Mail: karenhauser19@gmail.com

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☐ White

☐ Male ☐ Female Disabled ☐ Yes ☐ No

Do you wish to be an interested party? X Yes ___ No. If yes, email must be provided above.

Choose one: ___ Support the application ___ Neutral X Oppose the application

Do you wish to testify? Yes X No ___

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

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The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☐ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☐ The plans are thoughtful
- ☐ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-27-2023

PLEASE PRINT LEGIBLY

Name: Kathleen Grover

Physical Address (City & State of residence, not PO Box):

6367 Plantation Lane

E-Mail: Kathygrover@gmail.com

Voluntary Information			
Please check the following boxes if applicable:			
<input type="checkbox"/>	American Indian or Alaskan Native		
<input type="checkbox"/>	Asian		
<input type="checkbox"/>	Black or African American		
<input type="checkbox"/>	Hispanic or Latino		
<input type="checkbox"/>	White		
<input type="checkbox"/>	Male	<input type="checkbox"/>	Female
Disabled		<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I may need to leave before testifying. In that case, I cede my
time to Crikky Simon, who has my written to read,
testimony

Kathleen Grover

Written Signature (only if not testifying)

Kathy Willman Grover, representative of Willman Family Trust

Resident at 6367 W. Plantation Lane

When a government takes a person's property for public use, it's called a "taking" and the landowner is compensated. This massive project is also a taking, but this time it's taking personal private property for someone else's personal enrichment. There are 3 groups that would suffer from this large-scale taking of property value:

- 1) My family. My parents worked hard all their lives serving Idaho. My dad was president of the State chapter of Habitat for Humanity and also held other civic roles for many years. When he died, he made sure that my mom was taken care of by having the security of her home. At age 94, she is elderly like many of the Plantation residents and this home is all she has except family. Confiscating her property value is not the morally right thing to do.
- 2) All the (mostly) older Plantation residents will suffer a loss of property value while someone else's pockets will be lined. Again, not the right thing to do.
- 3) Our entire city will suffer loss. One might think that the golf course is private property and the owner can do anything that they want. But Garden City and Boise have a very real ownership stake in the beautiful trees and green space. They bring joy and peace to everyone from driving past this city treasure every day. In this world of self-interest, conflict and anxiety, having that green space for everyone to enjoy is very much needed in Idaho life. It's much more valuable than more high-end structures for the few. This massive project is a taking, for private gain, from our entire community.

I know these words are strong, but I hope they ring real and true for you. Thank you for listening.



CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 27, 2023

PLEASE PRINT LEGIBLY

Name: Kelly Holzscheiter

Physical Address (City & State of residence, not PO Box):

6283 N Fair Oaks Pl

Garden City, ID 83703

E-Mail: kellyholz@gmail.com

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

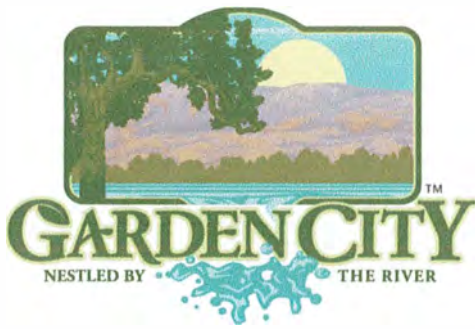
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- ☒ Density
- ☒ Height
- ☐ Massing - not clear
- ☒ Lack of open space
- ☒ Overflow parking within adjacent neighborhood
- ☒ Public access to adjacent neighborhood
- ☒ Spot Zoning
- ☒ Traffic
- ☒ Wildlife
- ☒ Property value reduction
- ☒ Renters are not invested in their community
- ☒ Inability of existing services to accommodate proposal
- ☒ Incompatibility of proposed homes with existing homes
- ☒ Public access to N. Fair Oaks Place
- ☒ Increased presence of dogs
- ☒ Liability to golfers for errant balls
- ☒ Noise
- ☒ Crime
- ☐ The golf course should not be considered an open space for the proposal - not clear

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

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CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: APRIL 127, 2023

PLEASE PRINT LEGIBLY

Name: KEVIN HELMICK

Physical Address (City & State of residence, not PO Box):

479 W TERRA COTTA W
BOISE ID 83702

E-Mail: Kahelmick@aol.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled ☐ Yes

☒ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

Choose one: ☒ Support the application ____ Neutral ____ Oppose the application

Do you wish to testify? Yes ____ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I AM 100% SUPPORTIVE OF MAINTAINING THE
RIVER CLUB AS A GOLF COURSE. I FEEL
THE PLAN AS PRESENTED IS WELL THOUGHT OUT
FOR ALL AND WILL PROVIDE THE CONTINUED
USAGE AS A PRIME RIVER FRONT GOLF COURSE.

[Signature]
Written Signature (only if not testifying)



CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-27-2023

PLEASE PRINT LEGIBLY

Name: Lois Stallman

Physical Address (City & State of residence, not PO Box):

4248 Plantation Ln
Boise ID 83703

E-Mail: lois.stallman@yahoo.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ☐ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☐ No ☐

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I am ceding my 3 min to Andrea Fogelman

Lois Stallman

Written Signature (only if not testifying)



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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 27, 2023

PLEASE PRINT LEGIBLY

Name: Margaret Henbest

Physical Address (City & State of residence, not PO Box):

6441 W. Plantation Lane

Boise, Id 83703

E-Mail: mhenbest@gmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ☐ Yes ☒ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

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Margaret Henbest

Written Signature (only if not testifying)

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- ☐ Noise
- ☐ Crime
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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/23

PLEASE PRINT LEGIBLY

Name: MARK Johnson

Physical Address (City & State of residence, not PO Box):

6281 PLANTATION LN

E-Mail: boisejohnsons@gmail.com

Voluntary Information			
Please check the following boxes if applicable:			
<input type="checkbox"/>	American Indian or Alaskan Native		
<input type="checkbox"/>	Asian		
<input type="checkbox"/>	Black or African American		
<input type="checkbox"/>	Hispanic or Latino		
<input checked="" type="checkbox"/>	White		
<input checked="" type="checkbox"/>	Male	<input type="checkbox"/> Female	Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No

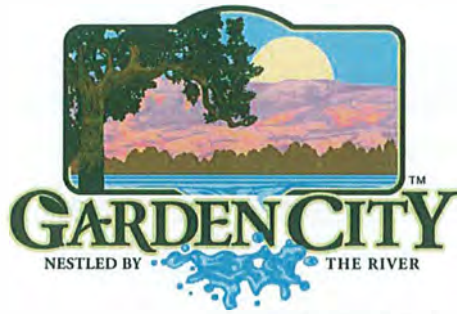
Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)



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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-27-23

PLEASE PRINT LEGIBLY

Name: Mike Dowdley

Physical Address (City & State of residence, not PO Box):

6296 N Charleston Pl

E-Mail: dowdley57@icloud.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ☐ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application

☐ Neutral



☒ Oppose the application

Do you wish to testify? Yes ☐ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Mike Dowdley

Written Signature (only if not testifying)

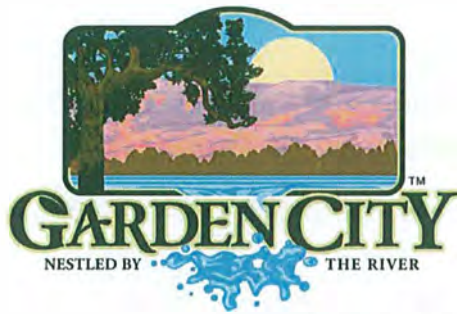
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- ☐ Crime
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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-27-27

PLEASE PRINT LEGIBLY

Name: MICHAEL THIRY

Physical Address (City & State of residence, not PO Box):

3791 GRAMMEY LAKE
BOISE ID 83707

E-Mail: MTIRY DC, @ AOL.COM

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☐ White

☐ Male ☐ Female Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

Choose one: ____ Support the application ____ Neutral ~~____ Oppose the application~~

Do you wish to testify? Yes ____ No NO

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.


Written Signature (only if not testifying)

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- ☐ Crime
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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/2023

PLEASE PRINT LEGIBLY

Name: MIKE NERO

Physical Address (City & State of residence, not PO Box):

4675 SAVANNAH
83714

E-Mail: _____

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☒ White

☐ Male ☐ Female ☐ Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

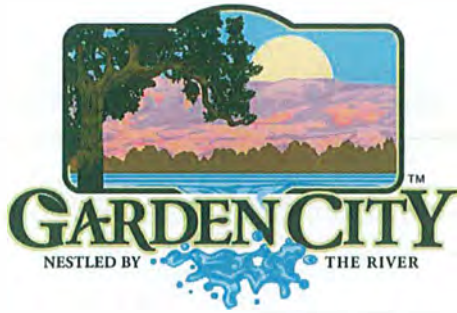
Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

PLEASE APPROVE THE SAP APP

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 04/23/23

PLEASE PRINT LEGIBLY

Name: Mrs. M.J. Byrne

Physical Address (City & State of residence, not PO Box):

16529 W. Plantation Ln.
Boise, ID 83703-2644

E-Mail: mjbyrne1@blm.gov

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

Choose one: ____ Support the application ____ Neutral X Oppose the application

Do you wish to testify? Yes ____ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I give my time to ~~Pat~~ Pat Pettiette (3 minutes)

M.J. Byrne
Written Signature (only if not testifying)

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CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/23

PLEASE PRINT LEGIBLY

Name: PARKER MASSMAN

Physical Address (City & State of residence, not PO Box):

6460 W. PLANTATION LN.

E-Mail: dperkermassman@gmail.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

THIS GAP IS NOT COMPATIBLE NOR RESPECT THE EXISTING NEIGHBORHOOD.
IT WILL DRAMATICALLY INCREASE TRAFFIC, HAS NO LEGAL ACCESS TO THE
GREEN BELT, DESTROYS OPEN SPACE, AND HAS NO STATEMENT
INSURING THE FUTURE OF THE GOLF COURSE. PHASE 3 IS TOTALLY
ISOLATED FROM THE STATE STREET CORRIDOR AND HAS INADEQUATE
ACCESSIBILITY BY PUBLIC EMERGENCY SERVICES

Written Signature (only if not testifying)

Parker Massman

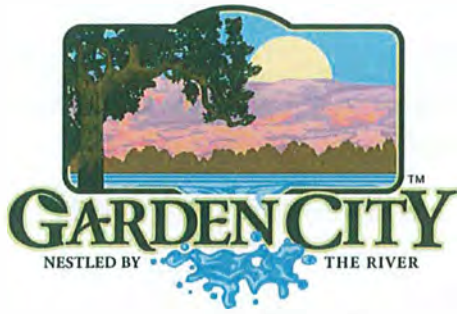
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- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☐ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☐ The plans are thoughtful
- ☐ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-27-2023

PLEASE PRINT LEGIBLY

Name: Pat Pettiette

Physical Address (City & State of residence, not PO Box):

6585 W. Plantation Ln.

Boise, Idaho 83703

E-Mail: pettiette5@mk@201.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled

☐ Yes

☒ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☒ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☒ Assurance that the golf course open space will be preserved
- ☒ Density
- ☒ Height
- ☒ Massing
- ☐ Lack of open space
- ☒ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☒ Spot Zoning
- ☒ Traffic
- ☒ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☒ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-21-23

PLEASE PRINT LEGIBLY

Name: PAUL L. WESTREBERG

Physical Address (City & State of residence, not PO Box):

6274 N. FAIR OAKS PL.
GARDEN CITY, IDAHO 83703

E-Mail: lwstberg@idaho.com

Voluntary Information			
Please check the following boxes if applicable:			
<input type="checkbox"/> American Indian or Alaskan Native			
<input type="checkbox"/> Asian			
<input type="checkbox"/> Black or African American			
<input type="checkbox"/> Hispanic or Latino			
<input type="checkbox"/> White			
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

SEE ATTACHMENT 'A' HERETO

[Signature]
Written Signature (only if not testifying)

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<u>/</u>	Density
<u>/</u>	Height
<u>/</u>	Massing
<u>/</u>	Lack of open space
<u>/</u>	Overflow parking within adjacent neighborhood
<u>/</u>	Public access to adjacent neighborhood
<u>/</u>	Spot Zoning
<u>/</u>	Traffic
<u>/</u>	Wildlife
<u>/</u>	Property value reduction
<u>/</u>	Renters are not invested in their community
<u>/</u>	Inability of existing services to accommodate proposal
<u>/</u>	Incompatibility of proposed homes with existing homes
<u>/</u>	Public access to N. Fair Oaks Place
<u>/</u>	Increased presence of dogs
<u>/</u>	Liability to golfers for errant balls
<u>/</u>	Noise
<u>/</u>	Crime
<u>/</u>	The golf course should not be considered an open space for the proposal

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<u>/</u>	Increased property value
<u>/</u>	Those who are opposing are a small but vocal group
<u>/</u>	Lincoln's portfolio includes some of the finest developments in the US and Europe
<u>/</u>	There is capacity for traffic on State Street
<u>/</u>	The proposal facilitates adequate parking

ATTACHMENT "A" TO SAPY2023-0001

1. PLEASE STATE EXACTLY THE POINT ON THE GREENBELT WHERE YOU INTEND TO:

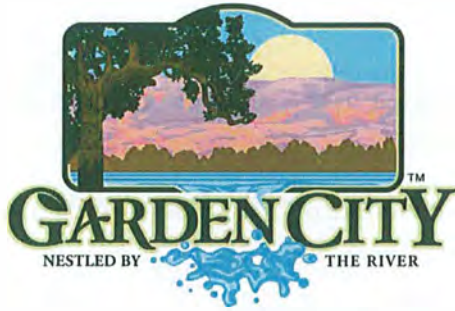
"PROVIDE CONNECTION TO THE GREENBELT FOR RECREATIONALISTS AND BICYCLE COMMUTERS?" (PAGE 14 FIFTH BULLET POINT OF DECEMBER 19, 2022, SUBMITTAL OF TAUTON GROUP TO JENAH THORNBORROW)

2. PLEASE STATE EXACTLY THE POINT AT THE BOISE RIVER WHERE YOU INTEND TO:

"[PROVIDE] ... A CONNECTION TO THE BOISE RIVER AS AN ORGANIZING ELEMENT IN THE NEIGHBORHOOD DESIGN?" (PAGE 7 FOURTH BULLET POINT DECEMBER 19, 2022, SUBMITTAL OF TAUTON GROUP TO JENAH THORNBORROW).

THANK YOU.

EMAIL: lwstbrg1@msn.com



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: APRIL 27, 2023

PLEASE PRINT LEGIBLY

Name: PIERCE ROAN

Physical Address (City & State of residence, not PO Box):

3740 N. GRAMARCY
BOISE, ID 83703

E-Mail: PIERCE.ROAN@AOL.COM

Voluntary Information			
Please check the following boxes if applicable:			
<input type="checkbox"/> American Indian or Alaskan Native			
<input type="checkbox"/> Asian			
<input type="checkbox"/> Black or African American			
<input type="checkbox"/> Hispanic or Latino			
<input type="checkbox"/> White			
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female	Disabled	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Pierce Roan
Written Signature (only if not testifying)

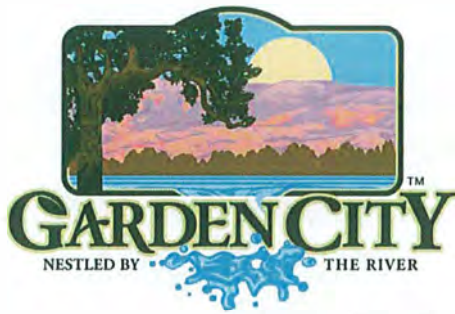
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- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
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- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
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CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date:

4/27/23

PLEASE PRINT LEGIBLY

Name:

Ron Bush

Physical Address (City & State of residence, not PO Box):

3695 N. Gramercy Ln

Garden City ID 83703

E-Mail:

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. already on list If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-27-23

PLEASE PRINT LEGIBLY

Name: Terri NERO

Physical Address (City & State of residence, not PO Box):

4675 SAVANNAH
83714

E-Mail: _____

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
- ☐ Asian
- ☐ Black or African American
- ☐ Hispanic or Latino
- ☐ White

☐ Male ☐ Female Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

Choose one: ☒ Support the application ____ Neutral ____ Oppose the application

Do you wish to testify? Yes ____ No ☒

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Terri NERO

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/2023

PLEASE PRINT LEGIBLY

Name: TINA ELLIS

Physical Address (City & State of residence, not PO Box):

3430 N. TOLUATIN
RIVER DR

E-Mail: tinaellis

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☐ White

☐ Male ☐ Female ☐ Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☐

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

No Testify

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/23

PLEASE PRINT LEGIBLY

Name: TOM DONAHUE

Physical Address (City & State of residence, not PO Box):

1810 SAVANNAH CT

GARDEN CITY ID

E-Mail: tdonahoe1@gmail.com

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☐ White

☐ Male ☐ Female Disabled ☐ Yes ☐ No

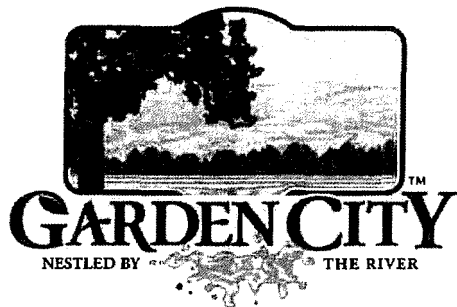
Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4.25.23

PLEASE PRINT LEGIBLY

Name: Travis Young

Physical Address (City & State of residence, not PO Box):

5686 Milldam Pl
Garden City, ID 83714
E-Mail: ttyoung12@yahoo.com

Voluntary Information			
<i>Please check the following boxes if applicable:</i>			
<input type="checkbox"/>	American Indian or Alaskan Native		
<input type="checkbox"/>	Asian		
<input type="checkbox"/>	Black or African American		
<input type="checkbox"/>	Hispanic or Latino		
<input checked="" type="checkbox"/>	White		
<input type="checkbox"/>	<input type="checkbox"/>	Disabled	<input type="checkbox"/>
Male	Female		No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

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- ☐ Public access to adjacent neighborhood
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- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

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CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/27/23

PLEASE PRINT LEGIBLY

Name: Wildred Lemon

Physical Address (City & State of residence, not PO Box):

5550 W. Howlown Way

Garden City

E-Mail: shadowparker@gmail.com

Voluntary Information		
Please check the following boxes if applicable:		
<input type="checkbox"/> American Indian or Alaskan Native		
<input type="checkbox"/> Asian		
<input type="checkbox"/> Black or African American		
<input type="checkbox"/> Hispanic or Latin		
<input checked="" type="checkbox"/> White		
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female	Disabled <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

The proposed parking changes to the rules is motivated by profit, not public good. Reducing required parking standards is not "Smart Planning". Please retain the existing parking requirements as related to this project & into the future.

Wildred Lemon
Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/21/23

PLEASE PRINT LEGIBLY

Name: WILLIAM WHITNEY

Physical Address (City & State of residence, not PO Box):

4535 SAVANNAH LN

BASE ID 83714

E-Mail: BWHITNEY-59@YAHOO.COM

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? Y Yes No. If yes, email must be provided above.

Choose one: Y Support the application Neutral Oppose the application

Do you wish to testify? Yes No Y

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I LIVE ON THE GOLF COURSE AND IM A MEMBER
AT THE CLUB. I THINK THAT EVERYONE IS SKEPTICAL
OF CHANGE, BUT THE CHANGES WILL IS PLANNING
TO MAKE ARE GOOD FOR THE COMMUNITY AND
GOOD FOR THE CLUB. I SUPPORT THESE CHANGES
AND CANT WAIT TO SEE
THE FINISHED PRODUCT

William Whitney
Written Signature (only if not testifying)

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April 26th, 2023

Re: SAPFY2023-0001

Attention: Mayor John Evans

Council Members: Jorgensen, Heller, Jacobs and Page

The Garden City Visitors Bureau discussed and agreed to support the State Street development on and around The River Club of Garden City. The surrounding businesses as well as the River Club will all be impacted by the future corridor plans of ACHD.

The development of the River Club is sure to improve the surrounding area's quality of life, business opportunities, activities, and residential housing. All of which provides increased revenue for Garden City and brings more visitors in to experience what our community has to offer.

The proposed development will also protect the many golf acres of the River Club. Without the enhancements and development of the area future developers could and most likely would take over the area. This plan has been cohesive and if all plans are abided to will be an increased asset to the City of Garden City.

Sincerely,

The Garden City Visitors Bureau.

Kena Champion

From: Marcia Bleymaier <red44dancer@yahoo.com>
Sent: Wednesday, April 26, 2023 1:45 PM
To: planning
Subject: Lincoln Property Company's SAP

To: Garden City Planning and Zoning

Please pass Lincoln Property Company's requested/proposed SAP.

Thank you,

Marcia and Joe Bleymaier
6645 Lakeside Dr
Garden City
Idaho 83714
Sent from my iPad

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=82538338-n-sTw2HH7XmA&r_address=anning%40gardencityidaho.org&report=

Kena Champion

From: Jenah Thornborrow
Sent: Wednesday, April 26, 2023 10:59 AM
To: planning
Subject: FW: River Club Delegation of Authority question
Attachments: DRAFT Delegation River Club (Redlines).docx; 1248_001.pdf; DRAFT Delegation River Club.frm(003).docx

From: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Sent: Tuesday, April 25, 2023 6:15 PM
To: JoAnn Butler <jbutler@butlerspink.com>
Cc: Legal Extern <legalextern@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: River Club Delegation of Authority question

JoAnn:

Legal Intern Nicole Jenkin's analysis is the following:

The city can make changes to the Delegation of Authority document to demonstrate its due diligence in the application process. If the applicant does not provide the LLC agreement, the onus is on the applicant to provide whatever form of documentation that could conclusively establish Patrick Gilligan, Trever Nicolli, and Matt Milich's connection to the primary owner on record, LB River Club LLC. This could be an affidavit of possessory and security interests for the land signed by the appropriate parties, an affidavit of interest and delegation of authority signed by LeighAnn Everett, or some other form which establishes connection to the primary owner on record, not a horizontal connection to another associated LLC. While asking for information on all security interests would normally be a step too far, it may be necessary if the applicant cannot provide the LLC agreement or other documentation which establishes that authority is valid.

Additionally, changes to the language of the Delegation of Authority should be made. Primarily, removing language that references the LLC agreement terms. Without knowledge of what those terms state, it is unreasonable to ask the city to take it on good faith that the signing party has the authority to sign the agreement and that such authority won't be adversely affected by changes to the LLC agreement. Secondly, adding in an indemnification clause and requiring each of the referenced parties to sign it (Patrick Gilligan, Trever Nicolli, and Matt Milich's). These suggestions are reflected in the example Delegation of Authority attached.

If the applicant fails to provide conclusive documentation that supports the authority and ownership required by the application, the city may be able to rely on the modified delegation of authority. Or, alternatively, the city may deny the application if it cannot collect the necessary findings of fact (which include establishing the applicant's authority to enter into an agreement) and conclusions of law necessary to approve it.

CONCLUSION:

The application and supplemental documents are inadequate to provide the city with reliable assurances that the application is validly made on behalf of the property owner on record. The city is within its regulatory authority to require the applicant to provide more detailed information, and/or require the applicant to sign a modified Delegation of Authority.

I have attached Nicole's redlines of the DOA for your review.

Previously, on April 10, 2023, I emailed (below) the following:

JoAnn:

You indicate below that the River Club owner is LB River Club Owner LLC, and Patrick Gilligan is the Authorized Signatory for the owner. After further review, I note that Matt Milich signed as the Authorized Signatory on the LB River Club JV LLC Delegation of Authority on behalf of DREF2 River Club LLC. So Investor Member Milich delegated to Vice President or Authorized Signatory Gilligan to execute documents in connection with the Property owned by LB River Club, and Vice President or Authorized Signatory Gilligan granted Nicoll with LPC West, Inc. in Garden City permission to submit the application regarding 6515 W. State Street, Garden City.

Milich is an Investment Professional and Director for Brasa Capital Management, and responsible for sourcing and managing joint venture equity and mezzanine debt investments made on behalf of Brasa's commingled funds.

When providing the updated Delegation of Authority of LB River Club JV LLC, I request that Milich's signature be notarized, and a property description (address and parcel) be added. Please also specify that he is authorized in the referenced LLC Agreement to delegate to Gilligan. If Milich would sign an indemnification clause, similar to the Affidavit of Legal Interest that Gilligan signed, that would my preference as well.

Thank you.

Based on my additional review today of the previous Delegation of Authority and Affidavit of Legal Interest, I make the following comments (see also my attached notes):

- (1) What is the difference between "LB River Club **JV** LLC" and "LB River Club LLC"?
- (2) Not sure why the date of the LLC Agreement would be provided if the actual LLC Agreement would not provided (no way to verify or authenticate the agreement without more)?
- (3) Sometimes when referencing "Authorized Signatory" it references Patrick Gilligan, David Binswanger and Clay Duvall," and sometimes it references "Matt Milich". When talking about the "Authorized Signatory," it should clarify which one.
- (4) It is hard to accept the wording that the DOA is subordinate to the LLC Agreement when we have not been provided the LLC Agreement to see what it says about Milich. This is why I agree with Nicole that reference to the LLC Agreement should be taken out of the DOA.
- (5) On page two, I think that we should clarify that Matt Milich is also with Brasa, and BREF2 River Club LLC is an Investor Member.
- (6) On the Affidavit of Legal Interest, it references "property described on the attached" but I have not been provided with an attachment. Where is the referenced "attached" property description covered by the Affidavit of Legal Interest?

Considering the above comments, I have provided a clean copy of the proposed DOA. Please verify the parcel numbers and let me know what you think.

Thanks, Charlie.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: JoAnn Butler <jbutler@butlerspink.com>

Sent: Tuesday, April 11, 2023 1:50 PM

To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>

Cc: Legal Extern <legalextern@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>

Subject: RE: River Club question

Charlie, I have talked to our client's in-house counsel. We would like to accommodate the City achieve what it desires and thought we had reached that point.

It would be best if the City (between you and Nicole) draft what the City desires and send that document to me so we can review with our client.

Thanks Charlie and Nicole; we'll get there!



JoAnn C. Butler
Butler Spink, LLP
967 E. Parkcenter Blvd. #313
Boise, ID 83706
jbutler@butlerspink.com

www.butlerspink.com

Direct (Cell): 208-867-1082

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From: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Sent: Monday, April 10, 2023 1:27 PM
To: JoAnn Butler <jbutler@butlerspink.com>
Cc: Legal Extern <legalextern@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: RE: River Club question

JoAnn:

You indicate below that the River Club owner is LB River Club Owner LLC, and Patrick Gilligan is the Authorized Signatory for the owner. After further review, I note that Matt Milich signed as the Authorized Signatory on the LB River Club JV LLC Delegation of Authority on behalf of DREF2 River Club LLC. So Investor Member Milich delegated to Vice President or Authorized Signatory Gilligan to execute documents in connection with the Property owned by LB River Club, and Vice President or Authorized Signatory Gilligan granted Nicoll with LPC West, Inc. in Garden City permission to submit the application regarding 6515 W. State Street, Garden City.

Milich is an Investment Professional and Director for Brasa Capital Management, and responsible for sourcing and managing joint venture equity and mezzanine debt investments made on behalf of Brasa's commingled funds.

When providing the updated Delegation of Authority of LB River Club JV LLC, I request that Milich's signature be notarized, and a property description (address and parcel) be added. Please also specify that he is authorized in the referenced LLC Agreement to delegate to Gilligan. If Milich would sign an indemnification clause, similar to the Affidavit of Legal Interest that Gilligan signed, that would my preference as well.

Thank you.

Matt Milich - Director - Brasa Capital Management



LinkedIn

<https://www.linkedin.com> › matt-milich-83503112

Los Angeles Metropolitan Area · Director · Brasa Capital Management
Responsible for sourcing and managing joint venture equity and mezzanine debt investments made on behalf of Brasa's commingled funds and separate account ...

MATT MILICH

DIRECTOR, ACQUISITIONS AND
CAPITAL MARKETS

BIO

Matt Milich has been with Brasa Capital Management since its inception and is responsible for the acquisition and asset management of investments across the Western US and Texas. Prior to Brasa, Mr. Milich was the lead acquisitions officer for Pearlmark Real Estate's West Coast efforts. Prior to Pearlmark, Mr. Milich worked directly under Mr. Samek at AEW Capital Management. At AEW he was involved in the acquisition, disposition and asset management of over \$900MM of value-add and opportunistic investments.

EDUCATION

Mr. Milich received a Bachelor of Arts in Economics from Claremont McKenna College and dual Master of Business Administration and Master of Real Estate Development degrees from the University of Southern California.

BRASA CAPITAL

Brasa Capital Management (Brasa) is an opportunistic real estate investment manager based in Los Angeles, CA. Brasa targets middle market commercial real estate investments in the Western US and Texas. The firm invests across the capital stack and in diversified asset types. Brasa manages both discretionary commingled funds and separate accounts on behalf of institutional and high-net-worth investors. Brasa is a certified Minority- and/or Women-owned Business Enterprise (MWBE).

<https://www.brasacap.com/>

SAPFY2023-0001 The Residences at River Club Specific Area Plan- Pending

Trevor Nicoll requesting a Specific Area Plan for 22.68 acres located at 6515 W. State Street; Ada County Parcel #S0630223350 and S0630212910.

Planning and Zoning work session: February 15, 2023; City Council work session: canceled

Planning and Zoning Commission hearing: March 15, 2023 **CONTINUED TO APRIL 27, 2023 at 5:30 pm**

City Council hearing: March 27, 2023 **CONTINUED TO MAY 22, 2023 at 6:00 pm**

Citizen comment in opposition to SAP Application of ...



Garden City, Idaho

<https://gardencityidaho.org> › sites › uploads › L...

Feb 14, 2023 — LB **River Club** Owner LLC c/o Brasa Real Estate LLC. 2029 Century Park East, Suite 2070. Los Angeles, CA 90067. Attention: **Matt Milich**.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail. **From:** Charles

Wadams cwadams@GARDENCITYIDAHO.ORG

Sent: Friday, April 7, 2023 4:56 PM

To: JoAnn Butler jbutler@butlerspink.com

Cc: Legal Extern legalextern@GARDENCITYIDAHO.ORG; Jenah Thornborrow jthorn@GARDENCITYIDAHO.ORG

Subject: Re: River Club question

Sounds good. Please also provide the LLC Agreement.

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From: JoAnn Butler <jbutler@butlerspink.com>

Sent: Friday, April 7, 2023 5:43:43 PM

To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>

Cc: Legal Extern <legalextern@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>

Subject: RE: River Club question

Charlie, I did leave you a short voice message. I will submit the redlined delegation of authority the City is requesting to our client's in-house counsel for review.



JoAnn C. Butler
Butler Spink, LLP
967 E. Parkcenter Blvd. #313
Boise, ID 83706
jbutler@butlerspink.com

www.butlerspink.com

Direct (Cell): 208-867-1082

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From: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>

Sent: Friday, April 7, 2023 4:26 PM

To: JoAnn Butler <jbutler@butlerspink.com>

Cc: Legal Extern <legalextern@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>

Subject: Re: River Club question

This all looks fine as long as the LLC agreement allows Patrick Gilligan to sign. Do we have a copy of the LLC agreement?

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this e-mail in error, please immediately notify us by telephone at [\(208\) 472-2915](tel:(208)472-2915) to arrange for disposition of this e-mail.

From: Charles Wadams

Sent: Thursday, April 6, 2023 12:03:22 PM

To: JoAnn Butler <jbutler@butlerspink.com>

Cc: Legal Extern <legalextern@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>

Subject: RE: River Club question

It would seem like everything is in order. I will review in detail when I'm on a plane this afternoon.

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From: JoAnn Butler <jbutler@butlerspink.com>

Sent: Wednesday, April 5, 2023 7:02 AM

To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>

Cc: Legal Extern <legalextern@GARDENCITYIDAHO.ORG>

Subject: RE: River Club question

We do have the LLC on record as the owner (i.e., LB River Club Owner LLC) signing the affidavit. Patrick Gilligan is the **authorized signatory** for the owner.

The owner is a Delaware entity, and it is registered in Idaho as a Foreign LLC.

I don't believe it matters that it is a foreign entity but, with the Idaho registration, there is a local person that can accept service (if ever needed).

BTW, I think someone suggested in a statement to the City that the registered agent would have authority to sign for the owner. Just NO! The registered agent's statutory authority is only to accept service.

Attached is the affidavit. Attached is the delegation of authority redlined with an amendment to show this link between the owner and the **authorized signatory**.

If the City is fine with the affidavit, great. If the City wants the additional document, I will work on getting that signed.



JoAnn C. Butler
Butler Spink, LLP
967 E. Parkcenter Blvd. #313
Boise, ID 83706
jbutler@butlerspink.com

www.butlerspink.com

Direct (Cell): 208-867-1082

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law of similar import, absent an express statement to the contrary contained in this e-mail, neither this e-mail nor any attachment are an offer or acceptance to enter into a contract, and are not intended to bind the sender or any other person or entity.

From: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Sent: Tuesday, April 4, 2023 9:11 PM
To: JoAnn Butler <jbutler@butlerspink.com>
Cc: Legal Extern <legalextern@GARDENCITYIDAHO.ORG>
Subject: Fwd: River Club question

Are there reasons as to why we can't get the LLC that is on record as the owner to sign the affidavit?

Does it matter that the designation of authority signature is the LLC that is not registered in the state (but is in Delaware?).

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

DELEGATION OF AUTHORITY OF

LB RIVER CLUB JV LLC

April 12, 2023

The undersigned, in the capacity stated herein on behalf of BREF2 River Club LLC, a Delaware limited liability company ("*Investor Member*"), in its capacity as the Investor Member of LB RIVER CLUB JV LLC, a Delaware limited liability company (the "*Company*"), hereby delegates to *Patrick Gilligan, David Binswanger and Clay Duvall*, each in his capacity as "Vice President" or "Authorized Signatory" of the Company and any Subsidiary Company including LB RIVER CLUB OWNER LLC, a Delaware limited liability company ("*LB River Club Owner*"), the authority to execute and deliver on behalf of the Company and any Subsidiary Company including LB River Club Owner, the documents in connection with the Garden City, Idaho Specific Area Plan application (SAPFY2023-0001) for twenty-two point six-eight (22.68) acres located at 6515 W State Street, Garden City, Idaho; Ada County Parcel Numbers S0630223350 and S0630212910, owned by LB River Club Owner in Garden City, Idaho.

This delegation is in accordance with that certain Limited Liability Company Agreement of the Company, dated as of June 22, 2022, as subsequently amended or modified (the "*LLC Agreement*"), which provides that Matt Milage has the authority on behalf of Investor Member, Company, and LB River Club Owner, to delegate the authority to execute and deliver documents in connection with SAPFY2023-00001 to *Patrick Gilligan, David Binswanger, and Clay Duvall*, and such additional certificates, agreements and other documents and instruments as such Authorized Signatory may determine to be necessary, convenient, or appropriate in connection with the development of the Property. Capitalized terms used herein but not otherwise defined shall have the meanings given in that certain LLC Agreement.

The foregoing Delegation of Authority does not confer upon the individuals named above any rights in excess of those provided to LPC and Operating Member (as such terms are defined in the LLC Agreement) under the LLC Agreement and as represented herein. As such and notwithstanding the foregoing or anything to the contrary in this Delegation of Authority, this Delegation of Authority and the rights delegated hereunder are subject and subordinate to the terms and conditions of the LLC Agreement (including, without limitation, Section 8.4 of the LLC Agreement). In the event of any conflict between this Delegation of Authority and the LLC Agreement, the terms of this Delegation of Authority ~~LLC Agreement~~ shall control to the extent the representations contained herein are inaccurate or materially change as of the date this document is signed.

By signing this Delegation of Authority, the Investor Member and Company are representing that they have the authority to submit an application for SAPFY2023-0001 on behalf of the owner of the above referenced real property and that such application will impart binding conditions and obligations on the land owner as required to develop the land in accordance with the terms of SAPFY2023-0001, Garden City Code, and Idaho law. Further, by signing this Delegation of Authority the Investor Member, Company, and LB River Club Owner are hereby certifying that information contained herein and in the accompanying materials is accurate. The

Investor Member, Company, LB River Club Owner, and any Subsidiary Company will hold harmless and indemnify the City of Garden City from any and all claims and/or causes of action arising from or as an outcome of SAPFY2023-0001 and this Delegation of Authority.

IN WITNESS WHEREOF, the undersigned executed this Delegation of Authority effective as of the date and year first written above.

BREF2 River Club LLC,
a Delaware limited liability company
Investor Member of LB River Club JV LLC

Matt Milich
Authorized Signatory
Brasa Capital Management

STATE OF IDAHO)
) ss.
County of Ada)

On this ____ day of _____, 2023, before me, a notary public in and for the State of Idaho, personally appeared _____, known or identified to me the _____ of _____, and signed the within and foregoing instrument, and acknowledged to me that such instrument was lawfully executed.

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 Idaho
My commission expires: _____

EXHIBIT A-1
Property Legal Description

EXHIBIT A-2
General Depiction

DELEGATION OF AUTHORITY

OF

LB RIVER CLUB JV LLC

April 12~~July 29~~, 2023~~2~~

The undersigned, in the capacity stated herein on behalf of BREF2 River Club LLC, a Delaware limited liability company ("***Investor Member***"), in its capacity as the Investor Member of LB RIVER CLUB JV LLC, a Delaware limited liability company (the "***Company***"), hereby delegates to *Patrick Gilligan, David Binswanger and Clay Duvall*, each in his capacity as "Vice President" or "Authorized Signatory" of the Company and any Subsidiary Company, including LB RIVER CLUB OWNER LLC, a Delaware limited liability company ("***LB River Club Owner***"), the authority to execute and deliver on behalf of the Company and any Subsidiary Company including LB River Club Owner, the documents in connection with the Garden City, Idaho Specific Area Plan application (SAPFY2023-0001) for twenty-two point six-eight (22.68) acres located at 6515 W State Street, Garden City, Idaho; Ada County Parcel Numbers S0630223350 and S0630212910, entitlement process with respect to the development of the Property owned by LB River Club Owner in Garden City, Idaho.

This delegation is in accordance with that certain Limited Liability Company Agreement of the Company, dated as of June 22, 2022, as subsequently amended or modified (the "***LLC Agreement***"), which provides that Matt Milage has the authority on behalf of Investor Member, Company, and LB River Club Owner, to delegate the authority to execute and deliver documents in connection with SAPFY2023-00001 to Patrick Gilligan, David Binswanger, and Clay Duvall, and such additional certificates, agreements and other documents and instruments as such Authorized Signatory may determine to be necessary, convenient, or appropriate in connection with the development of the Property. Capitalized terms used herein but not otherwise defined shall have the meanings given in that certain LLC Agreement.

The foregoing Delegation of Authority does not confer upon the individuals named above any rights in excess of those provided to LPC and Operating Member (as such terms are defined in the LLC Agreement) under the LLC Agreement and as represented herein. As such and notwithstanding the foregoing or anything to the contrary in this Delegation of Authority, this Delegation of Authority and the rights delegated hereunder are subject and subordinate to the terms and conditions of the LLC Agreement (including, without limitation, Section 8.4 of the LLC Agreement). In the event of any conflict between this Delegation of Authority and the LLC Agreement, the terms of this Delegation of Authority e-LLC Agreement shall control to the extent the representations contained herein are inaccurate or materially change as of the date this document is signed.

By signing this Delegation of Authority, the Investor Member and Company are representing that they have the authority to submit an application for SAPFY2023-0001 on behalf of the owner of the above referenced real property and that such application will impart binding conditions and obligations on the land owner as required to develop the land in accordance with the terms of SAPFY2023-0001, Garden City Code, and Idaho law. Further, by signing this Delegation of Authority the Investor Member, Company, and LB River Club Owner are hereby certifying that information contained herein and in the accompanying materials is accurate. The

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Investor Member, Company, LB River Club Owner, and any Subsidiary Company will hold harmless and indemnify the City of Garden City from any and all claims and/or causes of action arising from or as an outcome of SAPFY2023-0001 and this Delegation of Authority.

IN WITNESS WHEREOF, the undersigned executed this Delegation of Authority effective as of the date and year first written above.

BREF2 River Club LLC,
a Delaware limited liability company

By: 
Name: Matt Milich
Its: Authorized Signatory

Delegation of Authority of LB RIVER CLUB JV LLC

same owner?

DELEGATION OF AUTHORITY

OF

LB RIVER CLUB JV LLC

July 29, 2022

The undersigned, in the capacity stated herein on behalf of BREF2 River Club LLC, a Delaware limited liability company ("Investor Member"), in its capacity as the Investor Member of LB RIVER CLUB JV LLC, a Delaware limited liability company (the "Company"), hereby delegates to Patrick Gilligan, David Binswanger and Clay Duvall, each in his capacity as "Vice President" or "Authorized Signatory" of the Company and any Subsidiary Company, including LB RIVER CLUB OWNER LLC, a Delaware limited liability company ("LB River Club Owner"), the authority to execute and deliver on behalf of the Company and any Subsidiary Company including LB River Club Owner, the documents in connection with the Garden City, Idaho entitlement process with respect to the development of the Property owned by LB River Club Owner in Garden City, Idaho, in accordance with that certain Limited Liability Company Agreement of the Company, dated as of June 22, 2022, as subsequently amended or modified (the "LLC Agreement"), and such additional certificates, agreements and other documents and instruments as such Authorized Signatory may determine to be necessary, convenient, or appropriate in connection with the development of the Property. Capitalized terms used herein but not otherwise defined shall have the meanings given in that certain LLC Agreement.

Deleted: ,

The foregoing Delegation of Authority does not confer upon the individuals named above any rights in excess of those provided to LPC and Operating Member (as such terms are defined in the LLC Agreement) under the LLC Agreement. As such and notwithstanding the foregoing or anything to the contrary in this Delegation of Authority, this Delegation of Authority and the rights delegated hereunder are subject and subordinate to the terms and conditions of the LLC Agreement (including, without limitation, Section 8.4 of the LLC Agreement). In the event of any conflict between this Delegation of Authority and the LLC Agreement, the terms of the LLC Agreement shall control.

Property for example.
milich

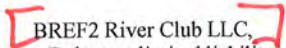
Which one: milich or Gilligan?

Why provide date if won't provide the agreement?

hard to accept this wording w/o knowing what the LLC Agreement says?

Deleted: S:\Docs\LB River Club Owner LLC\Development Issues - Garden City, Idaho\CORP\Redline - Delegation 3-30-23.docx

IN WITNESS WHEREOF, the undersigned executed this Delegation of Authority effective as of the date and year first written above.

 BREF2 River Club LLC,
a Delaware limited liability company

By: M. Milich
Name: Matt Milich
Its: Authorized Signatory

DB-ase Capital Management

Investor Member

Deleted: ¶

Delegation of Authority of LB RIVER CLUB JV LLC

Deleted: S:\Docs\LB River Club Owner LLC\Development Issues - Garden City, Idaho\CORP\Redline - Delegation 3-30-23.docx



6015 Glenwood Street Garden City, Idaho 83714
Phone 208 - 472-2921 Fax 208 - 472-2926
www.gardencityidaho.org

Affidavit of Legal Interest

State of Idaho)
)SS
County of Ada)

I, Patrick Gilligan, Authorized Signatory for LB River Club Owner LLC, 1211 SW 5th Ave. #700
Name (must be primary owner as noted in Ada County Assessor's records) Address

Portland Oregon 97204
City State and Zip

Being first duly sworn upon oath, depose and say:

1. That I am the record owner of the property described on the attached, and I grant my permission

to Trever Nicoll, LPC West, Inc 6515 W. State St., Garden City 83714
Name (applicant) Project Address

to submit the accompanying application pertaining to that property.

2. I agree to indemnify, defend and hold the City of Garden City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

3. I hereby grant permission to City of Garden City staff to enter the subject property for the purpose of site inspections related to processing said applications.

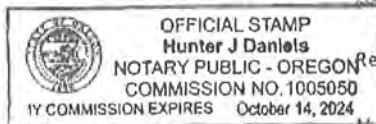
Dated this 19th day of December, 2022

[Signature]
Signature (must be primary owner, registered agent, or otherwise have legal authority to sign on behalf of primary owner)

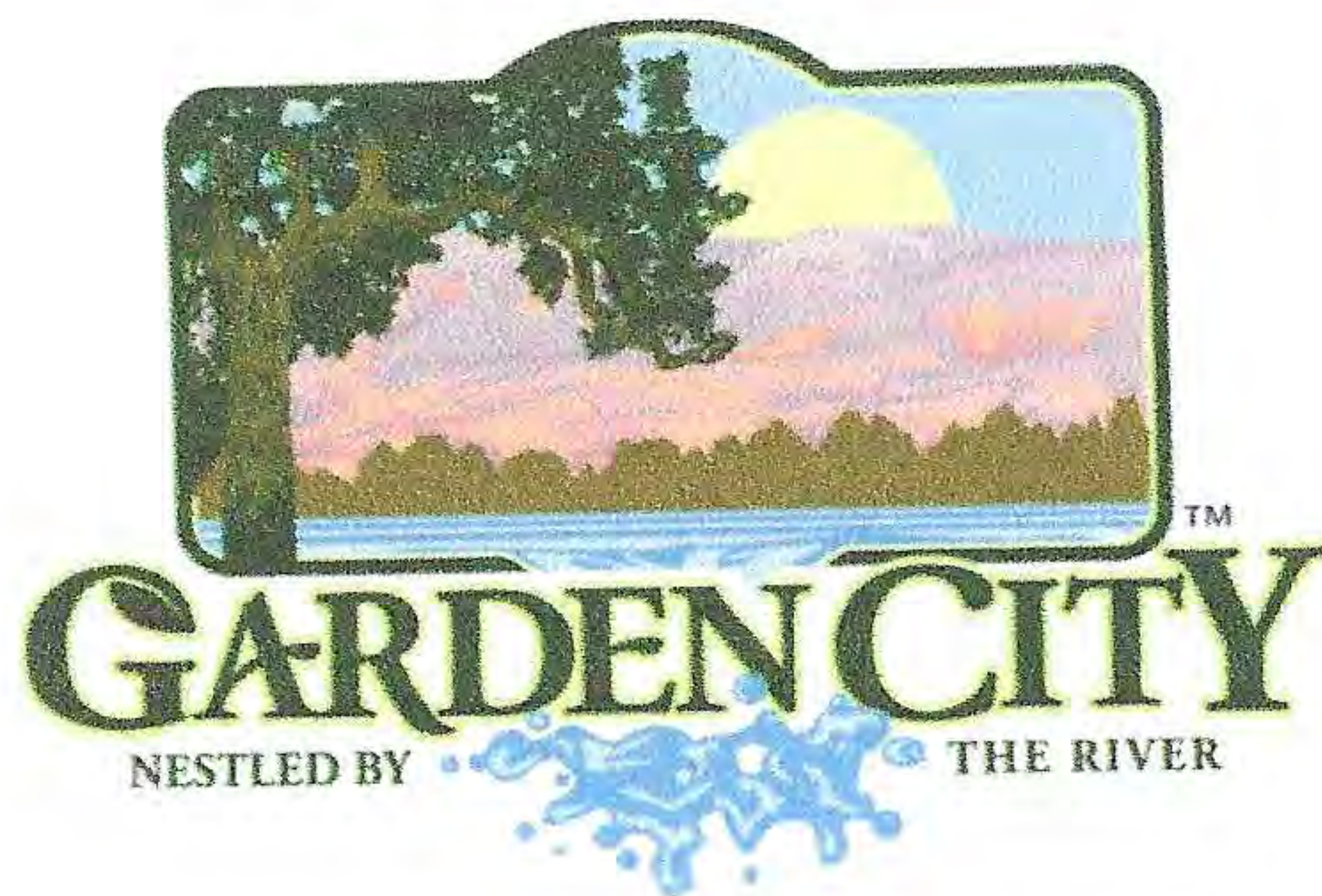
Subscribed and sworn to before me the day and year first above written

Hunter Daniels H Daniels
Notary Public for the State of Oregon MD 12/19/22

Residing at: Multnomah County



My Commission expires October 14th 2022 2024
MD 12/19/22



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-26-23

PLEASE PRINT LEGIBLY

Name: JOHN WHITE &
CARMEN HUNTER-WHITE

Physical Address (City & State of residence, not PO Box):

6038 W. PLANTATION LN

BOISE ID 83703

E-Mail: CARMENH@EARTHLINK.NET

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
- ☐ Asian
- ☐ Black or African American
- ☐ Hispanic or Latino
- ☐ White

☐ Male ☐ Female Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

WE LIVE IN PLANTATION ESTATES & ARE CLUB MEMBERS.
WE CHOSE THIS COMMUNITY BECAUSE OF THE LOCATION
AND CLUB. THE CLUB HAS BEEN A SOURCE OF GREAT
ENTOYMENT FOR US & MADE THIS COMMUNITY "HOME" FOR US
AS WE RELOCATED KNOWING ONLY FAMILY. WE SUPPORT THE CLUB

Carmen Hunter White

Written Signature (only if not testifying)

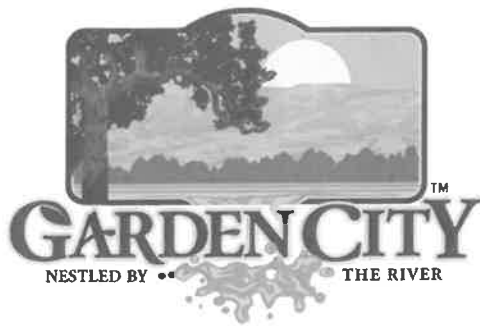
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☒ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☒ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4.19.2023

PLEASE PRINT LEGIBLY

Name: Rachel Caudle

Physical Address (City & State of residence, not PO Box):

5686 Milldam Place
Garden City, ID 83714
E-Mail: rcaudle18@gmail.com

Voluntary Information			
Please check the following boxes if applicable:			
<input type="checkbox"/> American Indian or Alaskan Native			
<input type="checkbox"/> Asian			
<input type="checkbox"/> Black or African American			
<input type="checkbox"/> Hispanic or Latino			
<input type="checkbox"/> White			
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

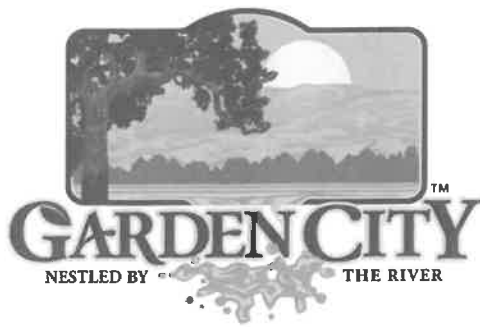
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

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- ☒ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
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- ☐ Incompatibility of proposed homes with existing homes
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- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

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- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4.25.23

PLEASE PRINT LEGIBLY

Name: Travis Young

Physical Address (City & State of residence, not PO Box):

5686 Milldam Pl
Garden City, ID 83714
E-Mail: tt.young12@yahoo.com

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

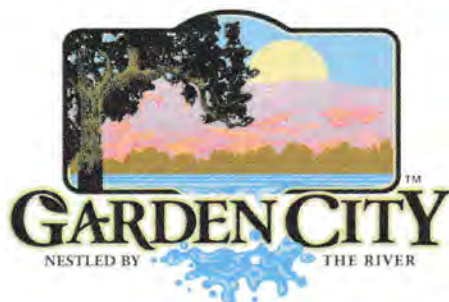
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

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- ☐ Wildlife
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- ☐ Renters are not invested in their community
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- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
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- ☐ Crime
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CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/26/2023

PLEASE PRINT LEGIBLY

Name: SCOTT BUTLER

Physical Address (City & State of residence, not PO Box):

2111 E SHALMAR DR

EAGLE, IDAHO 83616

E-Mail: rsb2247@gmail.com

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☒ White

☒ Male ☐ Female Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ___ Yes X No. If yes, email must be provided above.

Choose one: X Support the application ___ Neutral ___ Oppose the application

Do you wish to testify? Yes ___ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

MY WIFE & I HAVE BEEN MEMBERS OF THE PLANTATION RIVER CLUB
SINCE 2008. DURING THAT TIME WE HAVE MADE MANY FRIENDS THERE.
THEY ARE OUR SECOND FAMILY. I BELIEVE THAT MR. GUSTAFSON HAS
BEEN VERY OPEN ABOUT HIS FUTURE PLANS FOR THE R.C. I THINK
THAT WHAT HE IS PROPOSING FOR THE CLUB & GOLF COURSE IS BEST FOR
THE WHOLE COMPLEX AND THE
FUTURE VIABILITY OF THE
RIVER CLUB.

Scott Butler

Written Signature (only if not testifying)

Kena Champion

From: planning
Subject: RE: Concerned Resident: River Club Development project (SAPFY2022-0001)

From: Riley Hickox
Sent: Saturday, April 22, 2023 7:40 PM
To: Susanna Smith <ssmith@GARDENCITYIDAHO.ORG>
Cc: City Council <CityCouncil@GARDENCITYIDAHO.ORG>
Subject: Re: Concerned Resident: River Club Development project (SAPFY2022-0001)

Hello Susanna and City Council

I would like to formally retract my email/statement in concern to this matter.

Please remove my email and statement from public record.

Thanks,
Riley

Riley Hickox

208.283.6562

6161 W. Planation Ln, Garden City, ID 83703

On Tue, Nov 8, 2022 at 8:57 AM Susanna Smith <ssmith@gardencityidaho.org> wrote:

Dear Riley Hickox,

Thank you for your email. Please allow me to reply on behalf of the mayor and council members.

I am forwarding your email/comments to the Development Services Department for inclusion in the *River Club* file. They will add your email to the interested parties list.

Kind regards,

Susanna



Susanna Smith

Assistant to the Mayor

Office of the Mayor, **City of Garden City**

p: 208-472-2927

f: 208-472-2996

a: 6015 Glenwood Street, Garden City, ID 83714

w: gardencityidaho.org e: ssmith@gardencityidaho.org



From: Riley Hickox

Sent: Monday, November 7, 2022 2:36 PM

To: James Page <jpage@GARDENCITYIDAHO.ORG>

Subject: Concerned Resident: River Club Development project (SAPFY2022-0001)

Dear Council President Page,

I'm reaching out as a Garden City resident to express grave concern over the proposed River Club Development project (SAPFY2022-0001). I own and live in the Plantation River community residence, with my family. I recently attended Neighborhood Meeting #2 (10/25/22) to listen to the proposed development changes to the River Club property zoning. The Developer is proposing drastic Garden City zoning changes to extended portions of the existing property. The proposed developer zoning change from R-2 to SAP, will allow for an extremely high dense living development ("4 stories") in an existing small single family home community. The existing community is a quiet, safe, and closely knit neighborhood centered around the River Club golf course and clubhouse. The River Club has served as a vital community gathering and recreation facility to Garden City for over a 100 years. The proposed development plan calls for 650-750 living units. There are neither community accommodations or community access to public amenities, to support this many people in such a dense area of this location. This will negatively impact the Garden City community and this neighborhood permanently. There are many serious concerns including (but certainly not limited to): significant reduction of existing homeowner's property value, degradation of beautiful wildlife and outdoor open area, increased traffic on the State Street corridor that is already extremely overloaded, no public parks or access to community based amenities, significant lack of parking, emergency serviceability in proposed area, and more.

I believe changing Garden City zoning from R-2 to SAP would be a massive mistake for the community of Garden City. It will ultimately grant a Developer autonomy to build apartments, commercial buildings, or 'whatever' without restriction under the purview of the Developer's stated 'master plan'. I respect rights of the ownership, but this land is communal and centered around where the rest of the community has built a life and made heavy investments. Once this beautiful piece of land is changed, it will be gone forever! This is the city's only golf course, serves as a recreation center, a community gathering hub, and wildlife refuge. It's critical communal land and must be preserved and protected as much as possible with its current state. State Street Corridor Plans can be met without harming the Garden City community, while also aligning with Garden City's Comprehensive Plan for this area as Residential Low Density and keeping a vibrant beautiful community gathering location.

A drastically scaled back and condensed development in the proposed area, could be a tenable compromise. Proposed Phase Area 1 (property entrance) & Phase Area 2 (#10 golf course), should not be allowed more than 2 story single-family homes (townhouses/condos). This would align with existing community development and reduce impact to existing neighbors (I do believe this will still result in negative, additional traffic issues in the State Street Corridor), and require no zoning changes. Proposed Phase Area 3 should be left intact to preserve Garden City open lands and wildlife. I don't believe the Developer or their proposed plan has the community and neighborhood's best interest at stake with their existing plans. It's clear their intent is to establish as many living units as possible in the development area to obtain the highest possible profit return to their project. I firmly believe that no zoning changes to the proposed existing lands would be best for Garden City, preserving and protecting the community. Any approved zoning changes and development, should be limited in scope to protect our community.

Thank you for your consideration around the matter.

Riley Hickox

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Kena Champion

From: Jenah Thornborrow
Sent: Tuesday, April 25, 2023 6:08 PM
To: planning
Subject: FW: The Riverclub application & ACHD's involvement in an easement issue

From: Steven Price <sprice@achdidaho.org>
Sent: Tuesday, April 18, 2023 2:48 PM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Cc: Legal Intern 2 <legalintern2@GARDENCITYIDAHO.ORG>
Subject: RE: The Riverclub application & ACHD's involvement in an easement issue

Sorry Charles - I have our team researching this issue. I will get back to you. I will send a Ping for a status update.

From: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Sent: Tuesday, April 18, 2023 2:46 PM
To: Steven Price <sprice@achdidaho.org>
Cc: Legal Intern 2 <legalintern2@GARDENCITYIDAHO.ORG>
Subject: RE: The Riverclub application & ACHD's involvement in an easement issue

Caution: This is an external email and has a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Any thoughts Steve?

Thank you.

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From: Charles Wadams
Sent: Tuesday, April 11, 2023 3:44 PM
To: Steven B. Price (sprice@achdidaho.org) <sprice@achdidaho.org>
Cc: Legal Intern 2 <legalintern2@GARDENCITYIDAHO.ORG>
Subject: The Riverclub application & ACHD's involvement in an easement issue

Steve:

A Garden City resident is claiming that what the applicant has stated is a public easement is really not a public easement, and therefore, there are access issues for the proposed townhomes and/or new golf course configuration from North Plantation River Drive to the Greenbelt. I have a legal intern researching this (CCd).

The resident is referencing a ten-foot-wide alleged "easement" from North Plantation River Drive to the Greenbelt "between two lots", which he says is actually a ten-foot-wide LOT that is deeded to the HOA and not a public

easement, "unless a note on a plat map can create an easement." However, I believe that an easement can be created by a plat note.

The resident also states, "the Ada County Highway District had recently come to believe our lot was a public easement and placed signs on the public road directing the public to access the River through our lot. When HOA officials presented them with our deed to the lot, ACHD agreed it is not a public easement. Does ACHD have any record of this (see below and attached)?

Thanks, Charlie.

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From: Ron Wilper <rjwilper@gmail.com>
Sent: Wednesday, January 18, 2023 9:23 PM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Cc: planning <planning@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: Re: Residences at Riverclub application Public comment opportunity

Thanks Charles, but I was not referring to the walkway on my lot. The application references a ten foot wide "public easement" from North Plantation River Drive to the Greenbelt "between two lots". That ten foot wide LOT is deeded to our HOA and is not a public easement, unless a note on a plat map can create an easement.

I've asked our HOA president, Bruce Moore, and HOA member Bob Hamlin to provide you a copy of our deed.

This response may be duplicative of my first attempt to reply. If so, I apologize for any confusion. I was trying to send my reply and your email to Bruce and Bob and I fear both disappeared.

Thanks for your continued attention to this issue. It is of great interest to our association members.

Please feel free to call me if you have any questions.

Sincerely,

Ron Wilper

(830-2320)

Sent from my iPhone

On Jan 18, 2023, at 1:56 PM, Charles Wadams <cwadams@gardencityidaho.org> wrote:

I have shared your concerns with JoAnn Butler.

According to Bob Taunton, the public access to the greenbelt is lot 99 on the recorded Plat (see Plat note #5). Reportedly, they are not describing the 10' HOA easement on your lot, and that is a different easement. It is represented that the attached map indicates that they are not proposing any access across your lot. I'm sure that JoAnn would be happy to discuss further with you.

Thank you.

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distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: rjwilper@gmail.com <rjwilper@gmail.com>

Sent: Monday, January 9, 2023 3:23 PM

To: LegalStaff <legalstaff@GARDENCITYIDAHO.ORG>

Cc: robertcarolhamlin@gmail.com; bwmooore237@gmail.com; riverphilip@gmail.com

Subject: Residences at Riverclub application Public comment opportunity

Dear City Attorney-Garden City:

I am a homeowner in the Plantation subdivision and a member of the Investors Plantation on the River HOA. I live at 3411 N. Plantation River Drive.

I have briefly reviewed the River Club SAP Application-12212022.

Under Tab 3 Required Findings Page 10, wherein the applicant makes representations relevant to Trail System Through the Residences at River Club,

I noticed a substantial error. The applicant claims there is a "10 foot public easement between 2 lots" on Plantation River Drive. There is no such public easement.

The applicant points to a 10 foot wide lot owned in fee simple by the Investors Plantation on the River HOA.

The Ada County Highway District had recently come to believe our lot was a public easement and placed signs on the public road directing the public to access the River through our lot.

When HOA officials presented them with our deed to the lot, ACHD agreed it is not a public easement.

Would you please let me know how I can call this misrepresentation to the attention of P and Z or the City Council?

Thanks.

My phone number is (208)830-2320.

Ron Wilper

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

Kena Champion

From: planning
Subject: RE: Proposed Development at River Club

From: Richard English <rpenglish217@icloud.com>
Sent: Saturday, April 15, 2023 8:47 PM
To: John Evans <jevans@GARDENCITYIDAHO.ORG>
Subject: Proposed Development at River Club

As a new and nearby neighbor of River Club, I've been learning of the proposed high-density development proposed at River Club. I live in Savannah Greens, immediately adjacent to River Club, and foresee a huge impact on traffic to say nothing of the impact of 4-story buildings on homeowners who are physically closer to the proposed development. In addition, it appears that the developers have not planned on providing sufficient parking for this high-density project, which will likely cause spill-over parking issues for nearby residential areas. The addition of traffic lights on State Street to accommodate such a large population growth would have amazingly negative impact on the already large flows of commuter traffic on this major artery.

I suggest that this proposed development is much too dense for the area and needs to be scaled back to a more reasonable size. As a water-conscious person, I also wonder if all of the impacts on water consumption, waste management, power usage, etc, have been considered. While this seems to be an abundant water year, it's likely an anomaly, and I feel that we need to be far more focused on managing this critical resource.

In summary, I do not support the concept as it's been explained to me and suggest that Garden City exercise its ability to control growth in a much more moderate way.

Best regards,

Dick English (3860 N Bayou Ln, Garden City, ID 83703)
831-539-3299

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

Kena Champion

From: Ron Bush <alturas1@yahoo.com>
Sent: Tuesday, April 25, 2023 1:26 PM
To: planning
Cc: planning; Charles Wadams; Jenah Thornborrow
Subject: Re: SAPFY2023-0001 Ownership issues as described in the Development Services April 24, 2023 staff report

Dear Development Services,

I'm not quite sure who to direct this to, because no one attached a name to the email response just received.

If you will read the email to Mr. Wadams, it describes additional documents that were received by the City, or were potentially received, before the April 20th deadline, which are directly relevant to the substantive legal objections I have raised to the application. Those documents should have been made part of the record, for among reasons because they were expressly relied upon by Ms. Thornborrow in the staff report to the Planning and Zoning Commission that was not made a part of the public record until yesterday, April 24, 2023.

If they are already part of the record, then please advise me of that fact as I have not seen any such documents or communications.

Those, including me, who oppose the application have a fundamental due process right, both procedural and substantive in nature, to such information. A failure to provide such information and to include my comment asking for that information, in the pre-hearing decision record for the benefit of the Commission and the public, violates that right.

Sincerely,

Ronald E. Bush

On Tuesday, April 25, 2023 at 01:05:35 PM MDT, planning <planning@gardencityidaho.org> wrote:

Good afternoon Mr. Bush,

Your comment has been received. Unfortunately, April 20th was the last day to submit comment for the April 27th record.

Your comment will be added to our website and included in the record for the next hearing.

Thank you,



Garden City Development Services

Development Services Department, **City of Garden City**

p: (208) 472-2921

a: 6015 Glenwood Street, Garden City, ID 83714

w: <https://gardencityidaho.org/>



From: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>

Sent: Tuesday, April 25, 2023 12:52 PM

To: Ron Bush <alturas1@yahoo.com>

Cc: planning <planning@GARDENCITYIDAHO.ORG>

Subject: RE: SAPFY2023-0001 Ownership issues as described in the Development Services April 24, 2023 staff report

Mr. Bush:

I am forwarding your comments to Development Services for inclusion in the River Club file.

Unless a legal question, all written submittals regarding the River Club Specific Area Plan SAPFY2023-0001 should be sent to: planning@gardencityidaho.org.

For complete transparency, even public legal correspondence will be included in the public record for SAPFY2023-0001.

Thank you for your submittal.

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From: Ron Bush <alturas1@yahoo.com>

Sent: Tuesday, April 25, 2023 12:50 PM

To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>

Subject: SAPFY2023-0001 Ownership issues as described in the Development Services April 24, 2023 staff report

Dear Mr. Wadams:

I am requesting that this email and your response to it be provided to members of the Planning and Zoning Commission today, and also placed into the public online decision record today, so that members of the public and the Commissioners will have such information available before Thursday's public hearing. Due process absolutely requires such. It would have been impossible, of course, to have put this into the record by the purported deadline for doing so because the information I refer to below was only placed into the record by the City yesterday, April 24, 2023.

I have reviewed Ms. Thornborrow's most recent staff report on this application, which apparently was placed in the public online record yesterday, April 24, 2023.

At page 22 of the report, she states:

"Public comments have noted that the applicant does not own the property and staff has failed to fully investigate whether the consent of the property owner to submit this application. The applicant has indicated that supplementary documentation will be provided to the city. They have already provided documentation representing that they have ownership and control."

It appears that this is responsive at least in part to the public comment filing I made on April 10, 2023. The summary contained in the above paragraph is an oversimplification of the serious issues that have been raised about the validity of the application itself, which have not been addressed in any public way by the City. However, this paragraph suggests that there have been documents submitted, and/or to be submitted, to the city. Please post them documents in the decision record online today, so that they can be reviewed before the hearing.

On the same page, Ms. Thornborrow goes on to say:

"On April 10, 2023, the city attorney, Charles Wadams indicated to the Development Services Department that since the applicant has represented that they have ownership and control, and they have provided evidence of such, any incoherence in the information would be a civil matter between the parties and not with the city."

As to that paragraph, please also provide today, in the public online decision record, whatever document may exist that contains such an "indication" by you to the Development Services Department so that it also can be considered and rebutted. In that regard, I urge you to review my April 10, 2024 comment carefully. It specifically identifies the deficiencies in the execution and submittal of the SAP application and specifically requested of the representative of the "Investor Member" of the applicant LLC that he provide a declaration or affidavit addressing the issues. Because I know that you are required to make any communication on this subject part of the record, I will set out below my signature line, the text of my cover letter which speaks to the issues here, so that a reader of this email will be more clearly aware of the serious questions that remain, *questions which are most assuredly for the City to pay attention to* and not a civil matter between the developer and Garden City citizens.

Yours sincerely,

[sent electronically]

Ronald E. Bush

Here is the text of the cover letter. The letter sent to Matt Milich, the Director, Acquisitions and Capital Markets for Brasa Capital (the not referenced or identified in the application "Investor Member" of the applicant LLC) which accompanied the cover letter is found in the public online decision record in the "April 1 - April 20, 2023" group of documents, at pp. 129-144:

Ronald E. Bush
3695 N. Gramarcy Lane
Garden City, ID 83703
April 10, 2023

HAND-DELIVERED

Lisa M. Leiby
Garden City Clerk
6015 Glenwood St.
Garden City, ID 83714

Re: Additional citizen comment in opposition to SAP Application
File number: SAPFY2023-0001

Dear Ms. Leiby:

This letter is submitted with additional written comment in opposition to the above-referenced SAP application. It dovetails with a prior written opposition I have submitted, dated February 14, 2023. In that submission I brought to the attention of the City numerous questions and concerns about the ownership of the real property which is the subject of the application, and numerous questions and concerns about whether the application itself was faulty on its face.

It does not appear that the City's Planning Department has made a meaningful investigation into the questions brought forward by my February 14, 2023. Instead, in the Staff Report # 1, dated March 15, 2023, Ms. Thornborrow simply recites the bare facts of the application, the name of the person who signed the application for the owner, and then says, without more, that "the applicant has provided a Delegation of Authority signed by Matt Milich of BREF2 River Club LLC." (See pages 20-21 of Report # 1.)

Even the most cursory review of the "Delegation of Authority" by Ms. Thornborrow would have revealed the inadequacies of the document submitted by Mr. Milich. (Among other things, there is nothing in the document that ties it to the real property involved in the application; the date on which such "authority" was granted is ambiguous; and Idaho Secretary of State records show a different person, with a different entity, as the "owner manager" of the applicant LLC, not Mr. Milich.) Ms. Thornborrow makes no mention of those serious questions, nor does she mention much less respond to the other significant issues about ownership that are raised in the February 14, 2023 submittal.

Therefore, I have raised the issues in a letter to Mr. Milich, with questions and requests of the sort that the City's planning department should have asked and made on their own as part of the appropriate and necessary due diligence needed to make a genuine, fair, and even-handed assessment of the application before making a report to the decision makers. I ask Mr. Milich to provide documents and information to the City, for use in the decision-making process, because such information is important to any full and fair consideration of the application. A copy of my letter to Mr. Milich accompanies this letter. It is self-explanatory. Perhaps it will also be eye-opening. If Mr. Milich's company does not provide such information in response to my letter, I ask that the City decision-makers make their own request.

Please provide a copy of this letter and its accompanying material to the Planning and Zoning Commissioners, the members of the City Council, and Mayor Evans as soon as possible. Please also place a copy of this letter and its accompanying material in the decision record for SAPFY2023-0001.

Yours sincerely,

Ronald E. Bush

REB/r

Encls.

cc: Matt Milich (w/out encls.)



CITY OF GARDEN CITY

1000 Lakeside Street • Garden City, Idaho 83714
Phone (208) 772-2890 • Fax (208) 772-2895Applicant Form # is: **SAPV2023-0001**PUBLIC HEARING
SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/19/2023

PLEASE PRINT LEGIBLY

Name: John Peter Sammons Jr.

Current Address City & State of residence, not PO Box:

5297 N. Lakeland Dr.Garden City, ID 83714E-Mail: jp@sammonsdesigns.comDo you wish to be an interested party? X Yes No Yes, email must be provided aboveChoose one: X Support the application Neutral Oppose the applicationDo you wish to testify? Yes No XIf you do not wish to testify orally, your comments on this sheet will be read into the record – as long as they are written legibly, dated below and do not exceed the space allotted.

I support the application. It is important for the
growth and viability of Garden City. It will add
value and much needed tax revenue and will improve
what area of Lake Front.

John Peter Sammons Jr.
Written Signature (only if not testifying)

Voluntary Information	
Please check the following boxes if applicable	
<input type="checkbox"/>	American Indian or Alaska Native
<input type="checkbox"/>	Asian
<input type="checkbox"/>	Black or African American
<input type="checkbox"/>	Hispanic or Latino
<input type="checkbox"/>	White
<input checked="" type="checkbox"/>	Male
<input type="checkbox"/>	Female
<input type="checkbox"/>	Disabled
<input type="checkbox"/>	Other

Kena Champion

From: Lesley Sand <lesleyannsand@gmail.com>
Sent: Tuesday, April 25, 2023 7:03 AM
To: planning
Subject: Support of Lincoln Property

Hello,

We are unable to attend the hearing, but on behalf of my mother who is a resident on Savannah Lane (4605), I want to offer her STRONG support of the current owner of the River Club and the proposed development plans.

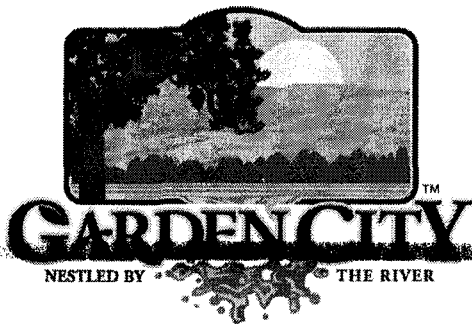
The proposal will enhance the entire community and conserve green space in a relative dense suburban area. We will be devastated if the golf course is developed otherwise.

Regards
Ruth Ann Smith
(Lesley Sand daughter)

--

L.A. Sand
+1 (301) 325-7890
+47 970 10 861

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



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 25, 2023

PLEASE PRINT LEGIBLY

Name: Shelley Gordon

Physical Address (City & State of residence, not PO Box):

4700 Savannah Lane

Garden City, Id. 83714

E-Mail: gordoshel56@gmail.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? X Yes No. If yes, email must be provided above.

Choose one: X Support the application Neutral Oppose the application

Do you wish to testify? Yes No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

The renderings for this project look beautiful and appear to be thoughtfully planned. My concern is that following approval of the development as we see it on the renderings, some aspects may not be carried out, such as landscape requirements. I have seen this happen on a nearby project on State St.

Shelley Gordon

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☒ Assurance that the golf course open space will be preserved
- ☒ Density
- ☒ Height
- ☐ Massing
- ☒ Lack of open space
- ☒ Overflow parking within adjacent neighborhood
- ☒ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☒ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☒ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☐ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

5016 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 24 APRIL 2023

PLEASE PRINT LEGIBLY

Name: DANA GORDON

Physical Address (City & State of residence, not PO Box):

4700 SAVANNAH LANE
GARDEN CITY, ID. 83714

E-Mail: DANA52GORDON@GMAIL.COM

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☐ White

☐ Male ☐ Female Disabled ☐ Yes ☐ No

Do you wish to be an interested party? X Yes ☐ No. If yes, email must be provided above.

Choose one: X Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Dana Gordon

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

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- ☒ The plans are thoughtful
- ☒ Increased property value
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- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking

Kena Champion

From: Jenah Thornborrow
Sent: Monday, April 24, 2023 12:49 PM
To: planning
Subject: FW: River Club SAP Planned Bikeway Is Not Available
Attachments: InvestorsLincolnproject.pdf; SAPFY2023-0001_Combined_Additional_Submittals_01192023.pdf

From: PETER SNOWDEN <psrockvine@me.com>
Sent: Monday, April 24, 2023 12:48 PM
To: Susanna Smith <ssmith@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>; mwallace@achdidaho.org; tnicoll@lpc.com; pgilligan@lpc.com; Will Gufstason <will@willgus.com>; Bob Taunton <bobtaunton@tauntongroup.com>; Joann Butler <jbutler@butlerspink.com>
Cc: Bruce Moore <bwmoore237@gmail.com>; Ron Wilper <rjwilper@gmail.com>
Subject: River Club SAP Planned Bikeway Is Not Available

Please read the attached letter and exhibit explaining why the bike path on Plantation River Drive is not available.

Thank You,

PETER SNOWDEN
psrockvine@me.com
C 707-287-4852

TO:

Garden City Planning and Zoning Commission

Garden City City Council

Garden City Planning Director

ACHD % Mindy Wallace

Lincoln Property Company and affiliates, owners of the property that is the subject of SAP 2023-0001 (via Trevor Nicoll, P. Gilligan, Will Gufstason, Bob Taunton, and JoAnn Butler

REGARDING: Investors HOA Bikeway on Plantation River Drive, Featured in Lincoln's SAP Plans, Is Simply NOT AVAILABLE.

From: Peter and Linda Snowden, Members of Investors Plantation On The River Homeowners Association ("Investors HOA")

Ladies and Gentlemen,

My wife, Linda, and I have resided in Garden City on Plantation River Drive for three years. We are avid cyclists and actively advocate for increasing bicycle transportation in the Treasure Valley. We recognize that a project as large as the River Club Specific Area Plan ("the River Club SAP") needs good community circulation plans with bikeways. The project will likely add over 10% to the City population. They need a bike path to the Greenbelt. As a part of their SAP plans, Lincoln has shown Lot 99 of our neighborhood subdivision as their solution to the need for a bike path. Lot 99 is not their solution because Lot 99 is not available to the general public. It is an HOA asset for use by HOA members. Fortunately, there is a better solution described below. But first, the proof of why Lot 99 not available.

Our subdivision plat (the "Plat", see attachment for a complete copy) was recorded in 1991 by the Owners/developer of our subdivision property, Plantation Partners One, An Idaho Limited Partnership. They also recorded the Supplemental Declaration setting up our Investors HOA which is one of several Sub-Associations under the Plantation Master Association. These Sub-Associations were set up so neighborhoods in Plantation could have different features for the individual neighborhoods to use and maintain for their neighborhood. As set out in the Plat, the Investors HOA neighborhood had 20 residential lots, 3 common area lots, and the streets-a portion of Plantation River Drive.

The reason there is any confusion about public use of Lot 99 is the Surveyor's note on the map part of the Plat, recorded as Bk59 Pg 5702, which describes the three lots in the subdivision which are not residential lots and are HOA

owned common area, and which says “Lot 80 is a lake/landscape lot. Lot 99 is a public bike path easement and lot 102 is a landscape lot. All three are to be maintained by the Investors HOA.”

What was intended by the Owners is made clear on the second page of the Plat, Bk59 Pg 5703, in their signed CERTIFICATE OF OWNERS which states it is the Owners’ intention “to dedicate to the public the streets as shown on this Plat. The easements as shown on this Plat are not dedicated to the public.”

The use of these lots being limited to Members of the HOA is also made clear in the Supplemental Declaration, also recorded in 1991, creating Investors HOA, which provides that common areas “are not dedicated hereby for use by the general public but are dedicated to the common use and enjoyment of the SA-Owners.” SA-Owners means owners in the HOA.

And the Owners/developers of Plantation made sure Lot 99 stayed in the HOA by Quitclaim Deeding Lot 99 to the HOA in 1994 after all residential lots were sold completing the subdivision. That deed is fee simple with no reference to any use other than by the HOA.

There are also traffic circulation and safety problems that would be created by opening Lot 99 to broad public use but those have been presented to you in detail elsewhere.

THE BETTER SOLUTION : Is for Lincoln to work in concert with Garden City and ACHD: (A) to build a connectivity bike path from The SAP project road system near the Club House to the west between golf course holes 4 and 5 to a location near Westmoreland Park; and (B) build a bikeway bridge across the Boise River to connect with the Greenbelt on the South side of the River. This location is perfect for greatly amplifying bicycle transportation by connecting Glenwood Street bike access, Bikeway plans coming out of the Expo project, and bike traffic from Northwest Boise via the widened Pierce Park intersection. It will increase bicycle transportation and safety in the area. It is also at one of the narrowest stretches of the River which will keep costs down. Lincoln, by promoting and helping financially with this project, and who are basically unknown to Boise at this time, can get a lot of support for what is now a controversial project. It can be a significant win-win for all parties.

Sincerely,

Peter Snowden, for Investors HOA



INVESTORS PLANTATION ON THE RIVER

PORTIONS OF GOVERNMENT LOT 2 AND THE NW 1/4 SE 1/4, SECTION 30,
T.4N., R.2E., B.M.,
GARDEN CITY, ADA COUNTY, IDAHO

1991
● HUBBLE ENGINEERING, INC. ●
BOISE, IDAHO

LEGEND

- FOUND 5/8" IRON PIN
- SET 5/8" X 30" IRON PIN
- SET 1/2" X 24" IRON PIN
- SOUTH OF RECORD
- PROPERTY BOUNDARY
- WITNESS CORNER LINE
- 7/16" ORIMBELT SET BACK EASEMENT LINE FROM
- BOISE RIVER BEDD CTS FROM LINE WITH ANGLE POINT
- NO BILLING IS ALLOWED IN THIS EASEMENT
- HUBBLE-ENGINEERING EASEMENT LINE
- ORION BEAT HUBBLE-ENGINEERING EASEMENT
- WITNESS CORNER - 2" LAMINATE FROM IRON PINS LINE
- AND/OR E. 32nd STREET R/W
- PUBLIC UTILITIES, DRAINAGE AND
- IRRIGATION EASEMENT 10' FROM
- PROPERTY LINE OR WITNESS
- CORNER LINE EXCEPT AS NOTED

SCALE: 1" = 60'

AMENDED PLAT OF A PORTION OF LOT 1, AND ALL OF
LOTS 2, 4, 5 AND 6, BLOCK 1, THE PLANTATION NO.2



NOTES

- 1) BEARING TRACKS SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS OF GARDEN CITY.
- 2) ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY HAVE A TEN FOOT WIDE PERMANENT PUBLIC UTILITY, DRAINAGE AND IRRIGATION EASEMENT.
- 3) ANY RECONSTRUCTION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RECONSTRUCTION.
- 4) EACH SIDE OF INTERIOR LOT LINES HAS A FIVE (5) FOOT PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT EXCEPT AS OTHERWISE SHOWN.
- 5) ALL LOTS ARE SINGLE-FAMILY RESIDENTIAL LOTS EXCEPT LOTS 80 AND 81. LOT 80 IS A LANDSCAPE LOT. LOT 81 IS A PUBLIC BKE PATH EASEMENT AND LOT 82 IS A LANDSCAPE LOT. ALL THREE ARE TO BE MAINTAINED BY THE INVESTORS PLANTATION ON THE RIVER HOMEOWNERS ASSOCIATION, WHICH IS PART OF THE PLANTATION MASTER ASSOCIATION.
- 6) THIS SURVEYOR HAS REVIEWED THE PLAT AND FINDS IT CONFORMS WITH THE IDAHO DEED RECORD ACT.
- 7) A SPORTSMAN ACCESS WAY IS REQUIRED TO TRAVERSE USING NON-MECHANIZED MEANS, AN AREA SIX (6) FEET WIDE FROM THE INSTANTANEOUS WATERLINE OF THE BOISE RIVER TO THE EXTENT THAT WATER FLOW OVER THE DEEDED PROPERTY OF EACH LOT OR WITHIN SIX (6) FEET THEREFROM.

CURVE	DATE	DELTA	ARC	CHORD	CHORD BEARING
C-1	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-2	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-3	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-4	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-5	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-6	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-7	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-8	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-9	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-10	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-11	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-12	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-13	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-14	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-15	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-16	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-17	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-18	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-19	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-20	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-21	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-22	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-23	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-24	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-25	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-26	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-27	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-28	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-29	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01
C-30	1991.62	25.25	182.70	101.01	N. 74.14° E. 101.01

DEVELOPER
PLANTATION PARTNERS ONE
BOISE, IDAHO

LAKEHARBOR NO.7

30
NW CORNER NW 1/4 SE 1/4, SECTION 30
IN CHIEF ENGINEER HUBBLE



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 24th, 2023

PLEASE PRINT LEGIBLY

Name: Dawn Snapp-Leasure

Physical Address (City & State of residence, not PO Box):

2023 W Crooked Stick Dr. Eagle, Idaho 83616

E-Mail: dasnapp@msn.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☐ Male

☒ Female

Disabled

☐ Yes

☒ No

Do you wish to be an interested party? ____ Yes ____ No. If yes, email must be provided above.

Choose one: X Support the application _____ Neutral _____ Oppose the application

Do you wish to testify? Yes _____ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I have been working in the Garden City area for 20+ years and became a member of The River Club in 2019. The plan for the development along State St will provide for safer access, work, live and play conveniences that are sure to increase revenues for the area. To ensure the longevity of the golf course the current development plans will ensure this historical location remains. Not only will this protect those residing in the area but those visiting.

Written Signature (only if not testifying)

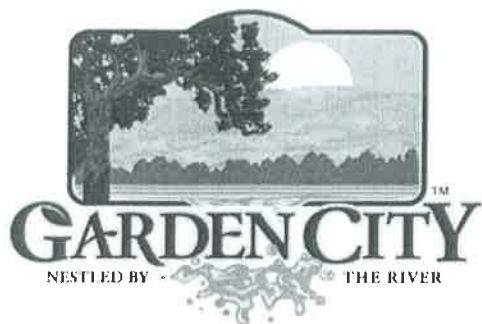
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- ☐ Height
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- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
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- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING

SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-24-23

PLEASE PRINT LEGIBLY

Name: CHARLES & JULIE CRAMER

Physical Address (City & State of residence, not PO Box):

2123 N SEVENMILE WAY

EAGLE ID 83616

E-Mail: CHARSCRAMER@BC.COM

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

☐ Disabled

☐ Yes

☐ No

Do you wish to be an interested party? X Yes ☐ No. If yes, email must be provided above.

Choose one: X Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

WE WERE BOTH BORN AND RAISED IN BACK WITHIN 5 MILES
OF THE RIVERCLIFF (PLATTEN) PROPERTY. THIS SPECIAL PIECE
OF PROPERTY SHOULD CONTINUE AS A GOLF COURSE FOR
FUTURE GENERATIONS. WILL HAVE DONE A GREAT JOB SO FAR
AS OWNER. WE TRUST HAS FUTURE PLAN WITH LINDAN PROPERTY

CHARLES CRAMER / JULIE CRAMER

Written Signature (only if not testifying)

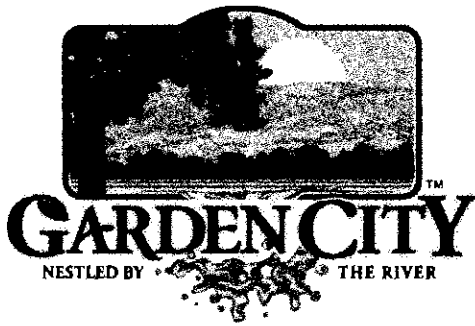
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☐ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street · Garden City, Idaho 83714
Phone 208/472-2900 · Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: _____

PLEASE PRINT LEGIBLY

Name: DARRIN & LISA GARDNER

Physical Address (City & State of residence, not PO Box):

6636 LAKE SIDE DR.

GARDEN CITY ID 83714

E-Mail: gdarrin0984@gmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? X Yes ☐ No. If yes, email must be provided above.

Choose one: X Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No X

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

AS LOCAL HOME OWNERS, WE STRONGLY APPROVE OF
THE PROPOSED DEVELOPMENT BY LINCOLN PROPERTIES. WE LOOK
FORWARD TO HAVING A MULTI-USE DEVELOPMENT THAT PROVIDES
SHOPPING, RESTAURANTS, AND MORE HOUSING OPTIONS. MOSTLY WE
WANT TO ENSURE THE ENTIRE RIVERBEND REMAINS UNDEVELOPED.

Written Signature (only if not testifying)

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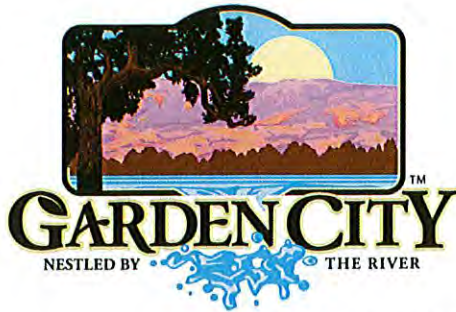
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- ☒ There is capacity for traffic on State Street
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P.L.



CITY OF GARDEN CITY

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Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/24/2023

PLEASE PRINT LEGIBLY

Name: SHELDON HOBSON

Physical Address (City & State of residence, not PO Box):

10290 W. DOVER HEIGHTS CT
BOISE 83704

E-Mail: shhobson@yahoo.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I fully support this development.

Sheldon Hobson
Written Signature (only if not testifying)

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CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/24/2023

PLEASE PRINT LEGIBLY

Name: JANET GALLIMORE

Physical Address (City & State of residence, not PO Box):

725 E HIGHPOINT LANE

BOISE ID 83712

E-Mail: janet.gallimore@ishs.idaho.gov

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☐ Male

☒ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒ I AM UNABLE TO ATTEND, BUT PLEASE INCLUDE MY COMMENTS

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted. AS A MEMBER OF THE RIVER CLUB,

I AM IN SUPPORT OF MAINTAINING AN 18 HOLE GOLF COURSE.
I WOULD NOT WANT TO SEE THIS SITE LOSE GOLF'S OPEN SPACE.

I HAVE REVIEWED THE MASTER PLAN + POWER POINT AND FIND THE AMENITIES OF THE HIGHEST QUALITY; I APPRECIATE LINCOLN'S ATTENTION TO DETAIL AND RECOGNIZE THIS PORTFOLIO'S ABILITY TO INCREASE PROPERTY VALUE. THE DEVELOPER HAS PROVIDED FOR ADEQUATE PARKING. GROWTH IN BOISE IS INEVITABLE. I APPRECIATE THE THOUGHTFUL, BALANCED APPROACH TO THIS PROJECT AND ITS LONG TERM POSITIVE IMPACT

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/23/23

PLEASE PRINT LEGIBLY

Name: GLYN W. BARRON

Physical Address (City & State of residence, not PO Box):

725 E. HIGH POINT LANE
BOISE ID 83712

E-Mail: gwjlbarron@outlook.com

Voluntary Information		
<i>Please check the following boxes if applicable:</i>		
<input type="checkbox"/> American Indian or Alaskan Native		
<input type="checkbox"/> Asian		
<input type="checkbox"/> Black or African American		
<input type="checkbox"/> Hispanic or Latino		
<input checked="" type="checkbox"/> White		
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female	Disabled <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

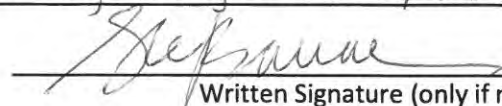
Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

As a member of the River Club I believe that it is
essential to maintain the 18-hole golf course. I find that the plans
proposed by Lincoln are thoughtful and reflect their reputation of excellence.
The residential density of up to 750 units is of concern given the character
of the River Club as a private entity. The integration of that many residents on the
property may be an issue of future
disquietude.


Written Signature (only if not testifying)

Kena Champion

From: Robert Bennett <Rob5804@outlook.com>
Sent: Monday, April 24, 2023 6:34 PM
To: planning
Subject: River club development

My wife and I support the development and needed SAP to start. Are support is based on assurances from Will Gustafson. He states no access to Fair Oaks from the development and will not develop the remaining acreage. In fact he will build a new 18 hole course. Hope it all works out as stated and we will hang around, otherwise I sell and move on.

Thank you,
Robert and Janet Bennett
5804 W Plantation Ln
Garden City, ID

Sent from my iPhone

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https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1682382867-xRsvXIKtvla0&r_address=planning%40gardencityidaho.org&report=1



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 04/23/2023

PLEASE PRINT LEGIBLY

Name: Betty Hollar

Physical Address (City & State of residence, not PO Box):

6254 N. Fair Oaks Pl.
Garden City, ID 83703

E-Mail: omzi6254@gmail.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
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<input type="checkbox"/> Male	<input type="checkbox"/> Female
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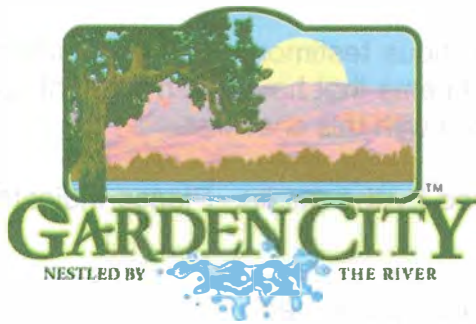
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Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☐ No ☐

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Written Signature (only if not testifying)



CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-21-23

PLEASE PRINT LEGIBLY

Name: Whitney V. Lippincott

Physical Address (City & State of residence, not PO Box):

1701 E. Brunswick Dr.

Eagle ID 83616

E-Mail: toksiki@outlook.com

Voluntary Information	
Please check the following boxes if applicable:	
<input checked="" type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

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The improvements to the GC under the ownership of Will have been of value to me. I would have very much preferred that his "non-GC" revenue stay restricted to the original plan of just #10 area but it is his money, his investment & his risk. Except for the expansion of the development size, he has done what he said he would do so I remain optimistic. Because I know that he must make an acceptable ROI, I generally support his plan going forward.

Whitney V. Lippincott

Written Signature (only if not testifying)

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- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking

Kena Champion

From: Karen Buich <karenbuich@gmail.com>
Sent: Friday, April 21, 2023 8:39 AM
To: planning
Subject: Redevelopment SUPPORTED!!

I love the culture of the community he has initiated and brought to River Club! And, I 300% support the positive changes he's making as a multi-purpose sophisticated playground , allowing all age groups and families to enjoy each other's company, and have fun!

Thank you
Karen Buich
208-867-5119
--
Take Care,

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CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/21/23

PLEASE PRINT LEGIBLY

Name: ERIC EWING

Physical Address (City & State of residence, not PO Box):

4904 N. CANTON WAY

BOISE ID 83703

E-Mail: EWINGERIC@AOL.COM

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled ☐ Yes

☒ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

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DEVELOPMENT IS OCCURRING EVERYWHERE IN BOISE AND GARDEN CITY. SOME
PROJECTS ARE PLANNED AND ADD NEEDED HOUSING, SERVICES AND VALUE TO THE AREA
AND SOME DO NOT. I HAVE REVIEWED THE DETAILS OF THIS PROJECT INCLUDING THE
RECENT DESIGN VISION PRESENTATION AND FEEL THIS PROJECT IS VERY WELL PLANNED
AND SHOULD BE APPROVED.

Eric Ewing

Written Signature (only if not testifying)

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- ☒ The proposal facilitates adequate parking

Kena Champion

From: Dennis Huston <dennyh52@yahoo.com>
Sent: Friday, April 21, 2023 11:20 AM
To: planning
Subject: Lincoln Property SAP

As a thirty year resident of Garden City and long time member of the River Club I am asking the Garden City P&Z to approve the Lincoln Property SAP. This will ensure the future of our 106 year old golf course and the wonderful venue that is host to many weddings and other events. This wonderful green space next to the river is a wonderful nature preserve as well as a golf course. The residential and commercial development would be a wonderful addition to Garden City and a center piece to our wonderful community. Thank you for your consideration. Denny Huston, commissioner on the Garden City Urban Renewal Agency.

[Sent from Yahoo Mail for iPhone](#)

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CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4.21.2023

PLEASE PRINT LEGIBLY

Name: JERIMY DANCER

Physical Address (City & State of residence, not PO Box):

8370 W. CREEKRUN WAY

GARDEN CITY, ID 83714

E-Mail: jerimy.busterbuilt@gmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled

☐ Yes

☒ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

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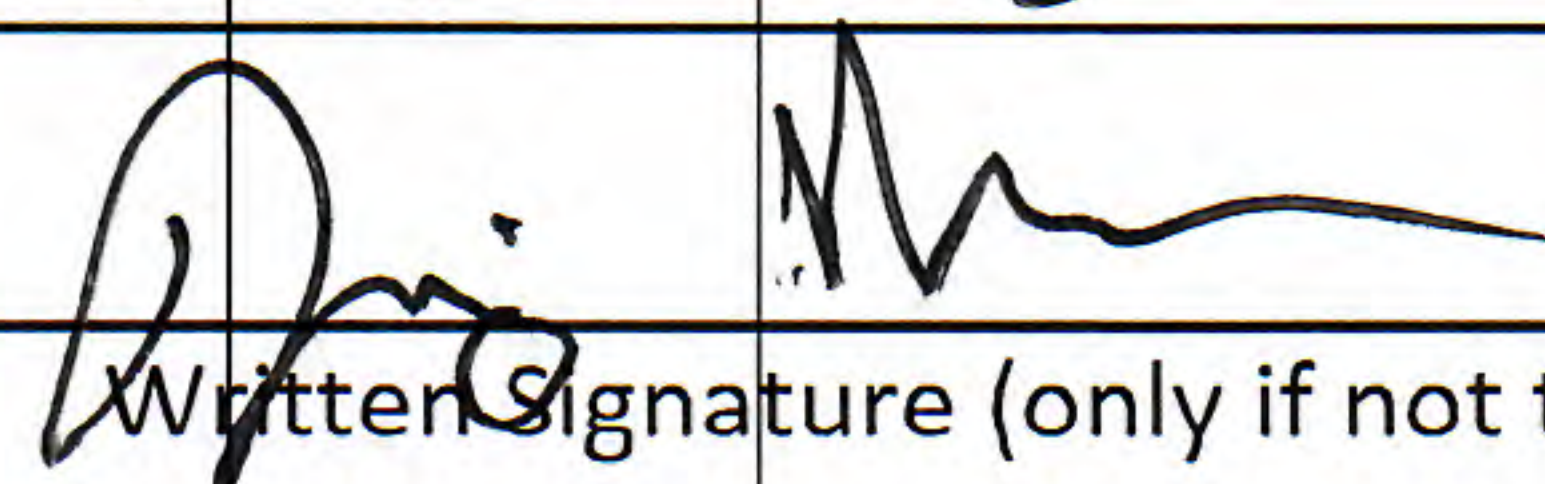
ALTHOUGH I WISH THE SCOPE TOOK UP LESS OF THE

GOLF COURSE, I UNDERSTAND THAT IT IS REQUIRED

TO MAKE IT FINANCIALLY FEASIBLE FOR ALL PARTIES

INVOLVED. I DO NOT WANT TO LOSE THE GOLF

COURSE/CLUB. PLEASE KEEP THE CLUB!



Written Signature (only if not testifying)

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- ☐ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Kristina Lawcynell Date 4/21/23

Your Physical Address: 3215 W. Sunset Ave.

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No

Email: klawcynell@gmail.com

(Please select) Regarding this application I:

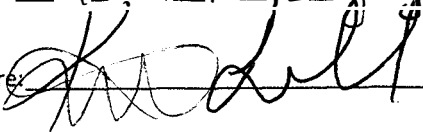
☒ Support the Application

☐ Am Neutral

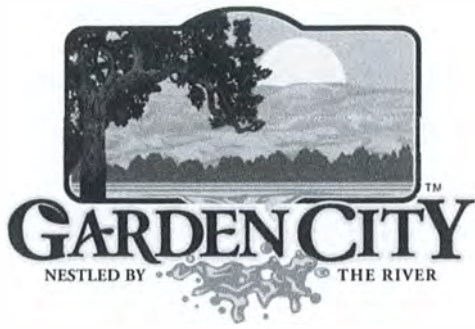
☐ Oppose the Request

Comments:

I think this development would revitalize
the state street corridor. Plus I am highly concerned
about keeping the golf course in its location. It is the 1st in
Idaho and there is no guarantee the next developer would

Signature: 

Keep it and not
completely develop
the whole course.



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/21/23

PLEASE PRINT LEGIBLY

Name: Mark Roby

Physical Address (City & State of residence, not PO Box):

12673 N. Schicks Ridge Rd

Boise, ID 83714

E-Mail: mark@robyfinancial.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled ☐ Yes

☒ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

This project brings together world class property
development and world renowned golf course designer to
create one of the most desirable living and recreating locations
in the Treasure Valley. Those opposed to this project need to
remember the adage "Be careful what you wish for." what comes next might be
world.

Mark Roby

Written Signature (only if not testifying)

look 59 Page 5103

CERTIFICATE OF SURVEYOR

I, J. MICHAEL PRESTON, DO HEREBY CERTIFY THAT I AM A LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

D. M. BERTON
JAHQ NO. 2108

CHANDAN AGRO

Adams E. Stearns 7/17/91

10

59188
JAN 22
OF
CARLIE W.
CITY ENGINEER

1

City Clerk, Garden City, Idaho

ING TO PLATS AND SURVEYS.

Professional Engineer Seal for John R. Friesler, State of Illinois, License No. 030-12549.

Barbara Buehl, City of Jamesburg, Deputy County Treasurer

Request of Kubbe Engineering

Information:

EX-OFFICIO RECORDER

SHEET 2 of 2

1

NOTARY PUBLIC FOR IDAHO
RESIDING IN BOISE, IDAHO

11. *See in Part*
PLANTATION PARTNERS ONE, AN IDAHO LIMITED PARTNERSHIP,
BY FRAMEWORK, INC., GENERAL PARTNER,
WINNIE M. MORTON, SECRETARY

IT IS THE INTENTION OF THE UNDERSIGNED THAT THE ABOVE DESCRIBED PROPERTY IN THIS PLAT AND TO DEDICATE TO THE PUBLIC THE STREETS AS SHOWN ON THIS PLAT. THE EASEMENTS AS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC. HOWEVER, THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES AS DESIGNATED WITHIN THIS PLAT AND NO PERMANENT STRUCTURES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS.

[illegible]

the City of Garden City, Idaho, and to all such easements which have or may be recorded for such purpose.

6. Irrigation Easement. Water from any natural or man-made water course in the Plantation on the River Subdivision into which water flows shall not be used for irrigation in the subdivision. Owners of water rights downstream have the right to regulate irrigation water flow.

7. SA-Common Area. Declarant in recording the plat for Plantation on the River has or will designate certain areas of land as private streets, roads, sidewalks, and common area intended for SA-Owners of Plantation on the River Lots within the Plantation on the River Development Property. Such designated areas are not dedicated hereby for use by the general public but are dedicated to the common use and enjoyment of the SA-Owners. Ownership of the streets in the Plantation on the River Development Property shall be transferred to the Master Association, subject to its agreement to provide maintenance upon mutually agreeable terms and conditions.

SA-ARTICLE III

RESIDENTIAL AND USE RESTRICTIONS

1. Single Family Use. Each Plantation on the River Lot shall be used for single family residential purposes only, provided, however, that Plantation on the River Lots owned by Declarant or its nominee may be used as models and sales offices and construction offices for the purpose of selling the Plantation on the River Lots in the Plantation on the River Development Property until all of the Plantation on the River Lots thereon are sold by Declarant or its nominee.

2. Density Restrictions and Size Requirements. There shall not be constructed or maintained upon any Plantation on the River Lot more than one (1) single family residence. Single level residences shall be at least 2,100 square feet. Two-story residences shall have at least 1,700 square feet on the first level and shall be at least 2,700 square feet total for two levels. If lot dimensions will not accommodate a residence of this size, owner may apply to the SA-AECC for a modification of size requirements.

3. Commencement of Construction. Within nine months of the purchase of a Plantation on the River Lot, owner must either construct an approved residence or landscape the lot with sod and at least two trees on the street side. Automatic sprinklers must be installed and lot shall be maintained as a residential yard subject to approval of SA-AECC.

PLAT SHOWING INVESTORS PLANTATION ON THE RIVER

*AFFIDAVIT 94052325

A SUBDIVISION
PORTIONS OF GOVERNMENT LOT 2 AND THE NW 1/4 SE 1/4, SECTION 30,
T.4N., R.2E., B.M.,
GARDEN CITY, ADA COUNTY, IDAHO

1991

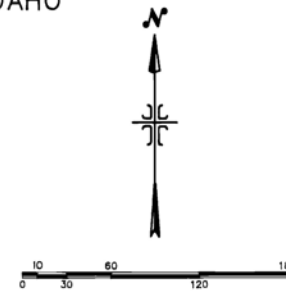
• HUBBLE ENGINEERING, INC. •
BOISE, IDAHO

LEGEND

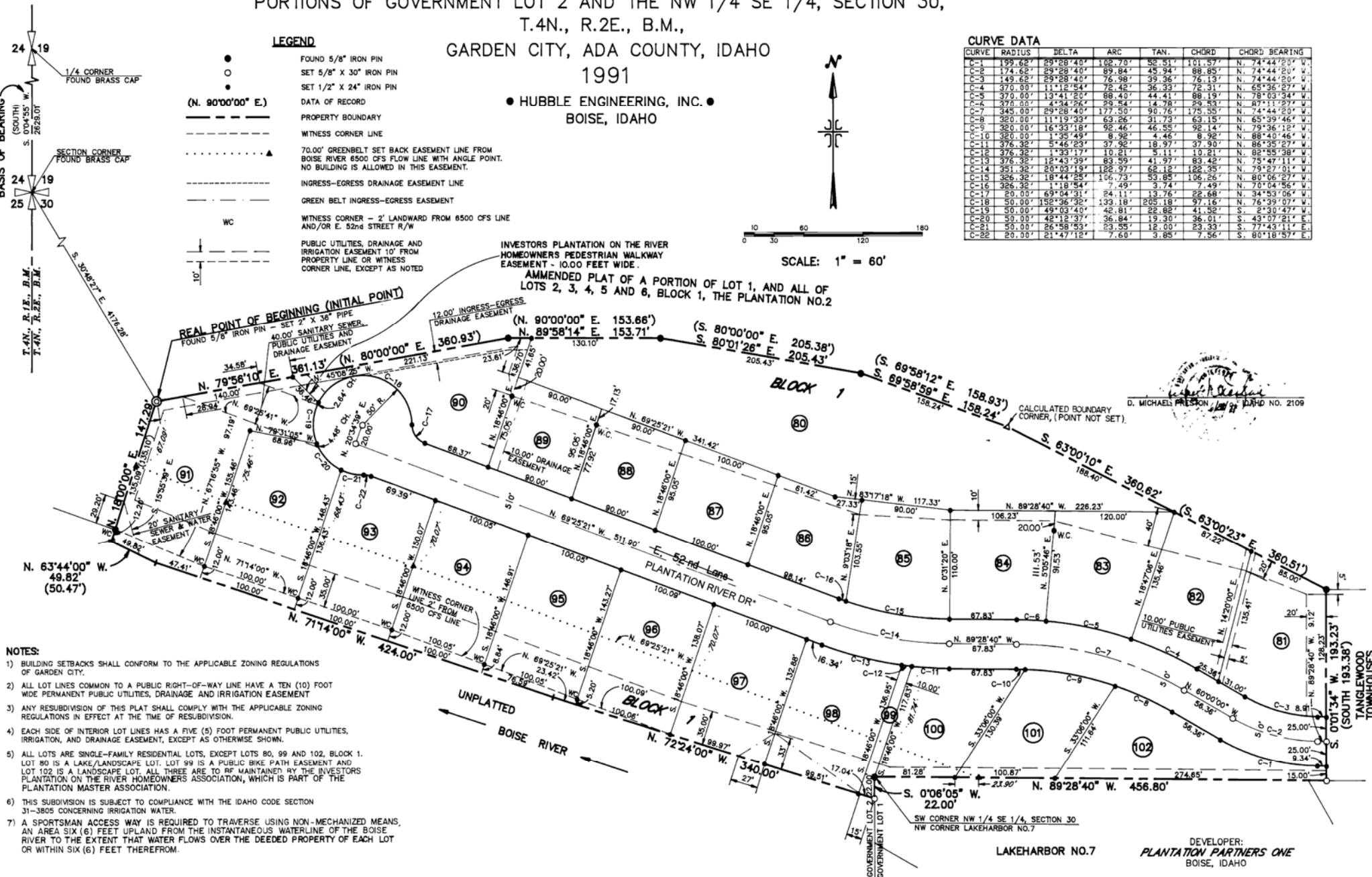
- FOUND 5/8" IRON PIN
- SET 5/8" X 30" IRON PIN
- SET 1/2" X 24" IRON PIN
- (N. 90°00'00" E.)
- DATA OF RECORD
- PROPERTY BOUNDARY
- WITNESS CORNER LINE
- 70.00' GREENBELT SET BACK EASEMENT LINE FROM BOISE RIVER 6500 CFS FLOW LINE WITH ANGLE POINT. NO BUILDING IS ALLOWED IN THIS EASEMENT.
- INGRESS-EGRESS DRAINAGE EASEMENT LINE
- GREEN BELT INGRESS-EGRESS EASEMENT
- WITNESS CORNER - 2' LANDWARD FROM 6500 CFS LINE AND/OR E. 52nd STREET R/W
- WC
- PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT 10' FROM PROPERTY LINE OR WITNESS CORNER LINE, EXCEPT AS NOTED

CURVE DATA

CURVE	RADIUS	DELTA	ARC	TAN.	CHORD	CHORD BEARING
C-1	199.68'	39°28'46"	132.78'	52.81'	101.57'	N. 74°44'20" W.
C-2	174.65'	29°28'40"	89.84'	45.94'	88.85'	N. 74°44'20" W.
C-3	149.62'	29°28'40"	76.98'	39.36'	76.13'	N. 74°44'20" W.
C-4	370.00'	11°12'54"	72.42'	36.33'	72.31'	N. 65°36'27" W.
C-5	370.00'	13°41'20"	88.40'	44.41'	88.19'	N. 76°03'34" W.
C-6	370.00'	4°34'25"	28.84'	14.78'	29.83'	N. 87°11'27" W.
C-7	345.00'	29°28'40"	177.50'	90.76'	175.55'	N. 74°44'20" W.
C-8	320.00'	11°19'33"	63.26'	31.73'	63.15'	N. 65°39'46" W.
C-9	320.00'	16°33'18"	92.46'	46.55'	92.14'	N. 79°36'12" W.
C-10	320.00'	1°28'45"	8.92'	4.46'	8.92'	N. 88°40'46" W.
C-11	376.32'	5°46'23"	37.92'	18.97'	37.90'	N. 85°35'27" W.
C-12	376.32'	1°33'17"	10.21'	5.11'	10.21'	N. 82°55'38" W.
C-13	376.32'	12°43'39"	83.59'	41.97'	83.42'	N. 75°47'11" W.
C-14	351.33'	20°03'15"	128.97'	65.12'	128.35'	N. 79°27'01" W.
C-15	326.32'	18°44'28"	105.73'	53.85'	106.26'	N. 80°06'27" W.
C-16	326.32'	1°18'54"	7.49'	3.74'	7.49'	N. 70°04'56" W.
C-17	20.00'	69°04'31"	24.11'	13.76'	22.68'	N. 34°53'06" W.
C-18	50.00'	152°36'38"	133.18'	205.19'	97.16'	N. 76°39'07" W.
C-19	50.00'	49°03'40"	42.81'	22.82'	41.30'	S. 2°30'47" W.
C-20	50.00'	42°12'37"	36.84'	19.30'	36.01'	S. 43°07'21" E.
C-21	50.00'	26°58'53"	23.55'	12.00'	23.33'	S. 77°43'11" E.
C-22	20.00'	21°47'12"	7.60'	3.85'	7.56'	S. 80°18'57" E.



SCALE: 1" = 60'

**NOTES:**

- BUILDING SETBACKS SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS OF GARDEN CITY.
- ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY LINE HAVE A TEN (10) FOOT WIDE PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT
- ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
- EACH SIDE OF INTERIOR LOT LINES HAS A FIVE (5) FOOT PERMANENT PUBLIC UTILITIES, IRRIGATION, AND DRAINAGE EASEMENT, EXCEPT AS OTHERWISE SHOWN.
- ALL LOTS ARE SINGLE-FAMILY RESIDENTIAL LOTS, EXCEPT LOTS 80, 99 AND 102, BLOCK 1. LOT 80 IS A LAKE/LANDSCAPE LOT. LOT 99 IS A PUBLIC BIKE PATH EASEMENT AND LOT 102 IS A LANDSCAPE LOT. ALL THREE ARE TO BE MAINTAINED BY THE INVESTORS PLANTATION ON THE RIVER HOMEOWNERS ASSOCIATION, WHICH IS PART OF THE PLANTATION MASTER ASSOCIATION.
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.
- A SPORTSMAN ACCESS WAY IS REQUIRED TO TRAVERSE USING NON-MECHANIZED MEANS, AN AREA SIX (6) FEET UPLAND FROM THE INSTANTANEOUS WATERLINE OF THE BOISE RIVER TO THE EXTENT THAT WATER FLOWS OVER THE DEEDED PROPERTY OF EACH LOT OR WITHIN SIX (6) FEET THEREFROM.

LAKEHARBOR NO.7

DEVELOPER:
PLANTATION PARTNERS ONE
BOISE, IDAHO



1792001472

QUITCLAIM DEED

For Value Received

PLANTATION PARTNERS ONE, an Idaho Limited Partnership
do hereby convey, release, remise and forever quit claim unto
HOMEOWNER'S
INVESTORS PLANTATION ON THE RIVER ASSOCIATION, INC.
6477 FAIRVIEW AVE., BOISE, ID 83704

the following described premises, to-wit:

Lots 99 and 102 in Block 1 of INVESTORS PLANTATION ON THE RIVER, according
to the official plat thereof, filed in Book 59 of Plats at Pages 5702 and
5703, Official Records of Ada County, Idaho.

94090894

FIRST AMERICAN TITLE CO.

ADA CO. REGORDER
J. DAVID HAVARRO
BOISE ID

'94 OCT 11 PM 3 52

FEE 300 *J. Harper*
RECORDED AT THE REQUEST OF

together with their appurtenances.

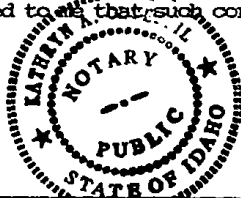
Dated: October 10th, 1994

John A. Arant
JOHN A. ARANT, President

Winnie Morton
WINNIE MORTON, Secretary

STATE OF IDAHO)
 : SS
COUNTY OF ADA)

On this 10th day of October, 1994, before me, a notary public in and for said
State, personally appeared JOHN A. ARANT and WINNIE MORTON, known to me to be the
president and secretary of FRAMEWORK, INC., an Idaho corporation, said corporation
being known to me to be the general partner in the partnership of PLANTATION PARTNERS
ONE, an Idaho limited partnership, that executed the within instrument, and
acknowledged to me that such corporation executed the same in said partnership name.



Kathryn A. Clappie
Notary Public of Idaho
Residing at Boise, Idaho
Commission Expires: 5-27-98

First American Title Company of Idaho

Kena Champion

From: Charles Wadams
Sent: Friday, April 21, 2023 11:23 AM
To: Bruce Moore
Cc: planning; Legal Intern 2
Subject: FW: Residences at Riverclub application Public comment opportunity
Attachments: Lot99Deed.pdf; plat.pdf; Quitclaim.PDF

Mr. Moore:

I am forwarding your comments to Development Services for inclusion in the River Club file.

Unless a legal question, all written submittals regarding the River Club Specific Area Plan SAPFY2023-0001 should be sent to: planning@gardencityidaho.org.

For complete transparency, even public legal correspondence will be included in the public record for SAPFY2023-0001.

Thank you for your submittal.

From: Bruce Moore <bwmoore237@gmail.com>
Sent: Friday, April 21, 2023 11:13 AM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Cc: Legal Intern 2 <legalintern2@GARDENCITYIDAHO.ORG>
Subject: Fwd: Residences at Riverclub application Public comment opportunity

Re: The Bikeway Path Owned by the Investors Plantation on the River HOA

Dear Mr. Wadams,

First, I apologize for previously misspelling your name. I can't even blame my spellchecker.

Please include this letter in material for City Council Members and staff in preparation for the scheduled April 27 meeting regarding the River Club/Plantation SAP.

One of our members brought to my attention the second page of the Investors' Plat, recorded in 1991, Ada County Records Book 59 Page 5703, which includes a CERTIFICATE OF OWNERS stating "THE EASEMENTS AS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC." (See attached second page of the Plat)

That certificate, combined with the language from our 1991 HOA Declaration also shown in the attached, make it clear that the bikeway, a common area of our HOA, was built for the use and enjoyment of the members of our HOA, and not the general public.

The absence of an easement on the deed, the title company opinion that there is no easement, when coupled with the statements on page two of the plat and the supplemental declarations that no easement is created, make it clear that there is no easement.

Please let us know if there remains any doubt about our ownership of Lot 99 and our control of its use.

Sincerely,

Bruce Moore, President
Investor's Plantation on the River HOA

Begin forwarded message:

From: Bruce Moore <bwmoore237@gmail.com>

Subject: Re: Residences at Riverclub application Public comment opportunity

Date: April 20, 2023 at 10:52:51 AM MDT

To: cwadams@gardencityidaho.org

Cc: Bob Hamlin <robertcarolhamlin@gmail.com>, legalintern2@gardencityidaho.org

Dear Mr. Adams:

I am responding to yours to Ron Wilper on behalf of the Plantation on the River Homeowner's Association regarding the issue of whether there is a public easement for egress and ingress over lot 99 of Investors Plantation on the River.

Attached hereto is a copy of the relevant plat. Apparently there is a contention that note 4 of the construction notes somehow creates a legal easement for the general public to travel over a private, deeded lot. That notes states that the sub association homeowners will maintain lot 99 and specifically refers to the Plantation master association. There is no statutory or case law that creates a such an easement. Pioneer Title has also given an opinion that there is no easement for lot 99.

The Supplemental Declaration of Covenants, Conditions and Restrictions for our Investor's Plantation on the River HOA specifically provide in Article II, Section 7 that designated areas do not create rights for the general public. That section provides in relevant part as follows: "Such designated areas are not dedicated hereby for use by the general public but are dedicated to the common use and enjoyment of the SA-Owners."

I have also included a copy of the deed granting lot 99 to the sub association and note that there is absolutely no reference to an easement of any type.

I am having difficulty understanding how a contention could be made that a construction note somehow creates a legal easement. The deed to lot 99 does not mention an easement and the stated intent as established by the supplemental declarations clearly and specifically states that it is not for the general public.

I am happy to meet with Spencer to discuss this matter. I can be reached at 208-867-0987.

Sincerely,
Bruce Moore President
Investor's Plantation on the River HOA

On Apr 19, 2023, at 8:48 AM, Ron Wilper <rjwilper@gmail.com> wrote:

Bruce and Bob:
Please see the email below I received from Charlie Wadams, the Garden City Attorney.

Apparently the legal intern is of the opinion that lot 99 may be a public easement. I don't speak for our HOA. If the City wants to argue it is better if I stay out of the argument. I will respond to Charlie and tell him I have forwarded his email to the two of you and ask that he direct further communication to you.
Hope that's ok.
Ron

Sent from my iPhone

Begin forwarded message:

From: Charles Wadams <cwadams@gardencityidaho.org>
Date: April 18, 2023 at 6:38:55 PM MDT
To: Ron Wilper <rjwilper@gmail.com>
Cc: Legal Intern 2 <legalintern2@gardencityidaho.org>
Subject: RE: Residences at Riverclub application Public comment opportunity

Mr. Wilper:

I have had one of my Legal Interns (Spencer Guier) looking into the easement issue you have raised (CC'd).

As we understand it, you submit that what the applicant claims to be a public easement is not a public easement. Therefore, there are access issues for the proposed townhomes and/or new golf course configuration from North Plantation River Drive to the Greenbelt.

You are referencing a ten-foot-wide alleged "easement" from North Plantation River Drive to the Greenbelt "between two lots", which you submit is actually a ten-foot-wide LOT that is deeded to the HOA and not a public easement, "unless a note on a plat map can create an easement." However, I believe that an easement can be created by a plat note if it is clear and unambiguous.

You also state, "the Ada County Highway District had recently come to believe our lot was a public easement and placed signs on the public road directing the public to access the River through our lot. When HOA officials presented them with our deed to the lot, ACHD agreed it is not a public easement. I have reached out to ACHD for comment.

Spencer would like to sit down with you to make sure he understands your concerns. Could he do that this week or next before Thursday?

Thank you. 208.472.2915.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: Ron Wilper <rjwilper@gmail.com>
Sent: Wednesday, February 22, 2023 8:09 AM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Subject: Re: Residences at Riverclub application Public comment opportunity

Thanks Charles. I will ask Bruce if he has provided a copy of the deed to our lot.

Ron

Sent from my iPad

On Feb 21, 2023, at 2:46 PM, Charles Wadams
<cwadams@gardencityidaho.org> wrote:

Mr. Wilper:

As you know, these emails are public records so they will be included in the council packet for this application. So perhaps you would prefer a meeting or telephone call in the future?

That being said, my legal intern, Spencer Guier, is looking into your concerns (CCd). He may reach out to you if he has questions.

Do you know if Bruce Moore has sent the city a copy of your recorded deed? I don't think I have seen it.

Thank you.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: Ron Wilper <rjwilper@gmail.com>
Sent: Thursday, January 19, 2023 11:13 AM
To: Charles Wadams
<cwadams@GARDENCITYIDAHO.ORG>
Cc: planning <planning@GARDENCITYIDAHO.ORG>;
Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: Re: Residences at Riverclub application Public comment opportunity

Thank you. I have been cc'ing Bob and Bruce on our correspondence. I think Bruce Moore is going to send you a copy of our recorded deed.

RW

Sent from my iPad

On Jan 19, 2023, at 11:07 AM, Charles Wadams
<cwadams@gardencityidaho.org>
wrote:

Thank you, sir.

Let me see what I can find out.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: Ron Wilper
<rjwilper@gmail.com>
Sent: Wednesday, January 18, 2023
9:23 PM
To: Charles Wadams
<cwadams@GARDENCITYIDAHO.ORG>
Cc: planning
<planning@GARDENCITYIDAHO.ORG>;
Jenah Thornborrow
<jthorn@GARDENCITYIDAHO.ORG>
Subject: Re: Residences at Riverclub
application Public comment
opportunity

Thanks Charles, but I was not referring to the walkway on my lot. The application references a ten foot wide "public easement" from North Plantation River Drive to the Greenbelt "between two lots". That ten foot wide LOT is deeded to our HOA and is not a public easement, unless a note on a plat map can create an easement.

I've asked our HOA president, Bruce Moore, and HOA member Bob Hamlin to provide you a copy of our deed.

This response may be duplicative of my first attempt to reply. If so, I apologize for any confusion. I was trying to send my reply and your email to Bruce and Bob and I fear both disappeared.

Thanks for your continued attention to this issue. It is of great interest to our association members.

Please feel free to call me if you have any questions.

Sincerely,
Ron Wilper
(830-2320)

Sent from my iPhone

On Jan 18, 2023, at 1:56 PM, Charles Wadams
<cwadams@gardencityidahoh.org> wrote:

I have shared your concerns with JoAnn Butler.

According to Bob Taunton, the public access to the greenbelt is lot 99 on the recorded Plat (see Plat note #5). Reportedly, they are not describing the 10' HOA easement on your lot, and that is a different easement. It is represented that the attached map indicates that they are not proposing any access across your lot. I'm sure that JoAnn would be

happy to discuss further
with you.

Thank you.

This e-mail
transmission is
attorney
privileged or
attorney work
product and is, in
any event,
confidential
information
belonging to the
sender and intended
only for the use of
the individual or
entity addressee
named above. If
you are not the
intended
recipient, you are
hereby notified
that any
disclosure,
copying,
distribution, or
the taking of any
action in reliance
on the contents of
this information is
strictly
prohibited. If you
have received this
e-mail in error,
please immediately
notify us by
telephone at (208)
472-2915 to arrange
for disposition of
this e-mail.

From: Charles Wadams
Sent: Tuesday, January
10, 2023 4:47 PM
To: Ronald Wilper
<rjwilper@gmail.com>
Cc: planning
<planning@GARDENCITYIDAHO.ORG>; Jenah
Thornborrow
<jthorn@GARDENCITYIDAHO.ORG>
Subject: FW:
Residences at Riverclub

application Public
comment opportunity

Mr. Wilper:

I am forwarding your comments to the Development Services Director for inclusion in the River Club file. Thank you for your submittal.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: rjwilper@gmail.com <rjwilper@gmail.com>

Sent: Monday, January 9, 2023 3:23 PM

To: LegalStaff

<legalstaff@GARDENCITYIDAHO.ORG>

Cc: robertcarolhamlin@gmail.com; bwmoore237@gmail.com; riverphilip@gmail.com

Subject: Residences at Riverclub application
Public comment
opportunity

Dear City Attorney-
Garden City:

I am a homeowner in the Plantation subdivision and a member of the Investors Plantation on the River HOA. I live at 3411 N. Plantation River Drive.

I have briefly reviewed the River Club SAP Application-12212022. Under Tab 3 Required Findings Page 10, wherein the applicant makes representations relevant to Trail System Through the Residences at River Club,

I noticed a substantial error. The applicant claims there is a "10 foot public easement between 2 lots" on Plantation River Drive. There is no such public easement.

The applicant points to a 10 foot wide lot owned in fee simple by the Investors Plantation on the River HOA.

The Ada County Highway District had recently come to believe our lot was a public easement and placed signs on the public road directing

the public to access the
River through our lot.
When HOA officials
presented them with
our deed to the lot,
ACHD agreed it is not a
public easement.

Would you please let
me know how I can call
this misrepresentation
to the attention of P
and Z or the City
Council?
Thanks.
My phone number is
(208)830-2320.
Ron Wilper

Total Control Panel

To: cwadams@gardencityidaho.org [Remove](#) this sender from my allow list
From: rjwilper@gmail.com

You received this message because the sender is on your allow list.

Total Control Panel

To: cwadams@gardencityidaho.org [Remove](#) this sender from my allow list
From: rjwilper@gmail.com

You received this message because the sender is on your allow list.

Total Control Panel

To: cwadams@gardencityidaho.org [Remove](#) this sender from my allow list
From: rjwilper@gmail.com

You received this message because the sender is on your allow list.

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Nathan Lawcynell Date 4-21-23

Your Physical Address: 3215 W. Sunset Ave.

(Please select) I wish to be kept informed of any additional future meeting dates:

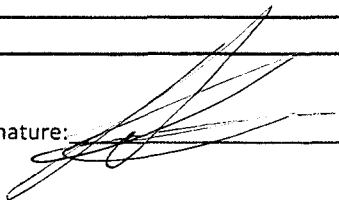
☒ Yes ☐ No Email: lawcynell@gmail.com

(Please select) Regarding this application I:

☒ Support the Application ☐ Am Neutral ☐ Oppose the Request

Comments:

Signature: _____



Kena Champion

From: Marty Pieroni <martypieroni@gmail.com>
Sent: Friday, April 21, 2023 8:53 AM
To: planning
Subject: River Club Hearing

This note is in support of the proposed development at the River Club. The reduction of the density to its current plan has been a positive example of how Will and Lincoln Properties has listened to the community and adjusted to the concerns. This project will be a great addition to Garden City. As council members it is your job to think of what is the best use of any given property. This will be for generations to come a legacy of your commitment to the community. Please vote to accept this plan to our great community!

Best Regards,

Marty Pieroni
208-994-9691
Treasuredhomes.net
martypieroni@gmail.com

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



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/21/23

PLEASE PRINT LEGIBLY

Name: STEVEN SMOCK

Physical Address (City & State of residence, not PO Box):

5398 WATERWHEEL DRIVE

BOISE, ID 83703

E-Mail: S-SMOCK@HOTMAIL.COM

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☒ White

☒ Male ☐ Female Disabled ☐ Yes ☒ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

BORN AND RAISED IN BOISE, ID. I HAVE PLAYED GOLF
WITH FRIENDS + FAMILY AT THE PLANTATION/RIVER CLUB
SINCE I WAS YOUNG. MY FAMILY HAS BEEN MEMBERS
FOR OVER 15 YEARS NOW. I DO NOT WANT TO SEE THE
RIVER CLUB CLOSED. I WHOLE HEARTEDLY SUPPORT THE APPLICATION!

[Signature]
Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☐ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☒ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking



CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-21-23

PLEASE PRINT LEGIBLY

Name: Steven Hamilton

Physical Address (City & State of residence, not PO Box):

2851 S. Creek Pointe, Kn.

Eagle, Id 83616

E-Mail: sbgham@icloud.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

We are new to the club. We do not play
golf. We are excited about the plans to
branch out to other sports and social
activities. We view the changes and
improvements to as an excellent addition
to the community.

Steve Hamilton

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

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- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 04/21/2023

PLEASE PRINT LEGIBLY

Name: Judi & Gerry Branch

Physical Address (City & State of residence, not PO Box):

11393 W. Daniel St

Boise Id 83713

E-Mail: JudiBranch35@gmail.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

We have been members of the River Club for 30 years. To us it is a community of friends not a golf course. We do play a lot of golf but we also play Bocce. We really enjoy the Couples Tournaments – which we don't believe any other course in the valley has. Our son grew up on the course. We couldn't afford to move to SpurWing, Crane Creek or Hillcrest – ~~now~~ nor would be want to. We love our course and have been looking forward to a rediscovery of the course as a Curley creation. Will is an awesome owner. The changes he has made are more than the previous 26 years combined. We would be sorely disappointed if the application were not approved. Thank you.

Judi Branch

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

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- ☐ Public access to N. Fair Oaks Place
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- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

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- ☒ The plans are thoughtful
- ☐ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 04/17/2023

PLEASE PRINT LEGIBLY

Name: Dan Hollar

Physical Address (City & State of residence, not PO Box):

6254 N. Fair Oaks Pl.
Garden City, Idaho 83703

E-Mail: dmz16254@gmail.com

Voluntary Information			
Please check the following boxes if applicable:			
<input type="checkbox"/>	American Indian or Alaskan Native		
<input type="checkbox"/>	Asian		
<input type="checkbox"/>	Black or African American		
<input type="checkbox"/>	Hispanic or Latino		
<input type="checkbox"/>	White		
<input type="checkbox"/>	Male	<input type="checkbox"/>	Female
Disabled		<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/10/2023

PLEASE PRINT LEGIBLY

Name: DICK CURTIS

Physical Address (City & State of residence, not PO Box):

6256 N. CHARLESTON PL.

E-Mail: ~~curtcrew@gmail.com~~

curtcrew@gmail.com

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

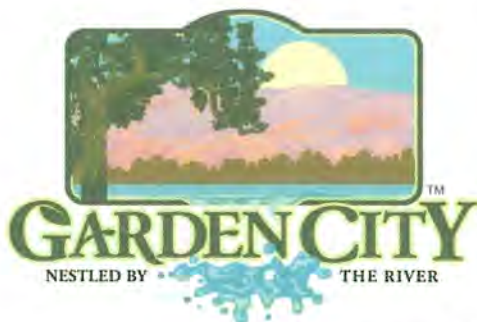
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The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☒ Assurance that the golf course open space will be preserved
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- ☐ Height
- ☐ Massing
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- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☒ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

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- ☒ The plans are thoughtful
- ☒ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street ?
- ☒ The proposal facilitates adequate parking
- ☒ *no access to golf course*



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 23, 2023

PLEASE PRINT LEGIBLY

Name: Karen Hauser

Physical Address (City & State of residence, not PO Box):

3695 N. Gramercy Ln.

Boise, ID 83703

E-Mail: Karenhauser19@gmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

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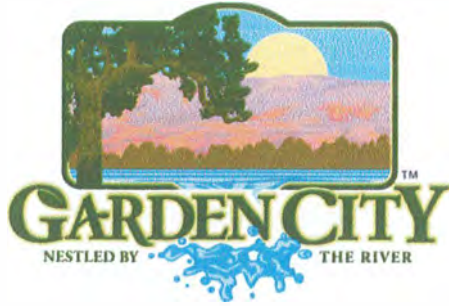
The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- | | | |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | Assurance that the golf course open space will be preserved | |
| <input checked="" type="checkbox"/> | Density | |
| <input checked="" type="checkbox"/> | Height | |
| <input checked="" type="checkbox"/> | Massing | |
| <input checked="" type="checkbox"/> | Lack of open space | |
| <input checked="" type="checkbox"/> | Overflow parking within adjacent neighborhood | |
| <input checked="" type="checkbox"/> | Public access to adjacent neighborhood | |
| <input checked="" type="checkbox"/> | Spot Zoning | |
| <input checked="" type="checkbox"/> | Traffic | |
| <input checked="" type="checkbox"/> | Wildlife | |
| <input checked="" type="checkbox"/> | Property value reduction !! | |
| <input checked="" type="checkbox"/> | Renters are not invested in their community | |
| <input checked="" type="checkbox"/> | Inability of existing services to accommodate proposal | |
| <input checked="" type="checkbox"/> | Incompatibility of proposed homes with existing homes | |
| <input checked="" type="checkbox"/> | Public access to N. Fair Oaks Place | |
| <input type="checkbox"/> | Increased presence of dogs | |
| <input type="checkbox"/> | Liability to golfers for errant balls | |
| <input checked="" type="checkbox"/> | Noise | |
| <input checked="" type="checkbox"/> | Crime | |
| <input checked="" type="checkbox"/> | The golf course should not be considered an open space for the proposal | |

This list does not include all of the concerns raised by Ron Bugh in his letters to P and 2, along with comments by other homeowners. This list misrepresents all of the questions and concerns put forth by the opposition. Kindly do your job for all involved.

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space. |
| <input type="checkbox"/> | The plans are thoughtful |
| <input type="checkbox"/> | Increased property value |
| <input type="checkbox"/> | Those who are opposing are a small but vocal group |
| <input type="checkbox"/> | Lincoln's portfolio includes some of the finest developments in the US and Europe |
| <input type="checkbox"/> | There is capacity for traffic on State Street |
| <input type="checkbox"/> | The proposal facilitates adequate parking |



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/19/2023

PLEASE PRINT LEGIBLY

Name: Marilyn Stoddard

Physical Address (City & State of residence, not PO Box):

6303 N. Fair Oaks Pl.

Boise, ID 83703

E-Mail: loumarstodd644@hotmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I strongly oppose this application which does not conform to existing setting of the existing homes. The loss of green space will be gone forever for future generations. Increases in traffic will be intolerable. Public access to Fair Oaks will create substantial safety issues.

Marilyn Stoddard
Written Signature (only if not testifying)

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CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4.18/23

Name: Mark Johnson

6281 W Plantation Lane

boisejohnsons@gmail.com

Voluntary Information <i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? __X__ Yes ____ No. If yes, email must be provided above. Choose one:

XSupport the application. Do you wish to testify? YES

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

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- X Maintaining the golf course. A different developer may develop the golf

course, and this would result in a loss of the golf course and open space. The plans are thoughtful

X Increased property value

Those who are opposing are a small but vocal group

X Lincoln's portfolio includes some of the finest developments in the US and Europe

There is capacity for traffic on State Street

The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-21-23

PLEASE PRINT LEGIBLY

Name: Marty Pieroni

Physical Address (City & State of residence, not PO Box):

475 S Thornwood Way

Meridian ID 83642

E-Mail: martypieroni@gmail.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

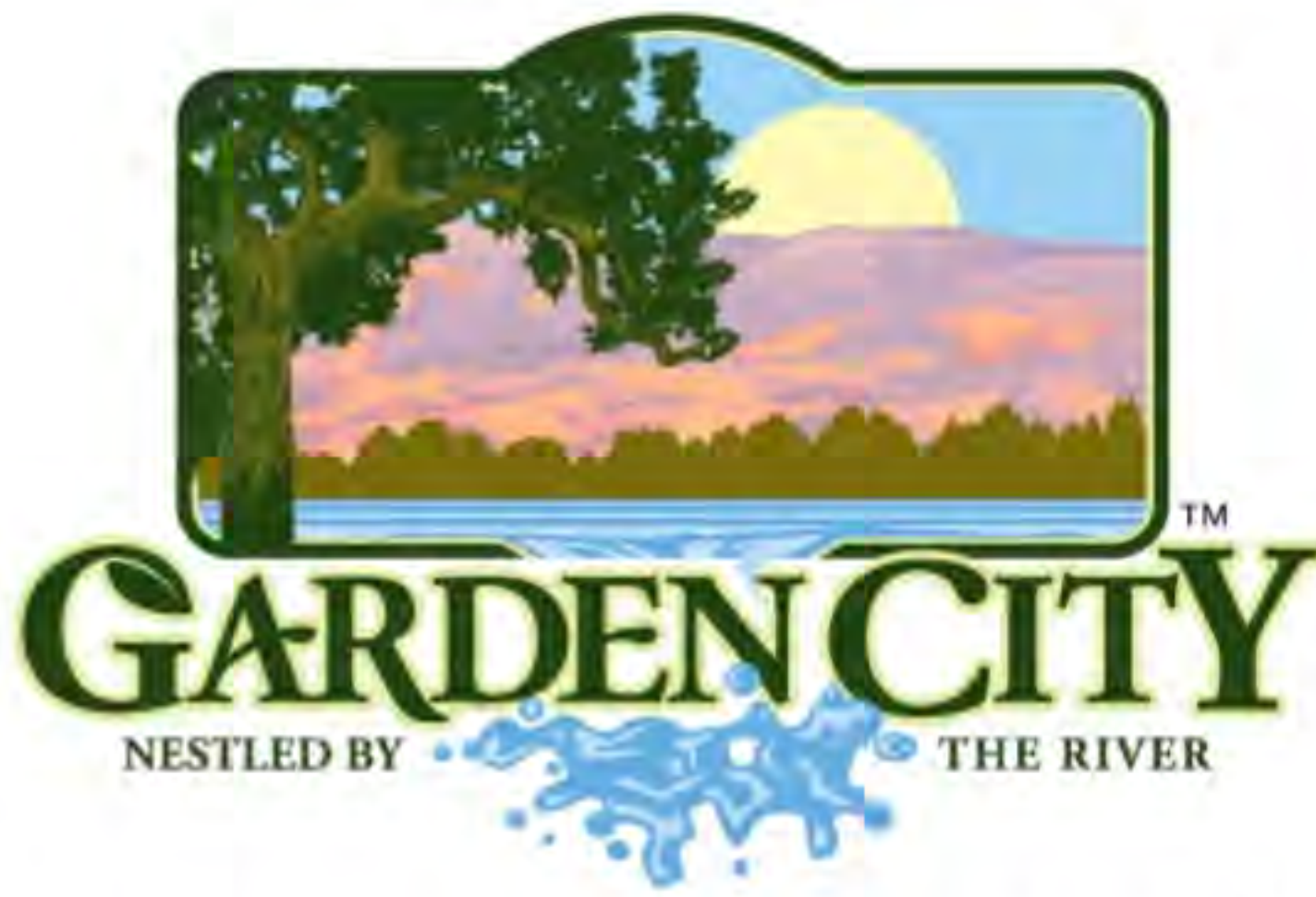
Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

The reduction of the density to its current plan has been a positive example of how
Wiley Lincoln Properties has listened to the community and adjusted to the concerns.
As council members it is your job to think of the best use of any given
property. This will be for generations to come a legacy of your
commitment to this community. Please vote Yes for this great addition
to this community.

Marty Pieroni
Written Signature (only if not testifying)



CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/20/23

PLEASE PRINT LEGIBLY

Name: Nick Scott

Physical Address (City & State of residence, not PO Box):

8431 W. Caswell St. Boise, ID 83714

E-Mail: Nick@SpartanPoolsBoise.com

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do you wish to be an interested party? X Yes No. If yes, email must be provided above.

Choose one: X Support the application Neutral Oppose the application

Do you wish to testify? Yes X No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Nick Scott Nick Scott
Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☐ The plans are thoughtful
- ☐ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 20, 2023

PLEASE PRINT LEGIBLY

Name: Patricia (Patti) Perkins

Physical Address (City & State of residence, not PO Box):

5298 W. Plantation Lane

Boise/Gardencity, ID 83703

E-Mail: patti@calyx-weaver.com

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
- ☐ Asian
- ☐ Black or African American
- ☐ Hispanic or Latino
- ☐ White

☐ Male ☐ Female Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

- The group opposing this application and development do not speak for everyone
- Lincoln Property's application for SAP is thoughtful and will enhance, not damage, the adjacent neighborhood.
- Keeping the golf course as a focal point for neighborhood will retain the characteristics we all love.
- Development is inevitable due to the growth in the Boise metro area. This is significantly better than alternative plans from other developers interested in the property.
- The Club owner has built trust and credibility over the past 3 years by continuing to invest and improve the Club's infrastructure, amenities and overall management.
- I am willing to bet on this development rather than unknown alternatives that would not keep the course.
- I support this application for Specific Area Plan.

Written Signature (only if not testifying)

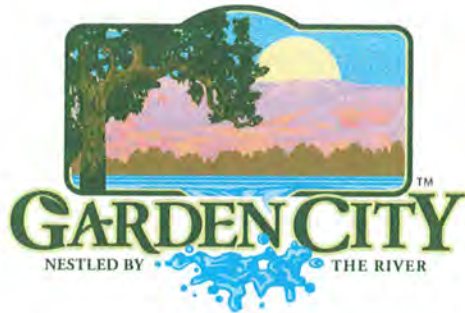
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☒ Assurance that the golf course open space will be preserved
- ☐ Density
- ☒ Height (of buildings closest to adjacent neighborhood)
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☒ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☒ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☒ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking



CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 20, 2023

PLEASE PRINT LEGIBLY

Name: PEETE EDMUNDS

Physical Address (City & State of residence, not PO Box):

6263 N. FAIR OAKS PL

GARDEN CITY, ID 83703

E-Mail: peteedmunds2018@outlook.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled

☐ Yes

☒ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

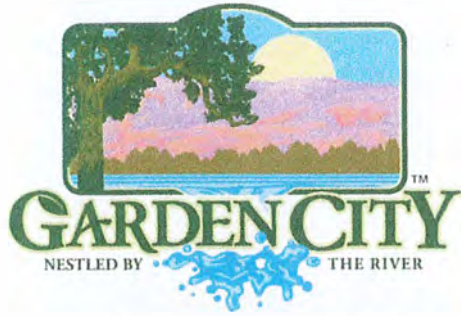
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The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- | | |
|---------------|---|
| _____ | Assurance that the golf course open space will be preserved |
| <u> X </u> | Density |
| _____ | Height |
| <u> X </u> | Massing |
| <u> X </u> | Lack of open space |
| <u> X </u> | Overflow parking within adjacent neighborhood |
| <u> X </u> | Public access to adjacent neighborhood |
| <u> X </u> | Spot Zoning |
| <u> X </u> | Traffic |
| _____ | Wildlife |
| <u> X </u> | Property value reduction |
| _____ | Renters are not invested in their community |
| <u> X </u> | Inability of existing services to accommodate proposal |
| _____ | Incompatibility of proposed homes with existing homes |
| <u> XX </u> | Public access to N. Fair Oaks Place |
| _____ | Increased presence of dogs |
| _____ | Liability to golfers for errant balls |
| _____ | Noise |
| _____ | Crime |
| _____ | The golf course should not be considered an open space for the proposal |

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- | | |
|-------|--|
| _____ | Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space. |
| _____ | The plans are thoughtful |
| _____ | Increased property value |
| _____ | Those who are opposing are a small but vocal group |
| _____ | Lincoln's portfolio includes some of the finest developments in the US and Europe |
| _____ | There is capacity for traffic on State Street |
| _____ | The proposal facilitates adequate parking |



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
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PUBLIC HEARING SPOKESPERSON SIGN-UP SHEET

The chairman must authorize spokespersons ahead of time. Please submit this form at least 72 hours in advance of the hearing to planning@gardencityidaho.org. Please provide presentations more than one week in advance to planning@gardencityidaho.org.

Date: 4/23/23

PLEASE PRINT LEGIBLY

Name: John Livingston

E-Mail: johnliving13@gmail.com

Application File Number: SAPFY 3023-0001

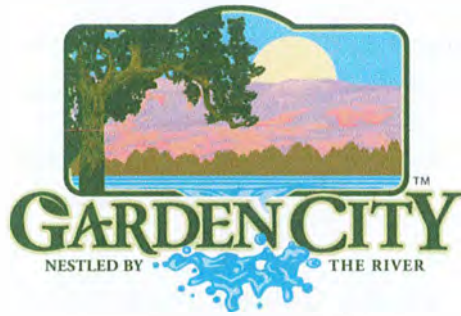
Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Briefly describe the group that you represent; e.g. Homeowner's Association, etc: Preserve Plantation

Please provide the information for each person that you are representing.

Name	Physical Address (City & State of residence, not PO Box)	Signature
<u>Wynn Livingston</u>	<u>6273 N. Fair Oaks Place</u>	<u>Wynn Livingston</u>

Spokespersons may be limited to 3 minutes per person that they represent up to a maximum of 15 minutes.



CITY OF GARDEN CITY

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Date: 4-23-23

PLEASE PRINT LEGIBLY

Name: PAT PETTIETTE

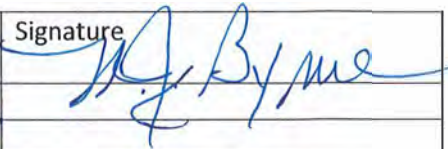
E-Mail: pettiette5rmk@aol.com

Application File Number: SAP^{FY}23-0001

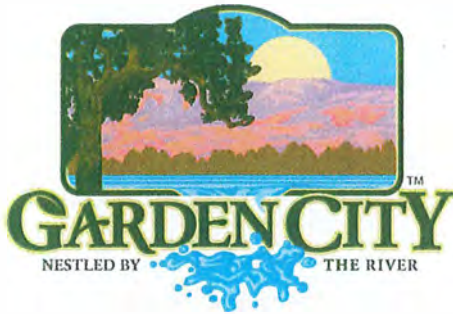
Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Briefly describe the group that you represent; e.g. Homeowner's Association, etc: Homeowner & neighbors

Please provide the information for each person that you are representing.

Name	Physical Address (City & State of residence, not PO Box)	Signature
Mrs. M.J. Byrne	1529 W. Plantation Ln Boise (Garden City) Idaho 83703-2644	

Spokespersons may be limited to 3 minutes per person that they represent up to a maximum of 15 minutes.



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
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PUBLIC HEARING SPOKESPERSON SIGN-UP SHEET

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Date: 21 APRIL-2023

PLEASE PRINT LEGIBLY

Name: BARRY KLEZMER

E-Mail: klezmer1@yahoo.com

Application File Number: SAPFY 2023-0001

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Briefly describe the group that you represent; e.g. Homeowner's Association, etc: _____

Please provide the information for each person that you are representing.

Name	Physical Address (City & State of residence, not PO Box)	Signature
<u>STEVEN STERN</u>	<u>3470 N. Plantation River</u> <u>Garden City ID 83703</u>	<u>[Signature]</u>
<u>Andre' G. Diaz</u>	<u>2655 S. Gatewood Ln</u> <u>Boise, ID 83709</u>	<u>[Signature]</u>

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4.17.2023

PLEASE PRINT LEGIBLY

Name: DAVID W LEROY

Physical Address (City & State of residence, not PO Box):

736 East High Street Lane
Boise, ID 83712

E-Mail: dave @ dleroy

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do you wish to be an interested party? X Yes ___ No. If yes, email must be provided above.

Choose one: ___ Support the application ___ Neutral ___ Oppose the application

Do you wish to testify? Yes X No ___ as lawyer for 3 area residents, Lumpkins, Petersons + Schindlocks

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

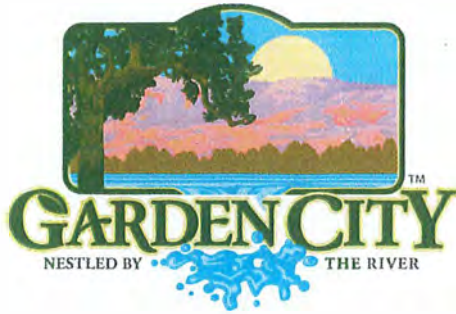
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- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

*Comments per written
Aligns previously
submitted - Feb 7 (15th)
and April 17th*

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☐ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☐ The plans are thoughtful
- ☐ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

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PUBLIC HEARING SPOKESPERSON SIGN-UP SHEET

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Date: 4-23-23

PLEASE PRINT LEGIBLY

Name: David H. Leroy

E-Mail: dave@dleroy.com

Application File Number: SAPF23-0001

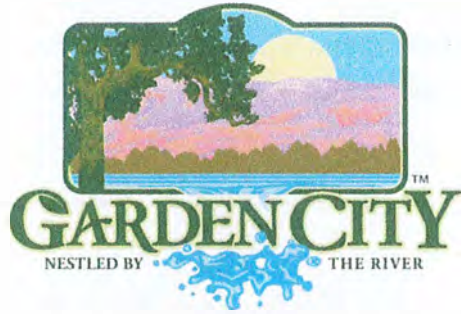
Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Briefly describe the group that you represent; e.g. Homeowner's Association, etc: Three clients and similarly interested neighbors.

Please provide the information for each person that you are representing.

Name	Physical Address (City & State of residence, not PO Box)	Signature
Russell W. Ford	6570 W. PLANTATION LN	Russell W. Ford
Colleen K. Lambert	6540 W. PLANTATION LN	Colleen K. Lambert
Jeanne Patterson	6326 N. Charleston St	Jeanne Patterson
PIERCE ROAN	3740 N. GRAMERCY LN	Pierce Roan

Spokespersons may be limited to 3 minutes per person that they represent up to a maximum of 15 minutes.



CITY OF GARDEN CITY

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Date: 4-23-23

PLEASE PRINT LEGIBLY

Name: PAUL ROBERT SCHMELDLICK

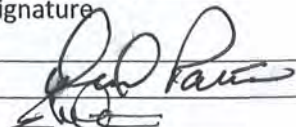

E-Mail: bobschmendlck@gmail

Application File Number: SAPFY 23-0001

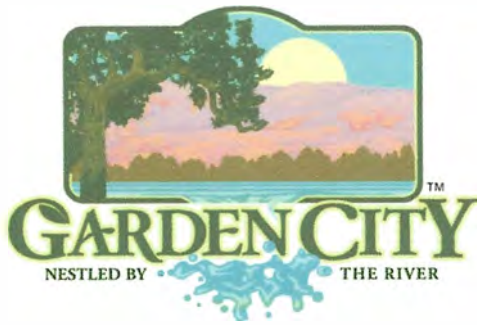
Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Briefly describe the group that you represent; e.g. Homeowner's Association, etc: Homeowner & neighbors

Please provide the information for each person that you are representing.

Name	Physical Address (City & State of residence, not PO Box)	Signature
DAVID PATTERSON	6326 N Charleston Pl Garden City	
EDWARD W. ALTRAN	6529 W. VANITATION BL. BOISE	

Spokespersons may be limited to 3 minutes per person that they represent up to a maximum of 15 minutes.



CITY OF GARDEN CITY

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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 23, 2023

PLEASE PRINT LEGIBLY

Name: Ronald E. Bush

Physical Address (City & State of residence, not PO Box):

3695 N. Gramercy Ln.

Garden City, ID 83703

E-Mail: alturas1@yahoo.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled ☐ Yes

☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☒ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☒ Flood plain
 - ☒ Assurance that the golf course open space will be preserved Public access to Greenleaf through Plantation subdivisions.
 - ☒ Density
 - ☒ Height
 - ☒ Massing
 - ☒ Lack of open space
 - ☒ Overflow parking within adjacent neighborhood
 - ☒ Public access to adjacent neighborhood
 - ☒ Spot Zoning
 - ☒ Traffic
 - ☒ Wildlife
 - ☒ Property value reduction
 - ☒ Renters are not invested in their community
 - ☒ Inability of existing services to accommodate proposal
 - ☒ Incompatibility of proposed homes with existing homes
 - ☒ Public access to N. Fair Oaks Place
 - ☒ Increased presence of dogs
 - ☒ Liability to golfers for errant balls
 - ☒ Noise
 - ☒ Crime
 - ☒ The golf course should not be considered an open space for the proposal
- There is absolutely not an accurate summary of the opposition that has been raised. Among other things, it does not contain the contractual prohibitions against development contained in the Master Agreement, nor the unsuitability of the real property for an "SAP" designation, nor the failure to provide a legally adequate certification and hold-harmless*

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☐ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
 - ☐ The plans are thoughtful
 - ☐ Increased property value
 - ☐ Those who are opposing are a small but vocal group
 - ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
 - ☐ There is capacity for traffic on State Street
 - ☐ The proposal facilitates adequate parking
- warranty by the owners of the property.*



CITY OF GARDEN CITY

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PUBLIC HEARING SPOKESPERSON SIGN-UP SHEET

The chairman must authorize spokespersons ahead of time. Please submit this form at least 72 hours in advance of the hearing to planning@gardencityidaho.org. Please provide presentations more than one week in advance to planning@gardencityidaho.org.

Date: _____

PLEASE PRINT LEGIBLY

Name: Ronald E Bush

E-Mail: _____

Application File Number: SAP 23-0001

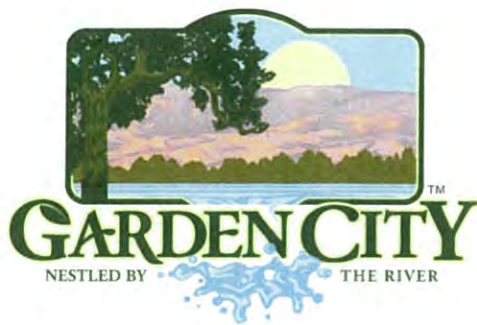
Choose one: _____ Support the application _____ Neutral X Oppose the application

Briefly describe the group that you represent; e.g. Homeowner's Association, etc: Myself and neighbors

Please provide the information for each person that you are representing.

Name	Physical Address (City & State of residence, not PO Box)	Signature
SANDRA M. FORD	6515 W. PLANTATION LN	<i>Sandra M Ford</i>
Ben Doty	6560 W Plantation LN	<i>Ben Doty</i>
ERIC FOGLEMAN	6420 W PLANTATION LN	<i>E. C. Fogleman</i>
MARY Jo NYBLAD	6540 W PLANTATION LN	<i>Mary Jo Nyblad</i>

Spokespersons may be limited to 3 minutes per person that they represent up to a maximum of 15 minutes.



CITY OF GARDEN CITY

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PUBLIC HEARING SPOKESPERSON SIGN-UP SHEET

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Date: 4/19/2023

PLEASE PRINT LEGIBLY

Name: Thomas E Donahoe

E-Mail: tdonahoe1@gmail.com

Application File Number: SAPFY2023-0001

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Briefly describe the group that you represent; e.g. Homeowner's Association, etc: Myself and my family

Please provide the information for each person that you are representing.

Name	Physical Address (City & State of residence, not PO Box)	Signature
Rachael Bickerton	7810 Savannah Ct, GC 83714	Rachael Bickerton

Spokespersons may be limited to 3 minutes per person that they represent up to a maximum of 15 minutes.



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
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Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-20-23

PLEASE PRINT LEGIBLY

Name: Tyrell McKibben

Physical Address (City & State of residence, not PO Box):

3031 N. Mountain View Dr

Boise, ID 83702

E-Mail: tyrell@prestigewaterports.com

Voluntary Information		
Please check the following boxes if applicable:		
<input type="checkbox"/> American Indian or Alaskan Native		
<input type="checkbox"/> Asian		
<input type="checkbox"/> Black or African American		
<input type="checkbox"/> Hispanic or Latino		
<input checked="" type="checkbox"/> White		
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female	Disabled <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do you wish to be an interested party? ☐ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☐

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Tyrell McKibben

Written Signature (only if not testifying)

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- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☐ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☒ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☒ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/20/23

PLEASE PRINT LEGIBLY

Name: MARY ANN BROTHER

Physical Address (City & State of residence, not PO Box):

4443 N. MACKENZIE LANE

BOISE, ID 83703

E-Mail: annie.brother59@gmail.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input type="checkbox"/> Male	<input checked="" type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I support the vision of a modern sustainable
River Club which I believe will be a benefit
to the community and to Garden City

Mary Ann Brother
Written Signature (only if not testifying)

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name LOU ANN MCKAY Date 04/20/23

Your Physical Address: 3974 N. Kessinger Ln, Boise, ID 83703

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No

Email: Walbyoung1962@aol.com

(Please select) Regarding this application I:

☐ Support the Application

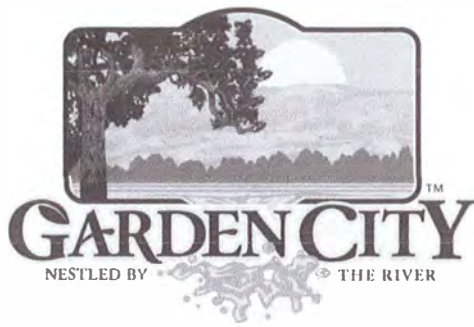
☐ Am Neutral

☐ Oppose the Request

Comments:

I am against the development. There will be too much traffic. Once we lose the green space we'll never have it again. The quality of life will change in a negative way.

Signature: Lou Ann McKay



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-20-23

PLEASE PRINT LEGIBLY

Name: JOHNNY B. MILLER, Sr.

Physical Address (City & State of residence, not PO Box):

5864 PLANTATION LN

GARDEN CITY, ID 83703

E-Mail: homehole13@msn.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled ☐ Yes

☒ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

My wife, SUSAN J. MILLER, and I fully support the approval
of SAP as submitted by Will Mustafan & Linden Property.

Johnny B. Miller, Sr.

Written Signature (only if not testifying)

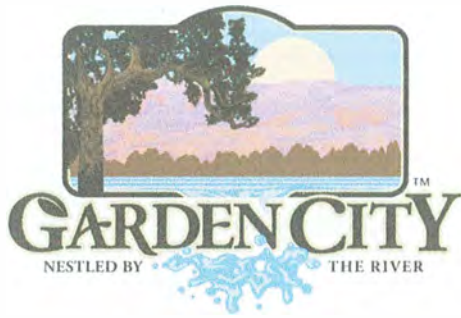
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☒ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☒ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/20/2023

PLEASE PRINT LEGIBLY

Name: MICHAEL JONES

Physical Address (City & State of residence, not PO Box):

4443 N. MACKENZIE LN

BOISE, ID 83723

E-Mail: wordhead3@gmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled

☐ Yes

☒ No

Do you wish to be an interested party? X Yes No. If yes, email must be provided above.

Choose one: X Support the application Neutral Oppose the application

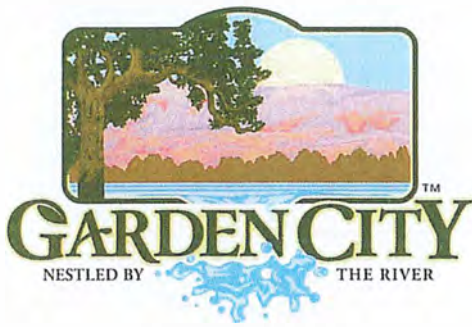
Do you wish to testify? Yes No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

This application will be good for the community and for Garden
City. The alternative will result in the loss of Garden
City's only golf course only to be replaced by expensive
private homes.

Michael Jones

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: 4-20-2023

PLEASE PRINT LEGIBLY

Name: STEVEN M. CAMPBELL

Physical Address (City & State of residence, not PO Box):

4725 SAVANNAH LANE

BOISE, ID. 83714

E-Mail: SMCAMPBELL057@GMAIL.COM

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? X Yes _____ No If yes, email: SMCAMPBELL057@GMAIL.COM

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I STRONGLY OPPOSE THE PLANNED DEVELOPMENT OF THE
RIVER CLUB C.C. WE PURCHASED OUR HOME 30 YEARS
AGO FOR THE BEAUTY & OPENESS OF THE GOLF COURSE.
IT'S A 'QUALITY OF LIFE' & 'HOME VALUES' ISSUE. PLEASE
DON'T GIVE INTO 'GREED' FROM A DEVELOPER!!

Steven M. Campbell

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/20/2023

PLEASE PRINT LEGIBLY

Name: Tyler McReynolds

Physical Address (City & State of residence, not PO Box):

2728 W Edgemoor Ln

Boise, ID 83702

E-Mail: tylermcreeynolds@gmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled

☐ Yes

☒ No

Do you wish to be an interested party? X Yes ___ No. If yes, email must be provided above.

Choose one: X Support the application ___ Neutral ___ Oppose the application

Do you wish to testify? Yes ___ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

In order to prevent full development of the current River Club property, I am in favor of the proposed

zoning changes to allow for development along the State Street side of the current River Club.

Tyler McReynolds

Written Signature (only if not testifying)

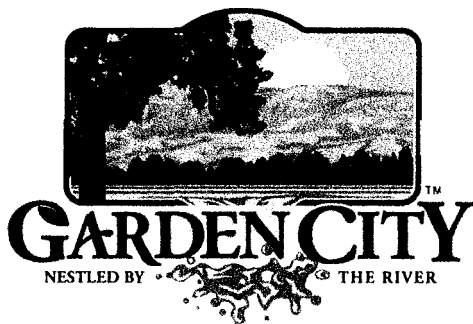
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☐ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/20/23

PLEASE PRINT LEGIBLY

Name: ELDRITH L. ROBY

Physical Address (City & State of residence, not PO Box):

12673 Schicks Ridge Rd
BOISE ID 83714

E-Mail: eldrithr@yahoo.com

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☒ White

☐ Male ☒ Female Disabled ☐ Yes ☒ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

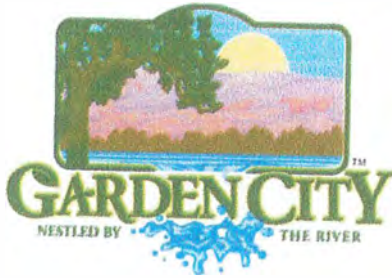
Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

It is my hope that the Specific Area Plan
"SAP" will be approved

Eldrith L. Roby

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: APRIL 19, 2023

PLEASE PRINT LEGIBLY

Name: LOUIS E. STODDARD

Physical Address (City & State of residence, not PO Box):

6308 N. FAIR OAKS PLACE

BOISE, ID 83743

E-Mail: loumarstodd644@hotmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled ☐ Yes ☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Our home is probably the most impacted in the Plantation neighborhood by this

huge project. Phase Three will put a massive development some 90 feet from our

living room and destroy our view of the golf course.

I am 85 years old and we bought this house as our penultimate resting place,

hoping to have peace and quiet in our final years. This hope will be destroyed

by the construction and existence of 750 condos and townhomes on our doorstep.

We implore you not to approve this application as it is presented.

Louis E. Stoddard
Written Signature (only if not testifying)

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan
Your Name: John Atwater Date: April 18, 2023
Your Physical Address: 2410 N. Eldorado St. Boise, Idaho 83704

(Please select) I wish to be kept informed of any additional future meeting dates:

☐ Yes

☐ No

Email: JBATwater2@yahoo.com

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Please "No"! Removing a Piece of Idaho
History (Plantation CC 100+ years old) for
what? Apartments and another Strip Mall!
Please again - "NO"!!

Signature:

John Atwater

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name SHARON GRISHAM Date 4/17/23

Your Physical Address: 6286 N. Charleston Place

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No Email: _____

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

My Living + Dining Room windows face the golf course. Any change in the view would constitute a taking by the government without compensation. The value of my property would decrease significantly. I strongly oppose any change in the zoning of the golf course.

Signature: SHARON L. GRISHAM

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name RICHARD ENGLISH Date 4/15/23

Your Physical Address: 3860 N BAYOU LN., GARDEN CITY, ID 83703

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No Email:

rpenglish217@gmail.com

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

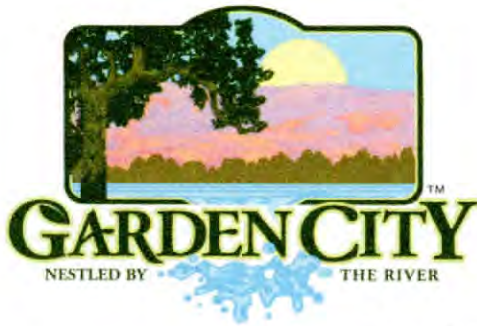
☒ Oppose the Request

Comments:

Too many units. Too much density. Too much impact on
neighbors + traffic on State St. Insufficient on-site
parking.

Signature: _____

RM English



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/20/23

PLEASE PRINT LEGIBLY

Name: G Scott White

Physical Address (City & State of residence, not PO Box):

2264 E Fernhill Dr

Eagle, ID 83616

E-Mail: Mr Long Drive @MSN.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Will has done a great job w/ The property to this point. I have no doubt that he will continue to improve the property and provide the best solution for its use going forward. I fully support his vision for the future.

G. Scott White
Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

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- ☐ Height
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- ☐ Wildlife
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- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

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- ☒ The plans are thoughtful
- ☐ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking

Kena Champion

From: Vickie Northrop <vickiemae52@icloud.com>
Sent: Thursday, April 20, 2023 4:55 PM
To: planning
Subject: Residences Proposal For River Club Golf Course

Garden City Planning & Zoning Members:

This email is regarding the proposed Residences at the River Club/Plantation Golf Course. As Garden City leaders & Planning& Zoning members, I urge you to STOP the development on State Street at the River Club Golf Course.

I moved to this neighborhood

twenty years ago to enjoy the Boise River and the nature provided by the Plantation Golf Course. Since I am an Idaho native, I understand the importance of protecting nature, the Boise River environment, and precious space. (I am not a golfer) Please understand we do not want Garden City & Boise to be another Portland or Seattle with high density housing and Traffic problems that can't be fixed. I drive State Street daily and have observed the increase of traffic the past five years. Development on State Street needs to stop. Public transit or bicycles won't fix it.

As city leaders, please be strong and do what's best by maintaining a quality environment for us to live.

Vote no to Will Gustafson's, or any developer, proposal for residences at the River Club/ Plantation Golf Course. For him it's about making money and not preserving a quality lifestyle for home owners who live in this neighborhood.

Thank You- Vickie Northrop(home owner)

Sent from my iPhone

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=1&mod_option=gitem&mail_id=82031298-pPp0v0VLT7J0&r_address=anning%40gardencityidaho.org&report=

Kena Champion

From: Jenah Thornborrow
Sent: Thursday, April 20, 2023 4:34 PM
To: planning
Subject: FW: Residences at Riverclub application Public comment opportunity
Attachments: plat.pdf; Quitclaim.PDF

From: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Sent: Thursday, April 20, 2023 1:58 PM
To: John Evans <jevans@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: FW: Residences at Riverclub application Public comment opportunity

From: Bruce Moore <bwmoore237@gmail.com>
Sent: Thursday, April 20, 2023 10:53 AM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Cc: Bob Hamlin <robertcarolhamlin@gmail.com>; Legal Intern 2 <legalintern2@GARDENCITYIDAHO.ORG>
Subject: Re: Residences at Riverclub application Public comment opportunity

Dear Mr. Adams:

I am responding to yours to Ron Wilper on behalf of the Plantation on the River Homeowner's Association regarding the issue of whether there is a public easement for egress and ingress over lot 99 of Investors Plantation on the River.

Attached hereto is a copy of the relevant plat. Apparently there is a contention that note 4 of the construction notes somehow creates a legal easement for the general public to travel over a private, deeded lot. That notes states that the sub association homeowners will maintain lot 99 and specifically refers to the Plantation master association. There is no statutory or case law that creates a such an easement. Pioneer Title has also given an opinion that there is no easement for lot 99.

The Supplemental Declaration of Covenants, Conditions and Restrictions for our Investor's Plantation on the River HOA specifically provide in Article II, Section 7 that designated areas do not create rights for the general public. That section provides in relevant part as follows: "Such designated areas are not dedicated hereby for use by the general public but are dedicated to the common use and enjoyment of the SA-Owners."

I have also included a copy of the deed granting lot 99 to the sub association and note that there is absolutely no reference to an easement of any type.

I am having difficulty understanding how a contention could be made that a construction note somehow creates a legal easement. The deed to lot 99 does not mention an easement and the stated intent as established by the supplemental declarations clearly and specifically states that it is not for the general public.

I am happy to meet with Spencer to discuss this matter. I can be reached at 208-867-0987.

Sincerely,
Bruce Moore President

On Apr 19, 2023, at 8:48 AM, Ron Wilper <rjwilper@gmail.com> wrote:

Bruce and Bob:

Please see the email below I received from Charlie Wadams, the Garden City Attorney.

Apparently the legal intern is of the opinion that lot 99 may be a public easement. I don't speak for our HOA. If the City wants to argue it is better if I stay out of the argument. I will respond to Charlie and tell him I have forwarded his email to the two of you and ask that he direct further communication to you.

Hope that's ok.

Ron

Sent from my iPhone

Begin forwarded message:

From: Charles Wadams <cwadams@gardencityidaho.org>

Date: April 18, 2023 at 6:38:55 PM MDT

To: Ron Wilper <rjwilper@gmail.com>

Cc: Legal Intern 2 <legalintern2@gardencityidaho.org>

Subject: RE: Residences at Riverclub application Public comment opportunity

Mr. Wilper:

I have had one of my Legal Interns (Spencer Guier) looking into the easement issue you have raised (CC'd).

As we understand it, you submit that what the applicant claims to be a public easement is not a public easement. Therefore, there are access issues for the proposed townhomes and/or new golf course configuration from North Plantation River Drive to the Greenbelt.

You are referencing a ten-foot-wide alleged "easement" from North Plantation River Drive to the Greenbelt "between two lots", which you submit is actually a ten-foot-wide LOT that is deeded to the HOA and not a public easement, "unless a note on a plat map can create an easement." However, I believe that an easement can be created by a plat note if it is clear and unambiguous.

You also state, "the Ada County Highway District had recently come to believe our lot was a public easement and placed signs on the public road directing the public to access the River through our lot. When HOA officials presented them with our deed to the lot, ACHD agreed it is not a public easement. I have reached out to ACHD for comment.

Spencer would like to sit down with you to make sure he understands your concerns. Could he do that this week or next before Thursday?

Thank you. 208.472.2915.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error,

please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: Ron Wilper <rjwilper@gmail.com>
Sent: Wednesday, February 22, 2023 8:09 AM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Subject: Re: Residences at Riverclub application Public comment opportunity

Thanks Charles. I will ask Bruce if he has provided a copy of the deed to our lot.
Ron

Sent from my iPad

On Feb 21, 2023, at 2:46 PM, Charles Wadams
<cwadams@gardencityidaho.org> wrote:

Mr. Wilper:

As you know, these emails are public records so they will be included in the council packet for this application. So perhaps you would prefer a meeting or telephone call in the future?

That being said, my legal intern, Spencer Guier, is looking into your concerns (CCd). He may reach out to you if he has questions.

Do you know if Bruce Moore has sent the city a copy of your recorded deed? I don't think I have seen it.

Thank you.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: Ron Wilper <rjwilper@gmail.com>
Sent: Thursday, January 19, 2023 11:13 AM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Cc: planning <planning@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: Re: Residences at Riverclub application Public comment opportunity

Thank you. I have been cc'ing Bob and Bruce on our correspondence. I think Bruce Moore is going to send you a copy of our recorded deed.
RW

Sent from my iPad

On Jan 19, 2023, at 11:07 AM, Charles Wadams
<cwadams@gardencityidaho.org> wrote:

Thank you, sir.

Let me see what I can find out.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: Ron Wilper <rjwilper@gmail.com>
Sent: Wednesday, January 18, 2023 9:23 PM
To: Charles Wadams
<cwadams@GARDENCITYIDAHO.ORG>
Cc: planning <planning@GARDENCITYIDAHO.ORG>;
Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: Re: Residences at Riverclub application Public comment opportunity

Thanks Charles, but I was not referring to the walkway on my lot. The application references a ten foot wide "public easement" from North Plantation River Drive to the Greenbelt "between two lots". That ten foot wide LOT is deeded to our HOA and is not a public easement, unless a note on a plat map can create an easement. I've asked our HOA president, Bruce Moore, and HOA member Bob Hamlin to provide you a copy of our deed. This response may be duplicative of my first attempt to reply. If so, I apologize for any confusion. I was trying to send my reply and your email to Bruce and Bob and I fear both disappeared.

Thanks for your continued attention to this issue. It is of great interest to our association members.

Please feel free to call me if you have any questions.

Sincerely,
Ron Wilper
(830-2320)

Sent from my iPhone

On Jan 18, 2023, at 1:56 PM, Charles Wadams
<cwadams@gardencityidaho.org>
wrote:

I have shared your concerns with JoAnn Butler.

According to Bob Taunton, the public access to the greenbelt is lot 99 on the recorded Plat (see Plat note #5). Reportedly, they are not describing the 10' HOA easement on your lot, and that is a different easement. It is represented that the attached map indicates that they are not proposing any access across your lot. I'm sure that JoAnn would be happy to discuss further with you.

Thank you.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: Charles Wadams
Sent: Tuesday, January 10, 2023 4:47 PM
To: Ronald Wilper
<rjwilper@gmail.com>
Cc: planning
<planning@GARDENCITYIDAHO.ORG>;
Jenah Thornborrow
<jthorn@GARDENCITYIDAHO.ORG>

Subject: FW: Residences at Riverclub
application Public comment
opportunity

Mr. Wilper:

I am forwarding your comments to the Development Services Director for inclusion in the River Club file. Thank you for your submittal.

This e-mail transmission is attorney privileged or attorney work product and is, in any event, confidential information belonging to the sender and intended only for the use of the individual or entity addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (208) 472-2915 to arrange for disposition of this e-mail.

From: rjwilper@gmail.com <rjwilper@gmail.com>

Sent: Monday, January 9, 2023 3:23 PM

To: LegalStaff

<legalstaff@GARDENCITYIDAHO.ORG>

Cc: robertcarolhamlin@gmail.com; bwmoore237@gmail.com; riverphilip@gmail.com

Subject: Residences at Riverclub
application Public comment
opportunity

Dear City Attorney-Garden City:
I am a homeowner in the Plantation subdivision and a member of the Investors Plantation on the River HOA. I live at 3411 N. Plantation River Drive. I have briefly reviewed the River Club SAP Application-12212022. Under Tab 3 Required Findings Page 10, wherein the applicant makes representations relevant to Trail System Through the Residences at River Club,

I noticed a substantial error. The applicant claims there is a "10 foot public easement between 2 lots" on Plantation River Drive. There is no such public easement.

The applicant points to a 10 foot wide lot owned in fee simple by the Investors Plantation on the River HOA.

The Ada County Highway District had recently come to believe our lot was a public easement and placed signs on the public road directing the public to access the River through our lot.

When HOA officials presented them with our deed to the lot, ACHD agreed it is not a public easement.

Would you please let me know how I can call this misrepresentation to the attention of P and Z or the City Council?

Thanks.

My phone number is (208)830-2320.

Ron Wilper

Total Control Panel

To: cwadams@gardencityidaho.org [Remove](#) this sender from my allow list

From: rjwilper@gmail.com

You received this message because the sender is on your allow list.

Total Control Panel

To: cwadams@gardencityidaho.org [Remove](#) this sender from my allow list

From: rjwilper@gmail.com

You received this message because the sender is on your allow list.

Total Control Panel

To: cwadams@gardencityidaho.org [Remove](#) this sender from my allow list

From: rjwilper@gmail.com

You received this message because the sender is on your allow list.

PLAT SHOWING INVESTORS PLANTATION ON THE RIVER

*AFFIDAVIT 94052325

A SUBDIVISION
PORTIONS OF GOVERNMENT LOT 2 AND THE NW 1/4 SE 1/4, SECTION 30,
T.4N., R.2E., B.M.,
GARDEN CITY, ADA COUNTY, IDAHO

1991

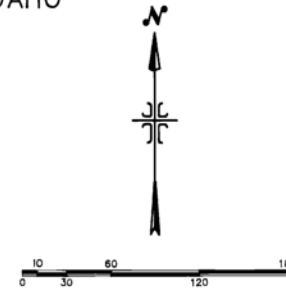
• HUBBLE ENGINEERING, INC. •
BOISE, IDAHO

LEGEND

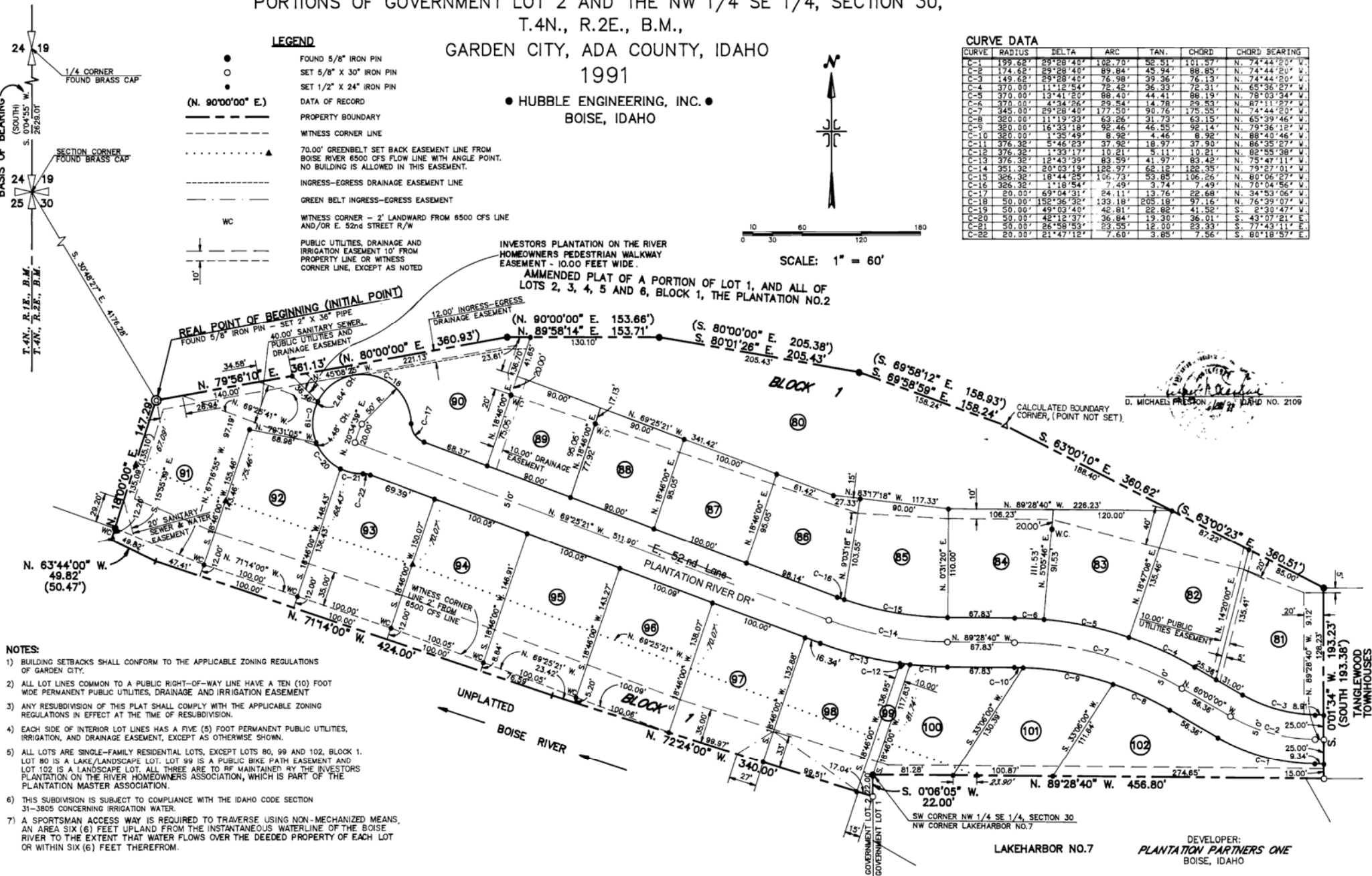
- FOUND 5/8" IRON PIN
- SET 5/8" X 30" IRON PIN
- SET 1/2" X 24" IRON PIN
- (N. 90°00'00" E.)
- DATA OF RECORD
- PROPERTY BOUNDARY
- WITNESS CORNER LINE
- 70.00' GREENBELT SET BACK EASEMENT LINE FROM BOISE RIVER 6500 CFS FLOW LINE WITH ANGLE POINT. NO BUILDING IS ALLOWED IN THIS EASEMENT.
- INGRESS-EGRESS DRAINAGE EASEMENT LINE
- GREEN BELT INGRESS-EGRESS EASEMENT
- WITNESS CORNER - 2' LANDWARD FROM 6500 CFS LINE AND/OR E. 52nd STREET R/W
- WC
- PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT 10' FROM PROPERTY LINE OR WITNESS CORNER LINE, EXCEPT AS NOTED

CURVE DATA

CURVE	RADIUS	DELTA	ARC	TAN.	CHORD	CHORD BEARING
C-1	199.68'	89°28'46"	182.78'	52.81'	101.57'	N. 74°44'20" W.
C-2	174.65'	29°28'40"	89.84'	45.94'	88.85'	N. 74°44'20" W.
C-3	149.62'	29°28'40"	76.98'	39.36'	76.13'	N. 74°44'20" W.
C-4	370.00'	11°12'54"	72.42'	36.33'	72.31'	N. 65°36'27" W.
C-5	370.00'	13°41'20"	88.40'	44.41'	88.19'	N. 76°03'34" W.
C-6	370.00'	4°34'25"	28.84'	14.78'	29.83'	N. 87°11'27" W.
C-7	345.00'	29°28'40"	177.50'	90.76'	175.55'	N. 74°44'20" W.
C-8	320.00'	11°19'33"	63.26'	31.73'	63.15'	N. 65°39'46" W.
C-9	320.00'	16°33'18"	92.46'	46.55'	92.14'	N. 79°36'12" W.
C-10	320.00'	1°28'45"	8.92'	4.46'	8.92'	N. 88°40'46" W.
C-11	376.32'	5°46'23"	37.92'	18.97'	37.90'	N. 85°35'27" W.
C-12	376.32'	1°33'17"	10.21'	5.11'	10.21'	N. 82°55'38" W.
C-13	376.32'	12°43'39"	83.59'	41.97'	83.42'	N. 75°47'11" W.
C-14	351.33'	20°03'15"	128.97'	65.12'	128.35'	N. 79°27'01" W.
C-15	326.32'	18°44'28"	105.73'	53.85'	106.26'	N. 80°06'27" W.
C-16	326.32'	1°18'54"	7.49'	3.74'	7.49'	N. 70°04'56" W.
C-17	20.00'	69°04'31"	24.11'	13.76'	22.68'	N. 34°53'06" W.
C-18	50.00'	152°36'38"	133.18'	205.19'	97.16'	N. 76°39'07" W.
C-19	50.00'	49°03'40"	42.81'	22.82'	41.30'	S. 2°30'47" W.
C-20	50.00'	42°12'37"	36.84'	19.30'	36.01'	S. 43°07'21" E.
C-21	50.00'	26°58'53"	23.55'	12.00'	23.33'	S. 77°43'11" E.
C-22	20.00'	21°47'12"	7.60'	3.85'	7.56'	S. 80°18'57" E.



SCALE: 1" = 60'

**NOTES:**

- BUILDING SETBACKS SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS OF GARDEN CITY.
- ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY LINE HAVE A TEN (10) FOOT WIDE PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT
- ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
- EACH SIDE OF INTERIOR LOT LINES HAS A FIVE (5) FOOT PERMANENT PUBLIC UTILITIES, IRRIGATION, AND DRAINAGE EASEMENT, EXCEPT AS OTHERWISE SHOWN.
- ALL LOTS ARE SINGLE-FAMILY RESIDENTIAL LOTS, EXCEPT LOTS 80, 99 AND 102, BLOCK 1. LOT 80 IS A LAKE/LANDSCAPE LOT. LOT 99 IS A PUBLIC BIKE PATH EASEMENT AND LOT 102 IS A LANDSCAPE LOT. ALL THREE ARE TO BE MAINTAINED BY THE INVESTORS PLANTATION ON THE RIVER HOMEOWNERS ASSOCIATION, WHICH IS PART OF THE PLANTATION MASTER ASSOCIATION.
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.
- A SPORTSMAN ACCESS WAY IS REQUIRED TO TRAVERSE USING NON-MECHANIZED MEANS, AN AREA SIX (6) FEET UPLAND FROM THE INSTANTANEOUS WATERLINE OF THE BOISE RIVER TO THE EXTENT THAT WATER FLOWS OVER THE DEEDED PROPERTY OF EACH LOT OR WITHIN SIX (6) FEET THEREFROM.

LAKEHARBOR NO.7

DEVELOPER:
PLANTATION PARTNERS ONE
BOISE, IDAHO



1792001472

QUITCLAIM DEED

For Value Received

PLANTATION PARTNERS ONE, an Idaho Limited Partnership
do hereby convey, release, remise and forever quit claim unto
HOMEOWNER'S
INVESTORS PLANTATION ON THE RIVER ASSOCIATION, INC.
6477 FAIRVIEW AVE., BOISE, ID 83704

the following described premises, to-wit:

Lots 99 and 102 in Block 1 of INVESTORS PLANTATION ON THE RIVER, according
to the official plat thereof, filed in Book 59 of Plats at Pages 5702 and
5703, Official Records of Ada County, Idaho.

94090894

FIRST AMERICAN TITLE CO.

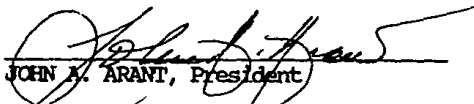
ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID

'94 OCT 11 PM 3 52

FEE 3.00 L. Reaper
RECORDED AT THE REQUEST OF

together with their appurtenances.

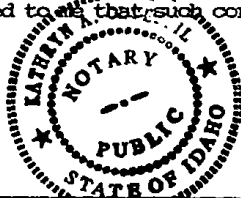
Dated: October 10th, 1994

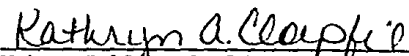

JOHN A. ARANT, President


WINNIE MORTON, Secretary

STATE OF IDAHO)
 : SS
COUNTY OF ADA)

On this 10th day of October, 1994, before me, a notary public in and for said
State, personally appeared JOHN A. ARANT and WINNIE MORTON, known to me to be the
president and secretary of FRAMEWORK, INC., an Idaho corporation, said corporation
being known to me to be the general partner in the partnership of PLANTATION PARTNERS
ONE, an Idaho limited partnership, that executed the within instrument, and
acknowledged to me that such corporation executed the same in said partnership name.




Kathryn A. Clappie
Notary Public of Idaho
Residing at Boise, Idaho
Commission Expires: 5-27-98

First American Title Company of Idaho

April 20, 2023

I have lived in the Plantation neighborhood for over 35 years. We are writing to urge you to vote against the planned development proposed in the SAPFY2023-0001 application. The proposal, which would re-zone R-2 land adjacent to State Street at Pierce Park and designate it as an SAP, would allow for high density development of the 22 acres. The proposed development presented to homeowners by the Lincoln group consists of 750 units in 4+ story apartments. I believe this is NOT consistent with Garden City's own master plan:

- Multiple 4 story structures do not provide "a transition in height and scale that is compatible with the existing surrounding neighborhoods" which are predominantly single-family homes.
- The planned development does not create a "premier location for work, entertainment, culture and commerce" but rather encompasses rows of densely populated four story apartment buildings.
- The development has the potential to add 1500 vehicles a day to the already congested traffic on State St. and does not seem to consider "the changing demand that places on public transportation."
- The development does not "beautify the landscape" by cutting down trees and paving over existing greenspace. Greenspace has been found to have positive effects on citizens mental and physical health. This development would do the opposite.
- The development will not "create safer and neighborly internal streets for appropriate use" but instead has the potential to increase both foot and car traffic within a small neighborhood community.

Finally, we have concern about the general impact that the rise in multi-family dwellings has on the infrastructure of the city. In Idaho, development rarely pays for itself. Instead, infrastructure improvements, including adequate schools, is reliant on property taxes. Many swiftly growing communities in our area are having great difficulty passing the necessary bonds to accommodate an eery expanding number of students.

Thank you for your thoughtful consideration. I urge you to vote against the SAP.

Respectfully,

Margaret Henbest



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-20-23

PLEASE PRINT LEGIBLY

Name: JEFF CLIFF

Physical Address (City & State of residence, not PO Box):

4018 N. Sandpoint Way
Boise, ID 83702

E-Mail: jeffcliff13@gmail.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

As A current member of the River Club, I fully support
the proposed new development by Lincoln Property Company.
If Approved, this world-class and thoughtful development
will have tremendous benefit to Garden City, and is an absolute
necessity to the viability of the River Club.

[Signature]
Written Signature (only if not testifying)

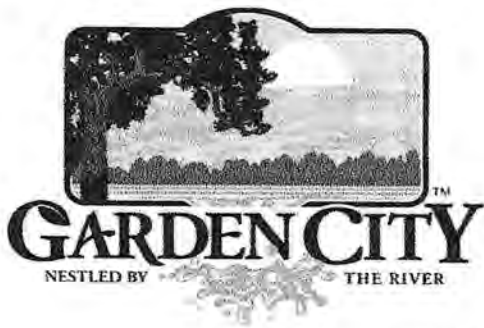
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☒ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-20-23

PLEASE PRINT LEGIBLY

Name: Nancy C. Marsh

Physical Address (City & State of residence, not PO Box):

5040 N Thornton Lane
Boise, ID 83703

E-Mail: marsh8876@msn.com

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Nancy C. Marsh
Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

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- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☐ The plans are thoughtful
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- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking

Kena Champion

From: Chris Niebrand <cniebrand@yahoo.com>
Sent: Thursday, April 20, 2023 1:29 PM
To: planning
Subject: River Club

To Whom it May Concern,

We are in receipt of a recent letter from The River Club's Will Gustafson, identifying the improvements made to the former Plantation clubhouse, infrastructure, as well as the vision for the golf course. We are also aware there is a contingent of homeowners in opposition to this plan, perceiving the current plan as, basically, building four story apartment buildings in their back yard. I have lived in Boise since 1958 and have witnessed the population explosion. More recently, a topic in this city has been the volume of apartment buildings sprouting up almost over night. Unfortunately, wrong or right, this lifestyle implies crime, slovenliness, and all the unpleasanties that go with it. It seems that a compromise between the River Club and unhappy homeowners is the solution to this problem. As residents of the area, we support a golf course. We DO NOT support a development overtaking what has been an historic and environmentally pristine green space along the Boise River. If the River Club/Lincoln Property developers could abandon a multi-story apartment complex and design a 55+ higher end patio home or two-story townhome, similar to what Eagle has done, I would think more enthusiasm and agreement could be generated. The people who are fighting the apartment complex have a sound argument. They have beautiful, expensive homes in a pristine space. In this time of high home costs, apartment living often results in multi-generational families and friends living in one space; I watched my parent's apartment degenerate within a few years. I worked in an area where police were often called to an apartment complex near my workplace. This is probably what these people fear. In closing, we are supporting the golf course and it aesthetic amenities. We DO NOT support a massive housing development in our back yard.

Chris and Gary Niebrand
Sent from my iPad

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=82018983-Tnaj0v-O0YGW&r_address=anning%40gardencityidaho.org&report=

Kena Champion

From: Jenah Thornborrow
Sent: Thursday, April 20, 2023 6:58 PM
To: Kena Champion
Subject: FW: SAP Meeting, April 27, 2023.
Attachments: Public Hearing Sign-up sheet.pdf

FYI

From: planning
Sent: Thursday, April 20, 2023 6:45 PM
To: Pete Edmunds <peteedmunds2018@outlook.com>
Subject: RE: SAP Meeting, April 27, 2023.

Mr. Edmunds,

Please find the attached sign-up sheet.

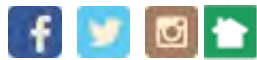


Development Services Department, **City of Garden City**

p: 208-472-2921

a: 6015 Glenwood Street, Garden City, ID 83714

w: <https://gardencityidaho.org/>



From: Pete Edmunds <peteedmunds2018@outlook.com>
Sent: Thursday, April 20, 2023 3:59 PM
To: planning <planning@GARDENCITYIDAHO.ORG>
Subject: SAP Meeting, April 27, 2023.

I attempted to sign up to speak at the meeting and found very little help to do so. I wouldn't mind still doing that, but am not quite certain now how I can accomplish that. I will offer my observations here, since I was unable to talk personally with anyone on how to sign up.

The essence of the SAP seems to have been lost in a narrative focusing on the golf course. The real issue is density and profit and how it will impact an existing subdivision. Currently, zoning allows 6 homes per acre, which has enabled the establishment of a wonderful neighborhood with appropriate density. The rather haphazard approach by the developers in their request for a SAP has been modified so many times that it is hard to discern what they actually intend to do, other than build to a density that will impact existing property values, choke an already overused State Street corridor, and, in particular, jeopardize North Fair Oaks' status as a cul-de-sac, the primary reason residents purchased homes there.

Numbers for the planned apartment buildings have migrated away from an assisted living facility with townhouses or condos, and into apartment buildings that, confirmed or unconfirmed, may have as many as 700+ units. The

infrastructure of both State Street and the Plantation Subdivision will not be able to handle such traffic, and human nature, for convenience, will increase auto, foot and bicycle traffic through the subdivision to reach the green belt. The only guardians at the gate for these constantly fluctuating plans are the members of the Planning and Zoning Committee.

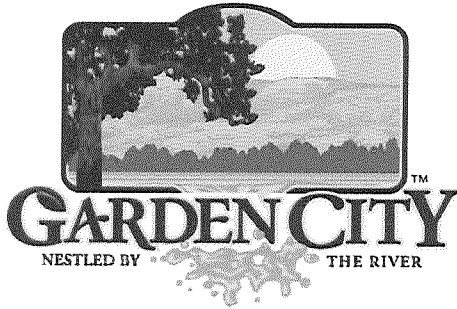
The committee members, essentially, work for the residents and not the developers. This is not an argument over development of private property, which owners have a right to do. It is an argument and evaluation over existing density and impact. Poor planning and due diligence by developers should not create an immediate and permanent problem for existing owners and residents. No one forced them to purchase the property! There is nothing wrong with developing the open ground within the currently existing density zoning requirements. If the developer is unable to maximize profits while minimizing expenses at that density, it is neither the fault nor obligation of current owners (or the Planning and Zoning Committee) to be subjected to profit motives of others that impact existing homes and neighborhoods.

As a resident living on N. Fair Oaks Pl, even lower densities of apartment buildings will impact us egregiously if through traffic is allowed to pass from the development onto our street as apartment dwellers attempt to bypass what will certainly be a gridlock of ingress and egress at the planned entry to the development off State Street. To avoid this, apartment and condo owners will try to slide through Fair Oaks, travel down Plantation Drive to Plantation River Drive and utilize the controlled intersection there. If nothing else, a gated ingress for police and fire protection response should be installed on Fair Oaks Place, but it is unlikely, by ordinance, that Ada County will allow it. Regardless, traffic flow will try to game a way around the ingress and egress points for the proposed SAP development will create a traffic overload both inside and outside the subdivision. All this in addition to the high density of units right across State Street in what is Boise City.

I respectfully submit that the SAP be denied, and that future development be restricted to current zoning density. Existing residents and owners should not be held hostage to the desires and aspirations of both developers or golfers: one for profit, the other for recreation. There have been veiled threats by the marketers of the development that if the SAP doesn't pass, then some other developer will come in and develop the entire golf course. That's most likely acceptable to most existing owners who don't golf, since we're already living within that envelop. The Planning and Zoning Committee should not be dragged into a conflated argument that what is legal to do, once the SAP should pass, is morally acceptable then to punish existing owners. There is nothing wrong with the existing zoning requirements, and all emotional arguments from golfers and the hyperbole of the developers seem to sidestep the obvious. Cutting 22 acres out of an existing golf course won't leave much of a real golfing experience, regardless of how much money is spent. It will certainly, however, impact the quality of life for existing owners.

Pete Edmunds
6263 N. Fair Oaks Pl
Garden City, Idaho 83703

Sent from [Mail](#) for Windows



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/20/2023

PLEASE PRINT LEGIBLY

Name: Rick York

Physical Address (City & State of residence, not PO Box):

6981 W. Overland Rd
Boise, ID 83709

E-Mail: rick.york@bankofidaho.net

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do you wish to be an interested party? ____ Yes ☒ No. If yes, email must be provided above.

Choose one: ☒ Support the application ____ Neutral ____ Oppose the application

Do you wish to testify? Yes ____ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

This project greatly up lifts this section
of Garden City. The River Club is a staple
of Garden City and the re vamping of the
area only cements it's long term
viability in the community

Rick York

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☒ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/20/2023

PLEASE PRINT LEGIBLY

Name: ROBERT DE BOLT

Physical Address (City & State of residence, not PO Box):

4670 SAVANNAH LN

GARDEN CITY ID 83714

E-Mail: Bobhdebolt@gmail.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I am very impressed with the design of this
project. First class all the way. It will also allow
The River Club golf course redesign and rebuild to
happen and maintaining some open green space
in Garden City

Robert H. De Bolt
Written Signature (only if not testifying)

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- ☒ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☒ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Joy Kemper Date 4/19/23

Your Physical Address: 8461 W, Echo Falls Ln.

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No

Email: joykemper21@gmail.com

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Signature:

Joy Kemper

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than **seven (7) days prior to the hearing**. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

.....
Your Name Diane Dunn SAPFY2023-0001 – Specific Area Plan Date 4/12/23

Your Physical Address: 8423 Willowcreek Dr.

(Please select) I wish to be kept informed of any additional future meeting dates:

☐ Yes

☒ No Email: _____

(Please select) Regarding this application I:

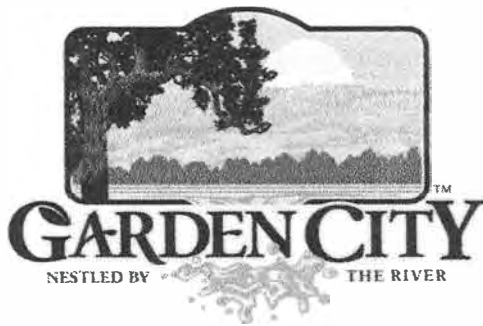
☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Signature: Diane Dunn



CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714
Phone 208/472-2900 Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/19/23

PLEASE PRINT LEGIBLY

Name: Brian Marsh

Physical Address (City & State of residence, not PO Box):

5040 N. Thornton Ln

Boise ID 83703

E-Mail: marsh88x@hotmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ___ Yes X No. If yes, email must be provided above.

Choose one: ✓ Support the application ___ Neutral ___ Oppose the application

Do you wish to testify? Yes ___ No ✓

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

The proposed plan would benefit all.
Good for the members and upcoming members
Good for the city for high density tax revenue
Good for the community with an upscale new
development to start refurbishing State St.
and Garden City.

Brian Marsh
Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

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- ☐ Property value reduction
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- ☐ Incompatibility of proposed homes with existing homes
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- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

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- ☒ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/19/23

PLEASE PRINT LEGIBLY

Name: VICKI MALLOY

Physical Address (City & State of residence, not PO Box):

5700 N. RIO LUMAS AVE.
Meridian, ID 83646

E-Mail: _____

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☐ Male

☒ Female

Disabled ☐ Yes

☒ No

Do you wish to be an interested party? ☐ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

As a member of Plantation/River Club since 1999,
I believe the course should be maintained. The
updates that have been done & will be done will make
this a premier country club to the area. I'm
looking forward to golfing at the course for many years

Vicki Malloy

Written Signature (only if not testifying)

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- ☒ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking

Kena Champion

From: tnero@jps.net
Sent: Wednesday, April 19, 2023 5:24 PM
To: planning
Subject: SAPFY2023-0001

Mayor Evans, City Council Members, Planning and Zoning Commissioners,

I live on Savannah Lane in Garden City. Our home backs up to 4 beautiful fairways on what is now known as The River Club (formerly Plantation Golf Course). My husband and I have closely followed the developments and activities surrounding what we consider to be our back yard over the past 4 years. While I am not in total agreement with the large scope of the planned development I do believe that approval of the SAP application is necessary to sustain the beautiful golf course in Garden City that many people have come to know and love.

I am concerned that the minority of naysayers will have a louder voice and jeopardize the future of the golf course. At some point I'm afraid that Will Gustafson may be forced to sell the entire 122 acres to a developer that will build the 6 homes per acre that the current zoning allows. Please don't allow this to happen. Approve the SAP application and carefully monitor the phases of development to ensure that the future of the River Club Golf Course and the open space it provides are protected for generations to come.

Thank you for your consideration and your service to our wonderful community.

Sincerely,
Terri Nero
4675 Savannah Lane

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



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 19, 2023

PLEASE PRINT LEGIBLY

Name: Bruce Christensen

Physical Address (City & State of residence, not PO Box):

417 S Jakes Landing Way

E-Mail: Christbj@msn.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Bruce A Christensen

Written Signature (only if not testifying)

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CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 19, 2023

PLEASE PRINT LEGIBLY

Name: Jean Christensen

Physical Address (City & State of residence, not PO Box):

417 S Jakes Landing Way

E-Mail: Christbj@msn.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? X Yes ___ No. If yes, email must be provided above.

Choose one: X Support the application ___ Neutral ___ Oppose the application

Do you wish to testify? Yes ___ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Jean Christensen

Written Signature (only if not testifying)

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CITY OF GARDEN CITY

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Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING

SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-19-23

PLEASE PRINT LEGIBLY

Name: Andrew Johnson

Physical Address (City & State of residence, not PO Box):

456 w. Falls Dr.

Boise, ID 83706

E-Mail: ajohnson811@gmail.com

Voluntary Information

Please check the following boxes if applicable:

- ☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Hispanic or Latino
☒ White

☒ Male ☐ Female Disabled ☐ Yes ☒ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒ → will be out of town

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I fully support the SAP for the development
"Residences at River Club" and believe that it would
be a wonderful improvement for Garden City.
The owner of River Club and Lincoln Property Companies
proposal will bring much needed improvement to the
entire area.

Written Signature (only if not testifying)

Andrew Johnson



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: April 19, 2023

PLEASE PRINT LEGIBLY

Name: Kristen Colter

Physical Address (City & State of residence, not PO Box):

6426 N. Hillsboro Pl. Boise, ID 83703

E-Mail: kristen.ann.colter@gmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☐ Male

☒ Female

Disabled

☐ Yes

☒ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

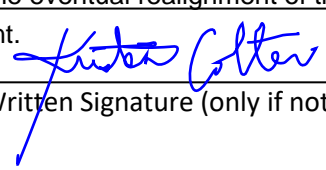
My husband and I have been members of the River Club since 2020 and been aware of the plan to redesign the north

border of the club since we joined. We believe that it has been thoughtfully designed and are in support of the project.

Like it or not, Boise and Garden City are growing and are in need of dense housing. State Street has been earmarked

as a rapid transit corridor and it only makes sense to locate multifamily housing along it. We believe that the housing

along State Street will actually act as a better barrier for the golf course. The eventual realignment of the entrance and Pierce Park Lane will also be much safer than the existing arrangement.


Written Signature (only if not testifying)

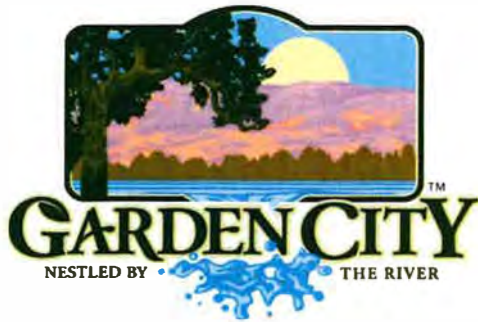
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- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☐ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☐ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-20-23

PLEASE PRINT LEGIBLY

Name: Anne & Bill Connors

Physical Address (City & State of residence, not PO Box):

6769 W. Plantation Ln.

Garden City, ID 83703

E-Mail: bconnors@boisechamber.org

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒ will be out of town

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

As a resident of the Plantation community my wife and I both would like to see the proposed development on State Street be approved. We feel the developers and owners have been open and honest about their plans, and this is the only smart way to preserve an Idaho gem, the Riverclub golf course.

[Signature]
Written Signature (only if not testifying)

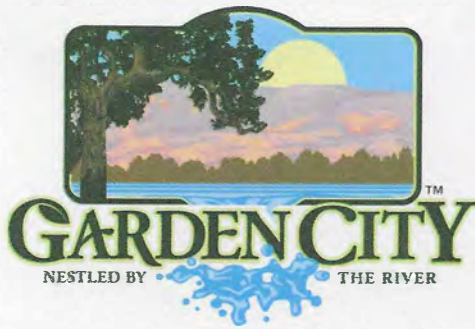
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☒ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-19-23

PLEASE PRINT LEGIBLY

Name: Deanna Turner

Physical Address (City & State of residence, not PO Box):

3915 W. Miners Farm Ct.

Boise ID 83714

E-Mail: deanna.turner08@gmail.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input type="checkbox"/> Male	<input checked="" type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I fully support the vision that will allow a modern, sustainable
River Club to survive & thrive for future generations.
This is a beautiful amenity and a perfect location in Garden
City for our community members to enjoy!

Deanna Turner

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2900 ■ Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 04/19/2023

PLEASE PRINT LEGIBLY

Name: Brent Pipal

Physical Address (City & State of residence, not PO Box):

2492 N Pronghorn Ln

Eagle, ID 83616

E-Mail: bpipal@microsoft.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☐ White

☐ Male

☐ Female

Disabled

☐ Yes

☐ No

Do you wish to be an interested party? X Yes ___ No. If yes, email must be provided above.

Choose one: X Support the application ___ Neutral ___ Oppose the application

Do you wish to testify? Yes ___ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

As a member of good standing at the Boise River Club, myself and my family support the proposal for
changes the board of directors have recommended for the club.

Brent Pipal

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☐ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☒ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking

Kena Champion

To: building
Subject: RE: RC Development

From: Louis Pagano <loupagano72@gmail.com>
Sent: Wednesday, April 19, 2023 11:03 AM
To: building <building@GARDENCITYIDAHO.ORG>
Subject: RC Development

To whom it may concern:

Sometime in the past I had written a letter in opposition of the development that may be occurring at the River Club. At the time being a person of tradition I didn't want to see any changes made to this beloved club including the name change.

However since then I have come to realize that I may have acted in haste. I believe the possibility does exist if this development isn't allowed to take place, our precious old golf course could very well be totally developed. This in itself will cause a drastic drop in property values.

So at this time I am asking you to please rescind my earlier letter of opposition.

Sincerely
Lou Pagano

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

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name SUE EVANCHO Date 4/18/2023

Your Physical Address: 3323 N. KELLY WAY BOISE 83704

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No

Email: sue.evanchow54@gmail.com

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Don't take away beautiful green space and
leave all the junk along State St.

Beautify all the poor/run-down property instead!

Signature: Sue Evanchow



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/18/2023

PLEASE PRINT LEGIBLY

Name: Roger A. Ivie

Physical Address (City & State of residence, not PO Box):

6621 Lakeside Dr.
Garden City, ID 83714
E-Mail: rvie54@gmail.com

Voluntary Information

Please check the following boxes if applicable:

☐ American Indian or Alaskan Native

☐ Asian

☐ Black or African American

☐ Hispanic or Latino

☒ White

☒ Male

☐ Female

Disabled

☒ Yes

☐ No

Do you wish to be an interested party? ☒ Yes ☐ No. If yes, email must be provided above.

Choose one: ☐ Support the application ☐ Neutral ☒ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

The county road on the East side of my property
is where my garbage is picked up. It is also
the only access to my RV pad, and is used for
delivery of lumber, landscape materials and large items.
It would also destroy another open green space.

Roger A. Ivie

Written Signature (only if not testifying)

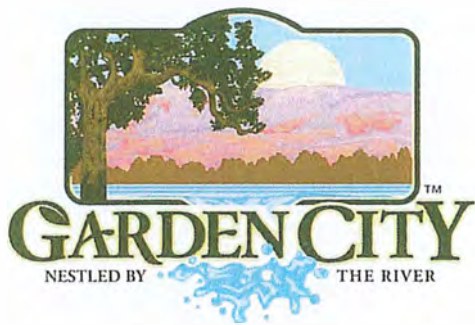
Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☒ Assurance that the golf course open space will be preserved
- ☒ Density
- ☒ Height
- ☒ Massing
- ☒ Lack of open space
- ☒ Overflow parking within adjacent neighborhood
- ☒ Public access to adjacent neighborhood
- ☒ Spot Zoning
- ☒ Traffic
- ☒ Wildlife
- ☒ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☒ Noise
- ☐ Crime
- ☒ The golf course should not be considered an open space for the proposal

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- ☐ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☐ The plans are thoughtful
- ☐ Increased property value
- ☐ Those who are opposing are a small but vocal group
- ☐ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☐ There is capacity for traffic on State Street
- ☐ The proposal facilitates adequate parking



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 18, 2023

PLEASE PRINT LEGIBLY

Name: LAWRENCE B. Campbell

Physical Address (City & State of residence, not PO Box):

6293 N FAIR OAKS PL

Boise, Idaho 83703

E-Mail: blackben488@gmail.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? X Yes _____ No If yes, email: blackben488@gmail.com

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I respectfully request denial of approval of ANY effort to
REZONE OR CONSTRUCT AN APARTMENT COMPLEX ON THE 11th
hole of RIVER CLUB golf course for the following REASONS:
(1) deterioration of quality of life (2) reduced property values
(3) INCREASED TRAFFIC CONGESTION.

Lawrence B Campbell

Written Signature (only if not testifying)

Subject: River Club Golf Course Rezone And Development

To: Garden City Clerk, 6015 Glenwood, Garden City, Idaho 83714

The purpose of this correspondence is to express my opposition to the proposed rezoning, SAPFY2023-0001 Application, and construction of a multi-story apartment complex on River Club fairways 10 and 11.

It has been my privilege to reside at 6293 N Fair Oaks PI for the past twenty five years. During that period the family enjoyed tranquility, scenic views of seasonal foliage, and an occasional visit from wandering deer. Additionally, it was my pleasure to use the golf course as a playing guest or member since 1960. During this same period of time I observed our local communities being inundated by multi-story apartment complexes resulting in significant traffic congestion, compromised quality of life, and disappointed home ownership near the commercial rental development.

I can understand the logic, commercial value and reasonableness of an entrepreneur making an effort along State street. However, to include 22.68 acres extending immediately to occupied residences is inconsistent with reasonable standards.

I respectfully ask you to deny approval of any effort to rezone or allow construction of an apartment complex on the 11th hole of the golf course for the following reasons:

1. Deterioration of quality of life,
2. Reduced property values.
3. Increased traffic congestion.

Sincerely,


Lawrence and Peggy Campbell

6293 N Fair Oaks PI
Boise, Idaho 83703

Email: blackben488@gmail.com

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Kathleen Klokke Date April 18, 2023

Your Physical Address: 3490 Plantation River Drive Boise, Id 83703

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No

Email: mkklokke3@gmail.com

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

see attached letter

Signature:

M Kathleen Klokke

M. Kathleen Klokke

3490 Plantation River Drive
Boise, Idaho 83703
(208) 412-9445

April 18, 2023

To :

Garden City Mayor, John Evans

Garden City Council Members: Teresa Jorgensen, Russ Heller, Bill Jacobs, James Page

Regarding: Residences at the River Club Zoning variance application

I am contacting you to voice my opposition to the proposed development for the Residences at the River Club and request that you deny the related zoning variance application. As a resident of the Plantation Master HOA I will be directly impacted by this development.

This development will have a negative impact on the tranquility and quality of life offered currently by my subdivision. The proposed density and proposed building heights are a radical change from the current standards and are not compatible with the surrounding neighborhoods. If each of the proposed 750 housing units have two residents, the total population of 1500 will rival that of many small Idaho communities. What is now a quiet residential area will now be flooded with additional people.

The proposed number of parking spaces is inadequate and those residents will be accessing street parking within our subdivision where the HOA regulations require its residents to park within their own garages and property. I personally own three apartment buildings in the Veteran's Park Neighborhood and at today's rental costs, most of the units are occupied by several singles living together, or couples each person owning a vehicle.

Traffic along State Street will be greatly impacted by additional car trips. State Street already has a high rate of traffic accidents and it is the only viable route to the downtown area. The loss of open green space and views of the foothills will directly impact the existing home owners who purchased homes in this area for its very existence.

A main purpose of zoning regulations is to provide some structure and sense of permanence property owners can depend on to remain in place so that purchase decisions can be made. To approve such a radical change in zoning restrictions is not fair to existing home owners who made good faith purchase decisions based on the current regulations.

Sincerely,



Kathleen Klokke

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Susan Hale Date 4-17-23

Your Physical Address: 1308 W White Sands Dr.

(Please select) I wish to be kept informed of any additional future meeting dates:

☐ Yes

☐ No Email: _____

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Signature: _____

Susan Hale

SAPFY2023-0001 – SPECIFIC AREA PLAN

NAME: VIRGINIA MORRIS

DATE: APRIL 17, 2023

ADDRESS: 4636 SAVANNAH LANE, GARDEN CITY, ID 83714

I wish to be kept informed of any additional future meeting dates by email at stacey4625@msn.com

I OPPOSE the request.

Comments:

Homeowners are being subjected to fear-based pressure tactics that the entire golf course will be developed if we oppose this SAP. And yet, neither Lincoln Property Company nor Glass Creek will provide a written guarantee that they will not propose more development beyond the current 22.6 acres that is necessitating this SAP request.

Past subdivision developers around the golf course have been held to the current R-2 zoning. The norm for apartments and townhomes in and around Garden City is two-story, occasionally 3-story, and rarely a four-story unit. But, these developers are proposing high-density four to five story rental apartments and three-story townhomes. The visual impact (see photos below) as well as the social and economic infrastructural impacts are obvious. In addition, the owners have oversold River Club memberships and increased fees making it more difficult to access its recreational services. Where will the influx of all the new residents go for leisure activities? The green belt and foothills are already affected by overuse.

In conclusion, the developers purchased the property knowing its current zoning. They should not be allowed to increase their profits by using threats of golf course dissolution vs the lure of golf course improvements or greater tax revenues to persuade residents, club members, and city officials to support this SAP. If local government approves this request, the investors' indisputable profit-motivation will be the beginning of the end of not only the golf course but also of the last remaining green space in Garden City.



Virginia Morris

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan
Your Name LIZ LANVIN Date 4-17-23
Your Physical Address: 471 N. HILTONHEAD ST.

(Please select) I wish to be kept informed of any additional future meeting dates:

☐ Yes

☒ No

Email: _____

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Signature: _____

Liz Lanvin

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Lu Northrup Date APRIL 17, 2023

Your Physical Address: 829 Steeple View Dr, Eagle, ID 83616

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No Email: _____

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Signature: Luella Northrup

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Gary Crupper Date _____

Your Physical Address: 3324 N 39

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No Email: _____

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Signature: Gary Crupper

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name JOAN LANG Date 4/17/23

Your Physical Address: 5968 W. ASHVILLE LN GARDEN CITY, ID

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No Email: _____

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Too dense, too much traffic, noise,
removing trees

Signature:

Joan Lang

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name June Knowlton Date 04/17/2023

Your Physical Address: 5980 W. Ashville Ln.

(Please select) I wish to be kept informed of any additional future meeting dates:

☐ Yes

☐ No Email: _____

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Too much extra traffic! Already too much!
Don't ruin our beautiful golf course.

Signature: June Knowlton

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name CAROL CRUPPES Date 4-17-23

Your Physical Address: 3324 N 39th

(Please select) I wish to be kept informed of any additional future meeting dates:

☐ Yes

☐ No Email: _____

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Signature: Carol Crupes



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4/17/23

PLEASE PRINT LEGIBLY

Name: JASON M. DOBIS

Physical Address (City & State of residence, not PO Box):

4750 SAVANNAH LANE.

GARDEN CITY, ID. 83714

E-Mail: JASONMDOBIS@GMAIL.COM

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you wish to be an interested party? X Yes ☐ No. If yes, email must be provided above.

Choose one: X Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No X

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Garden City would only Benefit from this development as it would be a premiere destination community in the city bringing significant revenue. The group of homeowners opposing this development do not speak for us all and are more danger to the neighborhood's future than the development!

[Signature]
Written Signature (only if not testifying)

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Hildegunde Meyer Date April 16, 2023

Your Physical Address: 3523 N Plantation Ridge Dr

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No Email: _____

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

I oppose the 750' High Density Units +
mixed use spaces along 2nd Street.
This is a wooded green space area - the
loss will be forever.

Signature: _____

Hildegunde Meyer

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name LAVERNE Thatcher Date 4-16-23

Your Physical Address: 3812 N. Bayou Lane, Boise, ID 83703

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No Email:

thatcherlv@MSN.com

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

The Auto congestion will be a Nightmare!
Especially for 820 Units!

820 Units times 2 Vehicles = 1,640 Vehicles!

Signature: Laverne V. Thatcher



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

Agenda Item # or name: **SAPFY2023-0001**

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Date: 4-16-2023

PLEASE PRINT LEGIBLY

Name: Sheryl Scott

Physical Address (City & State of residence, not PO Box):

4750 Savannah Ln
Garden City, 83714

E-Mail: sheryl.scottinc@gmail.com

Voluntary Information		
Please check the following boxes if applicable:		
<input type="checkbox"/>	American Indian or Alaskan Native	
<input type="checkbox"/>	Asian	
<input type="checkbox"/>	Black or African American	
<input type="checkbox"/>	Hispanic or Latino	
<input type="checkbox"/>	White	
<input type="checkbox"/>	<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> Female
<input type="checkbox"/>	Disabled	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Do you wish to be an interested party? ☐ Yes ☐ No. If yes, email must be provided above.

Choose one: ☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? Yes ☐ No ☒

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

This is a large Benefit for the Entire City
of Garden City. Maintaining a historic golf course &
also adding amenities for all. Much needed
renew housing, Entertainment, food. all add
to the enjoyment of all citizens

Sheryl Scott

Written Signature (only if not testifying)

Public testimony is limited to 3 minutes. To reduce repetitious testimony, and best utilize your time to provide testimony we have provided a checklist of items that have been brought up through written testimony. The decision makers will be provided with this checklist.

The following is a summary of opposition that have been noted by the public. Please indicate which concerns you agree with by checking the below:

- ☐ Assurance that the golf course open space will be preserved
- ☐ Density
- ☐ Height
- ☐ Massing
- ☐ Lack of open space
- ☐ Overflow parking within adjacent neighborhood
- ☐ Public access to adjacent neighborhood
- ☐ Spot Zoning
- ☐ Traffic
- ☐ Wildlife
- ☐ Property value reduction
- ☐ Renters are not invested in their community
- ☐ Inability of existing services to accommodate proposal
- ☐ Incompatibility of proposed homes with existing homes
- ☐ Public access to N. Fair Oaks Place
- ☐ Increased presence of dogs
- ☐ Liability to golfers for errant balls
- ☐ Noise
- ☐ Crime
- ☐ The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public. Please indicate which points that you agree with by checking the below:

- ☒ Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space.
- ☒ The plans are thoughtful
- ☒ Increased property value
- ☒ Those who are opposing are a small but vocal group
- ☒ Lincoln's portfolio includes some of the finest developments in the US and Europe
- ☒ There is capacity for traffic on State Street
- ☒ The proposal facilitates adequate parking

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March 15, 2023

City of Garden City

Mayor John Evans

Members of City Council

Members of Planning & Zoning

I am writing to urge your approval of Lincoln Property Co's application for rezoning that will come before you in the coming weeks.

We recently bought and are remodeling a home on Savannah Lane adjacent to the number one green. We did this with anticipation and excitement that the development plans of Will Gustafson and Lincoln Property Company will bring to Garden City and the River Club community.

Development is inevitable and is part of the improvement of many areas along State Street and within Garden City.

What I am concerned will happen, however, is that the naysayers will have a louder voice and jeopardize the future of the golf course by bringing legal action against Will and the development of the property. With some statements made in previous meetings such as **we represent more than 100 homeowners is an out right lie.**

Should Will Gustafson have to pay for a costly legal defense, he may feel he has no alternative but to sell the property to another developer who will not keep the golf course and will cover the property with rooftops. Living near a three-story multifamily building is far superior to losing the course. In addition our home values would decrease without the project.

Garden City would only benefit from this development as it would be the premiere destination community in the city bringing in significant revenue.

The plans shared with members show thoughtful development and Will himself has championed a few changes important to many of us, such as reducing the proposed height of the buildings near the existing neighborhood.

The group of homeowners opposing this development do NOT speak for us all and are more of a danger to the neighborhood's future than the development.

Again, please approve Lincoln Property's application for rezoning when it comes before you.

Sincerely,

The block contains two handwritten signatures in black ink. The signature on the left is 'Sheryl Scott' and the signature on the right is 'Jason M. Dobis'. Both are written in a cursive, flowing style.

Jason M. Dobis and Sheryl L. Scott

Kena Champion

From: planning
To: Jenah Thornborrow
Subject: RE: Plantation Second Comments/ SAPFY2023-0001

From: Dave Leroy <dave@dleroy.com>
Sent: Monday, April 17, 2023 5:41:07 PM
To: Lisa Leiby <lleiby@GARDENCITYIDAHO.ORG>
Cc: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>; johnliving13@gmail.com <johnliving13@gmail.com>; 'Bob Schmellick' <bobschmellick@gmail.com>; 'Dave Patterson' <dpatterson65@msn.com>
Subject: Fw: Plantation Second Comments/ SAPFY2023-0001

DEAR MADAM CLERK AND COUNSELOR: PLEASE FIND THIS OFFICE'S ADDITIONAL COMMENTS ON BEHALF OF OUR CLIENTS ON THE ABOVE MATTER.....WE DO INTEND TO TESTIFY AT THE P & Z COMMISSION ON THE 27TH.....REGARDS, DAVE

From: Davalee Davis <davalee@dleroy.com>
Sent: Monday, April 17, 2023 5:25 PM
To: Dave Leroy <dave@dleroy.com>
Subject: Plantation Second Comments

SECOND SET OF COMMENTS TO THE GARDEN CITY COUNCIL VIA THE GARDEN
CITY PLANNING AND ZONING COMMISSION ON THE PROPOSED RIVER CLUB SAP
APPLICATION FILE: SAPFY2023-0001

Planning and Zoning Hearing Session - April 27, 2023

I.

FURTHER INTRODUCTION

This Memorandum adopts, incorporates, updates and supplements the prior submission of comments dated February 15, 2023, made by this office on behalf of our clients Dr. John and Lynn Livingston, 6273 North Fair Oaks Place, Bob and Recí Schmellick of 6253 North Fair Oaks Place and Dave and Jeanne Patterson of 6326 North Charleston Place, Garden City, Idaho 83703.

These “Objectors” created a website at “preserveplantation.com” and have been at the forefront of expressing the very serious concerns of the neighborhood residents who perceive that they will be greatly affected by the proposed “massive” development, as illustrated by their passout flyer attached hereto as Exhibit “1.”

The diagram on the flyer well illustrates how the particularly challenging to them is the so-called “Phase 3” of up to 260 units, some predicted at 5 stories high, contained within an approximately 8.6 acre peninsular-shaped real property appendage, which has neither State Street frontage, nor direct public access, and which projects directly toward and into the established R-2 neighborhood of family and retiree-couple homes. The pending and inevitable conflicts created by this area, should this SAP be authorized as proposed, are easily foreseen and characterized by the Objectors as problematic “Points to Consider” on the bottom section of flyer.

These neighbors were most conciliatory, even supportive, of Mr. Gustafson’s original, exploratory proposals to develop townhouses or other appropriately sized structures within the footprint of the tenth golf hole, fronting directly on State Street. They remain personally friendly with Mr. Gustafson. However, the transfer of this real estate to the large, corporate, out of state developer and the consequential explosion of the size, scope, unmanageable, inadequately-addressed and readily foreseeable impacts on the existing Plantation Subdivision neighborhood and State Street has challenged and changed that original support into a fearful and energetic opposition, as again expressed herein. Apparently at some point well after the original discussions about this project, some person at Lincoln Property Company decided to seek 50% more profit by adding Phase 3 to the SAP, invoking predictable and significant negative consequences upon all surrounding interests.

II.

THE OWNERSHIP AND LEGAL STANDING OF THE
APPLICANT STILL REMAIN CONFUSING

Our original comments raised this point as to the somewhat confused or convoluted relationship between the listed applicant “LB River Club Owner, LLC.”, and the purported title holder, Lincoln Property Company. The City must, within its record of application be sufficiently clear on party in interest standing to proceed with lawfully valid hearings and actions. Presumably, this has covered by the City Attorney. However, as to this issue, my clients have noted and do endorse the letters and attachments of their fellow concerned neighbor, Ronald E. Bush of 3695 N. Gramarcy Lane, dated March 7, 2023 and supplemented April 10, 2023 as to this alleged defect. This issue will be relevant as to any subsequent appeal.

III.

THE CITY SHOULD NOTE THE FAILURE OF THE DEVELOPER TO COMPLY WITH THE PROHIBITION AGAINST FURTHER SUBDIVISION PROVISION CONTAINED IN THE NEIGHBORHOOD HOMEOWNER’S ASSOCIATION MASTER DECLARATION

Point IV, on pages 3-5 of our original Comments developed and presented this issue for the City. In response, the Developer’s Counsel Joann Butler, posted the following text on the advocacy website of the “Save Plantation Group”:

“The Master Declaration of the Plantation is not binding on the Application’s subject property. Even if it was, which it is not, as acknowledged by the Objectors and their attorney, private restrictive covenants have no authority in connection with the City’s review of an application under the City’s rules and regulations. Any reference to private restrictive covenants has no bearing on the City’s public review of the Application. The Applicant expects that the City will review the Application according to the public process without reference to private restrictions.”

These Objectors are unaware of any proof or response from the Developer which shows that the Declaration is “not binding on the Application’s subject property.” We have asked to receive it and nothing has been received in return. As noted before, the only entity exempted from the ‘No Lot or Common Area . . . may be further subdivided . . . by the Owner thereof’ provision of Section 5.16.B of these CC&Rs was the original Grantor, “Plantation Development, Inc.” As previously noted, the golf course area, including the threatened four holes, are both “open space” and “Lot 1” in the CC&Rs and the associated maps. Other Master Declaration limitations which protect neighborhood owners are also implicated.

Therefore, these Objectors restate to the City that we believe that an Applicant, without an unfettered real property right to accomplish the project proposed on a particular parcel, should not be considered a lawful applicant entitled to invoke the City’s application review and approval mechanisms as to this zoning charge or any subsequent such development.

Seeking pre-approval clarification from your staff as to this allegation seems also directly relevant under the City's required review and finding requirements of Garden City Code Section 8-6B-4(E)(2)(6) which provides:

“THE PROPOSED USE(S) AND DEVELOPMENT OF THE
SUBJECT PROPERTY SHALL BE APPROPRIATE FOR
THE LOCATION, THE LOT AND THE NEIGHBORHOOD”

With all due respect to the opinion of Ms. Butler stated in full above, when the Master Declaration issue is legitimately framed, these Objectors urge that the City and its planning staff do have a duty to inquire, report and resolve the apparently preventative conflict, as required by City Code. The SAP is not appropriate at this site.

IV.

THE APPLICANT AND ITS AFFECTED NEIGHBORS ALSO STILL
DISAGREE ON THE ISSUE OF WHETHER THIS PROPOSED SAP AT THIS SITE
CONSTITUTES IMPROPER “SPOT ZONING” UNDER IDAHO LAW

We reside peacefully in an upscale, single residence, well developed, highly desirable, R-2 zoned neighborhood located on the only golf course green space in Garden City. Beginning with the definition issued to you by your own City Attorney Charles Waddams, in November of 2020, as this project was stirring, our Comments of February 15, under, Point III, pages 2-3. cautioned that your Comprehensive Plan diagram must be consulted. That the elimination of a Future Land Use Map area still currently designated as a site for “Future Parks/Open Space” and “Green Boulevard Corridor” by a small, localized and inconsistent zoning area, to confer unique benefits upon a single developer, at the expense of negative impacts to the neighbors, could constitute “Type Two” spot zoning under Idaho case law.

To this argument, Ms. Butler, for Lincoln Property Company has posted a rebuttal:

“The Applicant's consultants were actively involved in the public hearing process surrounding the 2019 and 2021 updates to the Comprehensive Plan. With the Application's narrative we have provided the Commission with an overview of how the Application is firmly based on the guidance of the City's legislatively-adopted Comprehensive Plan.”

It is true that the Applicant attempted to foreshadow the smaller, more palatable versions of this project by Comprehensive Plan changes during a series of interactions with the City beginning as long as four years ago. However, nothing about those general textual language alterations pre-authorized a massive development at this location dropped into the middle of the City's only golf course and a peaceful residential neighborhood. Significantly, is noted the area

mapping apparently has not been changed to eliminate the golf course as green, open space. Ms. Butler directs us, in her reply, to consider “Tab 3, pages 1-14 of the Applicants narrative for this Application” which she asserts “provides an extensive analysis of all the rezone Findings required by Garden City, especially in connection with consistency with the Comprehensive Plan.” The very general language and conclusory statement contained therein do not absolve the obvious conflict with the Maps and Plan

At one time, there may have been a concordance between what was preliminarily envisioned, mutually by the City and earlier developers, but the Lincoln Property Company plan presented in SAPFY 2003-0001 no longer represents such consistency. In these Objectors’ views, to the contrary, many of the required code findings now illustrate conflict and contrast to the letter, spirit and intent of the Garden City Comprehensive Plan, as amended, rather than attest to “consistency” bringing Type II, Spot Zoning squarely into play, as follows:

For example, consider these issues:

1. Goal No 2: “Improve the City Image” There are no extant design details for this massive project. It’s true image is unknown.
2. Goal No. 3: “Create a Heart for the City” The “North of the River” heart of Garden City already exists in the R-2 neighborhood known as Plantation with its Riverside golf course.
3. Goal No. 4: “Emphasize the Garden in Garden City” - Destroying 22 acres of green space makes this an unlikely claim.
4. Goal No. 5: “Focus on the River” - The focus of this SAP will be and is State Street. Sadly, the focus of Phase 3 is North Fair Oaks Place, forcing neighborhood conflict.
5. Goal No. 6: “Diversity in Housing” Of course this proposal will offer housing choices and density not already extant along State Street. However, the pursuit of “diversity” should not authorize either an excess of “density” nor be allowed to impair the quality of life for a long-existing, well settled R-2 neighborhood.
6. Goal No. 7: “Connect the City” This SAP connects nothing but State Street and potentially, over our strenuous objections, North Fair Oaks Place to the detriment of those who wish not to be connected.
7. Goal No. 8: “Maintain a Safe City” Large, concentrated apartment complexes do not traditionally reduce crime or otherwise enhance safety for a community.
8. Goal No. 9: “Develop a Sustainable City” Adding one more bus stop at a State Street site where a massive development has sprouted should not characterize this SAP as

environmentally friendly. The estimated new traffic count discussed below belies that claim.

9. Goal No. 10: “Plan for the Future” The existing R-2 neighborhood, unfettered by this SAP has many years of viable future quality of life to offer its current denizens. The SAP is disruptive of the present and promises a chaotic future in numerous particulars. These Objectors adopt and refer the city the various correspondence of neighbor Debra Reidel 6570 West Plantation Lane submitted November 7 and December 30, 2022 and February 3 and 24 for many examples of these factual and legal conflicts.

Per Idaho case law, this SAP foreshadowing massive and preceeding development on current and future open space, thrusting Phase 3 into a developed R2 neighborhood is readily discernable as Type II spot zoning.

At page 12 of TAB 3 of the Application, the Developer promises that the height and scale of the SAP will be “compatible with the existing neighborhoods and which compatibility will be fully vetted with the design review professionals at the City.” At noted above, this alleged compatibility, is illusory when measured fairly and from the R-2 neighborhood perspective. Likewise, as discussed in Point VIII below, leaving the final design and resolution of the inevitable conflicts under the authority of the “design review professionals” is an abandonment of both traditional Commission and Council duties and the neighbor’s rights.

V.

THE ELIMINATION OF THE OPEN SPACE ON GOLF COURSE HOLES 10, 11, 7 AND 8 WOULD ALSO APPEAR TO RAISE FLOOD PLAIN ISSUES FOR BOTH THE NEW UNITS AND WE EXISTING NEIGHBORS

At page 7, Point IX of our prior Comments, the Objectors discussed the still-then developing sewer and water connection plans for the SAP District site. Since that time, we note that Garden City has issued a conditional “will serve” utility letter as of June 25, 2022, assuming an intended connection to the adjacent Boise City system. As far as we are aware, however, no similar letter exists from the Boise City sanitary sewer collection system to confirm either existing or future capacity for the approval of a viable connection. The Applicant is responsible for confirming both adequate sewer capacity and the existing system depth at that location. Apparently, that has not been done.

Of even more gravity, however are the Boise River Flood Plain issues which appear to be completely-unaddressed as to both the low-lying neighbors and the proposed construction site, except for this single Section in the SAP Application at Tab 3, page 10:

“A portion of the Residences at River Club will lie on the northern fringe of the Boise River 100-year floodplain approximately 1/4 mile from the Boise River. As stated in the “Natural Hazard and

Resource Analysis Report,” on file with the City, proposed structures will be elevated above the base flood elevation in accord with the City’s Flood Hazard ordinance.”

This appears to be an inaccurate or incomplete statement, especially as to the most objectionable Phase 3 of the SAP. All of that entire approximately 8.6 acres seems to lie within that 100-year flood plain boundary as viewed in the 2017 FEMA Proposed Floodplain Revisions Map, as consulted by the Objectors. The Natural Hazard Report referred to by Ms. Butler contains only one, four sentence, generic paragraph under the title “Floodplain,” leaving many development issues unaddressed.

For example, upon information and belief, some areas of the golf course can receive with some regularity, the overflow or Springtime flood waters from both the high stage Boise River and some runoff from the North End and Foothills areas of Boise via what the Application characterizes as an irrigation system “drain.” Most recently in 2017, this occurred as shown in the attached photo, Exhibit 2. In fact, much of the golf course area would seem to meet the technical federal definition of “Flood Fringe.”

If said water can no longer use the low-lying portion of the golf course acreage as a Spring runoff catch basin, some of said overflow will naturally be displaced back toward the existing lowest-elevation neighborhood lots more adjacent to the River, increasing the flooding potential of those homes. The elevation of new building sites, as is also proposed for Phase 3 sitting immediately adjacent to our homes, is most concerning.

These Objectors suggest that the FEMA 2017 Proposed Floodplain Revisions map and the requirements for Community Floodplain Development issued by that Agency may require that this 22 acre river-adjacent area should have a far more careful analysis of this issue than the mere assurance that “the proposed structures will be elevated.” Compensatory storage issues for the potential water displacement by these “elevations” would seem to be warranted.

Of note also, is that the 2017 FEMA proposed map amendments made floodplain additions within both this back-nine area of the Golf Course and extended the new area of the 100 year Flood Plain into the condominium, townhouse and residential neighborhood West of the Clubhouse.

VI.

THE TRAFFIC IMPACTS, AS STUDIED, REMAIN OF SIGNIFICANT CONCERN

In our earlier Comments, Point VI pages 5-6, the Objectors alleged that the “Traffic Impacts Have Not Been Fully, Adequately Studied.”

In reply, Ms. Butler posted:

“The Objectors and their attorney are not traffic/transportation experts and have no credentials to opine as to the facts of traffic impacts, appropriate mitigation, internal circulation or parking requirements. The speculation by the Objectors is just that - speculation.”

As the Applicant suggested, we have consulted the Kittleson and Associates Traffic Impact Analysis compiled on behalf of the developer. We are not nor did we pretend to be “traffic experts.” Nor did my clients merely “speculate” into existence their statistics about State Street impacts.

The Objectors, rather than citing Kittleson directly, originally characterized the data as an “ACHD traffic study” of likely impacts on State Street. The numbers which we used, rather than speculation were these: 4945 daily vehicle trips, mitigation needed by 2026, including possible additional turn or traffic lanes, 95% probability of cars backing up and impeding traffic, and a development cap of 83% of the current proposal being necessary to avoid unacceptable traffic conditions.

It is our belief that those numbers, which we found within the ACHS website, are stated, summarized on interpreted from the original Kittleson study itself. For example, that Analysis Study at page 2 thereof, contains this sentence from which our data, in part, was drawn:

“ The Residences at River Club Development, consisting of up 750 multi-family units, approximately 15,000 square feet of retail uses, and approximately 15,000 square feet of restaurant uses is estimated to generate a total of approximately 4,945 daily trip ends.”

Please note that the daily trip count criticized by the Applicant, when used by us, is drawn from their own expert’s report.

The Objector’s common-sense points as to traffic are these:

1. This massive development will introduce daily a huge number of cars onto already very crowded State Street from an area that now produces zero trips.
2. Phase 3 of the Project has NO direct State Street access and should not be included as a permitted appendage, angling away from the arterial. It also does not appear to have adequate internal access and circulation toward State Street through the rest of the SAP’s conceptual development’s layout.
3. Phase 3 of the Project obviously and directly also threatens the existing neighbors and neighborhood, if not cancelled, by compelling, under traditional development standards, several forms of direct access connections and traffic through North Fair Oaks Place. Contrary to our wishes, the following experts

and reports, as found in the record of this Application recommend it exactly that, as follows

1. CITY'S CONSULTANT - DEREK HURD IN FEBRUARY 2023 STATES:

"Add bike and pedestrian connection to N. Fair Oaks Place for important greenbelt connection to N. Fair Oaks Place for important greenbelt access for recreation work and school commuting and safety?"

"Consider vehicular access from east stub to North Fair Oaks for access to signalized intersection"

2. THE DESIGN REVIEW REPORT 2-24-23 BY BRETT LABRIE, ARCHITECT OFFERS:

"Pedestrian and bicycle connectivity should be required at the connection of North Fair Oaks Place to the East sub district"

3. A BOISE CITY PLANNING AND DEVELOPMENT LETTER 3-15-23 PROPOSES:

"Include a public easement and a paved pedestrian and bicycle pathway . . . to connect with Fair Oaks Place, as proposed in the original application a safer and more comfortable pathway link to access . . . far safer"

4. THE STAFF REPORT PAGES 9-10 STATES THAT DURING THE FEBRUARY 21, 2023 CONSULTATION, PROPOSALS INCLUDED:

"Fair Oaks needs to be connected for purposes of bicycle and pedestrian connectivity"

"Consider motor vehicle access to Fair Oaks, pending ACHD's review"

5. THE APPLICANTS RESPONSE WAS:

"ACHD discourages the connection of two public roads, State Street and N. Fair Oaks" with a private road (ACHD policy 7212.2)

"Applicant has met with ACHD and advised ACHD that will address this issue in its recommendations to Garden City"

6. AS OF THIS DATE, NO ACHD REPORT ON ACCESS ISSUES AND REQUIREMENTS HAS BEEN RECEIVED.

7. THE FIRE DEPARTMENT WILL REQUIRE ACCESS TO PHASE 3 FROM NORTH FAIR OAKS.

No expert's report is necessary to perceive that this massive SAP, as proposed, particularly with the Phase 3 appendage, is a traffic problem on every front. From a neighborhood objection to traffic point of view, if the SAP is to proceed, it should be "right-sized," not oversized, with Phase 3 entirely eliminated.

VII.

THE SAP WILL IN FACT FORCE GREENBELT ACCESS THROUGH THE NEIGHBORHOOD, IF PHASE 3 IS ALLOWED

These Objectors appreciate and acknowledge the Applicant's proffered position on this issue, as posted by Mr. Butler:

"The Applicant has worked diligently with its neighbors on Fair Oaks Place who have voiced their concern that a pedestrian and bicycle connection not be made to Fair Oaks Place. The Applicant supports its neighbors' position and no such connection is shown in the Application."

However, as noted above, if Phase 3 is allowed, pedestrian, bicycle and even some forms of vehicular access will inevitably be forced upon the neighborhood, the Applicants preliminary designs and modest assurances notwithstanding. However, if Phase 3 goes away, then the next statement offered by Ms. Butler can perhaps become an operative reality:

"Both the Applicant (and we assume its neighbors) support bikes and pedestrians continuing to access the Greenbelt using the existing designated bikeway at Plantation River Drive and the planned multi-purpose pathway on State Street."

Even if each of the occupants of this huge development, when seeking river recreation were to proceed two thirds of a mile East on State Street, before walking, biking or driving South on Plantation River Drive, the City must conclude, as we previously noted and demonstrated in our earlier Comments, Point VII, page 6, "The SAP in fact has no adequate public access to the Greenbelt through the neighborhood." The lack of off-street parking and the location and design of the long, narrow, hard to find pathway are inappropriate to service hundreds of people, without creating major conflicts within the adjacent neighborhood.

VII.

THE SAP PROCESS IS NOT RIGHT FOR A MASSIVE DEVELOPMENT THRUST INTO

AN EXISTING NEIGHBORHOOD

At page 5, Point V, the Objectors previously attempted to ask the Commission and Council to retain the regular planning and zoning review process over any development at this site, rather than to create an SAP which pushes the majority of future planning detail to a “design review consultant,” leaving affected neighbors with only appeal rights to the Commission and its Council. On these points and others we also direct the City to the March 3, 2023 letter of our neighbor Andrea Fogleman 6420 West Plantation Lane. No design review consultant, however expert and well-intended, can sort through and balance the conflicts which this, as proposed, over-sized and under-detailed SAP concept will bring to this neighborhood. These concerned citizens of Garden City deserve the customary full protection of regular notice and hearing processes to preserve their quality of life. After the fact appeals presented to you on a minimal record will not be adequate to do so. It is difficult enough for the ordinary citizen to receive and react to official notices of what may come before the Commission or the Council. It is impossible to envision another such process being effective as to what the consultant may be considering on Tuesday. Likewise, it should not be lost on the City that the current SAP application itself, has no adequate level of rendering, imagery or other detail as to what may be forced into this neighborhood, such as a standard application for rezoning and construction would utilize. An SAP is wrong at this site.

Furthermore, with appendages like Phase 3, it cannot in the entirety, be justified as a transit oriented development, unique area of development or activity node. It is simply an overlarge apartment complex with frosting. To the extent that it impacts and impairs the quality of life in the sedate and well-established R-2 Plantation Neighborhood and potentially disturbs those tax paying citizens of Garden City, the SAP should be rejected.

VIII.

CONCLUSION

These Objectors, and their similarly situated friends and neighbors, including others who may also identify themselves to you by submitting independent written or oral comments, reincorporate and re-adopt and revise their February 1st comments, now offered to both the Planning and Zoning Commission and the Garden City Council, as follows:

1. Require the Applicant to Withdraw and Revise the SAP Application to comply with applicable Garden City Codes and the Comprehensive Plan and supply appropriately sufficient and compliant detail therein.
2. Suggest to the Applicant that it eliminate Phase 3 from the subsequent Application, confining its apartment, commercial and condo ambitions with lesser impact to State Street adjacent parcels and thereby eliminating or mitigating the potential damage to the adjacent established neighborhood and North Fair Oaks Place and adjacent streets..

3. Work with the Objectors to clarify and the Applicant to compel compliance with all applicable CC&Rs and utilize appropriate and existing homeowner amendment procedures to obtain neighborhood approved Supplement Declarations to define, explain and conform the planned development through the existing property owners, perhaps winning the Homeowners' Association endorsement or a collectively agreeable proposal

4. Recommend for developments of this magnitude adjacent to existing residential neighborhoods, that elected and appointed officials should retain full and traditional involvement and continuing authority, rather than delegating the same to staff-level agents and "design review consultants" via an SAP approach.

5. Ask the SAP Applicant to designate and protect the remaining golf course as an "open site area in perpetuity," utilizing a deed restriction per Garden City Development Code 8.6B, 6. A-6 and embracing the Open Space/Future Parks designation of the Comprehensive Plan maps.

In summary, neither the Planning and Zoning Commission nor the City Council can or should make the findings required under Garden City Ordinance 1018020, as amended, and Development Code Section 8-6B-6, Specific Area Plan, to approve this Application. Section 8-6B-6-E specifies that all of the six factual findings stated therein must be made. This proposal fails, as noted above and by other neighborhood comments, and in the letter of Dr. John and Lynn Livingston filed April 17, 2023, in that it:

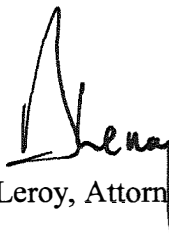
1. Is not "consistent with the city comprehensive plan, as amended, including the future land use map" . . .
2. Does not promote "the orderly planning and development of land . . .", and
3. Does not comply "with all city zoning regulations and codes in effect at the time of the SAP application."

As says the Code:

"If an application does not meet one or more of the criteria above, the application shall be denied, and the reason the application does not meet the finding or findings shall be in writing."

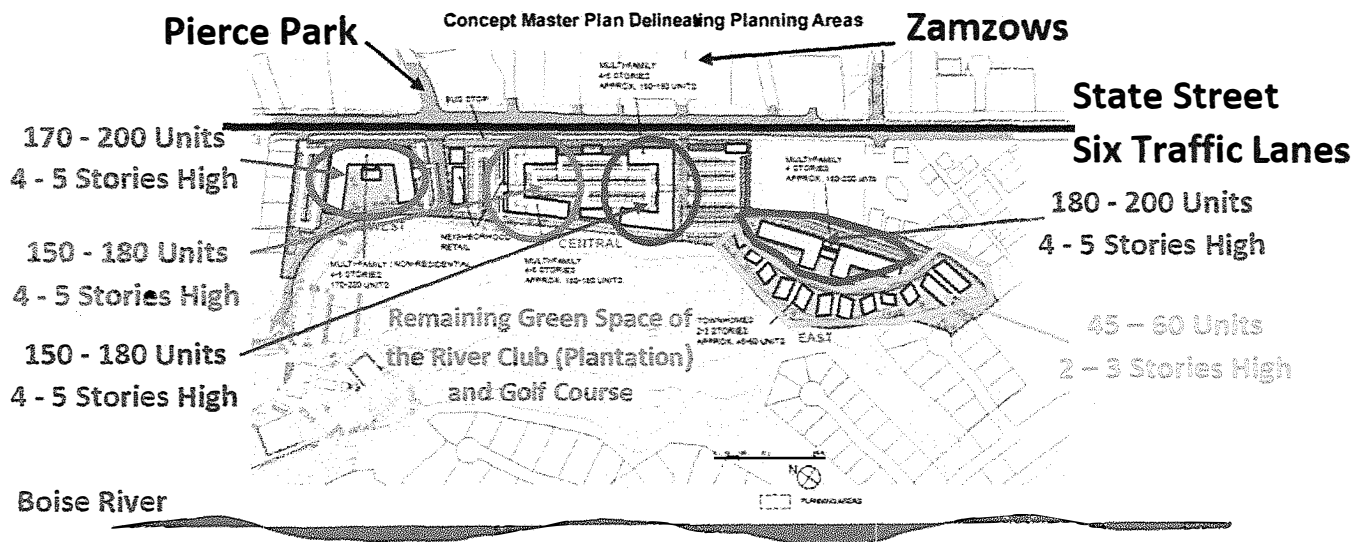
DATED This 17th day of April, 2023

Respectfully Submitted:



David H. Leroy, Attorney for the "Objectors"

Proposed: 750+ High Density Units & Mixed-Use Spaces Along State Street



A Specific Area Plan Application (SAP) has been presented to Garden City. This is a request for a change in zoning in preparation for the development of The Residences at the River Club. If approved as proposed, the development would include over 750 units in 4-5 story buildings—townhomes, apartments, and mixed-use retail. For additional information and updates please visit: www.preserveplantation.com

POINTS TO CONSIDER:

- **The proposed development is far too massive**—it will have a negative impact on the quality of life and property values of neighboring residents and businesses.
- **Proposed parking is inadequate**—overflow parking will affect neighboring businesses' parking lots and neighborhood streets.
- **Traffic and congestion**—additional car trips on State Street will increase by thousands per day resulting in safety issues for drivers, pedestrians, bicyclists, and emergency vehicles.
- **Reduction of green space**—once taken away, will not return. There will be a negative impact on the environment, the flood plain, and wildlife in the area.

Please turn the page

EXHIBIT "1"



EXHIBIT "2"

RECEIVED

APR 17 2023

GARDEN CITY
DEVELOPMENT SERVICES

To: Garden City Clerk
6015 Glenwood
Garden City, Idaho 83714

From: John Livingston and Lynn Livingston
6273 N Fair Oaks Pl
Garden City, Idaho 83703

April 17, 2023

Madam and Sirs:

This letter and enclosures therein are respectfully submitted to the Garden City Fathers to be included in the application package for the Special Area Permit (SAP) River Club Application and are in response to a letter written by Ms. Joann Butler, which was published on the Save Plantation web page on April 9th, 2023. The letter referred to on the web page as the Feb. 7th, 2023 letter was our official response on Leroy Law Office stationery that was presented to the Garden City Planning and Zoning Commission work session on Feb. 15th, 2023. Events prior to the April 9th posting of Ms. Butler's responses on the Save Plantation web page require further commentary and reply.

For the record Ms. Butler and Mr. Wadams, the City Attorney, were informed immediately after we realized our error in testimony. Mr. Leroy represents three named couples who are residents of the Plantation neighborhood. His amendment to the testimony was sent to both Mr. Wadams and Ms. Butler. They both were sent, and we believe received, the correction the same day that the error was identified. Our position has always been that Mr. Leroy has three clients that retained his services, and that we have over 100 neighbors who have expressed similar concerns. We had 71 people show up at the last P&Z meeting. Some of our biggest supporters are not clients of Mr. Leroy. They will make themselves known publicly at the appropriate time and at the appropriate meeting, and most plan on testifying.

Preserve Plantation is a registered LLC with the Idaho Secretary of State. We have a tax ID number. Both are current and up to date with the IRS and the Secretary of State.

Since Feb. 15th, 2023 we have sought clarification from the applicant on several issues:

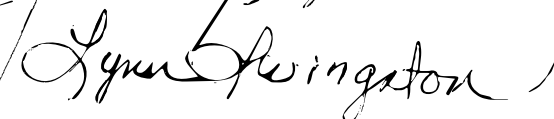
1. Is the Master Declaration Contract in affect? Why not?

2. Does the City Code for a Special Area Permit (SAP) and any proposed amendments conform to the State Special Use Permit (SUP) Statute?
3. Who owns the River Club property? Are the owner, applicant and declarant identified as being one and the same? How and by what vehicle has ownership changed and been reestablished currently? Are there any claims on the property that have been invisible up until now to the Plantation neighbors who believe that through the Master Declaration Contract such notification should be forthcoming?
4. Will you agree that the golf course holes as designed will remain undeveloped in perpetuity?

Answers have not been forthcoming.

Lynn and I were originally Will Gustafson's biggest supporters. We were reluctant to oppose the (SAP) application. When material misrepresentations were made to us regarding the ownership of the property and the scope and nature of the proposed development, and the positions of those acting as agents on behalf of Mr. Taunton and Lincoln National, we determined that we could not stand by and let outside interests determine the future of our neighborhood.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lynn Livingston", written in dark ink.

John and Lynn Livingston

DeRoy

RECEIVED

APR 17 2023

GARDEN CITY
DEVELOPMENT SERVICES

DAVID T. DEROY ATTORNEY AT LAW

COMMENTS TO THE GARDEN CITY PLANNING AND ZONING COMMISSION
ON THE RIVER CLUB SAP APPLICATION

Work Session - February 15, 2023

I.

INTRODUCTION

This office has been retained to represent a group of interested and affected River Club - Plantation Subdivision area residents numbering approximately 100 people, organized under the name "Preserve Plantation 23". (hereinafter "Objectors") The group website is preserveplantation23@gmail.com and its contact leaders are Dr. John and Lynn Livingston of 6273 North Fair Oaks Place, Bob and Reci Schmellick of 6253 North Fair Oaks and Dave and Jeanne Patterson of 6326 North Charleston Place, Garden City, Idaho, 83703

These comments, concerns and complaints are offered as constructive and corrective suggestions in opposition to the Specific Area Plan Application of the Lincoln Property Company (hereinafter "Applicant"), SAPFY2023-0001, as revised January 9, 2023. This proposal seeks the privilege of increasing density from the current R2 Zone of approximately 6 residential units per acre, to an excessive proposal of 744 housing and apartment spaces allocated between at least seventeen buildings, each of between 3 and 5 stories in height. As described below, these Objectors suggest that an SAP is not appropriate for adoption at this location upon the various details, both included and omitted, within this Application.

II.

THE OWNERSHIP OF THE PROPERTY REMAINS UNCLEAR

The Applicant lists the purported Property Owner and Applicant as "LB River Club Owner LLC" c/o Lincoln Property Company at an address in downtown Boise, with the name of "Trevor Nicoll, Sr. Vice President," and a "Jenny Pham, Vice President" at Lincoln Property Company with a Wilshire Boulevard address in Los Angeles.

There is nothing in the application or its supporting materials that directly evidences the

ownership of the Property. Ada County Assessor's records identify the "Primary Owner" (starting in 2022) as "LB RIVER CLUB OWNER LLC." In 2021, the owner is shown as "BRCP RIVER CLUB LLC," which the Idaho Secretary of State shows as a Georgia limited liability company doing business in Idaho under that name. Its Manager, according to the Idaho records, is Bay Point Advisors, LLC. The LLC and the Manager LLC share an address in Atlanta, GA. A Charles Andros signed the Idaho foreign registration as the manager of Bay Point Advisors, LLC which, in turn, is the manager of BRCP Advisors as the "Founding Partner, President and Chief Investment Officer." That firms's "investment philosophy" appears to be focused on distressed credit situations. However, the documents refer to an unrecorded June 22, 2022 "Put and Option" Agreement which also appears to pertain to undescribed rights in the same property.

III.

THE USE OF AN SAP AT THIS SITE CONSTITUTES IMPROPER "SPOT ZONING" UNDER IDAHO LAW

On November 4, 2020 when the proposed Specific Area Plan ordinance was under consideration, Garden City Attorney Charles Wadams authored a memo to the Mayor and Council which warned them to be "mindful of the spot zoning issue." At page 2 Wadams stated:

"Spot zoning can more easily be measured by the benefit provided to a particular property owner or set of owners to the detriment of comprehensive plan or public goals. If a rezoning provides special benefits to a property owner while creating negative impacts to surrounding property, spot zoning likely occurred. Spot zoning is zoning adopted in the absence of proper planning."

The Garden City Future Land Use Map currently in effect designates by color coding and site specific layout the entire River Club-Plantation Subdivision area as "Green Boulevard Corridor" and "Future Parks/Open Space." A small overlay semi-circle on State Street indicates the potential specific location of a "Neighborhood/Destination." However, a star at that same site promises planning for "Future Parks/Open Space." The Idaho Supreme Court has held that the creation of small, localized zoning areas inconsistent with comprehensive plan concepts can constitute illegal "Type-Two" spot zoning. See Evans v. Teton County, 139 Idaho 71, 73 P 3d 84 (2008), Exhibit "A" attached hereto. By Garden City Code Section 8-6B-6-E, the City authorities must specifically find that "The SAP application, as conditioned, is consistent with the city comprehensive plan, as amended, including the future land use map . . ." The Applicant contends that the Council has previously approved "this area of the intersection of State Street and Pierce Park Lane as a Neighborhood/Designation activity Node." However, this SAP application covering twenty two acres goes far beyond the intersection area and has little to do with a multi-modal transportation site on State Street. Any included small scale retail or office locations are merely an afterthought in a huge, intrusive, neighborhood-disrupting and green space-eliminating, high-density housing venture. A little used Boise City bus stop already exists at that area. As such, the Application is an adventure

in spot zoning.

Paragraphs such as the following, found in the Application at Tab 3, Page 4 are illustrative, conclusory and false:

“The Residences at River Club supports and is harmonious with the goals and objectives of Garden City’s Comprehensive Plan. The following table lists the several planning goals adopted by Garden City, which, along with the objectives and action steps supported by the Residences at River Club, will assist Garden City continue its evolution as a city committed to: (1) maintain, preserve and enhance its assets; (2) improve the community’s appearance, especially the appearance of streets and highways; and (3) build on community amenities and development potential.”

In fact, the existing open-space greenery of the golf course and the integrated and adjacent high end, low density, large lot, residential homes will be overwhelmed and conflicted with this “evolution.”

The features of this SAP at this location squarely forecast that Garden City authorities can not make the Required Findings under Garden City Development Code Section 8-6B-6-E-1 that “The SAP application, as conditioned, is consistent with the city comprehensive plan . . .” Without that finding, an SAP can not and should not be approved!

As the Code itself says:

“If an application does not meet one or more of the criteria above, the application shall be denied, and the reason the application does not meet the finding or findings shall be writing.”

IV.

THE ELIMINATION OF GOLF COURSE HOLES 10, 11, 7 AND 8 APPEARS TO VIOLATE SEVERAL MASTER DECLARATION CONTRACT PROVISIONS FOR PLANTATION SUBDIVISION RESIDENTS

At issue is about 18% of the entire golf course open area green space.

Some 17 different subdivisions have been created in the area of and surrounding the former Plantation Golf Club since adjacent land first began to be developed for residences in the 1970's. However, the same “Master Declaration of Covenants, Conditions and Restrictions,” dated February 21, 1978 has been used consistently for each such subdivision to constitute the contractual bond among purchasing homeowners and the developer-golf course owners and their successors. The Lincoln Property Company or the current actual property owner is thusly also now bound, subject

to all the conditions contained therein. The Master Declaration is made applicable to all "Open Space Areas." As far as is known to these Objectors, no "Supplemental Declaration" or amendment to the CC&Rs has been issued to authorize the planned intrusive development. Section 5.16.B provides that "No Lot, Common Area . . . may be further subdivided . . . by the Owner thereof, but excluding the Grantor." Lincoln is not the "Grantor." See attached documents Exhibit "B" The golf course area, including the four threatened holes, is both "open space" and designated as "Lot 1" in the CC&Rs and associated maps.

Section 5.17 of the Master Declaration promises residents that:

"All improvements on the Plantation shall be of such quality and nature and located so as to create a harmonious relationship between all improvements, including but not limited to structures, landscaping, lines of sight, open areas, common facilities, means of ingress and egress, etc."

Among the contractual guarantees which follow are "exclusivity and quality," "common aesthetics" "maximum enjoyment of home and neighborhood" and particularly those of Subparagraph 5. D:

"Privacy and Enjoyment. All improvements on The Plantation shall be designed and constructed in such a manner so as to promote and protect the privacy and enjoyment of the residence of each owner without detracting from the aesthetics and environment of each individual residence of the aesthetics and environment of the Development as a whole."

Section 5.18 D contains a specific restriction on:

"Business or Commercial Activity. Unless specifically permitted in a Supplemental Declaration, no Property shall be used at any time for business or commercial activity, provided, however, that the Grantor or its nominee may use any Property for model homes or real estate sales offices."

The only known Supplemental Declaration as to such activity was adopted June 5, 2002 and simply authorized home office business conduct by the occupant owners of a residence. The limitation was further codified by Architectural and Environmental Control Committee Regulations as Business Enterprise Restrictions, in paragraph 3Y, dated April 27, 2005

While not binding upon the City directly, contractual disputes and CC&R obligations between the city's taxpaying residential owners and neighborhood developers should be noted and such rights respected in planning and zoning decisions, to the maximum extent possible. Further, if Lincoln as an "owner" is legally restricted from proposing the subdivision and uses which it intends to drive into a spot zone SAP herein, it arguably is not a lawful "Applicant" under the Zoning

Ordinance.

V.

THE SCOPE OF THIS DEVELOPMENT IS TOO MASSIVE TO DO WITHOUT
CONTINUING PUBLIC SCRUTINY

At full build out, this project could increase the 12,288 population of Garden City by up to ten percent. Yet, the effect of the approval of an SAP for this area is to largely eliminate future City Council and Planning and Zoning Commission direct oversight of the implementation and all post-initial approval changes, revisions and amendments of the proposal and to place all such decisions behind closed doors with staff-only determinations made with developer-only input.

Based on recently approved changes to Garden City's Design Review process, it appears that such issues may also go to an unnamed "design review consultant."

This specific development will increase density in this neighborhood of large lot, upscale residences by up to 94% per acre. The public's involvement in continued scrutiny over evolving details and plan changes directly and through its elected and appointed officials, arguably will be entirely eliminated, as the SAP ordinance is currently constituted. Design review committee involvement is replaced by staff level-only or consultant review. Neighbors will have neither prior notice of changes nor subsequent avenue for input, as impacts are experienced or enhanced. Even if appeals are permitted, unnoticed alterations will slip past until impacts are experienced. Putting such an SAP on a major arterial roadway with existing traffic challenges and overlaying it over and projecting it into and against an existing upscale residential neighborhood will predictably cause continuing conflicts and raise all manner of issues. These should not be resolved in the backroom of City Hall at the staff level. Instead, the traditional notice, opportunity of comment, scrutiny and electoral accountability of the everyday planning and zoning process should be available to all parties as to this development. An SAP eliminates that. A more traditional rezone request, subject to the existing Garden City ordinances and process, focused solely on the State Street adjacent portion of the plans, will protect the nearby neighborhood, require the Applicant to specifically detail and then stick to what it proposes to do, and give the City continuing and regular oversight.

VI.

THE TRAFFIC IMPACTS HAVE NOT BEEN FULLY, ADEQUATELY STUDIED

More than 1000 resident vehicles may be brought to this area, some making two or more trips a day, driven by the occupants of the 722 units. As of now, the intersection redesign of State Street and Pierce Park is not fully completed. Even so, the ACHD traffic study of these impacts upon State Street indicates:

- A. The development will generate 4945 daily vehicle trips onto and out of the

project, by estimate.

B. "Mitigation" will be needed for vehicle access on State Street by the year 2026, to possibly include additional turn or traffic lanes.

C. With 95% probability, even with the mitigation, cars desiring to turn in the area of the development are projected to back up into and impede traffic lanes at six different locations.

D. Any development greater than 83% of the current proposal is unacceptable from a traffic perspective, even with all available mitigation options.

An elaborate bus stop, even if called a "future TOD transit station," does not eliminate the readily predictable automobile traffic generation which a dense cluster of housing will produce. Nor does it eliminate, even with an upgraded intersection at Pierce Park, the back up of ingress and egress-seeking vehicles. It appears that this insufficient vehicle "stacking space" will overwhelm such access during rush hours at the River Club primary access point. As discussed below, it is also foreseeable that ACHD and the applicable Fire Department authority will demand another access point, especially if Phase 3 is approved, through the existing neighborhoods to the South, most likely via North Fair Oaks Place. Furthermore, the internal traffic pattern and as-planned extremely inadequate parking within the development seems destined to inbuild other automobile related difficulties.

VII.

THE SAP IN FACT HAS NO ADEQUATE PUBLIC ACCESS TO THE GREENBELT THROUGH THE NEIGHBORHOOD

The only available route to the Greenbelt for River Club denizens is through the existing neighborhood. The Applicant promises that the residents of all 722 units will have Greenbelt and Boise River access as quality of life benefits and identifies a narrow, 137 foot long pedestrian public pathway located between two existing residences at the end of Plantation River Drive as the route for walkers and bikers. (See Exhibit "C" hereto) However, that accessibility is not a well-developed or easily located public path. It is situated all the way at the other side of the existing neighborhood with no direct connection to any phase of the SAP area. Perhaps incorrectly, the accessway is also currently posted with signage as "Private" and non-public. See Exhibit "D" hereto. Attached as Exhibit "E" is an area map which shows how ill-located and indirectly accessible said pathway would be for the many hundreds of new residents when offered to them as a promise of ready river access and greenbelt amenities. Obviously, the location and design of the path were never anticipated to handle either the non-existent on street vehicle parking or hundreds of people.

VIII.

THE IMPACTS ON THE EXISTING ADJACENT NEIGHBORHOOD HAVE NEITHER BEEN FULLY ANALYZED NOR APPROPRIATELY MITIGATED

The proposed Phase 3 is particularly intrusive and offensive to the Objectors and the Applicant's promises and projections as to impacts and protections are not sufficiently developed to comply with the City Code. This entire Phase 3 area has no state Street adjacency, is a profit-seeking afterthought, and is guaranteed to cause significant impact upon and conflict within the adjacent residences. In an attempt to mollify the existing residents to the adjacent South, the Applicants have promised that no rear entrance connection to existing roads will be sought via North Fair Oaks Place. This is an amendment to the earlier proposals which sought exactly that. In fact, agents and employees of ACHD have already been detected while conducting onsite inspections of this prospective interconnection. It is eminently predictable that the Highway District will necessarily and by code demand just such a second exit point at the Eastern terminus of Phase 3 as a condition of its development. The Garden City authorities should not inbuild such a conflict for its citizens nor should it blithely assume that ACHD and the Boise City Fire Department will not require a mandatory, typical, development and service second access as necessary.

Likewise, it is easy to anticipate that the under-designed number of parking spaces for this SAP will force overflow parking onto the adjacent residential streets of the existing neighborhoods. The conceptual design layout illustrates 1246 parking spaces. Up to 1070 may be capable of approval as designed. Some 176 spaces would apparently require vehicles to back in to primary fire or emergency access drives, and are thus suspect. This is even more concerning as the Council is just now considering and acting to downgrade its developer parking requirement to allow fewer spaces for multiple unit buildings. When confronted with the high likelihood that the insufficient number of on-site planned parking spaces will push resident, shopper and transit rider vehicles into parking on the adjacent residential streets, as agent for the development merely offers "Garden City will police that." Just as right-sized, correctly designed improvements along State Street may be proper, the Phase 3 plan is correspondingly improper and troublesome.

IX.

WITHOUT PROPERLY DEVELOPED WATER OR SEWER PLANS, THIS PROPOSED HIGH DENSITY SAP LOCATION IS PREMATURE

Upon information and belief, as far as the Objectors can discern from the existing record, the issues of water access and sewer planning, which typically precede development, remain unaddressed for this proposal. In their conditional will serve letter, Garden City has recommended that the Applicant contact Boise City about possible sewer and water access. If this is so, particularly where the significant density construction is within or adjacent to the Boise River Flood Plain, those elements should be a clearly demonstrated feasibility before any such SAP site is planned at River Club. A formal confirmation of sewer and water "ability to serve" has not been issued. The

Objectors look forward to receiving and reviewing this data before, not after, either a zone is sited or further progress is initiated.

X.

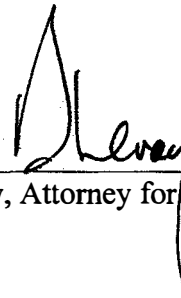
CONCLUSION

For each and all of the above stated reasons, the Garden City Planning and Zoning Commission should:


1. Require the Applicant to Withdraw and Revise the SAP Application to comply with applicable Garden City Codes and the Comprehensive Plan and supply appropriately sufficient and compliant detail therein.
2. Suggest to the Applicant that it eliminate Phase 3 from any subsequent Application, confining its apartment, commercial and condo ambitions with lesser impact to State Street adjacent parcels and thereby eliminating or mitigating the potential damage to the adjacent established neighborhood.
3. Work with the Objectors to clarify and the Applicant to compel compliance with all applicable CC&Rs and utilize appropriate and existing homeowner amendment procedures to obtain neighborhood approved Supplement Declarations to define, explain and conform the planned development through the existing property owners.
4. Recommend to the City Council for developments of this magnitude adjacent to existing residential neighborhoods, that elected and appointed officials should retain full involvement and continuing authority, rather than delegating the same to staff-level agents and consultants via an SAP approach.
5. Ask the SAP Applicant to designate and protect the remaining golf course as an "open site area in perpetuity," utilizing a deed restriction per Garden City Development Code 8.6B.6.A-6.

DATED This 7th day of February, 2023.

Respectfully Submitted:



David H. Leroy, Attorney for Preserve Plantation 23

 KeyCite Yellow Flag - Negative Treatment
Declined to Extend by Sunnyside Indus. and Professional Park, LLC v.
Eastern Idaho Public Health Dist., Idaho App., April 28, 2009

139 Idaho 71
Supreme Court of Idaho,
Boise, March 2003 Term.

Richard EVANS and Matthew Finnegan,
Plaintiffs–Appellants,
v.

TETON COUNTY, Idaho Board Of
Commissioners, Teton Springs, L.L.C.,
Max H. Rammell and Denice K. Rammell,
husband and wife, Merrill R. Rammell
and Roberta L. Rammell, husband and
wife, Miles E. and Jessie M. Hastings
Family Trust, Kearsley Family L.L.C., and
John H. Winger, Defendants–
Respondents.

No. 27854.

June 3, 2003.

Rehearing Denied July 28, 2003.

Synopsis

Property owners petitioned for judicial review of a decision by county board of commissioners approving a planned unit development (PUD) and zoning change. The Supreme Court, Kidwell, J., held that: (1) board of commissioners did not violate comprehensive plan; (2) board did not violate subdivision ordinance; and (3) property owners could not challenge area-of-impact agreement.

Affirmed.

West Headnotes (28)

[1] **Zoning and Planning**—Review in general

For purposes of judicial review of Local Land Use Planning Act (LLUPA) decisions, a local agency making a land use decision, such as a board of commissioners, is treated as a government agency under Idaho Administrative Procedural Act (IDAPA). I.C. §§ 67-6501 et seq., 67-6521(1)(d).

9 Cases that cite this headnote

[2] **Administrative Law and Procedure**—Trial or review de novo

The Supreme Court reviews decisions under the Idaho Administrative Procedural Act (IDAPA) independently of any intermediate appellate court. I.C. § 67-6521(1)(d).

1 Case that cites this headnote

[3] **Zoning and Planning**—Decisions of boards or officers in general

There is a strong presumption that the actions of a county board of commissioners, where it has interpreted and applied its own zoning ordinances, are valid.

3 Cases that cite this headnote

[4] **Zoning and Planning**—Decisions of boards or officers in general

Whether a county board of commissioners violated a statutory provision in a zoning and planning decision is a matter of law over which the Supreme Court exercises free review.

1 Case that cites this headnote

[5] **Zoning and Planning**—Substantial evidence in general

The Supreme Court defers to a county board of commissioners' findings of fact in a zoning and planning case, unless the findings of fact are clearly erroneous; findings are not "clearly erroneous" so long as they are supported by substantial, competent, although conflicting, evidence.

EXHIBIT "A"

[6] **Zoning and Planning**—Right of Review; Standing

Landowners were "affected persons" with standing to challenge zoning decision of county board of commissioners, where they lived near proposed development site, and their property would be adversely affected by development. I.C. § 67-6521(d).

7 Cases that cite this headnote

- [7] **Zoning and Planning**—Comprehensive or general plan

A comprehensive plan is not a legally controlling zoning law, but serves as a guide to local government agencies charged with making zoning decisions.

1 Case that cites this headnote

- [8] **Zoning and Planning**—Conformity of regulations to comprehensive or general plan
Zoning and Planning—Conformity of change to plan

The statutory requirement that a zoning ordinance be “in accordance with” comprehensive plan does not require zoning decisions to strictly conform to the land-use designations of the comprehensive plan; however, a board of commissioners cannot ignore its comprehensive plan when adopting or amending zoning ordinances. I.C. § 67-6511.

1 Case that cites this headnote

- [9] **Zoning and Planning**—Modification or amendment; rezoning

Whether approval of a zone change is “in accordance with” the comprehensive plan is a question of fact, which can only be overturned when the factual findings supporting the zone change are clearly erroneous. I.C. § 67-6511.

- [10] **Zoning and Planning**—Conformity of regulations to comprehensive or general plan
Zoning and Planning—Conformity of change to plan

The governing body charged with making zoning decisions “in accordance with” a comprehensive plan must make a factual inquiry into whether requested zoning ordinance or amendment reflects the goals of, and takes into account factors in, the comprehensive plan in light of the present factual circumstances surrounding the request. I.C. § 67-6511.

- [11] **Zoning and Planning**—Spot zoning

A claim of “spot zoning” is essentially an argument that a change in zoning is not in accord with the comprehensive plan.

3 Cases that cite this headnote

- [12] **Zoning and Planning**—Spot zoning

Type-one spot zoning may simply refer to a rezoning of property for a use prohibited by the original zoning classification; the test for whether such a zone reclassification is valid is whether the zone change is in accord with the comprehensive plan.

2 Cases that cite this headnote

- [13] **Zoning and Planning**—Spot zoning

Type-two spot zoning refers to a zone change that singles out a parcel of land for use inconsistent with the permitted use in the rest of the zoning district for the benefit of an individual property owner; this type of spot zoning is invalid.

3 Cases that cite this headnote

- [14] **Zoning and Planning**—Conformity of change to plan

County board of commissioners did not violate county comprehensive plan by granting developers a zoning change; commissioners took into consideration impact on water quality, wildlife habitat, riparian systems, traffic, public utilities, schools, health-care providers, wastewater management, and many other issues related to comprehensive plan. I.C. § 67-6511.

- [15] **Zoning and Planning**—Substantial evidence in general

The Supreme Court must affirm the findings of a county board of commissioners in a zoning and

73 P.3d 84

planning decision if they are supported by substantial, competent, although conflicting, evidence.

All sections of a statute must be construed together to determine the legislative body's intent.

- [16] **Municipal Corporations**—Applicability of statutory construction rules

The Supreme Court construes a local ordinance as it construes a statute.

- [22] **Municipal Corporations**—Ordinance as a whole
Statutes—Superfluosity

Statutes and ordinances must be construed so as to give effect to all their provisions, and not to render any part superfluous or insignificant.

- [17] **Municipal Corporations**—Applicability of statutory construction rules
Statutes—Literal, precise, or strict meaning; letter of the law

Statutory construction always begins with the literal language of the statute or ordinance.

- [23] **Zoning and Planning**—Decisions of boards or officers in general

There is a presumption that a local zoning board's actions are valid when interpreting and applying its own zoning ordinances.

4 Cases that cite this headnote

- [18] **Municipal Corporations**—Plain, ordinary, or common meaning

If an ordinance is unambiguous, a court need not consider rules of statutory construction, and the ordinance will be given its plain meaning.

1 Case that cites this headnote

- [24] **Zoning and Planning**—Maps, plats, and plans; subdivision regulations

Subdivision ordinance's two percent limit on using developed acreage for incidental uses did not apply to Planned Use Development (PUD), where PUD was for residential, commercial, and industrial (RCI) use.

- [19] **Statutes**—In general; factors considered

Where the language of a statute is ambiguous, a court applies rules of construction for guidance.

- [25] **Zoning and Planning**—Architectural and structural designs; area and lot considerations

Planned Use Development (PUD) did not violate county's comprehensive plan by allowing small lots, where board approved PUD application, and PUD did not compromise health, safety, or general welfare of the county.

1 Case that cites this headnote

- [20] **Statutes**—Unintended or unreasonable results; absurdity

Courts disfavor statutory constructions that lead to absurd or unreasonably harsh results.

- [21] **Statutes**—Statute as a Whole; Relation of Parts to Whole and to One Another

- [26] **Zoning and Planning**—Right of Review; Standing

Property owners could not challenge area-of-

impact agreement between county and city, where they were not parties to agreement.

- [27] **Zoning and Planning**—Filing, publication, and posting; minutes and findings
Zoning and Planning—Findings, reasons, conclusions, minutes or records

County board of commissioners was not required to make its own findings in support of approval of Planned Use Development (PUD) and zoning change; it could adopt findings of zoning commission. I.C. § 67-6535.

- [28] **Zoning and Planning**—Costs; attorney fees

Property owners were not entitled to attorney fees for appeal of decision of county board of commissioners approving Planned Use Development (PUD) and zoning change, where they were not the prevailing party.

1 Case that cites this headnote

Attorneys and Law Firms

****86 *73** Phyllis Lamken, Victor, argued for appellants.

Teton County Attorney, Driggs, for respondent Teton County. Laura Lowery argued.

Holden, Kidwell, Hahn & Crapo, Idaho Falls, for respondent Teton Springs, L.L.C. Dale Storer argued.

Roy Moulton, Driggs, for respondents Rammell, et al.

Opinion

KIDWELL, Justice.

Richard Evans and Matthew Finnegan (appellants) appeal the Teton County Board of County Commissioners' (Board of Commissioners) decision to approve Teton Springs, L.L.C.'s (Teton Springs) final plat of phase 1 of the Teton Springs subdivision, request for a zone change from A-2.5 to R-1, and application for a Planned Unit Development (PUD). The Board of Commissioners' decision is affirmed.

I.

FACTS AND PROCEDURE

Teton Springs, a Wyoming limited liability company authorized to do business in the state of Idaho, proposed to convert 780 acres of mostly undeveloped farmland and wetland in southern Teton County into a PUD consisting of a golf course and residential resort. The PUD is adjacent to the Targhee National Forest in southern Teton County, south of Victor, Idaho. Upon completion, the proposed development will include an 18-hole golf course, clubhouse, pro shop, maintenance buildings, fishing ponds, equestrian facility, 100-room hotel, 50 overnight units, health club and tennis facility, swimming pool, restaurant, conference rooms, nordic ski facility, storage facilities, helicopter pad, parking lots, 18 two to three acre ranch estates, 100 three-quarters to one acre golf estates, 170 one-third to one-half acre golf homes, 180 five thousand square foot residential lots, and 100 overnight cabin lots from one thousand to twenty-five hundred square feet.

Of the 780 acres upon which the PUD will be built, the respondents Rammel own 460 acres, the Hastings own 160 acres, the Kearsleys own 80 acres, and the Wingers own 80 acres. Approximately 140 of the 780 acres are located within the "Area of City Impact," an unincorporated area of Teton County neighboring the city of Victor. In addition to the national forest to the south, the acreage surrounding the PUD supports a mix of agricultural, residential, and commercial uses. There are some pre-existing subdivisions to the north of the PUD. The appellants live on two-and-one-half acre residential lots near the PUD.

On August 2, 1999, Teton Springs filed an application for approval of the PUD. Teton Springs also requested a zone change from A-2.5 to R-1. On September 1, 1999, the Teton County Planning and Zoning Commission (Zoning Commission) held a public hearing to consider the application. Following the hearing, the Zoning Commission recommended approval of the concept plan for the PUD and zone change. On October 25, 1999, ****87 *74** the Board of Commissioners conducted a public hearing to consider the Teton Springs PUD and proposed zone change. At the conclusion of the hearing, the Board of Commissioners approved the concept plan of the PUD conditionally upon resolution of issues regarding natural stream flows, the development's impact on the city of Victor, traffic flow, impact on county services, sewer system capacity, and density. The Board of Commissioners decided to wait to consider the zoning change when it considered Teton Springs' final plat.

After the October hearing, the Zoning Commission obtained comments regarding the PUD application from the Idaho Department of Water Resources, the U.S. Environmental Protection Agency, the Idaho Department

of Environmental Quality, the U.S. Fish and Wildlife Service, the Idaho Fish and Game Department, the District 7 Health Department, and various other county and local agencies. On May 3, 2000, the Zoning Commission held another public hearing to consider the Teton Springs PUD application and the proposed zone change. At the hearing's conclusion, the Zoning Commission recommended accepting the PUD application and granting the zone change. On May 9, 2000, the Zoning Commission issued Findings of Fact and Conclusions in support of its decision.

On June 12, 2000, the Board of Commissioners and the city of Victor held a joint public hearing to consider the Teton Springs PUD and request for a zone change. At the conclusion of this hearing, the Board of Commissioners and the city of Victor approved the PUD and granted the zone change. The Board of Commissioners also adopted the Findings of Fact and Conclusions issued by the Zoning Commission.

On July 7, 2000, the appellants filed a Petition for Judicial Review of Teton Springs' application for approval of a PUD and zone change. The appellants alleged the Board of Commissioners violated Teton County Zoning Ordinance (Zoning Ordinance), Teton County Subdivision Ordinance (Subdivision Ordinance), and the Teton County Comprehensive Plan (Comprehensive Plan) by approving the PUD and granting a zone change. As a result, the appellants alleged they would suffer substantial injury. On September 25, 2001, the district court issued a decision affirming the Board of Commissioners' approval of Teton Springs' application for a PUD and zone change. The appellants timely filed this appeal.

II.

STANDARD OF REVIEW

^[1] ^[2] The Local Land Use Planning Act (LLUPA) allows an affected person to seek judicial review of an approval or denial of a land use application, as provided for in the Idaho Administrative Procedural Act (IDAPA). Idaho Code § 67-6521(1)(d) (2002); *Evans v. Bd. Of Comm'rs of Cassia County*, 137 Idaho 428, 430, 50 P.3d 443, 445 (2002). The district court conducts judicial review of the actions of local government agencies. I.R.C.P. 84(a)(1) (2002). For purposes of judicial review of LLUPA decisions, a local agency making a land use decision, such as the Board of Commissioners, is treated as a government agency under IDAPA. *Urrutia v. Blaine County*, 134 Idaho 353, 357, 2 P.3d 738, 742 (2000). The

district court bases its judicial review on the record created before the local government agency. I.R.C.P. 84(e) (1). This Court reviews decisions under the IDAPA independently of any intermediate appellate court. *Evans*, 137 Idaho at 431, 50 P.3d at 446.

^[3] This Court must affirm the Board of Commissioners unless it determines the Board of Commissioners' findings, inferences, conclusions, or decisions: (1) violated the constitution or statutory provisions; (2) exceeded its statutory authority; (3) were made upon unlawful procedure; (4) were not supported by substantial evidence on the record; or (5) were arbitrary, capricious, or an abuse of discretion. *Id.*; I.C. § 67-5279(3). There is a strong presumption that the actions of the Board of Commissioners, where it has interpreted and applied its own zoning ordinances, are valid. *Evans*, 137 Idaho at 431, 50 P.3d at 446. The party appealing the Board of Commissioners' decision must first show the Board of Commissioners erred in a manner specified under I.C. § 67-5279(3), ****88 *75** and second, that a substantial right has been prejudiced. I.C. § 67-5279(4); *Price v. Payette County Bd. Of Comm'rs*, 131 Idaho 426, 429, 958 P.2d 583, 586 (1998).

^[4] Whether the Board of Commissioners violated a statutory provision is a matter of law over which this Court exercises free review. *Friends of Farm to Market v. Valley County*, 137 Idaho 192, 196, 46 P.3d 9, 13 (2002); *Polk v. Larrabee*, 135 Idaho 303, 308, 17 P.3d 247, 252 (2000).

^[5] This Court defers to the Board of Commissioners' findings of fact unless the findings of fact are clearly erroneous. *Evans*, 137 Idaho at 431, 50 P.3d at 446; *Friends of Farm to Market*, 137 Idaho at 196, 46 P.3d at 13. The Board of Commissioners' factual findings are not clearly erroneous so long as they are supported by substantial, competent, although conflicting, evidence. *Friends of Farm to Market*, 137 Idaho at 196, 46 P.3d at 13.

III.

ANALYSIS

A. Appellants Have Standing To Challenge The Board of Commissioners' Decision to Approve Teton Springs' Application And Request For A Zone Change.

^[6] Teton Springs argues the appellants lack standing because they are not "affected persons" under I.C. § 67-

6521(d). For this proposition, Teton Springs cites *Rural Kootenai Organization, Inc. v. Board of Commissioners*, 133 Idaho 833, 993 P.2d 596 (1999), where this Court ruled members of RKO lacked standing to raise a due process claim without demonstration of a distinct, palpable injury and a causal connection between the injury and lack of notice. Teton Springs also relies on I.C. § 67-6535(c), which requires “actual harm or a violation of fundamental rights” to obtain a remedy under LLUPA. The appellants counter that they have standing to appeal the Board of Commissioners’ decision to approve the PUD and zone change because they own land within 300 feet of the PUD and will be adversely affected by its construction.

LLUPA confers standing to seek judicial review of a local land use decision to an “affected person” aggrieved by the decision. I.C. § 67-6521(d). This Court notes that while it recognizes the underlying policy of I.C. § 67-6521(d) conferring standing to affected persons, the legislature cannot, by statute, relieve a party from meeting the fundamental constitutional requirements for standing. *See Noh v. Cenarrusa*, 137 Idaho 798, 53 P.3d 1217 (2002). An affected person is “one having an interest in real property which may be *adversely affected* by the issuance or denial of a permit authorizing the development.” I.C. § 67-6521(a) (emphasis added).

The appellants emphasize they own land within 300 feet of the PUD. The record shows the appellants received notice of a hearing, presumably pursuant to the Subdivision Ordinance and Idaho Code, which require notice to all landowners within 300 feet of a proposed variance or amendment to a zoning district. However, the notice sent to the appellants stated they received it because they owned land *either* within 300 feet of the PUD or in the Pole Canyon Ranches Subdivision, a development adjacent to the proposed PUD. The Subdivision Ordinance and Idaho Code arbitrarily designate 300 feet. The appellants standing status depends on whether they own property that may be adversely affected by the PUD’s construction, not because they can claim they own property within a specified distance. Proximity is a very important factor. A property owner in Tetonia, Driggs, or even Victor may be less likely to qualify for standing to challenge the PUD because it is less likely they can show their property will be adversely affected. However, this Court will not look to a predetermined distance in deciding whether a property owner has, or does not have, standing to seek judicial review of a LLUPA decision.

Clearly, the appellants’ properties may be adversely affected by a development proposing an 18-hole golf course and pro shop, nearly five hundred homes, a helicopter pad, a 100-room inn, and 50 overnight cabins

all on property adjacent to their rural homes. The appellants have standing to seek judicial review of the Board of Commissioners’ decision **89 *76 to approve Teton Spring’s PUD application and request for a zone change because they may be adversely affected by the decision.

Teton Springs’ reliance on *Rural Kootenai Organization* for the proposition the appellants lack standing is misplaced. The standing analysis in that case was relevant only to the narrow issue of whether RKO had standing to raise a due process claim relating to notice of two specific public hearings. The standing analysis did not extend to any other issue raised by RKO.

Teton Springs’ reliance on the language of I.C. § 67-6535 to argue the appellants lack standing is equally misplaced. I.C. § 67-6535(a) requires that approval or denial of any application provided for in LLUPA be based on criteria set forth in the local zoning ordinances and comprehensive plan. I.C. § 67-6535(c) directs the review of a LLUPA decision. The language in I.C. § 67-6535(c) instructing courts that “[o]nly those whose challenge to a decision demonstrates actual harm or violation of fundamental rights, not the mere possibility thereof, shall be entitled to a remedy or reversal of a decision” cannot be construed as a standing requirement. The existence of real or potential harm is sufficient to challenge a land use decision. I.C. § 67-6535(c) requires a demonstration of actual harm or violation of a fundamental right in order to be entitled to a remedy in cases disputing a LLUPA decision.

B. The Board of Commissioners Did Not Violate The Teton County Comprehensive Plan When It Granted A Zone Change From A-2.5 to R-1.

The appellants argue the change in zoning from A-2.5 to R-1 is inconsistent with the permitted use in the rest of the zoning district and violates the Comprehensive Plan. As a result, the appellants argue the zone change is spot zoning, which is impermissible.

[7] [8] [9] [10] A county board of commissioners must establish one or more zones or zoning districts within the county. I.C. § 67-6511. The zoning districts shall be “in accordance with” the policies of the County’s comprehensive plan. *Id.* Rezoning property requires an amendment to the zoning ordinance. After considering the comprehensive plan, the planning and zoning commission may recommend, and the board of commissioners may accept or deny, an amendment to the zoning ordinance. I.C. § 67-6511(b); *Bone v. City of Lewiston*, 107 Idaho 844, 849, 693 P.2d 1046, 1052 (1984). A comprehensive plan is not a legally controlling zoning law, it serves as a guide to local government agencies charged with making

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zoning decisions. *Bone* at 850, 693 P.2d at 1052; *Friends of Farm to Market*, 137 Idaho at 200, 46 P.3d at 17; *Urrutia*, 134 Idaho at 357–58, 2 P.3d at 742–43. The “in accordance with” language of I.C. § 67–6511 does not require zoning decisions to strictly conform to the land use designations of the comprehensive plan. *Bone* at 850, 693 P.2d at 1052; *Sprenger, Grubb, & Assoc., Inc. v. City of Hailey*, 127 Idaho 576, 585, 903 P.2d 741, 750 (1995); *See Also* I.C. § 67–6508. However, a board of commissioners cannot ignore their comprehensive plan when adopting or amending zoning ordinances. *Bone* at 850, 693 P.2d at 1052. Whether approval of a zone change is “in accordance with” the comprehensive plan is a question of fact, which can only be overturned when the factual findings supporting the zone change are clearly erroneous. *Id.*; *Friends of Farm to Market*, 137 Idaho at 200, 46 P.3d at 17; *Sprenger, Grubb, & Assoc., Inc.*, 127 Idaho at 585, 903 P.2d at 750; *Ferguson v. Bd. Of County Comm’rs for Ada County*, 110 Idaho 785, 787, 718 P.2d 1223, 1225 (1986). The governing body charged with making zoning decisions “in accordance with” the comprehensive plan must “make a factual inquiry into whether requested zoning ordinance or amendment reflects the goals of, and takes into account those factors in, the comprehensive plan in light of the present factual circumstances surrounding the request.” *Bone* at 850, 693 P.2d at 1052.

^[11] ^[12] ^[13] A claim of “spot zoning” is essentially an argument the change in zoning is not in accord with the comprehensive plan. *See Price*, 131 Idaho at 432, 958 P.2d at 589. There are two types of “spot zoning.” *Dawson Enter., Inc. v. Blaine County*, 98 Idaho 506, 514, 567 P.2d 1257, 1265 (1977). Type **90 *77 one spot zoning may simply refer to a rezoning of property for a use prohibited by the original zoning classification. *Id.* The test for whether such a zone reclassification is valid is whether the zone change is in accord with the comprehensive plan. *Id.* Type two spot zoning refers to a zone change that singles out a parcel of land for use inconsistent with the permitted use in the rest of the zoning district for the benefit of an individual property owner. *Id.* at 515, 567 P.2d at 1266. This latter type of spot zoning is invalid. *Id.*

^[14] The record reflects that the Board of Commissioners approved the PUD application and zone change conditionally upon the input it requested, and received, from several local, state, and federal agencies regarding the PUD’s impact on water quality, wildlife habitat, riparian systems, traffic, public utilities, schools, health care providers, wastewater management, and many other topics. This input addressed many of the policies of the Comprehensive Plan, including public services and utilities, open spaces, and use and preservation of natural resources. Teton Springs also provided reports based on

studies conducted by its own engineers and planners answering the concerns raised by the agencies and the public in general. The record also contains a fiscal impact report provided by a consulting firm hired by Teton Springs. The report concludes that the PUD will be advantageous for county revenues, another policy of the Comprehensive Plan. The record indicates throughout this process Teton Springs adjusted its application in order to meet the requirements demanded by the Zoning Commission.

^[15] The record also contains numerous objections to the PUD. One in particular, from a professional Hydrologist, outlines valid questions regarding the impact of the PUD on ground and surface water systems. However, many of the other objections were based on personal opinion and emotion rather than on the Comprehensive Plan and violations of its many policies. This Court must affirm the findings of the Board of Commissioners where, as here, if they are supported by substantial, competent, although conflicting, evidence. *Friends of Farm to Market*, 137 Idaho at 196, 46 P.3d at 13. Since the Board of Commissioners’ finding that the zone change is in accord with the comprehensive plan is supported by substantial, competent evidence. The appellants’ claim of spot zoning need not be addressed because the type one “spot zoning” in this case is valid.

C. The Board of Commissioners Did Not Violate The Teton County Zoning And Subdivision Ordinance Or Comprehensive Plan When It Approved Teton Spring’s Application For A PUD.

1. The Subdivision Ordinance’s two percent limitation on developed acreage that can be used for incidental purposes does not apply to the Teton Springs PUD.

^[16] ^[17] ^[18] This Court construes a local ordinance as it construes a statute. *Friends of Farm to Market*, 137 Idaho at 196, 46 P.3d at 13. Statutory construction always begins with the literal language of the statute or ordinance. *Id.* at 197, 46 P.3d at 14. If an ordinance is unambiguous, this Court need not consider rules of statutory construction and the statute will be given its plain meaning. *Hamilton ex rel. Hamilton v. Reeder Flying Serv.*, 135 Idaho 568, 572, 21 P.3d 890, 894 (2001); *Canal/Norcrest/Columbus Action Comm. v. City of Boise*, 136 Idaho 666, 670, 39 P.3d 606, 610 (2001).

^[19] ^[20] ^[21] ^[22] ^[23] Where the language of a statute is ambiguous, this Court applies rules of construction for guidance. *Friends of Farm to Market*, 137 Idaho at 197, 46 P.3d at 14. This Court disfavors constructions that lead to absurd or unreasonably harsh results. *Id.* All sections of

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the applicable statute must be construed together to determine the legislative body's intent. *Id.* (citing *Lockhart v. Dept. of Fish and Game*, 121 Idaho 894, 897, 828 P.2d 1299, 1302 (1992)). Statutes and ordinances must be construed so as to give effect to all their provisions and not to render any part superfluous or insignificant. *Id.* (citing *Brown v. Caldwell Sch. Dist. No. 132*, 127 Idaho 112, 117, 898 P.2d 43, 48 (1995)). There is a presumption that a local zoning board's actions are valid when interpreting ****91 *78** and applying its own zoning ordinances. *Id.*; *Evans*, 137 Idaho at 431, 50 p.3D at 446.

^[24] The Subdivision Ordinance allows all PUDs to contain "incidental components" inconsistent with the underlying land use zones as long as: (1) the uses are incidental and necessary to the primary purpose of the PUD; and (2) no more than two percent of the developed acreage within the PUD is devoted to incidental use. Teton County, Idaho, Subdivision Ordinance § 1-7-5 (1999). The appellants argue the PUD violates the Subdivision Ordinance's two percent limitation on land developed for uses incompatible with the underlying zoning because the PUD's proposed commercial uses are incidental, not primary uses. As a result, the appellants claim many of the uses proposed by Teton Springs are prohibited in a residential zone.

The Subdivision Ordinance permits three types of PUDs, including RCI PUDs. T.C.S.O. § 1-7-1. The Subdivision Ordinance defines an RCI PUD as one where "[p]roperty located in *residential, commercial, and industrial zones* may be developed pursuant to an approved" residential, commercial, or industrial (RCI) PUD. T.C.S.O. Art. II (emphasis added). In terms of the permitted uses in an R-1 zone, the Subdivision Ordinance states, "[p]roperty located within an R-1 ... zone may be developed pursuant to an approved 'Residential, Commercial or Industrial PUD' (referred to as an 'RCI PUD')." *Id.* Under the Subdivision Ordinance, all PUD's may be used for primarily residential developments, but only an RCI PUD may be used for primarily commercial or industrial developments. T.C.S.O. § 1-7-4. Under the Zoning Restrictions and Land Use Table found in the Zoning Ordinance, an RCI PUD is a permitted use in R-1 zones as long as the use is permitted as outlined in the PUD Process of the Zoning Ordinance. Teton County, Idaho, Zoning Ordinance § 1-4-1 (1999).

The Teton Springs PUD is an RCI PUD. The Zoning Ordinance unambiguously permits use of an RCI PUD in an R-1 Zone as long as the use is permitted as outlined in the PUD process. The Subdivision Ordinance unambiguously allows development of property located within an R-1 zone pursuant to an approved RCI PUD. The Subdivision Ordinance also unambiguously allows commercial or industrial development in an approved RCI

PUD. Based on the plain meaning of the Zoning and Subdivision Ordinance, the two percent incidental use limitation of § 1-7-5 of the Subdivision Ordinance does not apply to an approved RCI PUD built in an R-1 zone as long as the use is permitted as outlined in the PUD process.

2. The density of the Teton Springs PUD is not impermissible.

^[25] The appellants claim the PUD violates the Comprehensive Plan because the density of development is too high and many of the lots are smaller than allowed. Under the Subdivision Ordinance, "A PUD application may depart from applicable height, setback and lot size restrictions when ... approved by the Board." T.C.S.O. § 1-7-3. "Any departures from the height, setback, and lot size ... [required by] the Zoning Ordinance must be recorded and justified as not compromising the health, safety and general welfare of the county." *Id.*

The Subdivision Ordinance also states that "[t]he protection of open space is a central feature of all PUD's." T.C.S.O. § 1-7-7. "In the case of an RCI PUD, a minimum of fifty percent (50%) of the land within the gross acreage of the PUD shall be dedicated to open space." *Id.* "Open spaces may take a variety of forms, including ... a golf course." *Id.*

The Subdivision Ordinance also expects that in a well-planned PUD, the housing units will be clustered in higher density groups allowing for open space. T.C.S.O. § 1-7-10. However, the Subdivision Ordinance does not provide a formula for clustering because a prescribed method for clustering would be counterproductive given the uniqueness of each development. *Id.* Rather, the Board of Commissioners is instructed to decide on projects based on how intelligently the project uses the existing land within the PUD. *Id.* The Subdivision Ordinance limits the base density of an RCI PUD, on that portion of the property that is not open ****92 *79** space, to a maximum of one unit per one-half acre. T.C.S.O. § 1-7-12A. Nonetheless, the Subdivision Ordinance allows the Board of Commissioners to approve a greater or lesser density, provided it determines the public health, safety, and welfare service of the county will not be negatively impacted. *Id.*

Based on the provisions of the Subdivision Ordinance and the Board of Commissioners' unique position in interpreting and applying its own zoning laws, the Teton Springs PUD does not violate the density requirements of Teton County's zoning laws. The PUD departs from the allowed lot size restrictions, but under the Subdivision Ordinance the Board of Commissioners has flexibility to approve such departures as long as it finds the departure

does not compromise the health, safety and general welfare of the county. The Board of Commissioners specifically found no such compromise, as discussed above.

3. Approval of the Teton Springs PUD application is not dependent upon compliance with the policies of the Teton County Comprehensive Plan.

The appellants assert that the Teton Springs PUD violates several important policies of the Comprehensive Plan. The respondents counter that the Comprehensive Plan is not a zoning ordinance that regulates project compliance.

The discussion in Part III.B above applies to this claim. While the Board of Commissioners may not disregard the Comprehensive Plan, it is not a zoning ordinance by which a development project's compliance is measured. Rather, the Comprehensive Plan provides guidance to the local agency charged with making zoning decisions. The appellants may or may not be correct in their concern that the Teton Springs PUD will adversely affect the present lifestyle and alter the character of the area in violation of the policies of the Comprehensive Plan, that point was heavily debated during the approval process. Similarly, the fear of the "Jacksonization" of the Teton Valley, as the billionaires force the millionaires over Teton Pass into Driggs and Victor, may be well founded. However, regardless of the wisdom, or lack thereof, in approving Teton Springs' PUD application, the Comprehensive Plan does not provide a legal basis for this Court to reverse the Board of Commissioners' decision to approve the application.

D. The Teton Springs PUD does not violate the area of impact agreement between Teton County and the City of Victor.

^[26] The appellants argue the PUD violates the Area of Impact Agreement (Agreement) between Teton County and the City of Victor. The agreement requires lots located in the Area of City Impact to be 2.5 acres, except developments located within 1500 feet of city limits may be divided into lots of one acre or larger. The appellants argue because the lot sizes in this PUD are much smaller than one acre, the county is in violation of an ordinance.

The Agreement is between Teton County and the city of Victor. On the issue of enforcement of the Agreement, it specifically states:

A. Teton County shall be responsible for the administration and enforcement of the Area of Impact within the unincorporated area in Teton County, Idaho. This shall not prevent the City from bringing

enforcement proceedings in its own behalf if the County refuses to enforce these provisions after being requested to do so by the City.

B.... [R]equests for preliminary and final plats or the vacation thereof, and requests for zone changes involving property located in the Area of City Impact within the unincorporated area of Teton County relating to any non-agricultural development shall be reviewed and approved by both governing bodies upon recommendation from their respective Planning and Zoning Commission in accordance with Title 67 and Title 50, Idaho Code.

Ordinance # 94-1206, Area of Impact Agreement Between Teton County and the City of Victor, § 6A. The appellants are not entitled to seek enforcement of the Agreement because they are not a party to the Agreement **93 *80 and not subject to it. the agreement provides for enforcement only by Teton County or the city of Victor. Both the Board of Commissioners and the City Council of Victor approved the PUD application and zone change as required by the Agreement. Furthermore, the zoning district description of the Area of City Impact between Teton County and Victor allows for smaller lot sizes if part of an approved PUD. T.C.Z.O. § 1-3-5.

E. The Findings Of Fact And Conclusions Issued By The Zoning Commission Are Adequate.

^[27] The appellants argue the record does not contain any written findings of fact and conclusions from the Board of Commissioners and, thus, violates I.C. § 67-6535. The appellants acknowledge the Board of Commissioners adopted the Zoning Commission's findings of fact and conclusions, but contend these findings of fact and conclusions are inadequate as a matter of law because they fail to acknowledge whether the zone change or PUD comply with the Zoning Ordinance, Subdivision Ordinance, or Comprehensive Plan.

The respondents counter that the Board of Commissioners' adoption of the findings of fact and conclusions as issued by the Zoning Commission is appropriate under I.C. § 67-6535. Additionally, the respondents argue the Board of Commissioners made findings of fact and conclusions to the relevant criteria for approving a zone change and the PUD application, as required by I.C. § 67-6535.

I.C. § 67-6535 governs the issuance of findings of fact or conclusions of law relevant to a local land use agency's approval or denial of a land use application. Approval or denial of a land use application must be in writing explaining the relevant criteria and standards, the relevant contested facts, and the rationale for the decision based on the applicable provisions of the comprehensive plan and relevant ordinances. I.C. § 67-6535(b). There is no

requirement that both the Commission and Board make written findings and conclusions, only that they are made. The Board of Commissioners did not err by adopting the written findings of fact and conclusions issued by the Zoning Commission.

I.C. § 67-6535(c) clearly states the legislature's intent that decisions made pursuant to LLUPA are to be based on reason and the practical application of recognized principles of law. Courts reviewing LLUPA decisions are to consider the proceedings as a whole and evaluate the adequacy of the procedures and resulting decisions in light of practical considerations. I.C. § 67-6535(c). The Zoning Ordinance requires that any zone change conform to the goals of the Comprehensive Plan, preserve compatibility with surrounding zoning districts, and secure public health, safety, and general public welfare. T.C.Z.O. § 1-3-6. The Subdivision Ordinance requires that, before accepting the concept plan of a PUD, the Commission consider the objectives of the Subdivision Ordinance; conformance to the Comprehensive Plan; availability of public services and the financial capability of the public to support the services; continuity with capital improvements, and other health, safety, or environmental problems. T.C.S.O. Art. III § B1. The Subdivision Ordinance also requires the Zoning Commission and/or Board of Commissioners to issue written findings, but does not require written findings where the public documents or records of the public meeting are already contained in the record. T.C.S.O. § 1-7-13(J).

Based on the totality of the record, the findings of fact and conclusions adopted by the Board of Commissioners satisfy the requirements of I.C. § 67-6535(b). The Findings of Fact and Conclusions address the applicable provisions of the Comprehensive Plan and Zoning Ordinance and how the zone change and PUD will comply with them. The Board of Commissioners concluded that the PUD conformed to the applicable ordinances based on the materials submitted by the developer, engineer, and Staff Reports on file. These materials included input by several public agencies on the impact of the development and matters Teton Springs needed to consider in order to comply with local, state and federal law. The record reflects that Teton Springs altered its PUD application according to this input in order to **94 *81 satisfy the Zoning Commission and Board of Commissioners. The Board of Commissioners concluded the zone change satisfied the Comprehensive Plan based on the material submitted by the developer, engineer, and Staff Reports. The Board of Commissioners also concluded the zone change will preserve

compatibility with the surrounding zoning districts and secure public health, safety, and general welfare based on the approval process as a whole.

While the Board of Commissioners would be better served by more specifically and extensively articulating its findings of fact and conclusions, the required information can be found in the record produced during the application process. This is in accord with I.C. § 67-6535(c), which requires a reviewing court to consider the whole process, and T.C.S.O. § 1-7-13(J), which does not require written findings where the public documents or records of the public meetings are already contained in the record. Therefore, we conclude the record, when viewed in its entirety, contains sufficient findings of fact to support the Board of Commissioners' decision.

F. The Appellants Are Not Entitled To Attorney Fees On Appeal.

^[28] The appellants are not entitled to an award of attorney fees on appeal because they are not the prevailing party and have not shown the Board of Commissioners and Zoning Commission acted without a reasonable basis in fact or law.

IV.

CONCLUSION

The appellants have standing to challenge the Board of Commissioners' decision to approve the Teton Springs PUD. The Board of Commissioners' decision to grant the requested zone change and approval of the PUD does not violate the Teton County Subdivision and Zoning Ordinance or the Teton County Comprehensive Plan. The appellants are not entitled to seek enforcement of the Area of Impact Agreement between Teton County and the city of Victor. The Board of Commissioners' Findings of Fact and Conclusions, as adopted from the Zoning Commission, satisfy the requirements of I.C. § 67-6535. No attorney fees are awarded on appeal. Costs to the respondents.

Chief Justice TROUT, and Justices SCHROEDER, EISMANN, and Justice Pro Tem McLAUGHLIN concur.

All Citations

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MASTER DECLARATION
OF
THE PLANTATION # 1

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Development	7
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EXHIBIT B

257 Class A Members: All owner-purchasers of lots or units
 258 who are members of the Master Association and are entitled
 259 to one (1) vote per unit or lot.

260 Class B Members: The Grantor who shall be a member of
 261 the Master Association and with respect to each individual
 262 tract shall have three (3) votes for each lot or unit, sub-
 263 ject to the provisions of Section 3.28.

264 Commercial Area: Those tracts or parcels of real prop-
 265 erty on the Plantation designated as Commercial Areas by
 266 Grantor in a Supplemental Declaration and which are excluded
 267 from certain provisions of this Master Declaration as set
 268 forth in Section 2.09.

269 Common Area: All real property in which the Master
 270 Association or a Sub-Association owns an interest which is
 271 held for the common use and enjoyment of all of its members.

272 Completion: Fifteen years from the date of the execu-
 273 tion of this Master Declaration or upon notice of completion
 274 by Grantor, whichever occurs first.

275 Condominium: A Condominium as defined in Section 55-
 276 101B of the Idaho Code, i.e. an estate consisting of (i) an
 277 undivided interest in common real estate, in an interest or
 278 interests in real property, or in any combination thereof,
 279 together with (ii) a separate interest in real property, in
 280 an interest or interests in real property, or in any com-
 281 bination thereof.

282 Condominium Project: A project as defined in Section
 283 55-1503 (b) of the Condominium Act of the State of Idaho,
 284 i.e. the entirety of an area divided or to be divided into
 285 condominiums.

286 Deed of Trust: A mortgage or a deed of trust, as the
 287 case may be.

288 Development: The project to be carried out by Grantor
 289 (or that process) resulting in the improvement of the
 290 Plantation, including landscaping, construction of roadways,
 291 utility services and other improvements.

292 Fiscal year. That twelve-month period (or portion
 293 thereof if the initial period of existence is less) ending
 294 on September 30 of each year which shall be the accounting
 295 period for the Master Association and all Sub-Associations.

296 Grantor: Plantation Development, Inc., an Idaho
 297 corporation.

1963 advisable in the course of development of The Plantation so
 1964 long as any Lot or Condominium in The Plantation remains
 1965 unsold, or to use any structure in The Plantation as a model
 1966 home or real estate sales or leasing office. The rights of
 1967 Grantor hereunder and elsewhere in these Restrictions may be
 1968 assigned by Grantor. During the course of actual construc-
 1969 tion of any permitted structures or improvements, the re-
 1970 strictions contained in this Declaration or in any Supple-
 1971 mental Declaration shall be deemed waived to the extent
 1972 necessary to permit such construction. Provided that,
 1973 during the course of such construction, Grantor's activities
 1974 will not create a situation which will result in a violation
 1975 of this Master Declaration upon completion of construction.

1976 B. No Further Subdividing. No Lot, Common Area, or
 1977 Condominium may be further subdivided, nor may any easement
 1978 or other interest therein less than the whole be conveyed by
 1979 the Owner thereof (including any Sub-Association but exclud-
 1980 ing Grantor) without the prior written approval of the AECC;
 1981 provided, however, that nothing herein shall be deemed to
 1982 prevent or require the approval of the AECC for (1) the
 1983 sale of Condominiums in any Condominium Project in compliance
 1984 with the Condominium Property Act of Idaho, or (2) transfer
 1985 or sale of any Lot or Condominium to more than one person to
 1986 be held by them as tenants in common, joint tenants, tenants
 1987 by the entirety or as community property.

1988 Notwithstanding the foregoing, with written approval of
 1989 the AECC authorizing a variance, adjoining property owners
 1990 may sell or purchase adjoining property to accomplish reloca-
 1991 tion of the boundary line between such properties if such
 1992 sale and purchase will not cause or result in a violation of
 1993 any setback, building or other restriction herein contained.
 1994 In such cases, the new property line thus established shall
 1995 be deemed the new boundary line between the respective prop-
 1996 erties but no setback lines, easements or land classifications
 1997 established for such properties shall be shifted by reason
 1998 of the change of boundary lines.

1999 C. Combining Parcels. Two or more adjoining Lots,
 2000 Units or other parcels of Property of the same land classi-
 2001 fication which are under the same ownership may be combined
 2002 and developed as one parcel. Setback lines along the common
 2003 boundary line of the combined parcels may be removed with
 2004 the written consent of the AECC if the AECC finds and deter-
 2005 mines that any improvements to be constructed within these
 2006 setback lines will not cause unreasonable diminution of the
 2007 view from other property and that such removal will result
 2008 in an improvement consistent with the provisions of this
 2009 Master Declaration. If setback lines are removed or easements
 2010 changed along the common boundary line of combined parcels,
 2011 the combined parcels shall be deemed one parcel and may not
 2012 thereafter be split and developed as two parcels.

2013 SECTION 5.17. General Design Standards. The AECC shall, in
 2014 reviewing applications for the construction, alteration,
 2015 modification, removal or destruction of improvements on The
 2016 Plantation, and in monitoring, inspecting and enforcing such
 2017 processes and the maintenance of all improvements on The
 2018 Plantation, consider in making its decisions, determinations,
 2019 promulgations and directives, the following general design
 2020 standards:

2021 A. Harmonious Relationship. All improvements on The
 2022 Plantation shall be of such quality and nature and located
 2023 so as to create a harmonious relationship between all improve-
 2024 ments, including but not limited to structures, landscaping,
 2025 lines of sight, open areas, common facilities, means of
 2026 ingress and egress, etc.

2027 In order to achieve this result, the AECC may, in its
 2028 sole discretion, require that:

- 2029 (1) The Improvements be of certain design and/or
 2030 style;
- 2031 (2) The Improvements include certain exterior finishes
 2032 and landscaping materials of certain colors,
 2033 textures and type;
- 2034 (3) The placement of structures and other improvements
 2035 shall be within certain perimeters on any lot or
 2036 tract.

2037 B. Exclusivity and Quality.

- 2038 (1) General. All improvements on The Plantation
 2039 shall be in keeping with the objectives of
 2040 exclusivity and quality.
- 2041 (2) Aesthetics. All improvements on The Plantation
 2042 should promote a high quality level of common
 2043 aesthetics.
- 2044 (3) Quality of Construction. All improvements on
 2045 The Plantation should be of high quality de-
 2046 sign, materials and construction.

2047 C. Ease of Movement. The design and construction of
 2048 any improvements on The Plantation shall be of such a nature
 2049 and contain such features so as to promote (or not interfere
 2050 with) the ease and fluidity of movement throughout the
 2051 development consistent with the primary objective of providing
 2052 maximum enjoyment of home and neighborhood without detracting
 2053 from the privacy of the owners and their residences located
 2054 thereon.

2055 D. Privacy and Enjoyment. All improvements on The
 2056 Plantation shall be designed and constructed in such a
 2057 manner so as to promote and protect the privacy and enjoy-
 2058 ment of the residence of each owner without detracting from
 2059 the aesthetics and environment of each individual residence
 2060 or the aesthetics and environment of the Development as a
 2061 whole.

2062 E. Safety and Protection. All improvements on The
 2063 Plantation shall be designed and constructed so as to promote
 2064 the health and safety of all residents and to provide pro-
 2065 tection for the improvements of the owners and Associations.

2066 F. Recreational Activities. The design, placement and
 2067 approval of common recreational facilities of the Master
 2068 Association and the Sub-Associations shall be strongly
 2069 influenced by the objective of providing the residents of
 2070 The Plantation with convenient, aesthetically designed and
 2071 placed recreational facilities.

2072 G. Interrelationship. No one of the above listed
 2073 General Design Standards shall be controlling over another,
 2074 but shall be considered by the AECC in performing its func-
 2075 tions together with the other objectives and standards ex-
 2076 pressed within this Master Declaration so as to obtain the
 2077 best overall result for the Development.

2078 SECTION 5.18 Specific Restrictions.

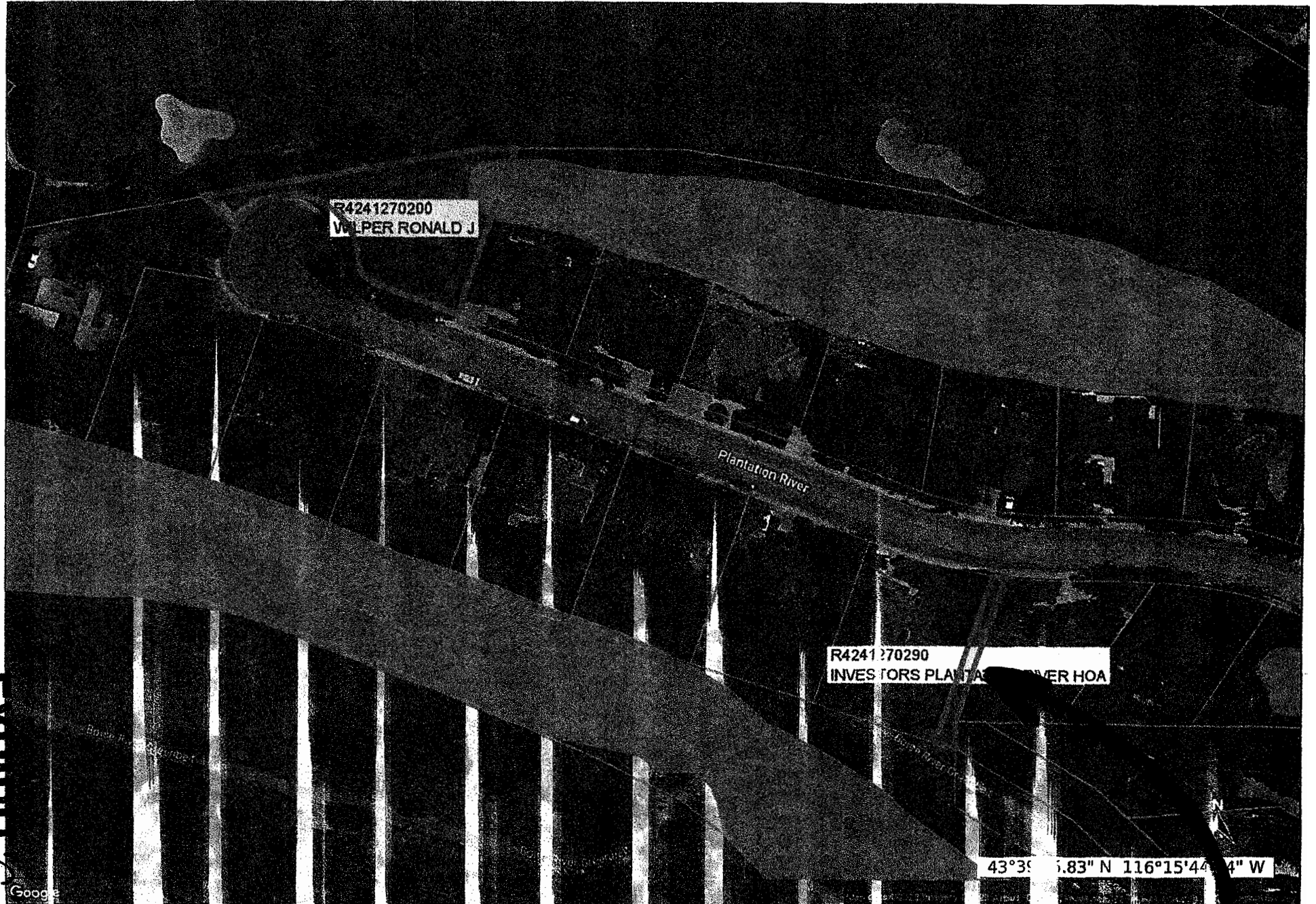
2079 A. Animals. No animals, birds, insects or livestock
 2080 shall be kept nor shall their presence be allowed, on any
 2081 Property except domesticated dogs, cats or other household
 2082 pets which so not unreasonably bother or constitute a
 2083 nuisance to others.

2084 B. Annoying Lights. No light shall be emitted from
 2085 any Property which is unreasonably bright or causes unreason-
 2086 able glare.

2087 C. Antennas. Antennas may only be erected after
 2088 receipt of approval in writing from the AECC.

2089 D. Business or Commercial Activity. Unless specifically
 2090 permitted in a Supplemental Declaration, no Property shall
 2091 be used at any time for business or commercial activity,
 2092 provided, however, that The Grantor or its nominee may use any
 2093 Property for model homes or real estate sales offices.

2094 E. Cesspools or Septic Tanks: No cesspools or septic
 2095 tanks shall be permitted on any Property.



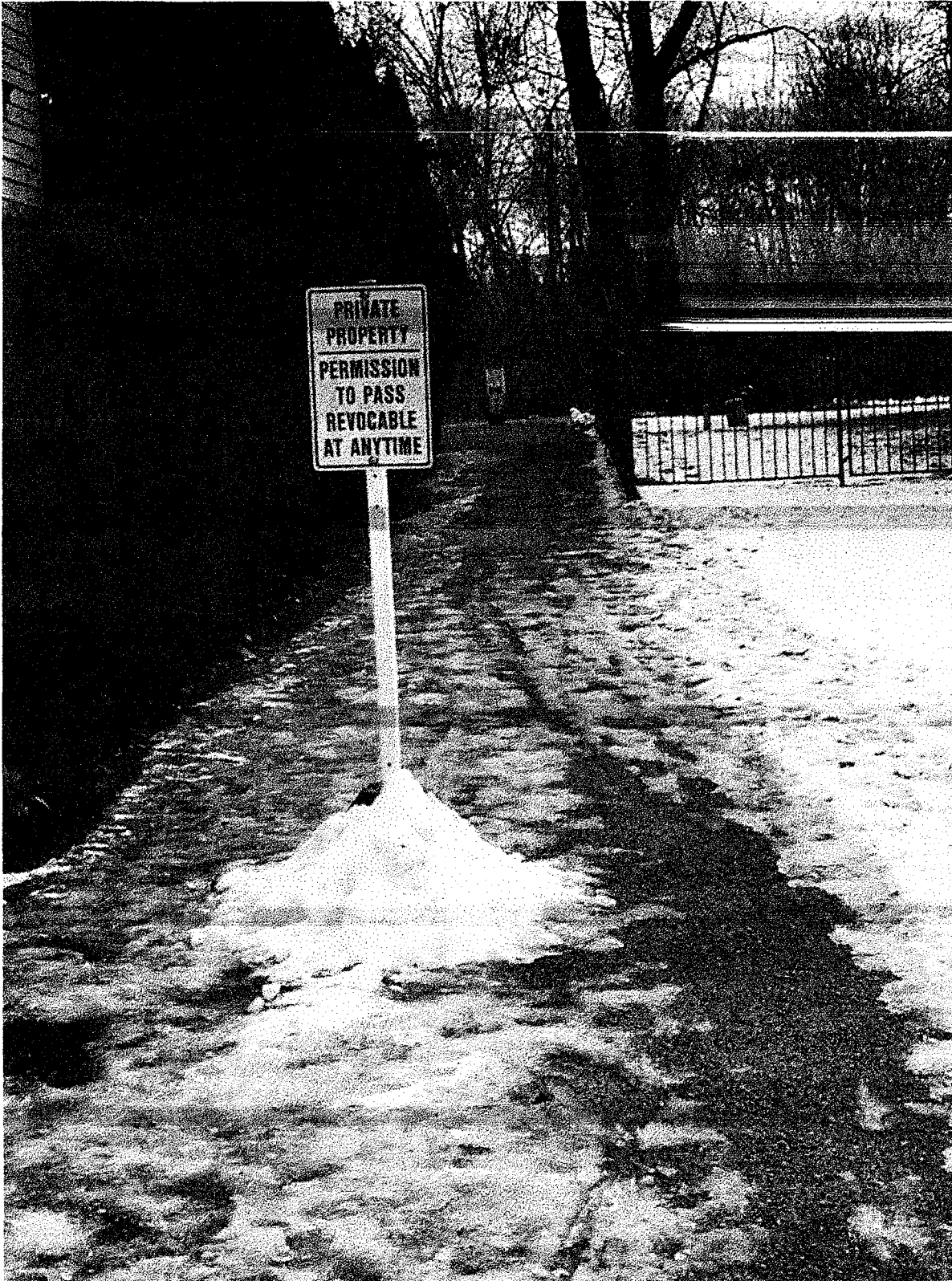


EXHIBIT "D"

Ada County Assessor

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES.



1/31/2023



RECEIVED

APR 17 2023

GARDEN CITY
DEVELOPMENT SERVICES

February 14, 2023

SENT VIA CERTIFIED MAIL AND E-MAIL TO

Dr. John Livingston
6273 N. Fair Oaks Pl.
Boise, Idaho 83703

Dear Dr. Livingston,

I am writing to you regarding your recent actions and activities in opposition to the River Club's plans for the renovation and development of its golf course and other property. While you are entitled to your personal opinion regarding our plans, and we respect your right as a private citizen to hold those opinions, members of a private social club should not take actions to divide the membership, disrupt operations or interfere with the future viability of the Club.

Your conduct in this regard is conduct unbecoming a member, in violation of Section 5.2 of the River Club Rules and Regulations ("Rules"). Therefore, pursuant to Section 5.2 and 5.6 of the Rules, this letter is to inform you that if this disruptive and divisive activity does not immediately cease, we will have no choice but to suspend your membership for a period of six (6) months. As such, you and any dependents would not be permitted on the River Club premises in any capacity, either as a member, guest, or an attendee at an event or tournament during the period of such suspension.

You have been a long tenured and valued member of the Club. It is our sincere hope that you will reflect on this letter and your actions, and immediately discontinue all disruptive or divisive actions which interfere with the operations, the peaceful enjoyment by its members, and the future viability of the Club. If this does not happen, we will proceed to a suspension. At the conclusion of any suspension period, we will further evaluate whether there is a need based on any continued actions on your part, to either extend the suspension or exercise our rights under the Rules to terminate your membership. Since neither of us want this to happen, we are hopeful you will amend your conduct accordingly.

Please let me know if you have any questions regarding the foregoing.

Sincerely,

Jayson Petersen
General Manager
The River Club

APR 17 2023

GARDEN CITY
DEVELOPMENT SERVICES

Applicant's response to letter dated February 7, 2023 submitted to Garden City Planning & Zoning Commission by David Leroy.

Note: Applicant's comments are contained in text boxes in italicized type.

COMMENTS TO THE GARDEN CITY PLANNING AND ZONING COMMISSION
ON THE RIVER CLUB SAP APPLICATION

Work Session - February 15, 2023

The City scheduled a work session with the Planning & Zoning Commission to "provide background to [the P&Z to] facilitate public hearing." See Staff presentation to the Planning & Zoning Commission, dated February 15, 2023. There was to be no public testimony and no deliberations toward a decision.

Prior to the scheduled work session with the City Council, the City decided not to hold further work sessions, either with the Commission or the City Council.

In an email to Mr. Leroy (dated February 15, 2023), the City Attorney advised Mr. Leroy that his February 7, 2023 comments would not be considered by the Commission at its work session but would be included in the public record for future public hearings.

The February 7th letter contains many factual errors and many legal statements that are not correct. The letter is rife with speculation. We will not respond to every statement and speculation made in the letter but will summarize what we believe is important for consideration by the Commission.

PLEASE NOTE: *The Application was not made by The River Club (that is, the Applicant is not The River Club golf course), as implied above. The Application was made by LPC West, Inc. with the permission from the property owner, LB River Club Owner LLC.*

I.
INTRODUCTION

This office has been retained to represent a group of interested and affected River Club - Plantation Subdivision area residents numbering approximately 100 people, organized under the name "Preserve Plantation 23". (hereinafter "Objectors") The group website is preserveplantation23@gmail.com and its contact leaders are Dr. John and Lynn Livingston of 6273 North Fair Oaks Place, Bob and Rec Schmellick of 6253 North Fair Oaks and Dave and Jeanne Patterson of 6326 North Charleston Place, Garden City, Idaho, 83703

This statement regarding representation is not correct.

Because both the City and Applicant have the right to understand who opposes any application (both to adequately address opposition testimony and also to establish standing in the event of a judicial review), the City's Attorney requested this information from Mr. Leroy. Mr. Leroy responded on March 13, 2023: "The three subdivision residents who formally retained me are: Dr. John Livingston, Bob Schmellick and David Patterson . . . As far as I am aware, there is no association membership or subscription list and each of those residents sufficiently motivated will be self-identifying by appearing or submitting directly to the City during the comment process."

Although Mr. Leroy indicated on the March 13th that there is no association membership, Mr. Leroy signed his February 7th letter as "Attorney for Preserve Plantation 23." There is no evidence at the Idaho Secretary of State of an organization known as Preserve Plantation 23. If this, or a similar entity, both the City and the Applicant should have further explanation about the nature of the entity.

II.

THE OWNERSHIP OF THE PROPERTY REMAINS UNCLEAR

Mr. Leroy states that "[t]here is nothing in the application or its supporting materials that directly evidences the ownership of the Property." This is incorrect. The Application, as required by Garden City, contains the existing deed of record identifying LB River Club Owner LLC as the owner of record (see Application submittal beginning on page 14). The Application also contains a title commitment issued by First American Title Insurance Company identifying title in the subject property as vested in LB River Club Owner LLC (see Application submittal beginning on page 91).

The ownership of the Application's subject property is made abundantly clear in the Application and Mr. Leroy acknowledges in his letter that the Ada County Assessor identifies the property owner as LB River Club Owner LLC.

III.

THE USE OF AN SAP AT THIS SITE CONSTITUTES IMPROPER "SPOT ZONING" UNDER IDAHO LAW

On November 4, 2020 when the proposed Specific Area Plan ordinance was under consideration, Garden City Attorney Charles Wadams authored a memo to the Mayor and Council which warned them to be "mindful of the spot zoning issue." At page 2 Wadams stated:

"Spot zoning can more easily be measured by the benefit provided to a particular property owner or set of owners to the detriment of comprehensive plan or public goals. If a rezoning provides special benefits to a property owner while creating negative impacts to surrounding property, spot zoning likely occurred. Spot zoning is zoning adopted in the absence of proper planning."

Mr. Wadams is correct that, if challenged, Idaho Courts look to see whether the zoning is in accord with the legislatively-adopted Comprehensive Plan. A claim of spot zoning will be defeated if the rezone is in accordance with the applicable comprehensive plan. If a rezone is in accordance with the comprehensive plan, then Idaho Courts will not look to other factors (for example, private benefit of the property owner) before rejecting a claim of spot-zoning.¹

¹ Idaho's original test for determining whether spot zoning was illegal involved two elements. As described in Price v. Payette County Bd. of County Com'rs, 131 Idaho 426, 958 P.2d 583 (1998) (quoting Dawson Enterprises, Inc. v. Blaine County, 98 Idaho 506, 567 P.2d 1257 (1977)), a claim of "spot zoning" would be overturned if: (1) the rezone is in accordance with the comprehensive plan; and (2) the change was not solely for private gain.

The Idaho test has since evolved over the ensuing years. "Spot zoning" today is now considered by looking, separately, at whether a rezone constitutes "Type One" or "Type Two" spot zoning. Under current Idaho cases, "Type One" spot zoning refers to "[a] rezoning of property for a use prohibited by the original zoning classification. The test for whether such a zone reclassification is valid is whether the zone change is in accord with the comprehensive plan." Evans v. Teton County, 139 Idaho 71, 76-77, 73 P.3d 84, 89-90 (2003).

Mr. Leroy has provided a few sentences on what he believes evidences the City's intention in connection with the Comprehensive Plan's guidance for the subject property, concluding that the rezone request, as may be conditioned, is not in accord with the Comprehensive plan. He is incorrect.

The City spent years reviewing and updating (in both 2019 and 2021) the Comprehensive Plan, especially as it relates to the subject property. With this letter we incorporate by reference into the record for SAPFY2023-0001 all of the written and oral testimony, written documentation, including, without limitation, staff reports and decisions in connection with the 2019 and 2021 updates to the Garden City Comprehensive Plan. The Applicant's consultants were actively involved in the public hearing process surrounding the 2019 and 2021 updates to the Comprehensive Plan. With the Application's narrative we have provided the Commission with an overview of how the Application is firmly based on the guidance of the City's legislatively-adopted Comprehensive Plan.

We refer the Commission to Tab 3, pages 1-14 of the Applicant's Narrative for this Application, which Tab 3 provides an extensive analysis of all the rezone Findings required by Garden City, especially in connection with consistency with the Comprehensive Plan.

Meanwhile, "Type two" spot zoning refers to a zone change that singles out a parcel of land for use inconsistent with the permitted use in the rest of the zoning district for the benefit of an individual property owner.

A case applying this test is Taylor v. Canyon County Bd. of Com'rs, 147 Idaho 424, 210 P.3d 532 (2009). There, the Court clarified the test and held that a rezone that is in accordance with the comprehensive plan is not a spot zone. In other words, an Idaho court will no longer look to determine if a spot zone is "Type Two" (solely for private gain) if the spot zone qualifies as "Type One" (in accordance with the comprehensive plan). The end result of this new analysis is that the "not solely for private gain" requirement of Dawson no longer applies if the rezone is in accordance with the comprehensive plan.

The change from the Dawson approach represented by Evans and Taylor appears to reflect the Court's greater comfort with the planning process instituted by the Local Land Use Planning Act (I.C. § 67-6501). Dawson (decided in 1977) came shortly after LLUPA (passed in 1975), at a time when the courts were still coming to grips with LLUPA. LLUPA enshrined the planning process embodied by the comprehensive plan, where the community-driven process of comprehensive planning is put into effect by the actual zoning ordinance, which must be "in accordance with" the comprehensive plan. (I.C. § 67-6511; Bone v. City of Lewiston, 107 Idaho 844, 850, 693 P.2d 1046, 1052 (1984)).

Over the following decades, the Court has embraced the comprehensive planning process. This is no more obvious than in the case of spot zoning, where the Idaho Supreme Court has now chosen to place its trust in the comprehensive plan alone, rather than looking to any other extrinsic factors, including benefit to the individual property owner.

Spot zoning challenges are often brought by neighbors seeking to limit perceived change in a neighborhood that may be brought by a rezone to allow more intensive uses. As described above, the experience in Idaho shows courts rejecting spot zoning claims if the rezone is in conformance with the comprehensive plan. Rathkopf's review of the case law nationwide shows a similar trend:

NIMBY lawsuits that challenge the validity of a specific rezoning based on an illegal spot zoning claim usually prove unsuccessful. Today, courts generally hold that the "spot zoning" of an individual tract or relatively small parcel of land is not per se invalid. Also, courts in most states grant considerable deference to the legislative judgment supporting a rezoning. See, 3 Rathkopf's The Law of Zoning and Planning § 41:2 (4th ed.).

IV.

THE ELIMINATION OF GOLF COURSE HOLES 10, 11, 7 AND 8 APPEARS TO VIOLATE SEVERAL MASTER DECLARATION CONTRACT PROVISIONS FOR PLANTATION SUBDIVISION RESIDENTS

The Master Declaration of the Plantation is not binding on the Application's subject property. Even if it was, which it is not, as acknowledged by the Objectors and their attorney, private restrictive covenants have no authority in connection with the City's review of an application under the City's rules and regulations. Any reference to private restrictive covenants has no bearing on the City's public review of the Application. The Applicant expects that the City will review the Application according to the public process without reference to private restrictions.

V.

THE SCOPE OF THIS DEVELOPMENT IS TOO MASSIVE TO DO WITHOUT CONTINUING PUBLIC SCRUTINY

If approved by the City, we have no doubt the Objectors and their attorney will continue to scrutinize The Residences at River Club going forward. The Applicant also has full confidence that the City will provide continuing procedural oversight on The Residences at River Club.

If approved by the City, the SAP Master Plan will guide, and the SAP District Code will govern, future applications and the application processes. The SAP District Code does not modify the review procedures of Garden City but, rather, adopts all of Garden City Code's land use procedures in full. The Applicant is not proposing changes to the City's procedures. Traditional notice and hearing procedures are not eliminated with this rezone to SAP or in connection with future applications. Appointed and elected officials' involvement will not be eliminated.

For example, all future applications will be required to go through the Design Review Consultant recommendation process with a final decision made by the Planning Official, which decision is appealable to the City Council at a public hearing.

No decision can be made by the City, as asserted by Mr. Leroy, "behind closed doors with staff-only determinations made with developer-only input." Frankly, this is an insult to Garden City's staff, the City's elected and appointed officials, and the City's adopted processes (which, again, will not change).

One technique the City employs to help ensure that citizens who desire notice of pending applications, is to ask that citizens identify themselves as "interested parties" to a particular application or property. Once so identified, the City will provide notice of future applications and/or pending decisions.

Because the Objectors and their attorney have expressed their concern regarding notice of future processes, the Applicant has already asked the City's staff to maintain a list of all persons that provide written or oral testimony in connection with this Application – both in favor or opposed – as a list of "interested parties" that will receive notice of future City processes involving The Residences at River Club.

VI.
THE TRAFFIC IMPACTS HAVE NOT BEEN FULLY, ADEQUATELY STUDIED

The Objectors and their attorney are not traffic/transportation experts and have no credentials to opine as to the facts of traffic impacts, appropriate mitigation, internal circulation or parking requirements. The speculation by the Objectors is just that – speculation.

However, a rigorous traffic impact analysis has been compiled on behalf of the Applicant by Kittleson & Associates and submitted to Ada County Highway District (ACHD) for review and recommendation to the City. The City also transmitted the Application to ACHD for review. That review is not complete. The Applicant, understanding how important this review is for the public hearing process, requested a deferral of the previously scheduled March 15, 2023 Commission hearing to allow ACHD to complete its review.

VII.
THE SAP IN FACT HAS NO ADEQUATE PUBLIC ACCESS TO THE GREENBELT THROUGH THE NEIGHBORHOOD

The Residences at River Club do have adequate public access to the Greenbelt. These residents will enjoy the same existing improved access to the Greenbelt that all pedestrians and bicyclists -- both on the north and south sides of State Street -- have along State Street's sidewalks and bike lanes leading to Plantation River Drive -- a designated public bikeway -- and then leading to the existing Greenbelt public access.

The Applicant will improve its frontage on the south side of State Street with the south leg of the Pierce Park intersection and with a 10-foot multi-purpose pathway. The improvements planned by ACHD for the north side of State Street also include 10-foot multi-purpose pathway extending east from the traffic light at Pierce Park. Future widening phases for State Street could include the extension of the 10-foot pathway on both sides of State Street to the traffic light at the designated public bikeway, Plantation River Drive.

The Applicant has worked diligently with its neighbors on Fair Oaks Place who have voiced their concern that a pedestrian and bicycle connection not be made to Fair Oaks Place. The Applicant supports its neighbors' position and no such connection is shown in the Application. Both the Applicant (and we assume its neighbors) support bikes and pedestrians continuing to access the Greenbelt using the existing designated bikeway at Plantation River Drive and the planned multi-purpose pathway on State Street.

VIII.
THE IMPACTS ON THE EXISTING ADJACENT NEIGHBORHOOD HAVE NEITHER BEEN FULLY ANALYZED NOR APPROPRIATELY MITIGATED

As discussed in the Application, the Applicant is an award-winning international development and property management company that has existed for over 50 years. The Applicant is highly respected throughout its markets for exceptionally designed residential and commercial projects and is the second-largest apartment manager in the United States. The Applicant has acquired great experience and expertise in analyzing and addressing potential impacts with its development designs.

A great deal of thought was put into the Master Plan design to ensure impacts on nearby and adjacent property owners are mitigated. The issues raised by the Objectors include: (1) vehicular

access (and bike and pedestrian access) to Fair Oaks Place; (2) Fire Department access to Fair Oaks Place; and (3) perceived insufficient parking at The Residences that would overflow onto public streets in the Plantation neighborhood.

As provided further in this response and the Application, The Residences at River Club has been designed without any type of access to Fair Oaks Place. The Applicant strongly supports its neighbors' position to maintain The Residences at River Club as a self-contained neighborhood. The Applicant has no reason to believe that ACHD will require vehicular access to Fair Oaks Place, which vehicular access between a private and public street is contrary to ACHD Policy.

As stated above, the Applicant strongly supports the Neighbors' position to maintain bike and pedestrian access to the Greenbelt as planned along State Street and the existing public bikeway along Plantation River Drive.

The Applicant has been forthcoming in advising its neighbors that the Boise Fire Department may require gate-controlled emergency access to Fair Oaks Place. However, pre-application discussions with the Fire Department indicate that no such access is anticipated.

As stated further in the Application, the Applicant has designed The Residences at River Club to contain all parking within the project. Parking requirements proposed in the SAP district code reflect the parking needs observed and experienced in the Applicant's many projects. The Commission is aware that the City's Council is in the process of reviewing recommended changes to the City's existing parking standards. The Applicant is monitoring this process and will continue to work with the City on possible revisions to the parking standards proposed in the SAP district code to reflect the parking standards eventually adopted by the Council.

IX.

WITHOUT PROPERLY DEVELOPED WATER OR SEWER PLANS, THIS PROPOSED HIGH DENSITY
SAP LOCATION IS PREMATURE

Conceptual Utility Plans for The Residences at River Club were prepared by the Applicant's consultants at The Land Group and provided to the City's Staff. These Plans and a narrative report provide the City with preliminary designs on existing and planned water and sanitary sewer service. The City's Engineer has issued a conditional will serve letter in connection with the Application stating, as is typical and as required by Garden City Code: "New water and sewer services must be reviewed and approved by the city's Public Works Department when development is proposed."

"Development" is not proposed with this Application's conceptual master plan. Further applications must be processed and approved by the City (including the review of water and sewer services) prior to development.

As explained further in the Application, municipal water and sewer services are readily available for the Residences at River Club from existing facilities on or adjacent to the Property. Phased development of the Residences at River Club would occur from the west side of the project to the east, which phasing mirrors the logical extension of water and sanitary sewer infrastructure based on the location of existing trunk utilities, topography and drainage patterns.

No permit for construction will be issued by Garden City without finally approved plans for sewer and water connections in compliance with Garden City Code Title 6, Chapter 3 (Sewer) and Title 6, Chapter 2 (Water). The Applicant expects that, if the Application is approved, the City will make this a standard condition of approval -- even if redundant because such is already required by Garden City Code.

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Patricia Hedrick Date 4/12/23

Your Physical Address: 4055 N Bayou Ln

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No

Email: hedpat@gmail.com

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

minimum set back from State St + existing Properties
500 feet - 5 ft wandering sidewalk on State St.

* Height max 2 stories

* Max 300 units - With 300 None Surface parking * ~~or 1:1 unit~~

Signature:

Patricia Hedrick

* Add center Planted
1' on State St

No to increase lanes on
State Street! Already
needs ↓ speed + ↑ stop
1' + Prohibit turn lanes

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Rhea Hirsch Date 04-17-23

Your Physical Address: 5813 N. Fenwick Ave, Boise

(Please select) I wish to be kept informed of any additional future meeting dates:

☐ Yes

☐ No Email: _____

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

This project adds tremendous congestion to an area
that is already very congested. This would remove the
green space to provide parking

Signature: Rhea Hirsch

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

.....
Your Name SUSAN J. TROYER SAPFY2023-0001 – Specific Area Plan Date 4/16/23

Your Physical Address: 3824 N. BAYOU LANE GARDEN CITY, ID 83703 (SAVANNAH GREENS TOWNHOMES)

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No

Email: troyer-susan921@gmail.com

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

See attached letter.

Signature: Susan J. Troyer

April 16, 2023

Garden City Planning and Zoning Commission:

My name is Susan Troyer and I am writing to express my opposition to the proposed development at River Club. I have two rather large concerns: the design and resulting traffic.

Nothing should be constructed on what is now the 11th hole of the golf course. The proposed design abuts two subdivisions (Plantation and Savannah Greens) which are single family homes, some of which are considered more "high-end" real estate. The proposed high-density development for this area is not compatible at all with this older neighborhood. Clearly, the developer/owner had only one thing in mind when the design was drawn--that of how much money he could make. There was obviously no consideration given to the impact on these neighborhoods and what it would do to property values. I'm sure he would not be willing to pay these owners for their lost value! My Savannah Greens neighbors on Kessinger would have their backyards overshadowed by a five-story apartment building, not a very pleasant view and not very private if they should want to use their backyards! For years, I've heard all the local cities talk about creating and preserving "green space". Please consider this when making your decision.

My second concern is the resulting traffic caused by this high-density project. As we all know, State Street traffic is almost unmanageable now. I am a resident of Savannah Greens. We have only one way in and out of our complex. We are all of the "older generation" and allowing roughly another 1000 cars a day is a potential safety hazard for us trying to access and leave our homes. Many times, to turn left, we have to turn right and go down to Plantation River Street, make a U-turn, and catch the traffic light to turn left. The proposed State Street project is going to take years to complete, so traffic is going to be an increasing problem. We don't need more!

The original development plan we heard a few years ago was for retail development along State Street and for multi-family units behind the retail, using the land from the old 10th hole of the golf course. This was a very acceptable plan. However, five-story apartment buildings are too much. Density should be limited, and compatible with the area.

Please don't become the type of public servants that prioritize "the almighty dollar" over the people you represent!

Thank you for considering this matter.



Susan J. Troyer
3824 N. Bayou Lane
Savannah Greens Townhomes

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Gerry R. Shey Date 4/16/2023

Your Physical Address: 3992 W. Bayou Ln. Boise, Id 83703

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No

Email: sygerrie@gmail.com

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Inadequate parking for number of units
being built. traffic issues.

Signature: Gerry Shey

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Sherrice Sly Date 4/15/2023

Your Physical Address: 3992 N. Bayou Lane Boise, ID 83703

(Please select) I wish to be kept informed of any additional future meeting dates:

☒ Yes

☐ No

Email: slgsherrice@gmail.com

(Please select) Regarding this application I:

☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Parking issues in our neighborhood
Additional traffic congestion
too big -

Signature:

Sherrice Sly

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.

Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714

SAPFY2023-0001 – Specific Area Plan

Your Name Maria Latta Date _____

Your Physical Address: 5100 W. Grant St

(Please select) I wish to be kept informed of any additional future meeting dates:

☐ Yes

☒ No Email: _____

(Please select) Regarding this application I:

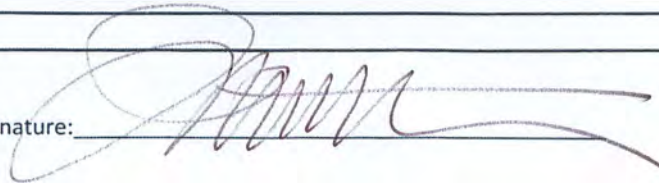
☐ Support the Application

☐ Am Neutral

☒ Oppose the Request

Comments:

Signature: _____



Kena Champion

From: John <jraudme@gmail.com>
Sent: Friday, April 14, 2023 8:56 AM
To: planning
Subject: Support for River Club SAP

We strongly support the approval of the SAP application from Lincoln Property Company for the rezoning of the River Club.

We are members of the River Club and have lived in Garden City for over 25 years. We live on the course a couple of houses from where Fair Oaks intersects West Plantation Lane.

Since purchasing what was previously the Plantation Country Club, Will Gustafson has made very many high-quality improvements in structures, services, staff and amenities. He only does things one way, FIRST CLASS.

Because of all these changes and future changes, The River Club has become more than just a golf course. It has become a place for families to come and enjoy various activities.

When the State Street widening project was announced, it has always been known there would be development.

Our concern is if the city does not approve the SAP, the golf course land will be sold for development of all open land. This will impact many, many more families than just a few.

The concerns of a few should not determine the outcome for everyone in this great community.

Sincerely,

Joyce and John Raudabaugh

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

Kena Champion

From: Mark Johnson <plantationcommunityoutreach@gmail.com>
Sent: Friday, April 14, 2023 8:45 AM
To: Russ Heller; planning; John Evans; Susanna Smith; James Page; Teresa Jorgensen; Bill Jacobs
Subject: Letter of endorsement for proposed rezoning at The River Club

Members of Planning and Zoning, City Council, and Mayor Evans,
As homeowners in The Plantation neighborhood we have seen the additional plans that River Club owner Will Gustafson has laid out for the future of our golf course. It is exciting and something members and neighbors have been hoping would someday happen. Many of us believe that should the rezoning for the new residential development along State St. not be approved, Mr Gustafson will be inclined to sell the entire golf course with the great possibility of a new buyer developing the property into a large subdivision. If that were to happen our property values would plummet and the lifestyle and open space we have enjoyed for many years will be no more. Understandably, not everyone is 100% in favor of a major development adjacent to our idyllic neighborhood, however, we have long known that this is a necessary part of the long range plan of the golf course owner, and that additional residential progress is inevitable in Garden City.

We strongly feel the need to ensure that the future of the River Club Golf Course and the open space it provides both members and non members is protected for this and future generations. Please give serious consideration for the approval of the Lincoln Property Co's application for rezoning so we can keep this special "gem" intact.

Mark and Christina Johnson
6281 W. Plantation Ln, Garden City, 83703
boisejohnsons@gmail.com

Adam and Andrea Krueger
6346 N Charleston Pl
idbasco@gmail.com
Wmcabasqye@gmail.com
Whatever happens, an 18 hole golf course ,must remain! We support a plan that ensures this happens.

Please add us in support of this letter.
Steve and Terry Selekof
6291 N Charleston Pl
Idahoselekof1219@gmail.com

Dick and Janelle Curtis
6256 N Charleston Pl
Boise, Idaho 83703
Dick: curtcrew@gmail.com
Janelle: janellecurtis1@gmail.com

Please add us in support of this letter:
Glenn & Viktoria Elam
5911 W. Sterling Lane
Boise, ID. 83703

Joyce and John Raudabaugh
Jraudme@gmail.com
6079 W Plantation Ln

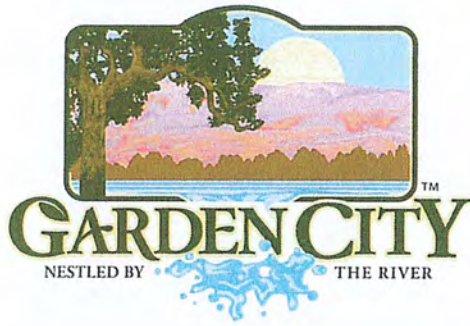
Steve and Cathleen Aikman
6034 Sterling Ln
Garden City
cathleenaikman@gmail.com

Lou and Gerre Pagano
5945 W Sterling Ln
Garden City
loupagano72@gmail.com
gerrepagano@gmail.com

Joe and Audrey Leaf
4685 Savannah Ln
Garden City, ID
Jhleaf48@gmail.com
Audrey_Thaden@msn.com

Craig Fenwick
5918 W. Sterling Ln
craignfenwick5918@gmail.com

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CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Carol Bower

Physical Address (City & State of residence, not PO Box):

3921 N. Reservoir Ln
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

Choose one: _____ Support the application _____ Neutral X Oppose the application

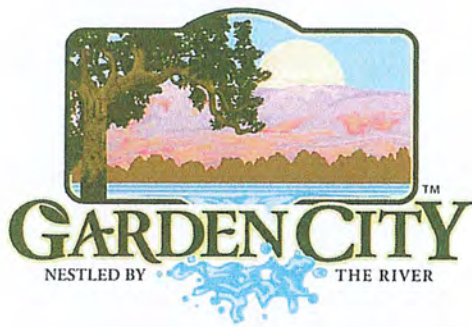
Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Carol L. Bower

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
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PUBLIC HEARING SIGN-UP SHEET

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Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Jeraldine Cunningham

Physical Address (City & State of residence, not PO Box):

3921 N. Hession Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

Choose one: _____ Support the application _____ Neutral X Oppose the application

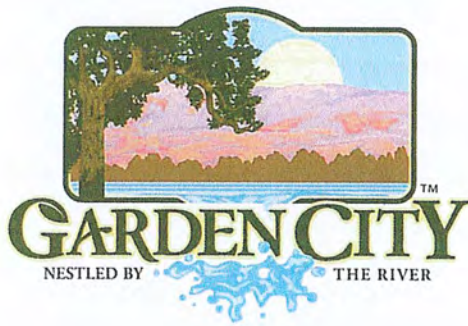
Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

State Street will not be able to handle the traffic
The reason I came to Plantation Place was for the view.

Jeraldine Cunningham
Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

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(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Norbert Dekerchoue

Physical Address (City & State of residence, not PO Box):

3921 N. Kershner Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

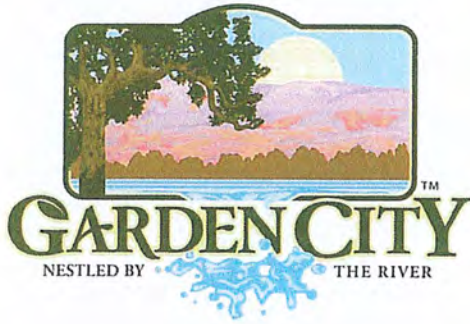
Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Norbert Dekerchoue
Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

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Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Barbara Emery

Physical Address (City & State of residence, not PO Box):

3921 N. Hesperian Ln
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Choose one: _____ Support the application _____ Neutral X Oppose the application

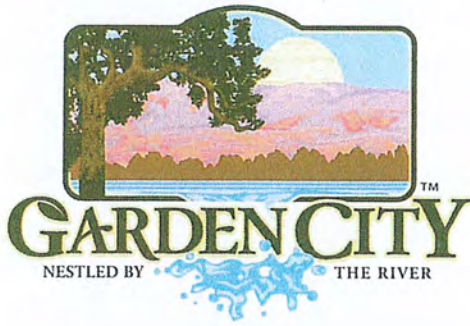
Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Barbara L. Emery

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

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(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: _____

PLEASE PRINT LEGIBLY

Name: Marilyn Farneman

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Marilyn P. Farneman Marilyn P. Farneman
Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
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PUBLIC HEARING SIGN-UP SHEET

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(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Carolyn Gill

Physical Address (City & State of residence, not PO Box):

3921 N. Heron Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

Choose one: _____ Support the application _____ Neutral X Oppose the application

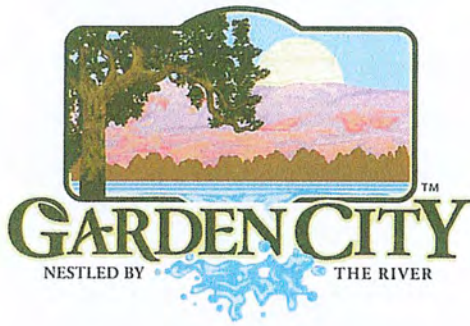
Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Carolyn Gill

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

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(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 5, 2023

PLEASE PRINT LEGIBLY

Name: Barbara Kerbs

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

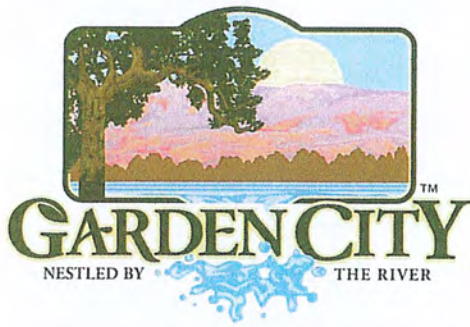
Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Barbara Ann Kerbs
Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Edwina Lysinger

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

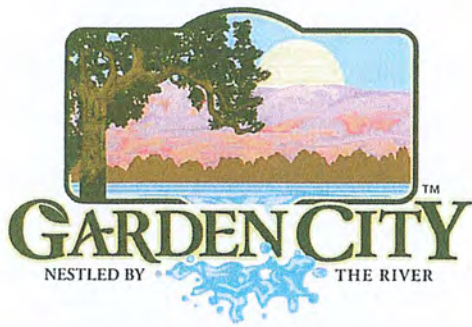
Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Edwina L. Lysinger
Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
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Agenda Item # or name: **SAPFY2023-0001**

Date: April 17, 2023

PLEASE PRINT LEGIBLY

Name: Mary Ann Murdoch

Physical Address (City & State of residence, not PO Box):

9712 W. Tributary Ln.
Boise, Idaho 83714

E-Mail: maryann.murdoch@idahocountry.com

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Choose one: _____ Support the application _____ Neutral X Oppose the application

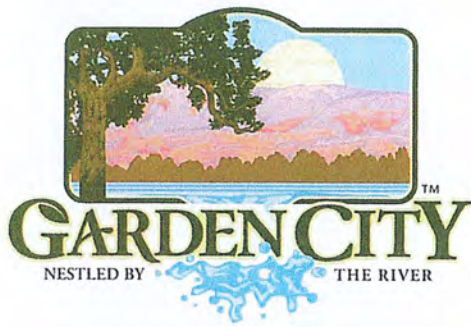
Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Golf Course been here as Boise's
oldest most respected, beautiful courses
in the state. Traffic on Gate already
horrible

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

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(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Thyne Murdoch

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Thyne Murdoch

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

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(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Neva Postlethwait

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

Choose one: _____ Support the application _____ Neutral X Oppose the application

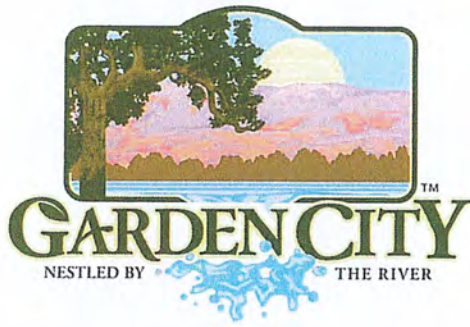
Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Neva Joan Postlethwait

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

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Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Bob Purnbeck

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

Choose one: _____ Support the application _____ Neutral X Oppose the application

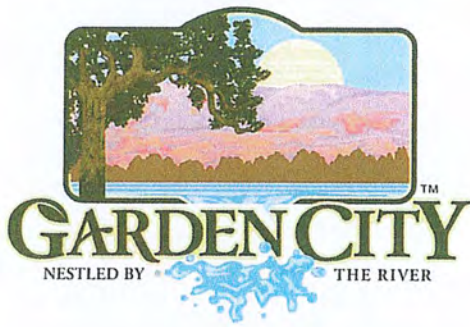
Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Bob Purnbeck

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Dorothy Barney

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

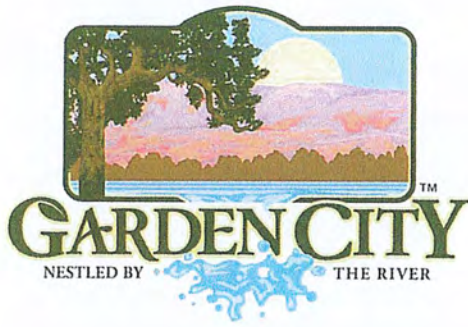
Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Dorothy Barney
Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Josephine Santillanes

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
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<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

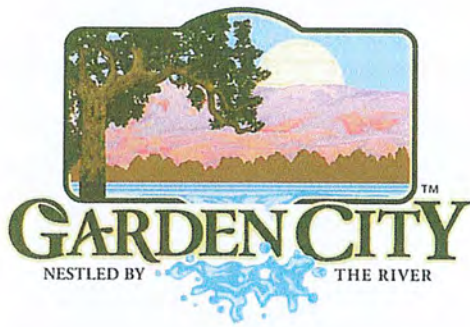
Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Josephine Santillanes
Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Donna Schlager

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input checked="" type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Choose one: _____ Support the application _____ Neutral X Oppose the application

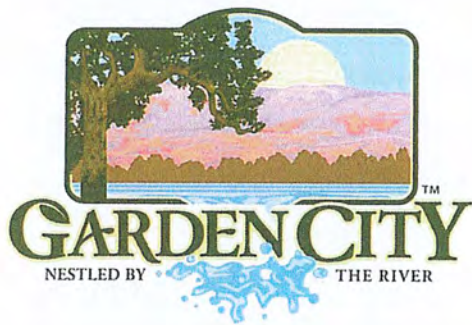
Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I am definitely against this
This Course has been here forever

Donna Schlager
Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Karen Schneider

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input checked="" type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

Choose one: _____ Support the application _____ Neutral X Oppose the application

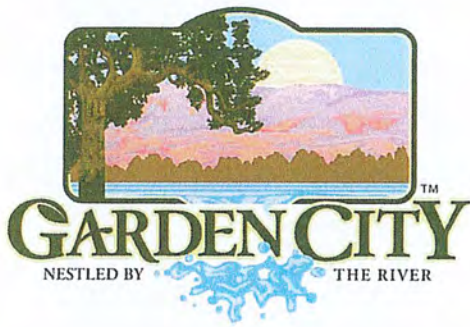
Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Karen Schneider

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Rebecca Ward

Physical Address (City & State of residence, not PO Box):

503 W Bracmire Rd
Boise, ID 83702

E-Mail: RWARD@GMAIL.COM

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	

Choose one: _____ Support the application _____ Neutral X Oppose the application

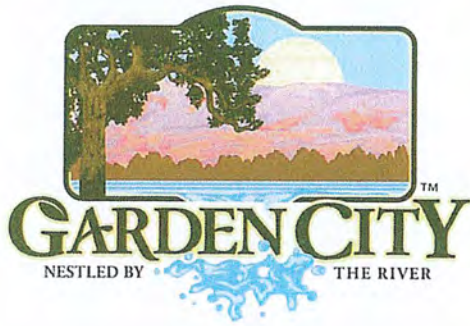
Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

~~Too many~~ Historic Oldest course in
Boise going away! How sad too
build more high density + commercial
Please don't rezone!

Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 13, 2023

PLEASE PRINT LEGIBLY

Name: Patricia Warner

Physical Address (City & State of residence, not PO Box):

3921 N. Kessinger Ln.
Boise, Idaho 83703

E-Mail: _____

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

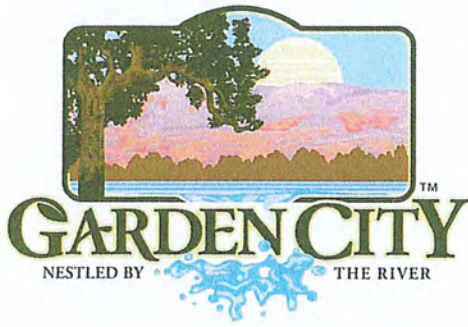
Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Patricia L. Warner
Written Signature (only if not testifying)



CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2900 • Fax 208/472-2996

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments
(please place in the basket)

Agenda Item # or name: **SAPFY2023-0001**

Date: April 6, 2023

PLEASE PRINT LEGIBLY

Name: Robyn Zimmermann

Physical Address (City & State of residence, not PO Box):

10337 W. Cultis Bay St.
Garden City, ID 83714

E-Mail: _____

Voluntary Information	
Please check the following boxes if applicable:	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

Choose one: _____ Support the application _____ Neutral X Oppose the application

Do you wish to testify? Yes _____ No X

Do you wish to be an interested party? _____ Yes X No If yes, email: _____

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Way too many homes/apartments in this area adding
to increased traffic on State Street and current
residents in this area will lose the view of the
golf course, etc. BAD IDEA

Written Signature (only if not testifying)

Kena Champion

From: planning
Subject: RE: State Street Development

From: Robert Jue <rjueid@gmail.com>
Sent: Thursday, April 13, 2023 11:03 AM
To: John Evans <jevans@GARDENCITYIDAHO.ORG>
Subject: State Street Development

Dear Mayor Evans,

I am concerned that the proposed Specific Area Plan of the River Club golf course along State Street will have negative impacts on our city and the immediate area.

The golf course (and fairgrounds) historically have been floodplain for the Boise River. Development of any kind should take that into consideration as such development can create impediments to the flow of floodwater that will force backup and higher levels of floodwater upstream into more of Garden City. This year's snowpack runoff may repeat or exceed 2017.

Garden City Building Code had height limits for good esthetic reason and the P&Z adhered to those when we each served on that commission. Being able to view Idaho mountains as a quality of homeownership should never be dismissed. Allowing four story housing is, in my opinion, an affront to the subdivision residents. Denser housing would be better located in the fairground track area.

The proposed number of apartments in the development will add to traffic at the Glenwood/State St intersection and corridors as most apartment dwellers are working job holders and often parents with children attending school. Currently elementary schools are all within 1.5 miles to the proposed apartments, a distance where busing is not usually offered.

I thank you for your consideration.
Robert Jue
5720 W Plantation Ln
Garden City, Id 83703

Sent from rjueid@gmail.com

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=1&mod_option=gitem&mail_id=81405391-J1r9la89Unfm&r_address=vans%40gardencityidaho.org&report=

Ronald E. Bush
3695 N. Gramarcy Lane
Garden City, ID 83703
April 10, 2023

HAND-DELIVERED

Lisa M. Leiby
Garden City Clerk
6015 Glenwood St.
Garden City, ID 83714

Re: Additional citizen comment in opposition to SAP Application
File number: SAPFY2023-0001

Dear Ms. Leiby:

This letter is submitted with additional written comment in opposition to the above-referenced SAP application. It dovetails with a prior written opposition I have submitted, dated February 14, 2023. In that submission I brought to the attention of the City numerous questions and concerns about the ownership of the real property which is the subject of the application, and numerous questions and concerns about whether the application itself was faulty on its face.

It does not appear that the City's Planning Department has made a meaningful investigation into the questions brought forward by my February 14, 2023. Instead, in the Staff Report # 1, dated March 15, 2023, Ms. Thornborrow simply recites the bare facts of the application, the name of the person who signed the application for the owner, and then says, without more, that "the applicant has provided a Delegation of Authority signed by Matt Milich of BREF2 River Club LLC." (See pages 20-21 of Report # 1.)

Even the most cursory review of the "Delegation of Authority" by Ms. Thornborrow would have revealed the inadequacies of the document submitted by Mr. Milich. (Among other things, there is nothing in the document that ties it to the real property involved in the application; the date on which such "authority" was granted is ambiguous; and Idaho Secretary of State records show a different person, with a different entity, as the "owner manager" of the applicant LLC, not Mr. Milich.) Ms. Thornborrow makes no mention of those serious questions, nor does she mention much less respond to the other significant issues about ownership that are raised in the February 14, 2023 submittal.

Therefore, I have raised the issues in a letter to Mr. Milich, with questions and requests of the sort that the City's planning department should have asked and made on their own as part of the appropriate and necessary due diligence needed to make a

genuine, fair, and even-handed assessment of the application before making a report to the decision makers. I ask Mr. Milich to provide documents and information to the City, for use in the decision-making process, because such information is important to any full and fair consideration of the application. A copy of my letter to Mr. Milich accompanies this letter. It is self-explanatory. Perhaps it will also be eye-opening. If Mr. Milich's company does not provide such information in response to my letter, I ask that the City decision-makers make their own request.

Please provide a copy of this letter and its accompanying material to the Planning and Zoning Commissioners, the members of the City Council, and Mayor Evans as soon as possible. Please also place a copy of this letter and its accompanying material in the decision record for SAPFY2023-0001.

Yours sincerely,



Ronald E. Bush

REB/r

Encls.

cc: Matt Milich (w/out encls.)

Ronald E. Bush
3695 N. Gramarcy Lane
Garden City, ID 83703
April 10, 2023

COPY LRB
04/10/2023

Mailed by USPS One-Day Delivery

Matt Milich
Director, Acquisitions and Capital Markets
Brasa Capital
2029 Century Park East, Suite 2070
Los Angeles, CA 90067

Re: *Delegation of Authority of LB River Club JV LLC*, regarding the Application for Specific Area Plan (Garden City, ID), file number: SAPFY2023 -- 0001

Dear Mr. Milich:

I live in the Garden City, Idaho neighborhood adjacent to the development which is the subject of the above-referenced development application (which I will refer to as the "Development") pending before the Garden City Planning and Zoning Commission, and then the Garden City Council. This proposed Development is known to you and your company. Along with many others, I oppose the Development and have submitted several documents to Garden City with details of that opposition. One of those submissions, dated February 14, 2023, described information I gathered from public records maintained by the Ada County Recorder's office, and from public records maintained by Secretary of State offices in various states concerning the ownership of the real property which is the subject of the Development. Importantly, none of those details, except the identity of LB River Club Owner LLC as the purported owner of the real property, was included with the development application.

My February 14, 2023 submittal describes, among other things, what I learned about your company's connections to the Development, as evidenced in the real property deeds and in a Deed of Trust. I also highlighted the important questions raised by such documents as to who owned the property at the time the Development application was made and who will own the property in the future, including as the Development application may or may not progress. Among other reasons, this question is particularly significant because Will Gustafson and a California attorney named Scott S. Thompson have represented that Gustafson has a contract with Lincoln Property Company in which Gustafson says he sold the River Club Golf Course to Lincoln Property Company with a so-called "Put-Option" Agreement that allows Lincoln Property Company to "control the real estate during the entitlement process" while leasing the golf course to Gustafson.

(See Appendix 1.) No one -- not Will Gustafson, Lincoln Property Company, Brasa, or any representative of the developer and the owners has taken the obvious step of providing that contract to Garden City, so far as the public is aware. Nor has anyone connected to LB River Club Owner LLC, made clear, in connection to the Development application, the details of the apparently significant strings attached to Mr. Patrick Gilligan's signature on the development application as the "Owner" of the property. A copy of the contract referenced in Mr. Thompson's letter should be provided to Garden City immediately and placed in the decision record for this Development.

Additionally, serious questions remain about whether the persons who signed the application documents submitted to Garden City had the authority to sign such documents on behalf of the owner of the property. The application serves both as a certification as to its contents and a binding indemnity/hold harmless promise to be relied upon by Garden City and its citizens, and to protect the City of Garden City and its employees "from any claim or liability resulting from any dispute as to the statements contained [in the application] or as to the ownership of the property which is the subject of the application." Those claims and liabilities can relate to any number of concerns of particular significance for this Development proposal, to include the limitations upon development contained in the Master Agreement's covenants and restrictions, the indicia of spot zoning, and the risk of inverse condemnation claims. Hence, the significance of the issue is heightened for your company and its investors but even more directly and importantly, for the existing homeowners and other citizens of Garden City and the citizens of the nearby communities of Boise and Eagle, Idaho.

After I filed the February 14, 2023 submittal to the City someone sent a document titled "Delegation of Authority of LB River Club JV LLC" to Garden City. That document was placed into the decision record of the Development application. A copy is attached to this letter for ease of reference. (See Appendix 2.) It seems plain that the purpose of the document was to respond to the concerns and questions raised in my February 14, 2023 submittal in opposition to the Development about proper authority to sign the Development application. My letter of today's date discusses your Delegation of Authority and describes again the still unanswered questions and concerns and the additional questions and concerns raised by the Delegation of Authority document carrying your name.

I will be submitting a copy of this letter and its appendices to Garden City to be included in the decision record on file number SAPFY2023 -- 0001

The "Delegation of Authority" document carries your name and signature, as the "Authorized Signatory" of BREF2 River Club LLC, a Delaware limited liability company. The document says that you signed the document, as detailed below:

[O]n behalf of BREF2 River Club LLC, a Delaware limited liability company (**"Investor Member"**), in its capacity as the Investor Member of LB RIVER CLUB JV LLC, a Delaware limited liability company (the **"Company"**), [and] hereby delegates to *Patrick Gilligan, David Binswanger and Clay Duvall*, each in his capacity as "Vice President" or "Authorized Signatory" of the Company and any Subsidiary Company, the authority to execute and deliver on behalf of the Company and any Subsidiary Company the documents in connection with the entitlement process with respect to the development of the Property in accordance with that certain Limited Liability Agreement of the Company, dated as of June 22, 2022, as subsequently amended or modified (the **"LLC Agreement"**), and such additional certificates, agreements and other documents and instruments as such Authorized Signatory may determine to be necessary, convenient, or appropriate in connection with the development of the Property. Capitalized terms used herein but not otherwise defined shall have the meanings given in that certain LLC Agreement.

(Emphasis in the original.)

Your document goes on to say that the three identified individuals do not have any authority "in excess of those provided to LPC and Operating Member (as such terms are defined in the LLC Agreement) under the LLC Agreement." Moreover, you say that any such delegated rights "are subject and subordinate to the terms and conditions of the LLC Agreement (including, without limitation, Section 8.4 of the LLC Agreement)" and that if there is any conflict between your delegation of authority document and the LLC Agreement, then "the terms of the LLC Agreement shall control."

If the purpose of the filing of your "Delegation of Authority" was intended to counter the information and concerns raised in my prior submittal to Garden City, it falls short. Rather, it raises even more questions and calls out for you and the other members of the myriad of limited liability companies who have an ownership or other financial stake in the real property *or* the proposed development to make those relationships known to Garden City and placed in the decision record before any further action is taken upon the application. Let me state again that the planning submittal process requires that the property owner be named with details, that the information in the application and accompanying materials be certified as correct, and that the owner and the applicant "hold harmless and indemnify the City from any and all claims and/or causes of action from or an outcome" of the application.

Your "Delegation of Authority" does not begin to satisfy the concerns and questions raised by the fact of multiple entities (the details of which are unknown) involved in ownership of "LB River Club Owner LLC, and the apparent disparate and convoluted responsibilities of such members as pertains to the Development. Let me describe some of the questions left unanswered, and others newly raised:

1. The "Delegation of Authority" is Meaningless.

Your "Delegation of Authority" purports to give authority to three people to act in certain limited circumstances on behalf of LB River Club JV LLC as to the "Property," but in no case to be in "excess [of rights] provided to LPC and Operating Member" under the "certain Limited Liability Company Agreement..., dated as of June 22, 2022." The terms used in the Delegation of Authority are "defined in the LLC Agreement," but the LLC Agreement was not submitted along with the "Delegation of Authority." Therefore, it is impossible to know what "Property" the "Delegation of Authority" is intended to reference. Moreover, it is impossible to know what rights are or are not within the rights provided to LPC [another undefined term] and Operating Member [another undefined term]. Finally, in this regard, it is impossible to know what rights can be delegated to anyone because, of course, the LLC Agreement was not provided with the "Delegation of Authority," even though your "Delegation of Authority" is meaningless without also providing the documents upon which it relies.¹

2. LB River Club JV LLC has already declared to the State of Idaho that its Operating Member and Manager for its business in Idaho is "LO River Club LLC," not Matt Milich or BREF2 River Club LLC.

Your "Delegation of Authority" has no touchstone from which one could confirm that you have authority to delegate any authority to any other person. The document says you signed the document on behalf of BREF2 River Club LLC, a Delaware limited liability company. Of course, because that LLC was created in Delaware, there is no information about the entity that can be obtained other than Delaware's record of the fact of registration and its registered agent. (See Appendix 3.) Regardless, BREF2 River Club LLC has never filed a "Foreign Registration Statement" in Idaho.

However, as described in my February 14, 2023 submittal, there is a Foreign Registration Statement for LB River Club JV LLC (see Appendix 4), filed June 29, 2022. That statement for LB River Club JV LLC identifies its Operating Member as "LO River Club LLC" at the same address of Lincoln Property Company in Dallas, Texas. It is signed by Leigh Ann Everett, the "Assistant Secretary of Non-Member Manager, Inc., Manager of LO River Club LLC, the Operating Member [of LB River Club JV LLC]." That entity has also filed a Foreign Registration Statement in Idaho (see Appendix 5).

¹ It is also significant that a "Trevor Nicoll" signed as the "Applicant," identified as "LPC West, Inc. Neither the name of Mr. Nicoll, nor of LPC West, Inc., appears in the "Delegation of Authority."

In other words, nothing contained in your Delegation of Authority can be verified to evidence your purported authority to grant authority to others to act on behalf of LB River Club JV LLC. In contrast, however, LB River Club JV LLC's own filings with the Idaho Secretary of State specifically identify a different, separate, limited liability company ("LO River Club LLC") as the Operating Member and Manager of "LB River Club JV LLC," with Leigh Ann Everett having authority to act on its behalf in Idaho.

3. The calendar date as to which the purported authority was extended is ambiguous and potentially misleading as described in the document and therefore cannot be relied upon by Garden City or its citizens.

Your "Delegation of Authority" also has the date of July 29, 2022 (the same date as the filing of the Foreign Registration Statement for LB River Club JV LLC), on the heading of the first page. However, your signature (on page two) curiously carries no date at all. Instead, your signature, sans any date, is underneath this language: "IN WITNESS WHEREOF, the undersigned executed this Delegation as of the date and year first written above."

Ordinarily, one would expect to see language such as "Executed this ____ day of _____" or a notary public's acknowledgement that the person signing the document was identified as such person and signed the document on the date indicated, or language in the form of what is known as a "declaration," that the document is signed under penalty of perjury. Instead, your "Delegation of Authority" says that you "executed this Delegation *as of* the date and year first written above," but it does not contain "declaration" language, nor does it have an "acknowledgement" form completed by a notary public. In other words, the document is ambiguous as to the date you signed the document (when such a delegation of authority - if otherwise valid -would attach), as distinct from a purported "assignment" date before the Delegation of Authority was actually signed.

That detail is important because of the infirmity of any attempt to retroactively grant such authority. It is also important because if you signed the Delegation of Authority (again, even if the Delegation is otherwise valid) *after* the Development Application was submitted, then the application was invalid at the time it was submitted. Hence, it is important that you clarify this question immediately, so that the Garden City decision makers and planning officials have such information in making their quasi-judicial decisions, and the citizens entitled to such information to exercise their First Amendments rights in support or in opposition to the Development, also have that information. You are free, of course, to choose how to make that information known. However, in the context of the matters described in this letter, a declaration under oath or an affidavit with the detail about the date on which you signed the Delegation of Authority, along with a copy of the LB RIVER CLUB JV LLC formation and by-law documents, LLC Agreement, and any revisions to the same from the outset to the present,

presumably would shed light on these concerns and provide the needed transparency. Those documents should be placed in the decision record to accompany your "Delegation of Authority" document.

It would puzzle me, and I expect most others who will read this letter, if you did not quickly provide all the information and documents referenced in this letter in sufficient time for the upcoming hearings. I cannot think of any good reason for you and your company not to be completely transparent about these details, especially given the questions raised by the SAP Application and the ownership of the real property. Otherwise, I think there will be good reason for the Planning and Zoning Commission and the City Council to continue the hearing on the Development until such information and documents can be obtained. It should be apparent that basic substantive and procedural due process constitutional guarantees are implicated.

4. Other documents referenced in the Ada County Recorder's office real property records also raise questions about the ownership of the real property which is the subject of the Development. Brasa should provide copies of all such documents to the City of Garden City so that the full and true nature of the current ownership, lease, silent partners, secured parties, and other parties intertwined with the Development are fully known to the decision makers and to Garden City and other Idaho citizens.

The "Delegation of Authority" refers to the Brasa "BREF2 River Club LLC," as "the Investor Member" of LB River Club JV LLC. As described earlier, the document also refers to an "Operating Member" not identified in your "Delegation of Authority." Presumably the LLC Agreement which you will provide will answer the question of what the entities/members are (and their separate entities/members, if any), along with other details about the ownership and construction, then operation and management of any development, if approved and built.²

However, additional information which is in Brasa's possession or control also touches upon the full answers to these questions and it is appropriate that such information also be provided to the City and placed into the decision record. As set out in my February 14, 2023 submittal, the Deed of Trust granted by LB River Club Owner LLC to secure an \$18.5 million loan from Northwest Bank, recorded on November 14, 2022, makes reference to the "Development Project" as part of the assets intended to secure the loan. At least two such references (found in sections 1.18.2 and 1.23.9-2 of the Deed of Trust, quoted at pp. 11-12 in my February 14, 2023 submittal, with the Deed of Trust appended) refer to definitions of the "Development Project" contained in two

² As of the date of this submission, there apparently are at least three separate limited liability companies connected to the Development: LB River Club JV LLC, LO River Club LLC, and BREF2 River Club LLC. It is unclear whether Bay Point Advisors (a Georgia based private wealth/real estate hedge fund which was the title owner holder before the real property was sold to LB River Club JV LLC) has maintained any ownership in the real property or in the Development. There may well be others.

leases: first, the **River Club Lease** and, second, the **Brasa Lease**." These leases are directly relevant as to who owns what and who will do what now, but also as to any later date if any development were to be permitted to proceed.

Such leases are also directly relevant to Will Gustafson's claims that if the Development is not approved, he will have no choice but to sell the golf course in its entirety because he will be financially forced to do so. He makes such claims, which are akin to threats, to try to intimidate opposition and gain support for the Development. The leases referenced in the Deed of Trust along with the representations made by Mr. Gustafson as to his claimed shared ownership of the golf course illustrate clearly that there has *not* been a full, transparent, good-faith disclosure of the various ownership interests and the multiple moving parts of the same. Here again, you and your company should provide those documents to Garden City to be placed in the decision record for the commissioners, council members, and members of the public to read and consider. There is every good reason, in the context of the truth or consequences involved in this proposed Development, to provide such information. *It is simply the right thing to do.*

The Development application will be considered by the Garden City Planning and Zoning Commission on April 19, 2023, in a meeting starting at 6:30 p.m. I will discuss this letter in my testimony at that meeting. I hope that I will be able to do so knowing that you have provided Garden City with the documents described in this letter to be placed in the decision record, so that they can be considered in full, by all.

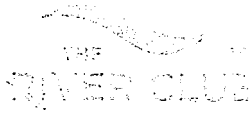
Yours sincerely,

/ s /

Ronald E. Bush

Encls.

✓ cc (w/encls): Lisa M. Leiby, Garden City Clerk (for inclusion in the decision record of SAPFY2023-0001 and for distribution, prior to hearings, to the mayor of Garden City, members of the City Council and members of the Planning and Zoning Commission).



River Club Members,

Rumors have been circulating around the ownership of The River Club. As you are aware, Will Gustafson the owner of River Club Boise, LLC who purchased the Club 4 years ago this month, selected Lincoln Property Company as his development partner. At the time of the transaction (June 2022), the Golf Course had not yet been divided into separate parcels. Lincoln purchased the entire 120 acres with the contractual obligation to transfer the Golf Course back to Will (less the 22+/- acres that Lincoln will develop) upon their development approval from Garden City. At that point, ownership of the Clubhouse and Golf Course property will belong solely to Will's entity, and we will begin the process of re-developing the Golf Course (in conjunction with Lincoln's construction schedule) as planned.

One of the concerns that was brought up is that if Lincoln currently owns the entire property, what would keep them from developing all of the property? We wanted to assure you by explaining the legal obligations that this cannot and will not happen. Below is an explanation of the transaction from Will's legal counsel.

I hope this message provides clarity of the transaction, and hopefully puts the rumors to rest. If you have any questions please feel free to reach out to me directly.

Thank you,
Jayson Petersen
General Manager

Appendix 1 (2 pages)

THE LAW OFFICE OF SCOTT S. THOMPSON

2945 Townsgate Road, Suite 200
Westlake Village, California
91361 Tel 818.427.3313

November 30, 2022

Jayson Petersen
General Manager
The River Club
6515 West State Street Boise, ID 83714

Re: The River Club

Jayson:

It is my understanding that some of the Club Members at The River Club have expressed concern with regard to the current short-term legal arrangements between Lincoln Property Company's partnership ("LPC") and Will Gustafson/The River Club.

First, I have continually represented Will as far back as 2008 when he first entertained purchasing the Plantation Country Club. Prior to entering into private practice where I still handle golf related real estate transactions, I was General Counsel for National Golf/American Golf for over 12 years and was responsible for over 200 golf course related transactions.

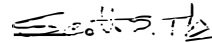
The transaction and the legal obligations of LPC and Will/The River Club are straight forward: The sale to LPC in June, 2022 was for the entire 120 acres of Club Property. The reason for this is there was not a separate legal parcel for the 22+/- acres that LPC will develop, so the entire property was transferred to LPC. At that time, LPC and Will/The River Club entered into a Lease with a Put Option Agreement.

The Lease and the Put Option Agreement between LPC and Will/The River Club require that upon approval of LPC's development of the 22+/- acre parcel, LPC is required to transfer the remaining 100+/- acres back to Will/The River Club for a very nominal fee and the Lease terminates.

This legal arrangement is mutually beneficial. It allows LPC to control the real estate during the entitlement process. The Lease guarantees the continued and uninterrupted operations of the golf course and the ongoing capital improvements under your leadership and Will's control while LPC obtains their approvals. The Put Option Agreement assures Will's/The River Club's ownership of the 100+/- acres for the future redevelopment of the golf course.

Of course, please let me know of any comments or questions.

Very truly yours,



Scott S. Thompson, Esq.

cc: Will Gustafson

The River Club

6515 W State Street | Boise | ID | 83714

(208) 853-4793

The River Club Golf Shop

(208) 853-4440

DELEGATION OF AUTHORITY

OF

LB RIVER CLUB JV LLC

July 29, 2022

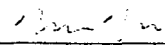
The undersigned, in the capacity stated herein on behalf of BREF2 River Club LLC, a Delaware limited liability company ("Investor Member"), in its capacity as the Investor Member of LB RIVER CLUB JV LLC, a Delaware limited liability company (the "Company"), hereby delegates to *Patrick Gilligan, David Binswanger and Clay Duvall*, each in his capacity as "Vice President" or "Authorized Signatory" of the Company and any Subsidiary Company, the authority to execute and deliver on behalf of the Company and any Subsidiary Company the documents in connection with the entitlement process with respect to the development of the Property in accordance with that certain Limited Liability Company Agreement of the Company, dated as of June 22, 2022, as subsequently amended or modified (the "LLC Agreement"), and such additional certificates, agreements and other documents and instruments as such Authorized Signatory may determine to be necessary, convenient, or appropriate in connection with the development of the Property. Capitalized terms used herein but not otherwise defined shall have the meanings given in that certain LLC Agreement.

The foregoing Delegation of Authority does not confer upon the individuals named above any rights in excess of those provided to LPC and Operating Member (as such terms are defined in the LLC Agreement) under the LLC Agreement. As such and notwithstanding the foregoing or anything to the contrary in this Delegation of Authority, this Delegation of Authority and the rights delegated hereunder are subject and subordinate to the terms and conditions of the LLC Agreement (including, without limitation, Section 8.4 of the LLC Agreement). In the event of any conflict between this Delegation of Authority and the LLC Agreement, the terms of the LLC Agreement shall control.

Appendix 2

IN WITNESS WHEREOF, the undersigned executed this Delegation of Authority effective as of the date and year first written above.

BREF2 River Club LLC,
a Delaware limited liability company

By: 
Name: Matt Milich
Its: Authorized Signatory



Home > U.S. > Delaware > Wilmington

BREF2 RIVER CLUB LLC

Delaware Secretary Of State Business Registration •
Updated 7/21/2022

Sponsored Links



BREF2 RIVER CLUB LLC is a Delaware Domestic Limited-Liability Company filed on June 15, 2022. The company's filing status is listed as Active and its File Number is 006858636.

The Registered Agent on file for this company is National Registered Agents, Inc. and is located at 1209 Orange Street, Wilmington, DE 19801.



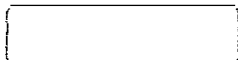
Company Name: BREF2 RIVER CLUB LLC
 Entity Type: DELAWARE DOMESTIC LIMITED-LIABILITY COMPANY
 File Number: 006858636
 Filing State: Delaware (DE)
 Filing Status: Active
 Filing Date: June 15, 2022
 Company Age: 10 Months
 Registered Agent:  National Registered Agents, Inc.
1209 Orange Street
Wilmington, DE 19801
 Governing Agency: Delaware Secretary of State

Sponsored
Links

This company has not listed any contacts yet.



There are no reviews yet for this company.

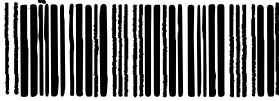


There are no questions yet for this company.

ADDITIONAL LINKS

[Post Question For This Company](#)

Appendix 3



FOREIGN REGISTRATION STATEMENT

Title 30, Chapter 21, Idaho Code

Base Filing fee: \$100.00 + \$20.00 for manual processing (form must be filed with fee)

For Office Use Only

-FILED-

File #: 0004797646

Date Filed: 6/29/2022 1:07:00 PM

- The name of the entity is: LB RIVER CLUB JV LLC
- The name which it shall use in Idaho is: LB RIVER CLUB JV LLC
(Enter a name here, only if you are required to adopt an alternate name)
- Select the type of entity you wish to register:

<input type="checkbox"/> Business Corporation	<input type="checkbox"/> General Partnership
<input type="checkbox"/> Nonprofit Corporation	<input type="checkbox"/> General Cooperative Association
<input type="checkbox"/> Limited Liability Partnership	<input type="checkbox"/> Limited Partnership (Including a limited liability limited partnership)
<input checked="" type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Statutory Trust, Business Trust, or Common-law Business Trust
<input type="checkbox"/> Other: _____ (Use "Other" only if your foreign entity type is not listed above, and enter the type here.)	
- Jurisdiction of formation: DELAWARE
(Provide the domestic jurisdiction where the entity was formed)
- The address of its principal office is:
2000 MCKINNEY AVENUE, SUITE 1000, DALLAS, TX 75201
(Street Address)
P.O. BOX 1920, DALLAS, TX 75221
(Mailing Address, if different)
- The address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:
1209 ORANGE STREET, WILMINGTON, DE 19801
(Street Address)

(Mailing Address, if different)
- The mailing address to which correspondence should be addressed, if different from item 5, is:

(Address)
- Name and street address of registered agent in Idaho:
C T CORPORATION SYSTE, 921 S ORCHARD STREET, SUITE G, BOISE, ID 83705
(Name and Address)
- The name, capacity, and mailing address of at least one governor:

<u>LO RIVER CLUB LLC</u>	<u>Operating Member</u>	<u>2000 MCKINNEY AVENUE, SUITE 1000, DALLAS, TX 75201</u>
(Name)	(Capacity)	(Address)
_____ (Name)	_____ (Capacity)	_____ (Address)

Secretary of State use only

Typed Name: LeighAnn Everett

Signature: *LeighAnn Everett*

Assistant Secretary of Non-Member Manager, Inc., Manager of
LO River Club LLC, the Operating Member

Capacity: _____

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY "LB RIVER CLUB JV LLC" IS DULY FORMED
UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND
HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS
OF THE EIGHTH DAY OF JUNE, A.D. 2022.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN
ASSESSED TO DATE.



6844597 8300

SR# 20222660845

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JB", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 203627280

Date: 06-08-22

B0719-1233 06/29/2022 1:07 PM Received by ID Secretary of State Lawrence Denney



LEIGH ANN EVERETT

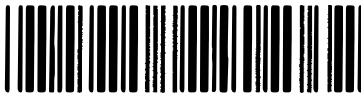
Sign Here

06/09/2022

Date

Job Title: ASSISTANT SECRETARY of NON-MEMBER MANAGER, INC. , MANAGER

B0713-9709 06/09/2022 8:39 AM Received by ID Secretary of State Lawrence Denney



0004776850

**STATE OF IDAHO**

Office of the secretary of state, Lawrence Denney
**FOREIGN REGISTRATION STATEMENT (LIMITED
LIABILITY COMPANY)**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$100.00

For Office Use Only

-FILED-

File #: 0004776850

Date Filed: 6/9/2022 8:38:40 AM

Foreign Registration Statement (Limited Liability Company)								
Select one: Standard, Expedited or Same Day Service (see descriptions below) Expedited (+\$40; filing fee \$140)								
1. The name this limited liability company will use in Idaho is:								
Type of Limited Liability Company	Foreign Limited Liability Company							
Entity name	LO RIVER CLUB LLC							
2. Home Jurisdiction								
The jurisdiction of formation is:	DELAWARE							
3. The street address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:								
Street Address	1209 ORANGE STREET WILMINGTON, DE 19801							
4. The mailing address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:								
Mailing Address	1209 ORANGE STREET WILMINGTON, DE 19801							
5. The complete street address of the principal office is:								
Principal Office Address	2000, MCKINNEY AVE, SUITE 1000 DALLAS, TX 75201							
6. The mailing address of the principal office is:								
Mailing Address	PO BOX 1920 DALLAS, TX 75221-1920							
7. Registered Agent Name and Address								
Registered Agent	CT CORPORATION SYSTEM Commercial Registered Agent Physical Address 921 S ORCHARD ST STE G BOISE, ID 83705 Mailing Address 921 S ORCHARD ST STE G BOISE, ID 83705							
<input checked="" type="checkbox"/> I affirm that the registered agent appointed has consented to serve as registered agent for this entity.								
8. Governors								
<table border="1"><thead><tr><th>Name</th><th>Title</th><th>Address</th></tr></thead><tbody><tr><td>Non-Member Manager, Inc.</td><td>Manager</td><td>2000 MCKINNEY AVE STE 1000 DALLAS, TX 75201-2027</td></tr></tbody></table>			Name	Title	Address	Non-Member Manager, Inc.	Manager	2000 MCKINNEY AVE STE 1000 DALLAS, TX 75201-2027
Name	Title	Address						
Non-Member Manager, Inc.	Manager	2000 MCKINNEY AVE STE 1000 DALLAS, TX 75201-2027						

Signature of individual authorized by the entity to sign:

Appendix 5

B0713-9708 06/09/2022 8:39 AM Received by ID Secretary of State Lawrence Denney

Kena Champion

From: Jenah Thornborrow
Sent: Monday, April 10, 2023 5:22 PM
To: planning
Subject: FW: SAPFY2023-0001

From: mikenero@jps.net <mikenero@jps.net>
Sent: Saturday, April 8, 2023 5:30 PM
To: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: RE: SAPFY2023-0001

Jenah,

Is the 27th at 5:30 PM still good?

Sorry to bother you, just want to check.

Thanks,
Mike Nero

From: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Sent: Tuesday, March 7, 2023 2:43 PM
To: mikenero@jps.net
Subject: RE: SAPFY2023-0001

Mike,

Yes, they have asked for a deferral. If granted on March 15, 2023, the Planning and Zoning Commission hearing will be at 5:30pm on April 27, 2023. There will not be any work sessions, and this will also defer the City Council hearing.

Thank you,



Jenah E. Thornborrow

Director

Development Services Department, **City of Garden City**

p: 208-472-2921

a: 6015 Glenwood Street, Garden City, ID 83714

w: <https://gardencityidaho.org/>



From: mikenero@jps.net <mikenero@jps.net>
Sent: Tuesday, March 7, 2023 2:39 PM
To: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: SAPFY2023-0001

Good afternoon Jenah,

Bob Taunton just let me know that since Lincoln Property Company had not received the ACHD staff report they, Lincoln, has requested a deferral of the Planning and Zoning Commission hearing schedule for March 15th. Is that correct? Will the City Council work session regarding the application be deferred as well?

As you know, there's a lot of interest regarding this application. I am responsible for informing a large group of folks about any changes so when you know what the schedule might be, I'd appreciate a heads up. Thanks.

Mike Nero
4675 Savannah Lane

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Kena Champion

From: Jenah Thornborrow
Sent: Thursday, April 6, 2023 11:02 AM
To: planning
Subject: FW: How'd we get here - Where are we going

From: Bob Taunton <bobtaunton@tautongroup.com>
Sent: Thursday, April 6, 2023 11:00 AM
To: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>; Hanna Veal <hveal@GARDENCITYIDAHO.ORG>
Cc: JoAnn Butler <jbutler@butlerspink.com>
Subject: Fwd: How'd we get here - Where are we going

Jenah and Hanna,

I thought you might like to see this posting from the Save Plantation Coalition.

Thanks,
Bob

Bob Taunton

President, Taunton Group, LLC

Mobile: 208-401-5505

Email: bobtaunton@tautongroup.com

----- Forwarded message -----

From: Save Plantation Coalition <contact@saveplantation.com>
Date: Wed, Mar 29, 2023 at 2:28 PM
Subject: How'd we get here - Where are we going
To: Bob Taunton <bobtaunton@tautongroup.com>

[View this email in your browser](#)



Friends,

On July 18, 1917, the Boise Country Club opened for play. Renowned golf course architect, H. Chandler Egan, designed the course that was built on the Pierce Park property. In 1930, after some serious financial problems the name of the course was changed to Plantation Country Club. Over the years many changes were made to the golf course. Owners came and went; the course was redesigned to allow for homes and businesses on the property that was Pierce Park.

In the summer of 2018, the membership got word that the then current owner, American Golf, was selling several of its golf courses. Plantation was among those being sold. It soon was made known that Plantation would be sold to an LLC out of California made up of Will Gustafson, Michael Hair, and others.

Soon after receiving that news an effort to stop the sale began. The Save Plantation Coalition was formed, money was raised for a campaign opposing the sale, and a group of members and residents of the Plantation subdivision approached American Golf about purchasing the course. Still the sale proceeded, and in late December 2018 Glass Creek, LLC took over ownership of the golf course.

Will Gustafson quickly established himself as the managing partner of Glass Creek, LLC. Within about 6 months renovation of the clubhouse began. One very encouraging event was the hiring of golf course architect Brian Curley to redesign the golf course. A redesign would be required since ACHD was planning on taking part of #10 fairway to widen State Street and improve the Pierce Park/State Street intersection. Along with that change it became clear that part of the golf course would be sacrificed to some sort of development along State Street.

Ownership of The River Club has changed more than once as Gustafson worked towards the design of a development with a golf course, all the while continuing to make improvements to the clubhouse and surrounding area. As ownership changed so did the value of the property. The latest change has been the announcement of Lincoln Property Company as the chosen developer for the development. At this time Lincoln became the owner of the

entire property. An initial design of the development has been presented to the members and residents and is part of the SAP application. The area of the development, 22+ acres, is larger than expected. With over 750 dwelling units. This has been hard for many to accept, especially residents of the Plantation subdivision.

Lincoln Property Co. has an enforceable contract with Will Gustafson to turn over the ownership of the golf course property to him once its zone changing application is approved by Garden City. Should the application be denied, Gustafson is contractually required to purchase the golf course back from Lincoln. Gustafson has made it clear that at that point he would have no choice and would sell the entire golf course property and the likelihood that a new buyer would retain the golf course is very unlikely. The current value of the golf course property, which is zoned for 6 homes per acre, has risen to the point where it doesn't work financially for a new owner to continue the property as a golf course.

As Jayson Petersen, the River Club GM, puts it - there are two options. Option 1; the SAP application gets approved, and we have a new golf course with a development along 10 and 11. Option 2; the SAP application is not approved, the property is sold, resulting in the development of the entire 120+ acres into 6 homes/duplexes per acre – no golf course and approximately 480 homes/duplexes covering the property.

Jayson has worked with Gustafson for almost 5 years, he knows Will better than anyone else in the area. He had just taken the job at Plantation when American Golf announced the sale of the golf course. He was very concerned and skeptical of Gustafson at first. Today Jayson is convinced Will wants The River Club to be an 18-hole golf course, and a quality club, now and in the future.

That's where we are today. To "SAVE PLANTATION", some development rezone needs to be approved by the city. The area involved and the density of the development are concerning. Garden City staff has done a good job of pointing out and commenting on the concerns, particularly those raised by the public. Are the concerns unsurmountable? No, they are not, if people will sit down and talk. It will require some honest give and take.

Jayson is correct. We are faced with two options: a development with the golf course; or a development that takes the entire golf course.

We encourage everyone with comments, pro or con, to submit them to the city via email to planning@gardencityidaho.org or mail to *Attn: Development Services Department, 6015 Glenwood, Garden City, ID 83714*. The Planning & Zoning Commission hearing is scheduled for Thursday, April 27th at 5:30PM. The City Council hearing is scheduled for May 22nd at 6:00PM.

Thanks for your continued support,
Save Plantation Coalition



Copyright © 2023 Save Plantation, All rights reserved.

You are receiving this email because you are either a member of Plantation, a Plantation HOA member, or have indicated an interest in saving Plantation Golf Course from development.

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).



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

Kena Champion

From: Nancy Cenell <ncenell7@gmail.com>
Sent: Sunday, April 2, 2023 5:03 PM
To: planning
Subject: In favor of The River Club changes

I would like to strongly support the approval of the SAP application that Will Gustafson is seeking from Garden City. He has demonstrated the caliber of his projects with the numerous improvements he has already made at The River Club. Redesigning and adding a stop light to align with Pierce Park is another improvement he seeks to benefit the club.

Change is inevitable. I believe Garden City would benefit with well planned and high quality buildings done on the State Street property. The concerns of a few should not determine the fate of the existing proposal.

I live in Savannah Greens and am a member of The River Club. I would like to continue enjoying golf there. I see a bright future for the club and surrounding community if the application is approved.

Nancy Cenell
4087 N Bayou Ln

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