

*RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:*

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

---

(Space Above for Recorder's Use)

## DEVELOPMENT AGREEMENT

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

### RECITALS

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

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

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

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

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

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

## **AGREEMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**To the City:**

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

**To the Developer:**

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

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

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

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

14. **Binding Upon Successors.** This Agreement shall be binding upon and inure to the benefit of the Parties' respective successors, assigns, and personal representatives, SAPFY2023-0001 Development Agreement - 3 Version 10 5 23

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

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

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

[end of text – signatures on following pages]

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY:**

**CITY OF GARDEN CITY,**  
an Idaho municipal corporation

By: \_\_\_\_\_  
John Evans, Mayor

ATTEST:

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\_\_\_\_\_, City Clerk

STATE OF IDAHO )  
                    ) ss.  
County of Ada    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared John Evans, known or identified to me to be the Mayor of the City of Garden City, the Idaho municipal corporation that executed the within and foregoing instrument, or the person who executed the instrument on behalf of said Idaho municipal corporation, and acknowledged to me that such Idaho municipal corporation executed the same.

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

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Notary Public for Idaho  
My commission expires: \_\_\_\_\_

**DEVELOPER:**

LB RIVER CLUB OWNER, LLC,  
an Idaho limited liability company

By: \_\_\_\_\_

Patrick Gilligan, Vice President

STATE OF IDAHO )

) ss.

County of Ada )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for the State of Idaho, personally appeared Patrick Gilligan, known or identified to me the Vice President of LB River Club Owner LLC, an Idaho limited liability company, the Idaho company that signed the within and foregoing instrument, and acknowledged to me that such trust executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho

My commission expires: \_\_\_\_\_

**EXHIBIT A-1**  
**Legal Description of Property**



**LEGAL DESCRIPTION**

Page 1 OF 2

March 4, 2024  
Project No.: 122078

**EXHIBIT "A"**

RIVER CLUB  
COMMERCIAL PARCEL  
DESCRIPTION

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

Commencing at the One Quarter Corner common to Sections 19 and 30 of said Township 4 North, Range 2 East, (from which point the Section Corner common to Sections 19, 20, 29 and 30 of said Township 4 North, Range 2 East bears South 89°11'32" East, 2652.17 feet distant); Thence from said One Quarter Corner, South 87° 19' 38" West, a distance of 1889.62 feet to the Southeasterly corner of Lot 16, Block 1 of Plantation Acres Subdivision No. 1, recorded in Book 14 of Plats at Page 941 of Ada County Records, said point being on the Southerly Right-of-Way line of West State Street and being the POINT OF BEGINNING;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The above described parcel contains 22.68 acres more or less.

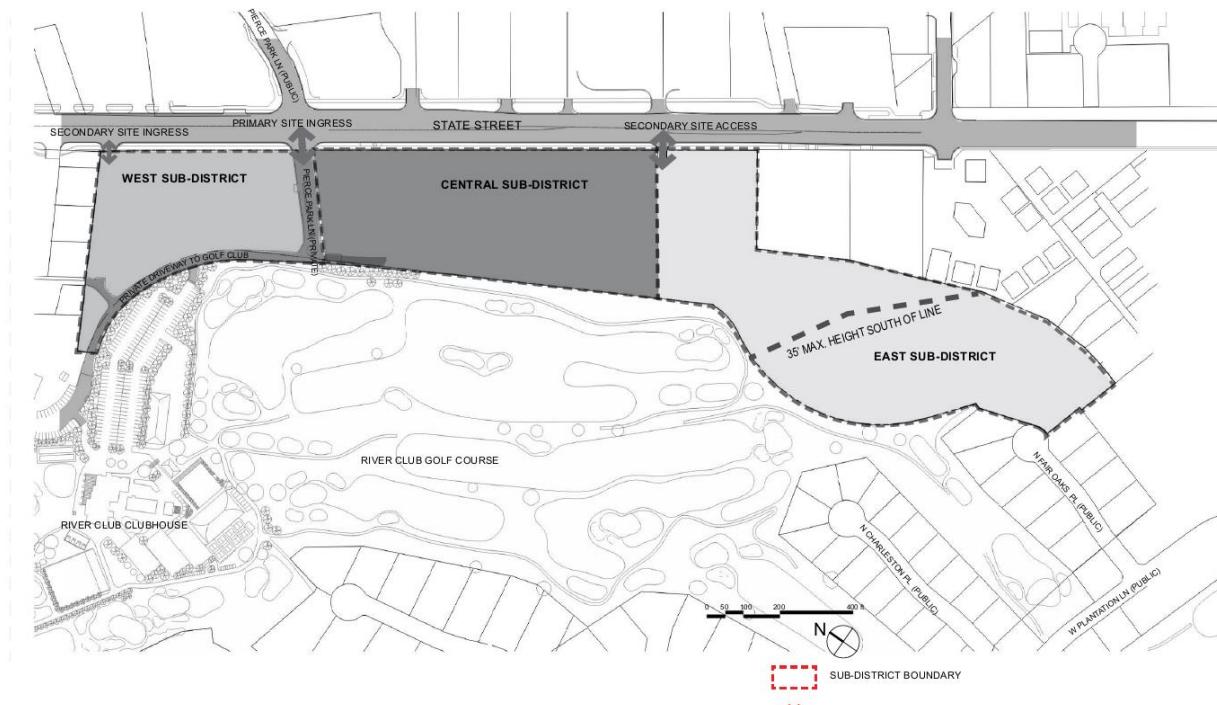
PREPARED BY:  
**The Land Group, Inc.**

James R. Washburn



## EXHIBIT A-2

### Graphic Depiction of Property

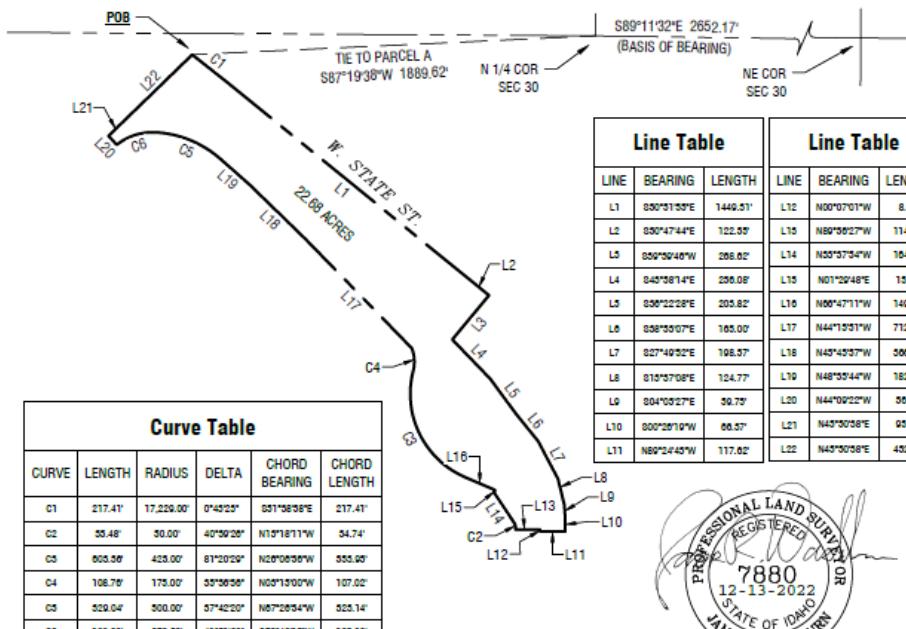


#### SUB-DISTRICTS

**LPCWEST**  
LINCOLN PROPERTY COMPANY

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

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



River Club  
Commercial Parcel

1 of 1



0 500' 1000'  
Project No: 121061  
Date of Issue: 12-13-2022

For Land Surveyor: LSP#0110179  
LSP#0110179  
LSP#0110179  
LSP#0110179  
LSP#0110179  
LSP#0110179



Exhibit "B"

Horizontal Scale: 1" = 500'

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

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

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

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

**FINDINGS OF FACT**

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

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

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

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

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

13. The application includes additional documentation to that which is required by the Garden City Code. All submitted application documents are a part of the record.
14. On December 30, 2022, the application was determined as complete and accepted.
15. The following noticing was completed in accordance with GCC 8-6A-7<sup>1</sup>:

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

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

- a. Public notice was posted at Garden City Hall, the Garden City Police Department, and Garden City Fred Meyer on 12/30/2022.
- b. Interested parties have emailed notices and updates.
16. The agendas were posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.
17. Additional noticing was provided:
- a. On the Garden City Next Door site
  - b. On the Garden City website
18. Agency Comments were received from:
- a. City Engineer 1/8/2023
  - b. DEQ 1/5/2023
  - c. VRT 2/13/2023
  - d. Design Review Consultant Derek Hurd 2/24/2023, 03/10/2023, & 05/26/2023
  - e. Design Review Consultant Bret Labrie 2/24/2023, 03/10/2023, & 05/26/2023
  - f. Boise School District 03/10/2023 & 05/08/2023
  - g. Ada County Highway District 04/17/2023 and 04/27/2023
  - h. City of Boise 03/15/2023
19. Written Public Comments received on or before June 5, 2023, were received from:
- | <u>In Favor</u>              |                               |
|------------------------------|-------------------------------|
| a. Jerry Ochofield           | n. Steve and Cathleen Aikman  |
| b. Patricia Perkins          | o. Glenn and Viktoria Elam    |
| c. Mike Nero                 | p. Dick and Janelle Curtis    |
| d. Janice & Bob Wilcox       | q. Steve and Terry Seleko     |
| e. Tom Donahoe               | r. Adam and Andrea Krueger    |
| f. Tyler McReynolds          | s. Mark and Christina Johnson |
| g. Scott White               | t. Sheryl Scott               |
| h. Joyce and John Raudabaugh | u. Brian Marsh                |
| i. Lou and Gerre Pagano      | v. Rick York                  |
| j. Nancy Cenell              | w. Naney Marsh                |
| k. Save Plantation Coalition | x. Robert DeBolt              |
| l. Craig Fenwick             | y. Jeff Cliff                 |
| m. Joe and Audrey Leaf       | z. Vicki Malloy               |
|                              | aa. Terri Nero                |

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

Neutral or Unknown

a. Curt and Linda Blake

Opposed

a.	Pat Pettiette
b.	Kathleen Ross
c.	Mark & Alana Annese
d.	Marilyn & Louis Stoddard
e.	Kelly Holzscheiter & Brently Bird
f.	Dr. Michael & Marty Downey
g.	Claudia & Jim Foltz
h.	Nick & Alicia Sullivan
i.	Dr. Ron & Carol Reagan
j.	Carmen & Larry Westberg
k.	David Patterson
l.	Dan & Betty Hollar

m.	Bob Schmellick
n.	Janelle Curtis
o.	Lynn Livingston
p.	Art & Cynthia Peavey
q.	Anthony Cardoni
r.	Gail & Ted Neil
s.	Riley Hickox
t.	Lou & Gerre Pagano (retracted)
u.	Kathy Clancy
v.	Colleen Lambertz & Mary Jo Nybald
w.	Mary & Rod Berkshire
x.	David Leroy
y.	Robert Bennett
z.	Debra Riedel
aa.	Jon Bolt
bb.	Ron Wilper
cc.	Rita & Bob Franklin
dd.	Jim Classen
ee.	David Rae
ff.	Marilee Pospahala
gg.	Parker & Gretchen Massman
hh.	Mary Ann Cook
ii.	'Save Plantation Coalition'
jj.	Bruce Moore
kk.	Andrea Fogelman
ll.	Eric Fogelman
mm.	Pete Edmunds
nn.	Vickie Northop
oo.	Jerry Sly
pp.	Irene Latta
qq.	Kathleen Klokke
rr.	Patricia Hendrick
ss.	Rhea Hirsch
tt.	Susan Troyer
uu.	Chris Niebrand
vv.	Margaret Henbest
ww.	Virginia Morris
xx.	Hildegarde Ayer
yy.	Susan Halen
zz.	Liz Lanvin
aaa.	Sue Evancho
bbb.	Lu Northrup
ccc.	Gary Crupper

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

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

In Favor

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

Opposed

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

- b. Colleen Lambert
      - c. Jeanne Patterson
      - d. Pierce Roan
    - ii. Ron Bush as a spokesperson for:
      - a. Mary Jo Nybald
      - b. Sandra Ford
      - c. Ben Doty
      - d. Eric Fogleman
    - iii. Pat Pettiette
      - a. M.J. Byrne
    - iv. John Livingston as a spokesperson for
      - a. Lynn Livingston
    - v. Barry Klezmer as a spokesperson for:
      - a. Steven Sterns
      - b. Andre Diaz
    - vi. Paul Schmellick as a spokesperson for:
      - a. David Patterson
      - b. Edward Altaan
    - vii. Pete Edmonds
    - viii. Dan Hollar
    - ix. Karen Houser
    - x. Kelly Hollshetter
    - xi. Alexander Robinsen
    - xii. Margaret Henbest
    - xiii. Andrea Fogelman
  - e. There were no additional members of the public present at the hearing that requested to provide public testimony.
  - f. Commissioner Brown noted that he will not be present during the next regularly scheduled Planning and Zoning Commission meeting scheduled for May 17, 2023.
  - g. Commissioner Brown moved to continue the public hearing until a date certain of May 24, 2023, at 5:30 pm.
  - h. Commissioner Montoya seconded the motion.
  - i. The motion passed on a 4/0 vote.
23. On May 22, 2023, a public hearing before the City Council was scheduled:
  - a. The hearing was continued to a date certain of June 12, 2023.
24. On May 24, 2023, a public hearing before the Garden City Planning and Zoning Commission was held:
  - a. Chairman Rasmussen introduced the application.
    - i. The chairman noted that public testimony is to be limited to only the new matter of the applicant's proposal to add a condition of approval to amend the East Sub-district to remove 7 townhomes and increase the setbacks.

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

In Favor

- i. Mark Johnson

Opposed

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

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

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

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

xiv. Dan Hollar

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

- approval including the applicant's requested revisions except for deletion of conditions of conditions 3, 4, 5, and 11 a.
- k. Commissioner Shepard seconded the motion.
  - l. The motion passed on a 4/0 vote.
25. On June 12, 2023, a public hearing before the Garden City Council was held:
- a. Mayor Evans introduced the application and addressed rules of conduct.
  - b. No Member of the City Council or Mayor had any disclosures related to conflict of interest or *ex parte* communication.
  - c. The applicant presented the application. The applicant team included:
    - i. Will Gustafson
    - ii. Jenny Pham
    - iii. Brian Perkins
    - iv. JoAnn Butler
    - v. Bob Taunton
  - d. Jenah Thornborrow provided a staff review.
  - e. Public testimony was received by:
    - i. Opposition
      - a. David Leroy - Spokesperson representing Livingstons, Pattersons, and Schmellicks speaking for Ben Doty, David Stackofsky, Byrne M.J., Edward W. Altian, Pat Pettiette, Grey Contos, Louis Stoddard
      - b. Virginia Morris
      - c. John W Longhurst
      - d. Reci Schmellick
      - e. Dan Hollar- Spokesperson for Betty Hollar, Eric Fogleman
      - f. Kathleen Grover
      - g. John Livingston- Spokesperson for Lynn Livingston
      - h. Andrea Fogleman-Spokesperson for Bob Schmellick - no testimony
      - i. Ronald Bush- Spokesperson for Debra Riedel, testimony read by Debra Riedel
      - j. Tina Ellis Spokesperson for Barbara Lee
      - k. David Patterson Spokesperson for Louis Stoddard , Mark Annese, Alana Annese, Jeanne Patterson, Parker Massman and Gretchen Massman
      - l. Dan Harrington
      - m. Larry Closerwher
      - n. Michael Thiry did not testify.
      - o. Brently Bird did not testify.
      - p. Philip Gordon did not testify.
      - q. Kelly Holzscheiter did not testify.
      - r. Kent Johnson did not testify.
      - s. Steven Sterns, Spokesperson for Sharon Grisham did not testify.
      - t. Barry Klezmer, Spokesperson for Marc Vance did not testify.

- ii. In Favor
    - a. Tom Donahoe – did not testify.
    - b. Janelle Curtis
    - c. Charles Schoefield
    - d. Mike Nero- did not testify.
    - e. Crissy Kojima - President of Pierce Park Neighborhood Association
  - iii. Neutral
    - a. Willford Lemon did not testify.
    - b. Pierce Roan on behalf of Plantation Master's Association
- f. There was no one else present who indicated that they wished to provide testimony.
- g. Public hearing continued to the date of June 26, 2023 for rebuttal and deliberation.
26. On June 26, 2023, the public hearing before the Garden City Council was held.
- a. Matters of process were addressed:
    - i. Council Member Heller noted that he lives on Sterling in the Plantation Subdivisions. He noted that he does not have an economic conflict of interest and has not had substantive ex parte communication to disclose.
    - ii. Upon inquiry, no other members of the Council or Mayor had substantive Ex Parte communications or a conflict of interest.
    - iii. Untimely public comments were noted. The Council determined that they will not be a part of the record.
    - iv. City attorney, Charles Wadams indicated that he had provided a memorandum and suggested reasoned statements for the draft decisions document. He noted that the statements were not a recommendation for approval, but rather examples of a sound reasoned statement.
  - b. The applicant's representatives Bob Taunton and JoAnn Buttler provided the rebuttal.
  - c. The Council deliberated.
  - d. The public hearing was closed.
  - e. Council President Page moved to approve the application in accordance with the Planning and Zoning Commission recommendation including the draft findings of fact, conclusions of law, and conditions of approval with the following amendments:
    - i. Include suggested reasoned statements.
    - ii. Eliminate the requirement to provide bicycle and pedestrian access to Fair Oaks Place.
    - iii. The area shown in the rebuttal presentation, referred to as exhibit A during the hearing shall be restricted to a height of 35.
  - f. Councilmember Jorgenson seconded the motion.
  - g. The motion passed on a 4/0 vote.

27. The Council approved the written decision on July 10, 2023. On August 14, 2023, after a request for reconsideration was submitted by Dave Leroy, and pursuant to stipulation between Dave Leroy and the applicant, the Council approved this Amended Findings of Fact, Conclusions of Law, and Decision to clarify the decision.
28. The record contains:
- Application and application materials
  - Noticing Documents
  - Agency Comments
  - Design Review Consultant Recommendations
  - Public Comments
  - Staff Report
  - Planning and Zoning Commission Recommendation
  - Planning and Zoning Commission Minutes and audio: February 15, 2023; March 15, 2023; April 27, 2023; May 24, 2023
  - City Council Decision
  - City Council Minutes and audio: June 12, 2023, June 26, 2023, July 10, 2023, and August 14, 2023.
29. In consideration of a Specific Area Plan the decision maker shall make the following findings:

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

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

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

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

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

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

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

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

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

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

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

## CONCLUSIONS OF LAW

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

## DECISION

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

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

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

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

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

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

- o. The construction of roadway projects shall be coordinated with Ada County Highway District.
  - p. All sidewalks and public pathways shall be designed and constructed to the project boundaries so that they facilitate future connections except there shall be no connection to North Fair Oaks Place as provided further in condition 9.c above.
  - q. The Master Plan is an approved plan that is not subject to the one-year expiration identified in GCC 8-6A-8.
11. Prior to the adoption of The Residences at River Club District SAP Ordinance, revisions to proposed code shall be made to:
- a. Provide any clarifying or clerical language that does not change the intent of the approved provisions.
  - b. Make clear the following concepts are incorporated:
    - i. Amend regulations to limit the height of the area of the East Subdistrict, identified in the image referred to "Exhibit A" of the applicant's rebuttal presentation on June 26, 2023, hearing to a maximum of 35'.
    - ii. Amend regulations to clarify there shall be no bicycle or pedestrian (and, as recommended by ACHD, no vehicle) access to North Fair Oaks Place and a physical barrier between the East Subdistrict and North Fair Oaks Place shall consist of fencing, landscaping, and/or watercourse or some combination thereof.
    - iii. Add a new chapter to Garden City Code 8-8 Specific Area Plan Ordinances.
    - iv. Amend proposed code to be consistent with a new article of Garden City Code 8-8 Specific Area Plan Ordinances rather than the current proposal of including the proposed SAP in a new title 11.
    - v. Add Garden City Code Sustainability and Nonconforming regulations by reference.
    - vi. Add Language: Accesses onto public roads shall comply with the requirements of the Transportation Authority.
    - vii. Add Language: Specific Area Plan: The Residences at River Club District Ordinance shall supersede if in conflict with The Residences at River Club District Master Plan.
    - viii. Add Language: A variety of housing for the project shall be provided at a rate of at least 5% from each of two or more of the categories of universal design, studio, or one-bedroom units.
    - ix. Pressurized Irrigation: utilize term "shall" rather than "may;" delete word "proposed."
    - x. Amend Language: Remove word "potentially" and define "active adult" or change term to multi-family in regulations in the district's language.
    - xi. Add Language: Design must meet "design character" as identified in the adopted master plan.
    - xii. Office: language to require centrally and unique is needed.
    - xiii. Single family attached: Connection to sidewalk rather than drive-aisle needs clarified.

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

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

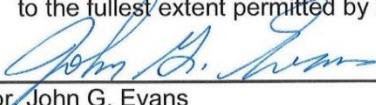
For developments with more than 2 dwelling units there shall be 0.5 additional vehicle parking spaces/unit provided for guest parking for the first 10 dwelling units. There shall be 0.1 parking spaces/unit provided for guest parking for every unit after the first 10 units.

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

**General Conditions:**

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

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



John G. Evans

August 14, 2023

Date

**EXHIBIT C**  
**Conceptual Master Plan**

**The Residences at River Club Master Plan Narrative**

**Project Location – Overview**

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

The uses surrounding the Property include:

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

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

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

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

**The Residences at River Club Vision**

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

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

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

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

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

### **Conceptual Master Plan – Planning Areas**

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

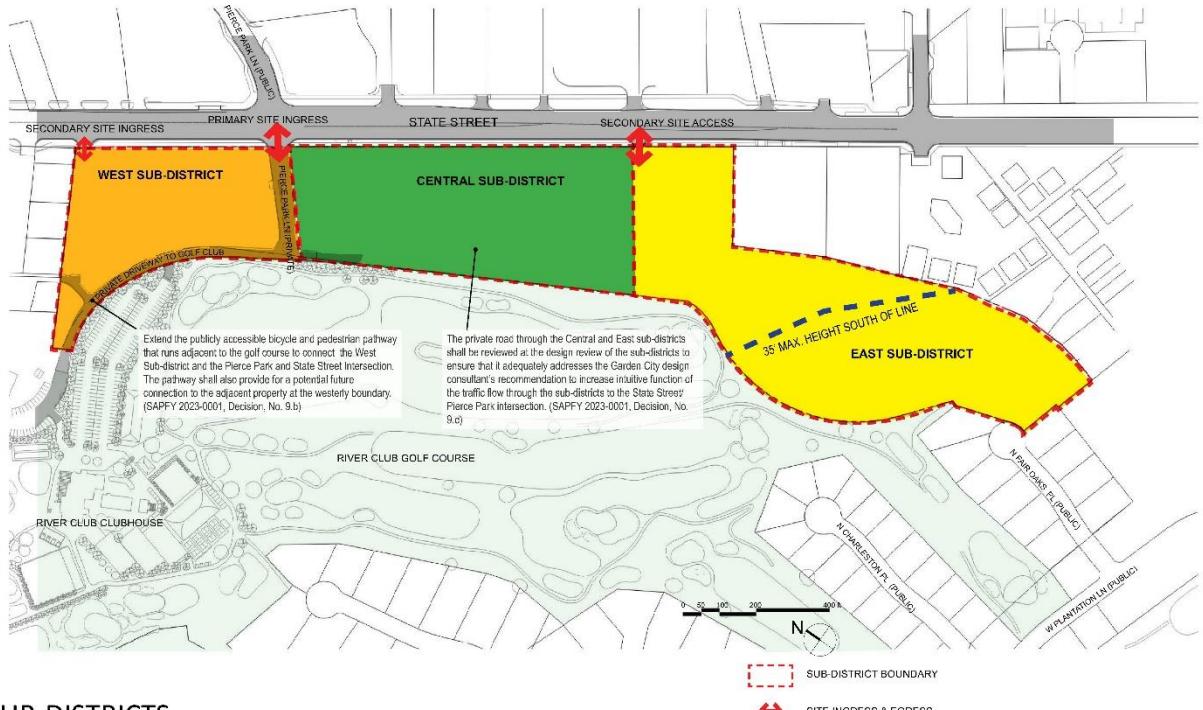
Club conceptual master plan illustrates the Property's general arrangement of land uses and intensities. Final uses, densities, product types and design will be refined in connection with the submittal of a detailed design review application for each "Planning Area" or phase of development.

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

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

## Masterplan for the Residences at the River Club





## SUB-DISTRICTS

**LPCWEST**  
LINCOLN PROPERTY COMPANY

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

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



The Residences at River Club

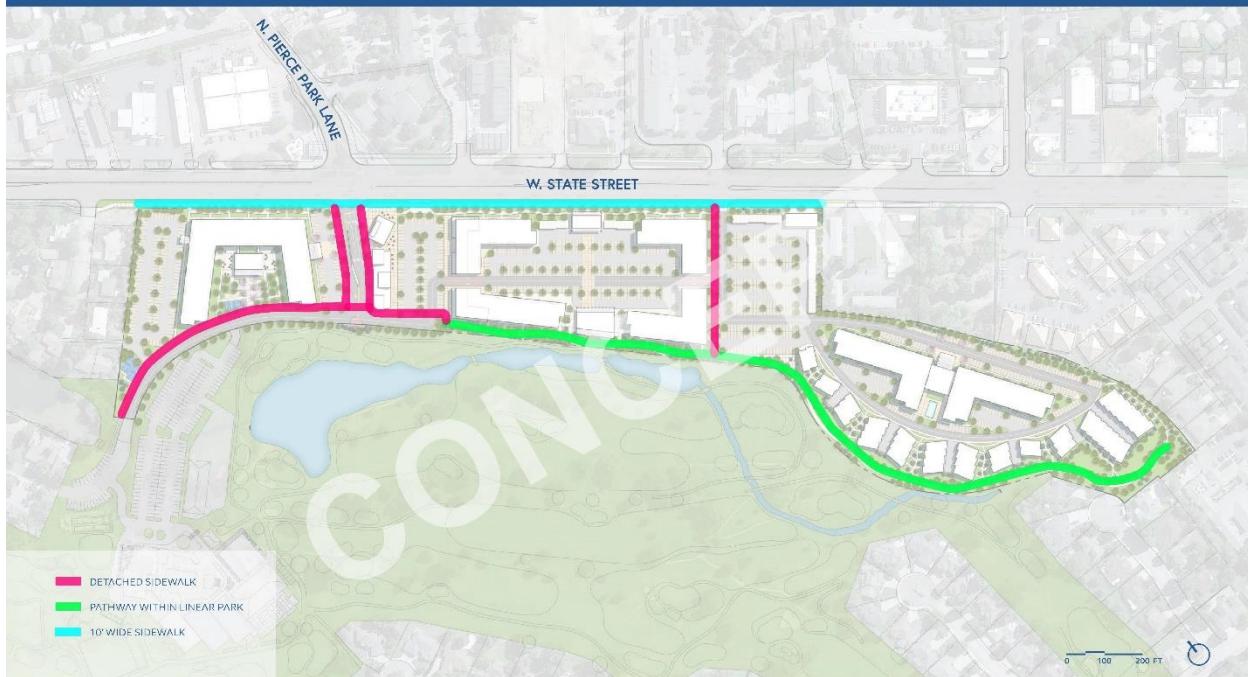
NOTE: Building footprints are approximate. Depending on market demands, design and phasing sequence is expected to evolve during Design Review Application within the provisions in the approved Specific Area Plan.

FINAL February 27, 2024 February 27, 2024

LPCWEST

CRTKL

## SIDEWALK EXHIBIT



The Residences at River Club

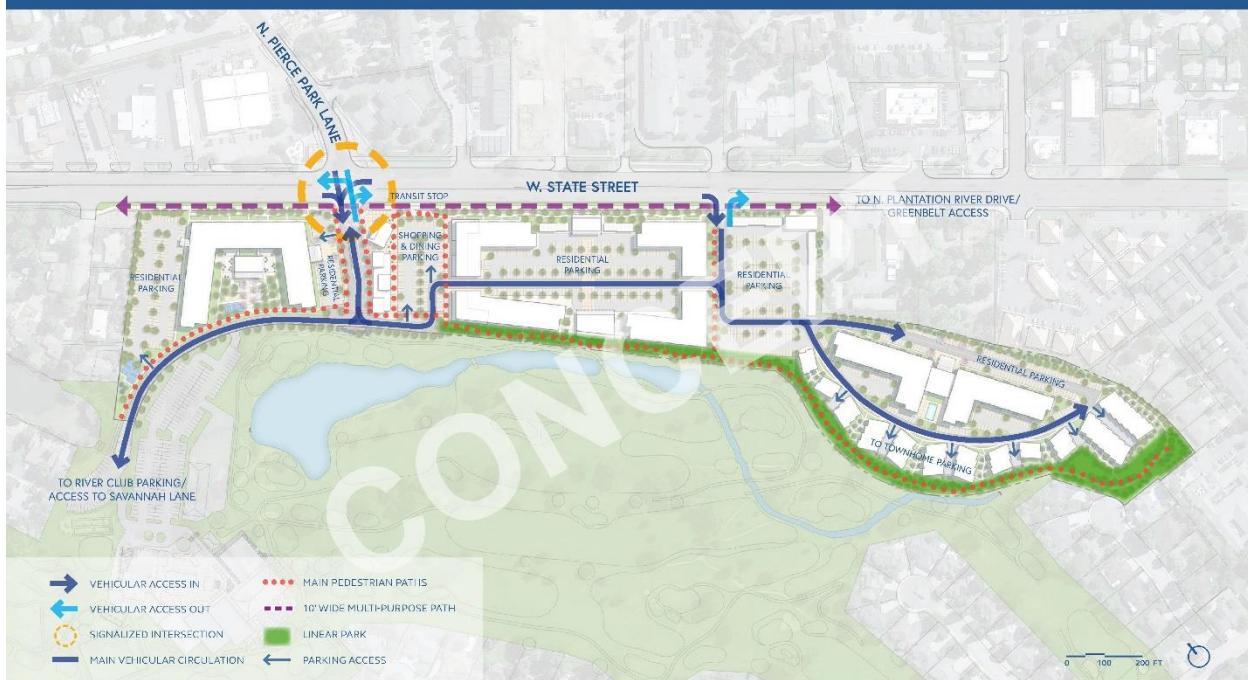
NOTE: Building footprints are approximate. Depending on market demands, design and phasing sequence is expected to evolve during Design Review Application within the provisions in the approved Specific Area Plan.

FINAL February 27, 2024 February 25, 2024

LPCWEST

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## PEDESTRIAN & VEHICULAR CIRCULATION



The Residences at River Club

Design Vision Presentation

February 27, 2024

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## CIRCULATION THROUGH CENTRAL SUBDISTRICT



The Residences at River Club

Design Vision Presentation

February 27, 2024

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## CIRCULATION THROUGH CENTRAL SUBDISTRICT



The Residences at River Club

Design Vision Presentation

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## DESIGN CHARACTER - SHOPPING & DINING



The Residences at River Club

Design Vision Presentation

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## DESIGN CHARACTER - RESIDENCES



The Residences at River Club

Design Vision Presentation

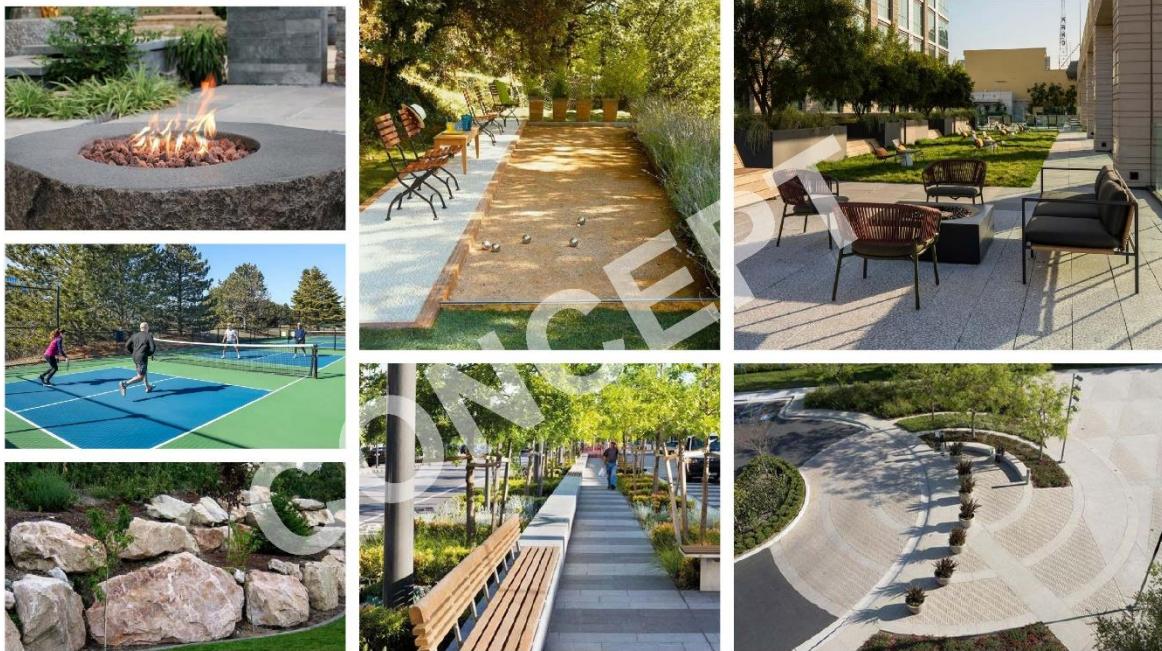
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## LANDSCAPE AMENITY LOOK & FEEL



The Residences at River Club

Design Vision Presentation

February 27, 2024

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## LINEAR PARK INSPIRATION



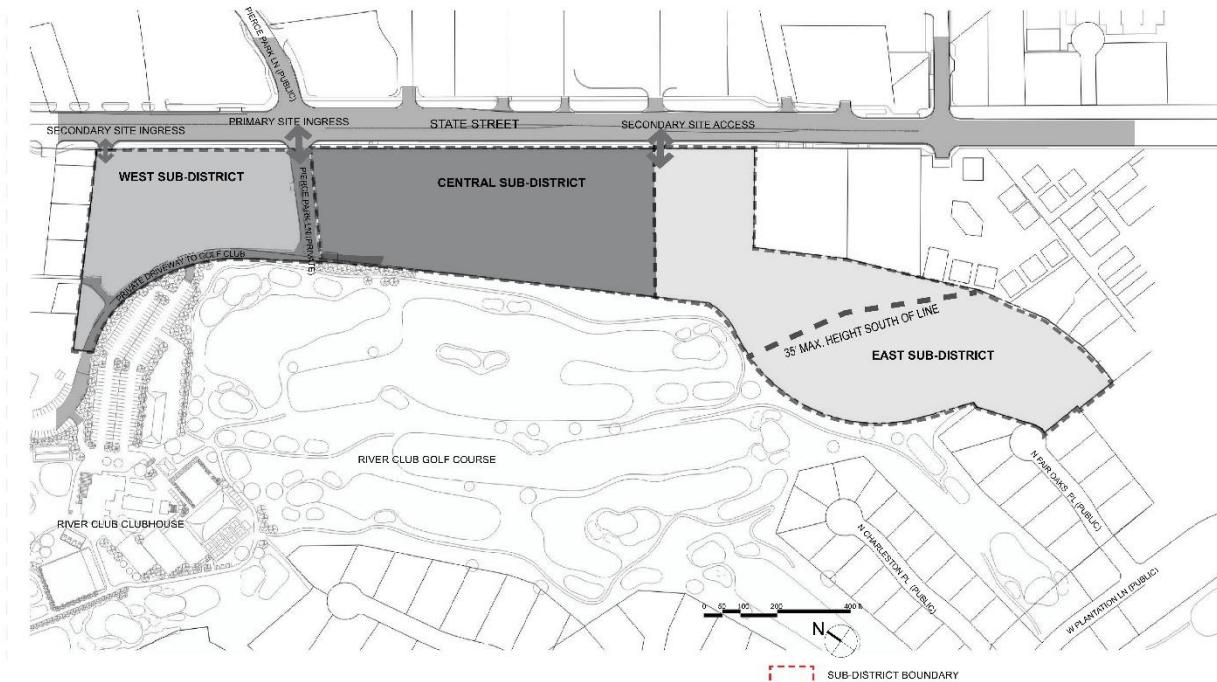
The Residences at River Club

Design Vision Presentation

February 27, 2024

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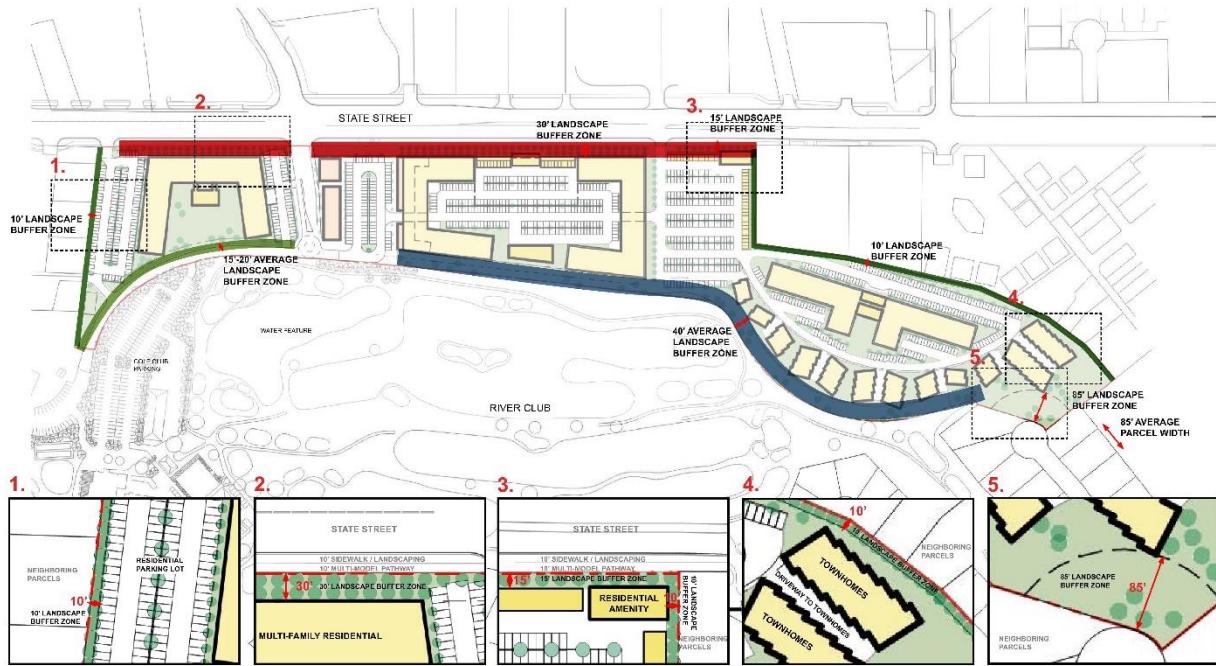


## SUB-DISTRICTS



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

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## LANDSCAPE BUFFERS TO SURROUNDING NEIGHBORHOOD

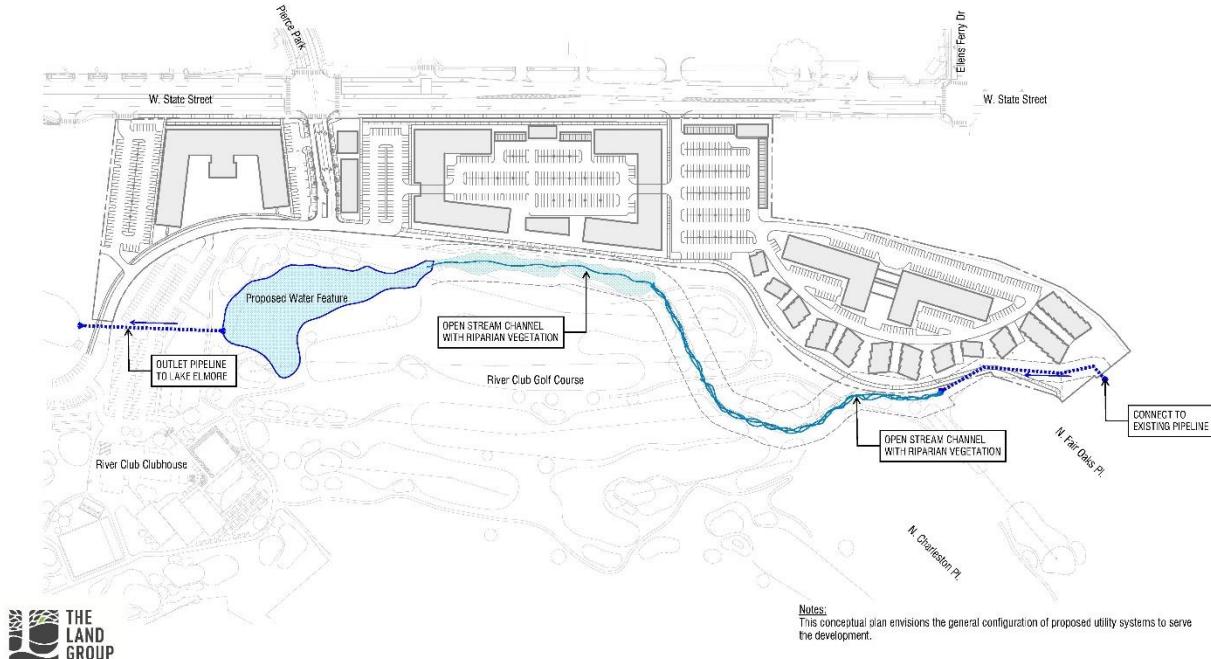
**LPCWEST**  
LINCOLN PROPERTY COMPANY

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

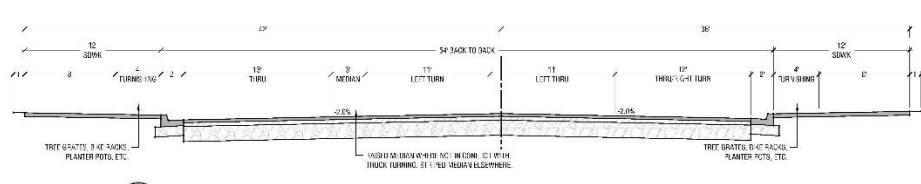
DIAGRAMS: 1" = 80'  
RIVER CLUB SAP | SAP APPLICATION  
FINAL FEBRUARY 27, 2024 DECEMBER 19, 2022  
**CRTKL**

## RIVER CLUB RESIDENCES SPECIFIC AREA PLAN

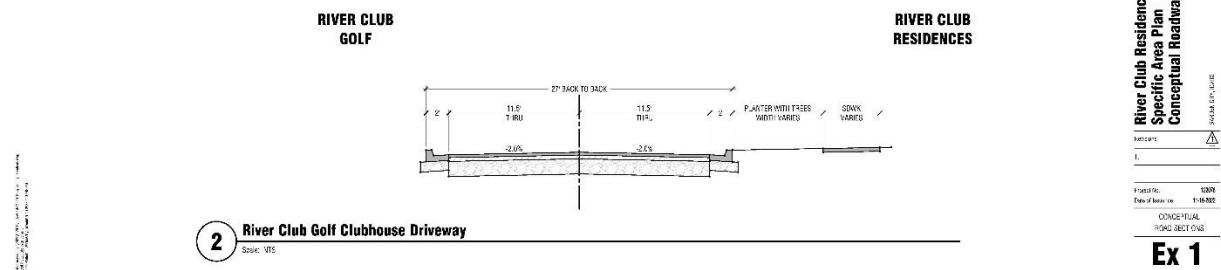
### CONCEPTUAL UTILITY PLANS - IRRIGATION DITCHES



 **THE  
LAND  
GROUP**

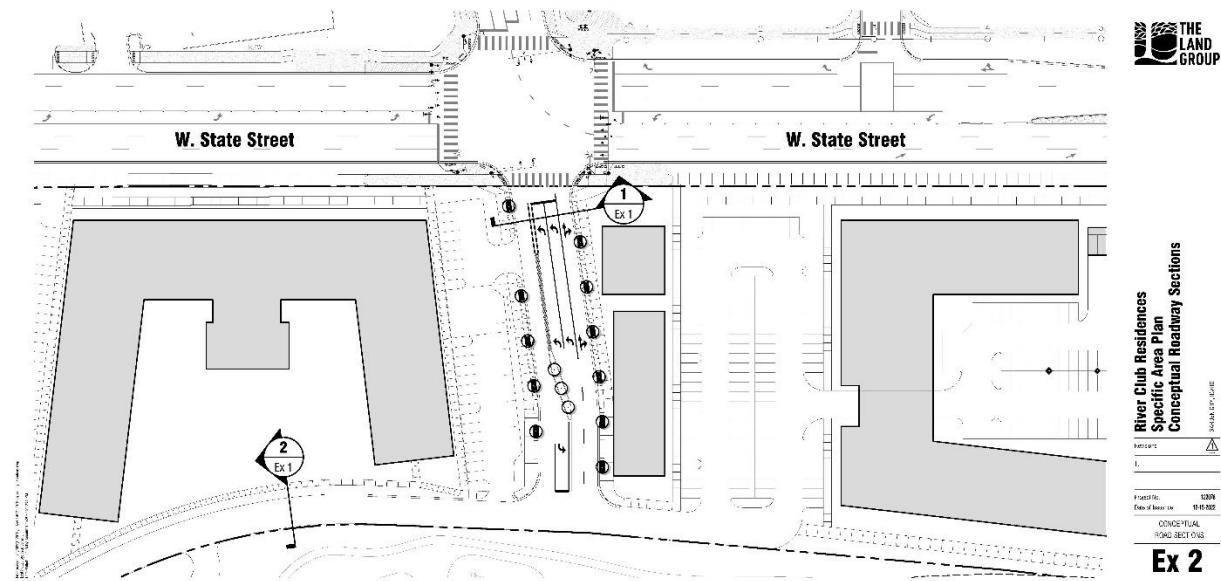


1 Pierce Park Ln Intersection Approach  
Scale: VTS

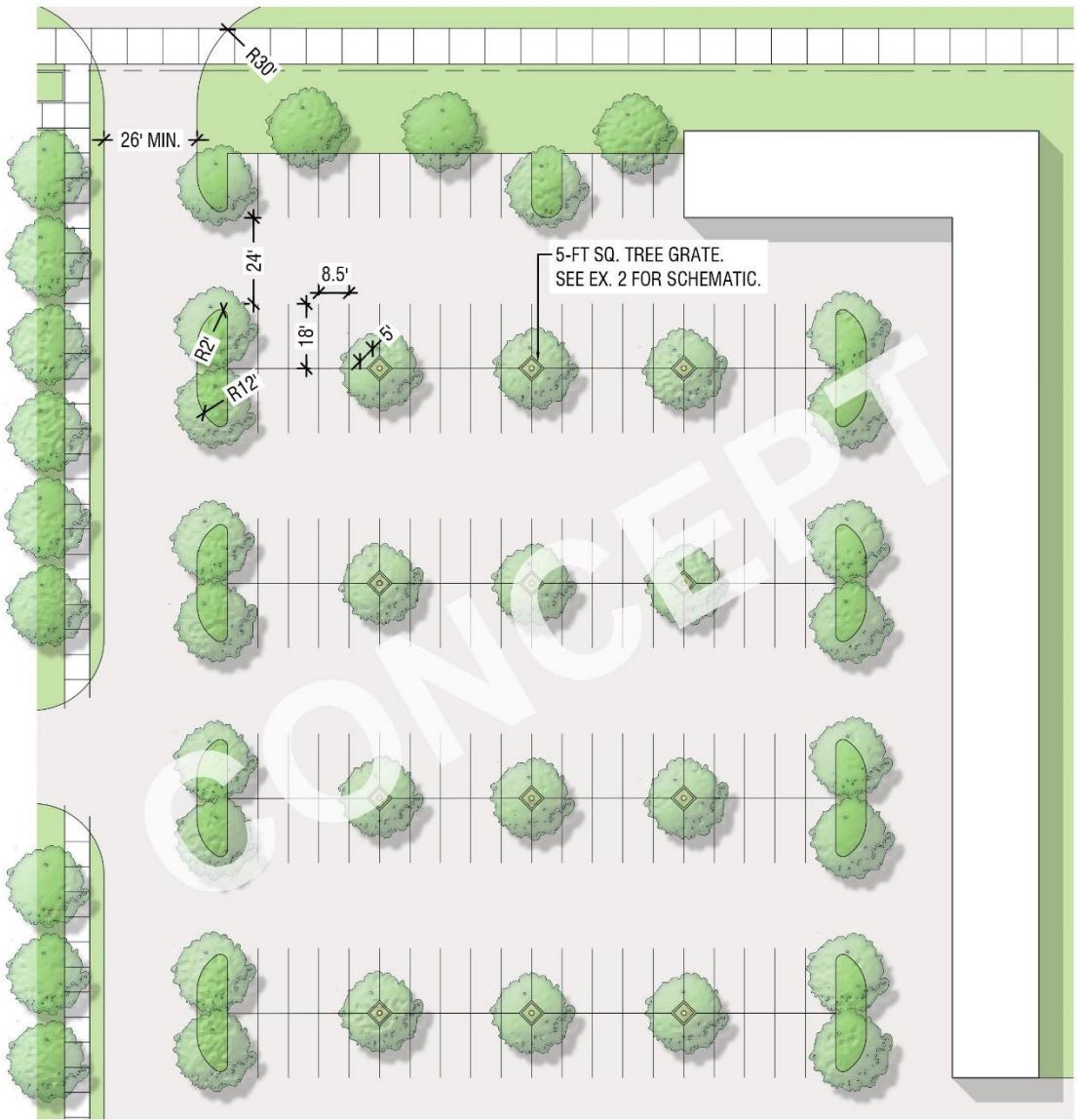


2 River Club Golf Clubhouse Driveway  
Scale: VTS

Ex 1



Ex 2



File Location: G:\2022\2027\Site\Referrals\122078\ne parking lot exhibit.dwg  
 Last Plotted By: Payton.Dipper  
 Date Plotted: Tuesday, November 8 2022 at 10:24 AM



### Parking Lot Exhibit

Horizontal Scale: 1" = 40'

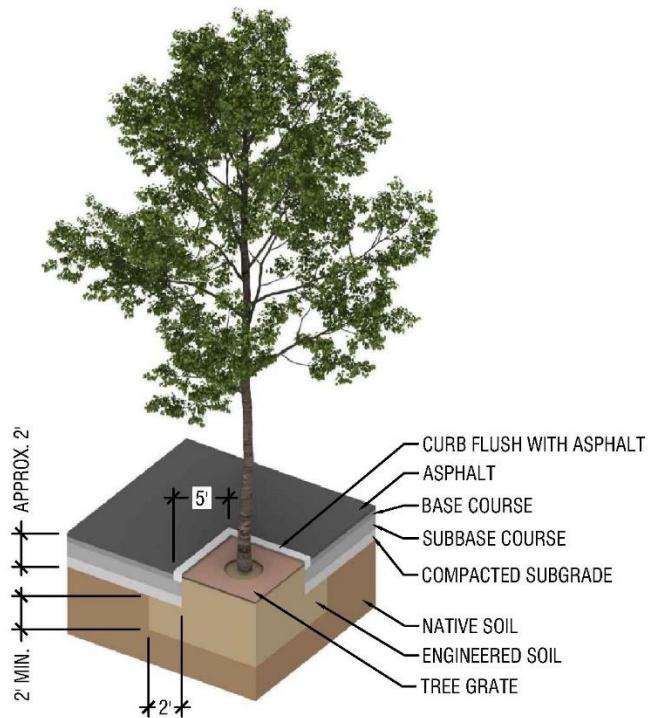
0 40' 80'

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



### Parking Lot Exhibit The River Club

**EX 1**



## **Parking Tree Grate Exhibit**

Horizontal Scale: 1" = 10'



## **Parking Grate Exhibit The River Club**

EX 2