

**4. Public Hearing continued from September 18, 2025 for Cherry Blossom East Subdivision (H-2025-0030) by Breckon Land Design, located at 523 W. Cedarbug Dr. and the 0.67 acre property to the east, located in the NE 1/4 of Section 12, T.3N., R.1W.**

- A. Request: Combined Preliminary and Final Plat consisting of three (3) building lots and one (1) common lot on 0.79 acres of land in the R-8 zoning district.

Lorcher: Item 4 on the agenda is H-2025-0030 is to continue the Cherry Blossom East Subdivision from the August 21st Planning and Zoning meeting for a combined preliminary and final plat. I would just like to say for the record I did not attend the meeting on August 24 -- 21st. Excuse me. I was not in Chambers. But I have reviewed the testimony and the notes and I feel confident I can guide this -- this presentation, as well as vote on it. With that we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The Commission continued this project from the last two hearings in order for the applicant to obtain an assessment of the existing irrigation system to determine if it's adequate to serve the proposed development in addition to the existing Cherry Blossom Place Subdivision and to meet with the neighbors to work out outstanding issues, including obtaining an easement to extend water service to the property. I will just let the applicant give an update on that to you. Written testimony has been received since the last hearing from Margie Williams, Shawn Freeman and Kimberly Laukala and it is included in the public record. At the applicant's request staff is recommending Condition No. 11 is modified to read the developer shall pave the existing driveway via Northwest 4th Street on the adjacent property to the east at 1303 Northwest 4th Street with a surface capable of supporting fire vehicles and equipment. That red-lined version of that condition is included in your hearing outline tonight as stated. Staff will stand for any questions.

Lorcher: Would the applicant like to come forward? Good evening.

Breckon: Good evening, Madam Commission -- Commissioners. Jon Breckon. 6661 North Glenwood Street, Garden City.

Lorcher: Thank you.

Breckon: And I have got a few -- a bit of a presentation here. Just kind of reiterate where we left off and so forth. So, there is -- there is three building lots and two common lots on .79 acres and zoned R-8 and, then, just kind of summary of the -- some of the follow-up items where we had left off last time. There was some question about the easement for water main extension on the previous plan and it was determined that that existing access easement did not cover utility extensions or was not a utility easement per se and so we worked with staff and the fire department and figured out we could -- instead of extending out water main onto the property and having services off of it for the three lots, that we would extend water services to the lots and, then, sprinkle the furthest lot, so that we don't

need a water main basically. Here is a -- here is a graphic that kind of shows that. Shows a fire -- fire service line to that lot -- to the furthest one to the west and where those service lines would come in and, then, one of the items was a request for a qualified consultant to review the plans of the existing irrigation system and, you know, particularly the pump station and that whole delivery for pressurized irrigation. So, we -- we had Precision Pump -- Precision Pump did the installation on that pump and has been maintaining it. Steve went out and checked it out and said that it is providing the 80 gallons per minute, a hundred psi as was designed and, then, additionally, we went back and looked at all the old calculations and tried to figure out what the issue was, because there is some -- something was not working right and running the pump dry and so forth. Went and looked at -- analyzed the water rights again and just went through all of the data from -- that we had from Cherry -- from the Cherry Blossom Subdivision. These three lots were originally supposed to be part of that, because -- but because of the access they were removed from the final -- final plat. Anyway, we found out that -- or just verified that there is -- there is plenty of water available, it's just not getting where it's supposed to be to the pump and so, you know, as part of this project is -- he is adding these three lots. We need to pipe - - there is another -- another ditch that goes north. We need to pipe that ditch around and I need to fix this issue, so that they don't have issues with the pump and so that's -- we have got that figured out. We are going to add some boxes there and so that we get the water that we are supposed to out of the ditch and so that that wet well doesn't run dry. As part of that also we will put a -- we will add a float valve to the wet well, so that just in case the water does go low that pump will automatically shut off and alert someone to, you know, go check it out. Other item was -- well, since we were here last we had two neighborhood meetings and just trying to iron out these items and see if we could figure things out with the neighbors. You know, Cherry Blossom Subdivision has had a lot of issues with the water supply and so irrigation maintenance as an HOA and so they would -- they would prefer to have that HOA signed over to them, instead of the developer being in charge of it, which I can understand, because, then, they can, you know, manage their own pump station and hire whatever landscaper they want for maintenance and that sort of thing and so one of the things that we have -- we have is we have got a letter from the developer that says he will sign that over as soon as we can get this project approved and -- and -- anyway. So, that was -- I thought that was a positive item. The -- the age, the -- the -- the other thing to note was, you know, as part of this whole pump station thing, which I can understand, they are very -- very very frustrated about it. They wanted to -- this new -- the Cherry Blossom East to have their own pump station and I guess it would be one way to do it, but, then, you would have two pump stations right next to each other and so forth. After verifying all the water rights and seeing what's going on there with that pump station it just seems very inefficient. I mean the thing was -- that pump station is designed to provide plenty of water for these -- for the subdivision that's there, as well as these three lots. I mean that's how it was originally designed. So, we are -- we would like to -- you know, as part of this, you know, the pump station will get signed over to the HOA. They will manage it. They will maintain it. And, then, they will just bill these three folks for their portion of maintenance of the pump. That's what we are proposing there. One of the things that came up at the last hearing was -- there are some questions about access -- emergency access, how is this going to function and so forth. Yeah. That's it. Okay. And so, you know, what we are proposing is this hammerhead

turn around meets all city requirements. Worked with fire department in particular to make sure we had -- we were okay there with -- with the widths and that functionality. And so - - because we have got a -- we have got a power pole that needs -- it's kind of sticking out and it's just very -- it's right on the edge there and so he was -- he was gracious enough to allow us to where you see the dimensional -- how that kind of works out. There is a little bit of a jog around that power pole.

Lorcher: Based on this picture that you had right there --

Breckon: Yes.

Lorcher: -- go back to the -- I don't know if you can use the arrows to go back. Five feet. Two, three and five. Where is the power pole exactly?

Breckon: Yeah. So, on -- see if I can point it out here. There is a power pole right --

Lorcher: Oh, I see it. Okay.

Breckon: -- at this point.

Lorcher: Thank you.

Breckon: You can see a little bit of a jog here. This is a roll -- rolled curb is what we are -- would like to do there. And, then, the rest of it would be -- would be asphalt.

Lorcher: Okay. Thank you.

Breckon: Okay. And, then, the other thing that we were supposed to check on was the access. So, fire and garbage truck access, what that looks like. So, we put together a little graphic here that shows -- this is existing conditions essentially that -- you know, the undeveloped area and, then, the neighbors have a driveway and so, you know, there is really not a real good way to turn around, other than driving around on that lot and somehow turning around there and, then, you can see by putting this in we get a nice all weather hammerhead turnaround with proper widths that will allow any of those large vehicles to come in, access, pick up the trash, access for fire and so forth. Okay. And, then, we had our first neighborhood meeting September 10th. Some of the specific requests were to convert to two buildable lots and to build a park on the -- on the west side. The developer would like to maintain the three lots if at all possible like we were presenting it. Other item was that neighbors didn't want the new lots to be part of Cherry Blossom Place HOA or to have access to Cherry Blossom Place amenities and don't want to be responsible for maintenance of the proposed common drive, which I understand. And so, you know, we explained that this is a whole new subdivision. They will not be part of the HOA. They won't have access to their amenities and -- and they don't need to worry about maintenance -- maintenance of the driveway. That will be on these three -- these three lots. Some other items were -- I think I mentioned that already, but they would like the HOA turned over to the neighborhood as soon as possible, so they can address

their landscape issues and, yeah, like I said, the developers agreed, turn -- turn it over to the HOA soon as we can get the project approved and we have a letter stating as much. Neighbors asked about existing trees, power pole, guy wire that could block vehicle access to the pump station. So, where the existing pump station is there is power coming to it via overhead on a power pole and there is a guy wire that kind of stretches across and so we checked on that, talked to Idaho Power, and we -- Idaho Power -- we are going to have Idaho Power move that pole and fix the guy wire so they have good access to the pump so it's not an issue. Also there was a question about some existing trees on the site. The city arborist will go verify that all these tree -- the existing trees on site do not require mitigation. They are just considered weed trees and so those will be removed. There was a request for a new cedar fence on the north property line of the proposed project and the developer is glad to split the cost of that to put a new fence in. Okay. Here is the gravity -- I think that's -- that's -- I'm probably getting close to my ten minutes. I can go into further details and stand for questions. I have got a graphic here that shows detail of the pump station area and those connections, as well as some setbacks and those sorts of things. So, if we need to get any specifics there should be able to answer any of those questions. This is -- oh, this was the other -- that we -- so, we had another neighborhood meeting on October 8th. Probably better mention that. And what came out of that was they would like -- they want -- the neighbors would like to have written confirmation that the Cherry Blossom Place HOA would be turned over to them and -- at the time that this is approved and so this is the letter that the developer signed. Other items on that second neighborhood meeting. The neighbors requested the narrative, submitted that the city be updated with changes since its initial submittal and that's -- yeah, that's not a problem, that -- city and staff has -- has addressed that to update. One of the things that's referring to is initially we had different lot numbers and realized during the course of the project that they need to be sequential for code and so we have changed those and there were lots that were being referenced in some of the comments and so we just want to make sure that nothing was confused there. Access easement. So, this one -- there is the access -- there is -- there is the access easement that gets us to these three lots on the -- on the east side and it references Lot 16, 17 and 19, because of when it was written and -- which is not accurate and should be updated and MSO, we -- we talked to city attorney and staff and figure out, you know, how do we go about doing that and I think we have got that worked out at this point. The agreement's still -- still valid. The access is needed to the irrigation pump power box to Cherry Blossom Place for maintenance. So, that was one of the other things that maybe I will go back to this graphic here. There is a couple other things that kind of came up. Here is -- on this west side there is a transformer here. It's right on the property line and so, you know, fencing will need to jog around that. The other -- there is a power switch box or meter box in the back corner that provides power to the -- to the pump station, which is right here and so one of the concerns was with -- especially with the -- issues with the pump to be able to go and shut off that pump if it runs dry. Neighbors wanted to have access through this driveway, so they get down here to that shut off and we asked staff about it. Staff didn't really support it. And so we left that off after we figured out that we will have -- that we are going to fix the pump and make sure that that works and so they shouldn't need to be running over there all the time to -- to shut it off. And I guess we can -- we can address that a little bit more through questions.

Lorcher: Okay. Commissioners, do we have any questions for John at this moment?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I do have one question just regarding the HOA. So, there is the three plats on the north side. The two that are on the south side taking access from this drive, are they already part of the existing HOA subdivision -- Cherry Blossom Place or are they -- do they have -- would they be absorbed into this new HOA?

Breckon: Mr. Smith, that's a great question, because there -- there is really -- there is two things we have kind of been addressing here and that's the -- you know, the neighbors to the south of the drive, they are -- they were there before Cherry Blossom Place went in and -- and as well as their drive and access, which is right along that property line south side of the proposed driveway and -- and so -- yeah. So, that -- that's -- no, to answer your question directly. They are not part of Cherry Blossom Place and they will not be part of this subdivision. They are just totally separate.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: And, then, just to follow up on that, so the -- my understanding is -- so, I guess a yes or no, is this correct. That would mean these three homeowners and not the neighbors would be responsible for the maintenance of this common drive and the neighbors would not be responsible under the agreement?

Breckon: Correct. Commissioner Smith, they would not be responsible for maintenance of this proposed -- any of these proposed improvements, because they -- all their improvements are already in. They are on their own property. All the proposed improvements we are making are on -- are north of the property line. We would just be abutting driveways essentially and there would be some inherent benefit to that for access, but, yeah, maintenance and all that would not be on them.

Lorcher: Okay. Thank you very much.

Breckon: Thank you.

Lorcher: Madam Clerk, do we have anybody signed up to testify for Cherry Blossom?

Lomeli: Thank you, Madam Chair. The first person that signed up is Gloria Swihart. She has indicated she is -- okay.

Lorcher: Okay.

Lomeli: Karen Blanton, would you like to? Okay. Working my way down the list. Jack Harp.

Lorcher: No? You are good. No? Okay.

Lomeli: Kimberly Laukala.

Lorcher: Good evening. Thank you for being here. If you can state your name and address for the record it would be appreciated.

Laukala: Yes. It's Kimberly Laukala. My address is 1435 North Parkshire Way. I'm commenting because I don't feel that the pump survey that was done was adequate to what we were concerned about. They came out and certified that the pump was built to spec. We already knew that. The issues we are having is that there is not enough water. There is no water pressure. There is sporadic times when places just won't water, because there is too many people doing it at the same time and they didn't do testing until after the canals were dry, so there was no way that they could run a full test of our system. So, we are still concerned that it is not adequate, that it will not support three more houses, because it doesn't currently support what we have. The other issue we have is no winterization has been done to the pump this year. Period. And the last scheduled winterization done to the pump, which would be maintenance, which is our concern, was in February of 2022. So, our pump has not been maintained. So, there is another issue. Who is going to maintain it? Who is going to pay to bring it back up to where it's supposed to be? Because we don't feel that the homeowner should have to pay for that, because we have not been in charge and my third point is we feel we are being held hostage. The developer has said he will turn over the HOA when the new property is approved. That could take seven years. Ten years. May never be approved. What happens then? Do we end up with no HOA representation until that point? If it's -- if he means to turn it over to us, the homeowners, then, do a good faith and do it now, instead of waiting and holding us hostage. It's just -- it doesn't seem right, so -- and -- oh. My last thing before my time is up. The October 16th letter that was written by the developer, it says that it was submitted to the HOA president, who is the developer as the declarant. So, it was really submitted to himself. I don't know how that's even legal that you can do that, you know, play both sides. So, those are my concerns.

Lorcher: Okay. Quick question.

Laukala: Uh-huh.

Lorcher: You said that your pump hasn't been winterized since 2022.

Laukala: Correct.

Lorcher: And so who do you feel is in charge of doing that?

Laukala: That would be the developer, because he is the one that's been in charge of the pump.

Lorcher: This entire time.

Laukala: This entire time.

Lorcher: Okay. And I believe the October 16th letter, regardless of who it was sent to, was -- was -- the purpose was to have it on record for this meeting.

Laukala: I think so.

Lorcher: So, if he wrote it to himself because he is the president and the developer, it -- it really doesn't matter. It's a matter of public record; correct?

Laukala: Correct.

Lorcher: Okay. And, then, has your community, including back to 2022 addressed these water pressure issues with your HOA developer?

Laukala: We have been complaining and addressing it with him since we moved in in 2023 and there has been nothing. The only time --

Lorcher: No communication?

Laukala: No. No communication. And we had -- in August '23 we were turned over to a management company and so we have addressed it with them and they are trying their best, but they can't do anything, because it all goes back to the developer and nothing's happening. The only time I saw movement was when we started having these meetings and I brought up the issues.

Lorcher: Okay. Thank you very much.

Laukala: Uh-huh. Thank you.

Lomeli: Madam Chair, the next person is Bob Flaten.

Lorcher: Okay. Thank you.

Lomeli: And, then, the last person that signed up is Todd Hanson.

Lorcher: And before we go further, Bob, you know Farrington Heights we are not taking public testimony this evening; right?

Hanson: Yes, ma'am.

Lorcher: Okay. Just want to make sure you weren't -- I mean please enjoy the meeting. So, thank you for being here. All right. And if you can state your name and address for the record.

Hanson: My name is Todd Hanson. My address is 1247 Northwest 4th Street. I own the driveway -- the easement on the south side of the Cherry Blossom Subdivision, which is being proposed. At this point we have no interest in granting the applicant an easement to the property, knowing that we have an existing fire access road that is abutting my driveway to the -- which would be the north of that driveway. Last -- or last meeting my driveway was so far to a 12 foot -- or 11 foot driveway and I have a 30 foot easement to the -- to the south, which for whatever reason became kind of a comical thing. So, I do believe that having a 30 foot easement, as well as my -- my driveway there is -- there should be a barrier between the subdivision and myself, as well as having -- abstaining - - keeping my fire access or you know -- right now I was told I would lose the fire access. I would lose my trash pickup. My access, basically, to my subpar driveway, which was established 25 years ago. Can't find record of what those codes were 25 years ago. Why my -- why -- well, you know, it was approved. I have been living there this long. So, to have someone to come in and say I'm lose -- I'm going to lose this, we are going to -- we are going to have to give -- give into this subdivision is -- it's not right in my eyes. We stand -- we -- we haven't established everything as it is and I think it should stand as it is. Now, I heard tonight that possibly we would be had -- we would have access to the new -- or the new --

Lorcher: Okay. Three houses. Yes.

Hanson: That -- that has never been told to us that we would -- we would have that. I talked to Breckon about combining the driveway. He said I would have to get an easement from the applicant. Therefore, I'm not doing that. The other issue is the power poles. There is two power poles. One at 4th Street and one halfway up my driveway sitting 19 feet in -- or 19 feet in that 20 foot easement and now I see that it's pulled back to 18 feet. So, between the fire department and you folks and, you know, we have got -- I think you have more of an issue than just okaying this subdivision with the HOAs and the pump issues. Last meeting with all HOAs and pump. I appreciate you.

Lorcher: Before you take off. So, in regard to the driveway easement, is it your choice, then, to have a fence divide your driveway -- drive aisle portion to the other side?

Hanson: That or the five foot barrier. It was -- it has been drawn with the five foot landscape berm --

Lorcher: Uh-huh.

Hanson: -- and/or -- and, then, it was changed to -- to a fence -- an open iron fence and I think that that fence needs to go the full length of Doug's property or the applicant's property to my pin at 4th Street if there is a fence to be built.



Lorcher: Do you have --

Hanson: And -- but the -- at the same point I don't -- I'm not -- the city or someone is going to be responsible if my 30 foot easement needs to turn into a 20 foot fire easement at that point. I mean -- because that's where it was addressed that I have 30 feet. I have room to go the south to build a new driveway, therefore, I don't think my house is sitting in the right spot. But, again, that's -- that's on -- it's on the city and the developer to correct these issues.

Lorcher: Are you in the City of Meridian or Ada county?

Hanson: I'm in -- I'm --

Lorcher: City of Meridian?

Hanson: -- 4th Street. Yeah. City of Meridian.

Lorcher: Well, there is parcels all over the city that belong -- that are islands in Ada county.

Hanson: I could be -- yeah.

Lorcher: We are the City of Meridian and, then, is it your preference to have a fence?

Hanson: My preference is to have a berm, but --

Lorcher: Berm.

Hanson: -- at the same point --

Lorcher: Okay.

Hanson: -- there are -- there are some other issues there.

Lorcher: Okay.

Hanson: Because I do have trailers. I have used -- I have used that fire access road to pull in and out, bigger -- you know, my -- my -- my camp trailer.

Lorcher: Right.

Hanson: But yet at the same point I can stay on my 11 feet driveway.

Lorcher: Okay. All right. Thank you very much.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: I have a question for Mr. Hanson.

Lorcher: Don, can you come back, please?

Perreault: Good evening.

Hanson: Who is speaking?

Perreault: So, I have read through all the testimony and I'm just not a hundred percent clear on what the downside would be to share -- from your perspective to share a common drive to the north.

Hanson: I think -- I think the main thing is -- I have got a 25 year old concrete driveway. You know. And I have talked to -- you know, it's not just that and it's not that I'm totally against -- against it. I think -- I think from the beginning when this process started with the land developer we were going to lose our -- our -- our fire -- our access to that -- not just the fire, but this -- the garbage pickup. You know, that was written out that if we don't grant them easement that we would -- we would have to -- we would be on our own -- we would be on our own island. We would have to get our private access. We would have to get our own trash pickup. Fire -- fire access -- I think if -- you know, the City of Meridian could get a fire hose to my house and I don't care about pulling the trash cans out either. But the lot -- the biggest thing is the expense where you are going to be part of the HOAs of the new subdivision or are you going to -- or you are going to maintain your own driveway and try to police who is going to drive in and out and -- and maintain that when a concrete truck or an excavator -- now especially when -- when they are going to build a new road in, who is going to repair my driveway during this construction time and how am I going to keep them off of it by not -- not giving them an easement? So, you know, there is -- there is all kinds of variable things that we have -- we have talked about. Obviously it would be great if it was the same. I could roll my trailer in and out of that nice fire turnaround and drive it into my yard. I would -- that would be fine, too. But it's -- I think it's more the -- more my -- my personal property rights to have somebody come in and say, hey, you know, give me this and now -- or if you don't you are going to lose all this or all the -- you know, all the things that the city has provided me over the 25 years. I mean that's kind of -- kind of the -- where I stand and even now it's like, okay, you got 18 feet to pull your -- to build a new road without moving the power poles. To me that is -- that's a code violation there without act -- you know, with where my driveway sits and, really, the -- where my driveway sits the concrete line, I do have more than the 11 foot there to the north. So anyway --

Lorcher: Okay. Thank you. Madam Clerk.

Lomeli: Madam Chair, no one else has signed up.

Lorcher: Is there anybody in Chambers that would like to speak? I looked at this gal first and, then, the one in the middle.

Williams: Good evening. So, my name is Marjorie Williams. I live at 1251 Northwest 4th Street. Just to add on to a couple of things Todd spoke about, why do we care if the driveways are combined? I had an appraisal done by a realtor and it would decrease the property value of our house by at least ten percent. People don't like sharing driveway - - buying houses on driveways I guess with six houses. So, approximately a million dollar home, that's at least a hundred thousand dollars. So, that's why this is worthwhile to me. Also -- okay. Let's see here. So -- and the issue I -- and, then, one of the major issues is the geometry of the turn off 4th Street onto the 20 foot common driveway of the new development. Fire trucks can't make that turn. They need at least 24 feet, possibly more when you look at the auto turn format that they put out there. Garbage trucks need more than that, too. So, yeah, when you apply the standard auditor and fire truck template, the rear -- rear wheels and overhang of a ladder truck cannot stay inside the 20 foot easement. Power poles at the corner restricting the turning radius and the city's own staff report states that the open vision fence has been removed to allow more room for emergency vehicle maneuverability on the abutting southern properties. That means the city is assigning a public safety function to land the applicant doesn't own and for which has no cross-access, easement. This fails to demonstrate compliance with Idaho Fire Code 503.2.4, turning radius must be provided within the property served and UDC 11-6C-3-E4, which requires emergency access to be located within the development or a recorded easement. Approving a layout that depends on neighboring private property conflicts with Idaho Code 67-6511 and amounts to a taking under Article 1 and 14 of the Idaho Constitution and the Fifth Amendment to the U.S. Constitution. The staff report also says the Cherry Blossom East access easement is separate from the southern easement, yet the design functions as one continuous corridor. Same pavement, same alignment and the same turning path. If the easements are truly separate the fire access isn't met. If they are combined our property has been incorporated into a new plat without consent. Either way the findings before you violate UDC 11-6C-3-E4 and Idaho Code 67-6511, because they rely on an access arrangement that is neither legally granted, nor consistent with the record. And, then, finally, the development continues to own the pump house parcel that supplies with irrigation for both subdivisions, while claiming there are two independent HOAs conflicts with UDC 11-3A-5A and Idaho Code 55-3206(2)(4) which -- okay. To close I would ask the developer to address the code violations detailed in the written comments I submitted.

Lorcher: Thank you.

Williams: Thank you. Any questions?

Lorcher: Nope.

Williams: Okay.

Lorcher: Thank you. Ma'am, if you would come up. Oh, you are good. Good evening.

Reese: Good evening. I'm Janet Reese and I live at 1384 North Parkshire Way. I have a few comments regarding the October 29th project manager memo and this project manager submitted the application. He claimed that a separate Cherry Blossom East HOA will be created. That HOA, the east one, will be comprised of three homes. In Idaho generally HOAs must have more than 20 lots or units to register with the Idaho Secretary of State. So, these proposed three new homes will be dubious -- dubiously referred to as another HOA? The memo further states an agreement between the two HOAs will be created for the new homes use of the existing irrigation pump currently serving the 47 Cherry Blossom Place HOA homes. That's also dubious considering there are no existing legal HOA documents which would facilitate any such agreement. The developer controls the existing HOA, as Kimberly pointed out, and will control the other three homes as well. I'm going to amplify on the current condition and capacity of the existing pump. A system that exhibited pressure problems this summer. It's questionable whether the system efficiently supports the 47 homes on it now. An assessment of the pump station was supposed to be done before this meeting by a professional engineer qualified to certify in writing the condition and capacity of the pump station. But this wasn't done. Instead a Precision Pumping systems service engineer came out and took a look. He could not confirm or certify in writing how many properties the output performance would accommodate according to his October 10th memo that's posted. The additional homes in another HOA should have its own separate pump. This project should not progress until the issues regarding the capacity and condition of the existing pump system is resolved. Additionally, legal documents that certify the new homes will be in a separate HOA should be required before this project is approved. Thank you.

Lorcher: Thank you.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I do have a question.

Lorcher: Ms. Reese, can you come back?

Smith: So, I just want to clarify what your preference is. So, you identify that you are opposed -- and correct me if I'm misunderstanding -- it seems you are opposed to these three homes being in their own HOA. Would you prefer that they join the existing HOA or is there some other --

Reese: Absolutely not.

Smith: Is there some other --

Reese: Well, first of all the issue is the pump. Is it going to -- is it going to work for three more houses? And the other issue is we don't -- we don't want them on the HOA. They

-- they are not our locale and, really, the HOA should be turned over right now before anything else goes on so homeowners have a say in this matter.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: So, is there another configuration I guess -- and not to dig into legal weeds or anything like that. I'm just trying to understand to make sure -- is there a different configuration that you would prefer if not -- a new HOA, not the existing HOA? Is there some other preference that you have?

Reese: Well, if they are going to call three homes Cherry Blossom Place East, they ought to have their own pump system. Why would they annex the one we are using and we don't even know if it's efficiently serving the 47 homes on it. It has problems now and we have no say.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: So, if they have their own pump station -- or if you were confident that the property could be adequately served is -- your issue is not with that -- they would be their own HOA, it's specifically with the pumping.

Reese: We don't -- we don't want another group of homes using the pump that is not certified as far as how many homes it can serve. I really -- it really needs to be checked out by an outside professional that can give an objective view point on -- is this going to work or not.

Smith: Okay.

Lorcher: Thank you.

Reese: Thank you.

Lorcher: Anybody else in Chambers that would like to speak? I looked at this gentleman in the hat first and, then, sir.

J.Williams: Good evening, everybody.

Lorcher: Hi.

J.Williams: Justin Williams. 1251 Northwest 4th Street. Mine's super easy and small. I don't think there is adequate parking for the three houses that are going in. So, if those three houses have anybody come over or they have a child in house and they have more than two cars there is no parking. So, everybody's going to be parking to the south on

our property. So, the third house is almost not possible to drive into the driveway without backing onto our property. So, if I happen to put a trailer there or a fence there, it's almost impossible for somebody to back out, because it's less than 20 feet. So, nobody addresses that. Also back to Todd's point. The problem is is that our driveway is crumbling. They are not offering to rebuild it. They are not offering to share an easement. They are not offering to buy our property. They are just expecting that it's going to be okay for people to drive up and down the property. As soon as those houses are built and they have a small party at one house, it will not be legal for any police officer or fire department or fat or trash to be able to drive down the driveway, because right now you can barely drive two cars down as it is. So, if any party parks on the curb -- this should be redone and there should be more parking. I believe there should be more parking -- they should have to have more parking. There is no street parking.

Lorcher: Okay. Thank you very much.

J.Williams: Thank you.

Lorcher: Sir.

D.Laukala: I'm Daniel Laukala. 1435 Parkshire Way. I just want to touch on the pump. The pump, they -- Steven looked at it as an engineer sitting at his desk. Ran the numbers. The pump is adequate. The pump should be able to run a golf course. Our problem is Doug Jayo as the declarant of our subdivision has abandoned us. He has abandoned maintaining that pump. He has abandoned making sure that it's up kept. That's our biggest investment in our neighborhood. That's our only asset. If we have got a low ditch -- and I have talked to Precision Pumping. I have talked to one of their service guys that came out. Number one, '22 was the last winterization. February of '22. So, after winter. They have come out and replaced motherboards on it every year. They have come out, replaced valves, but it's never been serviced. When they do a winterization they check the valves, they unhook the bolt on the bottom, let the water drain out. Right now we had to shut the pump off ourself. We had to walk to the breaker box, flip it off, because the owner next to that pump could hear it screaming dry when the irrigation ditch dried out. Why do we have to do that? If it was serviced and they did an assessment like they were supposed to they would have seen that the float wasn't working. There is another valve that must not be working, because there is two fail safes to shut that pump off when the water is dry. So, what is the health of our pump? Why didn't they run a wet assessment? They waited until the ditches were dry. Sonya sent a letter to them saying, hey, the ditches are going to dry out this next Wednesday next week, you need to go out and do an assessment. An assessment isn't done at a desk. That pump will do it if it's maintained and right now I have pictures the pump is still energized. It is still set to auto. All somebody has to do is walk over to that breaker box and flip the breaker box and the pump will burn up again. I asked Rob that turned it off -- and I said, no, you did the right thing, because I got my butt chewed by the HOA for touching it. So, Rob did the right thing. If your car is on fire do you want me to call the fire department or do you want me to use a fire extinguisher to put it out while the fire department is coming? Precision Pumping said, no, you did the right thing, turn it off, de-energize it. It hasn't been

winterized. There is still two inches of mud in the ditch. I have got pictures of vegetation in the pipes. I'm just very unhappy.

Lorcher: Thank you very much.

D.Laukala: Questions?

Lorcher: No. I think we are good. Is there anybody else in Chambers that would like to speak? Madam Clerk, do we have anybody online?

Lomeli: Madam Chair, no.

Lorcher: Would the applicant like to come forward and address some of the concerns of the neighbors?

Breckon: Jon Breckon. 6661 North Glenwood Street.

Lorcher: Thank you.

Breckon: I'm not sure where to start. I can't speak to the winterization as I have not been involved in that -- that piece of it or the maintenance thus far. The -- regarding the letter to the HOA -- that turns over the HOA, that letter was sent to Tammy Riddle, who is the - the president of the HOA. She is part of the property management group and so that was to be dispersed from her. I clarify that item. As far as, you know, turning over the HOA I think everybody would like to turn it over. I will speak to that. One of the reasons for not turning it over is that part of Lot 2 is still part of Cherry Blossom and that's owned by the developer and so as part of this plat that lot will be combined and make Lot 2 and allow us to do these lots.

Lorcher: Quick question. In regard to the lots that are in the vicinity of this Cherry Blossom Subdivision, historically developers turn over once a hundred percent of lots are developed. After this east project are there any other undeveloped lots within this -- or this vicinity that that developer owns that would prohibit him from extending the HOA to the community?

Breckon: Madam Chair, no. There is -- yeah. And I think that's why, you know, he said in the letter that he would be willing to sign it over as soon as we get this approved. That's kind of the first time that it really makes sense is, then, that -- that lot can go -- can be combined and complete this other subdivision.

Lorcher: Okay.

Breckon: I understand the frustrations about the pump. Was obviously spoken to. I guess I would fall back to what I was saying before in that we did do a full assessment of it. Precision Pump went out there while the water was still on and when they did their

inspection. As engineers we look at the numbers. That's how we did our assessment of the water rights and so forth. Check the calculations and it just all checks out.

Lorcher: I don't think the community is objecting that the size of the pump or not ability to be able to do it, as the neglect of the developer -- or the homeowners association to maintain it. So, is the developer willing -- the new develop -- developer willing with these three new parcels to put in a separate pump for these three parcels or are they going to be able to fix the one that they have so that the community has the water that they need?

Breckon: What we are -- Madam Chair, what we are proposing is to fix the one that we have, because we are only at -- you know, there is 47 lots. We are only adding three more to it. The pump is well capable of servicing those three lots and so, you know, we need to -- we need to do some additional piping there. We need to -- we need to make some improvements to make sure the water is getting into the wet well. I mean that's what we determined out of our assessment is that water is just not getting into the -- to where it needs to for the pump. That's why it's running dry. And so we need to make those upgrades. That's in the plans that we submitted to staff. Yeah. It just needs to be fixed and so that's what we are proposing is to fix those things, so this thing runs like a Swiss watch --

Lorcher: Right.

Breckon: -- I mean which -- which it should.

Lorcher: One gentleman mentioned some parking.

Breckon: Yes. The parking -- I mean these are single family homes. They have got two car garages, as well as a 20 foot driveway. That's -- that's what we are relying on for -- for parking. The -- one thing I would like to speak to is -- is the barrier between the properties. We -- you know, maybe I should go back when we initially presented the project to the first neighborhood meeting we brought two concepts. They were both drawn up per city code, which stated that there should be a five foot buffer and/or a fence to separate and that's what we showed. We also presented an option to work through a cross-access agreement so that -- and rebuild their side of the driveway, so that everybody could share this new driveway and everybody would have access down and through the whole thing. What came out of that is the neighbors did not want the barrier between and I think that was worked through with staff and that requirement by the -- for the five foot buffer was removed and -- and that's how we came to where we are today. So, there is some misunderstanding there. We are not asking for an easement -- additional easement for the neighbors. We are not asking for them to share the drive. You know, it's separate. I guess, you know, if they want a fence we are okay with that as well. That's what we had back in previous concepts. So, we feel confident we can make that work if that's the preference. I think that answers that area there. There was a question about turning radiuses and access. I'm quite familiar with the IFC, International Fire Code, and those turning radiuses. Inside turning radius for a fire truck is 28 feet as a minimum and I guess I just disagree, I mean we have run this by the fire department



and staff and we have looked at it ourselves. We have got a program that does these training radiuses. I think we are good. So, I would be glad to look up any additional code and see where -- if we are missing something there, but to the best of my knowledge we are in compliance.

Lorcher: Okay. Commissioners, do we have any questions for the applicant?

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: Thank you. I would just like to clarify what you are saying to make sure that I understand it properly. You are saying the HOA was not turned over because currently the lot that the pump house sits is incorporated into -- into Lot 2 and so to get this plat approved allows you to split off that lot and, then, give that to the HOA. So, that's why the developer has not turned over to the HOA yet. Is that -- am I understanding that correctly?

Breckon: Madam Chair, Commissioner Rust, yes. That is correct.

Rust: Okay. Excellent.

Breckon: It's kind of a -- not typical situation.

Rust: Okay. Thank you.

Breckon: Yes. And that's why we wrote the letter to show that -- glad to do that.

Lorcher: Okay. I think that's it. Thank you very much.

Breckon: Thank you.

Lorcher: Can I get a motion to close the public hearing?

Smith: So moved.

Rust: Second.

Lorcher: It's been moved and seconded to close the public hearing for Cherry Blossom East. All those in favor say aye. Any opposed? Motion carries.

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

Lorcher: I struggle with this on a couple different levels. I am not an HOA expert. I lived in a Corey Barton subdivision. I was the 12th of 62 houses that was built. So, we were right in the middle. The HOA was not turned over to our community to a property management company until a hundred percent of the buildable lots were completed. I

think that is usual and customary in communities. I don't know if there is a law or a code or a -- or whatever, but that's been my experience. So, the fact that that hasn't been turned over is not surprising. It is extremely disappointing that this particular development has not -- developer has not taken care of its community before it chooses to build something new. So, there definitely is some neglect there of being able to provide the water pressure needed for this community. But on the second hand it sounds like there is a commitment to not only fix the pump to improve it, as well as turn the HOA, so, then, the developer is no longer involved, but you can work with the property management company that's been hired or you, as a community, you can elect a president and take matters in your own hands so you are not listening to grinding gears or things of that nature. The developer has a right to develop undeveloped land and if it's been used as a convenience for this community it has been at the graciousness of the developer. It is not your land. It belongs to future development and because it's been used as fire truck turnaround or garbage truck turnaround has been more of a convenience than a rule. But with that said making sure that there is proper access and accessibility is also important. So, you know, it's like this weighing thing; right? We have got this open lot. Nobody wants to see it developed, maybe a park, but the developer doesn't make any money on a park, he makes money by selling homes and having three homes on .79 acres is not considered unreasonable. It's unreasonable that three houses have to be part of their own HOA because this community won't welcome these houses in there, but it all goes back to the pump; right? So, if the developer -- the developer needs to be faithful to the commitments that are made not only here tonight, but at City Council. The pump needs to be fixed. The roads need to be maintained. The HOA needs to be turned over and those houses to be welcomed into your community.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I agree with you. I think by and large a lot of the issues that I heard raised tonight and that I have seen raised aren't necessarily about the development itself. It's about the fact that this community just plain doesn't trust the developer. I think there are certain standards with it. When you look at the actual development itself what is on paper, what the developer is legally going to be held to, I think the project is a good one. As our former chair and colleague Andy Seal would say in-fill is just hard and this is a really difficult piece of land and I think with all of that said this is -- this is a good project. Now, regarding the developer's long-term maintenance commitments to the community, I agree, I think that the community has -- maybe it sounds like been underserved by the developer and I think the best way to ameliorate that problem, in addition to requiring the pump station be serviced and fixed as part of this -- this existing development is to get this HOA in the hands of the community as soon as possible. I think that is by approving this project. So, that's where I stand. Yeah. It's a weird project. There are a lot of things that are not done how we are used to or not -- the configuration of the existing property given access it's not standard and that's kind of what you get with in-fill sometimes, but I think with what cards were being dealt and the developer's been dealt they have done a good job on this specific project.

Lorcher: Any other comments from Commission or a motion?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: After hearing all applicant, staff and public testimony, I move to recommend approval of File No. H-2025-0030 to City Council with a modification of Condition 11 being modified to read that the developer shall pave the existing driveway via Northwest 4th Street on the adjacent property to the east at 1303 Northwest 4th Street with a service -- surface capable of supporting fire vehicles and equipment.

Rust: Second.

Lorcher: It's been moved and seconded to approve Cherry Blossom East. All those in favor say aye. Any opposed? Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.