

A Meeting of the Meridian City Council was called to order at 6:01 p.m., Tuesday, November 1, 2022, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Treg Bernt, Jessica Perreault, Brad Hoaglun and Liz Strader.

Members Absent: Joe Borton.

Also present: Chris Johnson, Bill Nary, Joe Dodson, Steve Siddoway, Clint Dolsby, Shawn Harper, Kris Blume and Dean Willis.

**ROLL-CALL ATTENDANCE**

<input checked="" type="checkbox"/> Liz Strader	<input type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglun	<input checked="" type="checkbox"/> Treg Bernt
<input checked="" type="checkbox"/> Jessica Perreault	<input checked="" type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record it is November 1st, 2022, at 6:01 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

**PLEDGE OF ALLEGIANCE**

Simison: Next item is the Pledge of Allegiance, which will be delivered tonight by Troop 62. If you would all, please, rise and join us in the pledge led by our scouts.

(Pledge of Allegiance recited.)

**COMMUNITY INVOCATION**

Simison: Thank you very much. It's been a long time since we have had a troop lead us in the pledge and so it's -- it's a nice addition back to our City Council meetings. Next up will be our community invocation, which will be delivered by Ben Blakey with Compass Bible Church. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection.

Blakey: Please join me in prayer. Father in Heaven, as we begin a new month and a month in which we set aside time as a city, as a nation, to give thanks, I want to just begin this month by giving thanks to you for the City of Meridian. God, we thank you for what a wonderful place it is to live, to work, to raise a family, to worship. God, I want to thank you for these men and women here who lead our city and work hard to plan for our city, God, and I want to ask your blessing upon them. Give them wisdom as they continue to lead our city. Help them to make the best decisions. God, keep our community a unified

and safe and wonderful place to live, God, and we just ask that you would guide them even just in this meeting tonight and in everything they do on behalf of our city. We pray this in the name of Jesus Christ, amen.

## **ADOPTION OF AGENDA**

Simison: Thank you. Now, we are to the adoption of the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move adoption of the agenda as published.

Strader: Second.

Simison: I have a motion and a second to adopt the agenda as published. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the agenda is adopted.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

## **PUBLIC FORUM – Future Meeting Topic**

Simison: Mr. Clerk, do we have anyone signed up under public forum?

Johnson: Mr. Mayor, we did not.

## **ACTION ITEMS**

- 1. Public Hearing and First Reading of Ordinance 22-2002: An Ordinance Amending Meridian City Code Section 6-2-1 Adding Definitions of Animal Control Agency, Animal Control Officer, Animal Control Shelter, At-Risk Dog, Bite, Dangerous Dog, Euthanasia, Justified Provocation, Physically Attack, Provoke, and Serious Injury, and Deleting Definition of Vicious Dog; Amending Meridian City Code Section 6-2-2, Regarding Animal Control Officers, City Animal Shelter, and, Animal Control Agency; Repealing and Replacing Meridian City Code, Section 6-2-6, Regarding Designation and Management of Dangerous or At-Risk Dogs; Amending Meridian City Code Section 6-2-8(P), Regarding Failure to Comply With Provisions Regarding Dangerous and At-Risk Dogs; Repealing Any Conflicting Ordinances; and Providing an Effective Date**

Simison: Okay. Then we will just jump right into our action items this evening. Our first item is a public hearing and first reading of Ordinance No. 22-2002. So, Mr. Nary, I have

never had a public hearing in first reading. Do we need to take public hearing and testimony before we do the reading?

Nary: Mr. Mayor, Members of the Council, yes. What we had talked about was actually having this out there for this very purpose, to simply just take public feedback, public input. It isn't on your agenda for approval tonight, it's on there for review. Certainly it's helpful if -- if you want the clerk to read this -- what -- what it's about, just for the record's purposes, but other than that I don't know that you need to read beyond that.

Simison: Okay. Then we will ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance amending Meridian City Code Section 6-2-1 adding definitions of animal control agency, animal control officer, animal control shelter, at-risk dog, bite, dangerous dog, euthanasia, justified provocation, physically attack, provoke, and serious injury, and deleting definition of vicious dog; amending Meridian City Code Section 6-2-2, regarding animal control officers, city animal shelter, and animal control agency; repealing and replacing Meridian City Code Section 6-2-6, regarding designation and management of dangerous or at-risk dogs; amending Meridian City Code Section 6-2-8(p), regarding failure to comply with provisions regarding dangerous and at-risk dogs; repealing any conflicting ordinances; and providing an effective date.

Simison: Thank you. You have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Okay. Seeing none, I will see if we had anyone signed up to provide testimony first. Looks like we did. Okay. We will get the name in just one second. Do we -- do we feel like anybody needs to give any update on what we are -- I know we heard the title, but I mean brief remarks about what this ordinance is from a public hearing perspective?

Nary: Mr. Mayor, Members of the Council, I don't know if Lieutenant Harper feels it's necessary. Certainly from a brief standpoint for the public that are watching online they may have missed that presentation by the Humane Society. The purpose of this was to bring our code in line with the other jurisdictions locally, so that basically most everything in regards to dangerous animals, dangerous dogs is going to funnel through the Humane Society. They will be providing due process, an opportunity to be heard for folks that may have an animal that might have bitten and injured somebody severely. So, it really is trying to align our city along with the other neighboring cities in the county, so that there is consistency in application countywide.

Hoaglund: Mr. Mayor?

Simison: Thank you, Mr. Nary. Councilman Hoaglund.

Hoaglund: A question for Mr. Nary. And, Mr. Nary, as we went through the ordinance and during the discussion phase this does not single out any breed of dog, it just is about setting the standards for dangerous dogs and -- and those criteria.

Nary: Mr. Mayor, Members of the Council, Council Member Hoaglund, that is absolutely correct. This does not identify a particular type of animal that is more at risk or less at risk than others. It -- it tries to level the playing field to deal with animals that have caused injuries. So, it really is trying to level the playing field for all -- for all animals, not just one.

Hoaglund: Okay. Thank you.

Simison: Okay. Thank you. So, Mr. Clerk, who did we have signed up?

Johnson: Mr. Mayor, we had three signed in. One marked they wanted to testify and that's Jalene Kindred.

Simison: If you would like to come forward and state your name and address for the record and be recognized for three minutes. Oh, you are fine. You are good.

Kindred: This right here?

Simison: Yeah. If you can just speak into one of the microphones so those that are online can hear you clearly.

Kindred: I want to take time and thank you for your efforts with this ordinance, but unless these ordinances are enforced with force they have little effect. My question for you tonight is how are these ordinances going to be enforced and who will be enforcing them? I am the victim of an unapproved -- unprovoked dog attack on my own property. The dog's owner had had two other complaints filed against them within the last two years and animal control did not connect these complaints. I was the victim, but I honestly felt victimized by the system. I was told by a police officer that animal control would come for the dog and that I would -- would give them a full report of what had happened. They never came. The owner was allowed to take the dog home. Animal control called me the next day and asked me to support -- give an e-mail report to them. I was told that the dog could stay at home, because it's hard for animal control to remove an animal from an owner. The owner -- owners did end up surrendering the dog because it had not been vaccinated. I was, then, left to worry that the dog may have had rabies and that is why it had attacked the way it had. I was also told that animal control had no complaints against this dog or the owner, which was not true. So, the question I am asking where is the record keeping and why were citations not issued right then? Instead of the owners being charged for letting a dog run loose and not being vaccinated, I found out that if charges were to be filed that I had to do that myself. I physically had to go out to the Humane Society and sign the warrants. That is wrong. Laws were broken and as the victim I should not have been made to be victimized even more. This was one of the most terrifying things that has happened to me in my life and I'm not sure if I will ever fully recover. I fell during the attack and was bitten and was only inches from everything that was going on. Had my neighbor not heard my screams I'm not sure what would the outcome be. What would have happened if this were a small child? Why do we have to wait until something terrible happens before laws get enforced? I learned that there was no police report filed on my attack. I learned that animal control and police are completely

separate. Animal control officers are not police officers. My questions are can they issue citations and if the answer to that is yes, then, why do they not do that? I'm asking for a registry to be kept on all complaints that are filed. These attacks should be tracked by the tag, chip number, and picture of the animal and you should be able to be cross-referenced with the name and the owner of the dog and the persons filing the complaints. This is not happening. Owners need to be held responsible and fines given. I am an animal lover and I have a rescue. Animal control has a terribly hard job to do and a registry would make their job much safer and when they are called out on a complaint they would know what kind of situation they would be getting into and this registry should be accessed by the public as well, so that we know what at risk dogs live in our area. I know this is something -- is going to go beyond city and probably to a county level, but I'm asking for your help. Thank you.

Simison: Thank you. Can I get you to state your name and address for the record, ma'am? Could you state your name and address for the record?

Kindred: I'm sorry.

Simison: No problem.

Kindred: I don't follow directions well. My name is Jalene Kindred and I live at 3077 East Ragusa Street in Meridian.

Simison: Thank you. Would the Police Department or Legal like to respond to some of those questions that were asked?

Nary: Mr. Mayor, Members of the Council, I could at least respond to a portion. Why you would have had to sign a complaint, ma'am, is the Humane Society doesn't have authority to issue a citation. The Humane Society can't issue a citation without a signature from the complainant, because they didn't witness the attack. So, that's why you would have to sign it. It would be the same if a person attacked you, you would have to sign a complaint, because the police officer didn't see it. So, that's -- that's part of the reason why. I don't know why -- what happened in your case, but -- but that would be the reason you would have to sign the complaint.

Simison: Ma'am. Ma'am.

Nary: You have to talk in the mic.

Simison: If you can go back to the microphones. Just that way it's on the record and we can hear everything.

Kindred: I thought my time was up, so -- so, I -- when an attack happens you physically have to go out to the Humane Society and I was told that the Humane Society would come to me. They didn't do that.

Nary: Yeah. And I couldn't answer the staffing issue, ma'am, on whether or not they had resources to come out to your house and that's why they asked you to come down there. I don't know. I'm just trying to explain why you would have to sign it. It's because they just didn't witness it.

Kindred: So, the Humane Society is not allowed to issue citations?

Nary: No. They do issue citations, but they have to witness the event. So, that's why they may give a citation for an animal at large, because they have witnessed it. They can't necessarily give one for an attack that they didn't witness. That's why they needed your signature.

Kindred: That doesn't make sense, because you don't call them until the attack has happened and they are not out there looking. That doesn't make sense.

Nary: That's the way the law is set up, ma'am. That's not their fault. That's just the way it is. So, I'm sorry.

Kindred: Well, they didn't come. I was told by a Meridian police officer, who did come, that they would be coming to take the animal, which they didn't do. They let the animal go home with the owner. Every -- every scenario is different, but I just think that there are some issues that need to be looked at and once a person's been bitten, no matter it -- it shouldn't be my place to -- to charge my neighbor for letting their dog out and it should have -- something should have happened the first time this dog attacked. It didn't. That's all I'm saying.

Harper: Mr. -- Mr. Mayor? I would be more than happy to discuss this further with you. I can give you my card and we can have a -- a further discussion and I can hopefully try to answer some of your questions. But Mr. Nary is correct. When a -- a misdemeanor does not occur in our presence we actually have to have a signing party. So, that's -- that's based off of a recent -- well, not too recent, but a Clark decision here with the Idaho Constitution. So, we have to have you, being the victim, to be able to sign for us to have enforcement action.

Kindred: I did call the Meridian police to try to get a report. No report was filed. It gets handed over to animal control. Even though it affected a person, not -- not just an animal. I don't know. I just feel like something's missing and there is probably nothing that can be done. I don't know, but -- I did talk to your office. It did come out to Meridian police and try to find out a few things. Anyway, thank you for your time. I just wanted it on record. Thank you.

Cavener: Mr. Mayor?

Simison: Appreciate it. Get the lieutenant's information and -- I'm not saying that there is nothing that -- there still could be stuff that could be done is where I want to suggest.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks. And, Jalene, I appreciate you coming in and passing along your testimony. I, too, am a victim of an unprovoked dog attack and I'm an animal lover. I know how hard it must be to come before the Council and share your perspective. You kind of have to relive that situation. So, I appreciate your bravery tonight. I guess, Mr. Mayor, and -- and for -- for Lieutenant Harper, I have been pretty vocal with some of my frustrations and concerns about that of the Humane Society, particularly to their level of customer support to our citizens. The last time they were before us they invited those types of situations to be shared with them. I think that we need to take them up on their request, pass along this specific experience to the Humane Society. None of our citizens should ever have to go to Boise to file a report for a service that our taxpayers are paying for. The Humane Society should be coming to our citizens to take that report and ask for the signature. So, I would like to get an update as to why we are making our citizens go to Boise for this and not the other way around and what policies or procedures the Humane Society prepares to take on to course correct this. Our citizens deserve better.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think Ms. Kindred brought up a good point and I would like to hear some follow up on how the Humane Society and/or our Police Department track multiple offenses. How the -- how does that system work? Is it a database? Is it, you know, by chip number? If we have the answer tonight that's fine, but I -- I think that's an important -- I don't think it's a piece of the ordinance, but I think it's a piece that we need to understand.

Harper: Mr. Mayor, Council Woman Strader, I think really we rely on our partnership with the Humane Society to track that information. That's why we have contracted with them to provide this service. Obviously, if it comes to a lack of -- of service to our citizens, then, we need to know about that, so that we can address those -- those concerns and have those conversations. But in regards to tracking, we -- that's not something that we do, that's something that we rely on -- on the Humane Society to do. So, exactly like the system they use or how they do that, I'm -- I can't answer that question.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, if it's possible along the lines of Councilman Cavener's request, to give this specific example to the Humane Society as a -- an educational and opportunity to improve their processes, I would like it if we could ask how they specifically track attacks. Is it by animal -- like is it in a spreadsheet? Is it in a database? Is it a consistent process that they are using? How do we -- you know, I -- I would like to get some comfort around that,

because I think she brings up a great point, which is if there is not a reliable process in place to track these, we can have the best ordinance in the world, but if we are not able to do something about it that's just not going to work for us.

Simison: We have someone from the Humane Society here tonight that can probably answer those questions. You want to come forward at this time. If you could state your name and address for the record, please? If you could get closer to the mic, please.

Shields: My name is Tiffany Shields. I'm the director of animal control services for Idaho's Humane Society. I --

Johnson: Mr. Mayor?

Shields: I apologize that --

Johnson: Sorry. If you could pull the mic down. Council online can't hear you. Just pull it in your face.

Shields: Sorry.

Simison: There you go. Thank you.

Shields: I wasn't here to -- I wasn't present to hear what the issue was, but as far as tracking calls goes, we do track calls. We do know when we have multiple calls at an address. We use a patrol police computer system that is used -- that police use that look similar to dispatch -- that police dispatchers use, so we can see a history at the address. Also in PetPoint -- we also use PetPoint for our cases and our citations, so that can be tracked by name, it can be tracked by address, all of the above. Also we give monthly reports to the Meridian PD and to the City of Meridian every month that shows every call, that shows what kind of call it was, how long we spent on it and we provide those monthly and we have since June of 2020. So, I can provide any of that information that you guys need.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Director Shields, for getting into some of that. I think the concern would be -- so let's give an example. Let's say that you have a call about a dog. At what point does your organization routinely identify that there have been multiple calls and, then, that triggers an enforcement action with that dog; right? Because under our ordinance the way that this is supposed to work, my understanding, is that, you know, if you -- if you have an animal that's already bitten someone that is an at risk animal. Could be mitigating factors. Could be a hearing process. But that should have already triggered something. So, how -- at what point in your system do you identify, okay, this is a second strike against this dog and so, then, further action is needed.



Shields: Immediately. As soon as we receive the call. I -- so, if we have a dog that has bitten -- let's just say it was a minor bite. Dog bit -- bit someone on the ankle, was a minor bite, but it did break skin. We -- on a call like that we would go out, we would educate the owner on the restraint requirements. If it was at large we would place that animal into quarantine, make sure that the animal currently has a rabies vaccination. So, say two weeks after that we get another call that the dog was at large. Nothing happened, but it was at large. So, we already know this dog has a prior bite and now the dog is that large again. So, an officer does respond to that. We try to respond in a timely manner, so we can pick the dog up, we can possibly impound, we can educate the owner. The citizen would have the option of issuing a citation if they viewed -- if they viewed the dog off leash. So, all of that is already in place. If the dog has bit again, then, further action could be taken under dangerous dog, depending on the circumstances of the bite though. It's not every dog who has bitten twice who is going to be declared dangerous. It definitely depends on the circumstances, how bad the bite is, what the victim was doing at the time of the bite.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. That's helpful. I -- I guess what I'm hoping to hear, though, is that there is some method of review by which you are checking if there have been multiple offenses from the same animal. Let's say it's been three years. There was a bite previously -- let's say there was a long period of time that went by, are they still going to have that information available and is the person responsible for following up, the animal control officer that responds to the incident --

Shields: Yes. So, my dispatcher first who takes the call should be researching if there is any history to inform the officer that there is history. The officers do have computers in their vehicles, so if they are out in the field they can still review past history on the owner or the dog. Sometimes the owners get new dogs, so it's not the same dog. So, yes, that should all be in their computer system. Prior to having Omnigo in 2020, then, those are hard copied, locked in a shed and take a little further research, but they are in PetPoint. Cases prior to 2020 are in our PetPoint and the hard copy files are still available.

Strader: Okay. That's helpful.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm glad you are here tonight and I understand you didn't hear the full testimonies. I would encourage you to maybe go back and -- and watch what one of our citizens -- what their experience was and, then, what would maybe be beneficial for the Council is to get a -- maybe an e-mail or a report to the Council about what the Humane Society's procedure is for responding to victims of crimes. You know, Meridian Police

Department does a great job with our victim witness in really working with the victims of crimes and I look at someone who has been bitten by a dog as a victim of a crime and I was -- I was disappointed to learn tonight that this individual who was a victim of a crime was asked to have to come to the Humane Society to fill out a report, rather than doing that proactive approach that I think Meridian is well known for of meeting our -- our citizens. I was disappointed to hear that's your guys' approach. Maybe that was an exception and so getting a better understanding about what your procedures are and how you respond to victims of crimes would give me a little bit greater comfort in what future experiences are going to be for our citizens.

Shields: Of course. If I was given the citizen's name and case I definitely could research that and get that information to you.

Cavener: Yeah. And Mr. Mayor?

Simison: Councilman Cavener.

Cavener: It's not just this specific one that was brought to light tonight which causes me concern about if that's their experience how many more of our other citizens are experiencing the same thing. So, I think it -- overview of how your department responds, what's asked of our citizens, what you guys do proactively would be very beneficial for me to learn.

Simison: And the lieutenant has the information and she's still in the audience as well from that standpoint, but maybe you can work together on that specific issue, reply generally that can be shared.

Shield: Okay. No problem.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Tiffany, here, you can have this. This was the handout she gave to us from -- that shows photos from the attack. So, you can have that, so --

Shields: I will be happy to look up the case. I don't -- and I will speak to her and see what I can find out.

Simison: Okay. Thank you. Appreciate it.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Tiffany, how would -- how would the ordinance have improved -- how -- how would -- what is -- what the main site is going to be now allowed to do in this ordinance have improved this situation for just using this as an example.

Shields: Well -- so, with the dangerous dog ordinance how it's going to help the citizens of Meridian more -- in two folds is that it's much clearer than the former dangerous dog code. It's very defined as to what dangerous dog is and the procedure allows an appeal immediately after the declaration, but also people who own dogs that have been declared dangerous currently to not maintain them in Meridian, but they would be able to continue to maintain them under strict conditions and restrictions. This administrative action we would be able to take action quicker and we would be able to monitor the animal. Failure to comply with the conditions and restrictions would result in criminal action. It would be a misdemeanor. So, we would have more empowerment to control these dogs. Currently the person can move the dog out of Meridian and we don't know where it is and, then, a year later bring it back and we don't have it ID'd, we don't know where it's been. It could be a hazard to another jurisdiction. But it just -- it gives us another tool for us to help these situations with dogs that bite people and dogs that attack other animals.

Simison: Okay. Council, any additional questions? All right. Thank you. So, no one else who indicated they wished to testify. Is there anybody else who would like to come forward and testify on the ordinance at this time? Or if is there anybody online that would like to provide testimony, please, use the raise your hand feature. Seeing no one coming forward or raising their hand -- and I apologize that I wasn't at the meeting on Tuesday. Is the intention to close the public hearing now and take it -- or leave it open for additional readings?

Nary: So, yeah, Mr. Mayor, I was going to ask the Council's pleasure. Do you want this on for a second reading with another public hearing or do you want it on for a second and third reading with the -- on an -- as an action item? So, it's really the Council's pleasure in what you want, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: If there isn't -- if it doesn't create an issue for the Humane Society in what they are hoping to accomplish and with our officers and what they are hoping to accomplish, I would like to leave it on as many weeks as we are comfortable with. I -- I -- I don't want to delay it, but I think it's -- you know, the more information we can gather from our public the more we can get clarification if this is really going to do what every party is intending it to do.

Strader: Mr. Mayor?

Nary: We could put it on, Mr. Mayor, as a second reading with a public hearing for next week if you would.

Simison: Council Woman Strader.

Strader: I -- I think that's a good idea. There has been a lot of misinformation on social media also about the ordinance and so to the extent that, you know, people tuning into another public hearing helps educate or bring up issues, I think that's a good thing. Councilman -- or Council President Hoaglund did a good job trying to I think dispel some misinformation that this is like targeting specific breeds of dog, which it is not. There has just been a lot of stuff like that.

Simison: All right. Then with that --

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Are we going to move on to the next?

Simison: Yes. I just figure we continue the public hearing -- if I had a motion to continue the public hearing.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Move that we continue the public hearing for Ordinance No. 22-2002.

Strader: Second.

Simison: Motion and second to continue the public hearing. Any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item will be continued.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Just a quick point of privilege, please.

Simison: Yes.

Bernt: I just wanted to give a big shout out to the Scout troop that's here this evening. As a fellow scouter just wanted to say great work and hope you continue in your scouting ways, not only as youngsters, but as adults when you get older and maybe, if you are lucky, like you are adult leaders at one time, pass what you have learned on to future

scouters. So, keep up the good work. Thanks for leading us in the pledge. That was awesome. That's it.

**2. Public Hearing continued from October 18, 2022 for Idak Subdivision (SHP-2022-0010) by Sawtooth Land Surveying, located at 840 E. Ustick Rd.**

- A. Request: Short Plat to subdivide an existing single-family building lot into two (2) single-family building lots on approximately 2.09 acres in the R-2 zoning district

Simison: And thank you, Councilman Bernt. Do they need to follow your ability to move out and about in the wilderness with or without a compass? No -- no response is necessary. Okay. With that we will move on to Item 2, public hearing continued from October 18th, 2022, for Idak Subdivision, SHP 2022-0011. We will continue this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor. I did want to just note really quickly, the next three action items are mine, so it's the Joe show. But it will be my last Joe show, so I did want to inform you all. November 18th will be my last day. I will be here for the 15th, but that is not the Joe show, so --

Simison: Well, we can always continue these items, Joe.

Dodson: Touché. That's true. But I did just want to inform the Council of that. I will do my formal goodbyes then. But did want to inform everybody of that. So, yes, this first public hearing tonight for an action item is for Idak Subdivision. This site consists of about two acres of land currently zoned R-2, located at 840 East Ustick. It was annexed and zoned in 2019 with the R-2 zoning district. The proposed short plat will split an existing residential lot into two building lots for the purpose of constructing a dream home on the new lot, which would be a larger lot here. The existing home is proposed to remain and is located within the required landscape buffer along Ustick Road, which is an arterial street. The applicant has requested alternative compliance to this buffer width due to the existing landscaping and the location of the home being located within the buffer after the widening of Ustick Road occurred. The director and staff have approved this A-L-T request just for the lot that has the existing house on it. The subject property, again, was annexed in 2019 for the purpose of connecting to water and sewer. At the time future plans for the property were not yet known, so the city annexed it in with R-2 zoning district consistent with the future land use designation on the site and did not require any DA. Further, due to the existing home remaining and the anticipation that future development would have require a subdivision, access to the site was noted to be analyzed with future applications in accord with the UDC. With this application, this short plat, staff has analyzed access to the property. Through UDC 11-3-A3 properties are required to take access from a local street if they currently take direct access from an arterial. In this case there is no local street available to take access from, as you can see here. They have no frontage anywhere else on any other public local street. Because of this and to help the

applicant comply with the UDC, staff is requiring -- has recommended and issued conditions of approval consistent with the fourth -- next points. One, relinquish the existing rights to the shared access easement with use 870, which is this dashed line here. Add a common drive within a common lot along the west and north boundaries of the proposed Lot 2 that contains the existing home. Show the existing home and the proposed home to take access from this new common drive, instead of the shared access to the east. And, lastly, add a note to the plat stating that cross-access is allowed for both building lots and for 870 in the future. Further, staff has confirmed that the existing three bedroom home does not have a required garage per UDC. In order to comply with code the applicant is required to construct a garage for the existing home, unless otherwise waived through a future CPA application as outlined on UDC 11-1B. After -- I would say earlier today the applicant's engineer sent me this revised short plat that shows a different common drive. Recent code changes -- I would say probably the last year -- we no longer allow -- I should say outright we no longer allow common drives to be located in an easement, they need to be located in a common lot. The applicant can request through the alternative compliance platform to place the common drive within an easement on the plat, instead of a common drive. The applicant would prefer that method as shown here due to existing mature trees, from my understanding, located in this area, which is where I noted the common drive to be, as well as some mature trees here. It's not that they can't be removed or that they can't make it work, but staff would prefer to keep mature trees and if you place this area in a common drive, then, the building lot for Lot 2 would no longer meet the minimum dimensional standards for R-2, so staff finds it prudent to -- in the future probably approve an alternative compliance request, but the applicant would have to request that at a later date. Again, a short plat goes directly to City Council, so Commission did not hear this, but staff did recommend approval with the conditions noted in the staff report and with the comments I just made and I will stand for any questions.

Simison: Thank you, Joe. Council, any questions? Okay. I think the applicant was online, if I was not mistaken.

Johnson: The applicant is being promoted to panelists right now.

Simison: If you can unmute yourself and state your name and address for the record, you will be recognized for 15 minutes.

Rosa: Hi. My name is Amy Rosa. I'm from Sawtooth Land Surveying and I'm representing the Idak plot. Like Joe said, they are hoping to keep those mature trees in place and so, you know, ideally we will apply for that alternative compliance at a later date. The fire district, you know, have said they are okay. So, we are hoping that that will get approved. My client is aware that we are going to be vacating that existing easement in the portion in their property and they are already ready to hook up to sewer and water with the municipalities and those are pretty much our only concerns, just being able to have that access and, you know, like I said, remove that existing easement that's in their area. Otherwise, that was our only concerns. I don't know for 15 minutes, but that's what I have for you.

Simison: We are happy to take back the time. It's okay.

Rosa: Okay.

Simison: Council, any questions for the applicant? Okay. Seeing no questions. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody in the audience that would like to provide testimony on this item? Or online that would like to provide testimony, use the raise your hand feature. And we are down to staff again online, so that will make this a little easier. Then, if not, would the applicant like to make any final comments?

Rosa: Mayor, I'm good on my end. Thank you.

Simison: Okay. Then, Council, I will turn this over to you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I would move to close the public hearing on SHP-2022-0010.

Strader: Second.

Perreault: Second.

Simison: I have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. The short plat sometimes you get into the issues. I think the staff has worked through the issues on this and -- and reached agreement with the applicant and so with that, Mr. Mayor, I move that -- after considering all staff, applicant, and public testimony I move to approve File No. SHP-2022-0010 as presented in the staff report for the hearing date of November 1, 2022, with the conditions as noted in the staff report.

Strader: Second.

Simison: I have a motion and a second to approve Item SHP-2022-0010. Is there any discussion? If not, Clerk will call the roll.

Roll call: Borton, absent; Cavener, yea; Bernt, yea; Perreault, yea; Hoaglund, yea; Strader, yea.

Simison: All ayes. Motion carries and the item is agreed to. So, thank you very much. One down for the Joe show.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Dodson: One down. Two to go here.

**3. Public Hearing for Slatestone Subdivision (H-2022-0039) by T-O Engineers, located at 2707 S. Stoddard Rd.**

- A. Request: Annexation and Zoning of 5.04 acres of land with a request for the R-8 zoning district.
- B. Request: Preliminary Plat consisting of 15 single-family building lots and 4 common lots on 4.85 acres in the requested R-8 zoning district

Simison: Next item up is a public hearing for Slatestone Subdivision, H-2022-0039. We will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor. The next one is for Slatestone Subdivision. The applications before you tonight are a request for annexation and zoning of a little over five acres with the request for the R-8 zoning district and a preliminary plat consisting of 15 single family building lots and four common lots on approximately 4.85 acres in the requested zone. It is located at 2707 South Stoddard Road. The subject site is abutted by a public road to the east, Stoddard. Abutting to the north and west is an existing R-8 development, the Fall Creek Subdivision. To the south are two county residential lots that are not yet annexed into the City of Meridian. The subject property is designated as medium density residential on the future land use map, consistent with the existing development to the west and north. Proposal for the 15 building lots on the 4.8 acres constitutes a gross density of just over three units per acre, which is at the very low end of the medium density residential designation. Residential lots are shown to meet all UDC requirements per the submitted plat and the required landscape street buffers are shown according to the submitted landscape plans. Minimum building lot size proposed is approximately 6,150 square feet, which excludes the lot for the existing home, because that skews -- skews the numbers quite a bit. It does exceed the 4,000 square foot minimum for the requested R-8 zoning district. The proposed use is detached single family and that is a permitted use in the requested R-8 zoning district. The applicant has noted that development is expected to develop in two phases, with an intent to keep the existing home and outbuilding and some pasture within phase two. Phase one is proposed of 12 lots and both common driveways, where phase two is proposed with the



remaining three building blocks. So, one, two, three building lots are part of phase two. Access is proposed via a new local street connection to South Stoddard, which is an existing collector street along the east property boundary. Access to all the proposed homes are from this new local street that ends in a cul-de-sac and includes two common drives, one in the southeast corner that accesses two lots, one in the southwest corner -- or sorry -- northwest corner that acts as -- provided access to four lots. Both common drives comply with the UDC standards. Previously -- I actually did not update those plans. Previously the Lot 14 common lot in the southeast corner did not carry on the sidewalk. That has been remedied, so I will skip that. The size of the property is just below the five acre minimum, which would require 15 percent qualified open space in the R-8 zoning district. Staff does not find it prudent to require that minimum 15 percent as Bear Creek Park is within a quarter mile to the north just off of Stoddard. However, staff has voiced concerns with the original proposed open space for the development and a desire to create an area where people can congregate and where kids can play within the development. In response the applicant has proposed additional linear open space along a portion of the north boundary that includes a micro pathway that essentially creates a pedestrian loop within the subdivision between the two linear open spaces. So, you have a nice loop pathway system here. The applicant has also included two park benches within the widest portion of the linear open space between lots three and four. So, that would be here and seen in red, those two park benches. Staff -- where previously there was no amenity proposed at all, again, because they are not required per code, but they did propose those. Staff finds that the latest revision does create more active open space, as walking paths are repeatedly noted as used amenities within subdivisions. One alternative that staff presented to the applicant regarding open space was to replace one of the lots within the subdivision and add a larger square common open space for the subdivision. Should Commission or Council prefer that option, then, staff does Recommend Lot 2, 4 or 10 within the subdivision, which would be -- I believe it's 2, 4 or 10, I believe. It's hard to see the numbers. And include an amenity within it. Staff prefers this option over the proposed micro paths that -- but has not specifically recommended that revision in the staff report. At the public hearing there were two pieces of concern from public testimony, which was from the neighbor to the south. Was concern over the development being adjacent to two county parcels and a desire for the homes to be single story, especially along the south boundary. Commission discussed the proposed linear open space versus the larger open space and did not make any changes to the recommendation, as well as a recommendation to widen the staff report along Stoddard to ten feet to reflect the multi-use pathway due to ACHD plans to widen the road and include a ten foot sidewalk on each side. We also discussed the purpose of the proposed phasing and the timing of development by the applicant, which was for the existing owner to maintain some of their horses just in the interim until phase two develops. And, then, lastly, they discussed the common drive design and potential trash collection and parking issues as is always discussed with common driveways. Again Commission did not change anything to staff's recommendation and the only outstanding issue is the sidewalk versus the pathway along Stoddard as that is the only point of contention between staff and the applicant. I have not had anything formal from ACHD calling that out. Unfortunately, they -- they didn't mention that in their staff report, but when you go on the website and you look through the ACHD website you can find that they show a ten foot

sidewalk on both sides of Stoddard for their design -- their ultimate design. It would be prudent to make the developer do that. In most cases it's what we want. But if you do require the ten foot pathway as noted in the staff report, it will be the only ten foot section along Stoddard, which is the applicant's point. Understood. But with that I will stand for any questions.

Simison: Thank you, Joe. Council, any questions for staff?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Joe. Are you able to bring up an aerial view of the property and the homes to the south? I think there is a canal that runs near there and I'm wanting to see like -- are the properties to the south potential development properties in the county? Are they just probably going to stay residences? How big are their lots not connecting?

Dodson: Right. Great questions, Council Woman Perreault. It will take me a little time to pull up the aerial, but minimally here, yes, this -- not square line, because you know how humans like square lines. You know, nice straight ones. This is the canal that runs along here and there are two parcels which have very odd property lines to the south. There was plenty of discussion internally and with the applicant and developers about should a road be stubbed to the south, what is their potential redevelopment plan or potential at all et cetera. Ultimately came down to they are smaller parcels. Yeah. Those existing owners do intend to stay for a longer period of time and they have not expressed a desire to redevelop. I mean because of their odd shaped properties, if one developed and not the other access period is going to have to be maintained. So, ACHD didn't require anything additional. ACHD thinks that they are going to remain as is and staff has agreed with that determination. So, the homes are set back slightly. I believe one is here and the other one is tucked away in this corner here for those two to the south. If that neighbor is here tonight she will probably be able to speak to that a little bit better.

Simison: Council, additional questions for staff?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. Joe, just to -- I guess maybe a quick clarification. I know the -- the school district didn't provide any update about where students for this development would go. I know it's a small development. The staff report obviously points to that it's walkable to Victory. Do we know middle and high? Is it a case that we asked and they just didn't respond or because it was such a small development we didn't necessarily ask?

Dodson: Thank you for the question, Councilman Cavener. I'm trying to figure out how I want to answer that. I -- I did not ask specifically until after the Commission hearing. Typically my understanding from our -- our contact at the district is if it's a smaller subdivision like this they won't automatically send us a letter. I shared that opinion just because with 14 lots and their ratios they are going to say, you know, like four kids or six kids are going to potentially come out of this. So, they would assume that that would be able to be absorbed throughout. In addition to that I have received some feedback that they are not in -- the school district is not entirely sure if their letters matter much anymore and so they want to try to work closer with the -- with staff to make sure that we -- I guess work with them to make sure that that letter is needed for a specific development and so that's why with this one we had agreed upon that there wasn't a need.

Cavener: Okay. Fair enough. And, then, just -- Mr. Mayor, real quick.

Simison: Councilman Cavener.

Cavener: Joe, just -- I know you are headed out, but I think passing along to your colleagues that I think their letters from West Ada are very very helpful and something I look for with every annexation.

Dodson: I will absolutely pass that on.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would hate for us to get in a time machine back to where we were at, you know, a year and a half ago with the school district and I just think about the amount of work that we have done to try to understand the letters and to really work with them with the growth that we are facing, especially in this area, and I just -- I want to echo that same comment and go further also I'm just saying -- like I read it on every single application, it's one of the most important issues to us still. We have offered our help in many ways and they have said that they have a model that reflects the growth and that they have discovered, but it's still a really huge issue for approving new development. I would hate for them to think that these letters are not important. I think they are critically important.

Simison: So, Joe, you have -- you can deliver that message back through the appropriate channels in the next two weeks.

Dodson: One hundred percent. Yes.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Joe, I have a question about the -- the open space proposal that staff has made -- my understanding it is not a requirement, but a -- a strong recommendation. If they want to add the additional -- just to take out a lot and add some more open space and the report had made a note that -- that the Bear Creek Park is up to the northeast and, then, I think there is a middle school up across from there as well, I don't know if the middle school has any kind of recreational options for the public, but what would be the walking paths to get to that location? Would they go out on Stoddard? Because I don't -- this doesn't seem to connect at all to the subdivision to the north with any kind of footpaths; right?

Dodson: Council Woman Perreault, that is correct. Yeah. It has to be the sidewalk along Stoddard. There is no -- unfortunately when Fall Creek was approved along the west and north there was no stub street or pedestrian connectivity provided to this property, so they would have to use the sidewalk along Stoddard, which, thankfully, it's not a very big parcel, so it's pretty close. And, then, yes, there is Bear Creek Park, which I have ran to and -- and used some of their equipment and stuff out there. Lots of grass for a lot of different things, plus playgrounds and, then, a lot of grass at the middle school as well and they are directly across the street from each other.

Perreault: Mr. Mayor, a follow up.

Simison: Council Woman Perreault.

Perreault: Joe, do you know how far away the closest crosswalk is? Would it be at the school?

Dodson: Council Woman Perreault, I believe it is, yes, at the school.

Perreault: Thank you.

Simison: Council, additional questions for staff?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Joe, I'm sad to hear that you won't be with us too much longer. Bummer. I'm a little concerned that we are not stubbing a street all the way to the south. I know that those two lots are kind of irregular and small. It sort of feels like anytime we don't plan for that connectivity ahead of time we sort of just paint ourselves into a corner. I guess my question would be how -- how unusual is that for this -- for the size of these lots and if those properties were to develop what issues could that cause? How many homes could they put there? Would they just go right off Stoddard? How would that work?

Dodson: Council Woman Strader, great -- great questions. The -- they are low density residential, whereas this is medium density. So, they could only do up to three units per

acre. I don't think they would get that just because the shape of the lots, plus the irrigation easement, all of that. I think it would be very difficult for them to redevelop period with maybe one additional lot. That's partially why ACHD was pushing for them to just continue to have access to standard and -- and not even -- I had to push to get them to say that there should be a public road in this development, let alone the two lots to the south. So, they -- they don't necessarily find it needed, because they are not going to get any real lots. No additional densities is anticipated. If they were to redevelop staff would probably say, hey, one -- hopefully both of them come in, please, at the same time. And, then, secondly, to just do a common driveway, preferably in alignment with Bear Creek Drive or whatever that street is on the east side and do the two lots, maybe one additional, and move on.

Strader: Thank you. That makes a lot of sense.

Simison: Council, any additional questions for staff? Then is the applicant here and like to come forward? Good evening. State your name and address for the record and be recognized for 15 minutes.

Yzaguirre: All right. My name is Becky Yzaguirre. My address is 2471 South Titanium Place, Meridian, Idaho. 83642. And I'm also glad I'm here for the Joe Show. So, I just wanted to say that. So, good evening. I'm here to present to you a wonderful housing development called Slatestone Subdivision. Slatestone is conveniently -- Slatestone is located directly off Stoddard between Overland and Victory. It's conveniently located .3 miles or 1,600 feet away from Bear Park and Victory Middle School. Roaring Springs Water Park, Wahooz Family Fun Zone and many other commercial retail businesses are just a mile away, making Slatestone a very desirable housing location. This 4.85 acre property is located in Ada county with an existing zoning designation of RUT. We are requesting to annex this parcel into the City of Meridian, with the desired zoning designation of R-8. We are proposing 15 residential lots, two common lots, and two shared driveway lots. The minimum lot size will be 6,098 square feet, with an average lot size of 95 -- or excuse me -- of 9,583 square feet. This project will be developed into two phases, with the first phase consisting of 12 residential lots, two common drives and two common lots. The second phase will include the existing single family home and two new buildable lots. As requested in the staff report, phase one will connect the existing home to city water and sewer and phase two will demo the stables on Lot 7. As you can see, this project is currently located in Ada county with a -- with a zoning designation of RUT. The -- the project is located just outside the city limits surrounded by R-8 and R-4 and county to the south. This is more or less an in-fill project that will add connectivity, help extend the infrastructure and expand EMS services. This property has a future land use map designation of R-8, medium density residential, and surrounded by R-8 to the north, south and west. The proposed development plans to match the existing R-8 developments to the north and west. The proposed R-8 lot sizes would provide a non-balance between the mix of larger lots to the south and the smaller lots to the east. This development will comply with the goals of the Comprehensive Plan to grow the city as a premier place to work, live, and play. The location of this development allows this concept to become a reality as it is so close to everything, schools, parks and businesses. This

development will also enhance the quality and character of the surrounding community by incorporating articulation and visual interest in the exteriors of each home via porches, pop outs and material types. There is a letter in your staff report from Ada county fully supporting the annexation of this property into the City of Meridian. The letter states the goal of -- states goal number 2.2F in the Ada county comp plan stating that encourages residential development to occur at urban densities within area of city impact where facilities are available. The county also writes that the application is compatible with the future land use map of the City of Meridian's Comprehensive Plan as adopted by Ada county, which designates the site as medium density residential and is primarily intended for single family homes at densities of three to eight dwelling units per acre. ACHD is also in support of the project and has written that this proposal meets the district's policy and should be approved as proposed. Stoddard is expected to see significant improvements in the coming years. These improvements include widening of Stoddard Road to accommodate three traffic lanes, two bike lanes and the continuation of a five foot wide attached sidewalk to match what's existing on Stoddard. According to ACHD the construction is expected to occur after 2023. We are hoping we can time our construction with that of ACHD that we are not causing the neighbors more inconvenience. In the staff report there is a condition requiring the development to have a ten foot wide multi-path fronting Stoddard. This slide highlights the existing five foot wide sidewalks that surround the development to the north, east, south and west. Nowhere in this area is there a ten foot wide multi-path, including near the park and the school. There would be 332 feet of a ten foot wide pathway, then, that pathway would connect to an existing five foot pathway. It doesn't make sense. It would make more sense to have a ten foot wide multi-path on the east side of Stoddard where there is an already existing pathway on up to Overland. This is the city -- this is the City of Meridian's pathway map. It shows the proposed pathway on the east side of Stoddard, not the west, which makes sense. There is already existing pathway from Victory to Overland. So, we ask that the condition be revised to match the existing widths on Stoddard, so our development blends in nicely with the surrounding the developments. And I also want to add that in the ACHD staff report and the site specific conditions of approval number one -- it's on page seven -- it -- it states improve Stoddard Road with vertical curb, gutter, and five foot sidewalk -- five foot wide detached concrete -- concrete sidewalks, which is what we are proposing. So, now on to the landscaping. This development is designed to be visually pleasing and purposeful. With Bear Park and Victory Middle School being so close we decided to create a nice walking loop around the development that would provide a variety of recreational options for folks living in the development. We are planning to have a five foot walking path around the perimeter of the development. We are -- the location -- the -- and located on the north side -- use my mouse. There. We are planning to have a 3,000 square foot grassy area with two parks -- there are two -- excuse me -- with two benches and shade trees throughout. This plan was a result of many back and forth conversations and iterations with planning staff and the design team. We also kept the neighbors in mind by adding additional buffers to the north and the south, as that was brought up in the neighborhood meetings and the Planning and Zoning hearing. So, that neighbor that came to the Planning and Zoning hearing, she also wanted a buffer here, so we just put some -- some evergreens here that would -- that would provide additional buffer. This -- this strategically planned open space meets the

request from both the city and the neighbors. The landscaping we propose will consist of water wise plants meaning the selected trees and shrubs are more suited for the Idaho weather, thus requiring less water to maintain. Here are the major types of shrubs that we have proposed. As you can see we are going for a soft, but sophisticated feel. There will be a total of 20 trees with a mix of three tree species, the Norway Maple, Spring Snow Crabapple and the American Linden. There will be four types of fencing product in this development. The perimeter fencing will consist of a six foot tall white vinyl fence. We will, then, have open vision fencing, mainly located around the back of lots boarding the pathway. There will be three railed fencing along the south perimeter and six foot tall driftwood color vinyl fence that will face Stoddard Road and the entryway. Slatestone Subdivision will be a positive addition to the City of Meridian and the residents currently living in the area. The subdivision will enhance connectivity, provide quality and character to the community by using high end building materials, advanced landscape design techniques and collaboration with staff and the surrounding neighbors. This development will also help add economic stability for the businesses in the area. We believe this development will help create a more livable community that promotes health, happiness and prosperity. So, I just wanted to briefly talk about how we are going to handle the irrigation of the south side of the property. So, basically, there is an irrigation ditch that is existing -- let's see here. And so what we are -- we are -- we are going to do is we are going to take the drainage from the neighbor, the flood irrigation waste that's currently draining into that existing ditch and we are going to put a couple inlets here and along the property line and, then, we are going to divert whatever wastewater into those inlets and that's kind of how we are going to handle that and, then, just remove the -- the old piping there and so we are going to just work with the neighbors to see how their water drains and, then, put inlets where -- where it's needed and also work with the city to bring it up to code. So, as you can see we believe we have been thoughtful in this design and we have made it a point to work with staff and neighbors to come up with a design that would work for both the city and the community. We thank you so much for your time and we hope we can make this development a part of the City of Meridian. I will stand for questions.

Simison: Thank you. Council, any questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just a couple of questions for you. Can you pull up the slide that shows the -- the colored rendering? They have a landscaping on it. Showed all of the -- yeah. That would be great. That's probably the easiest one to see. So, the common drive that is on the west side, where are the driveways going to come off of that? And is the existing home going to access that as well? Is there going to be four accesses off of that common drive?

Yzaguirre: That is correct.

Perreault: Okay. And then -- let's see. One more question I have for you. Oh. When I was -- when I was pulling up Google Earth to see kind of, you know, what the distance was to the parks and the middle school and whatnot, I noticed that it stated that the existing home has a daycare business. I don't know if that's still operating or if that's old, but if it is was there a conversation about their customers coming through the neighborhood?

Yzaguirre: That I am not aware of.

Perreault: It could be an old note by Google. Sometimes, you know, if there is an LLC that's filed or whatnot and it shows up on there, but it's not an active operating business, then, it's not an issue. But just curious if that owner has that. I -- for me that's an element of, you know, how this is designed if there is going to be people driving in and out to access that house, if there is a business there or if there is a horse operation there.

Yzaguirre: Sure. I can bring the -- the owner up and she can kind of speak to how -- how that is operating.

Simison: If you could state your name and address for the record, please.

Rauch: My name is Maria Rauch and I live at 2707 South Stoddard in Meridian. And, yes, I do have a daycare. It is group daycare, so I'm licensed for up to 12 children.

Perreault: Can you speak up just a little bit into the microphone? It's cutting in and out.

Rauch: Sorry. Can you hear me better?

Perreault: Yes. Thank you.

Rauch: I haven't thought about the traffic that comes through. I'm getting close to retirement age, so it may not -- it may just fall in about the same time all this development goes on, so --

Hoaglund: And, Maria, might be a question for you or -- or Becky, but -- so what is the proposed timing for phase one and phase two? Do you have some idea what that might be?

Rauch: I'm not sure when they -- when they are actually going to start. Phase two -- we are not exactly sure on that. We do have some horses that are getting to the end of their life and we don't want to change that right now. I imagine the first phase will probably take a couple of years, so we are kind of just trying to figure out what's going on with that and how long that's going to be.

Dodson: Councilman Hoaglund?

Hoaglund: Yes, Joe.



Dodson: Thank you. I would like to touch on both those points. One, the plats will be alive, so to speak, for, you know, the two years once it's approved if it -- if it is approved and, then, they can do a time extension if they need to for the phases. And, then, for the daycare thing they are approved with a home occupation permit, so -- and any of these homes could technically come in and have that approved anyways. So, I -- I understand the concern with people potentially driving through here and parking, but that could occur without us really -- well, I should say that without us knowing, but without Council knowing for sure and so I -- I don't necessarily know if that should be a piece of -- whether this project gets annexed and zoned or not.

Hoaglund: Mr. Mayor, now that you are back.

Perreault: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. And -- and one of the things about this that's different is a lot of times we get requests to put in a daycare after all the homes are in. Here it's already in, so if people want to move there they know that that daycare is there. So, it's -- it's a little different scenario for people being aware, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I know -- just to like play devil's advocate on that. I mean this is a situation we could see coming, so if you want to continue to operate your daycare -- I mean this common driveway is not a road; right? It's -- it's much more narrow. Frankly, we don't like common driveways that much. We try to limit the access to them, because it creates already issues for trash, issues for the fire department. I guess I -- I personally would like more clarity on whether you would be closing your daycare at the time that phase two were to happen or -- you know. I don't know. I just worry about the cars coming through there.

Rauch: So, kind of our plan -- and, of course, things change, but our plan is to take that back lot and downsize our home when we retire and so, therefore, the daycare would no longer be going when that happens.

Strader: Would you be willing to have that be a condition of approval or in an agreement with the city that before the phase two development started that your daycare business wouldn't be operating or -- I mean it's a lot to ask. Like I hate -- if I would put myself in your shoes I wouldn't want to agree to that, but I'm just -- I -- I hate the idea of -- especially if the daycare were to expand and, then, you had like 20 kids, tons of people coming up, dropping off. This -- this would not be adequate.

Rauch: No, the daycare is not going to expand. I know that for sure. That's -- I mean I have been in that business for 20 years and I hate to put a condition on that.

Yzaguirre: Can I add something? So, would it be possible that we could just add another connection off of the cul-de-sac just going west -- directly west into the property if she wanted to continue to operate the daycare?

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Theoretically, yes, but, then, the property couldn't access the common drive at all, you would have to close any access to the common drive, put five feet of landscaping along the entire common drive with -- adjacent to this building lot and, then, build a new driveway out to the public road. It looks like there is plenty of parking, especially for up to 12 kids. But in residential districts, just for Council to know, they can't have more than 12 period. So, there is no way that they could go over 12 kids of any of the homes. Just to make that point clear about code and home occupation permits.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I -- I'm glad Council Woman Strader asked the question. It was right on the tip of my tongue. I agree, I don't -- I would rather not have a business off of this common drive, especially since there is four properties accessing it and we typically don't really want more than three if we can help it, so that -- that is of great concern to me. I also have concerns that if the same -- if the same folks own the existing -- the lot with the existing home, the lot with the -- with the existing building, which is the barn and, then, even potential -- potentially another lot to the east of that, that they will kind of inadvertently create kind of their own little pathways, roadways in between those lots driving back and forth or something along those lines and -- and now we have that other issue where you might have people that are believing they can utilize those -- you know, access it. So, I -- I think it would be great to be able to access it off the cul-de-sac and, you know, knowing what Joe just shared that it probably wouldn't be the easiest, but I just wouldn't feel comfortable with there being a daycare, especially if there is actually 12 parents -- you know, normally people will have two kids in daycare, but if there is 12 individual parents that are coming and dropping their children off and picking them up and trying to access it from this, I'm just not comfortable with that.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- I totally get that concern. My only thought on that is that they meet code. Code allows them to do it and if one of the other houses that's on the other side of the common

drive want to open up a daycare, they can with or without our approval and so I -- you know, I -- I'm -- if -- if -- if this resident -- you know, a homeowner wants to operate a lawful small business on their property that meets code, I don't see how we are in a position to not allow that to happen.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question, Joe. It -- it sounds like, you know, one of the -- one of the concerns is about the common driveway and the -- and the width of that and Becky pointed out maybe they could do something there. If that was a -- you know, it's hard to tell looking at a map. You know, if that was a normal street that takes away all the issues. I mean you could still have the turnaround and have a full width street, but, again, the applicant may go that's too close to our house, we don't want that, but that takes away the issue of a common drive, but I -- I don't know if -- what -- what hurdles do you see on something like that, Joe?

Dodson: Yeah. Councilman Hoaglund, I don't believe that ACHD would approve that, just because they would just want the cul-de-sac at the end of that public road period. So, then, you are just pushing that further into the site and using more area that's probably not necessary. They could widen the common drive. Minimum is 20 feet per code. We could request that they widen it if that's what Council wants to do with help -- help with some of that. I would like to note -- because the whole trash collection thing comes up with common drives; right. If we require them to put a driveway from the existing home right here, you just took up, you know, 40 feet of potential area to put trash cans for everybody on the common drive with a 20 foot drive -- would -- a 20 foot wide driveway next to a 20 foot wide common drive, it's just a lot of driveway connections that may not be necessary in that area. So, I just want to point that out, that if Council goes that route you are gaining one thing and losing another.

Hoaglund: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Follow up on that, Joe. And I'm assuming ACHD wants the turnaround -- I mean for fire purposes to have a hammerhead at the very end, because they would have space to do a little bit of a hammerhead turnaround for fire trucks. But I think ACHD wants that circular turnaround for just regular traffic; is that correct?

Dodson: Councilman Hoaglund, that's correct. It's both for regular traffic and the fire trucks. It's already going to be more than 150 feet from the cul-de-sac probably to their property. So, they -- fire has already approved it, but fire understands that if a fire occurs at this house -- and the applicant already knows this as well -- there -- there would be

some fire approved turnaround here, which Fire Chief Bongiorno has stated that there is ample room here for that to occur.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: And in the past we have heard from appeals and CUPs and whatnot related to daycares and I was of the impression that if there were over six that they needed to come to the city and have either some sort of business license or a permit. Is that not the case anymore or -- I mean that's always been my understanding.

Hoaglund: Mr. Nary.

Dodson: Councilman -- yeah. It's -- there is a requirement, but it's administrative. So, it doesn't go through any kind of public hearing process. But, yes, if -- I don't review those personally. That's -- assistant planners review those. I don't think I have ever reviewed one, actually. But my understanding through code is they comply with the code, which is, again, administrative approval. They get the license. It's pretty cut and dry.

Perreault: Okay. So, a new -- a new owner in one of these lots couldn't just go add 12 people to a daycare and call it good, they would have to come and notify the city.

Dodson: Yes, ma'am, they would, but I haven't seen us say no to that. It's typically just approved.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, Council Member Perreault, so, yeah, Joe's absolutely correct. They are -- it's an administrative process. Basically they have to meet safety standards and requirements, parking requirements, those types of things. But 12 is the maximum allowed in the neighborhood. After that it's a center, which does require higher permitting approval and actually goes through -- I believe the Planning and Zoning Commission for that. So, yeah, I don't -- I don't see a problem from the use here. It's -- you know, whether or not it would meet any of these -- the ones who met the city standards we -- we couldn't deny it because the neighbors didn't like it or the neighbors thought it was an intrusion to them, that's not a basis to deny it.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Another question for Joe regarding that common drive that you said if they expanded it to 20 feet, what is -- what is the current width of a common drive now?

Dodson: Councilman Hoaglund, I apologize, I hope I didn't say that. The minimum is 20 feet.

Hoaglund: Oh, minimum.

Dodson: It should be 20 feet already.

Hoaglund: Okay.

Dodson: But I'm saying we -- you -- Council can require it to be larger. You can say 25 feet or something, which would be a -- the same width as we require for a commercial drive aisle for two way traffic.

Hoaglund: Okay. Thank you.

Simison: And I know that this is not city versus county, but it looks like that's currently a 12 foot road, if I'm -- doing very poor aerial map. Which -- so, it is accommodating the current traffic on a size half that size on a very long stretch compared to what would be a shorter stretch, but the impacts to the -- the other homes is -- I know different than currently exists, so -- plus, minus. Just observation.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Could I get just a little bit of clarification from Joe on the ten foot multi-use pathway request. So -- and the -- the -- let's just table the -- the daycare access issue. I think Councilman Bernt is ultimately correct. I don't think we want to limit the ability of a business to operate lawfully. It just doesn't seem like it could be an issue. Maybe it solves itself it sounds like. I -- you know, I know we have had a lot of meetings with ACHD where we have expressed very clearly that the direction we are heading in is a ten foot multi-use pathway. So, I know that they showed some information, but, you know, is it that ACHD's report wasn't updated in light of that or -- it just sounded like an oversight to me, because I think everything we have communicated to ACHD has been that's the direction we are going. You know, unfortunately, five foot pathways and sidewalks were made, but the direction the city is going moving forward is for ten foot multi-use pathway and it's because -- there is tons of reasons. It's way better for all of our citizens. Parents feel safer using those than bike lanes with their kids. There is just a lot of good reasons that we are doing that. And so I guess, Joe, I just wanted your perspective on why there is a disconnect with ACHD on that and Stoddard, et cetera.

Dodson: Yeah. Council Woman Strader, great question. I -- again, it wasn't in their report I think because of just what's existing out there and typically Stoddard is a collector, it's not an arterial, and current policies and current street sections don't necessarily -- they haven't matched some of these changes that you just discussed with the -- going away from bike lanes and instead doing multi-use pathways, you know, which is -- unfortunately,

five foot detached and bike lanes are what's shown on all their street sections right now, which my understanding is not the way that we are heading as a highway district, as well as what the city wants. So, there is some disconnect I think between what we all want and what is actually being required within staff reports at the moment by ACHD. So, I do think that's where the disconnect occurred. I probably should have reached out and just verified, but when you do go into -- Bill, my supervisor, actually pulled it up during the Commission hearing and showed what the -- the level three street was supposed to be and it showed ten foot sidewalk on Stoddard. So, that's what was -- is apparently planned. But there is definitely a disconnect.

Yzaquirre: Yes, I did reach out to ACHD and I asked them that -- I reached out to the project manager on this project and he couldn't give me a time frame as to when they were going to actually develop Stoddard. He said they were -- that they -- they don't even have a design. The issue is that when we build a ten foot wide sidewalk we have to have parameters; right? Like when we design this stuff. So, if we just put as -- arbitrarily put a ten foot wide sidewalk where are we going to match it to you and what is that sidewalk to the north -- where is that going to align? They don't have plans yet. So, my question is why can't -- why can't we just build the sidewalk and, then, ACHD can -- at a later date when they figure out what they are going to design on that, put it in? The problem -- like we are going to have this like meandering connection at that point.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: To the applicant's point, I -- ACHD does take road trusts for these types of sidewalk issues, especially if something is currently being designed. I understand the applicant's point for sure. What we don't want to do is construct five foot or ten foot and, then, have it torn up later and, then, just redo work that is unnecessary. Maybe the -- amending the condition to note that it can be placed in a road trust is -- is a good idea, only because this is not going to connect to the south. There is no sidewalk. So, if it isn't in place right now everybody is just going to be heading north anyways. Typically. At least if they want to cross anywhere safely there is not a lot of crossings anywhere here. I guess they would run across Stoddard. That's what I would probably do, because I'm dumb. But, you know, neither here nor there. To get to the sidewalk on the east side of Stoddard and head south, but just throwing that option out there is I have seen that occur where we do recommend that as -- as a potential option for the applicant and that's something that at a final plat stage we might have a better understanding of what it is they are going to do along Stoddard. I think from a planning perspective it's not something that should probably hold up the approvals, but we can definitely continue working it out with ACHD as we move forward, especially at the final plat stage where the construction drawings would get approved.

Yzaquirre: And we could set aside, you know, like the 15 foot easement or whatever the pathway width -- the easement would be. But we just don't understand -- we don't want

to build a sidewalk that's kind of meandering. We don't know what their design is, so how do we match their design from -- to our design? Do you guys see the --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I have had some experience with this. I was on a building committee for -- for our church that located on Meridian Road, which is the state highway, and we had to meet with ITD, meet their standards supposedly and they required a ten foot sidewalk through the frontage of our property. All good and well. This is about 2006, 2007. And so we did that. The next development that went in -- there is no sidewalk going to the south -- to the north and there is already an established subdivision there, so there is nothing. So, we put in this ten foot sidewalk. The next development that came into the south, commercial entity, came in and they are allowed to build a five foot sidewalk. So, here you have this waste of ten foot sidewalk that cost us plenty of money, double of what a five foot sidewalk would cost and goes nowhere to the north and back to a five foot sidewalk that came later. I -- I don't want this little sore thumb to stick out here. When you look at the property going to the south, it is estates. You have got that property they talked about that is medium density. That's going to be difficult of having anything of high impact in terms of number of houses and, then, you have got estate properties up to Victory. So, it's -- it's not going to have a lot of traffic and you have five foot sidewalks all the way to the school and I -- and I get what ACHD is trying to do, you see it -- some of these sections now that are coming in brand new, but they are all the way along the property, so for me this would -- this would just be sticking out there like a -- like a sore thumb and, like I said, it's a little sore subject with me, just because we have experienced that and at a great cost that just doesn't do any good, so --

Yzaguirre: And we would have like five feet of that ten foot pathway just dead end that could cause a hazard or, you know, like -- you know. Just putting that out there as well. And there is no time frame for ACHD's design. So, we just ask that right now we just put a five foot wide sidewalk as a condition in their staff report and set aside an easement for them.

Siddoway: Mr. Mayor?

Simison: Mr. Siddoway.

Siddoway: If I can get my video on here. Hello. I am -- I can shed a little bit of light on this. I have been texting Kim Warren back and forth to get more information on our -- the path -- our pathway requirements and preference. The condition is written the way that we would want it to be. We do prefer the pathway on the west side of Stoddard from the Ridenbaugh Canal north to -- I think it's Kodiak where this school is. ACHD does have 30 percent plans drawn. I just received a -- a screenshot of it that does show their plans to continue this sidewalk south to a crossing at the Ridenbaugh and north up to a crossing at Kodiak. It does cross far fewer properties and also avoids a problematic crossing at

Grizzly Drive on the east side. I'm not opposed to the idea of a road trust if it's something that could be done in conjunction with the ACHD project, but it sounds like they are in design for a ten foot wide pathway on the west side of Stoddard at this location. So, I just wanted to share that and ask if there are any questions.

Simison: Thank you, Mr. Siddoway. Council, any questions or comments?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I mean I think that's very clarifying; right? So, ACHD is in design and they are building a ten foot pathway. So, it sounds like that's what -- what we need to match up with. It's hard -- I -- I get what Councilman Hoaglund was saying, too. It's -- it's hard when things are piecemeal. But, you know, this is the direction the city's heading in and I think we have to be consistent with that. You know, we sort of are making exceptions for people to not adhere to the pathways plan. It's just not going to work. So, just speaking for myself, I think we need to require it. It sounds like, Mr. Siddoway, if I'm getting this correctly, the way the conditions are drafted currently by staff in the report are adequate for what we need; is that right?

Siddoway: That is correct. And, you know, I -- I do want to add some credence to what the -- the applicant said earlier, that the -- the adopted plan does have -- have an on-street connection east, because it wasn't seen that there was an opportunity to get a pathway along Stoddard. We do show the pathway along Stoddard on what we now have as our working layer and we bring that working layer to Council about once a year. We have it scheduled to go to the Commission in December where they will make a recommendation to Council and bring that. But where this is a -- an annexation we thought it prudent to follow the working layer, which reflects our recent meetings with ACHD and our current preferred location.

Hoaglund: So, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question, then, Steve, just for clarification, that they -- they do have plans -- when they redo Stoddard they will make that existing sidewalk on the west side -- instead of five foot it will be ten foot; correct?

Siddoway: That is correct. I do have a -- it's just a -- a screenshot that was just e-mailed to me, but there -- it says they -- they are 30 percent design plans for ACHD's Stoddard Road widening and they do show ten foot pathway on the west in the location of this application, as well as north and south of it, between the Ridenbaugh Canal and up to the road where the school is. I think that's Kodiak. Yes.

Hoaglund: Okay.



Siddoway: So, yes.

Hoaglun: Okay. Thank you, Steve. Yeah. If -- if that is the plan -- and, again, we don't know when it will be executed then and -- and -- and I know sometimes things don't get executed in a timely fashion just because of funding sources and everything, but typically they will execute it like they say they will, just depends on when. So, with that I'm -- I'm okay with -- with a ten foot path requirement remaining, since that is part of the plan when -- whenever that gets executed, so --

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: To further that point and help maybe quell some of the fears of Council on that, you know, it takes time, obviously, for the -- ACHD to design it, but as well as ACH -- or the applicant -- did I say that right? For ACHD and the applicant to both design where this pathway should be located. So, if ACHD is at 30 percent, pretty soon they are probably going to be at the 50 percent plans and by, then, minimally this portion of it should be done and the applicant should be at the point to put some of their construction drawings forward for the phase one and, hopefully, we should be able to coordinate that and they would -- you know, ACHD has to sign the plat anyway, so if they have these plans in they are going to note that the applicant, say, hey, make sure you move the pathway west two feet or, hey, bring it in -- you know, the -- the applicant is allowed to hug the line between the right of way, as well as, you know, the property line and -- and put it where they need it. You know, we don't want it so far detached from the right of way, but we also don't want it right up against it to make it attached. So, I just wanted to say that these coordination efforts do occur rather often between staff and ACHD and the applicant and ACHD.

Hoaglun: Mr. Mayor, one last question.

Simison: Councilman Hoaglun.

Hoaglun: I know we have other people who might be signed up to -- to testify, but while the applicant is here -- just to -- would -- would there be any -- and it might be something about -- you can just let us know at the closing, but the private drive now is -- as was noted, it's at 20 feet right now and 25 feet when you have two way traffic it is what we require. Would -- would the applicant be amenable to making that common drive 25 feet, instead of leaving it at 20, to help facilitate traffic to the daycare?

Yzaguirre: You know, we would prefer the 20 feet, but if -- if that -- we would ultimately prefer the 20 feet.

Hoaglun: Right. Well, Mr. Mayor, I will just let you -- as the discussion goes on discuss with your -- your clients and whatnot, see what -- see what they want to do, so --

Yzaguirre: Okay.

Hoaglund: Okay. Thank you.

Simison: Council, any additional questions for the applicant? Okay. Thank you very much. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, nobody indicated they wished to speak.

Simison: Okay. Is there anybody in the audience that would like to provide testimony at this time on this item? And there is nobody online except for our staff.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: If there is no one that has questions that -- that -- that has signed up, I just had one quick question for staff in regard to the irrigation that the applicant described. Is staff okay with their irrigation plan working with the neighbor to the south and -- which she explained.

Dodson: Councilman Bernt, great question. I believe I have modified that condition already in the staff report, because planning is fine with it, but with the first final plat phase land development will further verify how we do that and, then, the construction drawings for that. But so far everybody's given it a green light.

Bernt: Okay.

Simison: Would the applicant like to come forward for any final comments?

Yzaguirre: Yes. So, we -- we kind of briefly discussed the -- the 25 foot common drive there and we would -- we would like to -- the -- the -- we would like to keep it 20 feet wide, but the problem is that she doesn't know when she's going to retire. When she retires they are going to downsize and, then, that's just going to be overkill. There -- there won't be any -- there won't be traffic there. And who is to say, you know, how much traffic is there now, how much they are getting now. I'm -- I'm not sure of -- we would like to keep it 20, just -- just for the future use. But if staff or Council feel otherwise then --

Simison: Okay. Council, any questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to address -- address that a little bit more at length, but I'm happy to do that during our deliberation or I can continue to ask questions now, whatever you

would like me to do. But if -- if -- if you want me to save that for our deliberation, maybe leave the public hearing open.

Simison: If you have got them I would say go now.

Perreault: Okay. Okay. Thank you. So -- because this is an annexation and -- and we often say this is the one time that we really have to truly get it right and -- and, then, after that, of course, it becomes a part of the city, I just -- you know, I -- first of all, let -- let me -- let me be clear. In all of the questions that I'm asking about, the common drive and access and safety, I am not implying that we would ask the applicant to shut down her business. That's not at all the -- the intent that I have in asking those questions or an implication that I am making. So, I want to be clear that there has been no confusion about the two. I still have concerns if the applicant's not able to say exactly when the business -- or, you know, around the time that the business would no longer be operating in relationship to when the construction will be completed in phase one, I am not comfortable with this as it's designed currently. I -- I would say, though, that there are so many fantastic things about this -- this project and I don't want to throw the baby out with bathwater over this one thing and I would love to be able to get it resolved in this meeting, because I think you guys have done a great job with the common areas and the open space. I don't personally feel the need to pull another lot out. I think it's designed well enough for what you are trying to do. There isn't anything else about this that has me concerned except for that. So, I just want to be clear about that, because we can -- I'm not saying you need to redesign your plat right now this evening, that we can come to an agreement that can go into the DA or we can do -- we can continue the hearing so that we can -- maybe the engineer can, you know, look at that design a little bit more and, then, maybe they can discuss with ACHD about the pathway. That's also an option.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I -- I'm of the same mindset as Council Woman Perreault. To me it's -- it's a -- it's just a known condition that creates a safety issue on the common drives, especially with kids, parents backing out. I thought Councilman Hoaglund's compromise idea of widening to 25 feet was a good suggestion, but I understand if you would like a continuance to try to rework this and the pathway being ten feet also adds another element. So, I guess feedback from you on whether you would rather have an approval with conditions, if that's where we go, or if it needs to be continued -- if that's better for you guys. I -- I guess I would like feedback from the applicant.

Yzaguirre: Yeah. Is there any way that we can work it out in the DA?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: Since this is an annexation I think we need to have a good plan going in before we approve -- approve this, so -- and -- and right now I think that's why I suggested the compromise. I -- I don't know if the votes are there, if -- if you want to keep it at 20 feet. So, I just think -- and ten foot with the ACHD plans to widen that road and put in the ten foot sidewalks, I think that makes sense now. But for -- for the other, yeah, we just don't know the timing and -- and I completely understand your client and what they are going through. It's -- it's -- it's an unknown. But, you know, if this is part of their retirement funds, you know, you might have to give a little to get what you -- what you really need. So, that's -- that's the situation and -- and we have -- we have been at it here for quite a while. Maybe if we just take a ten minute break, Mr. Mayor, and we can stretch our legs and get a little refreshed and you can have some time to talk it over and we will -- if --

Simison: So with that we will take a ten minute recess.

Yzaguirre: Thank you.

Hoaglun: You bet.

(Recess: 7:44 p.m. to 7:56 p.m.)

Simison: All right. So, I will go ahead and bring us back out of recess. So, Council, I will let you continue to talk or let the applicant come back up if they want to make any comments.

Yzaguirre: So, after discussing with my client we have decided that -- that we would -- we would like to have the daycare operating in phase one and, then, if the city is wanting to condition that the daycare be shut down in phase two we can do that. We just want to state that -- that there is a huge need for daycare and -- but -- but we -- we will be willing to shut it down in phase two if that's what the city wants. We believe that in phase one, you know, there is going to be one lot accessing that common drive at that point, so the traffic won't be as much. And, then, the -- the applicant's lot -- there is plenty of room to turn around. You can see how small this car is. So, everything's going to happen here and, then, we can just safely funnel out with just this lot here.

Perreault: Mr. Mayor?

Simison: Questions or comments or thoughts? Council Woman Perreault.

Perreault: Thank you for discussing that with the property owner. Was there any conversation about taking access off of the cul-de-sac directly or is that too much of a challenge because of the way that the home is facing or --

Yzaguirre: Yeah. I mean it faces into their backyard, so that's -- that's not ideal.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just some feedback. I -- I would be okay with a DA provision that was more conditional than that, actually, that -- that said either the daycare could cease operating prior to phase two or widening the common drive. I -- I don't know that we are compelling them to shut it down necessarily. I think it's more like come back to the table with a solution at that time if you want to keep operating it. I don't know. Just throwing that out there. Mr. Mayor, sorry, one more thing.

Simison: Council Woman Strader.

Strader: Question for the applicant. Do you need a continuance just to rework the ten foot pathway or do you feel like you can figure that out?

Yzaguirre: Yeah. We are fine with putting the ten foot pathway in there. Yes.

Strader: Okay.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Question for Joe. Joe, do you think that -- this is kind of a unique situation. We don't often -- or I don't think I ever have recommended that an applicant widen a common drive. What do you anticipate that that extra five feet is going to accomplish? As a planner who thinks in engineering terms, do you anticipate that that extra five feet will accomplish what we are hoping to, which is to just not have, you know, congestion if one of -- if you -- if there is multiple cars coming in -- well, if -- if they are -- if they are only going to operate it until phase one, then, this isn't an issue, but --

Dodson: I believe I'm understanding what you are saying, Council Woman Perreault.

Perreault: Sorry. Okay.

Dodson: Frankly, for the back and forth traffic, I mean I guess the physical dimension of having two cars pass each other on it, yeah, an extra five feet might help, but I don't know that -- I don't know that overall that really is going to do a whole lot in the long term. I mean it's just an extra five feet of asphalt to -- for that HOA to maintain later on. I -- from a planning perspective, again, it -- they could end it right now, we could require them to cease it, but, then, any one of the lots within -- off the common drive could come in and -- unless we put a blanket -- something in the DA to say no daycares off of a common drive, which, again, we have all discussed, we probably don't want to just limit some, you know, business uses like that in a residential neighborhood. I just don't know if it's worth, you know, denying an in-fill project over the -- the concerns are noted. I think that five feet extra on the common drive is definitely better than adding another 20 foot wide

driveway that just increases the overall cost for the applicant and the homeowners as well.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. You know, there is options you can go -- I mean if you -- if you wanted to reduce impact and -- and leave the 20 foot and you lose a lot right next for the existing building to remain and you lose that lot, well, that takes off less traffic, but, you know, if it was me I -- I wouldn't want to lose a lot if I was developing that. That's, you know, the balance, so -- and -- and I -- I think you would be fine with a 20 foot, but I don't -- I don't know if the rest of my Council mates would be -- would be fine with that. So, that's why I'm looking at 25 feet to allow that two way traffic to -- to alleviate that. I mean I would be happy to make a motion and, then, if it goes nowhere, have another motion, so --

Simison: The public hearing is still open, so whenever you are ready to go any direction.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I have remained relatively quiet tonight. I appreciate the good conversation. Specifically I appreciate Council President Bernt really talking about us being selective about one particular business, when, you know, those four other lots could -- could easily replicate the same business. But to me -- I have got a lot of concerns about this project. It's small and you have got about a third of the lots that are going to be accessing off of common drives. This feels so much like it's -- it's a rush to develop. It's not as thoughtful as I think it could be. I recognize that it's -- that it's in-fill. I -- I still am struggling to figure out the benefit of two phases for 15 lots. I think you maybe get closer with extending that common drive to 25, but we also need to be really aware of -- of where the real estate market is headed and developers ability to begin and complete projects in our community. I don't want us going back to 2009, 2010 and continuing to continue these projects only to have them come online two or three years later. So, I think the design of the homes look great. It would complement the neighborhood well. But I just don't think that this project is ready for prime time.

Simison: Thank you.

Yzaguirre: So, to comment on that, we have spent over a year working back and forth with the city on this design. This is not a rushed design by any means. We have -- we have revised it and revised it and worked with the city, worked with the neighbors. There it is -- it is not a rush design and we have -- we have taken into consideration all of this. It's -- it's for -- it's, you know, 4.8 acres. It's -- it's a small project, you know, and -- and what we are doing with phase one and, then, phase two, that the app -- or what the owner was saying was that, you know, they have -- they have two horses that are super old and

they want to -- they don't want to put them down prematurely. So, that's kind of why we were wanting to phase it out. It would give them time to --

Cavener: And, Mr. Mayor, if I may.

Simison: Councilman Cavener.

Cavener: And apologies if you felt that I said that this project was rushed. I -- I don't think it's rushed. I just think that the layout and the design -- I understand what you are trying to do. You are trying to develop a chunk of your dirt, while keeping another chunk remain in the county for a county use and I think for a project like this it should all annex in together on one phase. Let's plan it as a single phase and if that means that -- that you have to wait a year or two years until your client is ready to retire and actually develop this appropriately, then -- then we need to be patient about that. That's where I'm coming from is what's best for the community long term. Particularly with an annexation.

Yzaguirre: Yes. Everything will be annexed into the city. That -- we are not asking for the clients -- or for the owner's lots to -- to remain in the county. Everything will get annexed.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. I think to that point I think it did talk about the property -- I think it meant to the south that was being annexed -- that was not being annexed and that's the property to the south in the report. So, I think that's what they were referring to, Councilman Cavener, in the report where that property wasn't being annexed was the property to the -- to the south -- immediately to the south. One of the things, too, the proposed linear open space, doing the sidewalk with the benches and whatnot, I -- I don't have an issue with that. I -- I think that -- it's -- you know, it wasn't required to have open space, even though we like to see some sort of open space. So, to me that's -- that -- that meets the intent of what's trying to be done, here so -- so, I think that issue is resolvable. Ten foot sidewalk. If ACHD is moving forward with plans to do ten foot and -- and hearing from our parks director, then, I think we should make sure that's ten foot. And, then, the common driveway, if that's going to be -- go away when retirement and you are changing buildings and everything, I can -- I can see that happening. I think about retirement myself sometime, but -- I think, Mr. Mayor, if we will just -- we will just kick this off and see where it goes and stop talking if -- if you are okay with that, so -- so Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we close the public hearing on Item H-2022-0039.

Strader: Second.

Simison: I have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: After considering all staff, applicant, and public testimony, I move to approve file number H-2022-0039, as presented in the staff report for the hearing date of November 1, 2022, with the following conditions: That the proposed linear open space remain as -- as outlined in the plan. That the development include the ten sidewalk in front of the development along Stoddard. And that the common drive be utilized at -- at 20 feet in -- or phase two.

Bernt: Second.

Simison: I have a motion and a second. Is there discussion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sorry. I want to make sure I understand that. Did you say you are proposing to keep the common driveway at 20 feet?

Hoaglun: At 20 feet width. Yes, Mr. Mayor and Council Woman Strader.

Strader: And -- Mr. Mayor?

Simison: Council Woman Strader.

Strader: Then did that also include a condition that the daycare business cease prior to operating phase two or no?

Hoaglun: No, it did not.

Strader: Got it. Okay.

Hoaglun: So, as I said, I'm just throwing something out there to see what's going to fly.

Strader: I got you.

Simison: Is there further discussion on the motion?



Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- I'm in favor of -- of this -- this application. I think that it -- there is a lot of thought. Of course we always want more open space, but there is a park across the street that folks who live in this subdivision will be able to get to and will be able to utilize. I think when we designed -- came up with our Comprehensive Plan that we currently have, I think that was one of the conditions that we spoke about, to utilize open space and parks to the best of our abilities. As far as the daycare is concerned, I'm just sort of scratching my head on this one. I think this -- this -- this business is lawful. They meet every code requirement that we have in the city and -- and they have plenty of property in order to maintain this -- this business in an effective way. I know in past conversations we have had -- we debated daycare facilities and especially ones that neighbors were against and -- and those businesses had nowhere near the amount of property in which to maintain a lawful business as this property does. I think 20 feet is plenty wide enough. I find it hard to believe that, you know, cars are going to be screaming down that little common driveway to the -- to the roundabout. I -- I -- I don't -- I -- I don't understand what the big deal is on this project. It is an in-fill project. It's definitely well thought out and I -- I don't see any issues of why we should vote against this project this evening.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to explain my thinking before the vote, I don't love the design's reliance on common driveways. I don't like common driveways. I believe we should limit them. Every time we revise our code we have done so. I think we should consider limiting future businesses accessing common driveways. It's just a simple safety issue. I respectfully disagree, but I respect my colleague in the morning at 8:00 a.m., if you have -- even four families dropping off, going one direction and somebody backing out of their common driveway, you barely have room for two cars to pass each other. It's a safety issue involving kids and I'm not okay with it. I would be okay with a different type of DA condition around this and I think we have given a lot of flexibility, but I will be voting no as of now.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I think Council Woman Strader stated -- stated that very well and I'm in agreement with her, with just one -- one minor addition and that is that -- because -- and Joe can correct me if I'm wrong -- because there is not a -- a time requirement for when they are supposed to be completing phase two, unless we -- I guess potentially put one in the DA, you know, phase one can be done and they could potentially just keep operating the daycare because if -- if, you know, phase two is going to take an indefinite amount of time, so it's possible that -- you know, I -- I understand the applicant's plans,

but plans change. Not only that, but because we are moving into a down market with our real estate and I don't mean down in a bad way, but just adjustments, we don't know if phase one is going to even completely develop or sell and it could be a really long time before it develops and if that's the case we will continue to see traffic movement most likely with having, you know, individuals dropping off their children in the area. So, not to mention the amount of construction that they are going to be going through to get there. So, there is lots of safety concerns that I have and it -- as I said before, I think there is so many fantastic things about this and I don't think that this is a problem that can't be solved, so -- so that's all I wanted to say about it.

Simison: Any further comments or --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. Just a final comment. You know, just -- if this -- for just -- for folks who are out there, you know, if this motion does not pass there is still opportunity for Council Members to make another motion. So, that's -- that's always on the table here, so just -- just so you know how the process works.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I would also like to note -- I guess I'm -- I must have misspoke earlier, but -- and I was just not thinking correctly. Because this is in the county they are allowed up to 12. Under city code they are only allowed up to six for a daycare as an accessory use permit -- home occupation accessory use permit. If they want more than six -- so, seven to 12, then, it's a conditional use permit within the R-8 zone. So, what they are doing currently would not be allowed at the rate -- at the number of clients. However, they can definitely come in and do six or fewer with the future accessory use permit, because, again, that permit is with the county right now. So, I don't know how that would work. If they are annexed they are going to comply with our code. But they would be up to six, which should help quell some of these issues I would hope. But, again, they could come back and get a CUP for up to 12 and -- and that happens often. I did just want to clarify that.

Simison: Thank you, Joe.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund. We will just chalk that up to short timer's disease.

Simison: All right. Well, with that we will -- Clerk will call the roll.

Roll call: Borton, absent; Cavener, nay; Bernt, yea; Perreault, nay; Hoaglund, yea; Strader, nay.

Simison: Two ayes. Three no's. The motion does that pass.

MOTION FAILED: TWO AYES. THREE NAYS. ONE ABSENT.

Simison: Are there additional motions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will give it a try. After considering all staff, applicant, and public testimony, I move to approve file number H-2022-0039, as presented in the staff report with the following additions or modifications. First of all, that the -- we confirm that the linear open space can be as proposed. That we uphold staff's recommendation to widen the sidewalk along Stoddard to ten feet to reflect the multi-use pathway as discussed. And, finally, prior to developing phase two, either the daycare needs to cease operating or they need to widen the common drive to 25 feet.

Hoaglund: I will second the motion.

Simison: I have a motion and a second. Is there a discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I guess a question for Mr. Nary. Conditioning the -- the ceasing of a -- of a lawful business, as a condition of annexation, any concern from your office about that?

Nary: Mr. Mayor, Members of the Council, no, because, again, it's a --

Cavener: Okay.

Nary: -- it's an annexation condition. It's a contractual condition. I -- I do think the earlier comment was made was if it's conditioned on phase two I don't know when phase two is going to develop, but we also have to get extensions of time that the Council eventually would see, so -- and so I -- I'm not concerned about that portion of it. So, we can certainly do --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I didn't second the motion, because I do have concerns about how it was stated with the common drive. I would prefer that the common drive be done -- be completed at the end of phase one, because if it's completed with phase two there is -- you know, phase one is done, there is still going to be vehicles driving through to that existing home that's still there. I don't think that phase two needs to be started or complete -- started and/or completed before the common drive should be required to go in, if that's going to be the access to the -- I mean that common drive has to be there to access the -- the home as it exists now; correct? That is part of phase one, the common drive.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Yes, both common drives are part of phase one, so I don't know that -- whatever width we would require would be done with phase one, not with phase two. We are not going to do 20 feet and, then, add five feet later.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Well, like that gives the applicant the flexibility to decide how they want to approach it, though; right? That's how I look at it. They can wait and not widen that common driveway, taking a roll of the dice that retirement is going to happen. It's all going to come together. Or they can weigh doing -- it wouldn't make economic sense for them not to widen the driveway to your point at phase one. But at least this puts the decision in their court and I -- I would prefer to give them that flexibility.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And -- and -- and to me allowing them to have that access -- they will be the only ones accessing that -- that drive -- that drive, there won't be phase two homes there, so that's limited to that traffic only, so that -- that -- that makes sense to do it that way.

Simison: All right. Question has been called. Clerk will call the roll.

Roll call: Borton, absent; Cavener, nay; Bernt, yea; Perreault, yea; Hoaglund, yea; Strader, yea.

Simison: Four ayes. One nay. And the motion is agreed to. Thank you.

MOTION CARRIED: FOUR AYES. ONE NAY. ONE ABSENT.

- 4. Public Hearing for Allure Subdivision (H-2022-0050) by Schultz Development, LLC., located at 5385 S. Meridian Rd., directly north of the half-mile mark on the west side of Meridian Rd. between E. Amity Rd. and E. Lake Hazel Rd.**
  - A. Request: Rezone 39.39 acres of land from the R-4 to the TN-R zoning district.
  - B. Request: Preliminary Plat consisting of 226 single-family building lots and 36 common lots on 37.34 acres in the requested TN-R zoning district.
  - C. Request: Development Agreement Modification to terminate the existing agreement (Inst. #2016-007091) for the purpose of entering into a new agreement consistent with the proposed project and plat.

Simison: And we will move on to Item 3 in tonight's Joe -- Joe Roadshow. Next item up is a public hearing for Allure Subdivision, H-2022-0050. We will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor. If I can pull it up again. Sorry, I'm writing down what we decided on last -- got to make sure I -- got to write things down, so I don't get the short timer syndrome, you know. Okay. Allure Subdivision. The site consists of 37.3 acres of land, currently zoned R-4, located at 5385 South Meridian Road, directly north of the half mile mark on the west side of Meridian Road between Amity and Lake Hazel. It was annexed into the city in 2015 as part of the south Meridian annexation with a number of other properties. Because of that there is an existing DA. The summary request for you tonight is a rezone of 39.39 acres from R-4 to the TN-R, the traditional neighborhood residential zoning district. A preliminary plat consisting of 226 single family lots and 36 common lots on 37.3 acres of land in the requested zoning district and a modification to the existing DA as required by the existing provisions for the purpose of entering into a new agreement consistent with the proposed plat. The future land use designation on the site is medium density residential, which allows dwelling units at a density of three to eight units per acre of gross density. The proposal for 226 building lots on the 37.3 acres constitutes a gross density of approximately 6.05 units per acre, which is consistent with the MDR designation on the property and is slightly more than the Briar Ridge project to the south that's also the TN-R zoning district. In addition, the requested zoning district of TN-R requires a minimum net density of six units per acre. The net density of Allure is nearly seven and a half, making the subject plat compliant. Through the pre-planning process applicant and staff worked together to propose different housing types within this project to both match and also diversify the housing types proposed in Briar Ridge to the south. The grid like street layout and the different housing types led the applicant to request the TN-R zoning district as Briar Ridge did to the south. Staff supports this request and the overall proposed layout as it continues the design and future transition from properties to the south. Staff finds that this development is generally consistent with the Comprehensive Plan. However, despite this development meeting a majority -- or I

should say -- as I also noted with Briar Ridge that was approved to the south, this development meets the majority of the Comprehensive Plan policies and is being proposed with an insightful and carefully considered design, there are minimal urban services nearby. Thankfully the property does abut an area of mixed-use community to the north, which is anticipated to contain commercial uses in the future and in addition the proposed site design with stub streets and pedestrian facilities helps set up an appropriate connectivity between this project and the anticipated commercial uses to the north. Access is via a new local street connection to West Quartz Creek Street, which would be this local street connection right here. Quartz Creek runs along the south boundary -- the entire south boundary. It is proposed to be complete -- sorry. Project is approved to complete West Quartz Creek Street, which is a collector road, for shared access to Meridian Road, State Highway 69, along the east boundary. Briar Ridge project to the south is constructing at least half plus 12 of the proposed Quartz Creek Street section with majority of the acquired pavement. Three stub streets are also proposed, two to the west boundary and one to the north to undeveloped properties. The project did not meet secondary access requirements as originally submitted. Approved secondary access is required by Meridian fire and those options have been discussed and approved by Meridian Fire Department. Staff has recommended constructing the emergency access consistent with the noted Option B within the staff report, which would put it approximately in this location. However, Option A would be for the public street connection out here to go up to Amity. That is the overall preferred method, but if that cannot occur, then, Option B would be. However, if the public road does go out to Amity, then, the existing condition within the staff report will become null and void. ACHD is also requiring a secondary public street access to be constructed prior to their agency signing any plat containing more than one hundred building lots, because the additional vehicle trips from this development will push the Quartz Creek access to the highway over the allowed threshold for a single -- a singular collector street access, which is 3,000 daily vehicle trips. Specifically Briar Ridge accounts for approximately 2,000 of those trips and Allure is allowed to only add an additional one thousand trips, which would be approximately one hundred building lots. Through the TIS ITD is requiring an additional 12 feet of right of way along Meridian Road for the purpose of constructing a future southbound right turn lane from State Highway 69 onto West Quartz Creek Street. Contrary to the previous requirements for Briar Ridge to the south, ITD did not require this applicant to enter into any cost share agreement for the intersection improvements to Amity and the highway. Specifically with that I have met with ITD and they are generally moving away from cost share agreements unless they have a specific agreement with that city, which is why they did not require it with us, because they do not have an agreement with the city to collect those fees on their behalf. The remaining roads within this development are local streets that are at least 33 feet wide that have five foot detached sidewalks and right foot parkways, creating a beautiful streetscape and identity for the entire project. It also continues the traditional neighborhood design that Briar Ridge has to the south and as I noted with that project, overall sets this area for this somewhat traditional neighborhood design. A number of the internal local streets will require traffic calming prior to ACHD final approval and staff has included a condition of approval consistent with those streets and standards. There is an existing home and outbuilding on approximately one acre along Meridian Road currently and other than that no other site improvements are known.

The historical use for this subject site is agricultural in nature. The property owner does intend on continuing to farm the property as it develops over time. Staff has included a DA provision related to this request at the owner's behest. The proposed uses within this project are -- are all residential. Detached single family. Detached alley loaded single family. Attached single family. And alley loaded townhomes. All uses are permitted -- are permitted residential uses within the requested zone. The project is proposed to be constructed in five phases, as you can see on the bottom right. The submitted preliminary plat shows a minimum lot size of approximately 2,300 square feet and overall average lot size of approximately 4,300. Residential lots appear to meet all UDC dimensional standards. The sidewalks and parkways also meet UDC and ACHD standards. In addition to the internal sidewalks, the applicant is required to construct a segment of ten foot multi-use pathway along the Meridian Road frontage per the master pathway plan. The applicant is showing this required pathway segment within the landscaped common lot street buffer along State Highway 69. The Allure Subdivision is proposed with a permanent plat area of approximately 37 acres, requiring a minimum of 15 percent qualified open space, which is approximately 5.6 acres, and a minimum of eight amenity points per the updated UDC open space code. The applicant is continuing a segment of multi-use pathway along Meridian Road, which is approximately a quarter mile long, which equates to two amenity points. In addition to the pathway, the applicant is proposing a swimming pool, the changing facilities and restrooms, which qualifies for six amenity points and is including a playground area, which qualifies for two amenity points. All of them, though, the central open space lot. Therefore, the applicant is proposing amenities worth ten points and exceed the minimum requirement of eight. The applicant's revised open space exhibit shows 6.42 acres of qualified open space, which is approximately 17.2 percent and exceeds the minimum required amount of 5.6. The Commission did recommend approval at the public hearing. There was support of the project and desire to partner with the applicants in this area to help construct the access to Amity for the purpose of getting the local street access out to Amity and include sewer services for a future church site to the northwest. Support of the project and appreciation for staff's assistance following the passing of the original developer Matt Schultz as well. At the Commission hearing the Commission discussed the common driveways and their numbers and concerns -- and noted concerns with collection -- trash collection and overflow parking. They also discussed the timing of development phasing specifically in regards to the nearby urban services and they discussed proposed parking for the alley loaded homes and confirmed that each unit has a tuck under garage, as well as the parking pad and driveway. They clarified any motion regarding the emergency access required for fire, which it's not needed, because it's already in the staff report. They also discussed the timing for the deceleration lane and turn lane onto Quartz Creek Street from the north, which there is an existing condition of approval requiring that with phase one. Lastly, they discussed concern over the -- the singularly proposed pool and its size for the proposed number of homes and future residents. They provided caution to the applicant on the size of the pool and the potential addition of amenities being needed in the future. They did not change anything specific to staff's recommendation and there are no outstanding issues for City Council. Following the Commission hearing Pastor Doug Connolly did offer written testimony and supported the project in its design, as well as the shared interest in obtaining that public street connection out to Amity for both

vehicular and sewer access for both properties in order to develop a new church campus on that property. After that I will stand for any questions.

Simison: Thank you, Joe. Council, any questions for staff?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Joe, what did you say about the -- the drive aisles for the -- the -- sorry. You all know I'm sick, so I'm -- I'm starting to get foggy brain. What did -- what did you say the driveway lengths were for the alley loads?

Dodson: Council Woman Perreault, I did not, but they will meet the minimum requirements, which are 20 feet for alley loaded. And, then, they will have the 20 foot driveways as well for each unit -- each building lot.

Simison: Council, any additional questions for staff? Okay. Would the applicant like to come forward? If you would state your name and address for the record, please.

Breckon: Jon Breckon, Breckon Land Design, 6661 North Glenwood Street, Garden City. Thank you, Joe. And I'm sorry to see you go. Enjoyed working with you over the last few years. Anyway, I would like to add a little bit to Joe's presentation, a little more detail, maybe answer your questions that might -- you might have. Next slide, please. This is just a general overview here of the area. It shows the project -- project site. Main access on Quartz Creek Street. Adjacent developments to the south, to the east and, then, also been working with our neighbors to the north -- Hawkins Development is planning a mixed-use commercial development on both sides of Amity Road to the north and there is also a -- you will see on our plan here in just a minute, we have a vehicular access to the north that we have been coordinating to allow for connection up to Amity Road at some point in the future. This is just, again, an overview zoning map. It shows adjacent zoning for reference. Next slide. Existing schools to the north. Next slide. Emergency services for reference. Fire Station. Police station. New Fire Station No. 8 to the southeast. I believe it's currently under construction. And, then, here is our site plan. Actually, if you could go back to that one there, Joe. And so on -- on this plan wanted to show this, because I have got a few more slides here that speak to the access and show a little more detail there. But this one shows what we are wanting to do. We have, of course, the -- the landscape buffer along Meridian Road and, then, also Joe spoke to the secondary access that would come through the northeast corner and what we would like to provide there is the same thing that we did for the Prevail Subdivision, which you can see on this slide provides that emergency vehicle access into that site. Very similar to what happened at Prevail. Next slide, please. And, then, this is just a shot of what we are proposing for the Meridian Road frontage. A berm and a fence. Again, this is most identical to a -- is existing and what was approved on the east side of Meridian Road, with the ten foot wide pathway, the berm and, then, the syntec fence. Next slide, please. Here -- here this is the access map. Shows also some phasing. Future access, as well



as emergency vehicle access options as the development is built out. You can see the Option B, which allows emergency vehicle access to Meridian Road and, then, ultimately, the plan is to connect to Amity Road to the north and that's what we have been coordinating with Hawkins, because they would like to see that connection as well as part of their development. Provides that connectivity and access to those commercial facilities. They are currently working on their plan and we have been coordinating those efforts to make sure we align. All of our improvements allow for utility connections. This is a slide that shows a little more detail on the ITD frontage and what ITD is -- is planning for improvements on Meridian Road. Next slide. And this is just a little more overview. Shows an aerial map for reference. Now, this changes the orientation. That's Meridian Road and north would be to the west -- or the left side of the screen I guess. This also shows the existing home on the property and -- yes. And, then, Quartz Creek access on that south side. And you can also see the proposed improvements that would be along that Meridian Road frontage. Turn lane. And future improvements along that stretch. Next slide. This is a little graphic of -- we are in line and agree with to allow for these improvements as part of phase one. I think it would be a good idea for safety and access to this, as well as the Briar Ridge development. You can see it just will push some of the line work over to allow for that turn lane, which is similar to what we did for Shafer View across the street. Next slide. These are just for reference. Proposed roadway sections. These are also in the preliminary plat drawings. Next slide. Had a pretty good amount of open space throughout and very excited to see the little neighborhood park go in in the center. I think it will be a nice asset to the development. There was some discussion with P&Z regarding the pool size. The pool hasn't specifically been sized as of yet. I did do a little bit of homework on that and based on some standards that I found, pool size is to be eight square feet of water surface per bather. Part of the challenge trying to determine what pool size is appropriate for this development is that we are not real clear on how many people are going to live here and how many people are going to be using the pool at any one time. These are things that will need to be addressed as part of the -- the swimming pool improvement submittal. That will be a -- a separate submittal that will -- in front of the city for review and approval. But, anyway, you know, I kind of did the math on that, if you -- if you got 226 homes and if you take an average of three people per home, that's 678 times eight, you end up with 5,424 square feet. Now, if everybody came to swim at the same time you would end up with a pool that's approximately 75 by 75 feet, which is a very large swimming pool or it would be an Olympic sized swimming pool that's 36 feet wide. So, anyway, I'm -- I'm hoping that as this project continues I will be involved in the design of the pool. I'm a certified pool design professional is one of the other hats I wear and we can work out those details of that pool size in the future. Next slide, please. Really like this graphic. This kind of gives you a little overview breakdown of the different proposed product types, housing styles, and where they are distributed throughout the site. You can see we have got pretty even distribution and allows for a variety. I may as well bring it up here. We do have some private drives and -- but we have kept those to a minimum. They are in three of the corners of the property, so northwest, southwest, southeast and, then, along the east side there is two, for a total of five. Not really a preference, but they do provide a nice design solution in those corner locations. So, we have tried to minimize how many we have of those. Next slide, please. Phasing plan for reference. Starting on the southeast corner and we have coordinated with the engineers

at Briar Ridge regarding the sewer. Nothing definitive there, but in general we are -- we are willing to work with our neighbors to provide the -- the best solution for the city as things get built out. Next slide, please. It just kind of speaks to the open space, playground amenities. Next slide. Swimming pool. I'm hoping that it will be a very nice amenity for the overall development. Next slide. One of the things -- probably not very clear on -- on overall plan, we have got a nice berm on the south end of the park and the plan is for that to be used as a sledding hill when the time is appropriate. Be a nice place for kids to play. Here is some slides of the home elevations and the different product types. Next slide. Townhomes. Next slide. These are the smaller carriage homes and, then, the more traditional homes. Overall I think very -- very nice homes. It will be a -- be happy with how it looks when it's finished. Next slide. This might be the last one. We are I guess in agreement with all staff's recommendations and conditions of approval and look forward to seeing this. Stand for questions.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Cavener: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. Jon, appreciate the presentation. Want to commend you on a couple of things that I have been real sensitive to, which is really the -- the equity of the, you know, higher density housing being close -- being placed in close proximity to our open space. Seeing your proposal here really speaks to that and makes it easier for the people that maybe don't have as big of a yard to be placed in close proximity to the open space and the pool. I just think that's really really thoughtful. A couple of just quick questions for you. When I followed your phasing plan it looked like kind of the open -- the majority of the open space and amenities would be completed at the conclusion of phase three. Is that your intention?

Breckon: Mr. Mayor, Councilman Cavener, maybe we can go back to that slide and -- yes. I -- I would have to say yes. So, half of the -- the park would be built in phase one and, then, the remaining half, which is really just green space, the rest of the field would be included in phase three.

Cavener: Great. And then -- Mr. Mayor, one more if I may.

Simison: Councilman Cavener.

Cavener: Jon, I may have missed this in -- in your narrative in the staff report. Why the request for rezone from TN-R to -- to what you are asking for tonight?

Breckon: I think I would have to lean on Joe for that response for a little bit, Councilman Cavener. We -- it has to do with the density and the housing type.

Cavener: Okay.

Dodson: Mr. Mayor?

Simison: Joe.

Dodson: So, they are currently R-4 and they are requesting to go to TN-R.

Cavener: That's what I meant. I said that backwards. Apologies.

Dodson: Sorry. Yeah. I was like are we changing it again? It was because of the multiple housing types proposed originally, you know, with the alley loaded and some of the townhomes. That's not something that you can do in an R-4.

Cavener: In an R-4. Okay. Got it. Thanks, Joe. Thanks, Jon.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. So, just wanted to make sure I heard you correctly. The portion of the open space where the pool is going to go is getting done in phase one?

Breckon: Mr. Mayor, Council Woman Perreault, yes, the -- the swimming pool, the playground, those amenities and -- and most of the park would go in as part of phase one.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I wanted to get that clarification just in case there is a delay between, you know, that maximum of a hundred homes before the light -- or, you know, and, then, having to wait for that light. If there is a delay in starting with the rest of the phases I want to make sure that phase one doesn't have, you know, no amenities. Okay. So, just one other question, actually, for Joe, if I may. So, I under -- I understood on the staff report comments regarding, you know, why these were showing as R-4 and the annexations from the city and, you know, that's what the future land use map says and now we are not really using R-4 that much as the terminology, but with this being so close to the high end, the net being seven and a half and so close to the high end of the TN-R range, what happens with the properties that develop directly to the west? Those are empty lots right now. Those also, because they are just kind of R-4, just kind of a placeholder, those could also potentially develop as TN-R or have the same density of like closer to eight net units an acres. So, what happens to the county properties just to the -- to the west of that, like are we going to run into some issues with transitions again like we have in other parts of south Meridian?

Dodson: Council Woman Perreault, so the seven and a half is their net. Their gross acreage is actually six -- just over six. I think it's 6.05 units per acre. So, they are right in the middle pretty much -- well, I guess they are just over the 50 percent mark; right? The median. Those would -- the transition type of things would be what -- you know, we would evaluate that as those projects come in. So, yeah, the R-4 lot to the west is one of those annexed with south Meridian and if they redevelop, because they may be able to after this gets constructed, we would discuss that with them at that point. It could do TN-R. They may come in with R-8 and not want to do multiple housing types or -- or maybe just some larger lots, et cetera, and we would just -- like any other project just work with them to transition between different lot sizes that they want and -- and don't want and I can't quite remember how -- I'm pretty sure this whole mile block is nearly medium density, but, then, also we run into some areas that are -- are not in the -- our area of impact anymore and are in City of Kuna's area of impact. So, there will be some more difficult discussions later on regarding that. But at this time, yeah, we were just going to work through those as they come along.

Perreault: So, you don't think that this would encourage, then, another -- the properties to the west to be just as dense, just because they are going to have to try to be matching up the backyards? You know. I mean -- I know we don't have a specific, you know, unit-to-unit transition plan, but I -- I doubt they are going to want to put larger properties behind. I know they are doing this single family, which is nice for that transition, but still quite dense.

Dodson: Council Woman Perreault, I mean overall there -- the project is dense and typically, yes, we wanted to set the stage with this TN-R zoning district and get these street trees that we don't typically see. You know, detached sidewalks within neighborhoods is an old school kind of thing to do and -- which is sad that we have gone away from this over the last 60 years or so in the country. But bringing this back -- pedestrians feel safer, people move more, they feel more part of the community. We want to kind of push that. That's a big planning thing is just to help activate these areas and, then, they can do it without doing TN-R. But TN-R is a way for staff and the code to require it, which is nice. The only caveat is that they have to have six dwelling units per acre net, which isn't very hard to get when you take out open space and driveways or streets and, then, have two different housing types, which could be a couple single family attached, plus detached single family, you know, but to the west and as those develop I would presume that they may want to do some TN-R, but they may also want to do R-8. I mean the perimeter lots on here are larger-ish lots. They are the -- that's -- Briar Ridge do the same thing to the south and put the larger single family detached, more of the traditional R-8 lots along their perimeter specifically for that reason, so that projects to the west don't have to continue the TN-R if they don't want to. They can take these larger lots, try to meet them on lot line to lot line on one side and, then, put a local street and just kind of mirror the overall design here and, then, they can add bigger lots if they want to.

Perreault: Mr. Mayor, just one more quick question and I will be done.

Simison: Council Woman Perreault.

Perreault: I don't know if Joe or the applicant would like to answer this, but with the four unit townhomes are there going to be -- there is going to be garages and they are going to be accessed from the alley; is that right?

Dodson: Yes, ma'am.

Perreault: And what will the driveway links be there?

Dodson: The driveways will have to meet the code requirements. So, at least 20 feet deep with the 20 by 20 garage.

Perreault: Okay. So, there is no more five foot driveways.

Dodson: Correct. No. No.

Perreault: Yeah.

Dodson: It's been confirmed that these will have -- because they are probably three bedroom units at least, then, they have to have that 20 foot driveway.

Perreault: With the townhomes; correct? Not --

Dodson: With all of them.

Perreault: Oh. Okay. Great. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just have one for staff. Maybe for the applicant to react to later. But it doesn't seem totally fair; right? We have Briar Ridge and other developers that have paid into an ITD cost share -- not to open up a hornet's nest, but why -- why are we moving away from that? They made it sound like it's -- it's because we are not requiring it anymore. Is that the case? I just want to understand. Are we being consistent?

Simison: We have never required it to anybody.

Strader: Okay.

Simison: So, people can voluntarily give ITD money if they want to, but we have never once asked, required or otherwise made it a condition to give ITD money.

Strader: That's helpful. And Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, I'm just curious with the Briar Ridge Subdivision, because it was referenced that the Briar Ridge Subdivision had paid into that cost share, was that driven by a requirement directly from ITD, Joe, or were we somehow involved or how did that happen? I just -- because I just care about the consistency and it sounds like we have a consistent approach. I'm not sure if ITD does, but who drove that?

Simison: It was for improvements that were required for part of their development? Because that could be the difference.

Strader: Yeah.

Simison: I mean ITD has gone out and said this is going to be the cost to local development for a road improvement expansion. We would like you to pay in. Versus you are required to put in a decel lane and we will do it for you if you pay in, so --

Dodson: Yeah. Council Woman Strader and Mr. Mayor -- so, there is -- yes to what Mr. Mayor just described. The cost share agreement -- well, I guess first, no, it wasn't ours. That was ITD. ITD condition memo -- because, right, their access -- they access this highway system, so they review the TIS, they look at what intersections are -- can -- you know, require mitigation and previously they were doing cost share agreements and asking the applicant to pay into these for future improvements, specifically at those arterial to the -- arterial to the Meridian Road intersections. To your consistency comment, I -- I noted that, because I actually read these staff reports when they come to me -- I noticed that there was a disparity in that and that, hey, we did this with Briar Ridge, but now we are not. I was confused. So, I met with ITD and they have got some newer people there and I have met -- I met with their team, especially our new District 3 rep, and they had told us, well, their legal is telling them that unless they have a specific agreement with the city they are not going to do the cost share agreements anymore. I have a -- again, I don't -- I don't want to open up this can of worms too much, because it's well beyond what we are doing here tonight, especially me, but I have another project that had a cost share agreement from 2020 and that applicant is trying to give ITD money and ITD is being mute on it and they can't even give ITD the money that they are trying to give them because of these agreements not being actually in place. So, that's a much bigger discussion that I believe the city and ITD probably wants to have, but if -- it sounds like my information, what I gathered from them, is if there is not a cost share agreement in place between the city and ITD, they are no longer going to push for those improvements. So, in this case that's why they didn't do it with Allure and, instead, said, please, put in the decel lane and, you know, southbound right turn lane onto the --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks a lot, Joe. And I'm going to compliment you, because you are going to be leaving us, but it's one of the things I love most about you is that you could see that issue ahead of time, you knew there would be a question and you already had addressed it. That's awesome. Mr. Mayor, I have one question for the applicant.

Simison: Council Woman Strader.

Strader: Can you explain the timing of Option A to reach Amity? Because it looked like ACHD had a requirement of like 101 homes to have another access and it looked like by the end of phase two you are kind of there. So, if you could talk about that.

Breckon: Mr. Mayor, Council Woman Strader, the Amity Road connection is really going to be dependent on agreements with our neighbors and development timing. I mean I think preference would certainly be to connect to Amity Road. Fortunately I'm speaking for our neighbors, but they have told me that they would like to see that go in. So, it's -- it's really going to be a -- a timing thing. If they are ready to proceed and market agrees with that, so that they can proceed, it's -- it's probably the same thing for us, but unless -- I think short -- short term answer in any case to get a second access would be to Meridian Road and, then, if things work out maybe we don't have to do that and we can connect to Amity, which could be a better long term solution in my opinion.

Strader: I see. So, you are -- really you are not -- because you could actually connect to Meridian Road you are not really constrained in terms of your phasing from the timing to the property of the north and so instead of it being like a landscaped emergency access, you would create a road connection there?

Breckon: Council Woman Strader, to Meridian Road?

Strader: Right.

Breckon: Mr. Mayor, Council Woman Strader, the -- the Meridian Road access is -- would be both. So, it is definitely an open space area. It's large enough to provide both. I kind of spoke to that a little bit earlier referring to Prevail across the street, if you are familiar with that. We did the same thing there where we are allowed -- or provided a paved connection with -- with a gated access, so that only emergency vehicles could go through, but it also allowed for pedestrian connection to the ten foot pathway on the Meridian Road frontage and so, you know, on a daily basis it functions as a pedestrian pathway, albeit a little bit wider than what's ordinarily seen for a pedestrian pathway. But, then, it -- it doubled as emergency vehicle access through that open space. Certainly be along frontage that landscaping within that zone.

Strader: So -- but -- sorry. But --

Simison: Council Woman Strader.

Strader: Thanks, Mr. Mayor. I'm not just talking about the requirement for the emergency access, but ACHD had a -- another separate requirement for secondary public street access prior to the construction of the 101st home. So, I'm assuming, then, this other connection here to -- this connection to Meridian Road would have to be used, then, for public street access, not just emergency.

Breckon: Mr. Mayor, Council Woman Strader, assuming we can't get the Amity Road access, you would be correct. However, we have all intention to connect to Amity Road, so that the neighbors have --

Strader: Right.

Breckon: -- agreed just verbally --

Strader: Okay.

Breckon: -- anyway to do that. The expectation is that before we reach that 100 unit threshold that we would connect to Amity Road.

Strader: Okay. Thanks.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I would like to further that point only in that it -- the red line here is, you know, largely where that public road is going to go; right? Where they are proposing it now it's -- as it heads north it would be mostly on the Hawkins property. However, you know, again, it's in a later phase. We can move that where we need to; right? That property line that is shared there, the west side of that is actually the church, which is probably maybe even more eager than Hawkins to go forward and we can adjust that line where we need to and adjust that road connection where we need to and I guess my point in saying that is that this applicant does have the opportunity to work with not -- they are not beholden to just one landowner there, they are able to work with two different landowners to maybe get that road connection out and it wouldn't -- I'm putting my ACHD hat on here -- ACHD doesn't necessarily require a plat to dedicate right of way; right? So, we could potentially get a public street connection through this development out to Amity without having a ton of future applications through the city to do that, especially if it's a commercial or a -- a commercial or like really in the context of churches, that's also somewhat deemed to commercial use in that way. So, the potential is there for this to occur at an earlier date than what it may seem like at the front end, which is very nice.

Breckon: Mr. Mayor, Council Woman Strader, I would -- I would echo that. I would also share that we have talked to Hawkins about if and when and they have also said that they would work with us to go through their property if -- if need be.



Simison: Joe, just real quick -- to put another thing in your to do list, I don't think we have seen ACHD on one of our City Council meetings in quite a while. I don't know if there is an intentional reason why they are not attending, but if you could just throw that into your planning group discussion for follow up.

Dodson: Absolutely. Yeah. Typically, Kristy is on the call in the morning. She wasn't today, so maybe she's on vacation.

Simison: I don't know that I have seen them on our last three or four Council meetings minimum.

Dodson: I -- I say what I said, because typically if they are in that morning meeting and we determine that there is not going to be -- probably not going to be any major ACHD issues, we try to give her the night off, but we -- that is definitely discussion to be had.

Simison: Thank you. Council, any further questions for the applicant? Okay. Thank you very much. Mr. Clerk, I assume we have at least one person signed up on the sign up?

Johnson: Mr. Mayor, yes. Doug Connolly.

Simison: Okay. And, Mr. Connolly, if you would state your name and address for the record, be recognized for three minutes.

Connolly: Right. My name is Doug -- Doug Connolly and my address is 3881 South Basilica Way, Meridian, Idaho. 83642. Southside Meridian. My turn? Okay. Well, I want to thank you, Mr. Mayor and City Council, for allowing us to talk today and meeting you and just being part of this experience and appreciate all you guys do. So, I just want to say thank you for that in serving our community. You guys do an awesome job. I am Doug Connolly, pastor of Stonehill Church and we currently are meeting at Mountain View High School and I sent a letter I think yesterday. So, if you didn't look at that yet -- I think it's part of your packet there and our church owns the property, as has been said, on Amity Road just a little bit down the road and we are -- I will say we are in favor of this subdivision for a few different reasons. First of all, I think it's a great subdivision. It looks awesome. And if someone lives in south Meridian I'm all for it. So, it would be awesome. Be a great addition. We are also excited for us as a church for our new building down the road on Amity and our -- our building, as you -- as you read the letter, is -- our desire is to be a blessing for our community, to be a beacon of light and hope and -- and a building where we not only utilize for our church, but we also utilize for our community. There is not a lot of buildings in south Meridian for the community to be part of, other than like Wahoo's and it's great -- great facility, but it's pretty expensive and so we -- we would have a facility that -- we want our community to use and -- and we want to share that and also someone who lives in south Meridian and I have lived in in Meridian for almost 18 years, I also believe that as this community grows there is just -- there is a need for churches and good churches that are really connected to the community and really sharing with the community and see the vision of the community and there for the community and so we want to continue to be that and we believe that having a building is going to just expedite

that as well. But in order to build a building I guess for some reason you guys have said we need a sewer, so after talking to some of the city leaders we found out that our sewer does come from this property and so -- and what we learned in this whole process really is waiting on sewer stinks. Come on, guys. I mean it's like 9:30 at night. I'm trying to help you out here. I did love -- there. Yeah. Thank you for the laugh. I love how Jon said they want to work with -- I think they said Briar Ridge with sewer and my hope is that we could also work with them, but sooner than later as well, and our hope -- our hope is that this subdivision will get approved and we can work with them and they would allow us an easement to their property, even if we need to help pay or pay for the sewer to get to the other property and also if it's the road, working with them on those things as well and so we are all in favor for it. Again thank you.

Simison: Thank you, Doug. Council, any questions? All right. You are welcome back anytime. Anybody else like to provide testimony on this item? It's been a few years for myself. Nice to see you again.

Percy: It has. My name is Jim Percy. I'm the owner. I live at 1250 Stegerman Court, Meridian, Idaho. 83642. I want to thank Council, Mayor and the staff for their help in this. I really want to help -- or thank Joe for his help on this, because as you know Matt Schultz started this project, he was working on it for over a year and recent loss of him has set us back quite a ways and in many ways, too. Just not only for the production of this project, but also as a friend and someone that was trusted throughout the building community. I want to thank everyone that's helped us out through this. I am a fourth generation farmer, rancher and as I have asked Joe, as we have a development agreement that I can continue to farm it, it will look the same until we can actually I think make things move and nobody knows how fast this is going to move now. We are kind of all wondering. But I just want to say my appreciation for Matt Schultz and what he did. What Joe has done. I'm sorry to hear he is not sticking around, but that's all I have to say. I will stand for questions if you have any.

Simison: Thank you, Jim. Council, any questions?

Percy: One more thing I would add is we have talked about how these projects may have priority to move. With a project this -- this project contains the sewer and this will take sewer out all directions and the current project Shafer Ridge is struggling and asking for sewer rights, too. So, hopefully, this will maybe put some demand where it wasn't and we can move forward with this project a little quicker than normal. Thank you.

Simison: Thank you. Is there anybody else that would like to provide testimony on this item? Seeing no one coming forward, would the applicant like to make any final comments? The applicant is waiving any additional comments. So, Council, what's your pleasure, discussion, close the public hearing, et cetera?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just have one more question maybe for Public Works or Joe. In the staff report the Public Works section was really lengthy. I assume because of the importance of the sewer access. Is there anything specific that we need to be aware of? I assume that this is not leapfrogging, that -- that Briar Ridge has sewer connection or -- and -- and the adjacent property provides that. Just wanted to check on that, Joe.

Simison: Mr. Dolsby has unmuted himself, so, Joe, we will let him take that.

Dolsby: Thank you, Mr. Mayor, Council Woman Strader. There are no impediments to development that I'm aware of. This sewer was stubbed out to Mr. Percy several years ago when we put in a trunk line extension. It's stubbed across Meridian Road to his property. He's adjacent to development. I mean Joe might have more to add, but I don't see any impediments on the Public Works side to him developing.

Strader: Thank you.

Simison: Thank you. Thank you, Mr. Dolsby.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm happy to kick off the discussion and, then, we could close the public hearing if we feel like people are on the same page. I think this is really a well designed neighborhood. I like the thoughtfulness of the open space. I agree that the pool sizing will be important. It sounds like they are really looking into that. We have gotten a lot of complaints lately from large subdivisions that don't have enough pools. People really expect to have an adequate pool, so I assume that -- that you will follow up there. Yeah. I didn't see a lot of issues of concern really. The piece on ITD is a concern for me, but I think more just holistically that we need to address with ITD how -- how to help them -- if we help them and how -- how to just help promote consistency in the approach that they are taking with development in this area. Yeah. I -- I -- I really didn't see a lot of issues. I think it's well designed. Feels like this area is ready for this connection. So, I -- I'm in support of it. Didn't have a whole lot else to add at this point.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yeah. I'm happy to chime in. I -- I feel very similar to Council Member Strader. I think the big concern is always going to be the impact on the schools. We have got a middle school that's now at capacity that this neighborhood is going to drive students to. I think our -- our overall larger conversation as a Council that probably needs to happen is how we are going to handle, you know, an economic slowdown and a -- and a residential housing slowdown. I think getting some good perspective down the line from what Council President Hoaglund experienced his first term on Council and certainly I

remember when I was brand new to Council kind of the response to that. So, those are the things that I think you are going to hear from me over the coming months probably through the end of my term as -- as concerns that we have got to be aware of. But one of the things I really applaud is, you know, front loading a lot of the amenities to me is a good demonstration from this applicant that they are committed to getting this project moving.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Let me -- well, let me start off by -- by -- with -- let me start off with the positives and just one -- one recommendation that is not a make or break for me, just an observation of the design. I agree, I really appreciate the applicant front loading the amenities. Oftentimes we have applicants that request to put it in a later phase, because they need to sell a certain number of lots before it makes it financially feasible for them to do that and we realize there is an economic reality there that can sometimes be challenging. So, very appreciative of that. I -- I -- I like the density next to the highway for ease of access to commercial services that are to the north and to the south and, you know, that -- having that density closer to the highway keeps the -- the smaller collector and local roads to the west, you know, just kind of -- kind of keep those less congested. So, just a couple of observations overall. First, I -- I was kind of hoping for some more breaks in some of these really long sections of lots where there is, you know, just 20, 25 lots on the east side, especially where there just isn't any break in it, not a pathway, not a -- you know. So, just a couple of those where I feel like there is just too many lots together. I imagine that Joe's gone over everything and -- and it complies and the block is not too long, because there is not a street -- a street length that has that issue, but there is just a lot of units that are all next to each other and I -- I find it odd to have one of the open spaces right next to the highway, just for maybe safety issue. I don't know if there is going to be some fencing there. I understand that needs to go there for the emergency access, but it just seems like a really odd location to have it right next to the road noise and doesn't seem very peaceful. So, just a couple of observations. I know we have all -- always said that we are not trying to redesign what the applicant has already done and I'm not trying to do that either, just -- just some lifestyle recommendations.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Thank you, Council Woman Perreault. I -- to your point I did think about that. In my initial staff report I was going to require a pathway connection on the east side out to the multi-use pathway, but I -- I pulled that out of the report only because we have done that in a couple of other projects where we have had these like quarter mile stretches of homes, you know, with no pathway connection and, then, we have required it and, then, later on as we have people move in that's a break in that sound wall and it always gets another wall around it and it just funnels that sound right into the subdivision from the

highway and so I have -- I have been getting more complaints as we have developed along Meridian Road about how they wished that that hadn't been there and, you know, so I -- I thought about that and just said, you know, maybe for this one we will keep it as is, since they don't have any street length issues and they -- they thankfully designed it that way. But they will have the connection out on the north side and the south side and, then, another one to the north as it gets developed, so to your point, you know, that was thought -- we did think that through, we just went a different route.

Perreault: Thank you. I appreciate that.

Dodson: Absolutely.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Happy to make a motion and see -- see if it looks good. Let's see how it goes.

Simison: If you will close the public hearing to start with.

Strader: Sure. I move that we close the public hearing.

Hoaglund: Second the motion.

Simison: Motion and second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

**MOTION CARRIED: FIVE AYES. ONE ABSENT.**

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant, and public testimony, I move to approve file number H-2022-0050 as presented in the staff report for today's hearing date on November 1st, 2022, and I don't believe we need any modifications.

Bernt: Second.

Simison: Motion and a second. Is there discussion? If not, Clerk will call the roll.

Roll call: Borton, absent; Cavener, yea; Bernt, yea; Perreault, yea; Hoaglund, yea; Strader, yea.

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: And thank you all. Appreciate it. Joe, it's been a pleasure doing the roadshow with you tonight, so --

Dodson: Thank you. I will be back on the 15th for that lovely hearing.

#### **ORDINANCES [Action Item]**

5. **Ordinance No. 22-2001: An Ordinance Amending Unified Development Code Section 11-1A-1 by Adding and Amending Certain Definitions; Amending Unified Development Code Section 11-2A-2, Table 11-2A-2, Concerning Allowed Uses in Residential Districts; Amending Unified Development Code Section 11-2B-2, Table 11-2B-2, Concerning Allowed Uses in Commercial Districts; Amending Unified Development Code Section 11-2D-2, Table 11-2D-2, Concerning Allowed Uses in Traditional Neighborhood Districts; Amending Unified Development Code Section 11-3-5 Concerning Pathways; Amending Unified Development Code Section 11-3A17(C) Concerning Sidewalks and Pathways; Amending Unified Development Code Section 11-3A-19(B) Concerning Structure and Site Design Standards; Amending Unified Development Code Section 11-3B-2(C) Concerning Applicability of Landscape Plans; Amending Unified Development Code Section 11-3b-5(O) Concerning Water Conserving Design Standards and Installation; Amending Unified Development Code Section 11-3B-7(C) Concerning Landscape Buffers Along Streets; Amending Unified Development Code Section 11-3C-5(A) Concerning Use and Design of Parking Areas; Amending Unified Development Code Section 11-3C-6, Table 11-3C-6, Concerning Required Parking Spaces for Residential Use; Amending Unified Development Code Section 11-3F-2 Concerning the Applicability of Private Street Requirements; Amending Unified Development Code Section 11-3F-4(A) Concerning Private Street Standards; Amending Unified Development Code Section 11-3G-4, Table 11-3G-4, Concerning Site Amenities; Amending Unified Development Code Section 11-3G-5(B) Concerning Improvements and Landscaping for Common Open Space; Amending Unified Development Code Section 11-4-3-10 Concerning Drinking Establishment Specific Use Standards; Amending Unified Development Code Section 11-4-3-12 Concerning Secondary Dwelling Specific Use Standards; Amending Unified Development Code Section 11-4-3-16 Concerning Adult Entertainment Establishment Specific Use Standards; Amending Unified Development Code Section 11-4-3-27(C) Concerning Common Space Design Requirements For MultiFamily Developments; Adding Unified Development Code Section 11-4-3-27(G) Concerning Police Access for Multi-Family Developments; Amending Unified Development Code**

**Section 11-4-3-34(H) Concerning Self-Service Storage Facility Specific Use Standards; Amending Unified Development Code Section 11-4-3-41 Concerning Vertically Integrated Residential Project Specific Use Standards; Adding Unified Development Code Section 11-4-3-50 Concerning Live/Work Residential Project Specific Use Standards; Amending Unified Development Code Section 11-5A-2, Table 11-5A-2, Concerning Decision Making Authority and Process by Application; Amending Unified Development Code Section 11-5B-3(C) Concerning Annexations and Rezone Process; and Providing an Effective Date**

Simison: Well, with that we are all going to sit back and listen to Chris talk for a little bit. These are going to be some long ones, so with that we will move on to Item 5, which is Ordinance 22-2001. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. Buckle up. It's an ordinance amending Unified Development Code Section 11-1A-1 by adding and amending certain definitions; amending UDC Code Section 11-2A-2, Table 11-2A-2, concerning allowed uses in residential districts; amending UDC Section 11-2B-2, Table 11-2B-2, concerning allowed uses in commercial districts; amending UDC Section 11-2D-2, Table 11-2D-2, concerning allowed uses in traditional neighborhood districts; amending UDC Code Section 11-3-5 concerning pathways; amending UDC Code Section 11-3A-17(c) concerning sidewalks and pathways; amending UDC Code Section 11-3A-19(b) concerning structure and site design standards; amending UDC Code Section 11-3B-2(c) concerning applicability of landscape plans; amending UDC Code Section 11-3B-5(o) concerning water conserving design standards and installation; amending UDC Code Section 11-3B-7(c) concerning landscape buffers along streets; amending UDC Code Section 11-3C-5(a) concerning use and design of parking areas; amending UDC Code Section 11-3C-6, table 11-3C-6, concerning required parking spaces for residential use; amending UDC Code Section 11-3F-2 concerning the applicability of private street requirements; amending UDC Code Section 11-3F-4(a) concerning private street standards; amending UDC Code Section 11-3G-4, Table 11-3G-4, concerning site amenities; amending UDC code Section 11-3G-5(b) concerning improvements and landscaping for common open space; amending UDC Code Section 11-4-3-10 concerning drinking establishment specific use standards; amending UDC Code Section 11-4-3-12 concerning secondary dwelling specific use standards; amending UDC Code Section 11-4-3-16 concerning adult entertainment establishment specific use standards; amending UDC Code Section 11-4-3-27(c) concerning common space design requirements for multi-family developments; adding UDC Code Section 11-4-3-27(g) concerning police access for multi-family developments; amending UDC Code Section 11-4-3-34(h) concerning self-service storage facility specific use standards; amending UDC Code Section 11-4-3-41 concerning vertically integrated residential project specific use standards; adding UDC Code Section 11-4-3-50 concerning live/work residential project specific use standards; amending UDC Code Section 11-5A-2, Table 11-5A-2, concerning decision making authority and process by application; amending UDC Code Section 11-5B-3(c) concerning annexations and rezone process; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by -- this ordinance read by title. Is there anybody that would like it read in this entirety? If not, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I did not print out the agenda this evening. Does someone else want to make the ordinance motions tonight?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we approve Ordinance No. 22-2001 and for the Mayor to sign and Clerk to attest.

Strader: Second.

Simison: I have a motion and a second. Is there any discussion? If not, Clerk will call the roll.

Roll call: Borton, absent; Cavener, yea; Bernt, yea; Perreault, yea; Hoaglund, yea; Strader, yea.

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

- 6. Ordinance 22-2003: Amending Meridian City Code Section 1-1-3, Regarding Repeal of General Ordinances; Amending Meridian City Code Section 1-2-2, Regarding Application of Penalty; Amending Meridian City Code Section 1-5-1, Regarding Corporate Seal; Amending Meridian City Code Section 1-6-4(A)(3), Regarding Designated Positions in The Mayor's Office; Amending Meridian City Code Section 1-7-10, Regarding Procedure for Request for Reconsideration; Deleting from Meridian City Code Section 3-4-1 Definitions of Subdivision Model Homes and Subdivision Real Estate Sales Offices; Adding a New Provision of Meridian City Code, Section 3-4-6(F), Regarding Time Limits for Promotional Sales Units; Repealing Meridian City Code Section 3-4-9, Regarding Temporary Use Permits for Subdivision Model Homes; Meridian City Code Section 3-4-10, Regarding Temporary Use Permits for Subdivision Real Estate Sales Offices; Repealing Title 3, Chapter 10, Meridian City Code, Regarding Adult Entertainment; Repealing Meridian City Code**



**Sections 3-11-2, 3-11-3, And 3-11-5, Regarding Mobile Home Park Permits; Repealing Meridian City Code Section 4-2-5, Regarding Interfering with City Employee Or Official's Entry onto Private or Public Property to Enforce City Code; Amending Meridian City Code Section 5-3-9(A), Regarding City Employee Authorized to Grant Exemption From IDEQ Burning Restrictions; Repealing Meridian City Code Sections 5-3-10 And 6-2-9, Severability Clauses; Amending Meridian City Code Section 6-4-1, Regarding Curfew; Repealing Meridian, City Code Section 6-4-2, Regarding Minors' Possession and Smoking of Cigarettes; Amending Meridian City Code Section 7-1-6(A), Regarding Speeding in Parks and Alleys; Amending Meridian City Code Section 7-1-8(A), Regarding UTurns; Amending City Code Section 7-1-12, Regarding Negligent Driving; Repealing Meridian City Code Section 8-1-7, Severability Clause; Amending Meridian City Code Section 8-2-12, Regarding City Council Duty to Act; Repealing Meridian City Code Section 9-1-19(E), Regarding EPA Water Testing Charge Incorporated into Rates; Repealing Meridian City Code Section 9-1-23, Regarding City Council Authority to Amend Water Regulations and Rates; Repealing Conflicting Ordinances; and Providing an Effective Date**

Simison: Next up is Item 6, which is Ordinance 22-2003. We will ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance amending Meridian City Code Section 1-1-3, regarding repeal of general ordinances; amending Meridian City Code Section 1-2-2, regarding application of penalty; amending MCC Section 1-5-1, regarding corporate seal; amending MCC Section 1-6-4(a)(3), regarding designated positions in the Mayor's office; amending MCC Code Section 1-7-10, regarding procedure for request for reconsideration; deleting from Meridian City Code Section 3-4-1 definitions of subdivision model home and subdivision real estate offices; adding a new provision of Meridian City Code, Section 3-4-6(f), regarding time limits for promotional sales units; repealing Meridian City Code Section 3-4-9, regarding temporary use permits for subdivision model homes; Meridian City Code Section 3-4-10, regarding temporary use permits for subdivision real estate offices; repealing Title 3, Chapter 10, Meridian City Code, regarding adult entertainment; repealing Meridian City Code Sections 3-11-2, 3-11-3, and 3-11-5, regarding mobile home park permits; repealing Meridian City Code Section 4-2-5, regarding interfering with a city employee or official's entry onto private or public property to enforce city code; amending Meridian City Code Section 5-3-9(a), regarding city employee authorized to grant exemption from IDEQ burning restrictions; repealing Meridian City Code Sections 5-3-10 and 6-2-9, severability clauses; amending Meridian City Code Section 6-4-1, regarding curfew; repealing Meridian City Code Section 6-4-2, regarding minors' possession and smoking of cigarettes; amending Meridian City Code Section 7-1-6(a), regarding speeding in parks and alleys; amending Meridian City Code Section 7-1-8(a), regarding U-turns; amending Meridian City Code Section 7-1-12, regarding negligent driving; repealing Meridian City Code Section 8-1-7, severability

clause; amending Meridian City Code Section 8-2-12, regarding City Council duty to action; repealing Meridian City Code Section 9-1-19(e), regarding EPA water testing change -- or charge incorporated into rates; repealing Meridian City Code Section 9-1-23, regarding City Council authority to amend water regulations and rates; repealing conflicting ordinances; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Hearing none, do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we approve Ordinance 22-2003, for the Mayor to sign and Clerk to attest.

Strader: Second.

Simison: I have a motion and a second to approve Ordinance No. 22-2003. Is there any discussion? If not, Clerk will call the roll.

Roll call: Borton, absent; Cavener, yea; Bernt, yea; Perreault, yea; Hoaglund, yea; Strader, yea.

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

## **FUTURE MEETING TOPICS**

Simison: Council, anything under future meeting topics?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I -- I would like to have us at some point discuss or you have staff look into at your pleasure the element of having businesses off of common drives. It's not something that I remember as ever really discussing at length, but I think it's something that should be an element of discussion in the future.

Simison: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: I move we adjourn.

Simison: Have a motion to adjourn. All in favor signify by saying aye. Opposed nay?  
The ayes have it. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 9:26 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT E. SIMISON	_____ DATE APPROVED
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ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK