Kena Champion

From: Colleen Lambertz <cojobertz@gmail.com>
Sent: Thursday, March 30, 2023 12:31 PM
To: planning
Subject: Zoning change from R-2 to SAP at the Plantation/River Club

Dear Garden City Planning and Zoning Commissioners:

As 32-year Garden City residents and 29-year members of the River Club, we are writing to follow up the letter of December 2, 2022, regarding the change in zoning from R-2 to Specific Area Plan (SAP) along the State Street Corridor that abuts The Plantation subdivision and The River Club.

We would be supportive of the change to SAP if the final plan satisfactorily addresses:

1. Parking for 1600+ cars (at least 2 per apartment) as well as guests so that residents will not have to use the Plantation subdivision streets for parking. As we know from experience, people do not use public transit.

2. Avoidance of nonmember access/use of the golf course for walking pets/exercise.

3. Adequate emergency vehicle access.

4. Ground water pattern changes that may negatively affect current residents.

5. The design of the new structures to maintain or improve the value of the current properties in the Plantation subdivision.

Lincoln Property Company has a rare opportunity to build a viable, unique, attractive, and profitable multi-use area with golf course views in the middle of Garden City that would provide an adequate tax base to support the increase in services it would require. Please enforce its responsibility to the long-term existing homeowners by addressing the above issues in the final design.

Thank you for your service and your attention to this matter.

Sincerely,

Colleen Lambertz

Mary Jo Nyblad

6540 W. Plantation Lane

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BOISE
METRO
CHAMBER

March 28, 2023

ATTN: Mayor Evans
Council Member Jorgensen
Council Member Heller
Council Member Jacobs
Council Member Page

At the March 15, 2023 meeting of the Boise Metro Chamber's Policy Committee, the Committee voted unanimously to support he proposed development on State Street on the grounds of the River Club golf course. We think the development comports with ACHD's State Street corridor plan, and will allow Garden City to retain its historic Idaho Golf course and green space.

The Chamber, and our economic development agency, have often used the River Club as an asset to attract and retain businesses and workforce talent in our Valley. It is nationally known for its affordability and its history. It is indeed a selling point for business and talent attraction in our area.

The River Club, Lincoln Properties, ACHD and many surrounding businesses are all community minded and active members of our organization and its mission to improve the quality of life and prosperity for Garden City and our entire Valley.

We think the proposed project will do just that for this very important area of Garden City, and will help to retain one of the State's most valued open spaces. Thank you for your service to our Valley, and for your consideration.

Sincerely,

The Boise Metro Chamber
Policy Committee

BOISE
METRO
CHAMBER

Bill Connors
President & CEO
1101 W. Front Street, Ste. 100, Boise, ID 83702
O: 208.472.5220 F: 208.472.5201
bconnors@boisechamber.org | boisechamber.org

March 23, 2023

Anne & Bill Connors
[redacted]

Dear Mayor Evans,

We are writing to you about the SAP application before you regarding the area around the River Club Golf course. We are both residents and registered voters in Garden City. We live on the 16th hole of the River Club and we are completely satisfied with the plan to develop the area along State Street. This is NO surprise to any of us who have paid attention to the various informational meetings about the plans for State Street development and the plans to preserve the Golf Course, which is of utmost importance to us, and hundreds of our neighbors.

The golf course is a historic Idaho and Garden City gem, which has the reputation of being one of the most affordable courses in the USA. Much like Bogus Basin, it is a community treasure, that must not go away, neither should this valuable asset to Garden City. The owners and developers have been open and honest about their plans, and anyone who understands business has to realize that to pay for the golf course and infrastructure improvements that have, and will be made, there will need a way to pay for such improvements and preservation.

The fact that ACHD is already going to widen State Street as part of their corridor plan, lends itself to development on that strip of land along the 10th home. In addition there is the issue of property rights, the owners could plow down much of the golf course and build condos all over the place. Our fear is that if the City does not approve this development, that is exactly what could happen, and we will lose the course and our property values along the way.

We urge you approve the SAP application by the River Club owners.

Sincerely,

Anne & Bill Connors

Kena Champion

From: Dave Leroy <dave@dleroy.com>
Sent: Wednesday, March 22, 2023 4:40 PM
To: planning
Cc: Charles Wadams; Dave Leroy
Subject: Fw: River Club Amendment/ SUBMISSION OF CLARIFICATION AND CORRECTION STATEMENT SAPFY2023-0001
Attachments: River Club Amendment.pdf

GARDEN CITY CLERK AND PLANNER: PLEASE FILE THE ATTACHED DOCUMENT IN THE OFFICIAL RECORD OF THE RIVER CLUB SPECIFIC AREA PLAN APPLICATION SAPFY2023-0001 TO CLARIFY AND AMEND MY EARLIER STATEMENT SUBMITTED TO THE FEBRUARY 15, 2023 WORK SESSION OF THE PLANNING AND ZONING COMMISSION. REGARDS, DAVE LEROY, ATTORNEY AT LAW

From: Davalee Davis <davalee@dleroy.com>
Sent: Wednesday, March 22, 2023 4:23 PM
To: Dave Leroy <dave@dleroy.com>
Subject: River Club Amendment

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Leroy

AMENDMENT AND SUPPLEMENTATION OF COMMENTS TO THE GARDEN CITY PLANNING AND ZONING COMMISSION ON THE RIVER CLUB SAP APPLICATION

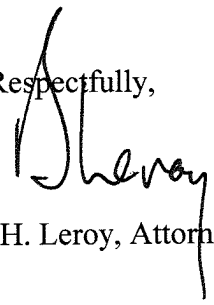
Originally Submitted to the Work Session for February 15, 2023

Prior to the time that you take any formal action on the above matter, I write to amend and clarify my previous and originally submitted Statement of Comments. It should be noted in your record that my comment was submitted on behalf of six persons, three couples, not a group of "approximately 100 people." The attorneys for the Applicant, Stoel Rives, LLP, have demanded that I formally state to you that the persons who actually retained me were the Livingstons, the Schmellicks and the Pattersons. Please note that the head of each such household and their respective addresses were stated in the first paragraph, second sentence of my original text to confirm their client relationship and respective jurisdictional standing. The Applicant, through counsel, is concerned that I made a false representation of group size to "attempt to pervert (or delay) the SAP application process" to "bolster three clients' individual concerns about the development." That is not the case, as clarified herein. The precise number of citizens and homeowners interested in and concerned about this Application will certainly become known to the Commission and to the City through a count of those individuals who appear at the upcoming formal action hearings, have or will submit written testimony, or eventually orally testify. Meanwhile, I ask that you correct the Work Session record as noted herein.

Emphasizing Criminal Defense, Trials and Government Law
P.O. Box 193, Boise, Idaho 83701 (208) 342-0000 FAX (208) 342-4200

Dated This 22nd day of March, 2023.

Most Respectfully,



David H. Leroy, Attorney at Law

March 20, 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 Company's application for rezoning the River Club, that will come before you in the coming weeks.

As a member, I am concerned that the naysayers will have a louder voice and jeopardize the future of the golf course by bringing legal action against Will Gustafson and the development of the property.

Should Will 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. Living near a three-story multifamily building is far superior to losing the course and its green space.

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 our members show thoughtful development and Will 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 all members 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,

Durwood "Dodie" Birdsall

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,

Jason M. Dobis and Sheryl L. Scott

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.

I am a current member of The River Club and have been a member since 2020.

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 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.

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. I am very concerned not only for my own experience at The River Club, but for the loss of Treasure Valley's oldest Golf Club to the entire Garden City community.

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,

Jeff Cliff

208-850-9014

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.

I purchased the home at 5750 W Sterling Lane in December of 2021. Part of the reason I purchased this home was due to 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.

I have two concerns in regard to the pushback you are receiving from a very small, but vocal contingency. The first is the outright lie in their stating **"we represent more than 100 homeowners".** The reality is they in no way represent the opinion of the majority of these homeowner. The vast majority of homeowners I've spoken with approve and are hopeful for this rezoning and development. The second and larger concern, is that if the rezoning is not approved the result will be a much larger housing development and loss of the golf course all together.

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,

Justin Cliff

PATRICIA R PERKINS

5920 W Ashville Lane
Garden City, ID 83703

March 14, 2023

City of Garden City
Mayor John Evans
Members of City Council
Members of Planning & Zoning

RE: RIVERCLUB/PLANTATION DEVELOPMENT REZONING

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 currently live adjacent to the property in the Savannah Greens Townhome community but we just purchased a home in the Plantation neighborhood. We would never do that if we feared the development plans of Will Gustafson and Lincoln Property Company. 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 an outsized voice and jeopardize the future of the golf course by bringing legal action against Will and the development of the property.

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 multi family building is far superior to losing the course.

Not only would we lose the centerpiece of our community, but our property values would plummet without the golf course. No one wants that.

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,

Patricia R Perkins

Patricia R Perkins

Kena Champion

From: Jerry Schofield <starschofield@gmail.com>
Sent: Tuesday, March 14, 2023 9:48 PM
To: John Evans; planning; James Page; Russ Heller; Bill Jacobs
Subject: River Club Development/Rezoning Application

Mayor Evans, Members of Planning & Zoning and the City Council,

I am writing in support of the rezoning application being put forth by Lincoln Property Co. and Will Gustafson for the development of the River Club property and along State Street .

Will Gustafson has shown us, as homeowners in the Plantation neighborhood, the development plans for the future of the golf course. There are some in the neighborhood that are aggressively fighting this development, but we think that is to the detriment, not the preservation, of the neighborhood. If Mr. Gustafson is forced to fight a costly legal battle, he may decide his better alternative is to sell the entire property to another developer who will fill it with houses and eliminate the golf course. The golf course is the hub of the neighborhood and provides open space for humans and wildlife alike. It's demise would cause the property values to decrease sharply. No one wants that!

Most of us in the neighborhood are realistic about the value of the land for development and welcome the improvements along State Street. My wife and I currently live in the Savannah Greens Townhouses adjacent to the Club, but we have purchased a home in the Plantation neighborhood. We would not do that if we thought the proposed development was not in the best interest of the area. Mr. Gustafson has made many improvements to the Club and has invested his time and energy in meeting and listening to the members. He has moderated some of the original plans as a result of the conversations he has had.

I urge you to approve the rezoning when it comes before you.

Thank you.

Jerry Schofield
5920 W. Ashville Lane, Boise, ID 83703
starschofield@gmail.com

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Kena Champion

From: Jenah Thornborrow
Sent: Wednesday, March 15, 2023 1:16 PM
To: planning
Subject: FW: Garden City/SAPFY2023-0001

From: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Sent: Monday, March 13, 2023 5:32 PM
To: Dave Leroy <dave@dleroy.com>; JoAnn Butler <jbutler@butlerspink.com>
Cc: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>; Joanna Ortega <jortega@GARDENCITYIDAHO.ORG>; johnliving13@gmail.com; 'Bob Schmellick' <bobschmellick@gmail.com>; 'Dave Patterson' <dpatterson65@msn.com>
Subject: RE: Garden City/SAPFY2023-0001

Thank you Dave!

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From: Dave Leroy <dave@dleroy.com>
Sent: Monday, March 13, 2023 5:26 PM
To: JoAnn Butler <jbutler@butlerspink.com>; Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Cc: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>; Joanna Ortega <jortega@GARDENCITYIDAHO.ORG>; johnliving13@gmail.com; 'Bob Schmellick' <bobschmellick@gmail.com>; 'Dave Patterson' <dpatterson65@msn.com>
Subject: Re: Garden City/SAPFY2023-0001

JOANNE AND CHARLIE, ET AL: THE THREE SUBDIVISION RESIDENTS WHO FORMALLY RETAINED ME ARE: DR. JOHN LIVINGSTON, BOB SCHMELLICK AND DAVID PATTERSON, EACH OF WHOM IS COPIED HEREWITH BY THEIR RESPECTIVE EMAIL ADDRESS. ADVISE IF YOU NEED MORE DETAIL TO PROPERLY CONFIRM THER INDIVIDUAL RESIDENCY CREDENTIALS. I DO NOT BELIEVE THAT THERE IS ANY OTHER FORMAL "REPRESENTATION" INVOLVED OR IMPLIED BY DR. LIVINGSTON'S STATEMENTS, AS MIRRORED IN MY FEBRUARY 15TH LETTER TO THE P&Z COMMISSION, TO THE EFFECT THAT "APPROXIMATELY 100 PEOPLE" HAVE INDICATED INTEREST IN AND AFFECT BY THE RIVER CLUB ISSUE IN SYMPATHY WITH THE POSTINGS OF THE PRESERVE PLANTATION 23 WEBSITE. 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.....REGARDS, DAVE

From: JoAnn Butler <jbutler@butlerspink.com>
Sent: Monday, March 13, 2023 4:53 PM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>; Dave Leroy <dave@dleroy.com>
Cc: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>; Joanna Ortega <jortega@GARDENCITYIDAHO.ORG>
Subject: RE: Garden City/SAPFY2023-0001

Thank you for making this request. Dave Leroy told me earlier today that he represents Dr. John Livingston, and Dr. Livingston has also publicly indicated that Dr. Livingston represents approximately 100 individuals or households.

Would you please make the same request of Dr. Livingston or, perhaps, Dave Leroy can make that request of his client, Dr. Livingston, to provide the city with the names and addresses of those Dr. Livingston represents?

Thank you both.

BUTLER SPINK LLP

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, March 13, 2023 3:32 PM
To: dave@dleroy.com
Cc: JoAnn Butler <jbutler@butlerspink.com>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>; Joanna Ortega <jortega@GARDENCITYIDAHO.ORG>
Subject: RE: Garden City/SAPFY2023-0001

Dave:

Hope you are having fun in France.

When you get a chance, could you provide the city a list of the property owners you represent on this matter? The city wants to make sure they have standing in the pending application.

Thanks, Charlie.

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From: JoAnn Butler <jbutler@butlerspink.com>
Sent: Tuesday, March 7, 2023 3:28 PM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: FW: Garden City/SAPFY2023-0001

Please see the response from Dave Leroy below. Please know that Bob Taunton has advised Pierce Roan (Plantation Master Association and Mike Nero (Save Plantation).

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: Dave Leroy <dave@dleroy.com>
Sent: Tuesday, March 7, 2023 2:20 PM
To: JoAnn Butler <jbutler@butlerspink.com>
Cc: johnliving13@gmail.com
Subject: Re: Garden City/SAPFY2023-0001

JoAnn….. Regards and appreciation to you for the heads-up message received just now in Paris!! I will pass it along to my group so that they may stand down and await the further information. Your professional courtesy in sending these details is warmly acknowledged. Dave

Sent from my iPhone

On Mar 7, 2023, at 9:21 PM, JoAnn Butler <jbutler@butlerspink.com> wrote:

Dave, I left you a voice message, but I understand from your assistant that you are away until this coming weekend. When you return, please give me a call at your convenience. Don't worry about calling on the weekend.

I believe you know that I represent the applicant in connection with the application referenced above.

I wanted to let you know (so you could pass this information on to your client) that the applicant has requested a deferral of the Planning & Zoning Commission March 15th hearing until April. A deferral will allow Ada County Highway District to complete its review of the application and the Traffic Impact Study and will allow your client (and the applicant) time to review recommendations from ACHD.

I'll look forward to talking with you when you return.

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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March 9, 2023

Mayor Evans and Garden City Council Members
City Hall
6015 N. Glenwood Street
Garden City, ID 83714-1347

Re: Opposition to high density apartment project proposal on State Street

Dear Mayor Evans and Members of the City Council:

My name is Chuck Bosen and I represent Edgewood Healthcare and Plantation Place Assisted Living as the Regional VP of operations. While our property – an assisted living community located at 3921 N Kessinger Ln. is owned by Edgewood Real Estate Investment Trust, I wanted to express my view of how this will negatively impact the individuals that live with us. There are approximately 40 residents that live in this facility. One of the main attractions is the setting and the beautiful patio that overlooks the 11th Hole of the golf course. The residents are regularly observed spending time on the patio engaging in group activities, meeting with friends and family as well as just relaxing and enjoying the view and peaceful environment. Photos of the patio are included below.

This development will significantly impact our operations by diminishing the primary reasons individuals are attracted to our facility. However, my greater concern is the significant negative impact it will have on the 40 residents that have chosen to live with us. Therefore, I request your support in denying the proposal for multi-family housing immediately adjacent to this assisted living and in the place that is currently the 11th Hole of the golf course.

Thank you,

Chuck Bosen, RN/Regional Vice President
Edgewood Health Care – Region 5 – Idaho
814 S Bridgeway Pl
Eagle, ID 83616

March 13, 2023

Dear Planning Committee Members,

I live in the current Plantation development on Savannah Court. As a homeowner, parent of an 8-year-old, and River Club member, I feel compelled to write in support of Save Plantation Golf Course and the development proposed by Lincoln Property Company and Will Gustafson.

A small but vocal group of residents are opposing the plan. A much larger majority favor proceeding with the proposed development because we are confident that golf will remain the focus of our community. Unfortunately, this is only the case if the development is approved. The greatest fear is the unknown. If Mr. Gustafson and Lincoln cannot continue, Mr. Gustafson will have no choice but to pull out of the club and be forced to sell to a different developer. I can't think of any developer anxious to own a golf course. The extent to which they might develop is frightening.

Thanks to the current partners' transparency, we know the plans. And they are impressive. Lincoln's portfolio includes some of the finest residential and commercial developments in the US and Europe. Their chosen architectural firm is one of the world's most respected. As remarkable as many of the developments we've seen recently in Garden City and Boise, there is nothing to compare to the quality of design and construction and the aesthetic beauty of their proposed development. If allowed to go forward, it will become a place beyond all others that Garden City can point to with pride. And the revenue generated for our city will ultimately benefit all who call Garden City home.

I am confident that our property values will increase for those of us who live in and around the golf course. How could they not? We'll be within walking distance of new restaurants, shops, and services – the most impressive and fashionable address in Garden City. As homeowners, we will have the advantage of larger lots and homes, significantly increasing our appeal. But we'll lose much of our desirability if there's no golf course and only houses. We'll just be another development. If those who believe otherwise have their way, they are only postponing the inevitable.

This place is far too valuable to remain a golf community, and yet, we have, at this moment, a way for the tradition of golf at Idaho's second-oldest course to continue.

I am not willing to trade the known for the unknown. If we approve the Lincoln/Gustafson plan, no one will ever have to say, "There used to be a golf course in Garden City."

Respectfully,

Tom Donahoe
7810 Savannah Ct.
Garden City, ID 83714

Kena Champion

From: Ron Reagan <ronrreagan@gmail.com>
Sent: Saturday, March 11, 2023 5:21 PM
To: John Evans; Teresa Jorgensen; Russ Heller; bjabobs@gardencityidaho.org; ipage@gardencityidaho.org; planning
Subject: Preserve Plantation Neighborhood

Dear Mayor Evans and Garden City Council:

I am writing this letter concerning the planned development on the River Club Golf Course.
My family has lived in the Plantation HOA for close to thirty years. We purchased this property with the expectation that we would always be able to enjoy the quiet, open, green views offered by this location.

There are multiple issues that need to be brought to your attention;

1. Traffic on State Street. Currently several apartment complexes have been built across State Street from this proposed development. Adding 700-800 more vehicles entering State Street from this area would be insane.
2. Transportation improvements on State Street by Ada County and Boise City are uncertain at best. Should this development be adding to this problem? What are the plans for improved traffic flow?
3. Are all of the apartments/condominiums to be accessed by the same road off State Street?
This in itself could cause traffic jams at certain hours.
4. Please do not allow any automobile access for this apartment/condo complex to use the Plantation HOA roads for this new development. Access through Fair Oaks, Plantation Lane and Plantation River Drive would destroy our quiet neighborhood. Our HOA is primarily a senior citizen area. Quiet and safe for our friends to walk and live.
5. I realize that "progress" is going to occur. But can it be controlled? Perhaps a plan that is half or 2/3rds the proposed size could be a reasonable alternative. This could solve several problems. It would reduce traffic, allow for more space between the Plantation HOA homes and the proposed condos/apartments, reduce impact on the visual green space between the old and new neighborhoods and provide more quiet, safe space for our community.
6. Could some kind of barrier/fence be provided to protect and isolate our community?
7. What guarantees do we have that future developments won't encroach on our homes in the future? Will the golf course that offers a rare, green oasis to Garden City be continually destroyed for progress and the almighty dollar? Will the developers deliver on the promise to remodel the historic golf course?

These are questions that I trust you will consider carefully prior to rendering a decision on your city neighbors.

Thank you,

Ron and Carol Reagan
6331 N. Charleston Pl.
Boise, Idaho 83703

Sent from my iPad

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SAPFY2023-0001 – Specific Area Plan

Your Name Roger A. Ivie Date 3/7/2023

Your Physical Address: 6621 Lakeside Dr. Garden City, ID 83714

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

☒ Yes ☐ No Email: rivie54@gmail.com

(Please select) Regarding this application I:

☐ Support the Application ☐ Am Neutral ☒ Oppose the Request

Comments:

The plan restricts my access to a county road from the rear of my property. It also destroys an open green space.

Signature: Roger A. Ivie

Ronald E. Bush
3695 N. Gramarcy Lane
Garden City, ID 83703
March 7, 2023

HAND-DELIVERED TO CITY HALL

Mayor John Evans
Council President James Page
Councilmember Teresa Jorgensen
Councilmember Russ Heller
Councilmember Bill Jacobs

Chairman Kent Rasmussen
Vice-chairman Kent Brown
Commissioner Ryan Montoya
Commissioner Steve Shepard
Commissioner Matthew Wilde

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

Re: Citizen comment in opposition to SAP Application of Lincoln Property Company -- SAPFY2023-0001

Dear Mayor, Madam Clerk, Councilmembers and Commissioners:

This letter accompanies a "statement of opposition" ("Statement") to the development application referenced above, which I will refer to as the "River Club Development" or simply, the "Development." I am a homeowner in the Plantation subdivisions and reside in Garden City.

Much of what I describe in this letter and in the Statement is based upon documents I obtained from the City in response to a public records request. A copy of that request also accompanies this letter.

My opposition is based in part upon questions as to whether 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.[1] The Master Declaration is a contract. The golf course property is a "lot" subject to those limitations, and therefore the owner of the

[1] There are important unanswered questions about the ownership of the golf course property, particularly as the nature of the ownership and who will own what if the River Club Development SAP were to be approved by the City. The details of those questions are described in my earlier comments to the City about what the public records reveal concerning the golf course ownership, located beginning at page 24 of the "February 1 - 28" public comments section of the City's online development services file for the application.

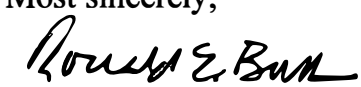
golf course property is subject to those limitations, as are other property owners. Among those limitations are (1) prohibitions upon further subdivision of any lot and (2) prohibitions upon commercial use of any lot (not including the golf course clubhouse and pro shop). The golf course owner's property rights are constrained and limited not only by the zoning ordinances applicable to the property, but also by the Master Declaration contract, in the same way property owners are in other subdivisions. The developer contends that it is not seeking to create a subdivision and has carefully avoided any use or reference to the word "subdivide" or "subdivision," or even the word "lot" in its application (and the proposed, specially customized, SAP ordinance). The very fact of such contortions highlights the seriousness of the question as to whether the applicant has the right to do any development at all. Moreover, the "minor land division" argument is contradicted by the golf course owner's prior actions in filing an application for a three-lot *subdivision*, named "Glass Island *Subdivision*," between Gramarcy Lane and Plantation River Drive. It has been marketed -- unimproved -- for $2,000,000.

My Statement also focuses upon the City's Comprehensive Plan and relevant zoning ordinances to rebut factual claims made in the Application and to describe facts and issues which are not contained or otherwise addressed in the Application.

I respectfully request that the SAP application be denied. Alternatively, I urge that the application -- with its shape-shifting request for a shape-shifting zoning district -- be returned to the drawing board. There should be full public participation in consideration of the proposal, in the manner that the City of Boise has done with its Harris Ranch and Syringa Valley developments and that the City of Nampa has done with its Highway 16 Specific Area Plan. Please require that the owners of the golf course fully reveal themselves, and require that they make known "who" the owners would be if the application were to be approved. Require that the owners and the developers defend their proposal in full light, with sufficient time for all interested people to see, consider and exercise their constitutional right to speak and write to the decision makers about the proposal, whatever their position might be. Finally, and importantly, taking those steps will help ensure that you have sufficient time to become familiar with the facts, to understand the legal issues and to obtain as much information as possible from the competing points of view, with sufficient time and knowledge to make a considered decision.

Your public service is appreciated, more than I can say.

Most sincerely,



Ronald E. Bush

Encls. (as stated)

CITY OF GARDEN CITY

6015 Glenwood Street · Garden City, Idaho 83714
Phone 208/472-2907 · Fax 208/472-2998

Ron Bush
3695 N. Gramarcy Ln
Garden City, ID 83703

Re: PUBLIC INFORMATION REQUEST received 01/23/2023

Your request for documents regarding:

For the time period of January 1, 2022 through to the present:

1. Records, as defined by Idaho Code 74-101(13) that consist of hard-copy or electronic communications (such as e-mail) to or from any of the following individuals or enties:
    1. Will Gustafson
    2. Robert (or Bob) Taunton or his company Taunton Group
    3. JoAnn Butler/Butler Spink LLP
    4. The Land Group
    5. CallisonRTKL Inc
    6. Lincoln Property Company, to include "LB River Club Owner LLC"
    7. "BRCP River Club LLC"
    8. "Glass Creek LLC"
    9. "River Club Boise, LLC"

Garden City cannot process your request within the statutory three (3) working days. A longer period of time is necessary to locate, retrieve, and review the records. Your patience in this matter is appreciated. You will be contacted by phone or email when your request is completed.

Lisa M. Leiby
City Treasurer/Clerk
January 24, 2023

FURTHER STATEMENT OF OPPOSITION TO SAPFY2023-0001

Submitted in support of letter dated March 7, 2023, from Ronald E. Bush, 3695 N. Gramarcy Lane, Garden City, ID 83703.

I. THE APPLICANT IS BOUND BY THE CONTRACT TERMS OF THE PLANTATION SUBDIVISIONS' "MASTER AGREEMENT" WHICH PROHIBIT THE PROPOSED DEVELOPMENT.

Provisions of the "Master Declaration of Covenants, Conditions and Restrictions" applicable to all property owners in the Plantation subdivisions which includes the golf course property, constrain, or outright prohibit, the proposed River Club SAP development (the "Development"). Those conditions relate to prohibitions against further subdivision of lots (the golf course is Lot 1), protections of existing homeowners (to include privacy and enjoyment) and restrictions upon business or commercial activity upon the property, are described in the submission of David Leroy in opposition to the proposed Development.[1] [2]

These are legal issues that the City should investigate more fully before further action is taken on the development application. A lessee of real property would not ask the City to permit development of the property where it has no ownership interest in the property. Neither should a property owner pursue development of real property when applicable contract limitations -- here the Master Agreement -- clearly materially constrain, or outright prohibit, such proposed development.

II. THE SAP APPLICATION DOES NOT JUSTIFY THE EXTRAORDINARY DEPARTURES FROM EXISTING R-2 ZONING AND THE GARDEN CITY COMPREHENSIVE PLAN. THE APPLICATION SHOULD BE DENIED.

In this application, the owner and developer request that the City create a 22-acre island in City limits, surrounded on three sides by existing residential neighborhoods, and

[1] Found at pages 138-160 of the "Combined Public Comment [file] February 1, 2023 - February 28, 2023."
[2] Pertinent provisions of the Master Declaration are found at pages 156-160 of the "Combined Public Comment [file] February 1, 2023 - February 28, 2023."

give the owner and developer the right to build more than 800 units of high density, multi-floor, multi-family buildings, along with multiple townhouse structures.

By doing so, the owner and developer will:

1. Bring thousands of people into immediate proximity of long-established single-family residences, on quiet streets in uncrowded neighborhoods of the Plantation subdivisions.

2. Create a funnel into those existing neighborhoods of a stream of bicycles (including the ever-increasing number of electric bicycles) and other people from the new, high-density, along with the action is taken on the development application, and hundreds and hundreds more bicycles and people from Northwest Boise into the same funnel, all to the considerable diminishment of the existing peace and quiet of life in those neighborhoods.

3. Create an almost certain scenario of years of major excavation and heavy construction, with its considerable construction noise and construction vehicle traffic, diminished air quality created by such construction, construction debris and other nuisances stemming from the enormous size of the planned development and the multi-year period which the construction will require.

In doing all those things, the owner and developer (developers and real estate private equity/hedge funds from Texas and California) ask Garden City to abandon the limits of (and protections contained in) the long-standing R-2 zoning. They ask to be given a blank check to write their own zoning rules and ordinance. They seek to eliminate any requirement that the actual owner or officer/member of the property sign application documents submitted to the City (thus making a paper tiger out of the indemnity and hold-harmless assurances that property owners are otherwise required to provide to the City). Further they seek to remove the Planning and Zoning Commission and the City Council from any oversight or decision authority over the details of decisions involved in the development, assigning those instead to the employees of the City's planning department or to someone outside of city government entirely whom the city planning director designates.

There could not be a greater undoing of the City's existing zoning, in a manner undeniably for the private financial benefit of the owner and the developer, than what is proposed in the application. It would remove the certainty and generational protections of

R-2 zoning and replace it with a development whose density is the antithesis of R-2 zoning. Homeowners in the Plantation subdivisions who built or purchased their homes with confidence and expectations that their property rights and way of life in a low-density, single-family housing, environment, would be abandoned by the City.

The Garden City code has provisions dealing with development standards (found in Section 8-6B) that contain specific standards applicable to every proposed development, including the pending SAP. The owners/developer offer various rationales as argument that such standards are met, but with no discussion of the facts which strongly rebut such arguments. Here is a discussion of those facts, which illustrate why the Code's standards are not met.

[From Garden City Code 8-6B-4(E):]

2. Neighborhood

a. There shall be compatible transition in scale, building form, and proportion between the proposed structure/use and existing structures and landscape.

There are 256 homes in the Plantation subdivisions, a residential development that dates to 1978. Although there are a small number of town homes and duplex townhouses, the great majority of the homes are single family residences, either one or two stories. They are located on large lots, with narrow streets (many of which have planting strips in the mid-point of the streets, with mature trees). Many homeowners have lived in their neighborhoods for several decades. The property tax valuations of those homes, collectively, is likely at least $100 million, if not significantly more.

The proposed development structures are massive, multi-story, apartment complex buildings with a much smaller number of multi-story townhomes. They bear no resemblance whatsoever to the existing neighborhoods and, not surprisingly, would likely block large portions of the view of the foothills from the neighborhoods most immediately adjacent to the development.

Nothing in the existing residential communities would bear any resemblance to the proposed development. Nothing in the existing infrastructure could reasonably absorb the inevitable overflow of people and traffic, nor meet the water and sewer demands, that would come from building a high-density, multi-family housing development immediately adjacent to the existing neighborhood. More than 800 units in just the first phase of a

three-phase development with thousands of people living in such units and with hundreds of vehicles trying to occupy too few parking spaces.

In sum, the development proposed by the SAP application would negatively interact, not mesh, with the adjacent properties. It will clash with the surrounding residential neighborhoods and present a genuine, certain, threat to the quality of life and residential values in those neighborhoods.

b. The proposed use(s) and development of the subject property shall be appropriate for the location, the lot and the neighborhood.

For the reasons already described, the proposed development is simply not appropriate for the location and the neighborhood. Moreover, the proposal on many levels runs counter to the comprehensive plan.

It deserves repeated emphasis that the property's R-2 zoning has existed for years, and was maintained as such in the June 14, 2021 revisions to the Garden City Comprehensive Plan. That Plan designates the *entire* golf course property as *"Residential Low Density,"* with an "Activity Node" inside the golf course. A yellow star inside the Activity Node is labeled "Future Parks/Open Space." (There is an area some distance from the golf course property that is designated "Residential Medium Density, but it is nowhere near the golf course or existing Plantation neighborhoods.) There is an "Activity Node" notation in the vicinity of the golf course, which is described as "especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three of more stories)."

The City also adopted a Land Use Map in 2021. It is the City's "direction for the future," with this introduction:

> The value of a land use map is that it allows for orderly and efficient development patterns that can save tax dollars; it can avoid conflicts that occur with piecemeal development decisions; and the map can save time for applicants by providing more certainty in what the city's desires are for development. A land use map does not control current land uses and is not a zoning map. However, the map does guide development decisions regarding future zoning, rezoning and development applications.

The Land Use Plan contains a list of "Land Use Designations," including the Residential Low Density described above. Among the others on the list are "Future Planning Areas," which are "intended to identify these areas for further master plan or site-specific planning efforts." The golf course property is not on that list. Another category is labeled "Existing Parks and Proposed Green Space and/or Parks" which are described as areas "devoted to green spaces including golf courses, open spaces and park uses" which are deemed to "contribute to the health and well-being of the community." The River Club golf course, formerly the Plantation golf course, is the only golf course in Garden City. The Land Use Map also makes mention of "Transit Oriented Development Nodes. No such "node" is found in the 2021 Land Use Map. The current "secondary" transit node on the transportation plan was placed there at the owner and developer's request, with the rather obvious intent to drawn upon that designation in the pending SAP application even though no such transit node had existed in that location previously.

The owners and developers also seek to bolster their otherwise flimsy justifications for an SAP zoning district with the claim that the development, consisting of over 800 multi-family units, will somehow alchemize into a "neighborhood activity destination" therefore deserving of SAP zoning status to permit the construction of such a large quantity of multi-family housing. However, as with the "transportation node," the "neighborhood activity destination node" is equally misplaced and premature. Moreover, it is contrived to allow the applicant to draw on such an argument, even though the proposed development area is not now, nor would it become a "neighborhood activity destination mode" as anticipated by City code.

Relevant here is the fact that the application has two different representations about such a "retail/commercial activity center." In the "application form," it says "the project is anchored by *up to 40,000* SF of retail/commercial uses." The narrative, however, says the development will provide "*up to" 30,000* square feet of space for such uses. Leaving aside the widely differing square footage numbers, in the real world even a cursory assessment reveals the empty promise contained in the "up to" language. Under that language, the developer could set up a scrap lumber lemonade stand and call it a neighborhood activity center. Additionally, even 30,000 to 40,000 square feet is a small amount of retail or commercial space. It is improbable that anyone, except perhaps some people living in the building where the retail space is located, would go out of their way to patronize that business.

Further evidence of the illusory nature of the "neighborhood activity center" is found simply by looking closely at the existing commercial and retail development in the

immediate vicinity of the proposed development, details not contained in the application. The application does, however, contain this additional detail:

> The proposed commercial/retail buildings comprising up to 30,000 square feet will be single-story or vertically integrated with residential units on floors above. The non-residential uses are anticipated to be neighborhood-scale and destination-focused and could include uses such as: coffee shop; boutique shops; restaurants; professional services; spa/salon and healthcare services.

Perhaps the developers and architects from out-of-state have not visited Garden City to see for themselves the fully developed State Street corridor of Garden City and Northwest Boise. If they had, they would admit that a 30,000 square foot retail space in a 800-plus unit, multi-family housing development has no chance of turning into a "neighborhood activity center." The Planning and Zoning Commission, the City Council and the Mayor already know that the area immediately adjacent to the proposed development, on both the north and south sides of State Street extending both east and west, there are dozens and dozens of retail and service businesses of all kinds. more than 100 businesses are located along State Street from Glenwood Avenue east to Collister Avenue. They include restaurants, bars, spas, tire dealers, repair shops, boutiques, gardening and landscaping centers, banks, credit unions, law offices, a veterinary clinic, gas station/convenience stores, a liquor store, thrift shops, pizza parlors, carwashes, barber shops, salons, medical clinics, daycare facilities, a bagel shop, clothing stores, accountants, a movie theater, fitness centers, insurance agents, coffee shops, a bridal shop, a massage parlor, a pawn shop, grocery stores, a dentist, and even some vacant service and retail locations. A list of all the businesses along State Street in the immediate vicinity of the development and between Glenwood and Collister is submitted with this Statement of Opposition as Exhibit 1.

In other words, there is neither the absence of nor the need for a "neighborhood activity center" in the proposed development. What is missing, however, is any factual justification to hinge the creation of a SAP zoning district based upon an unsupportable claim that the proposed development will be a "neighborhood activity center."

Nor is there any reason to swallow the contrivance that a promise to put aside "up to" 30,000 square feet for the possibility of some sort of retail or service business qualifies the proposed development as a neighborhood activity center. All the "possible non-residential uses" the developer throws against the wall of its application already are found in the existing "neighborhood." That argument, like the "transportation node" argument,

miserably fails to justify abandonment of the existing zoning protecting the adjoining neighborhoods, which the City should protect first and foremost.

c. The proposed use(s) and development shall not adversely affect the character, public health, safety, and/or general welfare of the neighborhood or the community.

The details already described illustrate the adverse effects, of a myriad nature, upon the neighborhood. An additional, very detrimental, part of the proposal is the express intention to connect a pedestrian and bicycle path and even, as has been included in the record, a street connection to the Plantation subdivisions through the cul-de-sac located at the northern end of Fair Oaks Drive.

It is important when considering this subject to recognize the enormity, and its implications, for the families who live in the Plantation subdivision, of what really is at stake. The owner and developers in this application, and the Garden City planning director, are seeking to force a de facto Greenbelt path through the middle of the subdivision under the guise of an application for an SAP zoning designation. Such a path, if approved, would carry the traffic much like the busiest sections of the existing Greenbelt because of the number of users it would bring. Included are the several thousand people who will live in the new development, who just by themselves will greatly outnumber the people who live in the Plantation subdivisions. Add to that the large numbers of the tens of thousands of people who live in Northwest Boise who will choose such a route as their entry point to the Greenbelt, streaming down the reconfigured Pierce Park Drive, and Ellens Ferry Drive.

Then ponder those Greenbelt users -- walkers, runners, skateboarders, bicyclists, electric bicyclists, their dogs and more -- all coming into the Plantation subdivisions through the Fair Oaks Place cul-de-sac that has been a dead-end street since it was first constructed. Consider the families who live there, secure and happy in the peace and quiet of their neighborhood and street, now having to see and deal with a steady stream of such Greenbelt traffic go back and forth on the street in front of their houses and on their sidewalks and lawns. Remember also that many of those same families who purchased their homes so that they could live upon a golf course, will have lost that amenity which was an important part of the enjoyment of their home and the value of their property. Remember also that their streets, which contain this newly created, de facto, Greenbelt extension, were never planned to be such, never constructed to be such, never thought out as such, but rather just imposed by a city government's zoning decision on their property

for the financial benefit of people who live thousands of miles away, and who never will have to deal with the aftermath of the decision.

The Greenbelt users will continue down Plantation Lane and then down Plantation River Drive to the narrow access that bisects two lawns near the western end of the street. Bear in mind, as you follow this route, that it is no shorter and can be a longer route to the Greenbelt from the proposed development to the Greenbelt access point to go through the development to cross over into the Fair Oak Place cul-de-sac, and then down Fair Oak Place, then east down Plantation Lane to Plantation River Drive, than it is to simply go east on State Street to Plantation River Drive and then south on Plantation River Drive. Taking the State Street route to Plantation River Drive also means that you go would not need to travel over and through Fair Oak Place or Plantation Lane for any reason, and the application promises a "multi-purpose" pathway on State Street. Seems like a no-brainer for a conscientious planner -- choosing not to burden and damage people's lives in existing neighborhoods for no good reason.

Then consider that there is only a small, narrow, access point to the Greenbelt from Plantation River Drive. The homeowners' association and the homeowners strongly contend it is a private easement. The developers contend it is public. The fact that it never was designed with parking for Greenbelt access is worth noting, as well as the making note that people drive their cars and trucks, leaving them on the surrounding street because there is no parking for Greenbelt access at that location.

Finally, consider the other homeowners who will be affected as well. The people who live along the route from Fair Oaks to the existing Greenbelt access point. The people living elsewhere in the subdivision, who will encounter the Greenbelt users when they are driving to and from their homes along Plantation Lane and Plantation River Drive.

There is considerable irony in the developer's labeling of those streets as "low stress" streets, as that term could not be more of a "before and after" comparison. "Low stress," that is, before a de facto Greenbelt is permitted to run through the Plantation subdivisions. More stress. More unhappiness. People who may well choose to leave their lifetime homes because it hurts them too much to stay. More potential for conflict between Greenbelt users and homeowners who may wake up one morning to learn that they -- unlike any other homeowner on any section of the miles and miles of the Greenbelt -- have the traffic of a busy, public, de facto Greenbelt thoroughfare running in front of their homes, never knowing that such a thing could be possible. Homeowners who purchased and kept their homes in pristine condition never expecting that their lives would be turned

upside down because the owners of the golf course and their developers, all chasing tens of millions of dollars in multi-housing development profits, didn't care a whit about them. Not one whit.[3]

The golf course owner and developers believe, from their office chairs far from the front doors and patios of the Plantation neighborhoods, that sacrifices are in order. But it is not their sacrifice. Rather, they ask the City to trample upon the adjoining neighborhoods, and the property rights of and peace and quiet enjoyed by the existing homeowners and their families. There is a remarkable callousness and hubris in their attempt to do so, but if they were to succeed it would leave the City exposed to numerous taking-analysis demands and potential inverse condemnation claims, and then potential litigation over the indemnity/hold harmless provisions of the development application. There is a paradox in that, as Idaho law clearly forbids the use of eminent domain for recreational paths. However, the plan that the owner and developers have proposed, with the input of the City, has indicia of such a taking.[4]

There is an easy solution to the mess and heartburn created by the SAP application's request to pierce a de facto Greenbelt spur through the heart of the subdivision. The purpose, according to the owner and developer, is to enhance the "transportation" node which they contend is part of the justification for SAP zoning, by reducing vehicle trips and encouraging bicycle commuting. The easy solution is a different route to the Greenbelt from the proposed development (in addition to the existing Greenbelt access

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[4] The City Planning Director, Jenah Thornborrow, said in a November 15, 2022 email to the developer's representative, Bob Taunton, and the developer's attorney, JoAnn Butler, that she hoped the Specific Area Plan "could accommodate potential future connectivity to Ellens Ferry." "Ellens Ferry is a Northwest Boise collector street which empties at its southern terminus into State Street. That intersection is located east of the end of the State Street boundary of the golf course property, but north of the eastern end of the proposed development. Other property parcels, including a large professional office park, are located between the development property and the south side of State Street. Mr. Taunton asked, in response, "how would you see that working?" Ms. Thornborrow replied with an aerial image of the proposed development into which she inserted a red line running from Ellens Ferry, across State Street through the parking lot of the professional office park, and then connecting to the north boundary of the proposed development. The collector street of Pierce Park was already a part of the proposed plan because of its direct connection to the (to be reconfigured) intersection which will bisect the proposed development from State Street, and it is that so-called "connectivity" from those Boise collector streets directly into the Plantation neighborhoods which create a de facto Greenbelt though the neighborhoods. The email exchange is included with this Statement in Opposition, as Exhibit 2.

points that are only a short distance further east on State Street from the proposed development).

That different route is already in the ownership of and, as developers like to say, in the "control" of the owner of the golf course and the developers. Specifically, a dedicated path to the Greenbelt could be easily constructed along the route of the to-be reconfigured Plantation Drive, then through or along the golf course to Glenwood and on to the Greenbelt, which runs on both sides of the river at that location, including next to City Hall.[5] It would be a perfect time for Mr. Gustafson to agree to construct such a path, as he is the person who says that he will be the owner of the golf course if the SAP zoning is approved (he also has said that he currently shares title ownership with Lincoln Property Company, although any such ownership is not found in the public record). Mr. Gustafson can incorporate a path into the redesign of the golf course, by having the path go along Plantation Drive to the clubhouse, and then from the clubhouse west along the river to Westmoreland Park, or he could choose a route on the other edges of the newly designed holes. Making plans now would be a perfect time and would benefit the several thousand people in the proposed upscale, "active adult" multi-family housing development that he no doubt is counting on for new members.

It would seem to be the right thing to do, if Mr. Gustafson is willing. If not, the city decision makers could and should make the "connectivity" that his developers emphasize so strongly as an amenity of the 800 unit development, a requirement of any development that might occur on the golf course property, should they choose to approve the application. If Mr. Gustafson objects, it will be interesting to hear from him as to why he objects.[6]

The proposed development also violates another of the Comprehensive Plan standards, specifically the standard titled "Infrastructure," which is found at 8-6B-4(E)(3):

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[5] Of course, as City leaders are aware, the path along the North side of the river west of Glenwood through the Riverside development neighborhood is a pedestrian only path, much different than what the City planning department and the River Club developers are seeking to have forced upon the Plantation homeowners.

[6] Mr. Gustafson can travel to the Warm Springs Golf Course in east Boise to examine a long-existing stretch of the Boise Greenbelt which runs through and adjacent to much of the length of the golf course, and safely so for many decades. In other words, it can be done.

3. Infrastructure

a. The proposed use and development of the subject property shall not cause undue traffic congestion, or dangerous traffic conditions.

b. The proposed use(s) and development of the subject property shall not adversely impact other infrastructure such as, but not limited to, public utilities and communications systems, water, wastewater, and drainage systems.

The proposed development does present the prospect of undue traffic congestion and dangerous traffic conditions. The developer is seeking multiple entry points into the development from State Street, in addition to the entrances from the reconfigured Plantation Drive. Each such entry point creates yet more dangerous traffic conditions on a street that has become more like a highway than not.[7]

Moreover, the proposed development calls for more than 800 multi-family housing units. Assuming an average of three people per unit, there will be 2400 people living in those units, with (assuming at least 1.5 cars for each multi-family unit) with 1,200 cars and trucks.[8] The most recent U.S. Census Bureau estimate of Garden City's population, from 2021, is 12,288. Hence, if 2400 people are living in the more than 800 housing, the population of Garden City would swell by nearly 20%.

The SAP application claims that the development will be a transportation hub and will encourage the use of public transport, as if the influx of 2400 people/1,200 cars and trucks, would be barely felt. Such a claim is magical thinking. To begin, any plans to build a larger bus stop near the location as part of proposed continuing reconstruction and revamping of State Street are not yet finalized and the plan is still 5-10 years in the future, according to the Ada County Highway District.[9] Further, even if some of those people

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[7] The developer makes representations in the SAP application about a traffic study it commissioned (the "Kittleson" study). It is not, however, made a part of the public record which makes it impossible for a member of the public to review and potentially respond or rebut the conclusions of the study. That violates due process and taints the process. The developer should be ordered to make the Kittleson study a part of the public record.

[8] The most recent U.S. Census Bureau estimate of Garden City's population, from 2021, is 12,288. Just the first phase of the proposed Development would increase Garden City's population by nearly 20%! Assuming similar high-density, multi-family, large apartment complexes for the other two phases, with similar numbers of people moving in, the Development would increase the City's population by nearly 60%,

[9] The term "transit station" which is repeated many times in the SAP application is a misnomer. Although the term is used in various planning documents which deal with the State Street corridor, it is not a true "transit station" of

were to use the bus system to commute (including its "commuter service"), such as to locations in downtown Boise and back, the bus system can only accommodate a small percentage of the people who would be living in such an enormous complex (especially so during the rush hours). The buses, after all, are not dedicated just to those who might live at the complex; rather, the buses are always carrying people from further along the line. Moreover, the public bus system simply is not an alternative to cars and trucks for all purposes. It is a means of getting to certain locations at certain times of certain days. It does not provide a means of getting to the locations which are not close to bus stops. It does not provide a means of getting to locations at times when bus service is unavailable or impractical.

It is inevitable that the greatest number of people who might live in these apartment complexes will use their cars and even more so during the winter months. The number of cars and trucks will increase the growing traffic chokehold on the State Street corridor, to the detriment of everyone who lives in Garden City and elsewhere who use State Street for travel. The number of cars and trucks will create regular, frustration inducing, bottlenecks in trying to turn into, or from, State Street at peak traffic hours, creating more automobile emissions while stopped in the traffic lines and creating greater risks of vehicle accidents.

The proposed development also will create dangerous traffic conditions in the Plantation subdivisions if the proposed pathway, or worse yet a street connection, to the Fair Oaks Place cul-de-sac is approved for the reasons previously described.

The SAP proposal also reveals significant infrastructure issues that are literal and figurative roadblocks to such a massive development. The public online file contains a document sent on Garden City letterhead to the City's building department. It is a June 28, 2022 letter from J.D. Canning, the City's outside civil engineer, referencing the proposed development location. The letter addresses whether there would be sufficient water and sewer service to provide to the proposed development, in the form of what is known as an "ability to serve letter." The letter is silent about whether there is sufficient water infrastructure to meet the needs of over 800 housing units (in the first phase) and says

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the sort which might ordinarily come to mind. Rather, it is a simply a larger bus stop, with some seating and some shelter, and a real time LED board with information about the bus schedules.

nothing about the infrastructure that would be needed to support additional massive development in the following two phases.[10]

As to sewer service, the answer must be "no, Garden City does not have the present ability to provide sewer service to such a project" because Mr. Canning says this:

"In a meeting with Garden City Public Works on 26 April 2022, it was noted that a potentially feasible sewer option to serve the project would be for the development to connect with the Boise City sewer in State Street. Garden City supports this option, however some effort led by the applicant will be necessary to pursue this service route. We presume this option would require an agreement between Garden City and Boise City, and a new monitoring station to measure flows. The city is willing to participate in discussions with Boise City."

The letter goes on to say "[a]t this time, with the project's sewer service not being determined, the city is issuing this as a conditional "will serve" letter." It could as easily, and perhaps more properly, be issued as a "*cannot* serve and *cannot know at this time* whether we can provide" letter. This uncertainty -- tied to an obvious inability to serve the development as described in the application is another of a long list of reasons the application should be denied. Moreover, the letter says nothing of the considerable costs that would come with any such major expansion of the sewer lines and who would bear that cost -- the owners and developers, or the citizens of the city. Here again, the proposed development would diminish the economic sustainability of the City.

Also worrisome is another portion of the SAP application specific to the Boise River floodplain, raising multiple red flags for the City and for the homeowners and businesses in the vicinity of the proposed development. Although the application does disclose that the property is in the "anticipated 100 Year Flood Plain of Floodway" (see page 7 of the Planning Submittal Form), the applicant refuses to answer any of the usual and critically important questions about what the development proposes for the property that is in the floodplain. The developer contends that the question uses the word "subdivision" and therefore does not need to be answered because the owner and developer are going to ask

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[10] The checklist which is part of the City's SAP Application Form contains this requirement, as an item that must be included in any application: Information for Will Serve Letter: A Document from the City Engineer certifying that a property has adequate access to city services." The developer checked that box, but the June 28, 2022 letter is *not*, in any reasonable reading, a certification that the property has adequate access to city services.

the City to approve a "minor land division" for purposes of proceeding with their development.

The owner and the developer know full well that the information sought about the flood plain issues that will be connected to the proposed development is critical to the City's administration of federal law requirements dealing with the flood plain. Will Gustafson and his representatives Mr. Taunton and Ms. Butler were held up for a considerable length of time in trying to complete their development process with the so-called "Glass Island Subdivision" because a neighbor discovered that the development application contained a serious misrepresentation about the location of river's high-water mark, which directly impacted the buildable footprint of the proposed lots. Any reference to "subdivision" in the SAP application, about flood plain issues, is almost certainly an innocuous drafting shortcoming. (It is worth noting here that in the years from 2019 to the present, there have been only 2 requests for "minor land divisions" filed with the city, compared to more than 20 subdivision applications.)

The City's planning department, which has primary responsibility for the floodplain compliance issues and regulatory matters, should have required the owner and developer to submit the necessary information, so that it can be reviewed carefully and any shortcomings, such as occurred with the Glass Island Subdivision application can be identified. This subject is such an extraordinarily important matter for the City, it is hard to fathom how the application could have been accepted. The Planning and Zoning Commission and the City Council must remedy this flaw.

III. THE DEVELOPER'S SAP APPLICATION IS UNFOLDING WITH EXACTLY THE SORT OF RESULTS AND PORTENDS MORE OF THE PROBLEMS THAT THE COMPREHENSIVE PLAN CAUTIONS AGAINST AND IS INTENDED TO PREVENT. THE APPLICATION SHOULD BE DENIED.

As discussed previously, the Comprehensive Plan is intended to provide certainty, avoid conflicts with piecemeal development decisions and allow for orderly and efficient development decisions. But the pending SAP application is unfolding with exactly the sort of results the Comprehensive Plan cautions against and is intended to prevent. Even the most cursory review of ever-increasing number of substantive and sometimes emotional objections that have been made by citizens to the application are evidence of the conflicts

already created. Many more such conflicts will arise if the Development SAP is approved.[11]

In measuring the application against the Comprehensive plan, it is important to keep in mind the massive nature of the proposed development. More than 800 living units, thousands of people, nearly as many vehicles, adjacent to existing, long-standing, single-family neighborhoods and the already overcrowded and rush-hour clogged State Street corridor.[12] All of this on real property that has been zoned for decades for R-2 low-density housing, has never been intended or planned for high-density housing, and has been identified as open space in city planning documents. The owners and developers, leaving aside the unanswered questions about whether they have a right to develop the property at all, could have chosen to pursue R-2 development. The reason they did not do so is obvious. The City should ask the owners and developers for the details about the financial transactions that have already been made, and ask how much money, first, was paid to Glass Creek, LLC for the golf course property by Bay Point Advisors, the Atlanta, Georgia based real estate hedge fund, and then, second, how much money was paid to Bay Point Advisors by Lincoln Property Company/Brasa Capital Advisors to Bay Point Advisors for the golf course. If they aren't willing to answer, then the reason they are pursuing high-density, multi-family, development rather than the R-2 development which is available to them, is even more obvious.

Finally, and perhaps most tellingly, the owner and developer have never asked for the City to undertake a genuine public process to gather facts and public comment about the very concept of placing a Specific Area Plan ordinance on the River Club golf course property. Even though he city code anticipates that such a process will take place, the City planning department has never called for one. Other cities that have pursed such a type of planning have done so, intentionally so, to make certain that a decision to place a Specific Area Plan on a particular area if done, be done thoughtfully, carefully and for the right reasons.

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[11] The legal hurdles against the Development, as found in the Plantation Master Declaration, would also remain.
[12] One such example is the four to five story, 65 foot high, 200 unit multi-family apartment building planned for the "West Planning Area, which is to be wedged against the existing residential neighborhood. The application says that as currently drawn on the master plan, the 65 foot building will be 140 feet from the adjacent homes (no doubt for a parking lot),*but* the final design could be only 75 feet. At that distance, the building will loom over the adjacent homes and their patios and backyards.

Instead, the owner and developer have had dozens of in-person meetings, Zoom meetings, email and telephone communications with the City planning department over a period of at least the year of 2022 and early 2023 and likely even earlier, in which the details of what ultimately came to be the River Club SAP application were discussed.[13] Then, the public is left with trying to respond, in a very short time frame, to a development application that raises nearly as many serious questions and concerns as the number of multi-family housing units that the owner and developer want to build.

That is not, as the saying goes, a good way to run a railroad.

Good reasons abound for denying the application or alternatively to send this entire matter, including the very subject of an SAP zoning for any part of the River Club Golf Course, back to a new beginning point.

[13] These communications are evidenced in email records and other documents provided by the City in response to the public record request referenced in the cover letter which accompanies this Statement.

North or South Side of State Street	Name of Business	Address	Type of Business
North Side of State Street	Terry's State Street Saloon	3301 Collister	Bar
North Side of State Street	Empty Health Clinic	4902 State St	
North Side of State Street	Enchanting Objects	4906 State St	Antiques/decoration
North Side of State Street	Fussy Hussy	4916 State St	Clothing
North Side of State Street	Spa Estetica	4920 State St	Beauty Spa
North Side of State Street	Dealer Intelligence	4980 State St	Automotive Sales
North Side of State Street	Dominos Pizza	5000 State St	Restaurant
North Side of State Street	Cutting Edge Kitchens	5302 State St	Kichen Remodeling
North Side of State Street	Giraffe Laugh 4	3961 Market Place	Daycare
North Side of State Street	Peterson Staggs Architecture	5300 State St	Architectural Services
North Side of State Street	Shauna Mickens State Farm Insurance	5266 State St	Insurance Sales
North Side of State Street	Fort Builder	5304 State St	temporarily closed
North Side of State Street	Barton Apartments	5306 State St	Apartments
North Side of State Street	New Commercial Space	5310 State St	Unoccupied
North Side of State Street	Gem State Gymnastics	5420 State St	Gymnastics Gym
North Side of State Street	The Rag Shop	5430 State St	Wholesaler
North Side of State Street	T3 Sport	5470 State St	Gym
North Side of State Street	New Commercial Space	5452 State St	Unoccupied
North Side of State Street	Carl's Motorcycles	5550 State St	Motor Vehicles
North Side of State Street	Gyro Shack	5602 State St	Restaurant
North Side of State Street	The Local	5620 State St	Restaurant
North Side of State Street		5622 State St	
North Side of State Street	The Juice Company	5628 State St	Restaurant
North Side of State Street	Salt Sanctuary	5626 State St	Beauty Spa
North Side of State Street	Kim Nails	5630 State St	Finger Nails
North Side of State Street	Authentic Yoga	5636 State St	Health Spa
North Side of State Street	Commercial Building	5710 State St	Unoccupied
North Side of State Street	Pullover Prints	5714 State St	Clothing
North Side of State Street	Farwest Gardening and Landscaping Center	5730 State St	Gardening/Landscaping
North Side of State Street	Nampa Floors	5874 State St	Carpeting/Flooring
North Side of State Street	Born Again Detail	5916 State St	Automotive Services
North Side of State Street	Pioneer Federal Credit Union	5918 State St	Banking
North Side of State Street	Jackson's Food Store	6010 State St	Convenience/Fuel Store
North Side of State Street	Primary Health Group	6052 State St	Medical Clinic
North Side of State Street	Capitol Bar	6100 State St	Bar
North Side of State Street	Brian Peck	6126 State St	Social Worker
North Side of State Street	Idaho Legal Estates and Probate	6126 State St	Legal Office
North Side of State Street	Morgan Polygraph	6126 State St	Legal Services
North Side of State Street	Minert Law Office	6126 State St	Legal Office
North Side of State Street	Zamzows	6206 State St	Pet and Gardening Store
North Side of State Street	Hendricks Veterinary Hospital	6224 State St	Veterinary Services
North Side of State Street	Idaho Central Credit Union	6328 State St	Banking
North Side of State Street	Jackson's Food Store	6400 State St	Convenience/Fuel Store
North Side of State Street	St Vincent de Paul	6464 State St	Thrift Store
North Side of State Street	Les Schwab Tire	6520 State St	Tire Store
North Side of State Street	Tune Tech	6550 State St	Automotive Services
North Side of State Street	Metro Express Car Waxh	6606 State St	Carwash
North Side of State Street	Commercial Space	6614 State St	
North Side of State Street	Merritt's	6630 State St	Restaurant
North Side of State Street	Stag Hair Care	6730 State St	Hair Styling
North Side of State Street	Electric Rays Tanning	6734 State St	Tanning Salon
North Side of State Street	Key Bank	6700 State St	Banking
North Side of State Street	Studio 3	6878 State St	Beauty Salon
North Side of State Street	Tobacco Connection	6890 State St	Tobacco Products Store
North Side of State Street	Los Betos	6906 State St	Restaurant
North Side of State Street	Idaho State Liquor Store	6910 State St	Liquor Sales
North Side of State Street	Instant Imprints	6916 State St	Printing/Graphics
North Side of State Street	Mongolian Barbeque	6920 State St	Restaurant
North Side of State Street	Happy Boba	6932 State St	Restaurant
North Side of State Street	Papa Murphy's Pizza	6940 State St	Restaurant

EXHIBIT 1

1/2

North Side of State Street	Security Finance	6942 State St	Financial Services
North Side of State Street	Boise Fry Company	6944 State St	Restaurant
North Side of State Street	Northgate Reel Theater	6950 State St	Movie Theater
North Side of State Street	Vincenzo's Tratatoria	6979 State St	Restaurant
North Side of State Street	Cricket Mobile Phone	6980 State St	Telephone Services
North Side of State Street	Metro Phone	6976 State St	Telephone Services
North Side of State Street	Elite Barber	6980 State St	Barbershop
North Side of State Street	Goodwill Industries	7000 State St	Thrift Store
North Side of State Street	Rite Aid	7020 State St	Pharmacy
North Side of State Street	Workout Any Time	7048 State St	Gym
North Side of State Street	Phenix Salon Suites	7054 State St	Beauty Salon
North Side of State Street	Hello Sugar	7054 State St	Beauty Salon
North Side of State Street	Early Learning Center	7064 State St	Pre-School
North Side of State Street	Vaporizor	7068 State St	Vape Shop
North Side of State Street	Activew H20	7080 State St	Water Store
North Side of State Street	Albertsons	7100 State St	Grocery Store
North Side of State Street	1 Hour Martinizing	7150 State St	Dry Cleaning Shop
North Side of State Street	UPS Store	7254 State St	Shipping Services
North Side of State Street	H&R Block	7158 State St	Tax Services
South Side of State Street	Mattress Firm	7227 State St	Mattress Sales
South Side of State Street	Huck House Brunchette	7135 State St	Restaurant
South Side of State Street	Krung Thai	7107 State St	Restaurant
South Side of State Street	Big Lots	7001 State St	Department Store
South Side of State Street	Vista Pawn	6961 State St	Pawn Shop
South Side of State Street	Discount Tire	6939 State St	Tire Store
South Side of State Street	Thompson Chiropractic	6727 State St	Chiropractor
South Side of State Street	Amy Gatherum Allstate Insurance	6727 State St	Insurance Sales
South Side of State Street	View Point	1715 State St	Window Sales
South Side of State Street	Pond Pro	6701 State St	Pond Services
South Side of State Street	Bryce Bradley	6103 State St	Accounting Services
South Side of State Street	The Grotto Group	6001 State St	Business Development Services
South Side of State Street	Idaho Wellness Company	5983 State St	Chiropractor
South Side of State Street	Omega Mental Health Services	5985 State St	Counseling
South Side of State Street	Media 7	5989 State St	Audio Visual Services
South Side of State Street	Physical Therapy 180	5909 State St	Physical Therapy Services
South Side of State Street	Marty Brown Farmers Insurance	6001 State St	Insurance Sales
South Side of State Street	Amanda Reedy	5999 State St	Social Worker
South Side of State Street	Ramatoulie Dean	5999 State St	Social Worker
South Side of State Street	BD Employment Solutions	5997 State St	Employment Services
South Side of State Street	Sebastian Saur	5909 State St	Physical Therapy Services
South Side of State Street	Face Boutique	5907 State St	Beauty Spa
South Side of State Street	Bella Cosi Studios	5907 State St	Beauty Spa
South Side of State Street	Beth Otander	5995 State St	Accounting Services
South Side of State Street	Breanah's Massage	5997 State St	Massage Services
South Side of State Street	Boise Permanant Makeup	5905 State St	Beauty Salon
South Side of State Street	Ochoco West	5991 State St	Lumber
South Side of State Street	Mountain Health Co-Op	5995 State St	Insurance Sales
South Side of State Street	Martell Law Offices	5995 State St	Legal Office
South Side of State Street	State Street Dental	5993 State St	Dental Services
South Side of State Street	Northwest Institute of Energy Medicine	5993 State St	Medical Clinic
South Side of State Street	Briggs Engineering	5999 State St	Engineering Services
South Side of State Street	Realty Asset Management	5987 State St	Property Management Services
South Side of State Street	Josh Cormier	5521 State St	Real Estate Services
South Side of State Street		5517 State St	
South Side of State Street	a&be Bridal	5519 State St	Bridal Shop
South Side of State Street	Blue Sky Bagels	5517 State St	Restaurant
South Side of State Street	George's Bikes	5515 State St	Bicycle Sales
South Side of State Street	Jalopy Jungle	5501 State St	Used car parts
South Side of State Street	Lake Harbor Dental	5355 State St	Dental Services
South Side of State Street	Eddie's Diner	3095 State St	Unoccupied
South Side of State Street	Meineke Car Care Center	5115 State St	Automotive Services
South Side of State Street	Starbucks	5021 State St	Coffee Shop
South Side of State Street	Dorsey's	5015 State St	Music Store

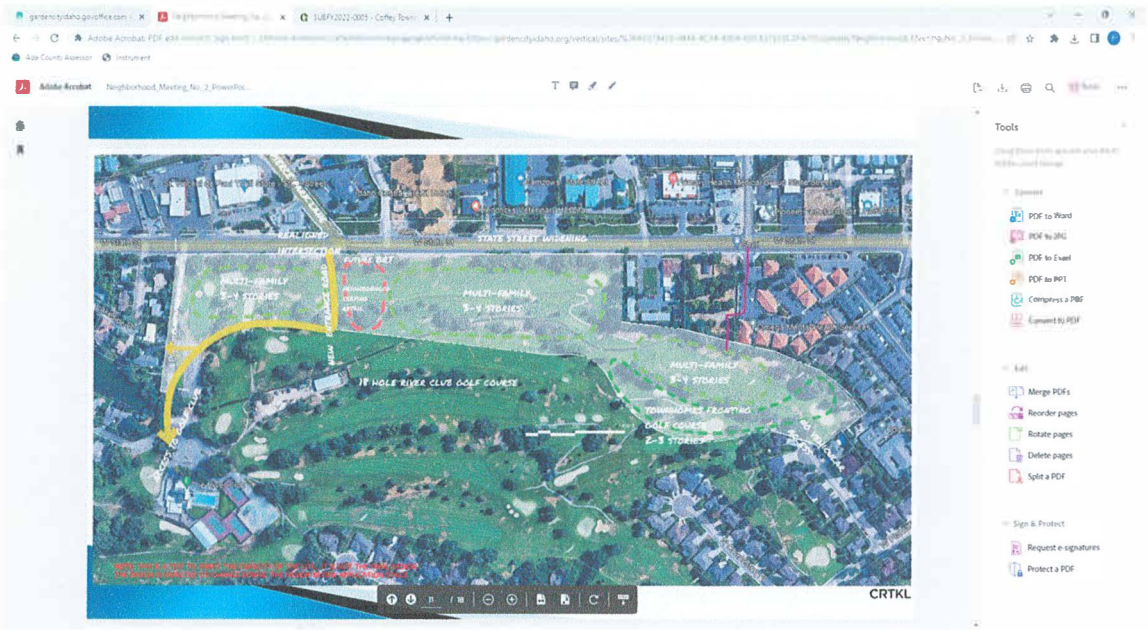
EXHIBIT 1

2/2

From: Jenah Thornborrow
To: Bob Taunton
Cc: JoAnn Butler
Subject: RE: Specific Area Plan
Date: Tuesday, November 15, 2022 1:43:00 PM
Attachments: image005.png
image006.png
image010.png
image011.png
image012.png

Bob,

This might be less than perfect, but:



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: Bob Taunton <bobtaunton@tauntongroup.com>
Sent: Tuesday, November 15, 2022 1:38 PM
To: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Cc: JoAnn Butler <jbutler@butlerspink.com>
Subject: Re: Specific Area Plan

Jenah,
How would you see that working?
Bob

On Tue, Nov 15, 2022 at 1:35 PM Jenah Thornborrow <jthorn@gardencityidaho.org> wrote:

Bob and JoAnn,

I was looking at the RiverClub neighborhood meeting PowerPoint presentation. I would like to note that I hope that the plan could accommodate potential future connectivity to Ellens Ferry.

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/

--

Bob Taunton
President, Taunton Group, LLC
Mobile: 208-401-6605
Email: bobtaunton@tauntongroup.com

Total Control Panel

Login

To: jthorn@gardencityidaho.org

From: bobtaunton@tauntongroup.com

Remove this sender from my allow list

You received this message because the sender is on your allow list.

EXHIBIT 2

1/3

From:	Bob Taunton
To:	Jenah Thornborrow
Cc:	JoAnn Butler
Subject:	~~Re: Specific Area~~ Plan
Date:	Wednesday, November 16, 2022 6:37:56 AM
Attachments:	image002.png image003.png image004.png image005.png

Jenah,

We do not control either parcel. The commercial office driveway south of the State St. right of way and the parking area are likely owned by a commercial association that would have no interest in a pathway. However, the former Boise Mobile Home site will redevelop at some point, and a path could be extended through it. We have heard an easement on the commercial office site provides access from the former mobile home parcel to the signal at Ellens Ferry.

Thanks.
Bob

Bob Taunton
President, Taunton Group, LLC
Mobile: 208-401-5505
Email: bobtaunton@tauntongroup.com

On Tue, Nov 15, 2022 at 1:35 PM Jenah Thornborrow <jthorn@gardencityidaho.org> wrote:

Bob and JoAnn,

I was looking at the RiverClub neighborhood meeting PowerPoint presentation. I would like to note that I hope that the plan could accommodate potential future connectivity to Ellens Ferry.

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

EXHIBIT 2

GARDEN CITY

W: https://gardencityidaho.org/

Total Control Panel

Login

To: jthorn@gardencityidaho.org Remove this sender from my allow list

From:
bobtaunton@tauntongroup.com

You received this message because the sender is on your allow list.

EXHIBIT 2

3/3

Dear Mayor Evans and City Council, and March 6, 2023
Garden City Planning and Zoning;

I am writing to express my opposition to the proposed zoning change from R-2 to SAP for the area of Plantation Golf Club/River Club located on the River Club/Plantation golf course. Because this city wide zoning change request was submitted by the developer for a specific project, it ties this hearing to both the change request and the project development proposal.

My wife and I have lived in and paid property taxes to Garden City since 1978 and have lived in the Plantation subdivision since 1986. We have seen significant growth in this community over the years but this current scheme by out of state developers Lincoln Development and Mr. Gustafson certainly has a creative new twist to it.

Before you render a decision, I ask you to consider this:
Resist being pressured by a manufactured "urgency" to get this rezone approved. The only urgency created by the developer is a possible change in current market conditions brought on by over building. Nobody forced Mr. Gustafson to buy Plantation Golf Club. The property was zoned R-2 when he bought it. Nobody guaranteed he would turn a profit on it. Garden City has a city wide zoning plan in place, which appears to be inconvenient with the proposed development plan.
In the interest of due diligence, consider using a basic internet search showing variations of how a similar game played out earlier in Sparks, Nevada, (De Andrea Golf Club), and in Chula Vista, Ca. Using this insight perhaps you could review the mistakes made by those cities and learn what type of conditions Garden City should require in an effort to protect it's own interest as well as the interests of all it's residents and businesses.

The pattern for overall development strategy appears multi-faceted with several prongs:

First, re-write the P&Z zoning ordinances.
(In an effort to "help" Garden City Planning and Zoning "clean up" existing zoning code, the developer offered to write a new zoning code with a Specific Area Plan, ("SAP"), which will result in "Spot" zoning". (The helpful re-write was all provided "free" of charge).

Second, lower the minimum parking standards for rental units.
(This will require on street parking and again benefits no one but the developer).

Third, make application to change current zoning in a specific area, as a dovetail to the previous change in city wide zoning regulations, while "red-lining" and eliminating any current zoning regulations which are inconvenient to the overall plan.

Fourth, apply for the building of a massive apartment/strip mall complex complete with the possibly approved inadequate parking.

If this zoning change is approved, let's focus on what's next as outlined above:

Every resident in the Plantation subdivision, as well as surrounding neighborhoods including Peachtree, Plantation Creek, Savannah Greens and Lakeharbor will be negatively impacted by this development. Some more than others depending on proximity to these rental units. Obvious problems will come from increased auto traffic, foot traffic, e-scooters, bikes and e-bikes, skate boarding, increased crime,

burglary, vandalism, theft, trespassing, trash, noise, light pollution, and parking enforcement conflicts. The tax increases necessary to provide required services for this development will be borne by ALL Garden City residents and businesses. All this for the monetary benefit to a small group of out of state investors/developers who have no ties nor commitment to this community. These individuals have only one interest in mind and it is NOT the overall benefit of the community.

The next logical step in the process would be to apply for approval for building a massive, high density apartment complex which in turn would open the way for developing the entire golf course.

Another aspect to consider is the environment. While environmental quality has little or no economic value when it comes to development opportunity, there should be some concern for the value of what little wildlife remains on the golf course and along the Boise river, (albeit considerably diminished from 35 years ago). There are currently bald eagle, deer, blue heron, fox, and numerous types of migrating birds among other animals which live on or near the current location. The impact of habitat destruction this development will create needs to be addressed in some type of environmental study and statement.

It's a very complex issue with potential long range detrimental impacts to Garden City as a whole. Denying this zoning change and being thoughtful and selective in limiting approval of these types of massive projects would set Garden City apart from the mindless sprawl we are witnessing throughout the valley. Increased property values result from limited supply.

In summary, it’s not only Plantation homeowners and Garden City residents who will be negatively impacted as a result of this development plan. Every single individual who drives on State Street will experience the traffic impact of approx. 1,500 more cars. Being backed up in State Street traffic while stopped at the signal at Pierce Park Ln., drivers can look over and admire the unique and innovative five story, 750 rental unit apartment complex and the adjoining strip mall that was once the clean and open, tree lined green space of a golf course. Meanwhile having completed the transaction, this developer will be long gone taking with him all verbal promises made in order to obtain this approval. We, the residents of Garden City will be left with the increased costs to pay for it, and the decreased quality of life to show for it. None of the above issues will be of any concern for the people who made considerable money on the deal. Those problems will be ours alone to figure out and to pay for.

While Plantation residents have been assured of transparency, this application is motivated by multiple owners, representatives, LLC’s, and “shell” corporations in several different states. We really do not know whose interest is being served in this whole process. We do know it’s not ours. The illusion of “transparency” could turn out to be nothing more than “smoke and mirrors”

Eric A. Fogleman
6420 W. Plantation Ln.
Garden City, Id. 83714

Kena Champion

From: mikenero@jps.net
Sent: Monday, March 6, 2023 3:52 PM
To: planning
Subject: SAPFY2023-0001

I am in favor of approval of this Specific Area Plan application.

I live on Savannah Lane and back up to the golf course. Everyone who resides within the Plantation subdivision has know there would be some development along State Street for over 4-years. Change is often hard to accept. However, the real situation is that unless the rezoning application is approved the 100-year old golf course will very likely not survive. The golf course is a magnificent part of Garden City. We must keep this beautiful feature for the future. I believe approval of the SAP will allow that to happen.

It is my hope that as the applications for development comes before the city the density is reduced from the 750+ units in the original application. Something in the range of 500 units could make for a very appealing development that would be acceptable to all. It would be a win-win.

Regards,

Mike Nero
4675 Savannah Lane

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

TO: Garden City Mayor and Council; and, Planning and Zoning Commission
FROM: Andrea Fogleman, 6420 W. Plantation Lane, Garden City
DATE: March 3, 2023
RE: Reasons to deny the application to re-zone a portion of the property now known as River Club from R-2 to an SAP with 35+ units per acre.

- Applicability of an SAP:
  The designated property (22 acres) in the application **does not meet the City's definition as to where an SAP is applicable. Under Ordinance No. 1018-20B, Applicability, "an SAP application is encouraged for the development or redevelopment of properties defined in the comprehensive plan as TOD Activity Nodes, or as, Neighborhood Destination Activity Nodes, or as Future Planning Areas".** The 22 acre area described in the SAP **application does NOT meet this requiremen**t. In Resolution #1016-19, 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. This information has been verified by Valley Regional Transit who told me: "There are a total of 44 existing and planned stops on the Route 9/State Street premium corridor. There are 4 transit-oriented development locations. Not all stops will be at TOD locations. Pierce Park will remain as a transit stop for both the Route 9 and the Route 10 Hill Road services".

  Further, the 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 the area OFF of State Street that adjoins the Plantation Neighborhood near Fair Oaks Drive). **Collister to Pierce Park is 1.2 miles; Glenwood to Pierce Park is .7 miles**. The massive 35+ units per acre development proposed in this SAP application is better located at Whitewater, Collister, Glenwood or Horseshoe Bend Roads, NOT at Pierce Park and especially NOT Off of State Street into an existing neighborhood.

  There is some relevance in the application to the Neighborhood Destination Activity Node, which on the Future Zoning Map and identified in Resolution 1061-19 as State Street and Pierce Park. It certainly **does not extend off of State Street near Fair Oaks or Charleston in the Plantation Subdivision. The only way this application would qualify for an SAP is IF it only included the area within the Activity Node at Pierce Park and State Street.** Resolution 1061-19 defines an "Activity Node" - "for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walk-able area of the node center." The development proposed with this SAP does NOT comply with the common characteristics of an Activity Node and since the apartments will be fenced to keep residents from coming onto the golf course and into our yards, it certainly does not include a compatible transition to the neighborhood or provide for full public spaces.

- Definition of Terms:
  Under Section 8-7A-2 (Definition of Terms) in the Development Services Zoning Code an SAP is defined as "**The concept plan for a property, including a narrative and illustrations meeting the application requirements of 8-7B-1.I (Master Plan), plus the proposed unique permitted, conditional and prohibited land uses and the Form Standards for such land uses with the SAP."** The legal property in question is close to 243 acres in its entirety and the "Master Plan" of the full 243 acres should be included in the SAP application, unless of course 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.
  The American Planning Association defines a Master Plan as "a dynamic long-term planning document that provides a conceptual layout to guide future growth and development. Master planning is about making the connection between buildings, social settings and their surrounding environments. Webster's Dictionary defines a Master Plan as "A plan giving overall guidance. **The SAP application does not meet the definition as a "Master Plan" unless it recognizes the full 243+/- acres.**

- Neighborhood Meetings:
  This requirement was met by the Applicant. Meetings were held without any details and the information provided to neighbors kept changing. Neighbors were first told there would be approximately 700 apartments in 3-4 story buildings. Then we were told there would be 750-800 apartments in 4-5 story buildings. At the second neighborhood meeting we were told the development plan presented was a "sketch" and that nothing had been finalized. Yet, in Section8-6B-6C4 of the development code it states that details need to be provided as part of the application, yet the neighborhood meeting did not include any specific information.

  The Applicant did say that anyone could request to meet with them at any time so three neighbors and I requested a meeting. At the meeting we were told there would be 850 apartments in 5 story buildings, again differing information from the neighborhood meeting. Our goal for this meeting was to discuss reasonable solutions to the many issues we were hearing from our neighbors. Most neighbors realized that there would be some development (likely commercial) along State Street but apartment buildings into the neighborhood was a surprise. We asked the Applicant to eliminate the encroachment onto the 11-12 acres located off of State Street that link to the cul-de-sacs at Fair Oaks and Charleston and are directly behind several single family homes in the Plantation Subdivision. We requested that the buildings for all apartments be kept to a maximum of 3 stories, preferably 2 stories. We provided suggestions on buffers between the Plantation Subdivision and the proposed development. When we asked about future development of the golf course we were told that the golf course would remain and that it was written into the agreement they have with Mr. Gustafason. We asked to see a copy of that specific section of the agreement because it would relieve much of the tension in the neighborhood. None of our requests or suggestions have been considered. Since that time one of our neighbors has been hired by Lincoln to serve as a liaison with neighbors. The liaison promoted a "town hall" meeting with Mr. Gustafason (although he is not the owner). During this meeting Mr. Gustafason said "As long as I'm here there will be a golf course but I can't commit to anything". **We have received NO concrete information that would apply to a Master Plan for the entire property. Instead, we were told at the second neighborhood meeting "If this SAP does not go through, I'm going to sell the whole property and it will be much worse for you". How's that for a friendly neighbor! The Neighborhood Meetings have been a farce.**

- Property Rights:
  Where does one property owner's rights overlap with an adjoining property owner's rights?
  The Applicant knew this property was zoned R-2 when it was purchased. My husband and I knew the property was zoned R-2 when we purchased 36 years ago. We are NOT infringing on the Applicant's property rights by opposing this application. In fact, the Applicant is infringing on our property rights by requesting a re-zone to the adjacent property. **We paid a premium for our property BECAUSE it was zoned R-2 and advertised as open space on a community golf course. This infringement on our property rights will result in lost property value.**

- Title 8, Development Code:
  This SAP Application is in direct conflict with numerous requirements and goals as stated in Title 8 and for which we as citizens have mutually agreed upon with Garden City. The conflicts in the proposal are obvious by reviewing the following:
  - 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;
    - Result in a contribution of amenities to the community including maintaining public access to the Boise River and recreational facilities;
    - 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. (Side note: When this issue came up at the neighborhood meeting with regard to increased crime, we were told " MORE EYES MEANS LESS CRIME"***;*** *I'm sure you heard the large loud groan from the audience****)*****.** **Should Garden City approve the application in direct conflict with agreed upon goals as written, we might as well start over on the Comprehensive Plan and Development Codes.**

  We are Garden City; let's keep the "Garden" and the little bit of open space we have. We are not Boston or New York or California or even Boise. Let us maintain a better quality of life that protects the health, safety and welfare of this community. Garden City is a haven in the Treasure Valley.

  As Elected and Appointed officials it is your obligation to protect this community and abide by the covenants, policies and principals that have been established. We have much trust in you. Please deny this SAP application and maintain R-2 as the appropriate zoning for the area.

  Submitted respectfully by *Andrea Fogleman*

City Hall
Mayor & City Council
6015 N Glenwood St.
Garden City, ID 83714-1347

March 2, 2023

Wilfred T. Lemon

Subject: River Club Parking

Dear Garden City Mayor & Council, Mayor Evans,

Myself; Wilfred 'Jake' Lemon, 74 yrs, Willowbrook 55+ Community, Bachelor of Landscape Architecture & Environmental Planning, USU 1972 (never used degree professionally), retired Commission Furniture Maker, Idaho Commission on the Arts Fellow (Woodworking). Moved to Willowbrook 7 yrs ago, regular user of Green Belt, have experienced building & occupation of Coffey St. Villas & River Pointe Phase 2 (not bad). Also probably influenced by the developer's campaign contributions to you folks.

Attended 2/27/23 City Council mtg to hear about River Club project. Found the Council & public to be very civil & considerate! Beyond my related education, I have become intimately familiar & involved with city procedures as my then property outside Hailey was Force Annexed in 1990. I fought it for 2 years.

At your mtg, I did not realize until Council comments, the developer (The Co.) was proposing providing zero parking! I was flabbergasted! My gut reaction was, this is a low-ball opening for negotiation. My 2nd reaction was, with such an ill-conceived idea to build housing with no parking, something is very fishy. Some of the history of The Co. available on the G.C. web site illustrates a dubious reputation right out the shoot.

The comments by the public were refreshingly reasoned & informed. Their parking "reality" (Mayor Evens) was evident. The "reality" of The Co. is compartmentalized at their office. HIS TRUE "REALITY" as resident of a neighborhood does not include parking meters & Permit Parking.

In G.C. recent housing development, we have Coffey St. Villas & River Pointe Phase 2 as examples. At the C. St. Villas, with no previous housing in the immediate area, there were rarely any cars parked on the street there. Now, even with garages, there are always vehicles parked on the street.

On Strawberry Glenn Rd, before River Pointe Phase 2, there were always cars & trucks parked on the street. Some of them were work trucks, ie. landscape trucks

& tradesmen trucks. With the River Pointe Phase 2 development, the number of street parked vehicles has stayed about the same. The ownership of the cars is probably mixed between the old & new developments. Any car-visitors to the Green Belt, park by the Glenwood Bridge. Bottom line, where there are living units, regardless of on-site parking, there are ALWAYS vehicles parked on the street, unless it is prohibited.

Garden City's existing parking regulations, one would have to assume, were throughly considered by a previous administration. They looked at other sets of regulations as well as the "science", of which there is plenty. Staff presumably had some degree of training and experience in parking management. I don't think it is unreasonable to rely on the research and intent of the authors of our existing ordinances, as seemed to be the sentiment of most of the Council & Mayor. THIS IS GOOD.

It seemed in the mtg, there was some type of wiggle room with Visitor Parking. In terms of a development carrying its own weight of impacts, you might consider impacts related to development maintenance. I suggest visitor parking be expanded to include VISITOR/WORK TRUCK PARKING to accommodate the above mentioned work vehicles. For instance, in my one-man-self-employed history, I always owned two vehicles, a car and a work truck. To maintain River Club's 700 units, I think it would be reasonable to accommodate 7 (1% of units) work truck parking spaces. In Willowbrook with 340 homes, 6 days a week, there are at least 3-4 work trucks parked on the streets. However, the spaces I am recommending would not only be for daytime workers, but also resident tradesmen to park their work trucks at night. I suggest they be located strategically, similar to Disabled Parking (what about Disabled Parking?), mostly in consideration of day time worker proximity to their work.

This Work Truck Parking idea of mine is an off-shoot of Ketchum's recent addition to their residential development regs. of requiring a developer to designate 10% of the units as "affordable housing". White collar owners like some of us rely on blue collar workers to support our life styles. Not just with cops, teachers & city employees, but landscapers, electricians, remodelers, barbers, checkers, the list is long. Garden City is the perfect place for our government to implement tangible FUTURE PLANNING policies to support our very significant blue collar citizenry.

THANK YOU for Your Consideration,

Jake Lemon

Jake Lemon

P.S. I particularly liked your reference to our different "realities", indicating they all have legitimacy.

Kena Champion

From: Charles Wadams
Sent: Wednesday, March 1, 2023 11:05 AM
To: JoAnn Butler
Cc: planning; Jenah Thornborrow; Kena Champion; Joanna Ortega
Subject: RE: Residences at Riverclub application Public comment opportunity

I am going through my emails and forwarding public records regarding the River Club Specific Area Plan SAPFY2023-0001 to the Development Services Department for inclusion in the public record file. The application indicates it was submitted on December 19, 2022 so I am forwarding emails since that time for inclusion in the public 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: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Sent: Wednesday, March 1, 2023 7:55 AM
To: JoAnn Butler <jbutler@butlerspink.com>
Subject: Re: Residences at Riverclub application Public comment opportunity

Will do.

I will also include your emails in the council packet so they can see your concerns.

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From: JoAnn Butler <jbutler@butlerspink.com>
Sent: Wednesday, March 1, 2023 3:47:32 AM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Subject: RE: Residences at Riverclub application Public comment opportunity

Charlie, in the email chain below it appears that Bruce Moore provided you with a copy of a deed. I don't see that deed attached to the public comments. Could you please forward a copy of that deed to me?

Thank you.

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: JoAnn Butler <jbutler@butlerspink.com>
Sent: Wednesday, February 22, 2023 5:16 PM
To: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>
Subject: RE: Residences at Riverclub application Public comment opportunity

Charlie, it may be that a title company did not find a separate easement document in connection with Lot 99, but the owners association would have taken title (on 10-11-94, the date of the quitclaim deed) subject to documents recorded prior including the plat that created Lot 99 (attached), which was recorded on 9-25-91 and calls out Lot 99 as "a public bike path easement."

Please call if you have any questions.

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: Wednesday, February 22, 2023 4:38 PM
To: JoAnn Butler <jbutler@butlerspink.com>
Subject: FW: Residences at Riverclub application Public comment opportunity

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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: Bruce Moore <bwmoore237@gmail.com>
Sent: Wednesday, February 22, 2023 11:11 AM
To: Ron Wilper <rjwilper@gmail.com>
Cc: Charles Wadams <cwadams@GARDENCITYIDAHO.ORG>; planning <planning@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>; Legal Intern 2 <legalintern2@GARDENCITYIDAHO.ORG>
Subject: Re: Residences at Riverclub application Public comment opportunity

Ron:

In response to yours of this date, I am enclosing a copy of the deed to our path.
The title company found no easements of record against the property.

Bruce

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.