

Meridian City Council Special Meeting

May 26, 2021.

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Wednesday, May 26, 2021, by Mayor Robert Simison.

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

Members Absent: Liz Strader.

Also present: Chris Johnson, Bill Nary, Bill Parsons, Joe Dodson, Alan Tiefenbach, Warren Stewart, Jamie Leslie, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

☐ Liz Strader	☒ Joe Borton
☒ Brad Hoaglund	☒ Treg Bernt
☒ Jessica Perreault (left at 8:20 pm)	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record it is July -- or May 26, 2021, at 6:00 p.m. this evening. We will begin tonight's meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

ADOPTION OF AGENDA

Simison: Our next item is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: It's that time of the night when we adopt the agenda and, quick reference, we have moved an item from last night, Item No. H-2020-0127, Skybreak Neighborhood to Item No. 1, because we did not have time to hear their presentation last evening. So, with that we are going to move Skybreak to number one and, then, Foxcroft to No. 2 and, then, some city stuff to No. 3. With that I move that we approve the agenda as amended.

Hoaglund: Mr. Mayor, second the motion.

Simison: I have a motion and a second to approve the amended -- amended agenda. All those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ACTION ITEMS

- 1. Public Hearing continued from May 25, 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: With that we will begin with our public hearing continued for May 25th, 2021, for Skybreak Neighborhood and I will turn this over to Alan for comments.

Tiefenbach: Good evening, Mayor, Members of the Council. Alan Tiefenbach, associate planner with the City of Meridian. Hope everybody's having a good evening. So, this is a proposal for the annexation of 80 acres of land with an R-8 and R-15 zoning district. It's a preliminary plat consisting of 328 building lots, 40 common lots and 14 other lots, as well as one more lot for the existing home. This is a proposal that -- that asked for private streets in the gated portion of the development, serving 112 residential units with two gates and two emergency access gates. So, four total. It also was a request for administrative compliance, which prohibits common driveways off of private streets to allow through roads in the gated area of the subdivision and also the UDC limits some gated developments to no more than 50 units. This would be 112 units. The property, as I said, 80 acres -- 80 acres. It's zoned RUT. It's located on South Eagle Road and Alder Hof, which is just to the southeast of Lake Hazel and Eagle. Most of the land here is within Ada county, except to the west is a subdivision called The Keep, which is being developed and there is also the Pura Vida Subdivision that was recently approved to the north of the Boise Ranch Golf Course, which is to the east. Future road improvements include a signal at Lake Hazel and Eagle Road intersection that would be in 2023. Lake Hazel was planned to be widened to five lanes between Eagle and Cloverdale Roads in 2024, proposed to be widened to five lanes from Locust Grove to Eagle -- Eagle Road between 2026 and 2030. But no improvements are planned to Eagle Road south of Lake Hazel, which would be abutting the site, although there is -- there are improvements that are occurring as part of The Keep Subdivision to the west at this point. A little history on this. The applicant submitted a previous proposal in June of 2020 and this proposal included 353 building lots, all of it single family residential. This proposal was scheduled for the October 15th Planning Commission meeting. Staff -- the other planner at that time

recommended denial and the applicant withdrew this application, resubmitted the present one in January. This proposal is very close to the previous one, except for there is 24 or less lots. There is some large open space and there is 30 single family attached units, whereas the previous proposal is all single family detached. Staff has reported on two pre-apps, multiple discussions, and two staff reports that we didn't support the project as it was proposed. And just a little clarification. At the time the staff report had gone out originally for review staff had not received any updated comments from ACHD or West Ada schools. Staff relied on the -- the data from the previous proposal, which hadn't changed that much. There is some slight differences in regard to the number of children and, again, since -- recently improvements have started occurring as part of The Keep on the west side of Eagle. At the time of the staff report only one comment had been received, but since that time we have received I believe 15 letters, we have received numerous public testimony at the Planning Commission and those issues expressed were transition and density, whether or not it was appropriate. The R-15 zoning being inappropriate. The lack of sidewalks and whether or not this was being done to fit in more lots. Inadequate green space. Fringe development. The capacity of the schools. Road design and the proposed usage of Vantage Point Road, which I will talk about in a little bit. This is a graphic of how the zoning is proposed for this site. The applicant proposes R-8 on the western portion of the site. So, that would be over here. And R-15 is being proposed on the eastern part of the site. R-8 requires 4,000 square foot lots and a 40 foot lot frontage. There is a minimum frontage for lots. R-15 allows lots as small as 2,000 square feet and it does not have a lot frontage requirement. The applicant has requested R-15 zoning in order to be allowed private streets that would not be allowed by R-8. So, you can't do private streets unless it's R -- unless it's R-15 zoning. However, all of the developments proposed would meet the minimum requirements of R-8 in regard to the lot sizes, in regard to the density. The only thing that it would not meet would be the private street requirements that they would want to do. As proposed the zoning would -- would zone the denser portions of the site -- so, the sites to the west. That would be a less dense zoning. And, then, the east side of the site, which are the larger lots, would be zoned to the higher densities zoning. Staff did have -- mentioned that we had some concerns with the transition of the lots. To the southwest, which is down here, the development proposed a lot size of approximately 6,000 to 6,500 square feet. There was a staff -- there was a response letter that you might have seen to the original staff report that the applicant had mentioned that there -- there -- if these were to develop in the future they would -- they would probably be around 8,000 and 9,000 square feet, but staff has not been able to figure that out, because the Comprehensive Plan here recommends less than three dwelling units per acre, which would be about 14,000 square foot lots. At the -- at the middle, south here, the development does include private roads and some open space as a buffer between 80 feet and 120 feet between these smaller lots here and the Vantage Point Subdivision to the south. So, they have worked on providing a -- sort of a buffer and some sort of transition. The road in the park would help being a buffer, however, there would still be two to three houses adjacent to each house in Vantage Point Road. These houses, again, are on one acre lots and these would be between five and six thousand square feet. At the southeast there are even larger lots proposed in this development, but as you can see here they have been turned as such that this house is going to be looking at three houses. So, staff does have concerns with how the density

is transitioning here. The applicant has, which I will show you in a minute, provided some additional buffering measures that they believe would help to fix this. Also many of these houses -- and the applicant can talk about it more -- have been limited to one story to reduce the visual impacts. There is some pretty spectacular views if you haven't been up there. Staff certainly is -- is -- really appreciates that the applicant did that. There was some mention in the earlier staff report -- I mistakenly called out a couple of the phases by the wrong numbers. I had called the whole area phase nine, whereas it's actually -- phase nine is over here and phase four and seven are over here. Since the time of the staff report, as I said, the applicant has submitted new drawings and these drawings show additional screening and buffering in this area. The Council should determine whether the applicant has provided an appropriate transition to the south. Fire Department has noted that this development can be served by the Fire Department. However, the Fire Department has noted that they have concerns. This is a large subdivision with the only -- with most of the lots only having access out to Eagle Road. Fire's preference would be a connection to Lake Hazel to the north, but has had some discussions with the applicant and the preserving -- preserving the south rim and some of the topography could make a northern access difficult. Not impossible. They would have to work with several other property owners, maybe one to the north and to the west, but certainly getting a road out on the slope could be difficult. The west end -- and I think that Mr. Bongiorno will talk about this more -- originally shows that it falls within the five minute response time, with the rest of the subdivision not being within the response time. But as it is now it looks like that's actually a worst response time than we originally intended given a recent fire. So, again, Mr. Bongiorno can talk about that if you would like. Also fire has noted that the gated areas would cause delays. Staff, in particular, as far as playing goes, doesn't have significant issues with the gates, but that certainly would be slowing down traffic even more than before. Staff would prefer that the applicant work with one of the property owners directly to the north to see if they could get access directly to East Lake Hazel Road, so if an issue happened with Eagle Road there would be more than one way out. The applicants noted in their March 17th letter that Pura Vida, Pinnacle, and Lavender Heights are all the same distance or further and have the same reliability, but staff knows that all of these ones have multiple ways in and out. This one only has Eagle Road in and out. At the request of fire applicants submitted a phasing plan, which includes 59 lots -- that's the most of any phase. Only phase eight, which is up here, this is the only phase that actually does not take access from Eagle Road and this would be -- have to be provided into Pura Vida. Other than that, all the rest of them would have to take access. Phase nine, which is down here at this point, only has emergency access. So, they have not proven at this point that they actually have access to this area, unless there is something I don't know yet tonight. As already mentioned, all lots, except for 15, phase -- in phase eight utilize East Eagle Road. As I mentioned, phase eight can't be built out until Pura Vida builds out and phase nine currently only has emergency access. The applicant proposes 112 lots to be served by private roads and two gates. That's what you can see with this red line here. The private roads proposal is as narrow as 27 feet and they have no sidewalks or landscaping. These roads would pass the maintenance cost onto the homeowners in perpetuity and its -- since they don't meet minimum ACHD templates, ACHD will not accept this road and, yes, they do meet some minimum widths, but they don't meet the requirements ACHD would have for sidewalks. If there were

financial issues with an HOA or something like that in the future, all that land would be -- all that cost would be passed onto the homeowners, because the -- ACHD won't accept these roads. Staff does not understand how narrow streets without sidewalks is innovative or preferable to streets with sidewalk. We have asked the applicant to explain. They have told us that it's an intimate setting and that there is a demographic that prefers a gated community, which certainly we would agree with. Staff has concerns with supporting this feature without sufficient justification, the precedent that it would set with allowing many lots to be built with no sidewalks at all, no pedestrian connectivity. The applicant requested alternative compliance to allow 112 lots to be served by the -- by the gates and common streets. The planning director denied this request for alternative compliance. The applicants have stated later during Planning Commission that these were intentionally designed streets to prioritize the car -- or the pedestrian over the car. Staff is struggling with that, because you will have to drive to get in and out of this subdivision. The applicant states 14.99 acres, which is about 18 percent is -- of open space is provided and that would be a three-fourths acre tot lot, which is here and a one acre sports park, which is here. There is pathways along the Farr Lateral, which you can see here, and there is a pathway along the eastern lots, so up here. There is a golf cart that comes down near the slope and connects into the Boise Ranch Golf Course, several dog parks and an entry park. Aside from that -- and there are some good amenities there, but aside from -- from what I have talked about, staff does have some concerns, because a lot of what they are crediting as open space is just buffers along roads, end caps open space that they either -- that they couldn't have used anyway. So, we are not convinced of how quality this open space is. It's important to note that all -- although the applicants have submitted a chart showing which open space meets the minimum dimensional requirements of the UDC, in this particular case the applicant is asking to be annexed and being that they are -- that they are annexed, it's a little bit of a different story is the Council and the Planning Commission can require whatever they want. Staff thinks that a development of this size, being 80 acres, should have more quality usable open space and more of a composite together. The applicant submitted a pedestrian circulation plan and it shows that the private streets without sidewalks are being shown as pedestrian connections, which would be over here, which, again, staff is not entirely convinced, but the Council should decide if this project provides appropriate open space and amenities. The applicant has given us elevations, which are very nice elevations and show the single family residences, as well as the duplexes, which you can see here. Staff recommended denial of this proposal. Staff did not believe it substantially complies with the Comprehensive Plan and did not believe it was in the best interest of the city. Only one access road for all but 15 lots -- and the applicant hasn't demonstrated equal access for 23 of the lots that are coming off of Eagle. We believe there is an inadequate transition of lots of the south. There is a higher density of zoning for the lower density area and a lower density zoning for the higher density area, whereas R-8 would be sufficient. It's located on the fringe of the city, only adjacent to the city in portions and it's not an in-fill development. There are narrow streets with no sidewalks. The Comprehensive Plan has numerous policies about being walkable and having complete streets. Fire says they can serve it, but they have expressed they have concerns. There is some quality open space and amenities, but there is a lot of open space being credited that we don't think is quality open space. They have -- they have noted that school capacity will not be an issue,

because it will be age restricted, but unless it's deed restricted really we can't enforce that. The Planning Commission heard this case on April 1st, 2021. They unanimously moved to recommend denial. Their reasons for denial were pretty much synonymous with what staff recommended. There was also citizen testimonial letters that touched on most of these same items and with that I would entertain any comments or questions. Thank you -- thank you very much.

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

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I need some education, Alan, on the gated community and the 50 homes limit. What is the purpose? How did that come about? Can you just help me understand that?

Tiefenbach: That's -- that's a good question. That was a question I had. My understanding -- and I might kind of look at Joe -- is I believe that has to do with fire access, but this is a little more history than I could probably describe, because I wasn't involved. I believe it's about fire, but I will punt it over to Bill and to Mr. Bongiorno.

Parsons: Mayor, Members of the Council, Councilman Hoaglun, I can definitely give you some insight on that. A few years -- well, probably ten years ago when we adopted the private street standards, we were getting some pressure from the development community to allow that. At the time that we implemented that code, the fire code allowed up to 50 homes on a single access, and that's why it's currently 50. Since that time the code has changed and we only allow up to 30 homes on a single access. So, we did share this information with the applicant. We did ask them if they would entertain processing a code change with us to try to clean up some of these discrepancies and they decided to come forward with the R-15 zone and go through the alternative compliance, because in previous applications that we have done for them we have allowed more homes off of a gate through that process -- or at least the -- the planning manager hadn't made the determination that as long as you had two gates you could have each -- 50 homes off of each gate and we have recently made a determination that's no longer the case. We have conferred with Legal and they have confirmed that we kind of misconstrued our own code and so we have to clean that up and so that's why on this particular case we are not in support of the alternative compliance or the private street application for this application, because of some of the code interpretations that we have recently received from legal counsel.

Tiefenbach: Better than I could explain, Council.

Cavener: Mr. Mayor? Sorry, Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I guess, Bill, can you expand on that and what the basis is maybe of the alternative compliance denial or what the feedback was from Legal that we are -- we are misinterpreting our own code?

Parsons: Well, it says no more than 50. So, really, this -- this project should have no more than 50 homes off a gate. That was the determination that we had made. And, then, the other -- the other caveat to that was the fact that an R-8 -- or anything beyond -- anything R-8 or less, meaning R-4, R-2, R-8, could not be eligible for private streets, because in the code they require public street frontage and the R-15 and R-40 zone didn't and -- and that's really the conversation that -- that we are probably going to be spending a lot of time on this evening is whether or not we need to do something about the code.

Cavener: Okay.

Parsons: And at this point that's where we are at with this applicant. We met with them, we shared these concerns with them, and we asked them to apply for what's called a director's determination before they submitted their application and they decided not to. They chose not to get that in writing and we would have shared that with them before them even having them submit an application and, so, again, it's your purview to look at alternative compliance, overturn the director if you find that that's the case, right now as the director has denied the request for the private roads and also the alternative compliance request.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Bill, my understanding the reason the director denied the alternative compliance is because it's over 50 units -- or 50 -- 50 homes?

Tiefenbach: I can answer that one. It's actually a bigger one than that. When you are -- when you are looking at alternative compliance, sir, there are numerous different criteria that needs to be met and, then, there is findings that need to be met. The alternative compliance that they were asking for with the -- the private streets with no sidewalks, the common driveways and the gates, the requirements say that alternative compliance can be given for topography or site constraints for an unusually shaped lot. Safety considerations or -- or that other regulatory agencies or departments that had jurisdiction became an obstacle to it or maybe there was an alternative site design that's an innovative design, which is what we referred to. Now, the findings that must be met in order to get alternative compliance is that strict adherence or application to the requirements is not feasible, that the alternative compliance provides an equal or superior means for meeting the requirements, or that it will be not materially -- materially detrimental to the public welfare -- welfare or impair the intended uses and character of the surrounding properties. The -- the letter -- the only letter that we -- the explanation that we got is that it is an intimate setting and that they would be able to sell -- to be able to sell the lots. Given that they didn't make any of the findings -- we couldn't make any of

the findings in order for the -- to recommend to the director alternative compliance be approved.

Cavener: Thank you, Alan.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I need to follow up on the gate issues and I understand, you know, we have had before when we have subdivisions and phasing and they can only build 30 homes, because they only have one access -- emergency access or the loop isn't going to be completed, that sort of thing. So, it sounds like this -- if I understand correctly what you are saying is with that one gate, only 50 homes and that was, you know, adopted before and they are falling under that clause. So, I'm curious, there is two emergency gates, so that allows additional access, so, then, are they allowed, then, to exceed that?

Tiefenbach: Per code, kind of back to what Bill said, it just says no more than -- that private gated communities cannot serve more than 50 lots. Period. It doesn't talk about access. Certainly Mr. Bongiorno will tell you that he appreciates having a couple of extra emergency gates, but it doesn't -- it doesn't say that there is a certain amount of lots per gate. It says no more than 50 lots of per development.

Hoaglund: Mr. Mayor and Council, yeah, that -- and, Alan, that's what I was trying to figure out, because I thought it was 50 per gate. Well, then, they have four gates, so --

Tiefenbach: No, sir.

Hoaglund: -- they would be under compliant -- you know, they would be fine. So, you are just saying if it's gated it's 50?

Tiefenbach: Fifty total regardless of if there is 20 gates or one gate, sir.

Parsons: Councilman Hoaglund, let me clarify. So, yes, they -- all the standards in the -- under the privacy section are eligible. So, that's what the alternate compliance request is for, to allow more homes -- more than 50 homes off a gate and to allow common driveways to take access to the private streets. So, that's what the director's denied.

Hoaglund: Okay. Thanks.

Simison: Council, any other questions for staff? Okay. We will ask the applicant to please come --

Hoaglund: Mr. Mayor, I'm sorry, I did have one other.

Simison: Councilman Hoaglund.

Hoaglun: Had to do with transitions and you mentioned the two to three homes up against the one acre. Do we have a standard for a transition? Is it two homes -- I have gone through that transition myself, you know, having my home and, then, having two and a half homes behind mine. So, I -- it's -- whatever -- what -- what do we have as a transition standard, if there is one?

Tiefenbach: So -- so, it's somewhat subjective and that leaves the finding up to us and you to determine whether it's appropriate. We have Comprehensive Plan recommendations in that particular case that says three or less dwelling units per acre on that side of the site, which is low density residential. That's what we -- now -- now, generally, if we are going to go to a higher density, generally what staff does is if you have a range, you have between four and ten, then, if you are doing the bare minimum and you have very large lots directly next to you, then, generally we are going to site towards four. If you are closer to higher density lots or you are doing a very high quality design with major amenities, then, you may be able to get a little additional density, but there is a range depending on what is directly next door. Staff's concerns were that many of the one acre lots to the south are going to see two or three houses next to them. Even if there is a fence you are still going to see three or four houses just behind your particular lot.

Perreault: Mr. Mayor?

Simison: Councilman Hoaglun, just for the record, you have three homes, not two and a half. You got to count them all.

Hoaglun: You're -- you're correct.

Simison: Council Woman Perreault.

Perreault: Thank you. Alan, to that point are those lots to the south, are they sitting above? Are they elevated above the -- what would be the lots to the north? In other words, are they going to be able to look directly into the properties or do they sit farther -- are they a lower grade?

Tiefenbach: Ooh. I believe they are relatively level. I don't have the contour map in front of me right now, but so I know that the topography very sharply drops over to the slope on the east. I believe the south is relatively level, but I think I'm going to have to reserve that for the applicant or I'm going to have to get the contour maps to be able to answer that accurately to you. Yeah. It sounds like Bill is going to hit the GIS and see if he can answer that for you.

Simison: Do we want to wait a second?

Parsons: The applicant can also address that if that's okay with Council Woman Perreault.

Perreault: That's fine.

Simison: Okay.

Bongiorno: Mr. Mayor?

Simison: Deputy Chief.

Bongiorno: Sorry. Since we are on staff, is it okay if I go ahead and give my comment right now that -- what my concern was?

Simison: Sure.

Bongiorno: Thank you, sir. Mayor and City Council, what -- what we have found -- yes, we can service this project. We can -- we can get there. The question is how long is it going to take us. As we found we had a fire on the 20th literally around the corner from this project. First to was seven minutes and 22 seconds to get there. They were in quarters. Yes, they had a delay because of Eagle Road, because of construction, but that's standard things that we run into. We either run into road construction, we run into weather, we run into what other -- whatever. The other concern that we have talked about in the past is the reliability rating of Station 4 at 78 percent. With that Station 14 was also dispatched to this particular house fire and their response time was eight minutes and 30 seconds. For them both to get to where this proposed project is will add about another minute to two minutes, depending on which route Engine 14 takes. So, for us, as the chief has stated in the past when he's addressed Council, our response times were -- we are well outside of our five minute response times. We are -- the average I think he said was eight minutes and 16 seconds or something. So, my opinion personally as the fire marshal for the city, this project would be well better suited after Station 7 is approved and approved for staffing, because it's literally around the corner. If Station 7 would have been staffed and open when this fire happened on the 20th, the response time probably would have been three minutes. If that. Because it's literally right -- right there. So, that's my opinion on -- on this particular project.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Joe, just to make sure that I'm hearing you right, if this hearing was happening two months from now and the Council had approved Station 7 in the budget and funded, your concerns about the liability would go away?

Bongiorno: They would be way less. Definitely. I think from there it would just be a matter of working together on timing. What's the timing of the project? I believe as it stands right now, if Council does approve both seven and eight, Station 7 would open roughly in April of 2023. I don't know how long it takes to make a subdivision. That would be something that they can address. And, then, Station 8 would open I believe it was in July of 2023.

Cavener: Okay.

Bongiorno: So, it would just be a timing matter at that point. But knowing that that station has been approved and staffed, yeah, it's -- there is a fire station right around the corner from this project. That's -- that's golden for them. It's -- it's there.

Cavener: Thanks.

Bongiorno: Thank you.

Simison: Council, anything else? All right. We will invite the applicant to come forward, please.

Nelson: If you don't mind, I'm going to wait for the presentation, because I need every second. Good evening, Mayor and Members of the Council. Deborah Nelson at 601 West Bannock Street in Boise, representing the applicant. Skybreak is a premier golf community with housing types and amenities targeting active adults. This development provides a really unique living opportunity for Meridian residents that are looking for an exclusive community with exceptional rim view lots and golf cart access into the adjacent Boise Ranch Golf Course. Skybreak includes over a mile of pathways, including a half mile of the city's regional multi-use pathways. The development has a variety of homes and lot sizes as called for in your comp plan, ranging from attached homes to large custom homes along the rim with price points ranging from the low 400s to over a million dollars. A portion of Skybreak is gated and utilizes private streets to create a more intimate neighborhood setting within the larger community. The project -- or the applicant has worked with city staff for nearly two years on this development and made numerous changes based on staff and neighbor comments, including to the access points, to the gate, enhancing transition to the south and adding attached homes and more open space. But as you can see from staff's comments, we still don't see eye to eye here. We do not believe that staff's remaining objections warrant denial here, but to help the Council understand that there are not substantive concerns with this development, that it does meet your code and your Comprehensive Plan and it's the -- it's consistent with the city's direction and prior decisions in this area. We want to walk through each of the eight issues that planning staff had identified as their concerns. Staff's first concern is regarding access. Our primary and secondary accesses circled in yellow were reviewed by Meridian Fire and meet fire code. Phase nine in the southwest will not be developed until there is future street access to the south consistent with ACHD's conditions. This is no different than the city's approval in Pura Vida to our northeast that requires future street access to Skybreak. Street access is limited on the east side of this property by the rim, the golf course, and the county subdivision and yet we still provide seven total accesses at full build out shown in the red arrows. Skybreak provides all required accesses and connectivity to surrounding properties. Staff's second concern is an adequate transition of the lots to the south. Your Comprehensive Plan calls for transition through buffering, screening, and transitional densities and that is exactly what we have done here. Looking first to the southwest half, we don't abut any developed land here. Our density meets your Comprehensive Plan with 3.4 in the southwest corner and 4.1 overall, providing a

great transition from the medium high density residential designation north of our property to the low density residential designation to our south, which allows up to three units per acre. We also transition with a large open space area here and have only two abutting lots in this whole southwest area separated by a privacy fence in all of East Vantage Point Lane. In our southeast where we abut a county subdivision Vantage Point we transition with open space and a buffered street. We have only four directly abutting lots. We originally had planned to continue the pathway and open space buffer along the entire southeast corner, but the neighbors preferred backyards to a pathway, so we relocated it to the north. This cross-section shows the transition areas of the road, plus 50 feet of landscaping, creating 77 feet of separation there and in the park cross-section with over 108 feet of landscape separation. Both areas have berming and heavy landscaping. Along the road where there is two T intersections in response to neighbor concerns with headlights, the developer added six foot concrete walls on berms with heavy landscaping to block all lights and this slide illustrates that wall placement, along with the heavy landscaping and the significant open space that's provided here. In the limited area where we directly abut county homes in the southeast corner, we provide half acre lots, the size requested by planning staff, doubled the rear setback to 30 feet and tripled the side setback of the corner lot to 15 feet. We also agreed on that corner lot of 74 to pull the building footprint from the rear 45 feet on the north, angling down to 110 feet on the south as an accommodation to the adjoining landowner Mr. White. In addition to all of these accommodations on our property, it's appropriate to consider the facts on the surrounding uses. Here the adjoining homes are setback 50 to 75 feet from the property line and their garages provide additional screening. For all of these reasons Skybreak provides adequate transition to the south consistent with the standards in your comp plan. Staff's third concern is with our selected zones of R-8 and R-15. Initially we did request R-8 zoning throughout, but the city's new interpretation of their code to not allow gated communities in lower density zones caused us to need to switch this to R-15. We followed staff's recommendation there. So, we have requested R-15, which is also consistent with the MDR designation in your Comprehensive Plan and the entire development, whether it's zoned R-8 or R-15, meets the R-8 dimensional standards and setbacks with no variances requested and that will be confirmed in the development agreement. Our density is 4.1. Well below the R-8 allowed density and within the three to eight range for this property. The city routinely allows R-15 zoning in MDR designated areas, including Bainbridge North, Movado Estates and Verado. Skybreak's zones meet all of the comp plan designation and requirements for this property. Staff's fourth concern is with the location of the property. The Skybreak property is in the city's southeast priority growth area, surrounded by new development and city infrastructure. Water, sewer and all utilities are adjacent to and ready to serve this site. The 77 acre Discovery Park and the new south Meridian fire station sites are just a half mile to the west. The city recently approved Pura Vida and Poeima to our northeast and The Keep to our west. Additional rooftops here will help this quickly developing area of Meridian and the retail planned along Eagle and Lake Hazel and Meridian Roads and support the new fire station and regional park. Roads are being improved now by ACHD and Eagle Road meets all level of service, including for this development in front of the site. Staff's fifth concern is with the private streets. Your city code allows private streets in residential developments and for a gated community private streets are required. They are also required for golf carts

to drive on them, which you can't drive on public streets. The typical -- typical concern you have with gated communities is that it could block street connectivity and that is not an issue here. The back half of the Skybreak property is ideally suited for a gated community, because there already is no street connectivity available beyond that gated area that would be blocked and this was due to that steep natural hillside of the southern rim. Pura Vida on the northeast, which was approved without a road down the hillside. The golf course to the east and Vantage Point Subdivision on the southeast. As for the private street design, staff's concern is that the private streets are narrow and do not have sidewalks. But it's important to understand that our design meets your city code standards. City code requires private streets to be at least 24 feet wide. We are providing 27 foot wide private streets. City code also does not require sidewalks on private streets in residential neighborhoods. Not only do our private streets meet your code requirements, but they are intentionally designed this way to reduce hardscape and create a safe walkable space behind the gates. The development team has done several gated communities with similar design in Meridian, Boise, and Eagle. Customers pay a premium to be in these gated communities where everyone views the streets as walking paths that cars are allowed to drive on. The streets and the gates slow down the cars, promoting a pedestrian lifestyle where residents can actually convene in the streets and engage with each other. The residents can walk, bike, and drive golf carts in a safe space. In addition to the walkable private streets shown in green here, we have pedestrian pathways and sidewalks throughout creating a walkable, bikeable community as called for in your comp plan. Pathways and sidewalks are not gated and looped through and around the entire community. Consistent with other approved gated communities in Meridian and as allowed by the private street section of your code and as discussed by staff and the Council Members, we have requested alternative compliance to allow more than 50 homes in the gated community and to allow three common driveways, each serving no more than three homes. City code provides that a gated community can serve 50 dwellings and staff has previously interpreted this to be 50 per gate. Skybreak includes four gates, two primary and two emergency that serve 112 homes. Other approved gated communities in Meridian include more than 50 homes, including more than 50 per gate and all include common driveways. Skybreak's private streets and gates meet the dimensional standards in the code. They are consistent with other approvals and importantly for the standards that are before you and that were addressed in our correspondence to the city about support for the alternative compliance standards, we are not impacting health, safety, and welfare, because we are not blocking any street connectivity that would already exist. Staff's sixth concern is with fire service. The developer has met many times with Joe Bongiorno and the Fire Department and Joe requested Opticom gates -- devices on the gates to avoid any delay and we agreed. He's also required a wildland safety plan for the natural hillside and we have agreed. The site entrance on the west side is already within the emergency response time goals for the Fire Department and other first responders and as noted it's a half mile from the planned Meridian fire station near Discovery Park, planned to open in the spring of 2023. By that time, by 2023, Skybreak will have approximately 50 homes occupied all on the west side within the current five minute response time goals for the Fire Department. For all of these reasons Skybreak has adequate fire service and is ideally located near the planned new fire station. Staff's seventh concern is with our open space. Skybreak's planned

open space and amenities far exceed city code requirements, providing 15 acres -- let me get back here. And 18.8 percent qualified open space and 14 amenities where only four are required. We have over a half mile of the multi-use regional pathway and an additional half mile of pathways and sidewalks. These amenities have been carefully planned for the active adult neighborhood and spaced throughout. In the northwest our entry park makes an attractive statement and end caps the tree line collector. We have got pocket parks with seating and landscaping and one of our two dog parks. We have two, because they are in such high demand. They will both have open vision fencing, dual gate system and benches. In the northeast we have our golf cart access to the Boise Ranch Golf Course, one of our three segments of ten foot regional pathways and one of two -- of the two dog parks. Our natural hillside includes native grasses and a unique natural hillside path that is coveted in many Boise foothills neighborhoods. In the southeast we provide a one acre open sports area with pathways and seating and landscaping and a large grassy central space to accommodate sports activities and a three-quarter acre park with a play structure, seating benches, shade structure and climbing rocks. And in the southwest another section of the ten foot regional pathway along the Farr Lateral, a three quarter acre park with plantings and seating areas. And you can see our third multi-use segment of the regional pathways along all of the Eagle Road frontage. Staff's final concern is with the lack of deed restriction to protect schools. We are anticipating low school aged children in this development, targeting active adults, but in any case the area schools can adequately serve Skybreak. Hillsdale and Lake Hazel are within planned communities. Mountain View was recently expanded and is within the capacity range that the city determined was acceptable in approving Pura Vida recently. Also Gem Prep, a new K to 12 charter school, is opening in the fall of 2022 just down the street at Brighton's Pinnacle development. For all of these reasons that we have discussed, we think that Skybreak provides exactly the type of development that's called for in your Comprehensive Plan. We are providing needed and diverse housing in a high priority growth area with existing services. We will construct over a half mile of regional pathways that will serve all city residents. We do have two Council waiver requests before you. First to allow the phase eight cul-de-sac in the northeast to exceed 500 feet. Your code allows this waiver where up to 750 feet where there is a physical barrier, such as a steep slope, which is exactly what we have there. The second waiver request is to allow block nine in the southwest, just north of the Farr Lateral, to exceed 750 feet. The code allows the Council to allow that to extend up to 1,200 where a site is constrained by a large irrigation facility, which is exactly what we have there. And, in summary, we have proposed conditions of approval that document all of the things that I have described that we have agreed to and we have a summary here of the request before the Council and with that I realize that was pretty quick to go through all that. I would certainly stand for any questions you have. Thank you.

Simison: And that was exactly 15 minutes. Nice job. Council, any questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. This was helpful to clarify some of the documentation that was in the file. Could you go over again the access points and when you potentially expect those to come into play? It sounds like you have -- don't have the ability to guarantee those yet at this point. And, then, how they are expected in relationship to the phases. So, I suppose that this could be phased in such a way that it would allow homes to be brought on in line with that when -- when you are able to get accesses through the other subdivisions. So, if you could go over that with us that would be great.

Nelson: Mr. Mayor, Council Member Perreault, thanks for the question. I have flipped back to that access slide that I think helps illustrate this the best. I think it's important to understand that for every home that we can bring on right now we already have all of the access that's required and so that's the primary access point onto Eagle Road circled in yellow there, that provides primary access for all of the development that is not highlighted in the green or the blue there and we also have a secondary emergency access, which has been secured and recorded that we obtained in response to the Fire Department's request and that's shown on the south there and circled in yellow and so with those two primary and secondary accesses we meet the fire code standards and can serve this development. We have -- to the northeast, the blue area, the lots there will access out to Lake Hazel Road and to the south, phase nine, those will have legal access once the area to our south develops. The additional access points will come online as the areas around us develop.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Deb, is -- is Vantage Point Lane -- does that -- does that exist? I mean you can see here on the map, but is it -- I guess I'm trying to figure out staff's concern that you don't have legal access to what I see appears to be a public street or a public road. I guess I'm struggling to see what I'm -- what I'm missing there.

Nelson: Mr. Mayor, Council Member Cavener, Vantage Point Lane is currently a private road and we have secured rights for secondary emergency access there. Once that area develops it will be dedicated and required to be a public street and at that time we can have our phase nine, those highlighted in green, access there and just as I pointed out to our northeast, the area of Pura Vida that's up the hillside, they don't have legal access to a public street yet either until we are approved and develop and build a road to them and so those -- that's conditioned already in our ACHD conditions so that we can't bring those on -- those lots on until that access exists.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: Mr. Mayor. Deborah, can you just walk through the phasing timeline? You know, we talked about our fire station opening in 2023, but as far as dates, if this were approved by Council, what does that look like in actual timing of these phases?

Nelson: Mr. Mayor, Council Member Hoaglun, starting in 2022 we hope to have approximately 20 homes occupied and 2023 we expect to have 50 and, then, we expect to add approximately 50 more homes each year and so the build out, you know, may continue through 2029.

Hoaglun: Thank you, Deborah. Mr. Mayor, follow up?

Simison: Councilman Hoaglun.

Hoaglun: I want to ask about the main entrance. It looks like a grand entrance, which I think for a property like this is -- is something you definitely want and I think you had one up -- a slide up that showed where the gate was. If we could find that one real quick. I was just curious -- as you have that grand entrance and you are -- you are coming in, it looked like there was -- are there sidewalks on both sides of that entrance or just on one side? I wasn't sure.

Nelson: Mr. Mayor, Council Member Hoaglun, yes, there will be detached sidewalks on both sides of that. I think the open space slides are the best to illustrate that. And, yes, it's a collector and beautiful roadway with the tree lined streets and actually a lot of passive open space use where people can walk and sit along the way. I think you can see it well there.

Hoaglun: Yeah. And -- and when you hit the gate do the -- because that is now in the -- in the private street, do the sidewalks go away or does that continue to its termination? I'm just kind of curious does that still remain a grand entrance, even though they are -- you are within the private street boundaries now, you could narrow it down and go without sidewalks -- I couldn't really tell how that -- if that continues on or it just narrows down there it looks like on the -- on the lower --

Nelson: Mr. Mayor, Council Member Hoaglun, at the point where you enter the secondary -- the end of this collector and go into the gates, which is not shown, this is the entry gate that's shown on this slide and, then, there is a secondary gate that enters the gated community, also a beautiful monument piece, and at that point, yes, the sidewalks go away on those streets, they narrow down and create that slower vehicular environment. There are pathways that wind through there, but the sidewalks at that point are no longer along the streets, unless Laren has a correction.

Bailey: So, Laren Bailey. Conger Management Group. 2448 Fairview Avenue. So, we did -- originally we weren't going to do sidewalks coming down the collector, because we felt like there weren't going to be a lot of people walking there. After looking at it, talking with staff, we decided to put sidewalk on one side of the street, following the collector all the way down to the -- where the private neighborhood begins where the actual homes.

So, you still would be able to walk along the collector on a sidewalk and also that would work for the pathway connections and all those things.

Hoaglund: Okay. Thank you. And I think it -- it adds a lot to it. Ours -- it happens when ours got developed, it's -- it's big, it's open, and to me it's qualified open space, because it just has an open feeling to it. It really creates a great entryway to do a subdivision and that -- that feeling that you have that this is a special place, so --

Nelson: Yes.

Hoaglund: -- I do like the fact that you're continuing that on. So, thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Deb, I don't know if you have an exhibit that shows the common drives. There were a couple -- when I was reading the staff report that it looks like -- almost like a common drive -- comes up to a common drive and I don't know if I'm -- if I'm looking at that correctly. If you could walk us through the amount of homes that are -- are connected to them. Yeah, I think the -- the one there that's in the -- in the middle with the red circle, it appears there is a common drive left of the dashed blue line and another common drive to the right of the blue line.

Nelson: Mr. Mayor, Council Member Cavener, that's exactly right. So, throughout the entire development we have eight common drives, but only three of them require your approval, because of the private street designation, and so there is an emergency gate there that is at the end of that -- of that common drive on each side and what's shown here with the red circles are the common drives that are within the private streets that we requested alternative compliance for your approval.

Perreault: So, Mr. Mayor, follow up?

Simison: Councilman Cavener.

Cavener: Those are where the -- the emergency gates also exist is where -- essentially maybe where that dashed blue line is where you would expect an emergency responder gate to -- to exist; is that correct?

Nelson: Mr. Mayor, Council Member Cavener, that's correct. There is an emergency gate there on the top and in the bottom -- or, excuse me, in the middle location and, then, primary access gates on the left along the collector and at the far south.

Cavener: Thank you.

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

Nelson: Thank you very much.

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

Johnson: Mr. Mayor, we have nine people signed up, four wish to provide testimony. First is Kathy White.

Simison: If you would, please, come forward and state your name and address for the record and be recognized for three minutes.

White: Mr. Mayor and City Council Members, my name is Kathy White. I live at 3804 East Vantage Point Lane in Meridian. I have one page presented. I just want to say before I read that, this attorney had the opportunity to come up here and give a lengthy explanation. We have hired an attorney and she has pages that we are sending to the city clerk, dated May 13th, that counter a lot of what their attorney said and I hope that you will take time to read that. I am, obviously, not a public speaker and I used to teach elementary school, so I'm going to -- hopefully that you will read that, because we hired an attorney also. My husband and I and my son. So, good evening, Mayor Simison and City Council Members. I told you I'm Kathy White and where I live on Vantage Point. My husband and my son and I live adjacent to the proposed subdivision and I am giving testimony to, obviously, oppose the current annexation application for Skybreak Subdivision and, as you know, listening to the gentleman right here, there are many of us opposed to Skybreak. The opposition isn't just a group of homeowners who aren't on board, this is city staff, elected officials, and legal counsel, all understanding and agreeing that this subdivision needs to be and it can be much better. Meridian city planning staff recommended denial of this annexation request and the Planning and Zoning Commissioners voted unanimously to deny the annexation requests. Our attorney that we hired to review your -- your Meridian City Code and Meridian Comprehensive Plan with regard to Skybreak and in her letter on file with your city clerk she concluded, opposite of what this attorney concluded, that Skybreak doesn't meet the stated goals of the Comprehensive Plan and fails to meet the findings needed to grant annexation or rezone and the Sky -- a neighborhood on the Skybreak property could be so much -- much better. I mean it just could be -- there are numerous examples of better subdivisions on Eagle Road. I mean just The Keep that just went up, it's just -- it's a different feel. You don't have -- there is -- there is a lot size and, then, there is a home. It's not houses all placed together like the display up there and if you have been out there and if you -- the southern rim is kind of a -- it's a unique area and I'm not going to use a lot of flowery words and go that, you know, like it was just referenced that this is a grand entrance. That's not, you know, a real -- a factual thing. It's a grand entrance to somebody and maybe not a grand entrance to others. Some people a sidewalk is good, some a sidewalk is bad. So that's why, you know, we have the testimony of the city clerk -- I'm sorry, the -- the city members and -- anyway, I respectfully ask that you deny the neighbor -- the developer's request to annex this property to the City of Meridian and thank you for your time and consideration. Thank you.

Simison: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Kathy, I didn't mean for you to walk all the way back. I know our clerk does a remarkable job of keeping us on task. I know you were kind of giving us some explanation of your presentation before you jumped into it and I know it may have cut your presentation a little short. I just -- I want to make sure if there was anything else that you wanted to add that you had an opportunity to --

White: It's on paper -- it's not going to be coherent. Let me look at my paper really quick.

Cavener: Well, thanks for being here tonight and last night and thanks for being a teacher. We appreciate your testimony.

White: Oh, I did have one part that I did leave out if it's okay. I have written that at the P&Z I stayed up for the --

Cavener: Kathy, can you speak into the mic so everyone can hear you.

White: Oh, yeah. Sorry. Thank you. At the P&Z meeting awhile back -- I think it went to 11:30 at night, but there was a Commissioner -- I think his name was Yearsley -- and I'm paraphrasing and I'm not trying to be snarky to the developer, so I'm paraphrasing, but paraphrasing he said Skybreak Subdivision looks like the developer tried to cram as many homes as possible and spend the least amount of money on infrastructure and amenities, without regard to the neighboring areas. And that's all I have to say. Thank you for your time and I appreciate it.

Hoaglund: Kathy? Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Real quick while you are here, I want to ask you about transitions, you know, and the number of homes. What does transition mean to you? Because you are definitely impacted.

White: Well, it sounds like you have been impacted that way and that you are comfortable with maybe two or three homes and I think that's a -- you know, that means something to -- different to every person. I think that's why we hired an attorney, so she could represent that through the Comprehensive Plan and what that means. I'm not a developer. There are only five home sites, though, that you would have to work with for a transition and it seems like putting one house behind each home is like saying, hey, we see you and we realize it's changing, but we are going to go to these five homes and make that nice and,

then, transition down and like it was mentioned by the gentleman over here, our neighbors next to us have three homes which are kind of offset -- again, I don't know the rules and the regulations. If they can do it they will do it, but it just didn't -- they probably would have been building a long time ago had they just accounted for five people. You look to the north and there is so much land and there is five people that they are going to be neighbors with and I'm not a developer, but it would have been nice to see something a little different besides a street, a park where all the kids are going to hang out behind one house, that aren't even in our neighborhood. I don't know why you put a park in a subdivision right next to your five neighbors on acre lots. You would think you would put it in the middle of it, but I'm not a developer and -- yeah. It's just disappointing and frustrating and also they haven't really tried to change their plan much. They mentioned that it's been two years or something. The plan hasn't changed that much. It sounded like the gentleman the night before, the developer that you actually denied last night, the first one that was up, he just kept saying and we did this and we did this and we did this and we did this and we changed and the developer doesn't seem interested in working with us or the city planners or the P&Z Commission and that's all I really have to say and I appreciate your time.

Simison: Thank you.

Johnson: Mr. Mayor, next is Mike Lang. Did I say that right, sir?

Lang: Good evening, Mr. Mayor, City Council. My name is Mike Lang. I live at 3690 East Vantage Point Lane. We are the second property as you go up Vantage Point Lane and a little bit of my thoughts here. You know, I spent some time -- I have had to give myself a very crash education, so I could put this in -- in kind of real terms of what we are dealing with. You look at the future land use map and Vantage Point -- the back property line, which is my backyard, is also the transition point from medium to low density. From that point out it remains low density and flows all the way up through Columbia. So, this neighborhood is the transition. This is where we move from city to the transition and into country. My concerns with this neighborhood is this is a very abrupt transition from city into country into those. My secondary concern is really with -- you know, we talk about the density transition. My home and my neighbor's home are the two homes that are bordered by a road. I don't see a road as a great transition and when we look at the -- the Comprehensive Plan, it requires all new development to create a site designed compatible with surrounding uses through buffering, screening, and transitional densities. We are leaning very heavily on screening. We are leaning on a concrete wall to block road noise, to block light pollution. Further concerning me is in my backyard -- so, most of these homes on Vantage Point -- Vantage Point has got a great view. We sit up on the South Rim. Most of the homes were built like houses are, with privacy to the front street, very open to the back, to absorb the great view that Vantage Point has historically gave us. This development has placed a T intersection directly into the back of my home, which is a wall of windows to take advantage of that view. It's -- it's also true for my neighbor. So, even more so than the road as a transition, the fact that we are bringing T intersections and traffic right in -- and I understand, you know, there is a proposal for a concrete wall to -- to block the direct light, but headlights are not very directional. There is a lot of light

pollution. As you know, they kind of flow up and in and out of there. We asked the developer -- we would have much preferred to see a housing transition. I would have preferred a neighbor in my backyard. I didn't have a stipulation that it was a one story neighbor. I would have -- I would have preferred a one acre lot with a neighbor behind our place. So, I think, you know, our ask is we would like to see a much more thoughtful transition. We would like to see it flow from a lower density to a higher density -- or from a higher density near the road back to a lower density to take advantage of the rim. P&Z Commissioner Holland, you know, she made the comment -- they could have provided more -- a better transition, more in line with R-4 verses the R-15 requested. One to two houses aligned with lot barriers. And in closing, you know, you look at this development and you look at the number of exceptions we are asking for and there is not -- there is not in my mind for something that's trying to take you from the city into the country, there is not a reason for this many exceptions, especially not out this far. You know, it's not a walking community. There is nothing here. It's a long drive to get out on top and everything around it is kind of one acre developments. So, with that, you know, I would respectfully ask that you deny this application as it stands now.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mike, your same question as in trying to, you know, ponder this and get everyone's thoughts on it is -- is that transition. You know, if it's one acre to one acre that's not a transition, it's a match. So, you know, what is your comfort level of a transition? What -- what does that look like for you?

Lang: So, when we spoke with the developer in the first meeting early on I said we would be comfortable with a two-to-one transition, you know, half acre lots. We would like to see property boundaries, you know, match up as much as possible, so we are not staggering lots to get the three to one kind of ratio. But, you know, we would like to see it go from half acre lots and then -- and, then, you can decline into that transition. But this is a very sharp boundary and I don't -- I don't feel like roads are appropriate screening or, you know, roads are not appropriate buffering.

Hoaglund: Appreciate that. Thank you.

Lang: Anything else?

Simison: Thank you, Mike.

Lang: Thank you.

Johnson: Mr. Mayor, next is Howard Foley.

Foley: Mr. Mayor and City Council, my name is Howard Foley. My wife and I reside at 3955 Vantage Point Lane. I appreciate the opportunity to speak, as well as other folks have addressed you and I plan to be brief. I have heard the applicant's presentation and closing remarks now on three separate occasions, most recently this evening and I want to address myself to the Comprehensive Plan and what I view is -- is a deviation from the Comprehensive Plan in what the applicant proposes. The applicant said that they have provided a variety of homes as provided in the Comprehensive Plan, that the Comprehensive Plan meets -- or their application meets the Comprehensive Plan and that the R-15 zoning that they are requesting meets the Comprehensive Plan. But I think this application should be denied in part -- and I want to address myself to the Comprehensive Plan is because, one, subject parcel is designated as R-3 and R-8. It's not designated as R-15. That's a deviation from what exists in your Comprehensive Plan and in the futures map. It doesn't -- there is no provision in that, if you look at it, that says something about R-15. So, that's a change from what's in the Comprehensive Plan and -- and -- and the applicant proposes a sizable portion of that project to go to R-15. The comp plan, as I read it, provides that R-15 is -- is appropriate where another -- or no other single family dwellings. The property is surrounded by single family dwellings and the Comprehensive Plan also, as addressed by Councilman Hoaglun here a second ago, should be compatible with the surrounding areas. Well, the closest neighbors to this project are Vantage Point where we live. Those are one acre parcels and, then, to the west The Keep and those are half acre parcels. They are not R-8 or R-15 more particularly. The -- the Comprehensive Plan also clearly states that it prefers development within vacant properties within -- in the city limits. This is a fringe -- this is a fringe property. This is a fringe application. It's not within the core of the City of Meridian or vacant properties. I find it noteworthy and want to comment that I think the fine work that the Planning and Zoning Commission, as well as the staff has done in this matter, they have been excellent to work with. I just want to tell you that. One has been excellent trying to tutor me on terms of what the future land use plan is and the FLUM and whatever else it is and those sorts of things, but I would note that at the end of the Planning and Zoning Commission hearing, Planning and Zoning offered to meet with the applicant to try to resolve some of these issues that still existed and that was flatly declined by -- by the applicant. I don't know if that means, then, that it's simply their approach that it's either their way or the highway, but I respectfully request that you -- that you deny this application.

Simison: Thank you. Council, any questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Thanks for being here, Mr. Foley. Appreciate it and your -- and your comments. I guess we kind of create a conundrum for ourselves and I would like your -- your -- your input. You know, one of the things -- if they want private streets they have to ask for the R-15, but yet I think Ms. Nelson pointed out that their actual number of units is at the R-8 level, so that's -- and we can ask for that clarification later, if I understood that -- that

correctly. So, sometimes we create this problem -- to do one thing you have to be here, but, yet, you know, we won't allow it over here, because I -- I understand that, so if there is other -- other options I would love to -- love to hear it. You do have some experience in that area.

Foley: Well, I'm not a -- I'm not a planning and zoning attorney. If you need to file a bankruptcy I would be happy to help you, but -- but it seems to me that -- that the answer to that is is that there are requirements for R-2 and R-3 and R-5 and R-8 and that's -- that's what's in your Comprehensive Plan and that's what they should have addressed themselves to and they should have made those lots whether -- whether they are the right size or the wrong size or whatever else, just be in compliance with the Comprehensive Plan. I mean that's why we have a Comprehensive Plan, isn't it? It's -- it's so that if you are a developer you know what's required and -- and -- and what you should address your plan to and not deviate from it and if they deviate from it, then, I think the burden is on them to explain to you why they deviated from it and why there is a justifiable reason to deviate from the Comprehensive Plan. The South Rim Coalition, as well as the City Council and Planning and Zoning went through lots of discussions about the Comprehensive Plan and how should it be and, of course, our view of life was it should remain rural, you know, agriculture and those kinds of things and it didn't. It didn't. But it was R -- R-3 and R-8, not 15.

Hoaglund: Thanks.

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

Johnson: Mr. Mayor, next is Danny Cafferty.

Cafferty: Good evening, Mr. Mayor, City Council Members. The Mayor left, uh.

Bernt: Yeah. He's gone. Hey, if you could just --

Cafferty: Good to be here tonight --

Bernt: Sir, if you could just state your name and address for the -- for the record, please.

Cafferty: Danny Cafferty. My address is 3500 East Pennie Lane, Meridian, Idaho. I am a real estate broker in Boise. Have been for 47 years. I sat on the comprehensive plan committee for Ada county back 25 years ago. I have been involved in over 2,000 acres of residential development property in Ada county. I have sold property and showed property to three of your mayors with the high school to Joe Glaser. I sold Storey Feed and Seed for Don Storey and Tammy's father and my father taught and coached together, believe it or not, years ago. So, I'm somewhat rooted here in the Meridian area and Boise. I have got brothers that are builders. My son works with me in my business. You know, when you come in and you look at a project like this and you have been in the business as long as I have, you look at the people that are involved. It's kind of unique in that the builders on this builder team, which I have gone out and I have looked at their product,

because I do live adjacent to this property on 25 acres, their builders are -- they are great people and they come from great people. These are second generation kids. They come from the Evans family. Dave and Rich Evans. John Evans was the mayor. Worked with me. And, then, Lee Center's boy. I mean these are class, class people and they build great product. You don't have to worry about them doing callbacks or things not being done properly. You really have got a good group of people you are dealing with. You know, in my years in dealing with City Council people and so forth I have said it repeatedly, you are never going to make everybody happy and you are just not going to accomplish that. You know, there is some really good things in this plan and there are some things I see why some people are a little excited, but I think that it's workable and I think that you have got good quality people to work with. You know, they have had a number of meetings. The meetings have been fairly well attended and they have been civil. People -- you know, they have done a good job of keeping their act together and I respect them for that. It's -- you know, it gets difficult when someone's infringing on you, but, unfortunately, that's what happens when ground gets developed. Any questions?

Simison: Council, any questions?

Cafferty: Thank you.

Simison: Thank you.

Johnson: Mr. Mayor, that was the last of those indicating they wished to testify at the beginning of the hearing.

Simison: Okay. Is there anybody in the audience that would like to come up and provide testimony on this item? If you want to come up, sir. And if there is anybody online listening who would like to provide testimony, please, use the raise your hand feature at the bottom of the Zoom and we will bring you in for comments. If you can state your name and address for the record.

Kidd: Mr. Mayor, Council, staff, my name is Dean Kidd. I live on 3917 East Vantage Point Lane. Many of the items that I had to speak on have already been discussed, so I'm not going to go any further with that. There is one item here that I want to bring to your attention and that's going to be phase nine. Phase nine utilizes Vantage Point Lane as an access. Vantage Point Lane is 24 feet wide, landscaped on both sides, with mature trees, berms. We pay for the maintenance, weekly mowing, everything. Tree replacement. And this developer-applicant has yet to come to the subdivision and let us know that this is his intentions. We learned about it through just what we are learning here. No one has said we might tie your road up, but here is our problem. This is the only road there is for the 16 lots in Vantage Point Subdivision. There is no emergency access and if some -- let's say something catastrophic had happened to the road, we are stuck. There is no way that we can let somebody come in and build an emergency road for us, there is no way that landowners in Vantage Point Lane would have access. Now, we do own the road in front of our lots and where they are going to have the emergency access, I have no problem with that as far as emergency traffic, because that's very rare

to ever have happen. But here is something else that no one has ever mentioned. There is three paths -- access points for walking traffic. Nobody's addressed this. I think it's with the blue lines on the transition, but one of them is down Farr Lateral, the other one is down Eagle Road and, then, the access that they are going to make into phase nine. The only way that people can get -- that I can see, unless the developer has got a different plan -- the only way that I can see that these 23 houses, if they wish to go into a different part of their subdivision for amenities, is to come out and walk on Vantage Point Lane, either to the east or the west. Like I say, Vantage Point Lane is 24 foot wide. There is no gutters, there is no sidewalks and I think there is a safety issue here, especially if little kids that come out -- out of the -- out of the entrance come down to cross Farr Lateral and get back into the subdivision. I have several other things, but I understand time is -- is short, so if you have any questions I would be more than happy to entertain them.

Simison: Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: As one of the homeowners I will -- I will ask you and maybe another homeowner can answer if you can't, but there was a comment about the applicant having acquired rights to utilize Vantage Lane as an access for this subdivision.

Kidd: Nobody's said anything to us about --

Borton: So, there may be some disconnect, either in me or in that communication, but, understandably, if it's a private lane that --

Kidd: It's a private lane and I am the homeowner -- homeowners association president and if there was anyone that should know about it I would think it would be me.

Borton: Ask the right guy.

Kidd: But, no, there has been no docket --

Borton: Okay.

Kidd: And --

Bernt: Mr. Mayor?

Borton: Thank you.

Bernt: It's just a piggyback.

Simison: Councilman Bernt.

Bernt: So, who -- who owns it? Does the HOA own that private lane then?

Kidd: The HOA only owns the road that goes in front of the homes and that -- if you look -- it's not a very good depiction here, but it's where -- Farr Lateral flows from right to left. Yeah, you're working on it. Try to get closer. But, anyway, in that bend once you cross the bridge and the bridge is -- is the developer's bridge and the developer's road that developed Vantage Point and there is markers in the road. We believe that those are survey points to delineate -- or to identify where the private road begins, which is deeded to us through the HOA.

Borton: Mr. Mayor?

Kidd: Any other questions?

Simison: Councilman Borton.

Borton: Yeah. To follow up on that -- so, can you say again -- as you go east -- or excuse me -- west of the bridge that you were talking about looking on the map on the screen there --

Kidd: Okay.

Borton: -- going west.

Kidd: Sure. If you can see the blue line that they have got drawn, that would be the property line with phase nine.

Borton: Uh-huh.

Kidd: Our Vantage Point Lane where you see it crossover the canal and, then, make that S bend is somewhere along midway in that S is where the developer that developed Vantage Point -- that's where his property line would begin, because he still owns the road and where ours would begin going eastbound and I -- I don't know if -- it's Parkland Development who developed Vantage Point Lane. He's -- I don't know what his intentions are. I don't want to speak out of school of what Greg is doing, but he's never -- he's never said anything to us about -- you said this road and it bothers me as a homeowner there that if something, again, what happen to our road or they have to widen it let's say if they are going to make a public road out of it. I don't know if ACHD -- they are going to -- would -- would let half of that road be public, another half, a narrower, be non -- private and, then, you cross into the Vantage Point Sub. I don't know how that works. In closing, I want to thank everybody for their efforts. The staff, you guys are great. The Council spending your time -- it's not a fun job.

Bernt: Like what are you talking about?

Hoaglun: Mr. Mayor?

Kidd: We are not done here yet.

Simison: Councilman Hoaglun.

Kidd: Anyway, as far as on behalf of the homeowners of Vantage Point Lane and myself, we -- we thank you.

Hoaglun: Mr. Mayor. Dean, before you go --

Kidd: Say again.

Hoaglun: I do have a question for you. You brought up an interesting point. Is Vantage Point Lane the only access for -- for your subdivision -- for your --

Kidd: That's correct.

Hoaglun: Because as you are talking about that -- and, of course, we heard from the Fire Department, their concerns just Eagle Road is the only access point at this point in time now. Is -- is that a benefit to you if they have that secondary access or emergency access coming off of that point just before the S curve right after that bridge, to have that sooner as opposed to later, to have a secondary access, so if something happens at Vantage Point in Eagle and that's blocked, emergency vehicles can come into that point.

Kidd: If they can figure that out, yes. I mean they are going to have quite a little maze of streets to get around and -- but I'm sure that that would provide a second access east of the bridge, because when this road -- if you -- if you look and you follow it down, it goes down into a cul-de-sac and that's -- that's where it ends.

Hoaglun: Thank you. Just a -- just an option that I saw and wanted to pursue. We don't know what's going to happen tonight, but it's just something to be aware of. Thank you.

Kidd: Another item -- and I will be very quick and simple. But they have got a seven year construction period and one thing that I wanted to note was that the dust and dirt from that is going to be seven years of hell for those out there and the only thing that I was -- I was going to ask the applicant, I will ask it now, is if -- upon approval in the application, if there are to be some stipulations that the dirt -- dust, dirt, and whatever -- I -- we can't control the wind, but the dust and dirt from the wind be curtailed to the best of a person's ability and I know that as part of requirements and code enforcement will enforce that if that is the case, so --

Kidd: I know that -- that it is, but, for example, when the wind blew hard here the other day from The Keep we got a lot of dirt from that and it blew right -- right into the 16 houses where we live and I went in there to see and they were doing nothing to curtail the dirt.

Simison: And we -- what we rely upon is good neighbors like yourself to notify us, so we can go help enforce that when that comes up and that is how our code enforcement generally is driven by complaints.

Kidd: Okay. Thank you.

Simison: Thank you. Anybody else like to come forward? Come on up.

Kagee: Good evening, Council. My name is -- and Mr. Mayor. Sorry. My name is Troy Kagee. I reside at 3766 East Vantage Point Lane. One of my biggest concerns -- I am the property that has the three and so I would like to address -- you know, I know the question is going to come up, like what is your ideal transition and, you know, I embrace growth. I mean I know we are going to grow. We need homes and -- but the thing is we had three -- three meetings with the developer each time giving them suggestions on this is what we would like and never once did anything get changed and the response from the developer -- or the representative Mr. Bailey was I will bring it to the team and, then, we never get -- get back. Similar to what has happened with -- with Planning and Zoning. But the developer also, if you look at the last two developments that they have done, the current one off Meridian Road and also East Ridge, the movement of earth and I mean I'm not talking a little bit of dirt, but a lot of earth and making these -- so, bringing the elevation up -- or topography -- changing the natural drainage of this Ten Mile area and so I am concerned about the drainage when -- if they were to change the elevation of the -- of that land and the conversation or the question from one of the Council that was on the Zoom meeting was do we sit up above and there are points where it is level, but, then, there are points where we go up just a little bit, but if they are going to bring in let's say 40 feet of dirt, we are now in a hole and the drainage off of that land would, then, drain right down into my yard. So, that's another concern that I have. Also the private roads. We have a private road, as you -- we have already discussed. The walking -- we walk on it -- my children and myself, my dogs, my wife. The walkers do not slow down traffic. They brought up that it would force people to slow down and slow the cars down, because there is no sidewalks, people are walking in the road. We don't have sidewalks we walk in the road and cars do not drive slow. We have posted signage that says speed limit, kids playing, 20 miles an hour. It does not slow down traffic. We get people who come in and realize that they can't get out, because it's a roundabout and, then, they come back out again. So, I don't believe that the lack of sidewalks and creating a walking path as the main road would slow down traffic. I don't -- I don't believe that would be the case from experience. That is it. Any questions?

Simison: Thank you. Council, any questions? Appreciate it. Thank you. Is there anybody else that would like to provide testimony?

Rose: Thank you. Mr. Mayor, City Council. My name is Ryan Rose. I reside at 3880 East Vantage Point Lane, but tonight I'm here also representing Morning Dove Lane, LLC, which is the parcel that is directly to the east of Vantage Point Subdivision and would just put up on the north side of the proposed subdivision. There is a 40 acre parcel there on -- on the rim that I represent. I won't take too much time with what has already been said

and a lot of the concerns that have been said, I just would like to, once again, request that -- that the application be denied based on their -- Planning and Zoning's recommendation that it be denied and -- and also with their -- it not being really in compliance with the Comprehensive Plan. And, then, also just to reiterate a little bit with what Mr. Kagee just recently talked about with topography and with potential moving a lot of dirt and land, part of our parcel down below is -- is wetlands in between. So, with Morning Dove Lane is up on the rim and, then, it slips down to the rim in between just to the south of Boise Ranch Golf Course and just to the west of Three Oaks Subdivision, which is a subdivision with a Boise address. There is a lot of wetlands in there and I think Ten Mile Creek runs through that and so I would just be cautious of potential a lot of -- you know, moving of dirt that's talked about with -- with some of those lower -- with the houses that are kind of on the -- on the rim area and the potential to, you know, do damage to that wetlands that is down there and really change the landscape and feel for the country feel for a lot of the wildlife that is in there and a lot of the country feel that you get with that. So, thank you for your time. Any questions?

Simison: Thank you. Council, any questions? Thank you. If there is anybody online that would like to provide testimony, please, use the raise your hand feature at the bottom of Zoom and we will bring you in as well.

Loffer: Mayor, Council, my name is Jeff Loffer. I live at 3956 East Vantage Point. There is a couple of issues that I think are very poor about this plan. I have been in Meridian a while. I actually went to school when Grant Kingsford was my American government teacher. Graduated in 1977. I will do the math for you. That was 44 years ago, so -- so, anyway, I have seen a lot of growth and some's good, some's not so good. The -- I think the transition -- and my property is not even one of the ones that butt up to this, but as a long time resident of Meridian I think the transition of this property to our property sets a terrible precedent and it doesn't follow your plan in any way whatsoever and I think that I realized that you guys are all busy and everybody has a real job besides from what you do at night here. If you could come out and take a look -- just walk the ground. Literally just come out and park and walk down this street and look across at where this is going to be, I think it's hard to tell what the elevation -- or looking at it from this angle. You guys are trying to do an impossible task and unless you are out there and you actually walk this and see what it's all going to look like, it's very very hard for you to grasp what this plan is going to entail. These people that are going to have houses with streets and coming right into their back windows and where the elevation is, where it drops down this -- back down here in the corner where the -- so, that would be the -- the southeast corner, it drops off immensely off the edge. It's that way for a reason. That's the natural drainage. And if they come in and fill that with dirt and bring that up 40 feet, there is going to be a real water -- real water problem out there. So, anyway, I know everybody's busy, but if you could come out and walk the ground I think that would help your decision a lot and I respectfully ask that you decline this application.

Simison: Thank you, Jeff. And I think if we did that our city attorney would get really mad at us, because we are not allowed to do that.

Bernt: Mr. Mayor?

Loffer: Don't tell him you're coming out. Nobody listens to attorneys. No. Sorry, Howard.

Simison: Council, any questions?

Hoaglun: Mr. Mayor. Jeff, what was your last name?

Loffer: Loffer. L-o-f-f-e-r.

Hoaglun: Okay. I will have to look you up in the yearbook.

Loffer: What year did you graduate?

Hoaglun: '77.

Loffer: Wow.

Hoaglun: I think I know you.

Loffer: Okay. You should. No, actually -- it was a pretty big class, if I remember correctly.

Hoaglun: It was a big class.

Loffer: It was the first year of the high school, wasn't it?

Hoaglun: Yeah. Junior year was the first year. Yeah. We were the second class to graduate from there. Yeah.

Loffer: Okay. All right. I think Greg Groves was our class president. I remember him.

Hoaglun: Yep.

Bernt: Do you know who the starting quarterback was for the football team?

Loffer: I know it was terrible.

Hoaglun: Mr. Mayor, he knows me.

Loffer: Let me guess. Any other questions?

Hoaglun: I think we are done here now, Mr. Mayor.

Loffer: Did I say something wrong? Was that -- was that my outside voice? Any other questions, Council or Mayor?

Simison: Thank you.

Loffer: All right. Thanks, gentlemen.

Simison: Glad we got that on video. Anybody else like to provide testimony? Come on up, sir.

Gilchrist: Good evening. My name is Rick Gilchrist and I am not -- I do not live on Vantage Point Lane. I live at 1976 South Gedalia, which is in the Movado Village in the Village at Movado. My wife and I have lived in the Boise area -- Boise-Meridian area now for some 44 years and so I have seen an awful lot of growth and development throughout the area. We moved into the Village of Movado two and a half years ago. Our particular house sits right at the main gate of the Village. It is a -- it is a gated community. So, I want to -- you have heard a lot of comments from people talking about gated communities, the lack of sidewalks, how that works and I wanted to just address -- I live there in one of those and what it's like. Okay. We absolutely love it and we have been in there for two and a half years now. We have gotten to know a lot of our neighbors. The development is scheduled to have 105 homes in it. They aren't there yet. They are still about a dozen short and they are continuing to build. So, we have watched as this thing has built, because we were one of the initial six people in the Village. So, we have watched this thing grow exponentially and I have to tell you that there is a need for this kind of a development. They can't build the houses in there fast enough. They sell them before they are completed and I know there is a general shortage of houses, but in there -- and the price keeps going up and up and up and it doesn't seem to bother anybody, they keep coming and they keep buying the houses. It's a nice neighborhood, it's a great lifestyle, we are out walking the dog or walking with other people, bikes, kids, all around the whole neighborhood, we do not have problems with traffic, although we have all this construction going on, probably half to two-thirds of our traffic in there is construction, which will stop once -- once the construction has stopped and we lock the gates, will cut a lot of that out and, then, we will have -- you know, it will -- it will be a lot -- a lot better. I do have to tell you one of our younger neighbors said living in the Village of Movado is like living in a hallmark movie. It's just -- it's just a wonderful lifestyle. We love it and I think that we need more of these kinds of communities. There may be some difficulties and things that you will have to work out with this particular development, but you need more of these kinds of things.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, sir, for coming this evening and sharing your thoughts on your neighborhood. Just a question regarding ADA accessibility. There were a few letters of public testimony that -- that had concerns about wheelchairs being -- accessing those roads and not having sidewalks in it and it not being safe. What's been your experience

with that? I would imagine there are some residents in that area, since it is geared towards seniors, would be in wheelchairs and is there a concern about them being in the road or not -- perhaps not being able to move out of the way quickly enough or something along those lines?

Gilchrist: Mr. Mayor, Council Woman, we have several people who are physically challenged in the neighborhood. They have not had any problems. They are able to get around walk on the roads. The lack of sidewalks has not posed a problem. I have been interacting with neighbors, as I said, for two and a half years and I have never heard anybody say anything about, oh, sure wish we had some sidewalks in here. There is never -- I have never heard anything like that. So, people are able to get around adequately on the roads. It hasn't posed any problems and you did say something about being geared to seniors. It is not a senior designated community. We have youngsters. We have -- you know, we have got kids and people on skateboards and all ages in there. So, there has been no problems that I know of as far as any kind of accessibility.

Perreault: Mr. Mayor, follow up?

Simison: Council Woman Perreault.

Perreault: What's the posted speed limit sign in your neighborhood and what kind of speeding mitigation efforts are taken, if any?

Gilchrist: I'm sorry, I didn't understand your question.

Simison: Are there -- are there posted speed limit signs in your part of the gated community --

Gilchrist: Yes.

Simison: -- and are there speed bumps or anything else in there?

Gilchrist: Mr. Mayor and Council Woman, yes, we do have speed limits. It's 15 miles per hour. The streets are narrow. As you have heard the requirements when you have got private roads that they can narrow down the streets and we do have posted speed limits throughout.

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

Gilchrist: Thank you.

Simison: Is there anybody else that would like to provide testimony on this item? Mr. Clerk, anybody online that's been raising their hand not that I have seen?

Johnson: Mr. Mayor, nobody has raised their hand.

Simison: Okay. Then would the applicant like to come forward.

Nelson: Can I pull up my presentation again? Thank you. Mr. Mayor, Members of the Council, Deborah Nelson. I will try to take these maybe in reverse order. Mr. Loffer raised a concern that we were going to be filling our site above level of Vantage Point, the property adjacent to us, but we won't. Our grading will not build up our site above that level significantly, as was claimed, and Council Member Perreault had asked earlier about whether it was level. It is pretty level, actually, between those two. Mr. Rose was talking about the concern with typography and that's because his property is below, but it's below Vantage Point, not below Skybreak. In any case, the concern that he raised and Mr. Kagee raised about drainage, we will certainly make sure that we are following the rule to keep all drainage on our property. Mr. Kagee also commented that there was three meetings with the developer, but nothing had changed. I just want to identify some of the things that I am aware of that changed from those meetings. The pathway that was along the border on the southeast was moved north. We increased the lot sizes. Pulled back the building footprint of the home in the corner. We added walls and increased landscaping and berming to address the headlights, just to name a few. Mr. Kidd talked about the road and there was some questions from Councilman Borton about the road. So I wanted to address this on East Vantage Point Lane. Mr. Kidd commented that it's only 24 feet wide. Of course, when it is -- the area is developed it will have to be improved to public street standards and it may, in fact, be relocated, it depends on how they develop that area. It is currently owned by Parkland Development, LLC, that's controlled by Greg Johnson, who granted us an easement that has been recorded. The legal description and the ownership that they have actually extends further east than the Farr Lateral by about 130 feet and so it well includes the area that includes our road for access. There was a concern that Mr. Kidd raised as well about where -- how the residents in this phase nine will access the amenities. Of course, as we discussed before that those residents won't be there until there is public street access and pedestrian access around and, of course, we are improving -- there is a crossing of the canal there and we are improving the regional pathway along Eagle Road as well. Mr. Foley raised concerns about the Comprehensive Plan and R-15. R-8 and R-15 are the zones that yield three to eight units per acre that is consistent with the median density residential designation in your code and that's why throughout the city the city has approved R-15 zones within your Comprehensive Plan, but, more importantly, we are capping that at the R-8 standards and our density is only 4.1, so certainly meets your Comprehensive Plan. Mr. Lang -- and this is where it may be helpful to bring up some of these transition slides to illustrate. He talked about the concern with his property being adjacent to the roadway and the park area and sort of in the central part of the property and I just wanted to go through some of that in more detail. You can see that here. I think it's important to understand that in this central area where we have the buffering through the roadway and the extensive landscaping, we have that 77 feet of separation through landscape. The buffer around the road, 108 feet of separation around that park. We have the additional screening that's been added from the walls, the berming, and the increased landscaping and, then, on the other side of all of that these are single story homes right there and if you look at the orientation of these lots you can see that they turned to orient with the longer side toward there. So, there was a question of why couldn't these be, you know, the larger lots. Well,

not only are they incredibly far away and buffered, the length that's exposed there -- that's 110 feet deep. That's nearly as wide as the half acre lots are 120 feet and they are that far separated. There was comments by Mrs. White about the comp plan as well, noting that The Keep was built out at a lower density. Well, they were designated lower density and we are designated medium density. Their attorney's letters talked about why couldn't we do R-2 zoning here. I think it's important to note that the transitional lots that we have provided right up against those lots on the southeast are comparable and bigger than your R-2 categories for dimensions. R-2 allows a 12,000 square foot minimum lot size. At half acre we are nearly 22,000 feet. R-2 calls for 15 foot rear setbacks. We are providing 30. R-2 calls for 15 foot side setback for two stories, which we meet, and we have moved that building foot up. So, I just think that when -- you know, people are asking for more and more transition. I would say that this is the model development for transition with all of these items that have been provided consistent with your -- your plan standards for buffering, screening, and transitional densities and with that I stand for questions.

Simison: Council, any questions?

Nelson: Actually, I'm going to ask Laren just to hand out -- it's the last slide that we had that had our proposed conditions of approval, so you have it handy if you wanted that or else it could be brought up on the screen as well and the -- the items. Thank you for scrolling to that, the items that we have requested your approval on, the waivers, which we discussed all of them. It's a printout of this same screen that's up now. Thank you.

Simison: You may want to stay close, but you -- well, not right -- I'm sure there is going to be questions that are going to come up.

Nelson: Okay. Thank you.

Johnson: Mr. Mayor, Councilman Cavener is sending this to Council Woman Perreault as well.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I have a question for Alan. Are you ready to roll, Alan?

Tiefenbach: We will see how this goes, sir.

Bernt: Okay.

Simison: You are recognized for the duration of your questions.

Bernt: Thank you. Thank you, Mayor. Wow. Feel honored right now. So, in -- in the applicant's presentation Deb mentioned numerous times that they were following code and mentioned whether it was open space, whether it was, you know, the zone -- multiple

things and you were listening. So, you knew what she said and so my question to you is -- so why the -- why the denial if -- if ultimately the applicant is -- what they presented is following our code?

Tiefenbach: Mayor, Members of the Council, the project follows -- does follow for the most part the R-8 zoning standards in regard to setbacks, frontages. It does not -- it's kind of a mix and match, though. It does not meet code in regard to the private streets, obviously, and the gates. You have to go to R-15 to do that. I guess one of the things that staff does have a concern with is this is not an entitled property. This property is presently not in the city.

Bernt: I get it.

Tiefenbach: There is minimum requirements for open space. Twenty feet by a hundred feet. You got to -- if you find a spot that's 20 feet by 100 feet with an opening on either end, you can say that qualifies as common open space. It's a little harder for -- when you meet those minimum demands that are required per the code, it's harder for -- it's hard for staff to say we don't think this is quality open space, because it hasn't been annexed into the city. In this particular case there is a lot of open space that we think is probably not real good open space, even if it meets the minimum requirements of the code. So, there is a difference between whether it's meeting the minimum requirements of the code or whether or not the Council believes that isn't in the best of the city to annex this. There is longer blocks. There is alternate compliance that's asked for. The private streets. For the gates that -- for 112 lots, whereas only 50 are allowed. It -- it does meet the code in regard to private streets, but, then, staff hasn't -- has the -- the concerns with is -- is allowing 112 streets in a brand new subdivision that's being built from scratch with no sidewalks, out on the fringe of the development, is that what staff thinks is premier development. I think that one of the Planning Commissioners actually spoke to that. I'm not sure if that answered your question. So, not all of it exactly meets the code. There is -- there is going to be alternative compliance that's required and we don't believe that there is some elements that means the vision of the Comprehensive Plan. Just as a side note, I think it's important to note that staff recommends this. This is -- when we talk about this, this is discussed by staff, so I'm a little puzzled with my picture being on the front of their slide. This is staff that recommends these things and Fire and Police -- not Alan.

Bernt: Good point. Mr. Mayor?

Simison: The time is yours. Yeah. Keep going.

Bernt: I was respectful. It's -- it's muscle memory as well. I apologize. So, another question I have -- and I hope you don't feel like I'm picking on you, because I'm certainly not, I just have -- I just -- you know, people are talking, I'm writing down questions and notes and so I just got a lot of chicken scratch here that I'm looking at. So, next -- next question that I wrote down is -- some of the developments that -- that were listed that are gated communities are more than 50 homes, so, you know, I'm familiar with most of them. So, why -- what's the difference with this one?

Tiefenbach: I'm going to walk lightly on this one and probably defer to Bill. There is some question about what was approved previously should have been approved. There was some discussions and Bill Nary might weigh on this, about whether that was proper. I will say that just because something was approved may or may not have been approved -- is not I think probably a reason to continue to approve it. I will maybe go to Bill Nary or Bill and let them go deeper than that.

Nary: Well, Mr. Mayor, Members of the Council, I kind of missed part of the question, but I think I know what you are asking. So, basically, the question came up again -- it hasn't been asked of us in reading memory -- of what the code allows. Well, the code is real specific, as Bill said. It says 50. It doesn't say 50 per gate, it says 50. So, whether or not it was ever discussed with my office prior to this application I can't tell you. I can't tell you where that interpretation came from, because it didn't come from me. But the code is absolutely clear. It says 50 and -- and it probably was anecdotally, as Bill stated, when the UDC was written in 2005, they were using a standard based on the best estimate they could use at the time, which was what the fire code allowed. So, that was the intent. There was also an intent back in that time period to -- to discouraged gated communities. We did have some, mostly around the golf course. We had a few, but the city was looking for more connected, livable communities that had connectivity. Well, gated communities are not connectivity. So, there was really a discouragement on having more, so there was no desire to go back to the code and change it and make it more available for larger subdivisions. Now, how were they approved for Paramount or Movado -- again no one -- no one asked us. I mean, again, they interpreted that -- I get why that may have been a consideration. You know, our planning staff over the many years has tried to be flexible and tried to find a way to get to a yes with folks, so I'm not saying what they did was incorrect, but if you read the code 50 is 50. That's what it says. So, they have standards to allow you to do more, which is what was looked at here. And, again, that's a judgment call by the director. That's ultimately a judgment call by you on whether or not the alternative compliance is reasonable based on what they are bringing into -- to this application. So, it is ultimately your decision, but I stand by the 50, because I can read it. It's not that hard. But how it got beyond that in the past I couldn't tell you.

Tiefenbach: What he said.

Bernt: Mr. Mayor, one last question.

Simison: Keep going.

Bernt: Thank you, sir. So, in staff's presentation and in public testimony, multiple times it was stated that -- did Dean yell at me? I apologize, Dean. No? Okay. It was stated that the Comprehensive -- there has been deviations from the Comprehensive Plan. If you could provide some clarity and walk us through that and -- and if that -- those comments are -- are factual or if they are -- they are not factual.

Tiefenbach: Alan Tiefenbach, planner. So, obviously, the Comprehensive Plan is not regulatory. The zoning is regulatory. The Comprehensive Plan is painting a vision of what this Council and the Planning Commission decide Meridian to be.

Bernt: Mr. Mayor. Alan, I certainly am not -- I get that. But it's also a document that we rely heavily on, you know, that -- that -- you know, Mr. Conger himself sat on that -- that committee and we spent hours upon hours and upon hours agreeing to disagree and -- and -- and patting each other on our backs and having great discussion and even community members were involved with that. Very opinionated and very -- a lot of community members who care and so when that -- when we adopted that Comprehensive Plan, that's an important document, so I guess that's the reason why I asked the question.

Tiefenbach: Thank you for setting that up for me. Based on that I would -- absolutely. I'm a planner. So -- so, the value of the Comprehensive Plan is extremely important to me. There are numerous policies in the Comprehensive Plan that talk about complete streets, that talk about connectivity, that talks about pedestrian access, that talks about walkability, that talks about emphasizing the pedestrian over the car, that talks about premier development, that talks about building livable communities. So, the -- the idea of no sidewalks and whether that's a better option than not having no sidewalks, I have not heard of that and I have been doing this for 18 years. I haven't heard of that being preferable to not having sidewalks. There is a lot of discussion about in-fill development and smart growth and trying to build wisely and it is, obviously, in the wisdom of the Council, that's not -- we have made our recommendation. That's up to the Council to decide. I do not believe personally -- if you want to know my personal opinion, I do not believe that this is in-fill or smart growth, speaking as Alan Tiefenbach.

Bernt: Sure. In-fill. I get that.

Tiefenbach: There is much discussion about providing quality open space. There is language in the plan in numerous places, as you know, that talks about providing quality open space. There is some quality amenities in that site. There is some good open spaces. There is a lot of what's being credited as open space that I would question whether it's quality open space and that --

Bernt: I get it.

Tiefenbach: -- Council would -- would decide whether they agree and whether it's in the best interest of the city to annex this into the city.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I'm now finished. Thank you.

Simison: Thank you.

Parsons: Mr. Mayor, this is Bill. I would like to add to some of the questions, if I may. Just to kind of put a finer point on it if I may. When you look at the applicability of private streets, it really does say a limited gated community and so that's kind of the position that we are taking here. When you look at the other developments that the applicant's done, it's been a more compact development, it's been closer to services, it's kind of been more in-fill and framed that -- that way where -- where you do have that interconnected pathways. With other residential and commercial uses. The one exception to that is their Eastridge project. That is just a half -- maybe a quarter mile from this site and the reason why they got R-15 there was they made concessions with the neighbors to try to broker and garner their support to get that approval. In this particular case one of the -- there were so many hurdles from staff's perspective of getting to approval, that we just felt it -- in this case it did not meet the vision of the plan and we would have to condition -- place on so many conditions on the applicant or suggest so many changes to the plan that we don't think we would have gotten to a yes with them. This -- I think this applicant will tell you that we met numerous times on this. We shared these concerns with them at pre-apps very early on, we even shared these concerns with the previous owner of the property that he purchased this from. So, again, there was no surprises heading into this application. We were very upfront with him that we could not support the plan that they are showing with you this evening and we were very succinct in what they needed to do to get -- garner our support. So, I don't want you to think we are adversarial with the applicant. We respect them. I love this gentleman getting up here saying that they are good people and they are a good development team, because they are. They do build quality developments. But on this particular case we feel that with this design that they are presenting to you this evening we are just at -- agree to disagree and that we -- as staff we can't find that this plan is consistent with some of the policies in the Comprehensive Plan, nor meet some of the purpose statements in the code and that's why we have -- you have your recommendation from staff and you have a recommendation from Planning and Zoning Commission.

Simison: And what I appreciate between last night and tonight is, in my opinion, finding some codes that should really be rethought, reconsidered. So, as I'm concerned, the only place a sidewalk doesn't belong is in the county and I don't think it shouldn't belong there, you know, quite frankly. You know, even one side of a street should be required sidewalk in any proponent of our community in my old fashioned ways. Understand it's what the code allows, but it's not what I believe in from that standpoint. So, I hope we can -- that's something we can talk about at a future point in time, what the applicability should be or should not be.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I want to ask staff to help me out on something else when I was going through the minutes of Planning and Zoning. There was a discussion about -- or maybe this was in the staff comments -- about types and styles versus styles and I want to make sure we

are on the same page on that, because, you know, what I think is a type and a style might be little different for you. So, Alan, can we kind of have a dialogue on that?

Tiefenbach: Sure. Thank you, Mayor and Members of the Council. This can often be a highly debated point, especially depending on whether or not you are living next to the development that this is being discussed. When they -- traditionally in the planning field or in this, when they are talking about providing a diversity in housing, they are talking about housing for all income levels and all different types of housing; right? Apartments, duplexes, work-lives, single family residences, different value levels. Of course it's easy to say that and, then, when very high density housing, which is a diversity of housing gets built next to you, sometimes it's a whole other story. But the distinction is that there are different housing styles here. They talked about -- and I can't quote the product they were talking about, different templates, different floor plans, different exteriors. Some of them are two stories, some of them are one story. Some of them have bricks. Some of them have stucco. That's -- staff does -- that is not the diversity in housing that the Comprehensive Plan is talking about. Purely we are talking about external design or floorplan in this particular case, not a diversity in housing. Now, it -- for the -- for the -- to the -- for the positive -- to the applicant, since the last development has happened, they have provided more of a diversity in housing, because the original proposal was all single family residential. This one has duplexes, single family attached, and probably in an appropriate location, because they are closer to Eagle Road, closer to where some of the other newer developments, like Pura Vida are going in. So, there is more of a diversity in housing with this project. Certainly it is to the wisdom of the Council to determine if this is the diversity of housing that the Comprehensive Plan is intending.

Hoaglund: And, Mr. Mayor, and Alan, thank you for that, because that's what I was thinking. Style was -- you know, the design, the garages, the stucco, brick, all that one story, two story, so -- and, then, the types would be, okay, you have got single family attached, there is single family detached, there is no more estate style types of homes. So, they are -- in trying to do some of that. So, that to me was types and I just wanted to make sure we were on the same --

Tiefenbach: You nailed it, Mr. Council Person.

Hoaglund: And I -- I guess, Mr. Mayor, the struggle -- you know, if this was a few years back, we would be talking about a premier community and having a development that is low density residential, R-2 every -- everybody is going to have an acre type of thing and -- and the market has changed. I mean it's occurred to me in what we are seeing time and time again is something that's a little different than what we are used to and -- and I have to wrap my brain around that, that it's not going to be what it was due to the price points, but how can they still be a premiere product, how can it be something that's outstanding and rim views, hillside lots, are definitely a scarce commodity and I can see why the developer wants to go to a gated community, that -- that feeling of exclusivity and they are larger lots, that makes sense to me, but -- but it's still hard to wrap your mind around, yeah, no sidewalks. You know, that's -- that's -- that's different, but having been in Movado and seen that product, it's not what I would want to live in, but that's not me,

but it's very nice. I mean it's a high end product. So, you know, I have to put my personal bias away, so as a product -- is it high end, is it quality, does it reflect good things about our community -- yeah. Probably. And are they -- are they building to market demand and do we say you -- you can't build to market demand, it has to be this. So, that's -- that's kind of my struggle tonight is going, you know, this -- this is a -- this is a good product and it's different than what I think we would have had a few years ago. So, that's kind of just talking through some of these things. I appreciate the Council's input on this, because it's -- we want -- and I know the developer does, too, wants a product that reflects well and reflects Meridian well and -- and that's -- that's kind of what we have to work through, so --

Simison: One thing I didn't -- this is always the interesting thing when you look at a development last night that had 37 verses development tonight that has many more, last night we talked about parking on these private -- on the private streets and where people are going to park, but in the presentation from staff and applicant, didn't hear one word about where -- where the people that come visit are going to park. Did I miss that? Are their places along those roads where people are going to park? Are their parking lots in the private street area? Are they not allowed to come in and have visitors?

Tiefenbach: My understanding of -- Mayor, Council, with a 27 foot template they have parking at least on one side, maybe two. I know that -- I'm trying to remember -- there was a lot of discussion with the Planning Commission about parking. There always is. They had issues with not having any room for storage and where the -- or sorry. Not having any issues for snow storage and where the car is going to park and if cars are parked in the street, then, it makes it even more difficult for pedestrians to walk down the street when cars are driving by. There was a lot of discussion about that.

Simison: Okay.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I love when you jump on my list of questions that I was going to talk about and so I may ask the applicant to walk us through that here in a minute. But, Alan, I wanted to revisit a piece that you touched on, particularly about the open space. It sounds to me that there is some spots within this application that staff feel while they -- they qualify in terms of code, they may be on as meaningful, as usable as staff would like and I'm hoping you can maybe identify that for staff, maybe walk us through what the concerns are.

Tiefenbach: Are you able to see this?

Cavener: Uh-huh.

Tiefenbach: Here is the open space exhibit and when we are talking about quality open space we are talking about quality usable open space. Now, the Farr Lateral, which you

see running through the middle there, that's going to have a trail, that's probably pretty good quality to usable open space. If you look at the eastern ridge over there, there is going to be a trail that they are going to build along that. That's probably pretty good open space. There is -- there is a large sports park and a few other places. So, yes, we do believe some of this has quality open space. We believe that a lot of what you are seeing along these roads and these end caps may meet the dimensional requirements, but we are not convinced how usable that is. Again, that's totally up to the Council to decide if they agree.

Hoaglun: Mr. Mayor, just to stay on that topic.

Simison: Does the gentleman yield or would he like to continue his questions?

Cavener: Mr. Mayor, you didn't give me carte blanche to keep peppering with questions, so I'm happy to yield to Council Member Hoaglun if he's taking on the conversations around open space.

Hoaglun: Thank you, Councilman Cavener. The fact -- you know, there was discussion at Planning and Zoning about central location, having one big central one, and, you know, is that just what we require or is that just a philosophy or with a big large development do we -- can we have smaller areas that are usable for that particular group? I just happened to see two nights ago driving home there is a pathway through our subdivision, it's a subdivision pathway that it's -- it's a lateral that's underground and they come -- when it comes to the collector street it opens up just naturally on this side, since it's quite large, so it's just an end space and there was a family out there playing ball. I mean -- and we -- we are in a subdivision where the lots are quite large, but, obviously, they wanted more room to -- to do what they are doing and there was that room and I just noticed, oh, they are using that space and it's a pathway down to Reta Huskey Park. So, it's -- it's -- it was just interesting to see that, that they didn't go to the main big area that we had, because they were probably living in one of those houses back there and just went to the nearest open space, so they didn't go down to Reta Huskey Park. It's not that far of a walk, but -- so, I think something can be said to the value of having space that is close by for -- you know, it doesn't have to be large events, but that's -- that was just my observation. So, I'm -- you know, I understand having the large space and we do have it in our subdivision, but also those small spaces have -- have value. So, anyway just -- just a thought.

Cavener: Mr. Mayor?

Simison: Councilman Cavener, you are recognized for the duration of your questions.

Cavener: Thank you, Mr. Mayor. Question for either maybe Mr. Nary and Mr. Parsons. Revisiting the conversation about gates and 50 units per gate, do we have any history on the intention behind that number and, then, maybe the follow up would be has there been issues that have existed in these communities that have a hundred plus gates that we need to be concerned or worried about, you know, something terrible happening or an emergency issue?

Nary: So, Mr. Mayor, Members of the Council, I can probably take a stab at that first, Councilman Cavener. Like I said, when we wrote the UDC in 2005 we didn't have very many of these. They were small by design, because, again, that's -- that's what had ever come to the city. Mostly around the golf course. One of the concerns that I know had been discussed in the past was the fact that, again, these private streets are solely the property of the HOAs that own them. So, maintenance -- so, not just the emergency concerns, but the long term maintenance concern. Now, again, it's -- it's -- I'm not in this business, so whether or not having more people sharing the cost of all of that roadway is a good thing or bad thing is I guess a decision for all of you, but you have a lot of road system in here that are only going to get paid for by these property owners. Now, yes, we haven't had a lot of issues. Most of these aren't very old. The ones that are older by the golf course are much smaller. So, we haven't had an issue -- I'm not aware and Chief Bongiorno would know better than I -- if we have had emergency access issues there. But, definitely, I know there had always been talk about, again, these private streets -- as we have seen in the past in other areas of the community, when you have private systems, whether it be private sewer systems, water systems, street systems, when they don't function anymore they want someone else to do it for them, because it's too expensive. Well, the downside with a street system is once it's built the only way to rip it up and make it bigger is to take out houses. No one can generally afford to do that. So, that is a problem and I know that was part of the conversation back in '05 on why we wanted to keep them smaller. But as to your question have we had an issue, I'm not aware that we have. Again, I'm not -- I have never been advised of any like around the golf course, those are the older ones we have, so I'm not aware of that being problematic to this point, but it is a significant burden and you are not really burdening the people that are going to move in here in 2022, you are going to burden the people that are living there in 2042. So, that long term concern is definitely something that was thought of when we wrote the UDC back then.

Cavener: Mr. Mayor, I know we have Kristy from ACHD. I'm hoping she may be able to give Council some flavor about how frequent or how often homeowners associations or neighborhood groups that have private streets contact ACHD to take them over. Is that something that frequently occurs, rarely occurs, occurs every year? Kristy, any insight you could share would be helpful.

Inselman: Mr. Mayor, Councilman Cavener, I think I got the name right. Sorry, my screen is small tonight. We do get -- we -- frequently we get homeowners associations that do contact us to convert private roads into public roadways. Generally the difficulty with that is that ACHD will not accept a roadway that is not built to their standards and there are times when the road base and just the profile of the road is not built to our standards and most times it either has to be rebuilt or we won't accept it. But we do get them on a regular basis. I can't speak specifically to Meridian and how many we get or how many meets jurisdiction, but we do regularly get requests for private roads to be converted to public roadways.

Cavener: Thanks, Kristy. Appreciate you being here tonight.

Inselman: Of course.

Cavener: Mr. Mayor, I believe that concludes my questions for now.

Simison: Thank you, Councilman Cavener.

Cavener: Recess would be --

Simison: Do we need a recess, Council? Okay. Let's go ahead and take a ten minute recess, if that works. We will reconvene at 8:30.

(Recess: 8:19 p.m. to 8:30 p.m.)

Simison: Council, we will go ahead and come back from recess. Just for the record note Council Woman Perreault is not feeling well and I don't think will be returning this evening, to my knowledge. So, what you see is what you get. I will make a few comments. I know there is more to go, but just to give you my personal perspective on a few items on here. To me this isn't -- this is in one of our priority growth areas. You know, I'm not so concerned about is it adjacent or not adjacent, because it is, it's legally adjacent, but it is, it's legally adjacent, but it's also in an area where we plan on seeing services improved, roads improved from that standpoint. One of the comments -- I don't know if the developer remembers from when we were in the comp plan committee that I actually made comments about having the ability for smaller lots, so other people can enjoy the amenities along the rim, to me was a good thing. You know, it doesn't always have to be about large lots that only certain income levels can afford to experience the beauty of the rim and so those are some positive aspects that I see from having some of this, especially where you can at least get down -- you know, sometimes even when you have the properties on the rim you don't get the benefits of having the -- excuse me -- the pathway that even comes down on the side. It does allow an amenity for everyone to be able to experience some of the views that this area will offer no matter where you are in the development. So, again, I don't know if you remember that from my conversations with comp -- in the steering committee on that, but it's nice to see what would hopefully be a different price point product to allow more people the ability to experience what this has to offer. Now, I have got other substantive concerns from layout design, other elements that I already mentioned, but I will let Council continue the conversation on the rest of it.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Our public hearing is still open; correct?

Simison: Correct.

Cavener: I do have maybe a question for the applicant about the private streets and roads and the HOA, if Ms. Nelson is available and willing. Deb, thanks. I think one of the Planning and Zoning Commissioners talked a little bit about this -- about his frustration about being on the hook for repairs on private streets and roads that he doesn't necessarily use within the neighborhood and my assumption is this would all fall under one homeowner's association. Has there been any discussion amongst your team about either like a road repair trust or a premium assessment to homebuyers within the gated area to cover some of those costs, is that something that's been contemplated?

Nelson: Mr. Mayor, Council Member Cavener, absolutely, and remember they have done multiple gated communities, so this isn't a new concept of how this should be structured and so, yes, the -- the roads and gates will be maintained in perpetuity by the homeowners association. They will have a dedicated account that will accumulate funds for maintenance and repair, replacement, and that will begin on day one, so it won't be something that falls to future homeowners, that will be part of the assessment for each property from the very beginning and, really, it's no different than the types of funds and reserves that are required for other common area amenities, you know, irrigation pump systems -- I mean certainly the developments that have expensive pools and club houses, this is no more expensive than any other amenities and when people are coming into this neighborhood they know that up front, just like they do know the HOA fees for other amenities and other types of developments. So, when somebody comes here they are making a choice, they are making a choice for this type of design and they are making a choice for what they prioritize for their amenities and we find that people are making choices to live in gated communities, that that's the asset they value and want to pay for more than a pool that they don't have kids to use or use themselves and, then, one other quick comment on the roads, you know, we think it's highly unlikely that residents in a gated community, who are choosing that and value that, would ever ask ACHD to take them back. So, we don't think that's going to happen here, but at least, you know, in that far distant off chance it is important to know that the 27 foot road width is consistent with ACHD's narrow road width, that that is built to ACHD's road standards. So, we don't think that's going to be necessary, but that is their standard road width for this size.

Cavener: Mr. Mayor, follow up.

Simison: Councilman Cavener.

Cavener: I know that we had some conversations with Council about on-street parking onto those private streets. Can you give us kind of a flavor of what the plan would be?

Nelson: Mr. Mayor, Council Member Cavener, yes, we will post one side of the street for no parking and we will allow parking on one street. Of course, you know, each house will have at least four off-street parking spaces with their garage and driveway as well, but that will provide sufficient extra spaces and still allow the -- the parking and biking and golf cart use that we envision here.

Cavener: Mr. Mayor, just one more if I can.

Simison: Yes, you can.

Cavener: Just -- Deb, I know the neighbors touched on this and I wanted to give you the opportunity if you have an opinion on the -- the greatest quarterback to play for Meridian High School.

Nelson: Well, that would be the quarterback in '77. Anything else?

Simison: You know, one thing just to touch on -- and I -- obviously, no decision has been made by Council having been here and to the Transportation Commission, but we do hope -- I do hope that all the roads will be available for golf carts, whether they are private or public from that standpoint. So, if -- if that is a determining factor -- I don't think it is, but, hopefully, that doesn't -- that would not be the limiting factor in why you wouldn't insist or want as much of that. So, if this entire area had the ability to drive golf carts on it, I don't know if that would change anybody's view. But I just mention that for consideration. I hope it's something we address in the next two months, but -- Councilman Bernt.

Bernt: Mr. Mayor, while we have you up here, Deb, I have some questions. First glance when -- when I was looking through the pack and I looked at the -- the layout, the first thing that caught my eye was a lack of Central -- like a central amenity of some type, whether -- and it's quite common you -- I don't need to tell you guys -- you guys are -- have been around for a million years and, Deb, you have presented many many times in front of us, but it's not uncommon to have some type of central amenity where there is a clubhouse, there is a pool, pickleball, whatever and I didn't see here -- and, yes, code has been met and, yes, all the dyes -- all the eyes have been dotted and all the T's have been crossed, but there is just something missing. There is something missing here that just doesn't quite get me over the finish line and I think it has to do with the lack of community, but I think that's fixable. I think that it's not something that we -- I don't think there is something that's going to require denial by any means, it's just something that we -- I -- in my opinion, one of six, I feel that we need to work on a little bit and so just to give some highlights of what I have been thinking about, maybe -- so, if you are looking at the bottom of the slide that's up, where the arrow is pointing where it says E, I know why you put it there, because you -- you are wanting that transition. I think that's there because you are wanting that transition, but if -- I think a better space for that -- I don't think that people are going to use that very often. If I were living in a subdivision and I lived over by F or on the -- I wouldn't go all the way over there to play in -- in a nice little pocket park, I would want -- I would think that that would be centrally located where you can have community where people can congregate and play and be -- get to know each other. I just don't see that here and I wouldn't -- maybe extend these larger lots maybe further over -- these -- these corner lots, these larger lots, maybe extend those over to accommodate that transition. That might be an idea, but I just feel like something's missing. It's just -- and -- and there has been a lot of no's. You know what I mean? There has been a lot of people that have said that, that have said, no, you have had a unanimous -- unanimous decision of denial from Planning and Zoning. We take Planning and Zoning -- the recommendations very seriously. Unanimous decision of denial. You have heard all night

long that -- from our Planning Department that they don't like several parts of this -- of this project. I need some accommodations for me to be able to approve this project and I think it's doable, it's just a matter -- it a matter what you guys are willing to do.

Nelson: Mr. Mayor, Council Member Bernt, could I -- could I try to address your --

Bernt: Sure.

Nelson: -- concerns and our view of it, which isn't exactly what you are asking for, accommodations, but --

Bernt: Oh. Help me.

Nelson: Yeah. I would like to just walk through some -- some of your points if we could. I think it's important to recognize that not every development is going to have all the same things and so if somebody is looking for that more centralized larger open space area, they might choose something different, that this is going to be uniquely suited, both the amenities and the floor plans and the houses, the types of them, are really targeting a different type of homeowner and so rather than have that single large central amenity that is attractive to some people, doesn't get used by many others. They prefer to have something closer. You talked about the resident near F might not come over to the open space near E. I understand that, although it is a nice walk, you know, with all the connected pathways, but they don't need to, because they have a three-quarter acre park right next to them in F and so rather than a central large open space in the middle where in such a large neighborhood you might have to walk a quarter mile to get there from the corners, you have got open space that's really right next to you that's got different amenities and I think the question was asked by Council Member Hoaglund earlier of is there a requirement for it to be centralized and -- and there is not, but -- but you do have discussion throughout your code and your Comprehensive Plan about having both passive and active open spaces and so I think it's important to value some of that passive open space as well and, as staff pointed out, they thought that we had provided a lot of the active open space they were looking for and that the -- the pathway along the Farr Lateral, the pathway along the natural hillside activated those spaces as well to create the opportunities for the views the Mayor touched on. That's really unique. I think the other thing that's maybe -- you know, that's really -- we think is really adding value here that you don't find in the other developments is that golf cart access and so I appreciate the Mayor's comments that it would be great if everybody's got access to that, we certainly would love for that to be true also and we will try to figure out -- how to accommodate the golf carts throughout. But to create that golf cart access that comes along the view and, then, comes right down and they had to negotiate and secure that access with the golf course, you have really opened up -- I know a lot of times you guys are looking at, well, how close are you to the regional park and we talked a lot about that. You are a half mile from Discovery Park. But you are also right next door to the Boise Ranch Golf Course and so people are going to choose this and say, well, we have got that amenity right there next door and so internally we prefer these smaller spaces that are both passive and active and close by. Dog parks. I mean people love those. They are in such high demand we have two of them in one development that people want to be next to a dog park. They

prefer that over a big pool in many locations. So, I guess I would say that these are really valuable open space areas, they are just different than other neighborhoods where you might choose something in neighborhoods that have floor plans for lots of bedrooms and are targeting children, they are going to want a pool. I don't think our homeowners are going to want a pool. They want a golf cart access and they want their parks that are close by and the mile of walking paths. So, I -- so I know that's not a change. I guess I'm trying to help you understand that we -- we -- we care a lot about what our homeowners want and we are trying to meet that market. So, we are -- we, hopefully, are getting -- giving them highly amenitized areas, just different than perhaps other developments.

Bernt: Right. Mr. Mayor?

Simison: Councilman Bernt.

Bernt: One -- one last follow up. And I appreciate that -- those comments that helped bring clarity to me. The -- the back open space, isn't that sloped? If I'm remembering correct that's sloped; right? So, technically, that's open space, but I don't know if -- I guess there is a pathway -- is that a pathway that's back there that will be a long trail? Okay.

Nelson: Yes. Mr. Mayor, Council Member Bernt, yes, that will be natural hillside grasses there and the trails goes along the side, so that you get the full effect. I live in the Boise foothills and have a trail like this behind my house and there are people on it constantly. It's just -- it is -- it is the valuable real estate, because you get the views and people don't mind that it's natural grasses, that you don't go off the trail. That's part of the experience. And Meridian doesn't have a ton of that. It's just -- it's a -- it's an asset for this property to have that area.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Intentionally quiet. There has been good questions and, Deb, you have done a fantastic job answering these things. I think Council Member Bernt characterized this -- summarized it very well. Compliant seems to be the word that describes it and it's not intended to offend, but that's sort of how it feels and the comments about the open space located where it is -- and I understand it sounds like there is just tradeoffs and it's a decision of the applicant to place smaller open space scattered as a decision, rather than doing a larger, you know, centralized open space, clubhouse, pool that you might see in other areas. So, it sounded like -- I think you answered it very well, but it sounded like there is probably not a desire to -- to redesign and accommodate or account for that concern at least. At least that's how I heard the answer. And a similar question with regards to private streets, it sounds like the designed decision is to do private streets and, then, in order to do private streets that's what makes it R-15, even though it's an R-8 dimensional standard, but it's a designed decision to do private streets and the tradeoffs of, you know, homeowners taking care of the expenses of that and the gate is worth the tradeoff of no sidewalks and so it sounds like there is probably not a desire to redesign it

to make it public streets, instead of private. It's just a choice. It's the decision that this is what the applicant thinks is best. Is that fair to characterize it with regards to the private streets at least. Similar to the open space, this is -- understanding the pros and cons, this is the -- the proposal.

Nelson: Yeah. Mr. Mayor, Council Member Borton, yes, the gated community aspect of this really is driving a lot of the design. So, yes, I mean it is designed and that -- that's what creates what we -- what we believe is giving the city that premiere neighborhood. You know, taking advantage of these exceptional rim view lots, still providing a meaningful way to get into that neighborhood, but the gated aspect of it is a desired aspect and, really, the -- what is driving the homeowner, to come into these gates or in any gated community that's desired and so -- and the design of the -- of the streets within that, yes, it does meet your code and it's desired by -- for our design. As far as -- as far as the open space, I think, you know, the developer has made a lot of changes, added open space in response to staff's concern. You know, we have added amenities, we are at 14 amenities and not four. So, it's not just -- it's not the 20 by 100 foot calculation, I mean we have -- we -- this is very amenitized, but if -- you know, if there is specific questions or comments about that, I mean I'm sure that we -- you know, we will consider that, but it -- it is -- it is -- it is a thoughtful design. I don't want you to think that, no, we have done the minimum. I don't believe that's at all come into the consideration. You know, you used the word compliant. We absolutely want to comply. But it far exceeds your code. So, we actually are trying to do quite a bit more than the base requirements in your code for open space.

Borton: If you were asked to -- to summarize how you think, respectfully, the -- our staff and Planning and Zoning Commission got it wrong in their collective recommendations that we have discussed, how would you respond to all that we have been presented and your perspective of that -- that overall recommendation and the basis for it is respectfully not right.

Nelson: Well, I don't know that I can speak for their mindset. I mean we -- we clearly have a different point of view and -- and I appreciate the questions that came to staff and staff's answers. I think that highlighted the discussions that we have had back and forth. It -- what it feels like to me -- I mean just to offer my opinion, are preferences; right? If we meet the code, then, there is a preference and a preference for more of a traditional style neighborhood and traditional style amenities, but -- but perhaps a lack of recognition that, you know, one, the developer wants to do something unique here, but also it's a unique piece of property and so I -- I do struggle to understand why the staff has denied the private streets when they are consistent with other developments that have very similar approvals. But this is a perfect place for private streets, because you are not blocking any connectivity. You can't connect in anyplace where we have put a gate and so it's a great location for it. So, that aspect I guess I don't understand what's different here. But I think for the open space it's just a preference. It's a style. It looks different than the traditional clubhouse in the middle with a pool. I think also there has been an evolution; right? I mean it's been two years and now more development has come around us and the fire station is getting closer and, as the Mayor said, that -- you know, it's a planned growth area and some of the points that staff brought up were more worried that perhaps

it wasn't, so I think there has also been an evolution since the beginning of when staff had started looking at this.

Borton: Okay. Mr. Mayor, just one -- kind of --

Simison: Councilman Borton.

Borton: The reason I asked kind of a global question is -- it's recommendation. Understanding it's not binding and we definitely pay respects to our staff and the P&Z who do it -- and maybe asking you to describe how they got it wrong isn't a fair way to phrase it, but if there is direction to the applicant that says, you know, you present X and we think Y might be best for our described reasons and -- and drive forward with X and, then, the P&Z says you presented X, but Y might be better and you drive forward, it makes us really pause, at least, and say is there something about all of the collective direction to do Y that the applicant knows something that they don't know or -- where is that disconnect? So, when we make our ultimate decision we might think, okay, the applicant's presented something that wasn't appreciated in prior reviews or is -- and sometimes we have this happen where an applicant says, respectfully, we are still going to go. We -- we just think you are wrong and we want to drive forward with X. That's sort of the -- what I have been quiet listening to this discussion -- again, you have done an excellent job. That's the -- that's where I'm still disconnected and Council Member Bernt's questions I think really put a fine point on it that I struggle with as well, frankly. You have done a great job describing it, but I'm still wrestling with that disconnect in my X-Y example a little bit.

Nelson: Mr. Mayor, if I could respond. Council Member Borton, I think some of it is that, you know, respectfully we -- we are ready to move forward with our intentional design here. Where we -- where we meet the standards, where we meet the code, and we are down to a difference of opinion or interpretation of comprehensive planning goals, then -- then -- then it's incumbent upon us to take our vision forward and try to do so. It wasn't for lack of effort. I mean as planning staff has noted, there has been a lot of meetings and a lot of changes. So, it wasn't for lack of effort or taken lightly. This is the second application with a lot of work, so -- but, yes, you do get to the point where you just do have to say, okay, well, we have met everything and so at this point we have a different vision and we would like to ask the Council for -- for their vision. You know, as far as the Planning and Zoning Commission, I think procedurally they were put in a pretty tough position, because they -- they did have a recommendation from staff that was for denial. Didn't have any findings to work with proposed conditions, so we brought forward proposed conditions of approval and more -- more importantly -- and I think, you know, Bill spoke to this at the P&Z, he basically said -- I think rightfully from the process situation they were in that the Commission couldn't approve it, because the staff had denied the private streets application. So, there wasn't the -- a plat before them that they could approve and that appeal goes to you, not the Planning and Zoning Commission. So, it was kind of taken out of their hands by the staff's decision to not approve the private street application. So, it wasn't -- I mean they almost couldn't wrestle with it in that way and that was part of the discussion. I know you have read -- read the minutes and so it just -- it wasn't that they couldn't -- they couldn't have got there or we couldn't have got there, but

it was just the -- procedurally the way that is, because it is presented with private streets, because it is a gated community in a portion of it. You know, the -- the questions they had and, you know, Bill's appropriate response on the process was, well, because staff denied that you -- it has to go to Council now. And we -- and we hope we have -- you know, as we tried with staff and as we, you know, tried with the Planning and Zoning, we hope we have, you know, outlined for you all the ways it does meet your Comprehensive Plan, but you could have a different vision for than -- than staff has found as well.

Borton: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Deb, you and your clients have taken a risk here. I mean this is not the normal cookie cutter subdivision that we are used to seeing, with the large central open space, the pool, but as -- as we have talked to this evening, you know, and I recognized early on this -- this is a unique property. It's not something you just come across anywhere in Meridian. There -- there are locations, but they are far and few between and I guess it's trying to see it through your eyes that, you know, they are -- they are investing a large amount of money in taking a risk that the market wants this and -- and that's why I'm going -- if it meets our code and has enhancements that make it very nice and you are willing to take that risk and say people want this product, it's kind of hard for me to say, oh, no, you can't do that. We somehow know better. I mean that's kind of a -- a difficult place and I always -- I don't like government that thinks it always knows more than the marketplace, because I think we get in trouble that way. But it's -- it's -- it's unique. I like your usable open space and the hillside and those types of things that we don't have in a lot of places and the work that you did with the -- I happened to be on Council when Walmart went in on Overland and that effort that went into that for the landscaping and making sure the light doesn't bleed and -- and two variations of the wall that the homeowners -- they thought they had an agreement, then, they didn't and the corporation was good about redoing it and -- and I see the quality elements here for what you have put into that is similar to something like that, which is a major commercial area to help buffer that -- that area and from the residents' perspective I completely understand that change is hard and it's never going to be perfect and I -- and my wife is constantly reminding me -- I wish it was the way it was before, but it's not, and so we have to do the best we can to move forward and -- and find ways to -- to make that work. So, I appreciate that effort. It is -- it is different. I'm understanding the need for the private streets and how that makes it unique and I might be standing alone out here on the -- at the end and saying, hey, you know, I think we have something here. There is always ways to tweak it, you know, like my question about the sidewalk, does it go all the way on that grand entrance and -- and, you know, I mean we could get into it and say, hey, we like the layout, we like everything, but don't do gated, just make it public streets and, you know, make that work type of thing, but that takes away from the product that you are taking to the market to say this is something that we think you want. So, that's -- that's where I struggle with going in and start messing around with it and -- and I know staff works very hard on

these things and they take their job seriously and they do it very well and I always appreciate their input and how they see things and work at things and -- but sometimes it's just -- it's -- it's just -- it's just different and -- and I can appreciate that, so I -- I have warmed up to it considerably. Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing for H-2020-0127.

Cavener: Second.

Simison: I have a motion and a second to close the public hearing. All in favor signify by saying aye. Oppose nay. The ayes have it.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Hoaglund: Mr. Mayor, I will just kick off, but --

Simison: Councilman Hoaglund.

Hoaglund: Comments. I'm -- you know, we could -- we could get into things and say they have to be public streets. They -- they presented their case for why and that's their vision and -- and I have to admire that they are sticking to it, because that was their plan and that's what they wanted. They thought that's what -- they think that's what the market will -- will go for and now it's just a matter of if -- if we agree with -- with that moving forward. The -- the number of homes, 112, I -- I keep going back to my original question trying to understand 50 and, then, okay, I now understand that code now was probably interpreted wrong at some point in time, just -- that it was per gate, as opposed to just 50, but, then, I go -- but if it's a safety issue, like we had for the 30 homes that we do now for our subdivision, and we have got four gates that can be accessed, then, to me 112 isn't -- isn't an issue and until we really go back to the code and say, okay, this is what it means without any misunderstanding, I think we have to play by the rules that we have been playing by and -- and certainly that's a point to disagree and -- and at the end it might and I respect that, but I don't have an issue with that. I think we can move forward with that, with the 112, there is still 200 and -- what would that be -- 16 that would be public streets with sidewalk. They did go wider on the private streets at 27 feet, when our minimum -- when our requirement is 24. That does allow the parking and there is -- definitely with these larger lots on the inside loop and places like that, there is plenty of room in front of -- of the homes to -- to have that parking, so I'm -- I'm good with that aspect of it. The Mayor talked about this is a priority growth area and I -- I agree with that. We have plans for fire station, police precinct, possibly be paramedics someday. We know this is an area that's going to grow. We have approved development out here, so -- and I also look at this as not being on the fringe of Meridian, because I take a little broader view of that and we have to consider -- this is Boise growing west, you know. We think of it from a central Meridian, oh, and we are growing south and, boy, we are getting out there, but we are a region that is coming together and this is Boise coming west, but it happened to be in

Meridian and having a golf course next to it -- I think it was Pura Vida, is that the name of the one that we approved some time ago. That's a nice amenity having -- having a place that's next to a golf course, half mile from what's going to be an outstanding regional park. Developing our pathways along the waterways there. The canal. And possibly having an emergency access for the folks in the -- in the county subdivision off Advantage, which, hopefully, is never needed, but it's always nice to have. So, there is -- there is -- there is a lot to like about this and I admit it is different than what we are used to, but I think -- I think I see why they want to do it and that is something that they can -- they can make it a success, so -- that's just my two cents.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I fall in line with Council Member Hoaglund. I think it's, first, important to note that we are really fortunate as a city, we have got staff who really care. You see planning staff across the country, it's binary, it meets code, it doesn't mean code, that's all they do. And I think we are really lucky that we have great staff and, Alan, I think you should be proud that your face showed up on -- on -- on their presentation. I'm proud to have you be the face of the Planning Department on this particular application to represent our staff. I appreciate the work that you and your team and the whole department put in on this and recognizing that it's -- it's been a long journey between staff and the applicant. You touched on a word that we hear a lot in Meridian and that's about premiere and it's such a subjective word; right? Everybody's definition of premiere may change again. We all may have a different definition about what premier means and what I see when I -- when I look at this application is it's -- it's innovative. It's different. And I -- I go back to, you know, 20 years ago we all used PCs, nobody used a Mac and Steve Jobs was very innovative in what he wanted and was uncompromising about the things that he really believed in for his vision and they were ahead of the market. They really led. And I see this as something that we are going to see more of. I think there is going to be a growing demand for this kind of greater community that exists within neighborhoods. So, I'm supportive. I know the subject about sidewalks -- Mayor, I think used the term old fashion. I just think it's traditional. There is -- there is nothing wrong with that and just like we, as Meridian, have become more diverse in our housing, there is different types of housing products for different people in our community and I see this as no different. I believe that this project complies with the intent of the Comprehensive Plan. I used to be one who really believed we needed that centralized open space right in the middle and over the years on Council I have seen the benefits of spreading that out and creating again these meeting locations for people that don't have to walk from one end of their neighborhood to the middle, they just walk down the street. So, I am supportive of this project. I think, as I said, it meets the intent of the Comprehensive Plan. While, again, I don't think that I would necessarily want to live in a neighbor that doesn't have sidewalks, I get that there is people -- we heard testimony tonight that they love that. It creates a sense of community, a sense of closeness. So, I'm supportive of the application. I appreciate the good work that staff did to help guide this conversation. I appreciate the feedback from

the applicant and from the community kind of sharing their perspective. I think this will be a good addition to our community. I think it's in the best interest of Meridian.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: This is -- this is an annexation discretion decision and this is one of the applications that I'm struggling with and the applicants -- I understand their perspective and why they have driven forward the way they have. But the X and Y discussion I tried to get into I still wrestle with and the open space and the private streets are two of the concerns that I don't think make sense, quite frankly. I think the concerns raised below haven't been addressed for me enough to say this project is ready yet. It probably could be tweaked. In my mind you probably could do some different design with the transition to the south, with the -- I do think that there is still value in having some collective open space and unity within a community. So, I'm not there yet on this. I don't think it's yet ready.

Simison: Councilman Bernt.

Bernt: Mr. Mayor. Man, this is -- this is -- this is a unique -- this is a unique project. I don't -- I don't disagree with anything that's been stated previous by my fellow Council Members, you know. I think that Councilman Hoaglund had some great points. I think Council Member Cavener nailed it on the head. Councilman Borton -- I agree with what he is saying and it's -- it's definitely -- it's certainly not the traditional neighborhood that we have seen in Meridian. I like -- I like the fact that it is close to a golf course and I think that that makes this property unique. I like the -- the Boise Foothill open space. I do believe that open space doesn't necessarily have to be active. I completely agree with that. I certainly don't need, you know, softball fields in every park that we design and build. And so I get -- I get that. I -- open space is not just sport, but I do believe that open space is community and that's just why I'm struggling with this thing, man, and I just wish -- I wish the applicant would just tweak it a hair and it bothers me that you just won't do it. You know, like all I'm asking is to fix the transition a little bit and -- and creating more of a community aspect of this subdivision. I just think that's an easy thing to accomplish and I just don't -- I don't understand why that -- the hard no. I just -- I just don't understand it. And the applicant was given multiple opportunities, in my opinion, to -- to -- to horse trade a little bit and it just didn't happen and so I -- I'm not -- I'm not against this subdivision. I think the project could be spectacular, actually. I just feel like it's -- it's just -- and I'm -- and the open space doesn't need to be smack dab in the middle. I'm not a designer. I don't believe it's Council's role to design every project that comes before us, but I just don't see community in this -- in this subdivision. It just doesn't say community to me and that's really important to me. I have been extremely consistent with -- with how I have communicated my -- the importance of community, I just don't see it.

Simison: So, with what we are seeing here this evening I'm going to give the applicant one more time -- opportunity to make modifications to this to bring community into it.

Address transition. If we are going to move forward -- you know, if this project has a future from tonight, based upon what I'm gathering from City Council and where I -- what my views are at this point in time. I agree with Council President Bernt, that community is what is lacking in this. There is -- there needs to be something in a way that brings -- can bring this area together better. What was mentioned, the transitions on the south, I think there is some very easy fixes to address the transitions on the south. I really want sidewalks in the -- in that area, because, you know, it's kind of like -- if the applicant was asking for no streetlights what would we say? I mean sidewalks are a basic infrastructure. They just are. In my old fashion traditional viewpoint is, you know, it's -- it's a -- it's a -- to me a basic necessity. It's a basic function of what we do when we, you know, develop property and so that one -- to me those three things, if I'm ever going to be involved in voting on this project, has to be addressed. Otherwise, you know, we will wait until this meets the premier community standards of this Council.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I, too, agree and I think the description of the applicant team, who have done a lot of great projects around, can -- I think can certainly rise to the occasion, take it as an opportunity to make this premier and address those -- those few issues that can get this over the finish line. I think it can get there.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: And I'm not even caught up on the -- the private road aspect of it. You know, I -- I am familiar with some other subdivisions that have been built in the past by this same builder design team and, you know, I -- you know, I think Deb had some very good talking points with regard to why private streets and gated communities make sense. I think that there is some argument to be made that we haven't been quite consistent with how we have approached this and probably something that we need to work on going forward. I know that in the building community and the development community the most important thing that we can do is -- is -- is consistency and I think we owe it to the -- our -- our partners in the development community to provide that consistency. I -- I just feel like my ask is small. I just don't think it's that big, you know. I -- I just want a couple more lots in the south and I want some community. That's it. I will give you -- I think you will have a chance, but --

Cavener: Mr. Mayor?

Bernt: -- I think it's a -- that's such a small ask.

Simison: Do I have a motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we reopen the public hearing for Skybreak -- Skybreak Neighborhood, H-2020-0127.

Borton: Second.

Simison: I have a motion and a second to reopen 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. The public hearing is reopened.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Would the applicant like to come forward.

Conger: Mr. Mayor, Members of the Council, Jim Conger. 4824 West Fairview Avenue. Thanks for the opportunity to come back up here one last time. Hopefully one last time. We will see. I first want to start out -- you know, basically Jake Centers and I have been doing development -- and just try to get an understanding when we develop in Boise, if you do a straight subdivision you -- you basically go through in about three and a half months in the old days and you see all the stamped out neighborhoods. I have never been able to do a straight subdivision with Jake Centers and BlackRock Homes. We have had to do PUDs, because they are unique, and -- and -- go ahead, Mr. Bernt.

Bernt: Straight subdivision?

Conger: I'm just kind of giving you a flare of -- we -- we -- BlackRock -- we mentioned Steve Jobs. I actually work with the Steve Jobs of -- of development, which is Jake Centers. He thinks a little bit differently. His product is a little bit differently and I'm just lucky enough -- and we are here to make a deal. I'm just trying to get you wrapped around what -- what would be really easy for Jim Conger is to stamp out typical subdivisions all day long and we have never done that. We have always been in front of you with -- with harder ones. This isn't new. We have a different vision. They -- there are a tremendous amount of people that do not want to live in a typical neighborhood. I am not going to use -- I don't care if you are talking the low end builder to the veteran builder of a -- they are still typical neighborhoods and they have four bedrooms and they have three car garages and they have a centralized park that is very much needed, because everybody has three and four kids. Our neighborhoods don't have that. Our neighborhoods are specifically -- these -- all these homes, except for the custom on the -- they are all single level. They are all small square footage. They don't have the kids. You don't have a central park for soccer practice. I grew up in east Boise and Surprise Valley -- I mean I raised my kids in east Boise Surprise Valley, four bedroom home with the centralized park. I seeked that neighborhood out. I'm now barely over 50, I just seek out a gated community with no sidewalks, I just walked my kids home -- my kid's 24. I'm old. He's got a dog. We just

walked in my neighborhood. It's in Eagle. Gated. No sidewalks. And no one died. It was quite pleasant. It's designed to function. So, I'm here to negotiate what brings the community together. Well, for starters, dog parks bring the communities together. They are -- besides a pickleball court for old people -- we would love to do a pickleball court. We have just done -- and I'm lucky enough, as you guys may or may not know, Conger Group is a construction manager for a couple of developers in town. Jim Conger develops with Jake Centers on our own projects. M3 does high end neighborhoods. We are starting to do a few pickleball courts, but if you do a noise study on a pickleball court, you don't have enough room next to a residential to actually pull off a pickleball court, because they are -- the noise is too much. I play pickleball. I'm big fan of it. You can't have it next to a couple homes or you're going to have an HOA disaster. So, next to a pickleball court you have dog parks I guess is where I'm going with this answer. That is where people -- people are dragging their lawn chairs -- you know, we should provide -- I mean we provide four benches, which seems like a lot, they are still dragging their -- their Adirondack chairs into our dog parks and sitting there for an hour and ten minutes. That's where it's happening. So, if we want to say, Jim Conger, put something in the middle of this, just tell me what it is and I will do it tonight, but it's not going to be better than what we have programmed. Now, if I had 2,500 square foot homes and four bedroom homes, three car garages, we would have a centralized park big enough -- and back to my Surprise Valley days, we had our optimists football practice in our neighborhood. There is no optimist players in this neighborhood that's in front of you tonight. So, that centralized park that you are used to isn't going to get used. These folks are coming in, going in their house, the ones with small dogs and medium dogs, are going to the dog park. The others are going to walk our trail loop and see each other on the loop. I have been in Surprise Valley for 20 years. There is 400 homes in there. Do you know how many -- and they have a world class greenbelt through the middle of it, if anybody has been in there. The same five people I met on that trail for 20 years, not seven, five. That's all that walked. It's going to get used, but that's all that walked. The community -- we had a central park, we had football practice in it, we had soccer practice and we had it all. That's not happening in this neighborhood. If we were to compete with Pinnacle or with Century Farm, we would need a centralized park, but we would also be 60 and 70 foot wide lots and I don't quite understand how many of those lots got built in medium density, because it doesn't really get the 4.1. So, the comp plan is medium, we are 4.1, you want a gathering center. We have got the private entry coming in. I will do another gazebo. It just -- for the value -- and, again, we just talked about, we are worried about the expense of HOAs. When we set up our HOA we have the seven top items that are going to get reserved every month, you know, and the gated area does have a sub association. The master association pays for the public area parks. The sub association pays for everything else that's private. We put that money away every month. So, if we want another gazebo, it's just my eighth line item that I'm going to reserve for that, in our opinion, isn't going to get used in this particular neighborhood. I'm not saying it's a dumb idea on centralized, I believe centralizing every park in every Meridian neighborhood isn't the best idea, because you shouldn't have the same neighborhoods and, for crying out loud, we are 80 acres. Do you want my people to walk 40 acres to a centralized park? I mean that's really what you're just telling me. We -- on paper we look like a small little 20 acre in-fill where you would have one park, but even if you go to our Verado, we have three parks.

We don't expect someone to walk 15 acres to get to the central park. That's not realistic. The central park works great for team events and things of that nature and, hey, we love community centers. Not for these people. For the ones with kiddos and the ones that are going to use that pool, they like paying for it. Our people -- the amenity is the gates and the private streets. That's not a burden. It's actually an amenity. That's -- so, I'm here to negotiate. You tell me what to put in the middle of this thing and we will get it done. But I don't believe there is something better to put in the middle of this thing. But you tell me to put one more gazebo for a gathering area in the middle, it's done. Just make it a condition and we will do it. I -- it's not a problem. And not even hastily, we will do it in a heartbeat, but it's not going to be -- it's not going to be utilized. No one's walking 40 acres to do something there. It's -- everything we do is purposely designed and I would love to say I do -- I don't know how to design a napkin. I mean it's not done by me, it's done by BlackRock Homes, my employee Laren Bailey and two different design firms that go through every one of these and the realtors that sell the product. It's not done by a civil engineer and it's not done by Jim Conger. It's done by the -- and the market is dictating what we do. We are not that smart. The market's telling us what to do. Jake Centers is probably that smart. I'm not that smart. But this is not an accident. We are not trying to throw cogs in a wheel, we are not trying to be hard headed, we have -- by the time we are done we got a 30 million dollar risk and we have a perfectly executed market driven project that -- that is specifically designed. It's not -- not an accident. There isn't one item on this thing that's an accident for sure. But I will add -- a center cabana thing. We love cabanas. We do them where purposeful. We are doing it at Eastridge. I mean we -- we don't value -- disvalue that. We have many many more acres already owned in Meridian that you will see us again. There will be some that are coming in next that don't have the private streets and have the gazebo type stuff, because it is a little bit different housing product. And you have seen us -- and the Verado, which is even a different housing product than this. This product we are doing in Eagle, we just took our Eagle project and -- and brought it to this -- because this property is too amazing. We love Verado. You can't do Verado here. This property is too good. It's -- this property is off the charts. It would be a sin to do that. But we brought our Eagle product and, of course, coming with that is the gated. So, no, it's not -- not by accident and it's not trying to be obstinate and we are not trying to say we don't want to negotiate, it's just we are not really interested in saddling our homeowners with an amenity that's not -- A, it's going to be out of place and, B, it's not going to get used and, C, it's line item eight in the reserve column. It doesn't make any sense. But we will do it and we will do it happily. But the rest of it is systematically dialed in to function. You know, Movado helped us dial it in. East Ridge has helped us to dial it in. We love -- Brighton's done both Cadences, 196 units, with two gates. But we won't go into the 50 on that. But they have dialed it in and don't think that we don't go and look at some of those. But the amenity and what people want to pay for is those private streets. And I will stand for any questions, but we are passionate about it, we are open to negotiate, just tell me what to do, but, hopefully, it's purposeful and fits -- fits the people that are in our house and it's -- it's not the four bedroom home. But, respectfully, we will do whatever you say to put on it.

Bernt: Hey -- thank you, Jim. Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Alan, can you put back on the -- just the layout that was on before, the picture of their development that was on -- before on the screen? I don't see it.

Tiefenbach: Oh, one second. Maybe I'm not screen sharing. I thought I was.

Parsons: Okay. Council -- Mayor and Council, as Alan brings that up for you, I just want to also let you know that this project is recommended for denial from the Commission. Staff has no opportunity to prepare any conditions of approval. So, there is -- what the applicant showed you tonight is nowhere near the amount of conditions we need to put on this project. We are going to have to go back and potentially continue this application and work with the applicant on massaging some conditions of approval and some annexation DA provisions for you to take under consideration. So, just keep that in mind as well.

Conger: Hold on. If that was a question, Mr. Mayor, if I may to -- to Mr. Parsons' comment is, you know, what our recommendation -- and working through Deb on this was if we were to be blessed enough to move forward with a recommendation for approval, that approval would be sent back for the conditions, to, then, come back for approval. I think, you know, putting the City Council decision off to go back and make -- it wouldn't -- wouldn't give enough direction. So, we would appreciate -- obviously I would appreciate an approval, but it would still -- before it is enacted it would come back for approvals after the action was heard tonight. Go ahead.

Simison: Yes, Alan.

Tiefenbach: Yes, if I may state, sir. There has been a lot of discussion about private streets versus -- versus the gated lots and I can hear the Mayor's voice in my head saying if code doesn't make sense change the code, which there is some argument about does it make sense; right? There has been some discussion with Mr. Bongiorno about why do we have this requirement? I think, though, the one thing that's important is I understand that gate -- that gated communities are a big amenity. Our issue is that these streets aren't built to templates; right? So, ACHD will never accept them and there is no sidewalks. I think staff would be more amenable to a gate -- to this whole project if there was some minimum amount of infrastructure that met what ACHD wanted and wouldn't saddle these homeowners forever with -- with the money, which may or may not work and made this a walkable community. That's our issue. It's not so much that code says gates and the code says private, it's more of what's being actually presented to us.

Simison: Councilman Bernt, do you want to provide feedback or do you want me to provide feedback, at least from my perspective? I think we are close to the same, but --

Bernt: Yeah. When I -- when I look at this product -- and I -- you know, Jim, I appreciate you bringing some clarity. I don't recall in this discussion this evening where -- and I --

and I could have not been paying attention, but I did not realize that every home in this subdivision was going to be single level. Is that what you said?

Conger: Mr. Mayor, Council Member Bernt, I said every home in this subdivision community is going to be single level, except for the custom lots. They have --

Bernt: For the --

Conger: I'm sorry. Yeah. The custom and the estate gated area.

Bernt: Okay. So, what you are saying is out here in -- in the nongated portion of it, those are all single level homes. The gated community you will have some -- some bigger, you know, multi-level homes back toward the private area park.

Conger: Mr. Mayor, if I may answer that -- and Council Member Bernt. So, everywhere but the light purple out on the rim is committed to be single level in our application. That's not an add on today. That is in our application and part of the program and the housing stock when we say age targeted, are really active adult targeted. It's -- they are smaller homes, they are single level, and things of that nature.

Bernt: In my opinion, to give -- and, again, I'm one of six, but I would -- I would take the purple area, all right, and make some -- and extend those west and take that common area that is -- that is on the southern portion of this project and I -- and I would put it somewhere -- maybe add on to like another area where there is already common space, make some other pockets -- just to break up the homes a little bit, just to give it some -- some green space that -- and what -- what that involves with community, like I was -- I'm going to leave that up to you. I don't -- I don't have -- I'm not a designer. All I can -- I have eyes and I'm just looking at this and I'm just -- it -- there needs to be something a little bit more -- I don't even know if it needs to be centrally located per se, but just something with this development that breaks it up, that it's not so dense, I guess, that can bring with the commute -- I don't -- I'm not talking about a -- you know, whether that's a clubhouse or a pool -- I'm not -- I don't care. I honestly -- I don't -- I don't -- I would hope that it would be a little bit more than a gazebo, but I don't think you need to, you know, put in pickleball -- I mean if you want, but I guess what you -- you are asking me for exact direction of what I mean by community. I don't know what that is. When you spoke to -- about your design team, I would leave it up to them to decide what that looks like.

Conger: Mr. Mayor, Council Member Bernt, I'm not trying to put you on the spot, I'm just trying to get a picture show into what -- what you are actually saying with community and maybe Mr. Mayor would give it a shot, but I -- I mean we have great value in what we think the centralized dog parks are. We don't believe --

Bernt: Jim, where are the dog parks?

Conger: Up where that R-8 in the upper left corner is shown and, then, down -- down towards the right. So, they are on opposite sides. So, in theory, you got to walk less than

half the project to get to it. Everything is -- is kind of split throughout the neighborhood, including -- and these little green areas look small. They are half acre parks. And that's by no stretch of the imagination a small park when you -- when you have four of them and three of them and -- in different locations and, really, one of our largest amenities in our mind is the ability for people to walk an entire circle around the project. So, that pathway down over the rim, comes back up through the gated area and, then, back all the way up through the canal -- at Area B canal, up the road. So, people are walking loops, people -- you know, I don't know -- I mean drive by parks and tell me how often someone's in them, how many people are walking their dogs or walking with their wife or enjoying themselves at the end of the day. It's really walking loops. No one's going to a gazebo and kind of hanging out on a -- on a nightly basis. Now, I'm not saying they are not getting used for a family event or something of that nature. We believe any great amenities -- I think it's getting lost that -- in a bigger community than ours we have got this amazing, you know, regional park that if you are -- if you are having a family get together or you are having a big event or you want a tot lot that's on steroids, your -- your taxpayer dollars are paying for it.

Bernt: I get it. Mr. Mayor? So --

Simison: Councilman Bernt.

Bernt: -- on that -- that lower section I'm asking about, how -- how big is that then?

Conger: At area A or --

Bernt: E. E.

Conger: E. E is a half acre. One acre. Thank you, Beth. See, I told you I wasn't that smart. It's one acre. So, it's a one acre park. We are looking at 80 acres. It makes that look small. I mean in the future we probably ought to come in 40 acres at a time and it's a little more manageable. This just seems more spatial at 80. That's why I'm saying, you can't live in area E and -- and walk to area F in the middle of the project to a park. I mean it's not that conceivable. I mean you have watched -- I mean all of us probably live in neighborhoods by the sound of it. I mean you have watched how your neighbors function and go and yourself function and go. Now, everyone's different; right? If it were up to me and I was the only designer on our charretting team, we would only have big long circled pathways that I didn't have to walk out and back the same way. You have other people that, you know, really the path is end cap, so when you come home you have got this pleasant looking end cap, instead of some crappy corner lot that the guy doesn't mow his yard. I mean it's not what we want to see and we don't want our homeowners seeing that. So, qualified, usable, pass -- I mean there is not even a code unusable. I mean did we -- and you said it best, it's not about all usable to you either. I mean you get it, but -- so, I'm adding some -- I mean I'm adding something. I can add something. It would be the area F.

Simison: Jim, if I could just --

Conger: Mr. Mayor.

Simison: -- from my perspective it's not that you need to add anything, it's -- by -- if you were to extend the -- on the south all the way over to -- essentially the canal with those one acre -- or those half acre lots, it's just relocating E to an appropriate place. It's not even -- for me it's not about adding something else. It's providing good transition to your neighbors to the south and relocating your existing E to another appropriate place, because, obviously, it would go away if -- if there was -- you know, half acre lots along that back part of the road. That -- that to me is the main part out there absent the sidewalks. But it's not about a pickleball court or a community center or anything else, it's just that would go away, so how would you replace it?

Conger: Mr. Mayor? Oh, Mr. Bernt. Mr. Mayor, Members of the Council, so -- so kind of transitioning a little bit to transition; right? So, taking the half acre lots -- no, we are at 18 percent qualified open space. Do I need to relocate E or is it more important just to have half acre lots along the south boundary? So, you're saying extend this half acre lots -- I mean at the end of the day we are in a medium density zone, so I'm just going to be honest, you are -- you are going to say get rid of about 11 lots, 12 lots, replace it with three, so get rid of 11 lots net, which we can do. I don't know if that -- I mean if that's a better transition than our park right there is what I'm hearing, so extend half acre lots on the south boundary. You want us to relocate another one acre park, which will take another five or six lots away, probably, is what it sounds like. So, we are negotiating here. We are saying if -- if I get rid of 20 home sites, basically, is what I'm hearing then -- then we create a sense of community. I think I just lost 20 homeowners and great families coming to Meridian and I don't know that I made it, but if that's what you guys are telling me, that's what you are telling me. I don't -- I think we are just saying we want to get rid of 20 homes and -- and if that's what you are telling me, I -- I would just like to hear it, I guess.

Simison: I'm saying provide appropriate transition and that's one way to do it. I think at least for me some of the observations were made about, you know, streets coming into -- into the backyards from that standpoint and, you know, we get it. It's like downward streetlights. Oh, we don't have any light pollution. Well, you can look up and you can see lights, you know, that come into people's things. We do the best we can, but to me it's -- to me, from what I heard from the neighbors and looking to this, yes, it loses lots, but that's the -- to me a very simple extend a line on a road -- transition way to provide that buffer, because transition is -- is important and is valuable in my opinion and that's one way to accomplish that goal.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. I understand that, but I believe -- my notes, Mike, whose home is behind that to the south of that particular one acre park, I think, Mike, you had said you would

have preferred a lot, as opposed to a park, because of noise and some other things, but I -- you can nod yes or no. Yes. So -- yeah. So, I -- you know, extending that to maybe the other neighbors would rather have a park -- Mike doesn't, but, you know, that's just -- that's why it's hard to, you know, satisfy everybody. So -- anyway.

Conger: Mr. Mayor, Members of the Council, so, yes, extend it across, repositioning some open space, if that's part of the condition of what goes with us, we would definitely figure out how to make that work. We -- I will stop at that.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I appreciate your comments on the open space. I know you know your business and your team does and well taken with regards to what gets used and doesn't get used in different types of development, so -- so, I think it's well taken, Jim. That was a good point. And I think the Mayor's got a good point and I -- watching this exchange I think is productive, quite frankly, and E has been a challenge and probably not the most functional open space, but the way you have described the solution to perhaps dovetail on the Mayor's comments and Council Member Bernt's comments about half acre, Council Member Hoaglun, one speaks to the adjacent neighbor might prefer it, at least one of them. Might address the sound issue. That seems to be some -- some compromise progress that we are, obviously, not going to draw today, but if it proceeds, you know, for example, on projects where they get recommendations for approval, we don't have conditions in the scenario, it's got to get continued for the purpose of conditions, you would also have a redesign of this available for final review and approval, but you would want -- to do so you would want to have some good understanding of the Council's desire to move forward with -- with that. I thought the Mayor's comments made sense. I applaud you for trying to find a middle ground with regard to the transition to the south, those lots all the way across. Appreciate it.

Conger: Mr. Mayor, yeah, Council Member Borton, thank you and -- and, yes, to what we said on those, we would prefer them in a form of a condition of approval and, then, we would spend the effort and get those modified up to come back with the condition. Thank you for that.

Parsons: Mayor, Council, I would like to add to the -- just some of the commentary that we had going on, too, and I'm not trying to belabor your decision, but there is other considerations here, too, with the private streets and just even the common drives in general. We didn't touch on a lot of that tonight, but as we -- as we mentioned to you there are a couple of common driveways with gates being used as emergency access and I can tell you my experience with that in other communities is people are driving over the bollards and using it as a cut through. So, that's something that I have experienced phone calls from different neighborhoods throughout the community that have done that design. Going back to your Cadence comments, those projects do have sidewalks -- detached sidewalks to be -- as a matter of fact -- and I have been in there and I have

addressed several comments as part of that community as well. What is happening -- and maybe Jim can elaborate on this a little bit more for us -- is what's happening is they believe that's their community, even though it's part of Brighton's overall Paramount community, they don't want people entering and exiting and using their amenities and I don't know if Jim is setting up -- setting this community up that way or not, but what -- what I'm seeing here, that's some of the conversations that Alan and I -- staff has had is when you kind of have a private community as part of a regular other community, you do kind of segregate that. So, trying to find that identity as you guys are picking up this evening, I think is an important component to this and the other thing to keep in mind is that you have two disjointed pieces of property here that have to -- are contingent upon other developments happening and so that does limit the ability to get additional open space as part of this development, particularly in the southwest corner we have to wait for other properties to develop, because they don't have access to any public streets. Now, Jim could redesign it and go over the Farr Lateral and take access through his development, but I know that isn't the desire that he wants to do. That's -- that's why they have designed it this way. The other one is that the northeast corner, that's the cart path to the golf course and the multi-use pathway that ties into the golf course. Well, that's phase eight, when is that coming online? Is that coming on with phase three, phase four? So, I think there is a lot of different moving components here than just provide a transition, add some sidewalks, you know, it -- again, it comes down to kind of channeling the past -- past Council is, you know, you get one chance to get it right. This is annexation and, again, I appreciate the dialogue, too, but at least I just want to at least add some of that -- have you considered that as you think about how this kind of fits in with the community and -- and the surrounding properties.

Bongiorno: Mr. Mayor?

Simison: Joe. Deputy Chief.

Bongiorno: Thank you. Also, Jim and Laren, one thing to -- if you are going to be doing a little bit of redesign, something to keep in mind, we have this problem over at The Keep right now, there is such a thing as a house that's too big. So, if you have large lots, large lots typically have large houses on them and they can't meet fireflow with the city's water supply. So, the biggest house that typically we can get up to is about 6,400 square feet. If you are going to build something bigger than that just keep that in mind, that it will probably have to be fire sprinklered. So, I would recommend you get with Kyle and do some water modeling just to make sure that we are good. Thank you.

Simison: Well, just my last comment going back to the sidewalks, you know, one of the things that came up last night -- and I hadn't wrote the -- but even on one side of the street to provide some ability for people to walk without needing to be in the road, if that's the preferred way to do it. I even think about simple things. When it snows, you know, I assume that there is not a requirement, maybe there will be someone that goes out and plows, but how do people move -- move about when there is snow, if that's what they prefer to do, but having a way for people to move around, sidewalks are a lot easier to shovel and the expectations are smaller, more so than the road in that case, but that

would be my preference is to at least have one side sidewalks to move through to the private side. I don't know that both sides is necessary, but there you -- there is my two cents.

Conger: Mr. Mayor, If I may comment. Mr. Mayor and Council, so in the gated environments -- I think it's super important, we are worried about these streets becoming nonusable and nonfunctional. Well, these -- these are high end communities and you don't see those going back. But the -- the high end communities also have high end users. So, our homeowners, unfortunately, with all due respect -- and you might not be hearing from Movado anymore, they are high maintenance. So, there is, actually, a snow -- a snow guide, so when it hits three-quarters or almost an inch or whatever the number is, it's in the CC&Rs and it's already budgeted for. So -- so, quite honestly, you go through typical neighborhoods where maybe you shovel your sidewalk -- a lot people don't shovel their sidewalks in a public street. In our private streets they are like clockwork when it snows. That is the requirement of our active adult. It is much different and it is extremely structured and it is plowed. So, you know, with all due respect we really value the street section we have designed and we would love to move forward, extending the half acres, modifying that open space, we still would -- would you just really appreciate and value our private street as it is designed and I would love to -- you know, if there is further discussions in changing in the code, maybe there is some discussions and some trips to neighborhoods to make sure what we are doing. I would hate to design mine here at the pulpit and -- and -- and -- but I would certainly love to have a seat at the table of looking at that part of the ordinance for sure. But that ordinance is very -- very old and very -- it doesn't mean it doesn't need to be looked at, but I would love to be part of that. But I would --

Simison: And I appreciate your comments and understand, but with all due respect, without a sidewalk, at least tonight, no go for me. There will have to be some sidewalks in the private streets.

Conger: Yeah. Mr. Mayor, if I -- if I may go -- and, Council, if I may go to one slide. Can I get control of Deb's slide deck, please. Oh, I do have control. No, I don't. Now I don't know which way I'm going, but I will figure it out if you give me enough time.

Simison: And, quite honestly, maybe the other two Council Members don't care and other things will be enough, but just trying to be honest and open with you.

Conger: Mr. Mayor, it would appear I need to have you on board it would appear, so I'm smart enough to probably --

Simison: Well, maybe not.

Conger: -- didn't need Mr. Mayor on board.

Simison: And you may not, honestly. I don't know how important sidewalks are them, so we have to wait and see.

Conger: No. I'm heading to the sidewalk discussion, Mr. Mayor and Council. Bill had mentioned that he doesn't know how our bottom area in that southwest corner is -- doesn't connect to anything. Do -- do I need to explain -- I mean you see the subdivision on my third arrow in the middle that -- that goes into Pura Vida that you guys approved, it doesn't have access until I develop. That was just approved a month and a half ago and now we don't quite understand how I'm going to do it. That won't develop until the next property comes in and we understand that and it will be quote a time line, possibly. Could be fast, could be a long time. But we are comfortable and ACHD has the perfect condition for that, but let's talk sidewalks with Mr. Mayor and myself and, then, I will -- will be done with this question. So, Mr. Mayor, if you come in -- and let's see. Do I have a pointer? Well, I don't like what that did. Does anybody know how I can -- it's not letting me go to the draw.

Johnson: Mr. Mayor, it -- it doesn't work out to Zoom anyway with the annotations.

Conger: I have finally figured it to the center. That's our entryway into the private streets. This actually does, because it does function more like a quasi-collector. It's got a sidewalk all the way up into here. We have a sidewalk coming in the purple. So, this red is sidewalk. This is not only sidewalk, but also the pathway for -- let's say a go golf cart out of the public area or pedestrian. This is sidewalk inside the private streets in that purple and, then, that goes to our golf carts. So, we took the main thresholds of what we said would be community walking and did purposefully put sidewalks in the private area. So, it's -- there -- so, you have this area across the frontage of these home sites. If -- if this is the difference, Mr. Mayor, tell me to put sidewalks in front of these custom homes right here and we will do it. We get back to the bottom of my area on the half acre lots, those do have sidewalks, because that's -- again, I'm the big loop walk guy. Those are structure sidewalks on the front of the half acre lots. So, we didn't do a great job of saying there is some sidewalks and, of course, they are not everywhere, but we -- we believe where we need them we adapted them, but if you want me to continue bringing it across here and, then, do my two green caps to carry on the north-south sidewalk up top, that would actually probably make some sense. If that made the difference, let's do it right now.

Simison: Well, to me where you have green is where you should have a sidewalk on one side of the street.

Conger: Mr. Mayor, Members of the Council, yeah, now we are -- now we are getting into a lot here. Yep. And I think I keep conceding halfway, but I was hoping at some point --

Hoaglund: Mr. Mayor?

Simison: And that's just my opinion. I mean I would have to vote on this one at this point in time, so --

Hoaglund: Yes. Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: As we talked about this and I know, Mr. Conger, you mentioned about getting approvals and, then, sitting down and working out, I think we will need -- my thinking is to continue this have -- you work with staff to work out some of the conditions that Bill had mentioned and some other things and there are some things like the cul-de-sac -- what are those called anyway? Common lots. Thank you. And come back and we can make a decision on that, for example, but have your vision of, okay, where do you think you can put in the sidewalks, is that going to be enough -- and it might be at the next meeting the Mayor won't be voting, you know. I mean he might --

Simison: I would love not to vote. I will be honest with you.

Hoaglun: So, I think you would give it your -- your best shot at what you think would work and -- and we come back and have another meeting. I would -- I would like to give enough time for -- for staff to work, but also for folks to see the changes that are going to be impacted, you know, to the south and whatnot. So, we don't want to just spring it on them at the meeting and, then, they are trying to figure it out and -- to comment. So, just want to make sure we do that, if -- if that sounds good to everybody. I know our city clerk said the 8th and 15th we don't have anything on there, but I think that's -- I don't know if that's a little quick. The 8th might be a little quick. The 15th? Would that be -- Mr. Conger, are you good with that? Okay.

Cavener: Mr. Mayor, Alan is raising his hand.

Tiefenbach: I'm not here June 15th. I will be on vacation.

Simison: Mr. Parsons, is it something you could fill in for him on the 15th? Is that possible?

Parsons: Mayor, I won't be available either. I'm out helping the -- doing the -- I'm out with my wife at the time as well, getting prepared for her -- with her, so I'm out on leave with here for medical reasons.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Is the 8th enough time? I guess it's the 8th or the 15th. That's kind of where I'm looking at it.

Parsons: That's -- that's very quick for us and I don't know -- is it your intention just to see a redesign or work on conditions? That's two different conversations.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Conger, what -- do you have --

Conger: Mr. Mayor, Councilman Hoaglund, if I may come back to -- I like where we are going and I think we have understood what we have all said. If there were some sort of a motion what -- staff and myself and our team definitely have two different visions of this project. I think we are down to four or so items. I think it would be -- Bill just mentioned a redesign. If that's what is going to happen if I -- just send me back to staff. I would like to leave today with -- with the motion of a couple items to go work on. I think we have said them out loud. I think I have agreed to them out loud. The only one that we are slightly apart is a little bit of sidewalk and it's just going to take more room out of our backyards and give to sidewalk and we can do that, but if I could leave with these four items that we just talked about to get with staff, I think that would make this a very timely process. Bill's mentioned redesign. I can't go back and redesign, because they don't like the project.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: We can't get anything effectively accomplished tonight at all no matter what. We just don't have conditions of approval, so --

Conger: Totally agree.

Borton: So, we are stuck. So, it sounds like if -- if you redesign in the southern border with the half acre lots, there is some adjustments going on there. There is maybe some sidewalk issues. There is maybe even open space. You might do some tweaks here. Concurrently our staff has got to create proposed conditions of approval. I don't know how you do that before. If it's not the 15th, how it's not June 22nd. I mean realistically it's not going to happen in the -- by the 8th. I mean we would like to go fast, but we want to be right. So, it's not -- it's a motion to continue to accomplish those tasks and you are going to have two other Council Members, quite frankly, that will add to the input on that, but there has been good discussion and direction here. I think that would be -- if there is action I think it's a motion to continue it to June 22nd to address what we have all discussed. That would give you time and give our staff time, understanding that's still pretty quick for you and us, but that might be as quick as we can do it.

Hoaglund: And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I need to ask Mr. Conger or staff -- is there a way to communicate something just prior to the meeting to -- to the residents who showed up about the changes, so they have something they can at least review over the weekend? Mr. Conger, will you do that?

Thank you. And to continue, Mr. Clerk, the 22nd, what do we have on the agenda that evening that's --

Johnson: Mr. Mayor, Councilman Hoaglund, there are two public hearings currently on the 22nd on our noticing calendar, Prevail North Subdivision, it's an annexation of 5.63 acres and The 10 at Meridian, which is annexation of 40 acres.

Conger: Mr. Mayor, if I may just respond. Mr. Mayor and Councilman Borton, so the screenshot of what he just said I think summarized what I was hearing between us and I think if Mr. Parsons and Alan and all of us replay that and the discussions between Mr. Mayor and I, I think we are onto something. I just -- hopefully they are on board and they are not --

Simison: I believe -- I believe the staff has heard where Council is and --

Conger: That's what I will take right there.

Simison: -- and in theory should be able to come back in January -- or, I'm sorry, whatever -- June. June 22nd with conditions of approval based upon the guidance that has been received.

Borton: Real quick question.

Hoaglund: Mr. Mayor?

Simison: Councilman Borton.

Borton: Sorry. Understanding, though, June 22 we have got two other Council Members who very well may have questions to answer at least with regards to it. So they are not closed out of the discussion. Understanding.

Conger: Understood.

Borton: Okay.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Thank you, Jim. Jake, thank you. Thank you, team. I appreciate this.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we continue the public hearing for Skybreak Neighborhood, H-2020-0127 to June 22nd and that the staff and applicant work together on conditions of approval and other items that were discussed tonight and we come back and we will have another hearing and with opportunity for folks to testify.

Cavener: Second for the sake of conversation.

Simison: Have a motion and a second.

Nary: Mr. Mayor?

Simison: Council -- or Mr. Nary.

Nary: Thank you. Mr. Mayor, I just want to make sure with planning, because the deadline for the 22nd is the 15th and I heard you are going to be gone. So, is that adequate time for that or -- because the other alternative is a special meeting, so --

Parsons: Yeah. Mayor and Council, I also want to let you know that we did process two other applications this morning for the clerk on that agenda. So, there are two other items on that hearing, too.

Tiefenbach: I will leave it to the Council. What that means for us is that we have to have everything resolved and have a staff report out by next Friday.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I would ask the clerk what -- what other future dates -- that's asking a lot for staff to process and that particular night now will be extremely long. So, I may have to amend my motion.

Johnson: Mr. Mayor and Council, the 29th is a fifth Tuesday, so there is only your budget workshop that morning. So, that evening is open if you chose and, then, July 6th. Presently there is nothing, but we have not hit the noticing deadline for things that may be coming from Community Development.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you. Mr. Nary I think suggested I think a better course of action was let's just schedule a special meeting to go almost a month on this. I appreciate staff have lives and I think that's important, we want to honor that and support that, especially with accommodating wives who allow staff to work here late, but to kick it that far to the end of the month I think it's maybe a little overkill, so I would be supportive of a special meeting

about this particular item. Clearly we have went for four hours talking about it, I don't anticipate that we are going to spend 45 minutes on it whenever we hear it, so let's -- let's just hit for a special meeting that can be just dedicated to this and get it resolved.

Hoaglund: Mr. Mayor. Chris, you said the 29th was our budget hearing?

Johnson: Yes. It's in the morning, though. It's a daytime and there is no meeting scheduled the 29th at 6:00 p.m., because it's the fifth Tuesday.

Hoaglund: Is that acceptable to the -- to the group?

Cavener: I would suggest earlier, but -- earlier in the month. I was thinking more like the 23rd. But I will leave it to Council.

Hoaglund: Yeah. Mr. Mayor, I was just concerned about staff again with all the workload that's upon them with other things that they are coming on. So, how are you guys doing if that -- we do the 29th?

Tiefenbach: I -- this is Alan. It's going to come down to Bill, because I'm not here after next Friday. So, it's the exact same thing. It's having to get everything in and out and, then, whether Bill can take it and carry it. I don't know.

Simison: So, let me ask a different -- the question a different way. How can we prioritize this project compared to the other things that are just moving forward? Is that plausible or not or why? You know, I don't know what -- what we are under -- you know, that would be my --

Parsons: Alan and I were talking, we -- our preference is the 29th. June 29th. That would give Alan and us time to get with the applicant, prepare the document. We are not going to have to redo and update the staff report by then, we are going to more than likely prepare a memo with some conditions and, then, have the attached drawing with it and so that the community can also see that on laserfiche and, then, as -- if -- if there is a decision made that evening, then, we will amend the staff report as part of the findings and attach those agreed upon terms, if that's the will of the Council. But, yeah, currently I'm -- Mayor, we just don't have the bandwidth to react that quickly in a week, to be honest with you.

Simison: I understand. What I -- my question was the stuff that we heard was just coming on, what are our obligations for the stuff that's just coming on? It's been transmitted to -- okay. So, the 29th is good.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I would amend my motion that our meeting for this H-2021-0127 would be held on June 29th at 6:00 p.m. and it would be a special meeting.

Cavener: Second the motion.

Simison: I have a motion and a second --

Cavener: Second agrees.

Simison: The second agrees. Is there any discussion on the motion? Okay. If not, all those in favor signify by saying aye. Opposed nay. The ayes have it and this item is continued.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

2. Public Hearing Continued from May 11, 2021 for Foxcroft Subdivision (H-2020-0113) by Gem State Planning, LLC, Located Directly West of Ten Mile Road, on Both Sides of the Proposed Pine Avenue Extension and East of the Tenmile Creek

- A. Request: Annexation of 23 acres of land with a request for the R-8 zoning district.
- B. Request: A Preliminary Plat consisting of 85 building lots and 31 common lots on 35.7 acres of land in the proposed R-8 zoning district and existing R-15 zoning district.
- C. Request: A Conditional Use Permit for a multi-family development consisting of a total of 216 residential units on 12.74 acres in the existing R-15 zoning district

Simison: Council -- well, we didn't get as far as we thought we would this evening. We still have one more to go. Do we need a break or are we ready to push forward -- is the applicant even --

Johnson: Mr. Mayor, she is. The applicant is here, as well as one member of the public has been online to testify.

Simison: Okay. Are we fine to move forward? Okay. All right. The next item on the agenda is a public hearing continued from May 11th, 2021, for Foxcroft Subdivision, H-2020-0113. I will turn this over to Joe for staff comments.

Dodson: Thank you, Mr. Mayor. I wasn't planning on presenting, considering we have been at this one for -- I think this might be the third continuance. I will go over the points if you would like me, too, but I will leave that up to you.

Simison: Council, would you like anything from staff at this time?

Cavener: No.

Simison: Okay. We got -- we got a no. Okay. Well, then, I will turn this over to the applicant.

Suggs: Council, Jane Suggs. It's been a long night for you, so I will try to be very brief. First, I do want to say something to you. Thank you for business somewhat usual. I'm working in other jurisdictions that have not taken your -- your appropriate response to some of the decisions that have been made by the legislature. So, thank you for that. As you know, we have worked with the staff through this process. P&Z did add a playground to our multi-family area and we agreed to that. The last time I saw you we added a pathway to the park, because your parks folks had made some negotiation. We will see how that all works out, but they are negotiating with the irrigation district. I'm just reminding you we are building Pine Avenue, building a bridge over Ten Mile Creek. We are doing regional pathways on the north, south, and other properties and a long Ten Mile Creek, along with a pedestrian crossing. We have seen some neighbors responding recently to -- because we have been continued a few times, so notification has been going out that -- some questions about the apartments and just a reminder, the apartments were already zoned -- annexed and zoned R-15 and that is why the apartments are located in that location and we had -- not only with our drawings -- and I think Joe can pull up a copy of our cross-section that we had for -- in your package that showed where the -- how far away we are from the homes in Mosher Farm and also an elevation difference, so -- for those people, I think Joe is going to do some screen sharing for me. This is my first opportunity to do a hearing -- there we go. It's the Ten Mile cross-section. As you can see there are homes in Mosher Farm and the easement for the stub drain is already 60 feet. We have a 20 foot easement for sewer. Just a reminder that that was the sewer area that was dedicated by the owner to extend that Meridian trunk line there and so that was a cross-section. I think that was very helpful in understanding how the property with the single family homes is up higher than the apartments. So, there is a connection between like the second floor of the homes and the balconies on the third floor. So, we have seen this a lot. I think last time we met you were quite happy with the work we had done with the staff and the P&Z and we are looking forward to -- and respectfully request your approval of our annexation, a rezone of a portion of our property, and our preliminary plat and conditional use permit for our apartments. Can I answer questions for you?

Simison: All right. Thank you. Council, any questions? Okay. There are no questions. Mr. Clerk, do we have anybody signed up to provide testimony?

Johnson: Mr. Mayor, we have Marissa Parker here and she should be able to unmute herself now.

Simison: Okay. If you can state your name and address for the record, be recognized for three minutes.

Parker: Hello. Can you hear me?

Simison: Yes, we can.

Parker: Perfect. Hi, my name is Marissa. I live on 3279 West Acarrera, which backs up directly to where the three story apartments are proposed. I just wanted to share my concern about the three story apartments going behind single family homes. I understand there is going to be growth. Totally get it. Hats off to you guys making all these difficult decisions. I have watched many of the meetings. However, I feel the single family proposed homes should be switched with the three story apartments. It would back up -- if they were to be flipped they would be backed up to existing single family homes. There wouldn't be three stories. In our neighborhood the people who back up to the canal, which backs up to where the apartments would go, have either chain link fence -- fences or half fences, so it would be looking directly into our houses. The other thing -- I just walked down there when the meeting started. I didn't see any -- usually there is a sign posted, but I didn't see one this time. I thought it had to be done. I'm not sure about that. So, anyways, I just wanted to shed some light on that and I know there has been other homeowners who have written in recently, so I just wanted to be the voice tonight and that's all I have. Thank you.

Simison: Thank you. Council, any questions? Okay. Thank you. We have nobody in the room, except for Ralph, and he does not appear to want to testify on this item. Do we have anybody else online, Mr. Clerk?

Johnson: Mr. Mayor, only Ms. Parker and Kristy Inselman.

Simison: Okay. So, Jane, I guess it's back to you, if you would like to make any final comments.

Suggs: Thank you, Mayor and Council. I do appreciate the concern of the neighbors. Again, we feel like that the distance we have between those homes and the apartments is more than adequate to keep folks from looking into someone's house and especially with the elevation difference and we also know that the signs were posted for a hearing that was about two months ago, maybe six months or longer. I can't remember when our first hearing was, but -- and -- and since we have been continued to a date certain those signs don't get changed for every hearing, so that's why the sign might not be there or it has not been changed. We had signs on Ten Mile and we had signs on the other side of Ten Mile Creek, actually. But, again, thank you very much for your continuing us and hopefully we can come to a conclusion and approval as requested for my applications for Foxcroft Subdivision. Thank you.

Simison: Thank you. Council, any --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: Jane, just a quick question about landscaping on the back side of the apartments -- and I'm not talking about screening or anything like that and there are restrictions by the irrigation district about how close you can put trees to a creek or drain. You are going to have some trees that are -- that are near the apartments that will eventually provide some screening and whatnot; is that correct?

Suggs: Mayor and Council Member Hoaglun, yes, we do. As you can see this -- I don't -- can you see the landscape plan that's up on your screen? We are kind of restricted about not putting some plantings in the irrigation district along the stub drain and we also are only able to put landscaping on the south side of the regional pathway there that's on top of the sewer easement, but we will have some screening trees there. So, we are trying really hard to make sure that we have plenty of that. And you might recall between our P&Z meeting and, then, to our City Council meeting, we actually got open space that's there along that north boundary, that used to be flipped with one of the -- one of the buildings and it was actually a little further to the northwest and we moved it so that it wouldn't be open space adjacent to like the school property, but it would be behind some of the houses. So, we actually made some changes to our layout, so we can add more landscaping in that area.

Hoaglun: Great. Thank you, Jane.

Simison: Council, any additional questions, comments, motions?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I don't see any discussion, so I move that we close the public hearing.

Borton: Second.

Simison: I have a motion and a second to close the public hearing. All those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Are there conditions of approval that need to be noted upon this -- this motion that I'm not aware of?

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Again, this has been continued a few times now, but it is my understanding that, no, there are no -- there are no outstanding issues that would require any additional modification of a motion by any member of the Council.

Bernt: Perfect. Thanks. Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Thanks for that confirmation. It's been a while. So -- okay. So, after considering all staff, applicant, and public testimony move to approve file number H-2020-0113 as presented in the staff report for the hearing date of May 26th, 2021.

Borton: Second.

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

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Thanks, Jane.

Suggs: Thank you very much.

Dodson: Thank you, Council. Have a good night.

Simison: Thanks, Joe.

Dodson: It's been a fun couple days.

3. Public Hearing Continued from May 11, 2021 for UDC Text Amendment (ZOA-2021-0001) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.

- A. Request: UDC Text Amendment to update certain sections of the City's Unified Development Code (UDC) pertaining to Standards in the Old Town District in Chapter 2; Ditches, Laterals, Canals or Drainage Courses in Chapter 3; Comprehensive Plan Amendments in Chapter 5; and Common Driveways Standards in Chapter 6.

Simison: Next -- next item is a public hearing continued from May 11th, 2021, for the UDC text amendment. I will turn this over to Mr. Parsons.

Parsons: Thank you, Mayor, Members of the Council. We have some technical difficulties here, so we are trying to get the presentation up here. Or at least my portion. Thank you. Appreciate that. There we go. We are up and running now. So, this item was continued by the City Council from the May 11th hearing. You guys had asked for me to send out an e-mail follow up with Councilman Borton and Council Woman Perreault, get their feedback on the proposed changes that you guys had discussed at the May 11th hearing. I did -- I did receive comments from Councilman Borton and he was able to review the video and saw the discussion, so he's up to speed on where -- not only the Mayor, but where the Council -- what direction you guys were going with that and -- and so I have made some modifications to share with you this evening -- this evening based on that feedback. I also wanted to let you know that I did meet -- also meet with Councilman Cavener to go over some of the changes to -- or at least give him further clarification on some of the proposed changes to the waterways drainage section of the code that he was trying to understand what we were trying to do there. So, I won't go through all the code changes, but I wanted to let you know there have been some minor tweaks to this exhibit that I'm presenting to you this evening. First of all, I did take out the word manmade from 11-3A6. That seemed to have caused a lot of confusion with the some of the UDC focus group members, so I went back to the original language that -- just leaving it as natural waterways. That seemed to clear up the confusion. I also followed up with Laren Bailey, who was one of the members of that group. He and I had a conversation as to the intent of these proposed changes and that we are not actually trying to restrict development, we are actually trying to make it more flexible for you guys to make decisions when certain items can't be achieved based on the vision the irrigation district has. So, we wanted to just try and align the code with what can -- can be achieved through approval through you and the irrigation district. So, again, that conversation led to his concurrence with the proposed changes before you this evening and I think -- I appreciate Councilman Cavener coming in and speaking with me. I think we cleared up some of the confusion for him as well. So, thank you for that opportunity. And, then, now for the -- the meat of the discussion this evening. Hopefully I have captured what you guys had discussed and I left it a little bit more flexible. I remember during that hearing Mayor had brought up that two on each side of the common driveway, no more than three on one and I just -- the first rendering version that I came up with I just -- I took it too literal and so Caleb and I wordsmithed something. Caleb is like, well, let's see if we can get it a little simpler. So, I went back to the drawing board and massaged it a little bit more and reevaluated what you guys really were achieving. So, essentially, I took the approach that change it to common driveway to serve no more than four and, then, went to -- with the Mayor's recommendation of saying no more than three on one side and that way that would give the applicant to do three and, then, one or the two and two. It leaves it -- it leaves it flexible for not only you, but also the developer who is designing the plat and I think that really goes to the intent. Be careful of what you wish for, right, in the code. You want to be -- make sure you don't want to get something that you -- you won't like in the future. So, I think this will achieve the goal that we want, keep those under the 150 feet requirement, but also limited to four or three on one side. So, I think -- I think -- I hope I

captured the point of that discussion and, hopefully, you guys agree with that. And, then, also I wanted to mention that late this afternoon I did receive a memo from Public Works, Laurelie -- Laurelie McVey, she sent an e-mail kind of voicing some concerns with the common driveways. I was able to get that forwarded to city clerk and that was in your packet this evening. So, hopefully -- it's a one page memo, kind of explaining the concerns they have and, then, some recommendations for you as well. I don't think there is anything we have to add to code. I think just -- they -- she wants to be mindful that as you approve annexations and plats that be mindful of limiting the amount of common driveways you approve with those developments. So, with that I will conclude my presentation and, then, ask if you have any questions on the revisions.

Simison: Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Not a question, but appreciation to Council, allowing this to continue a bit and let Jessica and I have a little input, so appreciate that.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. I can't see in zoom if we have got anybody still on that could -- I haven't had a chance to review the memo. I wasn't aware of it until Bill brought it up.

Simison: We do. We have our city engineer on.

Cavener: Oh, great. If -- if maybe Warren can summarize the memo for us while we track it down that would be helpful.

Stewart: Mr. Mayor, this is Warren. So, Mayor and Council Members, hopefully you can hear me okay. I'm actually testifying from home tonight. But I think Laurelie's memo basically was -- it was her and Dennis wanted to express from a utility operations perspective some of the challenges that they see with the common driveway approach, especially when you start to put a lot of services and so forth in those common driveways, there is a water quality issue that could arise when those services get so -- you know, too long. There is also pressure related issues. There is a lot of head loss in pipes when they get too long going back into those homes and so just, you know, keeping that to a reasonable number to minimize the length of those services, to minimize the number of services, so that we can basically minimize the customer service complaints with regards to pressure and water quality and separation issues between that and sewer lines. I have to deal quite regularly with the situation where we have -- if there is too many of them they can't meet the separation requirements that DEQ requires and, then, they come back

and start asking for other variances, like variances from the separation requirements and so forth. And so it leads to other problems that we have to solve, but the proposal that I think Bill has proposed here tonight I think is certainly something that seems workable. I'm supportive of that and so that was the gist of the e-mail was just -- or the memo that she put together was just to express the operations concerns.

Simison: Council, any questions for Warren?

Hoaglund: So, Mr. Mayor, just to make sure --

Simison: Councilman Hoaglund.

Hoaglund: -- you recommend -- the memo says recommend limiting using common drives, but limiting the number of houses connected to the common drive is also very important. So, is four an okay number for that connection?

Stewart: I think it's -- it's -- you know, I won't tell you that it's not challenging to put eight services, along with all the other utilities in a common driveway, but it's certainly a lot better than six, so I think that's something that is doable. I think most of them nowadays that you see coming in actually have three on one side. That's the common approach is to have three common lots -- or drive -- or lots on a common drive. That's something that seems more workable, but if we had to do four I can't tell you that we can't -- it doesn't make it great, but the way you got it worded with the one being on the other side would still minimize the length. The length of the services wouldn't get any worse.

Hoaglund: Thank you, Warren.

Simison: Council, any additional questions for Mr. Stewart? Thank you, Warren. So, this is a public hearing. Did we have anybody signed up to testify -- testify on this item, Mr. Clerk?

Johnson: Mr. Mayor, no.

Simison: And seeing no one in the Zoom waiting room to provide testimony and no one in the audience running up to provide testimony, Council, what's your pleasure?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Mayor, I move we close the public hearing on Item 3, UDC text amendment ZOA-2021-0001.

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 and the public hearing is closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve Item 3, UDC text amendment ZOA-2021-0001 as presented.

Hoaglund: Mr. Mayor, second the motion.

Simison: I have a motion and a second to approve Item 3. Is there any discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Quick thanks, Bill. Appreciate making time. I know you have a busy schedule and I know it's -- make the same commendations for Council, members of the public, really appreciate the levels of customer service you provide.

Simison: Any other discussion? If not Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Next item on the agenda is adjournment.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn.

Hoaglund: Second the motion.

Simison: Motion and second to adjourn. All in favor signify by saying aye. Opposed nay. The ayes have it and we are adjourned.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 10:26 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK