



June 5, 2023

Mayor John Evans jevans@gardencityidaho.org

Council President James Page jpage@gardencityidaho.org

Council Member Teresa Jorgensen tjorgensen@gardencityidaho.org

Council Member Russ Heller rheller@gardencityidaho.org

Council Member Bill Jacobs bjacobs@gardencityidaho.org

Mayor Evans and Council Members:

The plan to develop a portion of The River Club golf course that guarantees the financial viability of the Club for decades to come is nothing new. It has been planned, very publicly, for over 4 years.

We purchased the former “Plantation Country Club” in December 2018, knowingly inheriting a property that suffered from decades of neglect and deferred maintenance by the previous owner, a large publicly traded corporation that did not appreciate the legacy of the property. We have since embarked on a journey of renewal and change at The River Club that, for me, can only be described as a once-in-a-lifetime experience. Not once have we ever felt like owners of the Club, but instead, see ourselves as careful stewards of an incredible property with its long and treasured history.

The “Boise Country Club” opened in 1917 as a stand-alone golf course, surrounded by vacant land. There was little housing or other development in the area. Since that time, The River Club and the entire Treasure Valley has changed, becoming more urban with each passing decade.

Maintaining a golf course and an aging country club is a costly business. Beginning in the 1950s and as recently as 2021, several tracts have been sold and developed, each one carving away acreage from the golf course. The various “Plantation” subdivisions included single-family and duplex homes, residential condominiums, a commercial office development with 10 separate buildings, and a 16-acre 177,000 sq. ft. shopping center. With each new subdivision, the golf course was re-designed and re-routed to accommodate the growing community and to help the owners continue to operate the country club, by then known as “Plantation Country Club” as a financially viable private business.

In May 2019, shortly after purchasing the Club, we held our first “*Planning For The Future*” meeting at the Club, where we introduced the re-design and re-routing of the golf course to accommodate future development on a portion of the Club’s northerly property fronting State Street. We knew without question the massive improvements necessary to bring the Club up to date would require a massive infusion of capital. To fund the millions of dollars in essential Club upgrades, it would be necessary, once again, to modify the golf course to ensure its survival. At this meeting, we invited input from our Members, many of whom live on and around the golf course and encouraged comment on our ‘*Planning For The Future*’ vision.

To maintain maximum transparency and because we genuinely sought input from our Members and neighbors regarding changes to this much-loved property, we continued to hold meetings (until as recently as last month) to discuss development plans with both Club Members and area residents. Continually updated maps were hung on the walls at the Club, depicting the continuing evolution of the plans for development. Many of the thoughtful comments from neighbors suggesting desirable design changes were, in fact, incorporated into the final proposed design of the development. The vast majority of our Club Members, immediate neighbors, Garden City business owners, and community leaders throughout the greater Boise area strongly support this incredible vision and plan. They understand the construction of a world-class and vibrant development will elevate the status of Garden City and have a substantial positive fiscal impact-both for the City and the Club.

Despite our best efforts to be transparent and responsive to the concerns of area residents about the planned development, and after several feature articles and television segments publicizing our plans for The River Club’s future, some local residents still seem strangely surprised by the development plans.

In recent months, since the announcement and the application to the City for plans to develop the northerly portion of the golf course, the Lincoln Property Company has faced unwarranted opposition to the planned development and The River Club has experienced needless disruptions to its daily operations. A misled, ill-informed, yet vocal, group has attempted to divide our community, spread toxicity, threaten litigation against the City, and risk the future of The River Club.

It is interesting to note that the most vocal opponents of the proposed development, are themselves living on former golf course acreage.

The goal of these few opponents, given their actions and words with the Planning Department staff and the Planning and Zoning Commissioners, is to confuse and influence you with inaccuracies and exaggerated claims regarding imagined and perceived impacts of the project on the local neighborhoods. Sadly, accusations of procedural improprieties and implications of malfeasance have been heaped on the applicant, me, and even Garden City staff, in an attempt to delay or deny the approval of this project-a project that will benefit the entire Garden City community, including these few naysayers, fearful of change.

We are thankful the Planning and Zoning Commissioners saw through these unfounded distractions and claims, embracing Lincoln Property Company's vision of the future with a unanimous recommendation for approval. We are grateful to the Planning Department staff for their hard work and dedication and their focus on the many benefits this world-class development brings to the Garden City community at large.

Construction of this most exciting project will elevate Garden City, have a positive fiscal impact, and guarantee the survival of The River Club into the coming decades. Without approval of this incredible development by a company with a long history of iconic and award-winning developments around the globe, the future of The River Club, as we know it, is in jeopardy.

On behalf of myself, our staff of 124 dedicated employees, and over 800 River Club Members and their families, we thank you for your service to our community and we humbly ask for your approval.

Again, thank you.



Will Gustafson, Managing Member
River Club Boise, LLC

CC: Charles Wadams cwadams@gardencityidaho.org
Jenah Thornborrow jthorn@gardencityidaho.org

Ronald E. Bush
3695 N. Gramarcy Lane
Garden City, ID 83703
June 5, 2023

Mayor of the City of Garden City
Members of the City Council of Garden City, Idaho
Garden City City Hall
6015 Glenwood St.
Garden City, ID 83714

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

Dear Mayor Evans, Council President Page, Councilmember Jorgensen, Councilmember Heller and Councilmember Jacobs:

I write in opposition to SAP Application SAPFY2023-0001. In doing so, I draw upon and depend upon the fact that each of you have carefully reviewed and considered the many specific and compelling statements of written opposition contained in the record of this case, to include my written statements of objection dated February 14, March 7 and April 10, 2023, and my email to Mr. Wadams dated April 25, 2023. Further, I draw upon and depend upon your having read a transcript of or listened to a recording of the oral and written testimony offered at the two meetings held before the Planning and Zoning Commission. In my opinion, having read that record from stem to stern, the Staff Reports to the Planning and Zoning Commission did not adequately summarize the depth and breadth of the arguments raised by those opposing the application.¹ I cannot overemphasize the importance of your independent examination of and even-handed scrutiny of the information in the record regarding this application. This is a watershed moment for Garden City government and whether the City will stand firm to protect its long-existing neighborhoods and the citizens who live in those neighborhoods, or whether the City will bend and break under the glitz and glitter of new development that will enrich people and companies from other states who have no understanding nor any regard for the negative consequences of their plans.

In reviewing the record, please keep at the forefront of your consideration the following critical pieces of information and questions:

¹ Although I assume it was an unintended oversight, the lengthy list of persons who submitted public comment in opposition to the Application, as identified in the Staff materials provided to the P&Z (and also in the P&Z's May 24, 2023 decision), does *not* contain my name and therefore also no direct connection between my written opposition and the written record.

- ✓ The developer has no existing right to pursue this development of approximately 800, high-density, multi-family housing units. The property is zoned R-2, low density, residential housing. That is what the owner -- Glass Creek LLC -- purchased, and that is what the subsequent owners also purchased.
- ✓ The threats by Will Gustafson that "he" will "sell" the golf course to be fully developed for housing if this Application is not approved (even though he Glass Creek LLC sold the golf course and that buyer then sold it again), is *neither* a part of the record in a form upon which it can properly be relied upon by the Council *nor* is it anything other than exactly what it is -- a threat, seeking to dissuade people from opposing the Application and persuading golf course members who are not Garden City residents and especially not Plantation neighborhood members, to support the application. The credibility of comments and testimony from people who refer to such a justification for approving the Application should be discounted accordingly.
- ✓ The developer and the owners have been engaged in a multi-year process to artificially create a possible avenue to getting around the provisions in existing Garden City development code that would preclude the massive development they are now proposing. When they began the process of asking the City to amend the pre-existing SAP code so as to lay a purported path to an SAP ordinance, it was inescapably clear that such an ordinance and the type of development it would unleash could not be done. At that time the golf course property proposed for the development:
 - Was zoned entirely as R-2 residential low-density housing.
 - Was designated as "open space."
 - Was identified as an Activity Node (to be expected -- it is a golf course).
 - Was *not* a genuine Transportation Activity Node. (There was nothing of that nature along State Street at that location (and certainly not a "Transit Station" which the Application disingenuously contends), then or now, other than a basic bus stop.)
 - Was *not* identified as a "Future Planning Area."
- ✓ When you review the application and the discussion of the changes to existing Garden City law sought by the developer to proceed with the proposed development, ask these three questions:
 1. Who will it benefit?
 2. Who will it burden?
 3. Who will it harm?

The answers to those questions are important, among other things, for the front-and-center question of whether approval of this application constitutes illegal spot-zoning. The answers are also important for a rational and even-handed evaluation of the application of the Comprehensive Plan and the future planning map. The looming presence of the spot-zoning issue was warned against by Charles Wadams in a prescient memorandum prepared for the Council at the time Mr. Taunton brought forward the

proposed amendments to the SAP code sought by Glass Creek, LLC. Those amendments were sought by Mr. Taunton and Mr. Gustafson so as to create a different template for SAP designations, a template unmistakably drawn for a developer's benefit. See, Legal Memorandum prepared by Mr. Wadams for the Mayor and Council on November 4, 2020, found in the record of CPAFY2020-0005.

[https://gardencityidaho.org/vertical/sites/%7BA16794C5-94AE-4C54-B8E9-ADC537012C3F%7D/uploads/Legal_Memo_to_Council_\(SAP_Code_Amendment_Request\).pdf](https://gardencityidaho.org/vertical/sites/%7BA16794C5-94AE-4C54-B8E9-ADC537012C3F%7D/uploads/Legal_Memo_to_Council_(SAP_Code_Amendment_Request).pdf). That memorandum was followed by another, dated December 14, 2020, contained in the same record.

There was very little public awareness of the application and even less of the applicant's intention to use the SAP Code amendments, if adopted, to pursue what ultimately became application SAPFY 2023-0001, the application now before the City Council. That is not surprising because the application identified Mr. Taunton as the applicant. Along the way, Mr. Taunton identified the application as something being pursued on behalf of Glass Creek, LLC, the power-point presentations made by Mr. Taunton and Ms. Butler at the various steps along the way do not appear to mention the golf course until it was presented to the City Council. Someone reviewing in the record, however, would have seen the then-existing Garden City Future Use Map. That map made clear that the golf course could not possibly be a candidate for an SAP change in zoning, as it (to repeat):

- Was zoned entirely as R-2 residential low-density housing.
- Was designated as "open space."
- Was identified as an Activity Node (to be expected -- it is a golf course).
- Was *not* identified as a Transportation Activity Node. (There was nothing of that nature along State Street at that location, then or now, other than a basic bus stop.)
- Was *not* identified as a "Future Planning Area."

In other words, at the time the proposed SAP Code amendment application was made and enacted, the property which is now the subject of the pending SAP ordinance application was clearly not property that at risk of abandonment of the zoning protections that existed at that time and continue to exist today. This process cannot be one in which the city allows a developer to build a project such as is proposed, which is otherwise not allowed under current code, *and then claim the right to do so based upon the newly-built environment, which did not exist previously*. The draconian implications of such a change of course for every other neighborhood in Garden City are profoundly troubling. They are, however, consistent with the developer's view of the universe, as reflected in other provisions of the powerpoint presentations describing the developer's motivations, which starkly contrast with the nature of the city's development code as it pertains to the golf course property and the existing Plantation neighborhoods. For example, one comment emphasizes the amended SAP code's reference that "existing zoning districts may not

achieve the desired results" meaning, of course, the developer's desired results. The Orwellian absurdity of that statement is that the existing R-2 -- allowing low-density, residential housing -- is the long-standing, long-observed and long-relied upon "desired result," a result already existing and the status quo. That is why the R-2, low density, housing zone was placed and followed in the neighborhoods adjacent to the golf course. It is why hundreds of families have constructed or purchased, and kept immaculate, their homes in those neighborhoods.

The developer also emphasizes that the proposed changes to the SAP code would "remove code compliance as the driver for design" and that the existing SAP code had "limited value for developers." Finally, the developers recite their apparent goal that a revised SAP Code would "overcome traditional Euclidean zoning premised on separation of uses." Perhaps for a site such as Ada County Fairgrounds, those "powerful tools" for a developer can reasonably be put to use. But those tools are sledgehammers on the site of the application, where such a development would damage and trod upon the property rights and quality of life of people who are citizens of the adjoining neighborhoods in Garden City.

There are other important arguments against the application set forth in the prior filings I have made, and in the many thoughtful, focused and factually supported comments made by others in opposition to the application, including issues such the limits and prohibitions upon such development by the Plantation Master Agreement and the extraordinarily heavy-handed insistence of the city's Development Services office to try to force a connection between the proposed development and the existing Plantation neighborhoods through the Fair Oaks Lane culdesac.² One issue that I have raised is still an open question, despite claims by the developer to the contrary. You will recall from reading my early statements in opposition that I have raised questions -- important questions -- about the actual identity of the owner or owners and about whether any person with authority to bind the owner has signed the Application certifying to its accuracy and whether any person with authority to bind the owner has executed the indemnity and hold harmless agreement, intended to protect the city *and* its taxpayers.

It is a simple proposition. Who is the owner? The Applicant has said that it is "LB River Club Owner LLC." That entity was organized in Delaware, which allows such limited liability companies to keep everything about their existence, except the fact of their existence, secret. So, Garden City really does not know who the owner is, because

² To the best of my understanding, Idaho law does not permit condemnation for the purpose of recreational paths, of whatever nature. It seems obvious that the "connectivity" (consisting of opening a path for pedestrians, runners, bikes, electric bikes and more, into the Fair Oaks Lane culdesac and the narrow streets of the subdivision, for the benefit of the thousands of people who would live in the new development (up to 800 multifamily units) and the thousands of people who live in Northwest Boise and would use the path from Pierce Park and Ellens Ferry) would constitute textbook inverse condemnation. Another instance to ask "who will it benefit, who will it burden, who will it damage?"

Garden City does not know who the members of the limited liability company are. My research, which I have provided to the city, shows that Idaho real property public records reveal that one of the members is Brasa Capital, a real estate private equity hedge fund located on Wilshire Boulevard in Los Angeles. It is possible, perhaps even likely, that Lincoln Property Company (based in Dallas) or some other limited liability company connected to Lincoln Property Company is also a member. There is an LLC agreement, because Brasa Capital -- on the deed to the golf course property (sent by the Ada County Recorder to Brasa (c/o Matt Milich) at its request) -- identifies itself as the "Investor Member" and other documents make reference to a LLC agreement between the members, whoever they may be.

On April 10, 2023, I wrote to Mr. Milich asking that he provide specific information about the members of the LB River Club Owner LLC, and the LLC Agreement, so that the city and Garden City residents could understand exactly who was involved in the application and what their apparently distinct roles were in the project. I outlined the reasons for that request. I sent Ms. Leiby a letter raising my concerns over the failure of the city to do any due diligence on the matters I had raised in my earlier comments, requesting that it be made a part of the public decision record, and included a copy of my letter to Mr. Millich. Mr. Millich then submitted another document to the city purporting to fix the flaws. That document would have been laughable for all its flaws but for the seriousness of the issue for those who live in the adjacent neighborhoods if the development were allowed to proceed and but for the seriousness of the issue for the public fisc of the city if the development were to founder or collapse. I immediately pointed out the flaws in an email to Mr. Wadams. All of these communications are in the public comments of the decision record.

That led to more communications between Mr. Wadams and Ms. Butler, and a legal memorandum written by an intern in the city attorney's office. Those problems with the application were still open questions at the time of the Planning and Zoning Commission, and the Commission said that the issues had to be resolved. On June 1, 2023, Mr. Wadams sent an email to Ms. Thornborrow with this comment: "The applicant has provided *prima facie* evidence, through the Delegation of Authority and other documentation, of ownership and control of the property."

I had asked, in my testimony at the Planning and Zoning Hearing, that the city specify exactly what documents it was relying upon if it concluded that the application had been properly and fully executed, in all respects. The statement from Mr. Wadams fails that test, as it is not certain what "Delegation of Authority" document is referred to (there were, apparently multiple versions going back and forth), nor does it identify what are the "other" documents relied upon by Mr. Wadams.

I urge the Council to insist upon full transparency on these matters, as they are directly and importantly relevant to the very heart of the application -- who is the

applicant? If it is a limited liability company, who are the members of the limited liability company? If the members of the LLC are also limited liability companies, then who are their members? The city can properly request a copy of the limited liability company agreement, and should do so because it is very important for the city to know these details. Ask yourself what would happen if the city were left with a financial burden because of things left unpaid connected with the expensive water and sewer infrastructure the city will need to build, or because of some other unforeseen expense. Who will the city turn to for recompense? Will the hold harmless or indemnity agreement have any teeth? As to who?

The applicant can choose to purposefully hide its members behind the laws of a state that allows them to do so (Idaho does not), but that does not mean that they can hide such information from a public entity from which they seek regulatory approvals to construct a multi-million dollar, enormous, housing development. If they don't want to do that, they can do business elsewhere.³

This relevant background to these issues has become even more curious, or ominous, with additional information that I only learned a few days before the last Planning and Zoning meeting. Among other failures of the signatures affixed to the application that I had described to the city was the fact that the signatories did not appear to have the authority to sign on behalf of LB River Club Owner, LLC, based upon other information in public records identifying the manager of LB River Club Owner, LLC. Nowhere in the information that I could glean from public records is Mr. Gustafson identified as the manager of LB River Club Owner, LLC. However, on March 13, 2023, Mr. Gustafson signed a "GARDEN CITY, IDAHO -- STORMWATER OPERATIONS AND MAINTENANCE AGREEMENT" between Garden City and *LB River Club Owner LLC*. ***On page two of that two-page agreement, Mr. Gustafson signed his name over his handwritten identification as "Will Gustafson" the "Manager, LB River Club Owner LLC".***⁴

Mr. Gustafson, of course, has repeatedly told the city, members of the golf course and others, that he sold the golf course under an agreement that allows him to rent back the golf course until, if and when the development application is approved. He has never said, to my knowledge, that he is the *manager* of LB River Club Owner LLC, which is the title owner of record, or that he (or any entity he is connected with, such as River Club, LLC) is another of the members (remember, those members have still never been disclosed the city) of LB River Club Owner LLC. In the public real property records, there is no indication that he has any current ownership in the golf course and he has led

³ The City may not be aware but should take note that the limited liability company apparently formed by Mr. Gustafson to hold whatever interest he has in the golf course, under the name River Club LLC, was formed not in Idaho, but in Delaware.

⁴ This document was recorded at the request of Garden City with the Ada County Recorder's office on May 8, 2023 at 9:04 a.m. It carries recording number 2023-026297.

people to believe that is the case, although he has refused to produce for public view the sale/rent back agreement he has repeatedly mentioned.

The questions raised by this information, which perhaps Mr. Gustafson thought would never come to light, are myriad and serious. Those people who have accepted Mr. Gustafson's promises and representations about his personal involvement with the golf course and the proposed development may have good reason to raise questions. But at a minimum, the city should stop being the patsy in such games over disclosure of fundamental information which is basic and important to the City's consideration of the application. That type of information is routinely requested in other settings where limited liabilities interact with government entities and agencies. Garden City should do so here.

Thank you, wholeheartedly, for your patience and attention in reading through this written comment and the other comments I have submitted to the record. The record is extensive, your work in becoming familiar and knowledgeable with the issues is considerable and daunting. The issues are critically important to my family and my neighbors. This application represents a watershed moment for the City of Garden City, in the increasing confrontation between large scale development and existing neighborhoods. Will we continue to be the city "nestled by the river," or will we become the city "squeezed in like sardines" by the river?

At the Planning and Zoning hearing, I drew upon two guideposts which I believe are the sinews and protective tissue of our Comprehensive Plan and Future Land Use Map. One is the Hippocratic Oath, which requires "first, do no harm." The second is the Rotary International Four-Way Test, which is this:

Of the things we think, say or do:

1. Is it the truth?
2. Is it fair to all concerned?
3. Will it build goodwill and better friendships?
4. Will it be beneficial to all concerned?

Yours sincerely,

Ronald E. Bush

Ronald E. Bush

REB/r

Sent electronically, by email, only.

Kena Champion

From: Andrew Garth Davis <agarthd@gmail.com>
Sent: Monday, June 5, 2023 5:46 PM
To: planning
Subject: SAP for Plantation/Riverclub

Ladies & Gentlemen of the Garden City Council;

My name is Andrew Davis and I reside at 6251 N Charleston PL in the Plantation...I am contacting you to express my total dissatisfaction with and opposition to the proposed SAP by Will GustafsonMr. Gustafson is a California developer who came here, partnered with a few other money backers thinking they could make a lot of money developing the Plantation Golf Course. Despite the claims of a fantastic "first class development" the reality is this is nothing more than a high density development thrust on the neighborsa wolf in sheep's clothing. Apparently Mr. Gustafson has a history of such endeavors in several other States which have been less than successful.....it is my understanding he simply walked away & left things in shambles at these other developments. In his letter to you claiming a "few disgruntled neighbors" were the problem or "the vast majority of Club Members were in favor" is simply a fabrication.....If this proposed development was put up for a vote of the club members and neighbors , **it would fail**the vast majority are not in favor of this monstrosityit is especially destructive to the Plantation neighborhood. I believe Mr Gustafson is in a big hole financially- thought he could bring in Lincoln Development to bail him out and now wants to impose this drastic SAP / Development on our neighborhood. Once the SAP is granted there would be no way to stop the total development of the rest. The Boise area has more and more apartment buildings popping up everywhere- increasing traffic, congestion and decreasing the quality of life for everyone...Lets use some common sense here and deny this SAP.

Thanks for your consideration ,

Andrew Davis

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Garden City Council Member Russ Heller
Ada County Highway District Commissioner Miranda Gold

Dear Councilor Heller and Commissioner Gold:

We have watched the progress of the River Club Residences Development proposal over the past some time, and have had the opportunity to see that concessions have been made and that the Garden City Planning and Zoning Commission recently gave its advisory approval for the proposal.

As part of a recent proposal revision, developer Lincoln Properties in conjunction with River Club owner Will Gustafson agreed that an 8-foot fence and a diverted creek would separate the development from N. Fair Oaks Pl., and that a one-acre land parcel adjacent to Fair Oaks would not be developed. As Lincoln attorney JoAnn Butler [noted](#), “We said there would be a fence and would not be any pedestrian or bicycle access. This is a proposal that we thought was responding to the concerns of the neighbors.”

However, what we have also seen in comments and published quotes is that staff from agencies which have connection to the project continue to advise that a connection from the proposed project to N. Fair Oaks Place is necessary and appropriate. With these statements and quotes we vehemently disagree.

Some of the statements from staff and appointed officials are as follows:

- A. “I feel like there needs to be connectivity to the Greenbelt,” she (Garden City Planning and Zoning Commission member Starr Shepherd) said. “I feel like State Street is going to be dangerous to go down. As we grow denser, more people are going to ride bikes. That’s the goal for the larger community is to have that connectivity.”
- B. “This route is far superior compared to routing bicyclists from the Greenbelt to Plantation River Drive, and then along State Street for 2/3-mile to reach Pierce Park Lane.” (Tim Keane, Boise Planning Director)
- C. “Boise School District would like to see a safe location for the loading and unloading of students on a public roadway. Such as, pedestrian access to an adjacent street with an acceptable bus turning radius or a bus pull-out lane on State Street.” (Lanette Daw, Transportation Supervisor, Boise School District)
- D. Garden City Design Review Application Review

“2a. Add bike and pedestrian connection to N. Fair Oaks Pl. for important greenbelt access for recreation, work and school commuting, and safety.

- i. Green Boulevard Corridor – Promotes multi-modal through State Street connections to transit, ped-bike corridor and safety improvements, and increased connectivity with the Greenbelt (Fair Oaks Pl.)
- ii. Provide for a safe and comfortable integrated transportation system which prioritizes a pedestrian-bicyclist environment and mass transit and reduces vehicular trips;

b. Consider vehicular access from East Sub. To N. Fair Oaks Pl. for access to signalized intersection at Plantation River Drive. Subject to ACHD review/blessing.”

Derek Hurd, Plan Reviewer

- E. “ACHD will not allow a vehicular connection from the site to Fair Oaks Place, but recommends that the City require pedestrian and bicycle connectivity at this location and throughout the site.”

Mindy Wallace
ACHD Planning Review Supervisor

- F. In SAPFY2023-0001 Findings of Fact...
“Required Revisions to the Conceptual Master Plan Include:
 - a. ...The Pathway shall also be designed to the subject property’s boundaries to allow for a potential future connection to the golf course club house to N. Fair Oaks Place...”

Following are our responses to these comments and the general idea that N. Fair Oaks Pl. provides acceptable connectivity to the Greenbelt.

- 1. It is clear that Lincoln Property and Will Gustafson are committed to working toward an acceptable resolution to separation of the development property from N. Fair Oaks Pl, while public agency representatives appear not to be. Perhaps this is because they have not taken neighborhood culture into consideration in their planning. The Plantation subdivision has a long and treasured history which must be considered in any design efforts, and has not been to this point.

2. In any event, the Greenbelt access to which officials refer is one of the worst on the entire path. It features a tiny, dangerous access point from Plantation River Drive with zero visibility in either direction. It is far from a “safe and comfortable transportation system”. There are numerous better access points nearby, with superior routes from State Street. Increasing bicycle or pedestrian traffic to this node is not appropriate, and officials have not, in the least, proven it to be so.
3. Though traffic on State Street has and will increase, city and ACHD planners must include bike route planning in their duties, and not solve their problems by routing traffic through neighborhoods.
4. Transportation agencies obviously wish to have safe drop-off and pickup points, which must be part of the planning for the new development. Currently, the Boise District picks up students and drops them off at numerous points along State Street. Public agencies should work together to provide more appropriate systems, rather than routing traffic through neighborhoods.
5. In their public statements, officials often make statements of opinion which are bereft of factual support. Examples: “I feel like there needs to be connectivity to the Greenbelt” (there already is); “This route is far superior” (it is not). When officials feel this way, they must support their opinions with facts.

These are just a few of the concerns we have with regard to consideration of pedestrian, bicycle, and vehicular access to Fair Oaks Pl. We provide this letter because many Plantation residents believe that recommendations made by staff and appointed officials will be adopted, even though the developer and golf course owner wish the properties to remain wholly separate, and little or no evidence has been presented that the access is needed or appropriate.

Thank you for reading our concerns. These thoughts are in response to recent statements made about N. Fair Oaks Pl. access. As such, we hope you will consider our comments in your decision-making process.

Don Coberly
Patti Vaughn
6281 N. Charleston Place

Kena Champion

From: Michael Downey <doomer51@icloud.com>
Sent: Sunday, June 4, 2023 4:01 PM
To: planning
Subject: plantation rezoning SAPFY2023-0001

I object to the proposed rezoning of the plantation. The current value of my home will go down. My assessed value dropped by 200K this year compared to last year. Do you think it will go back up when the contractors start their renovation? Lastly, this is only the first phase. Even though he hasn't said it he plans to turn all the open property into homes in time.

Mike Downey 6296 Charleston Place

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Honorable Mayor and City Council of Garden City:

June 2, 2023

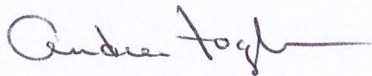
Attached you will find detailed notes with regard to our opposition to SAP2023-0001 which will change the zoning of approximately 22 acres of property located on the River Club Golf Course from R-2/Open Space to a "Special Area Plan". While we encourage you to please read the details attached in our submittal document, I'd like to highlight the primary reasons for our opposition as noted below:

- The golf course property was labeled on the City's future zoning map as R-2 Open Space because it was declared as such in 1979 in the Plantation Master Declaration recorded with Ada County in February 24, 1978.
- The Master Declaration of Plantation describes 5 land classifications within the 243 acre Planned Unit Development that fall within its purview. It is pertinent to this application because it provides the Architectural Control Committee under the Master Association with the authority to approve and oversee construction, alteration, modifications, removal, destruction and maintenance of improvements thereon and the establishment and preservation of certain aesthetic conditions as set forth in the Master Declaration.
- An SAP for this area is premature and inappropriate because it would change the authority for any construction to be approved by Garden City volunteer commissions and the City's Development Services (Planning and Building) Department rather than where it should be as declared by the Plantation Master Declaration.

While we certainly understand and agree with Private Property Rights, Buyers within this development known as Plantation, all 243 acres, should have EQUAL Property Rights.

Sincerely,

Andrea and Eric Fogleman
6420 W. Plantation Lane
Garden City, ID. 83703



RECEIVED VMC
JUN 05 2023
GARDEN CITY
DEVELOPMENT SERVICES

Honorable Mayor and City Council Members:

June 2, 2023

Please accept and review the following considerations with regard to our opposition to the zoning change proposed from R-2 to SAP in SAPFY2023-0001:

- We appreciate the work of the Planning and Zoning Commission and believe that they are well intended, but misinformed. They have failed to conduct their due diligence in reviewing materials submitted by the public. They have ignored all comments about the Plantation Master Declaration.

Critically important to this issue is this: On April 27, 2023, as part of the public record the Applicant submitted a map titled "Plantation Subdivisions Chronology" to the Planning and Zoning Commission, which was produced by The Land Group. This submission shows a red boundary line around the entire 243 acres which includes the River Club Golf Course; it's the same 243 acres described in the Plantation Master Declaration as a Planned Unit Development with single family homes and a golf course/recreational area.

Using this map in his presentation to P & Z, Mr. Tauton acknowledged the red line boundary as being the full 243 acres as golf course and stated the subdivisions were added in. What he failed to mention is that the 243 acres is subject to the jurisdiction of the Plantation Master Declaration established by the original land owners/developers and **THAT BOUNDARY IS IN FACT NOTED ON THE MAP AS "Plantation Master Declaration Boundary Approx. 243 AC"**.

Further, the Master Declaration and Articles of Incorporation of the Plantation Master Association were recorded on February 24, 1978. They are still in effect as of this date. Garden City Council members should be aware that the Planning and Zoning Commission was provided with the Land Group Map at the April 27th meeting. If it was read and reviewed, this pertinent fact was overlooked and/or ignored by the Commissioners.

Approval of this SAP application is NOT "just another change to the golf course" as described by Mr. Tauton.

- During deliberation at the Planning and Zoning meeting, Commissioner Brown mentions that he "has been on the Master Association Board since 1992" and that the "Master Declaration doesn't have anything to do with this". In reviewing the Master Association records however, Mr. Brown is incorrect:
 - In 1995 the owner of the private property now called Savannah Greens was established. The Master Association Board worked with the developers and land owners to Amend the Declaration of Covenants, Conditions and Restrictions (CCR's) to declare that they fall under the Master Declaration of Plantation.
 - In 1993 the owners of the private property now known as Plantation Creek (Rock Creek) worked with the Master Association Board to mutually develop and execute their Declaration of CCR's and negotiated with the Board to provide an easement across a strip of land for ingress and egress to 52nd Street (now Plantation River Drive). Their HOA President continues to sit on the Master Association Board.
 - In 1992 the owners of the private property now known as the Townhouses at Plantation developed an Amendment to the CCR's of the Master Declaration which states "The Townhouse Property is part of a larger Development Community known as the Plantation as described in the Master Declaration". Their Declaration also provides an easement to the golf course and golfers to retrieve golf balls (demonstrating

neighborhood compatibility). The President of the Townhouses also sits on the Master Board.

- In 1989 the owners of the private property now known as Lake Plantation developed their CCR's and as above with the Townhouses, their Declaration recognizes they are part of the Master Declaration. Mr. Brown resides in this subdivision and is likely very familiar with their declaration although this was a few years prior to him becoming a member of the Master Association Board. The President of the Lake Plantation HOA also sits on the Board.
- More recently in 2021, Glass Creek, Inc. filed an application to develop a small subdivision within the River Club Property for 4 lots with 3 single family home lots and 1 common area lot. They recognized then that the property is under the Master Declaration. **Their attorney, Ms. Butler, developed and submitted to Garden City Attorney, Mr. Wadams, a proposed Amendment to the Plantation Master Association Declaration to establish Glass Island View Subdivision as members of the Master Association.** On August 17, 2021, The Board considered the proposed Supplemental Declaration of Covenants in the matter of the Glass Island View Subdivision. P & Z Commissioner and Board Member Kent Brown moved to accept the Supplemental Declaration for Glass Island View and it was approved unanimously. **If the Master Declaration applies in that development on a portion of the golf course, for what reason would it not apply to the current SAP application?**

I can supply more examples of the Master Declaration's oversight of the full 243 acres if you need them.

- The Memorandum of Architectural and Environmental Regulations (Doc. #8641986) further describes the full 243 acres as "protected by the Master Declaration of Covenants, Conditions and Restrictions of the Plantation initially recorded on February 24, 1978...". This document states that "pursuant to Article V of the Declaration, the Architectural and Environmental Control Committee (AECC) has been invested with the power to approve, disapprove and correct the construction, alteration, modification and destruction or removal of any buildings or improvements on the Plantation, and to promulgate, and from time to time amend, Architectural and Environmental Regulations". This document also identifies the property to include the golf course in the 243 acres.

Section V of the Master Declaration also describes the "need for all improvements of the Plantation to 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. In order to achieve this result, **the AECC may, in its sole discretion, require that:**

1. **The improvements be of certain design and/or style;**
2. **The improvements include certain exterior finishes and landscaping materials of certain colors, textures and type;**
3. **The placement of structures and other improvements shall be within certain perimeters on any lot or tract."**

Other restrictions apply that we don't need to list here and take up more of your time. Just know that they exist and can be supplied to you if needed.

- When my husband and I purchased our private property in 1986 we were provided a copy of the Master Declaration. One of the reasons we purchased in the Plantation was due to the Master Declaration that described five land classifications within "The Plantation". They include

Residential, Open Space, Common Area, Commercial Area and Greenbelt Area. The Future Land Use Map of Garden City recognized these Land Classifications in the established R-2 Zoning and the Golf Course area as Open Space. The definition of Open Space contained in the Plantation Master Declaration specifies that "open space areas shall not be subject to the terms of this Master Declaration EXCEPT for those provisions which would apply to construction, alteration, modifications, removal, destruction and maintenance of improvements thereon and the establishment and preservation of certain aesthetic conditions as set forth in this Master Declaration.". This protects OUR personal property rights to live in a planned unit development containing varied land classifications that are privately owned by others; there are equal private property rights. It's what we purchased and its' how residential lots were advertised and sold. The current owner of the golf course, whoever that turns out to be, has known or should have known of any and all covenants, conditions and restrictions placed on the full 243 acre parcel at the time it was purchased. This includes the designated R-2 zoning. The applicant's proposed changes are subject to and governed by the terms of the Master Declaration of the Plantation.

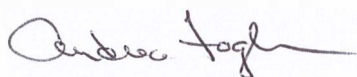
- On the 20th day of August, 1990, a "DECLARATION OF RESTRICTIVE COVENANT" was signed and recorded in Ada County between James Gregory Jackson (previous owner of the golf course) and the Plantation Master Association with regard to the use of certain property/lots for golf course purposes. The agreement establishes restrictions on two subdivision lots where the Master Association agreed to not charge assessments and the golf course owner agreed to provide irrigation water. The agreement has a clause of "Effective Covenant" "This Declaration is intended to constitute a covenant running with the land described in Exhibit A and shall inure to the benefit of and be binding upon all successive future owners thereof". It also has a clause of "Binding Effect" which states "This Declaration is binding upon the heirs, executors, administrators, successors and assigns of the Declarants". This is another example of how in the past the owner of the golf course has worked harmoniously with the Master Association.

In the 37 years we have lived in the Plantation we have always had a harmonious relationship with the golf course. The Master Association Board used the club house for meetings; homeowners were invited to dine at the club house (at their own expense if not a member); maintenance crews were kind enough to pick up large branches that fell off any trees (on golf course property or on homeowner property); the golf pro often attended the Master Association Annual Meeting or regular monthly meetings of the Board to update homeowners about golf course news. All that changed when Mr. Gustafson purchased the property.

As you, our elected officials, consider if an SAP is applicable to this property at this particular time and if this proposal provides a compatible transition to the uses surrounding this neighborhood, please consider that we are an established subdivision with single family homes as described in the Master Declaration of Plantation and we want/need to maintain a harmonious relationship with all our neighbors. For all these reasons we ask you deny the rezone request contained in SAPFY2023-0001.

Thank you for serving the City and citizens of Garden City.

Andrea and Eric Fogleman
6420 W. Plantation Drive



Kena Champion

From: Dan & Betty Hollar <omzi6254@gmail.com>
Sent: Sunday, June 4, 2023 4:15 PM
To: John Evans; Teresa Jorgensen; Russ Heller; Bill Jacobs; James Page; planning; Jenah Thornborrow
Subject: HIGH PRIORITY - New Information Regarding Opposition to Rezoning of River Club Property (SAP Application (SAPFY2023-0001))

To: Garden City Mayor John Evans
Garden City Council President James Page
Garden City Council Member Russ Heller
Garden City Council Member Bill Jacobs
Garden City Council Member Teresa Jorgensen
Garden City Planning Director Jenah Thornborrow

From: Dan & Betty Hollar
6254 N. Fair Oaks Pl.
Garden City, Idaho 83703

Date: June 4, 2023

Re: HIGH PRIORITY - New Information Regarding Opposition to Rezoning of River Club Property (SAP Application (SAPFY2023-0001))

Thank you for your service to the citizens of Garden City and for considering the [well-documented concerns of citizens](#) regarding SAPFY2023-0001. This is a follow-up to the communication we sent you on:

- [October 16, 2022](#)
- [December 5, 2022](#)
- [May 14, 2023](#)

As taxpayers, voting citizens of Garden City and members of the Plantation Homeowners Association, we are strongly opposed to SAPFY2023-0001, as we have communicated previously to you.

In addition, as part of your thorough public deliberations, analysis and duties to serve the citizens of Garden City first and foremost, please consider the following:

Plantation Homeowners Association

The Plantation Homeowners Association Master Declaration Contract remains valid, in effect and therefore operative. This means the Master Declaration Contract requires that the property rights of homeowners in the neighborhood need to be addressed for any changes in zoning or for development by any member of "The Plantation" development—including the golf course—which is a property owner in the neighborhood. Therefore, the owner or owners of the property are prevented from developing the property because of constraints and prohibitions contained in the Master Declaration of covenants and restrictions applicable to all lots in the Plantation neighborhoods. The golf course property is a "lot" subject to those limitations, and therefore the owner of the golf course property is subject to those limitations, as are other property owners.

With the aforementioned in mind, it is worth noting that in the [Plantation Master Association Newsletter dated June 2013](#) it is written that HOA CC&Rs are enforceable and it references how the Idaho State Supreme Court agrees "in the many cases that have come before it....." (see page 2). *Please note that Kent Brown was the Plantation Master Association Director at Large at the time this newsletter was published, and, as current Vice Chair of Garden City's Planning and Zoning Commission, Kent Brown also voted for the **approval** of the SAPFY2023-0001 application on May 24, 2023.*

Specific Area Plan (SAP) Applicability

- The (SAP) as it stands in Garden City Code, or as proposed in the second instance—the proposed Amendment to Code, is not consistent with the letter or the spirit of the State Special Use Permit (SUP) Statute.
- The property in the application does not meet the City's definition as to where an SAP is applicable. Under Ordinance No. 8-6B-6 Specific Area Plan, "an SAP application is encouraged for the development or redevelopment of properties defined in Garden City Comprehensive Plan as Transit Oriented Development (TOD) Activity Nodes, or as Neighborhood Destination Activity Nodes, or as Future Planning Areas". The 22 acres in the SAP application does NOT meet this requirement. In [Garden City's Comprehensive Plan](#), Page 37, the Future Zoning Map identifies the 22 acres as "Open Space/Park" not a "Future Planning Area".
- Additionally, Pierce Park is NOT a TOD Activity Node in the State Street Corridor Study. The study identifies 4 TOD Activity Nodes; they are at Whitewater, Collister, Glenwood and Horseshoe Bend roads, as has been verified by Valley Regional Transit.
- Furthermore, the State Street Corridor Study recommends higher density within a ¼ mile of TOD Activity Nodes and therefore it is not applicable to the 22 acres proposed in the SAP application (**especially NOT the area OFF of State Street that adjoins the Plantation Neighborhood near North Fair Oaks Place - identified as Phase 3 of the proposed development**).
- There is some relevance in the application to the Neighborhood Destination Activity Node, which is on the Comprehensive Plan Future Zoning Map and is identified as State Street and Pierce Park (identified as Phases 1 and 2 of the proposed development). However, **it certainly does NOT extend off of State Street near North Fair Oaks Place or Charleston in the Plantation Subdivision (identified as Phase 3 of the proposed development)**.
- For the aforementioned reasons, Phase 3 should be removed, and returned to the original proposal that was referenced in our [October 16, 2022 communication \(see the image provided by developer dated July 2019\)](#). In short, Phase 3 is a threat to the existing neighborhood with no functional SAP purpose.

Furthermore, this SAP Application is in direct conflict with numerous requirements and goals as stated in Garden City Municipal Code Title 8 Development Code, specifically:

- Section 8-4A-1 – Purpose: " A) To ensure that the development of property protects the public, health, safety and welfare of the community; B) To protect property values and rights of all residents; C) To protect and enhance the community's assets and natural resources."
- Section 8-6B-6 Specific Area Plan: "The goal of this section is to ensure the orderly planning and development of land, by REQUIRING new development to:
 - Implement the goals and objectives of the city's Comprehensive Plan, including the Future Land Use Map;
 - Contribute to the social, economic and environmental sustainability of the city; Develop in a manner that is highly respectful of the natural setting; that is at a human scale and **ensures neighborhood compatibility**;
 - Designate and protect open site area in perpetuity;

- Remain consistent with the intent of this title.”

The SAP application DOES NOT MEET the requirements for an SAP and it certainly does not protect the health, safety and welfare of the community and is certainly NOT compatible with the existing neighborhood.

- The legal property in question is close to 243 acres and the “Master Plan” of the full 243 acres should be included in the SAP application, per applicable Garden City Code, unless the proposed 22 acres is being subdivided but we have not seen an application in that regard. The proposed 22 acres is being split out for spot zoning, which constitutes improper “spot zoning” under Idaho case law. Garden City’s own [Rezone website](#) specifically and clearly states: “The essential things to keep in mind is that the rezone can’t constitute ‘spot zoning’, and it must be consistent with the Comprehensive Plan.” This proposed development is NOT compatible with Garden City’s Comprehensive Plan, as indicated in this communication to you and in our previous communications to you.
- The elimination of a Future Land Use Map area identified for "Future Parks/Open Space" and "Green Boulevard Corridor" by a small, localized and inconsistent zoning area, will have the effect of applying unique benefits upon a single out-of-state developer, at the expense of negative impacts to existing neighbors and Garden City citizens, and could constitute "Type Two" spot zoning under Idaho case law. Thrusting Phase 3 into a developed R2 neighborhood is readily discernible as Type II spot zoning.
- This proposal runs counter to the spirit, intent and goals of [Garden City’s Comprehensive Plan](#), including goals 3, 4, 5, 6, 7, 8, 9 and 10, as has been clearly communicated to you by Attorney David Leroy in his [letter dated April 17, 2023](#) and [letter dated April 26, 2023](#).

Summary

- Garden City Council should NOT make the findings required under Garden City Ordinance and Development Code Section 8-6B-6, Specific Area Plan, to approve this Application. Per Garden City Municipal Code Title 8 Development Code all of the six factual findings stated therein must be made. This proposal fails, in that it:
 1. Is not "consistent with the Garden 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."

Garden City Code clearly states:

"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."

Thank you for your attention to this very important matter.

Please don't hesitate to contact us should you have any questions.

Sincerely,

Dan & Betty Hollar
6254 N. Fair Oaks Pl.
Garden City, ID 83703

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

Kena Champion

From: Dennis Huston <dennyh52@yahoo.com>
Sent: Saturday, June 3, 2023 1:16 PM
To: planning
Subject: River Club SAP

As a long time resident of Garden City I support the development plan for the River Club property. I would ask the city council to approve this plan as I believe it would be a great addition to the city. Thank you. Denny Huston - Garden City Urban Renewal Agency commissioner.

[Sent from Yahoo Mail for iPhone](#)

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June 2, 2023

Garden City Council

Mayor John Evens

James Page

Russ Heller

Bill Jacobs

Teresa Jorgensen

RE: River Club Specific Area Plan

I would like to make a request of each of you. My husband and I would like to have you make a site visit of this proposed building area. Either as a group or as individuals. We would ask that you start at our Fair Oaks Place address.

An architectural drawing and plat on a piece of paper does not give you the reality of what Lincoln Property Company is proposing.

Phase one and Phase two of the build along State Street are far enough removed from the existing neighborhood that we who are opposed to the project could live with it and would not seek further action against it. The density and encroachment into the existing neighborhood of Phase three, however, needs to be seen to be believed.

This visit would not require much of your time. Nor would it require you to see the whole proposed land area. The whole membership of Preserve Plantation needs you to be aware of what the impact would be. It states in your "Design Principles" that the projects should "Create compatibility with existing residential development." Come see what this project looks like off the piece of paper.

Sincerely,

A handwritten signature in cursive script, reading "Lynn L. Livingston". The signature is written in black ink and is positioned above the printed name.

Lynn L Livingston

6273 N Fair Oaks Place

Boise, ID 83703

208-869-2236

From: johnliving13@gmail.com
To: [planning](#)
Cc: "David Leroy"
Subject: RE: Written Testimony
Date: Monday, June 5, 2023 6:31:40 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

If that is the case why are they allowing themselves to be entertained at the River Club by an agent acting on behalf of the applicant?

Thank you for your attention to my wife's request of hospitality.

jml

From: planning <planning@GARDENCITYIDAHO.ORG>
Sent: Monday, June 5, 2023 5:21 PM
To: johnliving13@gmail.com
Subject: Written Testimony

Ms. Livingston,

Garden City received your request to have the Mayor and City Council to visit the site associated with the application SAPFY2023-0001. As there is an open quasi-judicial matter pending, the decision makers are legally precluded from making the requested onsite visit.

Sincerely,



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

p: 208-472-2921

a: 6015 Glenwood Street, Garden City, ID 83714

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



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Kena Champion

From: mikenero@jps.net
Sent: Sunday, June 4, 2023 6:59 AM
To: John Evans; James Page; Teresa Jorgensen; Bill Jacobs; Russ Heller; planning
Subject: SAPFY2023-0001

From: mikenero@jps.net <mikenero@jps.net>

To: John Evans (jevans@GARDENCITYIDAHO.ORG) <jevans@GARDENCITYIDAHO.ORG>; 'James Page' <jpage@GARDENCITYIDAHO.ORG>; 'Teresa Jorgensen' <tjorgensen@GARDENCITYIDAHO.ORG>; bjacobs@gardencityidaho.org; 'rheller@gardencityidaho.org' <rheller@gardencityidaho.org>; 'Jenah Thornborrow' <planning@gardencityidaho.org>

Subject: SAPFY2023-0001

Mr. Mayor, Council members, and Staff;

Finally the time has come for the application for the first step in the development of a portion of The River Club to come before the City Council. I have been very much involved in this entire process since American Golf announcing they were selling the Plantation Golf Course. From the attempt to stop the sale to today has been almost 5-years. There have been serious up's and down's throughout the process. I have been through some serious soul searching during those years. I have spent many hours evaluating where we are and where we are going. It is my firm belief that approval of the SAPFY2023-0001 is a win for Garden City, and the entire community that exists because of The River Club.

Since purchasing Plantation Golf Course Will Gustafson has done all that he said he would do, and much more than anyone expected. He has not developed the entire 120+ acres as the R-2 zoning would allow. He has added much to the Club, including bocce ball courts, pickleball courts, and generally cleaned up and improved the existing club house and pool areas. Gustafson is serious about keeping an 18-hole golf course, to that end he has hired a world-renowned golf course architect, Brian Curley, to handle the redesign of the course.

Since the application was presented to the membership and the residents in neighborhood meetings there has been much misunderstanding and incorrect information passed about the neighborhood. I personally feel that Mr. Gustafson and Lincoln Property Company have responded positively to the concerns expressed by a few of the residents. The most recent design alternate dated May 12th is an indication of that response and concern for the residents.

I strongly urge the City Council to approve SAPFY2023-0001.

Thank you for your consideration and your service to the city.

Best regards,
Mike Nero
4675 Savannah Lane
Garden City, ID

Kena Champion

From: Patti Perkins <patti@calyx-weaver.com>
Sent: Monday, June 5, 2023 8:08 PM
To: planning; John Evans
Cc: Craig Quintana; Mark Johnson
Subject: SAPFY2023-0001

Dear Mayor Evans & City Council Members --

I am writing to urge you to approve the SAPFY2023-0001 application coming before you on June 12.

I have written to you previously and have only become more committed to the position that Will Gustafson and Lincoln Properties will have the best outcome for the property.

Change is inevitable as is development. Gustafson has committed to retaining and improving the golf course as his part of the changes proposed. He has listened to the members, spent millions on improving the golf course and club making it a vibrant centerpiece of our community. He has consistently communicated his intentions about the project in spite of the statements to the contrary from the opposition.

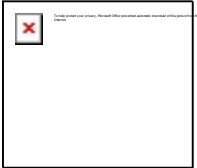
Those in opposition were heard, and Gustafson recently spent another estimated million dollars to buy back 1 acre from Lincoln Property Company to provide a bigger buffer between the development and the neighborhood. Yet, they are not appeased.

There are certainly other details to be worked out, but this is a good development of a part of State Street that desperately needs updated services and buildings. Garden City has shown that they can have sensible and high quality development across the river and I believe this will be another gem for the city.

Please approve the SAP application on June 12.

Thank you so much!

Patti Perkins, Owner
Calyx-Weaver & Associates
5995 W State Street, Suite B
Boise, ID 83703
208-938-9726



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Kena Champion

From: Susanna Smith
Sent: Monday, June 5, 2023 4:53 PM
To: Louis Stoddard; John Evans; Teresa Jorgensen; Russ Heller; Bill Jacobs; James Page
Cc: planning
Subject: RE: SAPFY2023. 0001

Hello, Mr. and Mrs. Stoddard,

Thank you for your email. The Development Services Department will add this to the River Club file and add you to the interested parties list.

Have a great week!

Regards,



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: Louis Stoddard <loumarstodd644@hotmail.com>

Sent: Saturday, June 3, 2023 3:10 PM

To: John Evans <jevans@GARDENCITYIDAHO.ORG>; Teresa Jorgensen <tjorgensen@GARDENCITYIDAHO.ORG>; Russ Heller <rheller@GARDENCITYIDAHO.ORG>; Bill Jacobs <bjacobs@GARDENCITYIDAHO.ORG>; James Page <jpage@GARDENCITYIDAHO.ORG>

Subject: SAPFY2023. 0001

Dear Council Members:

We live at 6303 N. Fair Oaks Pl. As you can see from the attached map, our property is the most impacted by the Gustafson/River Club/ Lincoln Properties development project.

This Phase 3 development will completely destroy the beautiful, peaceful outlook we currently have from our home. Our neighbors, the Foltzes and the Pattersons homes are approximately 170 feet from the nearest townhouse, according to the plan. We, on the other hand, are only about 70 feet from the two nearest townhouses. Why should we not be given the same buffer as our neighbors?

Our solution to making our distance the same as our neighbors is to remove the two townhouses closest to our home and replace them with additional landscaping. Even 170 feet is very close to our homes, but 70 feet is completely unacceptable. We don't understand why this adjustment was not made when Gustafson et. al. submitted the change to their original plan.

We are counting on our City Council members to protect the homes of our community at this time as the developers build this massive, high density project next to our living room.

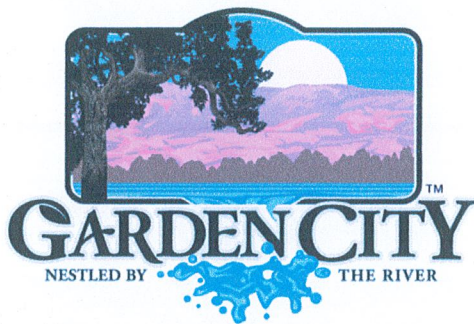
Thank you for your consideration.

Marilyn and Louis Stoddard



Sent from my iPhone

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RECEIVED

JUN 05 2023

CITY OF GARDEN CITY

GARDEN CITY
DEVELOPMENT SERVICES

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: June 3, 2023

PLEASE PRINT LEGIBLY

Name: SUSAN TROYER

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

3824 N. BAYOU LAKE

GARDEN CITY, ID 83703

E-Mail: trayersusan921@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.

I'm hoping your minds are not already made up. I invite you to go
stand in the circle on Fair Oaks Street and imagine looking out on
a high density, rental neighborhood right in the middle of 2 lower
density residential neighborhoods. Do you honestly like what you
see? The opposition is 3 to 1. The only favorable point would be
for Mr. Lincoln to earn more.

Susan J. Troyer

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 *to whom?*
- ☐ 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 - *obviously don't do a State St. to and from work*
- ☐ The proposal facilitates adequate parking