

Meridian City Council Special Meeting

June 29, 2021.

A Meeting of the Meridian City Council was called to order at 6:04 p.m., Tuesday, June 29, 2021, by Mayor Robert Simison.

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

Also present: Chris Johnson, Ted Baird, Bill Parsons, Alan Tiefenbach, Clint Dolsby, Tracy Basterrechea, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglund	<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 Tuesday, June 29th, at -- oh, it looks like 6:04 p.m. We will begin tonight's City Council special meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next item is the Pledge of Allegiance. If you would all rise and, please, join us in the pledge.

(Pledge of Allegiance recited.)

ADOPTION OF AGENDA

Simison: Next up is the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adopt the agenda as published.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Second the motion.

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. Motion is agreed to and the agenda is adopted.

MOTION CARRIED: ALL AYES.

ACTION ITEMS

1. **Public Hearing Continued from May 26, 2021 for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.**
 - A. Request: Annexation of 80.46 acres of land with R-8 and R-15 zoning districts.
 - B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

Simison: First item up is an action item, which is a public hearing continued from May 26, 2021, for Sky Break Neighborhood, H-2021-0127. Alan, are -- do you have any information that you would like to provide at this time?

Tiefenbach: Yes, sir. I have a presentation of the updated information.

Simison: Excellent. Well, then, Alan, we will turn the time over to you.

Tiefenbach: Thank you, Mr. Mayor, Members of the Council. Good evening. Hopefully everybody is staying cool. It's actually 106 degrees outside and I don't even understand what that means. At the May 26, 2021, meeting the City Council directed the applicant to revise the plans to address three particular elements and this was a proposal originally for 329 residential lots, including private -- private streets and I will talk about that in a second. The first element was to provide sidewalks on at least one side of all the streets. To provide a better transition between the southern perimeter of the subdivision and the Vantage Point Subdivision to the south. Their recommendation was to do this by extending the larger lots at the southeast corner of phase seven along the west. The third -- the third direction was to relocate some of the open space at the south to a more central location. So, I'm going to sort of run through real quickly and show you what the changes are. First one, provide sidewalks on at least one side of the street. This is the new proposal and what you are seeing that is different here is that these streets here initially were private streets. I know it's a little tough to see, that's why I used the color, but there are sidewalks now, five foot sidewalks, on at least one side of all the streets. So, you can walk throughout this subdivision on sidewalks in any of the lots now. The second requirement was to provide a better transition between the southern perimeter of the subdivision and the Vantage Point Subdivision to the south. Again this should be done

by extending the larger lots at the southeast corner of phase seven. On the top is the original plan. On the bottom is the new plan. So, you can see that this park and this road has gone away and these lots have been extended all the way over to the Farr Lateral. These lots are roughly half an acre, I believe, to provide a better transition to the lots to the south. The last one was to relocate some of the open space at the south to a more central location. I showed some arrows here for you to see what's happened. So, this particular area, again, where the larger lots are now, there was the open space here, it's the same amount of open space, it's been relocated here to the center of the development. As requested by the Council --

Simison: Alan, we will go ahead and pause for a second as we address outside audio issues, not inside.

Tiefenbach: I will back up, so that -- do you know where we got lost, Chris?

Johnson: Mr. Mayor, Alan, I think from the beginning. We just received an e-mail. Trying to go through it and make sure everything's on the right setting. Christy, if you can hear us will you speak. You are unmuted.

Tiefenbach: Mr. Mayor, do you want me to back this up again and start from the beginning when we get there?

Simison: Yes, please, Alan.

Hoaglund: You know, Mr. Mayor, since we are kind of in a timeout -- I just noticed -- I was watching a baseball game of the Mariners the other night and they were in a rain delay, so they broadcast certain things, you know, interviews and different things. So, maybe we ought to have a talent show, people who are in the audience have to come up and do some sort of talent, you know, fill our time. That would be kind of fun, so --

Cavener: Mr. Mayor, probably to follow up on that, as a courtesy I think the applicant should be the one to always go first.

Simison: As I have been learning, I'm supposed to say interesting. Chris, do we want to go at ease for -- Chris, do we have any idea -- should we go at ease for a few minutes? Do we expect it to be a few minutes? Okay.

Johnson: If any city staff can hear us if you can let us know. Steve? Cameron?

Siddoway: I can hear you.

Johnson: Thank you.

Arial: I can hear you as well, Chris.

Simison: All right. Alan, if you would like to go ahead and restart your presentation.

Tiefenbach: Thank you, Mr. Mayor, Members of the Council. So, there was audio issues. We are beginning from the beginning and we will run back through. At the May 26th City Council meeting, Council directed the applicant to revise the Sky Break Subdivision plans to address three elements. Again, this was a subdivision originally for 329 lots on private streets. The three directives were to provide sidewalks on at least one side of all streets. The second was to provide a better transition between the southern perimeter of the subdivision and the Vantage Point Subdivision to the south. The recommendation was to do this by extending the larger lots at the south -- southeast corner of phase seven across the west. But the theory was to relocate some of the open space at the south to a more central location. So, first one was to provide sidewalks on at least one side of the streets. This is a color version of the plat. It's a little tricky to see, but if you -- in this here sort of to the middle and east, this is the area in particular where there were no sidewalks. If you can see by the colors there they have provided five foot sidewalks on at least one side of all the streets. So, all of the streets here now have at least one sidewalk on -- on -- or have at least a sidewalk on one side of the street. And the second was -- the directive was to provide a better transition between the southern perimeter of the subdivision and the Vantage Point Subdivision to the south. The recommendation was to do this by extending the larger lots at the southeast corner of phase seven across the southern boundary. There are two plans here, but the -- the top one is what you saw at the last meeting. The bottom one is what's proposed now. As you can see, this road -- this open space has gone away and these lots here have been expanded along the property line. Hang on here. The third was to relocate some of the open space at the south to a more central location. These arrows are showing what has changed. The one to the left, the arrow is showing that open space was originally at the south, along with that road. Now at the south these lots, again, have been expanded across the boundary and that open space has been moved here central. The amount of open space area is roughly the same, so they haven't lost any open space. However, they have lost lots. They originally were at 329 lots. With this they are now at 316 lots. The Council also asked to have proposed conditions of approval when we came back to you. In your memo packet there are proposed conditions of approval that have been worked together with staff and the applicant. My understanding is the applicant is amenable to all of those conditions of approval. If the Council is inclined to approve this present version with the conditions as proposed, there is a few things that Council will be incorporating as part of their motion that staff wanted to mention to the Council. The first is that the Council will be overturning the planning director's denials of the following alternative compliance requests. The first is allowing 106 lots where only 50 are allowed. The second would be allowing three common driveways off of a private street where this is not allowed. There is also following -- these following waivers that the Council would be approving. The first one would be allowing -- and I'm going to have a map right after this to show you exactly what this means, because it's kind of hard to visualize all these numbers in your head. One of them would be allowing the cul-de-sac to be longer than 500 feet. The other would be allowing the Block 9, which, again, I will show you, to be a thousand feet, whereas it's limited by the code to 750. The third would be allowing Block 5 along the southern boundary to be almost 1,200 square feet, whereas it's limited to 750 by the code and the last would be approving alternative compliance, which requires a minimum amount of landscape along pathways and a certain -- to allow the pathway area shown on Lot 46 to remain in a natural

state. So, again, the first would be here. This cul-de-sac extends approximately to 610 feet. This cul-de-sac here -- or, sorry, this block here is limited to 750 feet. Approving this would allow a waiver to a thousand feet. Down here 750 feet long block is allowed, whereas this is just short of 1,200 feet and, then, this pathway here, if you are crediting pathways as part of your open space or any kind of open space, it has to be landscaped at one tree per 8,000 square feet. This would stay in the naturally landscaped area. With that that concludes my presentation of the three different directives that we were given.

Simison: Thank you, Alan. Council, questions for staff?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks. I -- and I, you know, unfortunately, was not in the last meeting, but -- and I get it that the cake -- I hope the cake hasn't been totally baked, but, actually, a question for the fire department. Yeah. I'm looking at the agency reports. This is partially within the five minute response time. Clearly not fully within the five minute response time at all. There is an updated phasing plan attached. I believe it was -- it looks like it was published on June 23rd. I was hoping that maybe Deputy Chief Bongiorno could walk us through -- how does this phasing align with the hypothetical construction and delivery of the future fire station in south Meridian if that were to occur?

Bongiorno: Sure. Excuse me. Mr. Mayor and Council Woman Strader, I believe I will leave that to the applicant to answer as far as timing goes. I believe -- I think one of the conversations that Laren and I had was their first phase -- and Laren can correct this if I'm wrong. The discussion we had was their first phase, I believe, was going to fall in line with when Station 7 would have been constructed and -- and occupied. That April of 2023 time frame'ish. So, again, I will let Laren or -- or their applicant talk about that as far as the -- as far as it goes. And, then, the -- the phasing plan, the main reason for the phasing plan is to make sure we have secondary access throughout the construction phasing to make sure we have good access while they are being built.

Strader: Thanks. So, thanks, Mr. Mayor. I will be looking for commentary from the applicant team on that.

Simison: Council, any additional questions for staff?

Parsons: Mayor and Council, if I could just provide one clarification before the applicant comes up. So, Alan had alluded in his presentation that he wanted you to approve an alternative compliance and that's -- that's not the intent tonight. The intent is there is a condition of approval that the applicant will have to seek alternative compliance to allow that slope to stay in an unnatural state and allow the pathway to be a different material than asphalt. I think their intent is to have that more of a gravel, more natural walking amenity for the subdivision. The code does allow for that through alternative compliance.

So, I just wanted to be clear on the record what the intent of that was for your action tonight, if you choose to move forward on approval of this project.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Alan or Bill. On the -- on the length of some of the roadways it says unless there is an intersection and I noticed there is several T intersections. So, are we talking about a through intersection is what would be allowed for the longer length, not a T intersection?

Tiefenbach: Mr. Council Member, what that means is these blocks -- and let me see if I can share again. You can't have a block with -- on one side without having a walkway, a pathway, a road, the end of a block, or something like that. There is several block lengths that are just houses with no intersecting pathway or street.

Bongiorno: Also, Mr. Mayor?

Simison: Yes, Deputy Chief.

Bongiorno: Also I think one thing that -- to note about that natural pathway area, that will -- also will be included in that fire plan that they are planning on providing to me prior to - - was it final plat I believe. Or something. I don't remember exactly what it was. So, that whole area -- yes, it may -- may retain the natural look of it, but they still have to maintain it to make sure that we don't end up with a wildfire on that hillside.

Simison: Council, anything further before we hear from the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, I just wanted to clarify. You were stressing the wording in the proposed conditions of approval. Do I understand correctly that the -- the director has already denied approval of the alternative compliance requests for three and four and that Council would need to overturn them? Is that -- just that -- that's the wording correction that you are referencing? Is it just for numbers three and four?

Parsons: Mayor, Members of the Council, Council Woman Perreault, I'm not sure what you mean by number three and four.

Perreault: On the proposed conditions of approval in the June 21 memo.

Parsons: Yes. So, that would be if you are going to overturn the director -- director decision of approving private streets and the common drives off of the streets.

Perreault: Just the --

Parsons: Yes.

Perreault: Thank you.

Simison: Okay. Would the applicant like to come forward.

Nelson: Good evening, Mayor and Members of the Council. Deborah Nelson. My address is 601 West Bannock Street. Here on behalf of the applicant. We really appreciate the very clear direction that the Mayor and City Council was able to provide. It enabled us to revise the site plan, to address each of the three changes that you specified and to work with your planning staff and with the fire department to review those, to work through until they -- they were able to support them as well. We are in full agreement with the proposed conditions of approval and we do ask for your support of the development with those conditions as proposed. Mr. Mayor and Council Member Strader, with -- if I could I would respond to your question as well. You were asking about fire phasing. We did work out a fire phasing plan actually initially with the fire department. I think the only reason for the update was that the layout is a little different with the extended homes. So, this reflects the new lot layout. But the phasing has been consistent with our discussions with Mr. Bongiorno throughout, identifying that we have primary and secondary access for each phase. Phase one is expected to be coming into occupancy in 2023 and so that would be timed approximately with the new fire station that's planned. Also that is the area that's close to Eagle Road and so it is still within the five minute response time now and so as the future phases come in we expect them to be timed in accordance with that -- that fire station as well. Similar to other developments that have been improved in the area, Pinnacle, Pura Vida, Poiema, that also were developed in full and approved in expectation of that fire station coming online. We are really excited to bring forward this Sky Break community for the city. It was -- as redesigned. We did lose the 14 lots, but we retained the qualified open space at 18 percent and 14 amenities. We have got the exceptional rim view lots. We have the golf cart access and we think with all of these amenities and unique placement of this property next to the golf course that this is going to be a community that your residents are proud to find home and that you can be proud to have in your city. And we would stand for any questions.

Simison: Thank you. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: In all due -- really clear direction, there was only four of the six of us and we were kind of teetering on -- on both sides of what might happen with this application and so I don't recall it as being as clear cut perhaps, even our direction, frankly, may not have been as clear as you phrased it. One of the questions that came up is on -- amongst the

list of requested waivers is the landscaping and pathway in the common open space. Alan, if you could pull that exhibit you created up again --

Tiefenbach: Sure.

Borton: -- that had the location of the waivers. Perfect. Thank you. So, on that right-hand side. The no additional landscaping required and it sounded like in addition to that it would be -- it wouldn't be an improved pathway, it would be gravel or natural state is the request, so -- and Deputy Chief Bongiorno referenced maintenance of that. So, if it's natural slash weeds, sagebrush, who maintains that? It's just really unique compared to more traditional, you know, grass and manicured open space. So, who -- who maintains it or what organization maintains it and how?

Nelson: Mr. Mayor, Council Member Borton, so the CC&Rs will have provisions for maintenance of this area and the HOA will be responsible for maintaining it and the pathway actually -- the design of it hadn't changed since our original plans here. We are actually excited to bring forward kind of a little different amenity than you get opportunities for here. I think you may recall in the last hearing we had discussion about -- that it has the -- the reminiscence of the Boise foothills, the opportunity to have a natural walking path outside your door. We recognize that does have to be balanced with fire concerns and so we have met with Joe quite a bit about that. He's asked for a wildland safety plan and so that has to be provided to him and that is what has to be done before the first final plat to make sure that it will be a -- a safe area. The CC&Rs will include provisions that require the HOA to conduct regular maintenance on the -- on the native grasses, such as moving them twice a year to keep them cut and safe during fire season, so -- and all of these provisions will have to be reviewed and approved by Mr. Bongiorno. So, we do feel that it can be both a safe and a unique opportunity for the development to have that natural hillside path. It creates a great walking loop for the entire development and it gives everybody a chance to enjoy those nice views, not just the rim view lots.

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

Nelson: Thank you.

Simison: This is a public hearing. Mr. Clerk, do we have anybody that is signed up to provide testimony on this item this evening?

Johnson: Mr. Mayor, yes. We have six signed in, four indicating a wish to testify. I apologize if I mispronounce this, but Elizabeth Koeckeritz represents -- thank you. Representing an HOA.

Simison: If you would state your name and address for the record.

Koeckeritz: Yes. Elizabeth Koeckeritz. It's a silent O. The rest is phonetic. 3058 North our Selkirk, Boise. 83702. Mayor, City Council, I am here representing the Vantage Point Homeowners Association. Just do the arrows. Okay. Okay. First of all, the homeowners

would like to say thank you to both the City Council and to the applicant. They definitely believe that this plan is better by getting rid of the road that goes directly behind their homes, by extending the lots. They really do appreciate that. So, at this point in time they are really just looking at having a few final tweaks made to the plan versus an entire redo. They do continue to believe that overall this plan is not the right plan for this area. The density is just much more extreme than anywhere else in the area. I mean it just doesn't fit the surrounding neighborhoods. The housing types they are -- 75 percent of them are on 1/10th of an acre. A significant portion are duplexes and only a very few percentage of the homes are half an acre or larger and, in fact, the homes that were put on the larger lots are still not quite half an acre. They are still slightly under that half acre mark. The zoning is also significantly increased from the comp plan. It's changing from R-8 to R-15 near the rim and, then, from R-3 to R-8 south of the Farr Lateral. Additionally, to approve this plan the applicant is having to receive alternative compliance and waivers throughout and so it just seems to the HOA that there is -- there could be a better plan for this place, for this property, but given where we are right now they do just have a few sort of small requests that they are looking for that would just really make this a lot more palatable to them and a lot easier. Just a much better plan. So the first -- just running through these -- and I will discuss each of them briefly -- is limit the site grading of the back -- and I'm really just talking about the homes along the southern border. The other properties don't really affect them and so we are not discussing those. Limit the site grading so the floor elevations don't exceed two feet above where the current grading is. Ensure the drainage -- there is going to be -- you are going to hear from a couple people tonight about the drainage issues of how the land is flowing from higher elevation down through one of the Vantage Point properties and, then, down to historical drainage to Ten Mile Creek and they do have some concern that if that gets built up, gets filled in, that there is going to be backflow onto their property, swampy properties, that it's just not going to work super well and this is the time where we can get it right now versus waiting to the future when we do have these problems in the future. They are also looking at the last two lots to the east and I will show you a map on this, having single home -- single story homes. They are asking that the construction be phased -- or the removal of the topsoil be phased, so that, as we know, there was a big windstorm last week and so that there is to minimize the dust that's blowing through the air, as well as to build a fence to help minimize that dust and the trash. And, then, there is one lot where they are asking to have the number of lots abutting it reduced from three to two. So, first, the draining and grading -- if you look at this, this is a historical map from some time ago, because there is, obviously, not a lot of houses right there, but that's really the -- it flows down through the Vantage Point Subdivision to the house to that -- to that plat lot that is not yet developed in this and, then, follows that drainage down to the Ten Mile Creek and there is two other people that are going to speak about this tonight and so what they are really looking for is to have the building envelope just moved over a little bit on one of these lots -- and I will show you a map of that in a minute. So, that they can -- so we can better ensure that that drainage continues. That this natural drainage continues to be there draining the property as it has in the past and, then, also has -- the homeowners association have the opportunity to review and comment on the drainage and grading plans, to make sure that this really is going to drain as appropriate. Here is another view of this. You can see that -- especially on the bottom picture that there is quite a dip right

there as the property drains down to the north. Looking at the single story homes, the two houses on the end, what was presented to you in the developer's -- in the applicant's slideshow in their movie that they showed -- they were representing that these homes behind the Vantage Point Subdivision would, in fact, be single story and the HOA -- the Vantage Point Subdivision is simply asking that at least on those end two that those remain single story as they were presented to help ease the transition between their larger lotted subdivision to this much more dense neighborhood. Additionally, as I mentioned, one of the homes also has -- they still have three lots abutting up against them. It's the second house in from the edge and they are asking to have that moved and so you can see here just a rough schematic. The top shows what -- how it is currently proposed and the bottom shows just moving the lot line over a little bit. So, that house that second in - - on the right of your screen -- I'm mixing my right and my left. Only has two properties abutting it, instead of three, and that would result in the applicant only losing one property over this whole discussion. They are also asking for phase construction and the topsoil removal. If you -- this picture was taken just last week from out in Meridian during the big dust storm that shut everything down and so they are asking that the topsoil -- that this just be phased and so that they can be assured that there will be slightly less dirt blowing through the air over the next seven to ten years and they are also asking to minimize the trash that accumulates, as well as the dust for a six foot solid wooden fence to be placed along their border prior to any of the construction commencing and that, quite honestly, is it. These are pretty small changes that would really make -- would really help this -- the Vantage Point HOA and the individuals that live there really accept this into their neighborhood and make this a lot more palatable development and make everyone fairly happy with it.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And I apologize if you guys went over this in a previous meeting, but what's your subdivision like? Is it all single story? Do you have any multiple story buildings?

Koeckeritz: This subdivision -- I apologize. I'm also -- I'm an attorney representing them. I don't actually live in the subdivision. But it is -- it's just -- it's one street that comes through. They are all at least an acre lot and they are multi -- multiple story large homes.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And I appreciate typically arguments about transition, but I'm having a hard time with an argument about an abutting neighborhood having, you know, two story homes and, then, asking an adjacent development to limit their homes to one story. So, am I understanding that correctly, you have a couple of multi-story homes?

Koeckeritz: The homes -- several of the homes are two stories, but this is where with the grading and drainage, so that they can continue to -- it helps them enjoy their views -- continue to enjoy their views as this development occurs.

Strader: Thanks.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you for sharing this with us. Have you -- have you and/or the HOA discussed these concerns with the applicant already and -- and what was the response? And, then, my second question if you go back to your first slide. I want to understand if -- if you are suggesting that the applicant isn't meeting what the city is -- has, you know, conditioned or is there -- is there an opposition to the percentages of lots and whatnot that you have put on there, are you suggesting that the applicant isn't meeting what is in -- what is zoned or in the Comprehensive Plan or is this just a preference by the HOA on the number and sizes of lots?

Koeckeritz: So, Mayor Simison, Council Member Perreault, as to your first question, some of these issues have been discussed, some of them have come about more in the last few days as we have been discussing this and have not been raised with the applicant, but -- so, these -- the issues surrounding the zoning, those were raised that it does not meet with the comp plan in some of these areas. I believe the comp plan shows R-4 and this is R-15. Or maybe it was R-8. I don't remember. But I do know it wasn't in compliance.

Simison: Council, any additional questions? All right. Thank you very much.

Koeckeritz: Thank you.

Johnson: Mr. Mayor, next is Annette Alonso, representing Southern Rim -- are you --

Simison: Mr. White?

Johnson: Larry White. Vantage Point HOA.

White: Mr. Mayor, Council Members, my name is Larry White. I live at 3804 East Vantage Point Lane and I would like to answer some of those questions. And I did a slide -- oh, I'm sorry.

Johnson: He's pulling it up for you now. We were expecting a different one. Just take a second.

White: So, Council Woman Strader, to answer your question, there are 16 lots in Vantage Point, 16 homes. Four of them are single story. So, 25 percent. Council Woman

Perreault, two of us -- oh, Council Woman Perreault, the two of us here have coordinated with the developer several times. We had meetings -- at least we had meetings in person on the site. We have had e-mail conversations, phone conversations. We have done a lot of things. We have asked even to buy easements and single story homes. We are your last -- your last resort. So, there you go. Every time we have approached them the answer has been, no, they will give us what they are at, so -- so, with those questions I will start now, so, hopefully, the three minutes starts now. So, I live -- does this work in the mouse? Oh, man.

Johnson: Use the keyboard to click.

White: The keyboard click? How does that work? Okay. So, I live in the gray lot. The lot -- the lot highlighted in gray. What I want to talk to you today about is the historic drainage. So, there is drainage that comes from Vantage Point, it all funnels down to the low lot in Vantage Point, which is ours, and continues to the north and to the west to Ten Mile Creek. So, that's one topic I want to talk to you about. The other one is transition. I would like to recognize and thank the developer for what they have done for the three of us in the subdivision. There are still two of us here and I would like to talk specifically about what we are hoping for on the transition. Okay. Okay. So, this is a figure of Vantage Point Subdivision -- and I wish I had a pointer, but -- Vantage Point Subdivision. You can see the Farr Lateral is the darker green. That's the high point on the rim. And this shows the contour elevations and how the contours go from south to northwest and if you follow the arrows you can see a lot of them go straight or to the side and end up in the green -- or the gray lot, which is ours, to continue north and to the west to Boise Ranch and Ten Mile Creek. There is about 12 acres that this drains to to our lot. That's one thing -- there is a lot of area. We have poor soils up there. They infiltrate rain very poorly. When there is rainfall events we frequently see ponding on our lawn. And the third thing is there is a big area -- and it all goes down to really one discharge point. Okay. So, looking back, this -- obviously, this drain has been formed over thousands of years, but going back to Google Earth we can get back to 1992. You can see the shadows of this drainage. Into 2014 our lot is the bare lot there and, again, there is the darker vegetation that drops down into Boise Ranch, which gets into Ten Mile Creek. And here is a blow up. Working with the architect in the design of this, he recognized we are the low point, everything's draining towards us and, then, further to the north. So, we incorporated some things. We have a ditch swale on the west side of our property and a swale grass lines on the east side, so we can take excess drainage from the roadway, if that occurs in an extreme event, go on either side of our house. We can take the drainage from the neighbor to the west and to the east, which happens now. It all goes down into our lawn area and, then, continues north. So, what we are concerned with is an extreme event, whether it's a quick snow melt and a storm, whether it's a hundred year precipitation event, everything's coming to this point and heading north. So, there is a couple ways to handle that and I will show you what Skyward neighborhood --

Simison: Mr. White, the timer should have gone off, but it's not beeping on us. So, if --

White: Has it been three minutes?

Simison: Well, you have actually had about five minutes so far with answering the questions and otherwise. So, if you can wrap up your comments related to this issue as best you can and if Council has any follow-up questions they can ask those.

White: Okay. So, that's what proposed Sky Break did. We know that's not an option. This is what Sky Break is doing, they are putting a house right in the bottom of that, which we don't think is an option. We are proposing something different. Here is the build area with the current lot size, just sliding the homeowner -- the home to the west a little bit from what they show currently in their narrative. Here is that same area if the two lots are granted to our neighbor to the west and what we are looking for really is what's shown on the promotional video that the developer prepared. You can see they have a 15 foot setback. They have a single story home. Everything is slid to the west. The difference between a -- with a 15 foot setback with a single story home and a double story home is huge and so we understand we have a 15 foot setback. It helps the developer, because it allows them to align the house to the -- to the east and we understand that, we are just hoping for some compromise here with a single story just to -- the other -- all of our other neighbors have a 30 foot setback and so that's what we are looking to you for help with and with that I will stand for questions.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. White, if we can go back to your lot with the lines there. I just wanted to ask a couple questions. Yeah. That works. Now, you had mentioned on -- on your east and west side you just have a swale to -- how -- can you describe that once again? How do you direct the water runoff that comes in?

White: On -- well, I don't have an aerial. On the east side we have grass -- a grass swale. So, it's flat area, it comes from the roadway, we have a small berm with the roadway and the roadway has all roadside ditches. So, if there is an extreme event, you get a lot of water, it overtops, it will come down the grass on the east side and continue along to this flat area, which is our lawn and, then, continue to the north. We do take drainage from our neighbor to the east. On the west side it's a gravel lined swale and it does the same thing, it comes around with a -- you can see the high contours around, goes north to the -- to the property line, heads to the east and, then, dumps out where the low elevation is.

Hoaglund: Okay. Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. White. So, it does come to pretty much a single point? I mean --

White: Well, that's the low point. Yeah. I mean it's a ten foot area that's the lower elevation. Yeah. It's not a pipe, but it's a --

Hoaglun: Okay. Okay.

White: It's not spread over 50 or 100 feet or whatever, unless the storm gets super bad. Yeah.

Hoaglun: Got it. Yeah. That's what -- I wasn't sure if that came to a single point, if they drained off separately, or -- so that -- that helps me understand.

White: Yeah. You can see the contours. Everything comes down to this one point and, then, goes north.

Hoaglun: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Is there a difference in elevation? Do you know what the difference is between like your home, for example, and this subdivision? You're up higher; right? So, water is draining down?

White: So, our finished floor matches the finished floor of our neighbor exactly to the east and very close to our neighbor to the west. We have a nine-ish foot drop in elevation from the roadway to the back of our lot and so our home is raised a couple feet above the roadway'ish.

Strader: Okay. Yeah. Got it. And I guess if you can articulate the concern about the view. I'm having a hard time with that one. Just -- you are a little high -- you are a little bit on higher ground already; right? And --

White: Yes, we are. We are definitely on slightly higher ground already. We are not sure what the developer has planned as far as terrace grading, which they did at Eastridge, whether they are going to follow the existing ground -- what they are going to do. But I can tell you that 15 feet is about where the -- the podium is, where the Mayor is, so there is a single story or a two story home. There is a huge difference there and we are just asking for some compromise. We are not trying to change the lot layout. We are not trying to change the setback. We are just trying to work with what's there and, you know, estate lots do have single story homes and we have -- 25 percent of ours are single story homes. It's not an unreasonable request and the developer did show it on his video. His promotional video. So, it must be reasonable to the developer is the way we are looking at it.

Simison: Mr. White, you mentioned something else, though. Setback. If the developer was to do a 30 foot setback that was similar to the other homes in your subdivision and, again, when I look at this I can't think that there is going to be a home anywhere near a 15 foot setback on these properties. So, I think it's going to be -- I mean that's close for a half acre lot. I don't know what they would be doing putting a home that far back. But if there was a 30 foot setback would you be opposed to two story?

White: Well, two stories with a 30 foot setback, yes, sir. Oh, excuse me. Yes, Mayor.

Simison: Okay. So, something for the developer to even contemplate and those -- especially those that are being suggested. Council, any further questions?

White: And if you want to ask about drainage, that risk of having all that drainage go right to a home? No?

Simison: Okay. Thank you.

White: Thank you.

Johnson: Mr. Mayor, next Annette Alonso.

Alonso: Mayor, Council Members, I'm Annette Alonso and I live at 2204 East Hyperdrive in Meridian and I'm here representing the Southern Rim Coalition. I'm sure you guys have heard me many times and don't laugh at my PowerPoint presentation. It's really bad. Okay? Really bad. But it gets the point across. And I actually have some photos from Mr. White's lot, so you can see how the contour is and I also have some photos of other developments that Devco has done where they have done severe filling, which is in Eastridge and the problems they have caused with drainage and things like that. So, you will be able to see that in my presentation. And I do want to say that this rendition that they come back with is somewhat better than it was before and I feel encouraged by that, but there are still several things that I am a little worried about. I don't understand why we would allow and waive all those -- have all those conditions. There is no reason for that in this development. They could make a development that didn't have all those conditions. So, I'm just going to start with the fact that this is not a premier golf community. Now, I don't care what they say, the houses are up on the hill. There is a small portion down on the bottom, but it is not a premier golf community as you would think. Not like you are walking out your back door and the golf course is there. It's not planned on where the golf course is right at their back door, so -- so, I don't understand why they are saying that for one thing and the way they are marketing it that way. As far as the gated community is concerned, I don't believe we even allow that within -- I think it says here that -- my understanding that it's not allowed within the city, except under very specific circumstances. There aren't any specific circumstances here. They just want that development to have like kind of a cushy look to it, so they want to have that private gated. There is no reason otherwise to do that. It's not coming off a major thoroughfare that you have to have it private or gated. The other thing was -- I wanted to talk about was private streets. ACHD even testified at the last hearing that probably 80 percent of those private

streets they come to ACHD asking them to take over those streets in the future. So, again, why would we allow those private streets when we don't need to and a gated community -- I actually spoke to some residents who lived in Movado, because there was somebody here last time that testified who said he lived in that gated community part and I spoke to other people who lived in there and they said it's a hassle. They are always having to deal with the gates. People run into the gates. The gates get broken. There is just kind of a plethora of delays when you are living in a gated community and I have -- I have been selling real estate for ten years and I have been involved in real estate through lending and -- and through construction for 35 years, never had anybody come to me saying I want to move to Boise, Idaho, or Meridian, Idaho, and live in a gated community. Never have I ever heard anybody say that. So, I don't know where their -- their marketing is coming from, but I have not seen that ever and nobody I have spoken to has ever had that asked of them either. So, pass gated. As far as amenities are concerned, I think you guys all know that the amenities in this subdivision are interesting. So, I want to refer to my great PowerPoint. And, again, don't laugh at it, okay? So, first of all, this is -- first I want to talk about drainage, because these are the first slides that come up. This is one of the lots in -- in Sky Mesa. Eastridge is up above there. When this -- when Eastridge was proposed I actually testified to the Council that this road in the Sky Mesa down below had -- was stubbed out to go up this hill and this hill was a gentle slope. On -- on your right there that's a Black Rock Subdivision lot, the last one at the end of the street, and there was a gentle slope that went up here. So, they had it stubbed out here at the bottom to go up that hill on a gentle slope and it could have joined in with Eastridge. Well, Devco said, oh, no, there is no way we could do that because of the contour of the land. Well, so instead they built this and, then, this caused all kinds of problems in this lot and for this neighbor on the right that was in Black Rock, they had water in their lot, so they had to -- there was this ditch way coming down there in the middle and on this bottom lot you will see those white tubes sticking out at the very bottom, they had to put a drain all the way to the bottom of that lot because of that water coming off there and that drainage off that hill. So, then, if you will look at the next slide -- there we go. So, there you will see those tubes. That's looking up to Black Rock. That is on no man's land in there and also because of Sky Mesa, but here is the -- this is Eastridge. So, here is what they had to do, bring that drain down, put the drain in the lot below. Eastridge is up on the upper side here. And, then, they had to put rocks all along the bottom to help take that water drainage, so it wouldn't pour down into those Sky Mesa lots. Okay. These -- this hillside, it's actually -- those are individual lots owned by those homeowners at the top where they put that fence and that just kind of stays in weeds and most of the time it's brown, but it happens to be in this picture when I took it it's green, but -- so, that's what filling does and I know in this subdivision I actually saw it on the preapp notes that they do plan on filling the backside of the lots in Sky Mesa, which is behind all those five lots that are along that Vantage Point and let me show you -- oh, here is another spot where they left this no man's land behind Eastridge. Weeds. It's just weeds. That they could -- they could do with that. So, here -- oh, here is an amenity. This was the amenity that was put in Eastridge. That was a beautiful pond with a water feature. Well, they decided they didn't want to deal with it anymore, so they just filled it with gravel recently and put grass on top of it. So, now that's an amenity. There is another picture of it. And another picture. And there is a pump house right here, but now there is nothing to pump in there, so now they

have no water pond to hold irrigation for the subdivision. So, moving on. So, this is the hill behind Mr. -- Mr. White's lot. This is from his south. It's his northern -- Mr. White's northern east -- northeast corner of his lot looking down the swale. That's that natural drain line that he showed -- they showed you in that arrow that drives -- drains down below. So, if they fill this, which this is looking down. This is maybe a ten foot drop or something into this and, then, it drops down maybe another 20 feet into that swale. That kind of gives you a better idea what's going to happen there and there is no way -- if you will see my next one of -- some of the next photos, there is no way they can build on these lots unless they fill. So, here is another photo looking down the other direction. So, you kind of see how that slope goes down the hill. And this is the smoothest slope right here. If you go around that corner up to the northwest, that becomes 58 feet up a hill. Fifty-eight feet of a hill is what they are going to put that path on. You can't tell me that people are going to ride their bicycles down that lot -- down that 58 foot drop and, then, ride it back up again. It's not going to happen. So, as far as this being usable open space, not going to happen. And here is looking to the west behind the Vantage Point lot. So, that -- that's the fence line over on the far left side there. That's how it looks. It's undulating land that they are going to have to fill or they won't be able to put those lots on there. Those half acre lots. And that's all I have for you. So, I just want to say to finish up is it's nice that they have done some improvements to help out the Vantage Point people. It's unfortunate it took this long when we have had several meetings with them and I have gone to all the neighborhood meetings and they promised they would do everything that the -- the homeowners wanted and it comes to this and now they are still asking for another four of those waivers. Why? Why do we need to have waivers? There is nothing here that's going to require a waiver. They just need to make a plan that fits the contour of the land. The natural contour. When Southern Rim Coalition was established by Susan Karnes, we established it because we wanted to maintain the integrity of the southern rim. This is not maintaining that integrity. This is forcing a square peg into a round hole and we don't need to do that. We are not maintaining anything in our beautification if we do that. So, with that I would like to say why would we do this and, again, thank you for listening to me. Questions?

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Annette, appreciate you being here night. Your PowerPoint presentation wasn't that bad.

Alonso: It was ugly. But that's okay. We are --

Cavener: So, listen, you know, you talked a little bit about the Southern Rim Coalition and one of the things I think your organization has always been very valuable to me is that you have come with recommendations. What I heard tonight was a little bit more of subjective opinions about the application, without a lot of recommendations to the Council.

Alonso: Okay.

Cavener: So, help me see what would you want done differently? I mean I -- I'm -- I'm hard pressed -- thinking we are friends, so I can give you a little bit of a hard time, but you are really not concerned about gates or sidewalks in a neighborhood that you don't live. So, help me understand what your concerns are about the project that you think that the Council needs to address or resolve?

Alonso: Okay. My concern is why are we going to an R-15 if that wasn't what we were going to expect there. Why? And our other concern is why are we filling land that has a natural beauty and contour and drainage? Why? Why are we doing that? Why are we allowing them to come in and rape the land, so that a developer can make more money by selling larger lots. Making rim lots. Why? That's not our purpose. Our purpose isn't to make sure that the developer makes money. Our purpose is to make sure that we have beautification in our natural geologic community. Okay?

Cavener: Thanks.

Alonso: Other questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I wasn't quite sure about the pond example and I'm not -- I just wanted to understand -- was it that this was a non-functional pond that the HOA, then, decided to grass over or was it that the developer you feel in that example changed the pond and grassed it?

Alonso: Okay.

Strader: What was that about?

Alonso: It was just to show that what sometimes Devco says they are going to do and what they do, because they still have control of Eastridge HOA. It's not controlled by the homeowners themselves. And I know the homeowners -- I have spoken to several. They are angry that that happened.

Strader: Okay.

Alonso: So, I wanted to show how when we have an amenity, the amenity might not stay the way it should be. For instance, a hill that's supposed to be natural, when, you know, you go to turn it over to the HOA will it really stay natural? I mean I don't -- I don't know what will happen. But I don't think a hill is an amenity and a pond, obviously, was supposed to be and it was beautiful, but now it's not there anymore.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I was just trying to understand what -- kind of what you were getting at with the example. Would -- if -- what is a good -- I mean I want to give you another bite at what Councilman Cavener was asking. What's a great outcome from your perspective? Would it be less fill and more of a natural drainage similar to what you have now in that rim area? I mean what does a good outcome from your perspective look like?

Alonso: I think they could stagger the lots down the hill. They could do a gentle grading, so that it still maintains the natural contour of the hill. I think that our -- our fill -- our fill and rape method of building lots is hard. I mean it changes -- it changes everything forever. We only have one chance to get this right to maintain what we have and my concern really is that they are going to change that drainage into the Ten Mile Drain so much that there is going to be serious problems down below.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Annette, I know you are really passionate and we love that, but I -- you know, I think -- I'm not sure rape is the -- is the right descriptor in this case; right? Let's -- let's try to keep this -- I appreciate the passion, but let's just try to keep this really directed at the concern and -- yeah.

Alonso: My apologies.

Strader: Sure.

Simison: Council, any additional questions? Okay. Thank you.

Johnson: Mr. Mayor, next is Troy Kagee.

Simison: Thank you. State your name and address for the record and you will be recognized for three minutes.

Kagee: Thank you, Mayor and Members of the Council. My name is Troy Kagee. I reside at 3766 Vantage Point Lane. I'm here this evening in opposition of the development for a number of reasons. But I have had -- I have been to all the meetings with the developer and each time, you know, the response I get is I got to take it back to the team and will let you know and most recently -- I guess I just want to get it -- come out with my biggest concerns. In the last meeting I was here I left, you know, hopeful, because it was recommended that just, you know, be good neighbors and that's really why I'm here is because there was no change to any of the lots on the -- on the -- my -- my north side,

the south side of this development. So, the lot layout is the same. My -- another concern is the drainage. I reached out to the developer asking for a grade map and the response I got was we are not moving any dirt. We will move maybe a foot or two, but we are not going to move a bunch of dirt. But I don't know how the development can be put in with the current grade of the land there. My lot to the west of Mr. White is the beginning of the downslope. So, from the west end of my property down to the east border of my property it drops about six feet and, then, just continues to go down into Mr. White's property at the low point where it comes into a V. I -- I have lived in other subdivisions where my home was built, developer came in next door -- or not a developer, excuse me, but a builder came in next door, built the home, six foot setback on the -- on the side property, elevated the house a little bit and, then, I had a swamp in my yard. So, I had to come in and pay thousands of dollars, have a French drain put in from the back of my property to the front of the property. I don't want my water going into the neighbor's behind me and I don't want their water coming down on me. So, I would like to have some sort of compromise here and so we don't have issues coming down the road and, again, I would like to -- I moved out to this location because of the open space and I know that is a -- it's a big thing for the city and I know there is a time coming up for talking about the green space -- open space in the city and maintaining that. We have one opportunity to get this right. Now it's -- I mean I'm not against development. I mean if we can compromise and reduce a lot and, then, stretch those out so we don't -- I don't have three homes looking down on my backyard -- I would be happy if there was two. But there was no change to the back of my property. I'm not here to talk about view. I'm here to talk about my -- you know, my way of life that I -- I moved out there for and just to have a transition that is appropriate and to transition from these larger lots down to smaller lots. I understand. Eastridge is approximately the same size, 77 acres, that you are looking at about 80 acres. They have 117 homes. We are looking at 316 now. So, I just don't feel the development fits in its current state and I would like to see some changes. Thank you.

Simison: Thank you. Council, any questions? All right. Thank you.

Kagee: Thank you.

Simison: Mr. Clerk, is that everybody?

Johnson: That was everybody that wished to testify. There are some people online, though.

Simison: Yeah. And there is some people in the audience. Is there anybody else in the audience that would like to provide testimony on this item at this time? If so, if you could --

Conger: Mr. Mayor, could I speak as a --

Simison: As a citizen?

Conger: As a citizen I guess. A one and a half minute discussion of the pond if you would like or we can squeeze it in later.

Simison: Let's squeeze it in later.

Conger: Okay.

Simison: Okay. Thank you. If there is anybody online who would like to provide testimony, if you can, please, use the raise your hand feature at the bottom of the platform and we can bring you in as well. Okay. Seeing nobody online or in the audience who would like to provide testimony, I would invite the applicant for final comments and to talk about ponds in other subdivisions. Your time's up. So, it's really your closing, so --

Nelson: Thank you, Mr. Mayor, Members of the Council. Just to try to tick through some of the comments we heard, there was discussion about the density and, of course, as has been extensively discussed, we are on an MDR designated property that it calls for three to eight. We are proposing at the low end of that range even as an average. Once we get down into those larger lots we are getting much closer to an R-2 level of sizing here. So, we are transitioning significantly through that density. You know, there has been a lot of discussion about grading, but it seems to be more connected with view concerns than actual grading. I mean we absolutely will and have to follow state law and city code about drainage. We will design it with an engineer. Your engineer has to approve both our grading plan and our drainage plan. We are obligated to keep our own drainage on site. The drain that's been discussed about being relocated is also on our site. The neighbors, Vantage Point, are higher than us, so, you know, if they are looking for a compromise here, you know, we can each keep our own drainage, but we will not have a problem with our drainage going to their property. So, this is a very experienced developer. They know how to do this. They work with civil engineers and your civil engineers know how to approve these plans as well. Mr. White commented that every time that they have approached us with something we haven't agreed. But there is actually numerous examples of our agreement along just this border and in particular on the lot that is abutting his home based on his specific request about views and so, you know, as a reminder, the developer has given a tremendous amount and has followed the Council's direction to give even further. We are looking at very large lots along this entire border here and double the rear setback along those, double the side setback on the corner and had already agreed to pull the footprint out of Mr. White's view to try to protect as much of that as we could on the corner and as a result that footprint has already shrunk quite a bit. Mayor, you asked about that particular side setback on that end lot. You know, we have already shrunk down that footprint in response to his request to protect more of his view shed and so it's actually now a pretty narrow spot that is oriented different than the other lots, we are talking about a side setback there that already has been doubled to 15 feet. You reduce that further -- we have only got a hundred feet width there. If you took that to 30 feet we have got to give a side setback on the other side, you are now looking at a very small house on a custom lot with a view and it doesn't seem appropriate for that, nor -- nor needed to protect his view, which we have already done by pulling that footprint back so he can see. You know, none of these homes, of course, have a right to view.

They certainly wouldn't even have an expectation to a view being next to private property on that interior line and we are just asking to build within the code. A two story to two story transition is appropriate. Council Member Strader, you asked a question about where -- what houses in their neighborhood were multi-story and Mr. White indicated there was four. But it's important to understand that none of them are along the border with our property. Those are all multi-story homes and so we are putting two story homes next to two story homes, which is appropriate on the -- on the size of homes in the gated community and the custom homes in -- that we hope to see there. Ms. Alonso talked about how important it was to the South Rim Coalition to maintain the integrity of the rim. We have worked really hard to do that. We had a discussion already this evening about keeping a natural path. We are asking for a waiver not to plant additional landscaping there. We are trying to keep this very natural. We don't have a road going down the hillside. It's not feasible and would be a huge engineering feat to disturb great pieces of this. Instead, we have taken a piece of property that actually has a lot of challenges with the topography and -- and worked with them. We will not be artificially raising our homes through grading activities in any way, shape, or form. We will just be following normal grading practices to construct our homes and to grade this site and to prepare it. I think that's all I have. If there is anything else -- if there is any -- if you have questions or concerns about what was said about other developments I think the developer would love an opportunity to -- to address that if it's relevant at all tonight.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Deb, I think we mentioned something about a fence, too. I just have that written down on my notes.

Nelson: Mr. Mayor, Council Member Bernt, thank you for reminding me about that. There already is a fence along that property and it is already behind the neighbor's homes along Vantage Point and so we don't have any plans for an additional fence in front of their fence.

Simison: And, Deb, just so -- when I was looking at this before when we were in that 30 foot setback question, I was looking at really Lots 75 through 84, not the one on the end, because of their depth. I understand that one lot could not accommodate a setback reasonably due to its odd shape, but -- so we are clear.

Nelson: Mr. Mayor, thank you for that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: There was a request for phase removal of topsoil. What is the plan for the topsoil removal?

Nelson: Mr. Mayor, Council Member Hoaglund, it's not practical to do that because of balancing the site. They have got to grade the site altogether and so you move dirt from one side to the other to balance the site. That's -- that's not a practical request. But they will, of course, meet all best management practices for dust control and will comply with every condition that the city imposes in that grading plan.

Hoaglund: Okay. And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And, Deborah, they talked about not exceeding two feet above the elevation. But with everything it sounds like the Vantage Point Subdivision is higher to the south than -- than your property is -- your client's property, so -- and it doesn't sound like -- I think you said there is no plan to build up in terms of anything artificial, other than the normal building requirements for -- for lots. Is that -- is that correct?

Nelson: Mr. Mayor, Council Member Hoaglund, that's exactly right. We will just meet the normal building standards. We will grade in accordance with the topography and a normal grading plan to execute the development plan before you. Nothing will be artificially elevated for height reasons or view reasons and as far as the -- the -- the grade of the first floor, that will be done in accordance with normal building practices. You do have to slope the ground away from the house for protection of grading. But that's all standard.

Hoaglund: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have got a few -- I guess a question to staff. Maybe. Not being a grading and drainage expert, help me understand. It -- I guess I am concerned about if we are following normal grading practices. Are normal grading practices appropriate to preserve this geological area? Like is that what we would expect? Like if we want to try to make sure that the drainage ends up working well, you don't have to put in extra drains, that the rim will still exist and close to its current form. I mean does that look like a different grading practice or drainage practice than what is in code?

Parsons: Yeah. Mayor, Members of the Council, Alan and I certainly aren't engineers or grading experts, but I can tell you we do not have a master grading and drainage ordinance in the City of Meridian. What our code speaks to is basically maintaining drainage on your property. What we have done in these particular instances where we know we have issues with topography on a site, we typically condition the applicant to provide that master grade -- grading and drainage plan to the city for review and approval. Again, I don't know if Public Works has addressed that in their conditions of approval, but if that's something that you would like to add tonight and certainly I think the applicant would be agreeable to probably providing some of that information, so that we can make

sure that there is adequate drainage and grading on the site. But Public Works does have some technical specifications. But, again, it's --

Simison: Mr. Dolsby has unmuted himself to speak, so Mr. Dolsby.

Dolsby: Mr. Mayor, Members of the Council, we did not specifically address that in our specifications or supplemental specifications, but the Ada County Highway District has very specific ordinances and regulations associated with the stormwater drainage. We are required to contain on site, as Bill had mentioned. They need to follow all the codes, meet all the regs and it's reviewed and approved as part of their development plan now.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I feel -- I feel a little bit like I'm adrift, to be honest. Not being an expert in it, I would hope that we would require that condition, so that we can at a later point have some experts review -- review that. Yeah. You mentioned Mr. Conger is interested in coming up. I would love to invite him to do that if he's interested. A picture's worth a thousand words. Maybe those pictures didn't tell the whole story. I didn't think they looked great. Your reputation is important and I would be okay with you coming up, if Mayor and Council are okay with that.

Simison: Nothing prohibiting him from doing so during this time.

Nelson: Mr. Mayor, Council Member Strader, while he is -- if I could just point you to Public Works Condition 1.1-10, it does require a drainage plan to be provided and reviewed prior to plan approval.

Strader: Thank you.

Conger: Mr. Mayor, Members of the Council, Jim Conger, at 4824 West Fairview Avenue. First, on that pond, if you go back to Eastridge original approvals, there is no pond in any of the documents, landscape plan -- it's not an amenity. When we worked through that property and when we were up front in our preliminary plat approval of Eastridge we actually had a waiver of irrigation rights, because this property did not have any water rights. We had worked hard and spend literally a little over a hundred thousand dollars drilling wells to give our residents irrigation water. So, we worked above and beyond to not have to hook onto any city. Got some surface rights. We worked -- or not surface, but subsurface. So, well rights through IDWR. We were concerned that we did not have enough rights and we did a -- what I would call a smallish pond. We -- we had an anomaly -- anomaly happen with our water engineers and ourselves. When we selected the aquifer that we are in it actually, when it comes to the surface -- I'm giving you way too much information, but it oxygenizes and, then, it calcifies. So, that pond started glossing over with a complete sheen of calcium and I went through 7,000, 8,000 dollar pumps like they were, you know, Bic lighters. They -- the calcium just ruined everything. So, what we had to do was -- our wells -- excellent water, excellent well, it just could not be

oxygenated in a pond. So, we spent a lot of money retooling the pumps to use the water straight out of the aquifer, all per our water right, but that pond there was of no value. It doesn't get fed from -- from ditches and it would just be stagnant. So, it actually got put back like the original approval was. There was no bait and switch. It simply is the best thing for that -- for that neighborhood. As far as the drainage, I thought our slopes actually looked amazing in those photos. We had riprap channels at the bottom. There isn't one item in that photo that is an after work. That was all done by our civil engineering and our Conger Group team in advance of design and those actually go down to some subsurface drain beds. The white pipes and all that nasty hillside that didn't have anything, those are -- those are unbuilt lots by Boise Hunter Homes and we have worked with Boise Hunter Homes and his project manager numerous meetings to make sure we did our design right -- pre-design, not after it was done. So, we didn't affect his future homeowners. Jim Hunter is a fairly smart civil engineering individual. All that was done up front to make them happy. Those white pipes you see I don't know what those are. Those are on somebody's future home site in their backyard and Boise Hunter Homes must have done something. I think their photos was a little bit of an attempt to -- to show really what's not on our property and we did not do that. Eastridge drainage is working excellent. Those hill sites work excellent. They are maintained by the CC&Rs that your City Council had us discuss, which we were going to do anyhow, and the maintenance contract on those is working like -- working like it should absolutely work. That's all I have. If you have any more questions.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Just to cut through it -- so, just from -- from your perspective you are not intending to raise the lots on your property creating a drainage problem for these neighbors in Vantage Point?

Conger: Yeah. Mr. Mayor, Council Member Strader, absolutely not. It's -- it is the opposite. We are lower, just as everyone has said.

Strader: Okay. And are you intending to maintain the slope of those properties to some extent as well?

Conger: Yes. That maintenance will be done by -- the maintenance of those slopes will be in our CC&Rs. We take that very serious in all our neighborhoods. When we turn over an HOA they need to economically function and function so we don't create stress on homeowners. So, no, that will all be set up with a maintenance crew. We -- we actually have a -- what we plan to do, but we have done well over a dozen wild urban interface projects in Boise, which does require the WUI. So, you know, with -- with Joe the requirement of this WUI is not abnormal for us and we absolutely know how to create the right WUI plan and implement it. That -- that's not new to us. There is no concern.

Strader: Okay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I heard your question a little different. I thought Councilman Strader was asking about not maintaining the topography of the proposed common open area. But the lots, which will become homes that -- that that topography and slope would be maintained as part of the development. Maybe I heard the question wrong, but that's what I thought you were getting at.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think to some extent both. But I guess just to -- you know, are you going to be filling these properties a bunch, as Ms. Alonso was concerned about? I mean -- I'm having a hard time judging what normal grading practices are. So, is there going to be a hill here like there is now or is this going to be flat now? I mean what -- what's going to happen, just if you could describe it.

Conger: Yeah. Mr. Mayor, Council Member Borton, to you and Council Member Strader, so, first and foremost, there won't be any lots like Eastridge where the HOA is maintaining some -- some -- some of the individual homeowner's property. So, every lot that will be finished will be a hundred percent maintained by that homeowner in -- in a usable environment. The grading and earthwork -- there is a depression down there. There will be some fill down there, much as if you go to the northwest part of this same property -- we just happen to be talking about the southeast. It is also the drainage of our property going out the northwest. That will get regraded the same, but in the southeast corner. There will be regrading of that property, but -- but there is spots all over the property that will be regraded. These will not -- all of these home sites will be what I would call typical home sites and -- and flat half acre -- I mean we are half acre. We are -- in a couple of them we are 200 square feet under a half acre, but -- so, all of them will be normal home sites. Our Boise foothills -- foothills will come off and be on those slopes, but not our home sites.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Conger -- but looking at Lots 74, 73, that shows the deep -- deep slope, you are definitely going to have to do some fill on that to make it workable for -- for lots of different things, but I think I heard Deborah say whatever happens there you still will maintain proper drainage per -- whether it's state code, city code, all those types of things to follow down and go off to where it needs to go to and that's -- that was my

understanding. I just want confirmation that whatever that fill is there is still going to be some sort of drainage system in place that takes -- takes the water away, so --

Conger: No. Mr. Mayor and Council Member Hoaglund -- and -- and to the other two Council Members -- so, yes, any fill that would be done there is still going to be lower than our neighbors to the south and definitely per state code any drainage going that way. You know, one -- one thing that we did negotiate, just -- the neighbors didn't like it. When we negotiated and self imposed our setback of that lot that you are talking about, that also encumbered -- kind of encompass that drainage area of his. So, it is kind of a two fold -- our self imposed was to attempt to get along with our south neighbor and it also was his drainage area. So, it was a win-win all the way around and we are still comfortable with that, so --

Hoaglund: Thank you.

Simison: So, Jim, just so I can be educated on that component. I mean we always -- I have always heard you keep what's on -- you create what's on your property and you keep it on your property, for lack of a better terminology. But when you are coming in after someone is already there, it doesn't sound like the current property owners have that same restriction. If their property is allowed to drain continuously off -- so under state code or whatever, you are supposed to pick that up and, then, figure out where it goes, because it was there before you and you deal with it? I mean I'm just trying to get an understanding about how this applies in general circumstances.

Conger: Mr. Mayor, yes, sir. There is absolute state code. If there is water coming onto your property in historical flows, you will one hundred percent have to take care of it to and through your property just like it did naturally. Never will you get out of that, never do we try. That -- that's nonnegotiable.

Simison: That just helps me understand the difference between grading your own property, so that you -- what you have on your property doesn't go into others versus historical flow property and the expectations to take it to and through, like their sewer line. Okay. Thank you.

Hoaglund: Mr. Mayor?

Simison: Council Hoaglund.

Hoaglund: Just as quick follow up. Wanted to talk about the path. It looks like the golf cart path you are -- you are putting in some trees there and that seems, you know, a normal landscaping amenity for a winding path and, then, you want to keep that natural grassland following wildland fire plans and whatnot that will be submitted. Having the gravel path, which to me that -- that's a steep -- it reminds me of being in the Boise foothills and hiking. Having natural grass. The places I have hiked over on that side they don't plant trees to -- to forest it or anything like that. So, I would imagine you would have

bikers and hikers and just trying to keep a natural -- natural look to it. That sounds like the vision you guys have for -- for this particular area; is that correct?

Conger: Yeah. Mr. Mayor, Council Member Hoaglund, that is correct. The -- the cart path will definitely be more manicured and meet city code of the trees and everything and we want that. The gravel pathway -- and we did say natural path, but it's definitely going to be graveled path. It will not be dirt and mud and it won't have the influence of water. If you start putting the water, then, come the weeds on the fringes. You try to have trees and you water those, then, you get the weeds with those and you actually add to your fire concern. So, we believe we can do that right. We have experience in -- in east of Harris Ranch. We have done the Bench area. We -- we dealt with a lot of these identical environments and, number two, request out of every one of our homeowners that we continue to discuss over year after year after our dog parks is walkable trails that are not just up and back, they are circular loops and things of that nature, so they can walk every evening. So, that satisfies really our number two amenity that we continue to be asked for.

Bongiorno: Mr. Mayor?

Simison: Yes, Joe.

Bongiorno: Mr. Mayor and Councilman Hoaglund, that's something that we have -- that I have worked with Laren and -- and on this with -- what I shared with them that we planned for Pura Vida and that document is -- is written off of known documents that are out there for wildland urban interface items and part of that document is there is recommendations for how high to cut natural vegetation to keep it from exploding, you know, in case there is something going on. So, I have shared Pura Vida's document with them. It is the same hillside. So, we are looking for consistency throughout that whole project and I know they will -- they will come along with that as well.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Joe, that's great to hear that there is -- there is continuity and consistency throughout and, of course, the safety aspect is paramount, so -- but it's good to -- good to know. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Mr. Conger. If there are no more questions at this point for Mr. Conger, I was curious to hear from some of the neighbors if his comment about -- you know, that there won't be any fill, you know, that's -- the in-fill will be lower than the

neighbors to the south and I wanted to hear some feedback from them if they think that that resolves their concern. Maybe the HOA president or --

White: Larry White. 3804 East Vantage Point. Mr. Mayor, Council Woman Strader, the concern at least on our lot isn't so much raising the elevation too much, it's that drain ditch and -- and I know the developer and their staff is really good about saying we take care of our drainage, you take care of yours. We really don't -- our lot isn't big enough to take care of 12 acres of drain ditch. It's got to go through our property down through Sky Break. So, they can build up their lot, but I'm hopeful that the city engineering staff will look at the full drainage picture and see that we have 12 acres of drainage that could come down here. So, does it make sense to have an engineer fill in the house right in that direct slope. That's our concern.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, if I'm -- being not a drainage expert myself, I -- what I'm hearing is that the city engineers and staff will review a drainage plan as part of our normal course of business. I will hope at that point we have the experts that will take a look at that. But I would think, though, from sort of a common sense -- maybe it was from the comment that Ms. Alonso made, but it sounds to me like any kind of fill that does happen wouldn't be any higher than your properties that are to the south. So, I would think common sense would lead me to believe that the drainage will happen off your property or off the properties that are there on the south.

White: Sure. Again, there is a -- there is a big drainage area, 12 acres --

Strader: Yeah.

White: -- over 500,000 square feet. So, there can be a lot of flow coming in there and cause property damage. So, what happens if there is flow, there is damage, there is a house there, who is responsible? Who is liable? That's what our biggest concern is. That should be a concern of the City Council and city staff we hope as well and we will point that out to them. Hopefully we get an opportunity to review the grading drainage plan. We would love to do that. I'm a licensed engineer. I can hire engineers specifically to do that and we would love to -- to take a shot at that. We just want to make sure at the end of the day that we are not causing -- potentially causing damage to the folks north of us.

Strader: Right. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I didn't realize you had that engineering background. That's really helpful. So -- yeah. And so I guess that I would hope that we would catch any major issues, but it's also pretty hard for me to believe that a developer would construct a

property they are going to sell and it would have a drainage issue that would imperil that property. So, I'm hoping that's not the case. I have to hope that this all gets sorted out through the normal course of reviewing the drainage plans I guess. But thank you for the feedback.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: First I would love it if Council Woman Strader was correct. Unfortunately, it's frequent that that doesn't happen and that homeowners are left with a problem and you add to that a situation where a homeowner is overwatering their property, not managing their own irrigation use well and compounds the issue. I wanted to hear from staff about a couple of things -- and thank you. The drainage plan in 1.1.10 to be provided prior to plan approval. Can you give us an idea of the timing of that and the overall process and, then, when you receive that plan, since we don't have any code to go off of, what exactly happens with the applicant at that point?

Simison: Is this something for Clint? Mr. Dolsby.

Parsons: Mr. Mayor, yeah, I was going to turn it over to Clint and it really happens at the time they submit for final plat. That's when their construction drawings come in.

Dolsby: Yeah. Mr. Mayor, Members of the Council, that's correct. When they do submit for final plat their construction drawings come in and they are reviewed by the development services development analysts, who ensure that they comply with all of our codes and that the drainage stays on site and also Ada County Highway District is in charge of the stormwater for the county and they have got their own set of ordinances and rules associated with stormwater as well, but our thing is that you need to -- you need to contain all of your stormwater drainage on site and on site at your development for each and every development in the city. So, you aren't allowed to like let drainage flow off of your site.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question, Clint. So, even for private streets, that's part of our code, they have to maintain that water from the private -- contain that water from the private streets somehow?

Dolsby: Mr. Mayor, Members of the Council, Council Member Hoaglun, yes, inside their development they need to maintain and control all of the stormwater and keep it on site within their developed ground, including the streets and everything as far as far as I know.

Hoaglun: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Council Member Perreault, but that -- that's concerning, so that doesn't make me feel any better. So, I guess a question for Clint. It sounds like we don't actually -- I mean it sounds like there is a gap here to me, like we may not have adequate city standards for drainage. We are kind of relying on another agency. We get one bite at the apple. Is there something that the applicant could do now that would definitively take this issue off the table? Is it providing a drainage swale on their own property that diverts the water elsewhere? I mean is there anything that can be done so we will know we are not going to have an issue?

Dolsby: Mr. Mayor, Members of the Council, Council Member Strader, I mean one suggestion, if they are willing, is they could provide me an advanced copy of their drainage plan. They usually would submit it with construction plans. I mean it's a little outside the box, but maybe because of the concerns they could provide that plan earlier in the process, so that we could, then, review and kind of ensure that drainage was going to stay on site or drainage was acceptable to kind of the Public Works and, then, we could, of course, share it with -- with you as well.

Simison: I think, Clint, maybe just -- I bring Ted into the conversation a little bit as well. And to my poor understanding, but I think maybe what we are getting to is what happened in Boise a couple years ago with, you know, the land and that -- the housing issues and who is ultimately responsible when these type of things come through. And I'm just going to go to my base understanding. We don't have people on staff that do that. The engineer who stamps the plans is the one that has signified that it meets the requirements and does that and I don't want to say what we do is perfunctory -- is that a word -- am I using it correctly? But Ted, Clint, if you could at least help understand where -- what we are really doing in this process in a legitimate fashion so Council has a clear understanding of expectations.

Baird: Mr. Mayor, you are correct. It's the engineer who is hired by the developer who stamps that drainage plan and that's the person that's ultimately responsible for it. As you saw in that -- the hillside issue in Boise it was ultimately the engineer. The city reviews it, makes sure there is nothing unusual, but we are not certifying what the other engineering has already certified.

Simison: Well, to me that clarifies what my understanding is. I just don't know if that helps Council understand also what our role is in determining this issue.

Baird: And, Mr. Mayor, as long as I have got the floor, we have kind of gone outside the usual process of back and forth and I just wanted to make sure you gave the developer rebuttal opportunity.

Simison: We will.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: On that -- that drainage issue -- and I was going to ask Mr. White to make sure I had the understanding, because I think it is. He wants to make certain that whatever their drainage plan is doesn't cause a problem as the water drains from your property that's coming from other properties and heads out, it's not going to be delayed or detained or in some way allowed to backup and cause any problems on your property, so --

Simison: And I think also the property below.

Hoaglund: And the properties below. So, I think we -- I think we are there on the same page. Yeah. What we are doing is making sure there is not -- no damage to the property above, because it's historical drainage and, then, making sure there is -- and from what I heard that the engineer who stamps that will be responsible to make sure that happens. So, I think we are good. Thank you.

Simison: No comments from Council? Unless Council has more questions for the applicant specifically.

Perreault: Mr. Mayor?

Simison: Councilman Woman Perreault.

Perreault: I would appreciate it if the applicant would respond to concerns regarding possibly -- possibly -- that the applicant didn't take into account the -- the waivers that are being requested, but that the development could have been just the audience and if he could just give some feedback on that. I understand the -- the geography in some of these situations doesn't allow for long block lengths, just because there is no way to create an intersection in some of these locations. But if you could give more detail I think that would be helpful.

Nelson: Mr. Mayor, Council Member Perreault, I would be happy to. So, your code does provide for waivers when you have specific circumstances and so one of the waivers is where you are up against a hillside and that's what's happening in the northeast corner here and so that cul-de-sac length was extended about a hundred feet. Another block length is above the Farr Lateral -- just north of the Farr Lateral over in the southwest and your code also allows an extension of the block length where you have a natural feature, such as an irrigation facility that does not allow a through connection there. The -- the new change that we just provided in request to the Council's request to extend these larger lots across the southeast also creates a longer block length there and there is no opportunity for a through street, because Vantage Point doesn't have any stub streets that come up to our neighborhood and so that has now become a longer length there

when we took out that turn that was around the park area there. So, all consistent with your code and the language that's in your code that allows each of these waivers or extensions and these are natural features on the site and existing conditions from the Vantage Point layout. It's not something that we have done just to create anything different and, again, our layout just takes advantage of the property that's given to us and provides a nice development within that that meets the MDR designation. So, still at the low end of that density and have all of these natural features to work around. Does that answer your question about the waivers?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Deborah, while you're here, one of the things -- there was a comment about R-15, too much density, but the -- my understanding was the only reason you are asking for R-15 was for private streets. It meets density of R-8; is that correct? Did I understand that correct?

Nelson: Mr. Mayor, Council Member Hoaglund, that's correct. Staff's interpretation is that we need the R-15 in order to have the gated community for the private streets, but we have agreed to meet the R-8 dimensional standards throughout.

Hoaglund: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Deborah, still stuck on drainage. I'm really sorry. There is like apparently 12 acres worth of drainage that's heading toward two of your lots here in the corner. What -- what is the game plan so that those lots don't suffer from structural damage because of water? I mean are you guys putting in a drain, a swale? Is there a game plan with these -- because it's not just the neighbors -- from their end; right? The water backing up? It's also these -- these home sites as well.

Nelson: Mr. Mayor, Council Member Strader, yes, we will have to capture that. Absolutely there will be a plan. There is a natural drain there. We will align it in the right location to make sure it works with the graded lots. That -- it's absolutely in the developer's interest and the stamping engineer, as was pointed out, to make sure that this is very functional and so this is not a new game for these guys, they have done a lot of development, they know how that works and they will make sure they have qualified engineers to design that correctly. So, yes, they will design it with that drainage -- natural drainage in mind and the drainage from our property in mind.

Strader: Is there any objection -- Mr. Mayor, if I can --

Simison: Council Woman Strader.

Strader: -- follow up with one -- one of the suggestions. Is there any issue with providing an advance copy of the drainage plan in this case. That was a suggestion for the Public Works Department, at least to -- maybe not necessarily at the exact time we normally would, maybe a few weeks ahead, just to give maybe a little more time than usual for staff to review if it's a perfunctory review.

Simison: Great word.

Nelson: Mr. Mayor, Council Member Strader, we will develop that at the time that all the construction plans are developed and so it's developed in conjunction with that. The same engineering work is going into a lot of that and so that will be submitted at the time of the first final -- or not the first final plat -- it will be? For all of it? Okay. I stand corrected. At the very -- at the time of the first final plat, which will be well before we get to this phase, so there will be a lot of time for review there.

Strader: So, Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, then, I think our staff -- I'm just going to repeat back the process. Our staff -- even though an engineer is doing these plans, our staff still needs to review them. So, I'm hoping it's within our control, then, for staff to take whatever adequate time they need to review prior to signing off.

Simison: Yeah. I think staff takes all the time they need to do their work.

Strader: All right. Thanks.

Simison: We are not re-engineering -- reviewing the engineering.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A couple quick questions. Deb, on the new open space in the center there, it wasn't highlighted in your presentation, but it looks like it's three lots, four lots? How big is that? It is an acre?

Nelson: Mr. Mayor, Council Member Borton, it's approximately an acre.

Borton: And if -- on just to the east of it in the private street area and I want to walk to it, am I walking down that private driveway to get to it?

Nelson: Mr. Mayor, Council Member Borton, you certainly could, but there is a lovely sidewalk that is also along that boulevard to access it as well.

Borton: But realistically people aren't going to do a sidewalk all the way around. Unless -- am I looking at it wrong? It looks like they might just go straight and walk down the private drive.

Nelson: Absolutely they could. Yeah.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A different question. Is it -- remind me. Is it all one HOA intended for the whole subdivision?

Nelson: Mr. Mayor, Council Member Borton, yes.

Borton: Okay. I mean this is one of the funkier parts of it is the disconnect and we have got some geographic -- or some geography issues to deal with, but the southwest and the northeast are as disconnected as you could possibly be for reasons understandable, but if -- you know, one of the conditions is the private streets for 106 homes, paid for by the HOA. We have got some folks -- I'm thinking about the folks over in the southwest who are going to be paying dues for private streets and amenities that they will never touch or see, whether they like it or not. I'm looking if that is correct. Is that a fair --

Nelson: Mr. Mayor, Council Member Borton, I assume that will be allocated accordingly.
Cavener: Mr. Mayor?

Nelson: You get into the details --

Perreault: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: If I recall correctly, I think we asked this question I think the last time that it came up and if I remember the applicant said there is a special assessment for the folks who live within the gated portion to have the roadway maintenance covered. I may be -- it's rare that I can remember something with that vivid clarity. So, it could be wrong, but that may be something the applicant would want to address, if my memory is correct or not.

Perreault: Mr. Mayor, prior to that response if I may.

Simison: Can you answer that question real quick on the private roads?

Nelson: Mr. Mayor, Council Member Borton, yes, it's been confirmed, it is a separate dues allocation for the gated area.

Borton: Okay.

Nelson: And, yes, we did discuss in detail how that's set aside at the last hearing and allocated right from the beginning. But I don't know that this specific question came up about the differential between the two of gated, nongated, and it is separate for the allocation that's assigned.

Simison: Council Woman Perreault.

Perreault: So, with the -- so, CC&Rs are always based on the goodwill of homeowners. There is no way to get around that. Unless the developer exits their involvement and their voting rights in the HOA, now we are -- now we have neighbors that are executing the conditions. As Councilman Borton stated, we have a variety of different properties here with significantly different ways of living and probably very different needs about what they are expecting from their neighborhood. So, it -- with it -- with the developer's experience, having done these types of properties, a variety of different sizes of homes, sizes of lots, can -- can you give us some examples on how that is addressed through the covenants and specifically what -- what strikes me specifically in this project is that we are going to have some areas to maintain that are really unique. The hillside, for example, and I can imagine some significant challenges in the homeowners association maintaining this very unique MNV. Those decisions being made by individuals who may or may not have any actual knowledge of how to maintain that type of geography. So, I just want some -- you don't have to, you know, give me specific statements out of your covenants. Those probably are not even written yet. However, I want to have some understanding that there is some protection of the -- of the -- some protection of these amenities and that it's going to be written in a way that is kind of foolproof, that the homeowners can't come in and damage what you are attempting to create in the hillside with the features that are so unique to this project.

Conger: Yeah. Mr. Mayor, Council Member Perreault, Jim Conger again. 4824 West Fairview. As far as, you know, wrapping the whole conversation up with the association, there -- there -- you -- we have done this in numerous communities where we have a mix of residential uses. You have seen it in Paramount where they have the normal homes and, then, the Cadence product that Brighton brings on. So, we have a main association and one goes through and picks all the main attractions that everybody gets to enjoy and -- and you have budgets for that and, then, you have the sub associations of the like residential products. So, the gated area would be a sub association. All of those pay different dues. Your sub associations pay into the main. All of it's managed by one HOA and more importantly, managed by one maintenance company as well. So, that's the -- the luxury of the HOA is containing this big umbrella to make it all function properly. As far as protecting the assets, you know, up front a prudent developer with his proper homeowners association manager will set up funds that -- that are paid into, so they -- they all -- when the maintenance time comes they have money associated with that. All of that is set up in advance and when we leave a community, again, it needs to function

economically for the HOA and -- and -- and function, you know, physically on a day-to-day basis. I think I answered that or did not answer that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: You did. One question and one comment. The question I have is how does -- how does the voting work, then, with these sub -- the sub associations? Are they actually -- I mean it's one board that's making decisions for the entire community. Sub associations have -- do they have separate voting -- I mean help us understand. And the reason that I'm getting so detailed in this is just really a unique property and my anticipation is if this isn't executed -- and we have all seen situations where everything can be -- CC&Rs can be written perfectly, we could try to think through all the possible scenarios of what could go wrong, but there are just situations where the homeowners -- it was just not managed well and now all of a sudden we have a neighborhood in this area, amongst other very well designed, well executed neighborhoods, which just isn't looking so great and I think -- and the reason I'm asking that is because I think there are some unique features to this that -- that were -- that could become an issue and you as the developer can -- can design it, set it up perfectly. But I just want to -- I just I guess I want to understand that that there is -- they are structured in a way that -- that there is some solutions that can be given to future board members, future HOA decision makers, that -- that can help them solve some of those issues. I don't know if I'm explaining myself well.

Conger: Excellent explanation. Mr. Mayor, Council Member Perreault, I will answer tonight and at anytime maybe a coffee meeting to go further over CC&Rs would -- would be amazing, because we love it. We actually -- every project gets set up -- we use Givens Pursley -- a different division than Deb, of course, and we go through it from scratch. What -- and it's exactly that, what are the needs, what are financial needs, what are potential pitfalls. You know, as far as this property, this is a cakewalk compared to our Movado. We had four different single family residential uses that were all sub associations and we had an apartment project and the commercial in the front, which were two other subs. So, we ended up with six sub associations. Regional pathways. And as far as expenses in this one being more unique, we actually have less risk than our pool facilities that we put in Movado. This homeowner doesn't need the pool in what we are demographic targeting, but if we had it we would actually have bigger risk and things of that nature as far as setting money aside and such. So, all of that is not taken lightly. Your questions are amazingly on point. We aren't here for one project, as everybody knows. They have seen us for a long time now. You are only as good as your CC&Rs and how you leave that neighborhood. So, that's up top to one of the most important things. That and drainage and grading. Those two items are most important.

Simison: Thank you. Council, additional questions? Or motions?

Cavener: Mr. Mayor?

Simison: Or dialogue. Councilman Cavener.

Cavener: Every part about me wants to make a motion to close the public, but I fell like we should keep it open just to allow -- if there is any additional deliberation amongst Council before we are ready to -- to render a decision. So, you can grab a seat, but we may pull you back up. Mr. Mayor, I'm happy to start.

Simison: Councilman Cavener.

Cavener: I think I made my feelings about this project well known when it was before us last. I liked what made this product innovative in the previous design. I think it loses a little of its charm, but I understand they are doing that to appease some of the values that are important in our community. So, I think they took some of the comments from Council, added the sidewalks, moved the open space, reallocated some lots. Overall I'm very very supportive of this project. I trust our staff that when it comes to drainage that they are going to look at those plans appropriately and I see no reason why I need to be opposed to this project tonight.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I appreciate some of the changes that were made from the last meeting. I watched the last meeting. One issue that I don't like is sidewalks on one side of the street. I don't agree with that. I understand that the developer has a viewpoint about -- about -- about not wanting that for part of the subdivision. I do feel like that cake was baked. I want to respect some of the feedback and direction that was given to the developer by Council in the last meeting. So, I think I can get over that issue. It meets open space -- where we are going on open space, but not -- not by a ton. I am -- I am concerned that - it sounds to me like we have a real gap in terms of just understanding the topography and an area -- we don't have very many areas like this in the city where we have a geologic feature, like a rim and -- and we are trying to make sure that we have good drainage and we are kind of upholding the natural landscape and the beauty of that landscape. I'm concerned that there is a gap there. I wish we could, you know, have -- have paused development in this area to study this area further and get some recommendations from staff on how to best treat it. I'm not -- I haven't quite made up my mind yet in this meeting. I'm a little bit on the fence. There is -- I think there have been some positive changes by the developer. I'm happy that I'm hearing -- I think there is support for a south fire station or I wouldn't even consider voting for this, but I'm still making my mind up right now.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: Yeah. I'm in agreement with Councilman Cavener and I kind of like the fact that they pushed the envelope a little bit for the city in their first design, because that is not something -- how we typically do things and, you know, we are all about central locations and those types of things and with an 80 acre site trying to split that up and create different areas of -- of community -- you know. And that was a novel approach and it didn't fly, but -- and now we have -- you know, have to deal with longer streets and for a way the topography and laterals work and hillsides, so I'm okay with that. I do like the fact that we are treating our hillsides area similarly, with Chief Bongiorno pointing out for the WUI and -- and how we handle the grasses and it's kind of exciting to have pathways on -- on hillsides, because we don't have much of that in Meridian. So, I think that was a good treatment and I'm satisfied with how the drainage process will work to protect everyone involved in that. So, I'm certainly in favor of this.

Simison: Mr. Dolsby, you had your hand raised? Was there a comment you were going to make?

Dolsby: Yes, Mr. Mayor, Members of the Council. I just wanted to add a little more context. We have a section in our City of Meridian Public Works design standards that revolves all around grading and drainage that I was just reading here for a while. It outlines requirements that they are going to have to do when they are developing their grading and drainage plan. It references some ACHD standards that they need to abide by when they are developing the plan, sort of kind of walks them through the process on technical requirements we have for drainage plans. What they need to go through to like ensure compliance, that sort of thing. I just wanted to make sure you were aware of that. Thanks.

Simison: Thank you, Clint. Council, any additional comments?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- I was pretty specific last meeting in regard what I would have liked to have done, the changes that I -- that I -- that we recommended and I'm appreciative that the developer listened and did exactly what we told them to do. So, with that I'm in support.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I had to exit our last hearing, but I did -- I did watch the rest of the meeting and I was waiting to give my opinion, because I wanted to hear from the Council Members who were here. I think it was very -- I think it was clear what Council requested of the applicant and I think the applicant has really attempted to meet everything that Council asked them last meeting to the best of their ability. Curious if Council Member Borton, who was present, has any other -- has anything else to add before I share my thoughts.

So, I would like to really hear from everybody who was here. Although watching the video is effective, but being here is -- it's not quite the same, but -- if he has no comments, then, I will proceed.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I have been staying pretty quiet. I think the applicant answered the questions that we left the applicant with after the last meeting. You know, I -- it's not a big -- the topography of this project and the location of the waterway on the south -- southwest creates some challenges that are -- it just creates and invites some disconnect, which I have struggled with, understanding that there might not be a lot that you can do and it is a little more disconnected than some of other communities that we see. I had wrestled with -- and we talked at the last hearing about, you know, a larger common open space, some of the more traditional clubhouse, pool, amenities that we see and the applicant's proposed something different and tried to break that up and allocate the open space, dog park, things like that throughout the community to make it more accessible for -- to people to use their one to two acre park -- pocket park. Smaller open space and that's innovative. To Councilman Cavener's perspective asking them to stretch a little and do things different. You know, the gated community and the private streets is a larger component, but seeings it was discussed at the last meeting it can be done well and it's different and I think those circumstances might provide and tip the scales towards approval from me, understanding that that's really what was -- what we are trying to see is something a little bit different, because there is challenges here, but the applicant has done a good job trying to overcome them, so -- I think that the items asked to be addressed were addressed.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Tough property to design and I -- despite being familiar with the applicant's -- some of the applicant's other projects and similar subdivisions in the area, it's still hard to get a sense of it looking in a two dimensional photograph and drawings. I -- and the applicant has met the standards and there isn't anything on here that I can argue with as far as the conditions. The applicant's agreeing to the conditions. But I also don't have anything that wows me either as far as -- I still feel like -- I -- we need -- we need the density, so it's one of those things where for me I have to balance what I know we need as a city. The applicant is not asking us to change any zoning. They are not asking us to, you know, have higher density. So, with that I have to kind of leave that be. Not, because I think that I want -- not because I would like to see this area of Meridian necessarily stay estate lots, but because it's just -- it's really just hard to see 80 acres in an area on the edge of town -- currently on the edge of town -- although I realize that there is a need for it. So, I guess what I'm trying to indicate is I hoped there would be just a little bit more -- I don't know to explain what I'm trying to say. There is quite a bit of

amenities here. The applicant has -- has -- has done really -- everything that -- that Council requested in the last meeting, but what I would still -- standing out to me from this is few trees and a lot of streets and that's what I see when I look at this and I'm just trying to reconcile that for myself and it's not -- it's not a criticism, it's just an observation and I struggle with the same as Council Woman Strader. There is some really great things about this. Unique properties. I am happy that the applicant added some larger lots. I hope that would be -- I would hope that would appeal to the Southern Rim Coalition as that is something that's a priority of theirs. So, I can't say that there is anything in here that I specifically would not approve, I just am -- I can't -- I'm not exceptionally excited. That's a long explanation, but that being said I assume we are ready for a motion.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we approve --

Hoaglund: Whoa. Whoa.

Cavener: Oh. Mr. Mayor, I move that we close the public hearing. Thank you. Making sure you are all paying attention. Close the public hearing on Item 1, annexation and preliminary plat for H-2020-0127.

Hoaglund: Second the motion.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we approve Item No. 1, H-2020-0127, inclusive of the conditions of approval provided by staff on June 29th and include all applicant, staff, and public testimony.

Strader: Mr. Mayor?

Hoaglund: Mr. Mayor, I will second the motion.

Simison: I have a motion and a second. Is there discussion on the motion? Council Woman Strader.

Strader: Mr. Mayor, I would like to think about putting in a condition, which I believe reflects the applicant's own agreement that they will not put in any fill that raises the

elevation of their property higher than the neighbors to the south in Vantage Point, without an exception from the city Public Works staff.

Simison: Council Woman Perreault.

Perreault: Sorry about that. For clarification, Council Woman Strader, we talked about raising the ground level to build, but really it's ultimately the height of the home there, so can you clarify what it is that you are --

Strader: Yes. I'm not concerned about the height of the homes. I actually don't think the view shed argument for me personally in this application is -- is very compelling, given that the neighboring homes are at a higher elevation and most of them multi-story buildings. The issue that -- that I am concerned about is seeing the large level of fill on this property that makes it so that the drainage from the 12 surrounding acres actually pools in the Vantage Point properties. It sounded to me like the applicant was agreeable that they will not be doing that level of fill that would actually raise it above the -- the neighbors in Vantage Point.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate the request from Council Member Strader. Again, I understand the applicant is going to have to adhere to all city, state, and federal law. I get a little nervous about a precedent about starting to condition the amount of fill that can or cannot go into a particular project. I hear what you are hoping -- I hear what you are trying to achieve. I guess I feel more confident that that's already going to be achieved at the -- at the city and state level.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess my -- my concern and I will take it upon myself to get more educated on drainage and grading issues, but my concern is I'm hearing that there is a pretty significant gap that we are not reviewing from an engineering standpoint and that city and federal law are not preventing problems in surrounding neighborhoods that are being seen and even fellow Council Members that are saying that there could be an issue. I guess I would just like to see an exception from -- from staff if this were to occur, that it made sense for some reason. I just -- I don't have confidence that this drainage issue is going to be avoided at this point. That's okay, you can move forward, but I probably would vote no.

Simison: And I think just from -- I think the -- no disrespect to all the engineers in the room, including the neighbor, sometimes engineers get it wrong and I don't think that we can correct that, if that's the case in individual homeowner situations where sometimes engineers or people doing the work get it wrong, even when they try to do the grading,

even if it met to how the engineer defined it. So, yes, I have got a drainage issue at my house as well. My neighbor's stuff drains into my yard. I'm not as concerned about it, I just talked to my sprinkler guy and we turned off my sprinklers and they water my yard for me. So, I mean it's one of those things where I -- again, I understand what you are saying from a practical standpoint, but the -- I think the issue you are trying to correct is really one about whether or not the engineering is done correctly and what happens if it's not.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess I'm -- I'm just reacting to the topography and that it's not a sprinkler issue, that it's like 12 acres of land that drained into this property specifically and that we haven't, as a city, studied this geological area to understand the best way to sort of handle it is my hesitation. I -- and I realize I'm an outlier on this one. I'm off on my own. I will try to study up on it. But I -- I'm hearing about a big concern that I don't feel is being addressed at this point.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I thought I recalled the applicant being comfortable in planning to develop in a fashion consistent with that condition anyway. I don't know if there is a head nod or not. Yeah. That condition couldn't certainly hurt to convey here, so if it's -- as Council Woman Strader had represented for all those lots along the southern portion -- probably all of them.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't think there is anything that would prevent the applicant, if that's something that they want to do. I just get very reluctant to conditioning something like that. How it's enforced. How we are monitoring that. I just -- I just think that is -- that's not -- I considered that when making the motion and chose not to include that particular piece, just because I think it sets somewhat of a dangerous precedent that I'm not comfortable with. Motion fails and we want to reopen the public hearing and talk, I'm happy to do that.

Simison: Further discussion on the motion? Okay. Then with that I will ask the Clerk to call the roll.

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

Simison: Five ayes. One no. And the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE NAY.

Simison: Thank you all for coming out this evening and coming back for those that have been here multiple times for this project. With that, Council, we are at the end of our agenda. Do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Hoaglund: Second the motion.

Borton: I have got a motion and a second to adjourn the meeting. All those in favor signify by saying aye. Opposed nay. The ayes have it. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:22 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK