

A Meeting of the Meridian City Council was called to order at 6:03 p.m., Tuesday, May 11, 2021, by Mayor Robert Simison.

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

Members Absent: Jessica Perreault.

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

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Joe Borton
☒ Brad Hoaglun	☒ Treg Bernt
☐ Jessica Perreault	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record it is May 11, 2021, at 6:03 p.m. We will begin this evening's meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

Simison: Yeah. Council, we haven't sounded that good in a year.

Bernt: It's been a long time.

COMMUNITY INVOCATION

Simison: Next item is our community invocation, which will be offered this evening by Nathaniel Smith of Legacy Life Church. Is Pastor Smith present this evening? Does not appear so, so we will go ahead and skip on that item.

ADOPTION OF AGENDA

Simison: So, we will move on to adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Simison: How about Item No. 5?

Bernt: Oh. Excuse me. Yes. We are going to not adopt the agenda as published. I was just testing you. Good job, Mr. Mayor. That is -- let's strike Item No. 5 from the agenda. We don't need an Executive Session. And with that I move that we adopt the agenda as amended.

Hoaglund: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Next item is the public forum. Mr. Clerk, do we have anyone signed up underneath that item?

Johnson: Apologies, Mr. Mayor. I'm checking online just to make sure I did not miss -- but I do not believe anyone has signed up. No one has signed up.

ACTION ITEMS

1. Public Hearing for Creamery South Condominiums (SHP-2021-0001) by City Center Redevelopment, LLC, Located at 703 E. Main St.

- A. Request: Short Plat to condominiumize a vertically integrated 4-story building consisting of one (1) commercial space and 33 residential units for ownership purposes on 0.429 acres of land in the O-T zoning district

Simison: Okay. Then with that we will move on to our public hearings for the evening. The first item up -- and I don't know if we -- the intention is to open up both of these together this evening. Okay. Well, with that the first item up is a public hearing for Creamery South Condominiums, SHP-2021-0001 and public hearing for Creamery North Condominiums, SHP-2021-0002. I will open the staff -- this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor, Members of the Council. If all of you can hear me?

Simison: Yes, we can.

Dodson: Thank you. Yeah. I would prefer to do it all together, but we don't have to. It's going to be the same thing for both, because it's generally the same. But that is your choice.

2. Public Hearing for Creamery North Condominiums (SHP-2021-0002) by City Center Redevelopment, LLC, Located at 33 E. Idaho Ave.

- A. Request: Short Plat to condominiumize a vertically integrated 4-story building consisting of two (2) commercial spaces and 69 residential units for ownership purposes on 0.908 acres of land in the O-T zoning district.

Simison: They are both open for your comments.

Dodson: Perfect. All right. As noted, the first items are for Creamery North and Creamery South Condominiums, also known as the Old Town Lofts, also known as -- I guess Meridian downtown mixed use buildings. There has been multiple names for these. The applicant is requesting two short plats, both buildings that are currently under construction. Creamery South consists of .429 acres of land, currently zoned OT, Old Town. So, is Creamery North. That site, however, does consist of .9 acres. They are on -- what is that? 703 North Main Street and, then, 33 East Idaho, kind of caddy-corner to each other. It would be this property and this property. You can see it right outside the window. When it comes to adjacent land uses, it is Old Town zoning in all directions, except for to the west of the Creamery North, which has R-8 zoning. Apologize for my phone going crazy. If you can hear that. R-8 zoning directly to the west of the Creamery North and it has detached single family zoning there. In addition, within the Old Town district surrounding the buildings there are commercial uses in all directions, except for to the south, which has City Hall. Creamery South obtained CZC approval in 2019 for what was known back then as Building A. It also received a vacation approval for a public utility easement and approval of the property boundary adjustment. Creamery North has only received the CZC and design review approvals in 2019 for Building B. The Comprehensive Plan designation is Old Town as well -- is the proposed condo plat -- or I should say a piece of it. What is on the right hand is an example of what every floor would be for the Creamery South and this would be for the Creamery North. Creamery South has 33 units. Creamery North has 66. Creamery North also has two commercial condominium plats, so to speak, units and the Creamery South has one commercial on the first floor. The short plats before you are to request to condominiumize a vertically integrated four story building on both of them. The applicant did take these proposals to the MDC board, the Meridian Development Corporation, on April 28th and the board voted to -- a unanimous vote to amend their existing agreement between the ownership and the MDC and included a new provision that these units will -- shall be utilized as rental units for a period of at least five years following completion. That is not an agreement that I -- from my understanding that we were not privy to, so we did not include any conditions of approval regarding that. That

is an agreement between them and that was, again, voted unanimously. It is the intention from the applicant to not utilize these as a for sale product, but they are utilizing -- they are contemplating them just in case the market changes, giving themselves some insurance later on. According to the UDC 11-6B, which is the code section that discusses condo plats, it dictates that the buildings must be either fully constructed or have received building permits for construction prior to applying to condo plat them. Both sites, again, have received CZC and design review and are currently under construction, so they do have valid building permits. Therefore, they are in compliance with the UDC. All the project elements, open space, amenities, parking, the elevations and the proposed uses are to remain the same and no changes are required to accommodate the short plat request. There was no written testimony as of a couple hours ago and staff does recommend approval of the subject short plats for each site in order to condominiumize each building and after that I will stand for questions.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Joe, your staff report references a letter from MDC. I didn't see anything in the -- in the agency comments from MDC. There is a -- an e-mail from -- it looks like Administrator Ford on 5/3. Is that sufficient for what you were looking for?

Dodson: Councilman Cavener, I believe -- I might -- I might have forgotten to send it. But I thought I sent a letter slash the agreement from Ashley Squyres from -- that works with us on the MDC. She did send a letter and a copy of the new provision, which should be part of the public record. If not, I do apologize, I might have missed that. But I did receive a letter that was satisfactory in what we were looking for.

Cavener: Great. Thanks, Joe.

Dodson: You're welcome.

Simison: Council, any additional questions? Okay. Then the applicant is recognized for 15 minutes.

Evarts: My name is Josh Evarts. I reside at 303 East State Avenue, Old Town, Meridian. 83642.

Schaus: Amanda Schaus. Elam & Burke. I reside at 1413 North 5th Street in Boise.

Evarts: Mr. Mayor, City Council Members, we just want to thank you. Thank you, staff, Joe, for putting this all together. As you guys know we are building large buildings in downtown Meridian that are right outside our door. We are pretty excited about the progress and certainly excited about sort of the response that we have gotten from the

community and interest in the -- not only the housing, but also the commercial space. I look forward to updating you guys all on the letters of intent that we will be signing to put people in there. The way this came about to begin with was as we were meeting with our legal representation and putting together sort of the final things that we needed to do to deliver this product to the city, this whole idea of pursuing a condo plat was really born of a desire -- not because we are intending to do anything different than our development agreement that we set years ago, but really to give ourselves and afford us some protections that if markets changed in the future. As I have spoken to Caleb there is no intent on our part to -- to sell the residential pieces really at any point, but we were given some very good counsel that now is the time to do those things and put that in place if conditions change at sometime in the future. So, that's why we sought this condo plat. We had a lot of discussions back and forth with MDC to make sure that there wasn't some nefarious purposes that were going on and there aren't. We actually executed that amendment to the development agreement today. So, Caleb and I both sent that -- sent that back to MDC, so they have that executed agreement from us. So, we stand ready to answer any questions you guys might have in consideration. Thank you.

Simison: Thank you. Just a question I'm going to ask. I'm curious. You said if market conditions change. Are you saying that you don't think you could sell these in the current market conditions or -- and I'm not -- I'm just asking from a very practical standpoint. I understand the five years and -- but are market conditions not there that these would sell if they went on the market?

Evarts: No. Mr. Mayor, that's a fantastic question. City Council Members. I think we would sell them like hotcakes. The problem would be is we would have to mark the market and sell them for a price that I don't think is affordable and I think our whole purpose in delivering this project was to have market rate rental opportunities. So, somebody who is a bartender at -- let's say The Vault now or -- or maybe Sushi Shack would be able to afford to get a studio one bedroom or two bedroom apartment. If we were to condo these and sell these, they would be in current market conditions. I don't know if you saw that 829 Meridian Road just went for sale for 1.1 million. The Old Alien House. And so we would have prices that would price out the people that we are trying to support with this product. So, yes, I think they would sell like hotcakes, but I don't think we would be delivering what Caleb and I had intended.

Simison: And I appreciate you trying to deliver on your promise or your agreement from that standpoint. I was just curious based on that comment. So, Council, any additional questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Quick question I guess for staff. So, it would be -- the agreement with MDC for the five year rental, would that -- would that run with the property or with the ownership

of the property? In other words, like would -- you know, who knows like if things change in the future if there was a different owner at some point, would that restriction remain for the full five years?

Dodson: Council Woman Strader, I will actually leave that to -- to the applicant to state. I do not know what that agreement is specifically.

Strader: Mr. Mayor, I was just curious if that would be something that would be ongoing or if that's just an agreement between the -- the owner and MDC.

Simison: It looks like we will find out in a second.

Evarts: I'm not an attorney, so I'm going to give this to -- to a counselor who can -- do you know?

Schaus: Mayor, Council Members, I actually wasn't involved in this amendment. It does not have recording information on it. So, I -- my interpretation would be it's not recorded, but I know the original development agreement was recorded --

Evarts: Yeah.

Schaus: -- and I don't think we would have an issue with recording this against the property if that's what you would require or desire.

Evarts: There is no appetite for us to sell this product. So, yeah, recording it wouldn't be a problem.

Strader: Thank you.

Simison: Council, any additional questions? Okay. Thank you very much. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Is there anybody in the room that would like to provide testimony? If so, please, come forward at this time and state your name and address for the record or if there is anybody online that would like to provide testimony, please, use the raise your hand function on Zoom and we can recognize you for this purpose. Seeing no one coming forward and no one raising their hand, would the applicant like any additional final comments? They are waiving that. Council, I will turn this over to you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we close the public hearing for items one and two, Creamery South Condominiums, SHP-2021-0001 and 0002.

Simison: Do I have a second?

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve the short plat for Creamery South Condominiums SHP-2021-0001 as referenced in the staff report for a date of May 11th.

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

Simison: I have a motion and a second for Item 1 to approve Item SHP-2021-0001. 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, yea.

Simison: All ayes. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve Item 2, short plat SHP-2021-0002. Include all staff and applicant testimony as presented.

Strader: Second the motion.

Simison: I have a motion and a second to approve Item SHP-2021-0002. 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, yea.

Simison: All ayes. Motion carries and the item is agreed to. Thank you very much. Best of luck.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

3. Public Hearing Continued from April 6, 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, next item on the agenda is a public hearing continued from April 6, 2021, for Foxcroft Subdivision, H-2020-0113. Joe, did you have any comments that you would want to lead us off regarding this item?

Dodson: Mr. Mayor, just very briefly if I can.

Simison: Okay.

Dodson: Thank you. I just wanted to note that this was continued because of the state legislation that has recently had some answers, I guess, or outcomes and, then, secondly, part of that -- continuation I should say was to have the applicant work with the parks department to get that crossing from the northwest into Fuller Park. It is my understanding that those discussions occurred and that some positive outcomes became of that conversation. I also want to note that there was some confusion on what was conditioned and what wasn't conditioned. The applicant called me on something that I made a mistake on. I will own that. I linked the wrong condition report in my staff report. So, thank you, Jane, for calling me out on that. I apologize. It was linked to the Mile High Pines, which is adjacent to this subdivision and I stole that staff report to use for this one. So, that's my -- my fault on that. But there was some confusion on what was conditioned. In the correct Parks Department conditions report it does note that the applicant shall connect this -- their proposed pathway along the north side of the plat as shown, which does include building something across the stub drain in this location. I will let the applicant discuss a little more specifically what the conversations were with the Parks Department, but I did want to note that and take responsibility for my mistake there.

Simison: Thank you, Joe, for owning that. But, Council, any questions for staff before we ask the applicant to come up? Okay. Jane, if you would like to come forward. State your name and address for the record.

Suggs: Thank you, Council. Just in the nick of time. It's a jungle out there. Jane Suggs, Gem State Planning, representing Trilogy Development. I'm really glad to be back with you tonight. Council Woman Strader, missed you last time. Your call, that long hearing we had April 6, and our deferral tonight, mostly because of the taxation legislation that's I think on the governor's desk right now. I haven't heard today if he's signed it. He has until tomorrow I guess. I am hoping you will find it possible to approve our annexation, rezone, and preliminary plat and CUP. I see Council Member Bernt smiling at me. And since our last hearing on April 6 the Meridian parks has gotten a verbal approval of a crossing over the Ten Mile stub drain to Fuller Park. Now, we do agree that this is a very positive connection for the park -- to the park for the residents of Foxcroft and, actually, for lots of residents in the area, because it will tie to that regional pathway that runs along the stub drain that's on our property. Again, that connection is not on the master street map. So, it's not part of what we had originally intended to build. Actually, it was our understanding if there was going to be a crossing there it would be something that the city would build and we would submit the necessary access easements according to the memo that we got from parks on that portion of the property. But we have an understanding now since the last meeting that -- from parks that we do have a condition of approval to build the crossing and as we discussed at the last hearing there is a culvert there that has a chain across it, so there is a place, but we know that when Nampa-Meridian Irrigation District decides they want a crossing it's not going to be a simple culvert with dirt on top, it is going to be a major structure -- pretty elaborate structure. In fact, we are building one of those if -- I'm going to let -- because of this mouse I'm going to let Joe show you where we are already building a pedestrian access across the Ten Mile Creek. Can you point that out down below? So, pedestrian access. That's the -- where he is pointing now is the vehicular access. So, just want to recap that we are building that vehicular access connection over Ten Mile Creek. We are also building a pedestrian bridge over Ten Mile Creek as I mentioned. We are continuing -- that will help us continue a regional pathway that does show up on your maps and we are building Pine Avenue, of course, a mid mile -- mid mile collector and we calculated kind of conservatively that the builder of the homes and the apartments will pay over 400,000 dollars in park impact fees for this project. So, again, I'm here very respectfully requesting that you approve our annexation, our rezone, our preliminary plat and our CUP, but with a little adjustment to the conditions. Instead of us building that connection we are hoping that, one, either the city will build a connection using our impact fees or if we build the connection as part of that phase that maybe we could get some credit for those impact fees for that connection. That is a very positive way to improve the park. I won't say it's just a pathway connection, it's an improvement to the park. Park improvements are really important, but getting people to the park I think are just as important. So, again, I'm hoping that you might consider that as an adjustment to the condition of approval. The condition of approval is in the -- is in the e-mail. I mean the memo that came from Parks and Rec -- and it says prior to final approval the applicant shall submit public access easements for the multi-use pathways

and this one says the pathway connecting across the Ten Mile stub drain from Fuller Park, extending along the south side of the drain as far as Ten Mile Road and we know that's where that regional pathway goes on top of that sewer line that the developer provided for the city -- not provide the sewer, but provided easement and, of course, we have to submit that paperwork. So, again, very respectfully ask your approval. I know if the governor hasn't signed you're still in the same place, but I'm hoping that maybe you have had some opportunity to look at the change that has been made to that bill since we were here in April. I will stand for questions or respond to any other comments from you or neighbors.

Simison: Thank you, Jane. This -- so we can get this out in the open on this one, pathways are not impact fee eligible to my knowledge, nor was a connection to -- even if it's considered a park element, I can't imagine because of the costs that it would be impact fee eligible, even under that scenario. Mr. Nary, am I incorrect?

Nary: Mr. Mayor, Members of the Council, I don't believe they are eligible. I think you are correct.

Simison: Okay.

Nary: I think what we have done before is when the developers built that and they have given us an easement we have maintained it, but we haven't built them.

Simison: Councilman Bernt.

Bernt: He said it.

Simison: Okay. Just so that we are clear on that element for the conversation.

Suggs: Well, it was worth the ask, because of all the infrastructure that we are building for the entire community and it just adds to the expense. But I appreciate the clarification and hope we can find some good things to do with all of those impact fees that do come out. I looked at your budget and there is two and a half million dollars that come in from impact fees in the past year. So, it's a big -- a big chunk.

Simison: And we got 11 million dollar parks.

Suggs: Yeah. I know.

Simison: So, we may have run out of money.

Suggs: That's great. Thank you.

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

Suggs: Thank you, Mayor.

Simison: Thank you. Mr. Clerk, do we have anyone that was --

Johnson: Mr. Mayor, we did not have anyone sign up in advance. However, Marissa Parker is here and I do believe she wishes to testify. So, I'm going to allow her to unmute.

Parker: Hello. Can you hear me?

Bernt: Yes, ma'am.

Simison: Yes.

Parker: Hi. My name is Marissa. I live on 3279 West Acarrera, which is directly behind where all the apartments are going. So, my main concern is the three story apartments. My house, along with six of the other houses that directly back up to where the proposed three story apartments would be located, all of those -- like I said, six of the nine are single story homes and all of our backyards were up -- raised up a tiny bit, but it's -- I mean three stories up against a one story looking into our backyards, into our homes, privacy, let alone property value, I'm just really concerned about that.

Simison: Okay. Thank you.

Cavener: Mr. Mayor?

Simison: Council, any questions? Councilman Cavener.

Cavener: Marissa, just curious -- and I appreciate your testimony tonight. I know you have submitted a couple of letters voicing your concerns as well and I'm just curious through this process if the applicant has reached out to you to communicate their vision or plan with you in any way, shape or form?

Parker: They have not.

Cavener: Okay. Thank you.

Simison: Council, any additional questions? Okay. Thank you very much. Is there anybody else that would like to provide testimony on this item? Okay. If not I will ask the applicant to come forward.

Suggs: Thank you, Mayor. Jane Suggs, Gem State Planning, representing Trilogy and Foxcroft Subdivision. I see Joe is already ahead of me, because he has put the cross-section. Well, we did understand that there were some concerns with the folks in Mosher's Farm and we -- as we, you know, did our surveying and visited the site several times we realized that their properties were quite a bit higher than the property where the apartments would be located, so we had our engineer draw up this cross-section of showing where the second floor of the homes and the ones that are closest to the

property are actually mostly two story or one story with bonus rooms and so we do have the three story apartments, but they are at least 80 feet and I would say closer to a hundred feet from each other. So, I didn't count, but it's pretty -- a pretty good distance between because of the stub drain, the backyards, the offsets, the sewer easement. So, again, we think that those are compatible uses and that this piece of property particularly is already zoned for higher density apartments. It's R-15. So, this is the type of use that you would see in an R-15 zone. Yes. And I have not reached out to Ms. Parker. I think there were six letters that came in prior to the P&Z meeting, but only one person showed up at the P&Z and so -- and I think we sent out -- gosh, I don't know how many letters. We had a lot of folks that we sent letters to for our neighborhood meeting. So, again, this cross-section probably tells you a little bit more about how -- the compatibility between the two, but just keeping in mind that they are 80 plus feet apart and we don't think that there is going to be any people looking in backyards, because it's going to be so far away. So, if you have questions about that? Okay. Thank you very much.

Simison: Thank you. Council, what's your direction and thoughts at this point in time on considering this application?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I will take the lead. You know, we have made a lot of decisions, especially, yeah, since I was elected three and a half years ago and I got to tell you this is probably one of the hardest decisions I have ever had to make and I know that the decisions and the conversation that we have on the dais in regard to this legislation and how it affects development and the development community and our -- and our builder partners, we don't take that lightly. I don't think there is a single person on this dais that has ever taken it lightly. It's hard. It truly is. I sat down with the builders pack last week and took many arrows and I get it. I promise you I get it. I know that there is a lot of people out there who are losing tens if not hundreds of millions of -- or, excuse me, thousands of dollars because of this delay, this pause, and I -- you know, we are fully aware of that and I get it. You know, as a body we make decisions that benefit -- and we look after the entire city as a whole and regardless if you are building on the periphery of a city or if you are doing in-fill or whether it's -- whatever type of development it is, it has an impact and, unfortunately, right now we just don't know what that impact look like -- looks like and -- we will know soon -- we will know really soon. But this is what I -- this is what I can promise you and I know there is a lot of eyes and a lot of ears listening and know that we will make a decision quick. This is not something that we will deliberate on for a long time. This is something when we know what we are dealt with and we know the dollars and the cents and the data is put in front of us, I would like the development community to know that we will make a decision quick. This is not something that we are going to sit on our laurels and -- and deliberate for a long long time, because we do take this very seriously and it's been hard and -- and so I don't want to ramble on for too long, but I just wanted to make it known to yourself and other

-- others that might be listening that it's been tough, we hear you, we understand. Hopefully you have called your legislators. Hopefully you got involved and made a difference and we appreciate it if you did. So, it would be my recommendation, as Council President, to continue this. I don't know -- I will open up for discussion with my fellow Council Members and get their thoughts and opinions, but that would be my personal recommendation. Sort of consistent with how we have been the past couple of months.

Simison: Council, any other thoughts, comments?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I agree with Council President Bernt. I think -- you know, this is on the governor's desk and, hopefully, he is thinking hard about this and he is going to make the right decision and support cities across Idaho. I agree that we need to take a look at this holistically. I think we looked at scheduling some special sessions to try to increase the volume of applications that we can go through once this is resolved and so I think we are going to do the best on our end to try to accelerate the process and once we have that decision. So, I'm in agreement with that. But, hopefully, we can shorten the timetable for people past that decision point.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just a comment. I agree with the Councilman Bernt regarding the -- the situation and where we are and -- and the unknown. We have to sit down and make decisions with the information that we know is going to come, depending on the action that is taken and we just have to go forward once we know, so -- but until we know I just -- I'm not comfortable moving forward on anything at this time. So, I think a slight -- one more pause -- and I know time is money, but, unfortunately, in this situation we have to do that to make the best decision possible.

Strader: Mr. Mayor?

Simison: Councilman -- whoever you are.

Cavener: Cavener. I will be playing the part of Council Member Cavener tonight. Mr. Mayor, thanks. You know, we as a body made a decision a number of months ago that we wanted to wait and see how this legislation would impact us. I don't think that we know quite how this legislation is going to impact us yet and so it does make it a little premature. It may be beneficial, Mr. Mayor, for either a memo or a presentation from Finance to us maybe in our next workshop about if this is signed what -- what -- how that impacts us. If it's vetoed, then, we know how that will impact us, so that we can

begin to resume some of our normal Council decision making process that we had been doing before legislature came to town.

Simison: Councilman Cavener, that's already in the works. It's -- it's queued up in theory for next week's workshop, with the ability to make decisions starting as early as next Tuesday based upon that information, if Council is comfortable at that point in time.

Cavener: Great. That's fantastic.

Simison: Councilman Bernt.

Bernt: With that said I -- we have -- we have a special session that we have -- we have set aside on May 26th and so if you -- it's a Wednesday. It's -- it's -- it's not a Tuesday, Jane. Would that be okay with you and your -- and the people you -- folks you represent, would that be an appropriate date for you?

Suggs: That's fine.

Bernt: Okay. With that said, Mr. Mayor, without hearing anymore discussion, I move that we continue Item 3, which is H-2020-0113 to May 26th at our 6:00 p.m. special meeting.

Hoaglund: Mr. Mayor, second the motion.

Simison: I have a motion and a second. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Thank you, Jane.

4. Public Hearing for UDC Text Amendment (H-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 item up is a public hearing for UDC text amendment, H-2020-0001. I will turn this over to Mr. Parsons.

Parsons: Thank you, Mr. Mayor, Members of the Council. Pleasure to be with you this evening. This is the first of a series of UDC changes that are coming before this body in

the next month or so. This is coming to you at a request from not only you, but a request from the Mayor's office for some UDC changes. This was in front of the Planning and Zoning Commission on their April 15th hearing and as a result of that hearing there have been some changes that have been made to this document as it transitioned from Commission to this body this evening and so the four areas that we are addressing this evening have to do with our height standards in our Old Town district. If you -- this body remembers, the Council remembers, there was an application before you for the Baraya Subdivision where there was some conflicts with the irrigation requirements and the city code and we wanted -- you directed staff to get those discrepancies corrected. So, we have done that as part of this update. We are also making it clear with the adoption of the new Comprehensive Plan about 18 months ago that we want to limit Comprehensive Plan map amendments to twice a year and, then, probably the largest discussion will be on the common driveways and I did receive comments today from Jon Wardle and the BCA regarding our proposed changes to the common driveways. So, with that I will go ahead and dive right into my presentation this evening and I won't go through all of these line by line, but I want to point the Council to this particular change that you have in front of you. This is something that came about as a result after the Planning and Zoning Commission hearing, so we realized -- we heard -- if you recall, we had a conditional use permit last year to increase -- allow some taller buildings in our downtown -- in our Old Town district and the way the current code is written it requires a conditional use permit to do that and so at the request of this body, we were asked to look at those height increases and see what we could do to modify the code to allow greater flexibility without having to send everyone to a conditional use permit and so the first two items that I will be discussing with you tonight addresses that particular change and this one -- this one before you on your screen is a new one that came up again after the Planning and Zoning Committee, because we realize that there may be cases where buildings can be shorter or less in height than 35 feet and so we wanted to treat Old Town zoning consistent with our other zones, so we allowed for -- this particular change allows for an increase or decrease in height up to 20 percent by the director and, then, anything over that -- over the 20 percent would require the conditional use permit and they -- we are also proposing that they cannot increase anymore than 50 percent of the maximum height increase. So, that would allow up to 150 foot tall building in our downtown core area. So, we are not opening it up to all of the Old Town zone, we are limiting it to just the city core at this moment until we determine whether or not we are going to have more districts or URD districts established in our downtown area. We want to make sure we take -- take an incremental approach to raising our height in the downtown area, make sure it's in the right locations for that height. So, again, in your motion tonight if you do support this recommended change that's before you, I would ask that you include that in your motion and I will make sure that that gets to the Legal Department when we ratify the ordinance for the UDC changes. Any questions on this particular change as we transition? Thank you. The next one does deal with that actual increase in height. So, currently we are --

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Sorry, but I think Council Woman Strader had a question.

Strader: Yeah. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Yeah. Before we move on, because I know how -- maybe I will forget about it. So, with that additional change what would -- what would be the -- I guess the -- if you could just translate maximum height into the number of stories you think that translates into, that would help me kind of wrap my head around it.

Parsons: Mr. Mayor, Members of the Council, Council -- Council Woman Strader, it -- it depends. I mean it can -- it can vary depending on the height of the stories that the architect is designing. But I can tell you I believe -- if I'm not mistaken I believe the Union 93 building is going to be five or six stories, if I'm not mistaken. So, that's a hundred feet tall. So, you can imagine probably nine -- eight, nine, ten story building in downtown.

Strader: Mr. Mayor, quick follow up.

Simison: Council Woman Strader.

Strader: I guess just a quick check in -- that the Fire Department has had a chance to see this proposed change, especially with the deviation. And I guess this is just coming from the concern of -- I'm ensuring that we have maybe that second ladder truck and we are, you know, ready for that.

Parsons: Mr. Mayor, Members of the Council, this change came about beginning of this week. So, no, they have not seen this specific language, except for what I'm presenting this evening to you.

Strader: Thank you, chief.

Parsons: But they were okay with the hundred foot height increase. They were part of that discussion.

Bongiorno: Yeah. Mr. Mayor and Council Woman Strader, I think at that point, once you get up to a certain point, they -- they just don't make a truck that -- that is that big. So, that's where your secondary devices for, you know, sprinkler -- sprinkler systems and life safety systems and smoke detectors and everything else that's built into that building comes into play. So, we have a hundred foot ladder truck that we currently have. The new one is going to be a hundred foot also. So, it's kind of -- we are limited to that no matter what. They do make taller trucks, but you get to the point where you just -- you don't use -- utilize them for a building that's, you know, 120 feet tall. So, we are okay with the proposal. I don't see a problem with it at all.

Strader: Mr. Mayor, a quick follow up for the Deputy Chief.

Simison: Council Woman Strader, you are recognized for three minutes.

Strader: So nice. Thank you, Mr. Mayor.

Simison: So you don't have to come back and ask for follow-up time.

Strader: Okay. I guess just a question that -- do you feel comfortable with the rest of our building code and that we are addressing the other elements that may be needed for taller buildings? And maybe that's a follow up. But just to make sure that, you know, we are -- I assume at this point they are not stick built anymore. If they are up to five stories I assume that they are -- you know, that we are enhancing the safety element if a ladder truck can't reach the top floor of that building.

Bongiorno: So, Mr. Mayor and Council Woman Strader, so the -- the building code dictates typically how things are built. So, the buildings across the street that are being proposed are what's called platform construction. So, the first three stories will be concrete and, then, it will be wood construction on top of that. So, there is codes out there that dictate if you are going to go this many stories it has to be built this way. That's the purpose of the building code and the fire code and everything that goes along with it. So, whatever is built is going to meet code. It will -- it will have to meet code. So, whether they build it out -- it's just how are they going to build it. Is it going to be built out of steel? Is it going to be -- you know, a type one construction or is it going to be a limited combustible building. There is -- there is many many different ways of building a building and -- and now even in this new code section that we are using you can actually build -- I think it's up to like 12 stories with large timber. So, it's -- the technology that's out there is -- is changing rapidly and, again, anything they build has to meet code and has to meet earthquake standards. So, we are covered either way.

Strader: Thank you. I -- yeah. I guess if you have reviewed the building code and you feel that the way that it applies now, if we are going up this high, is adequate to protect people, that gives me a lot of comfort. I'm just surprised that we would still be using timber up to six stories and that -- and that that's safe. But if you are saying that that's safe and you have reviewed that and you think that we are adequately covered, I'm okay on this.

Bongiorno: Yeah. Mayor and Council, again, all of it would have to meet code and that's why we have an awesome building official. Sam and his team will make sure that whatever is built meets code and, then, we come in behind them with the plumbing code, the residential mechanical code, the electrical code, the fire code, plumbing code -- we all come in into that shell and make it the safest that -- that we can and that's where -- with something that tall that's one of those projects where we would get Pam and our public education crew out there, we would get -- to meet with the property manager of those buildings to make sure that they have, you know, safety plans in place and evacuation plans and all of that. So, we -- we -- just because they build a building

our job is not done and, then, obviously, the crews would be going out there to walk the buildings to study them and -- and to train on that particular building. We do that all the time with the new buildings that are being built down at like Ten Mile and Franklin. So, we are good.

Simison: Thank you. Council, any additional questions before we move on to other information? Mr. Parsons.

Parsons: Thank you, Mayor. So, yeah, this other change does coincide with that. So, right now staff is proposing that we have a minimum height of 35 feet and a maximum height of one hundred feet and, then, all other areas outside of the core would still have -- be allowed to go up to a maximum height of 75 feet and still be subject to this two story minimum. Again, this is an incremental approach. Let's see what works in our core and, then, if we need to adjust code as we see the growth happen in downtown and we started advancing our planning tools. Next change has to do, again, with the ditches, laterals, canals or drainage courses. Again, we did clear up that verbiage in code and just further define that you do have the ability, if -- if a water amenity or if a linear open space is designed as part of the open space, you have the ability to waive the fencing, if the city -- the irrigation districts won't allow it. So, it's been clarified and got that -- that issue rectified for this Council.

Strader: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: A couple questions about this one, Bill. Let's start with maybe letter -- letter E. It -- where it looks like it -- we strike out the public hearing and maybe I'm -- I'm always a little sensitive to this, but can you help maybe walk us through what we are gaining by eliminating an opportunity for the public to participate in the process around this?

Parsons: Sure. That -- that was part two of the -- of this section. But certainly I'm happy to move this one -- if you don't have anything -- any concerns with the first change. But this is one where a lot of times when applicants come forward with the preliminary plat they might not have all the irrigation district's comments or they may get hit -- sometimes we have an overall arching irrigation district, but, then, there is sub ditches underneath them that all Nampa-Meridian does is provide water to them and their sub lateral users and we don't get comments from that group. So, for example, if that's the case -- and we may have a final plat that shows up on our desk and all of a sudden we see an easement going back across somebody's backyard, an easement called out, and we are like where did this come from? It wasn't part of the plat. And so the only remedy to get that corrected is to come back before you through a public hearing. We can't even do that through a final plat, because a final plat is a public meeting process. So, what this is trying to do is allow you the ability to take that under consideration when a final plat comes in, rather than having the applicant go back through the process just to have another public hearing. A lot of times these issues --

they can pop up at the public hearing, but a lot of times the issues are maintain my water to my property or I don't -- I want to know what the drainage is and that's already addressed in code and that's addressed in state code. So, in my mind we are just trying to get this in front of you without convoluting the process. We are trying to make it so that it can happen at different stages in the process. That's the purpose of the change.

Strader: Mr. Mayor, follow up if I may.

Simison: Councilman Cavener.

Strader: On letter B-3A where it states the decision making body may waive the requirement for coverings. I assume that means the City Council or does that mean something else?

Parsons: Mr. Mayor, Members of the Council, Councilman Cavener, that -- that means something else. That means whatever application comes into the door and require -- in our code. So, in Chapter 5 of our code the code delegates who the decision making body is. So, for example, if someone is sub -- is at CZC level, that doesn't require it to come to you for action, but they may have an open ditch on their property that they need to cover. So, that would give their director the ability at that point to allow it to remain open or waive some of these requirements, rather than having to come back to you as part of that process. So, we tried to make it -- soften the code a little bit so you are not always waiving those decisions. It -- it happens, again, at all the various stages or application types under the current code.

Strader: Okay. Mr. Mayor, one more if I may.

Simison: Councilman Cavener.

Cavener: Bill, some of the comments that we received from stakeholders voiced some concern about some of the -- just the arbitrary language that -- at least the perspective that I was seeing from the letters was that while we are intending to simplify this and make it easier for people to understand, that maybe it's not doing that. Again, I'm not the smartest one when it comes to this stuff, so I -- obviously, I was confused as well and I'm just curious if after you saw those comments if there were any additional changes or recommended changes to help address some of that confusion.

Parsons: Mr. Mayor, Members of the Council, no, we did not -- I looked at those comments. It's something that the attorney's office and the Parks Department and myself discussed as we were working on this -- this rewrite to simplify things. But there is various sections in our Comprehensive Plan and in our code that addresses all of these different waterways and so we felt keeping it consistent with what we already have seemed to make a lot of sense. If you talk with the irrigation district they are going to tell you there is no such thing as a creek. They are going to tell you it's all -- they are all manmade waterways and so they don't even support a lot of these things that we want protected and improved as amenities and left open as waterways, because they

are designated creeks in our Comprehensive Plan. They don't even recognize those as creeks half the time. So, again, we want to be consistent with our plan. So, we feel what we have here -- I think Mr. Nary even commented that, yeah, we just have to move forward with these changes. That's how we are setup. And so we have kind of -- it's one of those where we kind of agree to disagree. We are going to stay consistent with what we have in our -- in our comp plan and in our mapping and in our GIS system.

Cavener: Okay.

Parsons: The next change is, again, very simple. We are just reinforcing that Comprehensive Plan map amendments to only happen twice a year. That would be June 15th and December 15th. So, hopefully, this body is happy with those changes. And, then, the last item is common driveways and I'm sure you have probably seen a lot of the discussion around this as well and so originally when I took this before Planning and Zoning Commission I had not recommended a change to reducing the number of units, because back in 2010 or '11 -- and a developer actually came forward and recommended a change to this section of the code and they actually changed it from four to six and they did that because some of the -- the developments they acquired during the downturn had -- had some unique challenges where they could get more units off a common driveway and they have worked very well. We also spent quite a bit of time with the UDC focus group discussing this topic and at the time I had agreed to actually remove it from this round of changes, because I felt like we did need more time to look at this issue and study it to see if it was -- I think we probably need to expand upon some of these requirements in our code. What those look like now I don't know. What I can tell you, if you had a chance -- and when I was at Planning and Zoning Commission I did learn that Eagle actually removed common drive standards from their code and they recently now going the other way and going back to adding them, because they do provide a benefit for in-fill development. So, with that being said, the Planning and Zoning Commission -- and I know this body has on occasion -- on multiple occasions actually reduced the number of units that take access off a common driveway and so the Planning and Zoning Commission's recommendation to you was to go from three to six, but they did -- if you had a chance to look at the record, Commissioner Holland did recommend at least look at four. You know, if you don't support three, her recommendation would at least be to entertain four. And so I tried to stay with the Commission's recommendation to you and change it to three from six and, then, also I added flexibility for the city engineer and I also require that common driveways go with -- be added at a common lot, instead of an easement, and that was in support of our Public Works Department. You have probably heard time and time again through the public hearing process that we want our infrastructure in common lots are in right of way and depending on whether or not you have a water-sewer easement or a combination of easement, that width of that easement can be anywhere from 20 feet up to 30 feet and so I thought if we are going to allow mains to be extended in a common driveway, why not -- why not be consistent with our standards, which would be 20 feet for a single easement and 30 feet for a combined easement and that -- and I ran that by Public Works and Warren Stewart, the city engineer, and he actually liked the proposed change. It gave him the flexibility to determine what we need in order for them to

maintain our infrastructure if it were to be extended. You can see in the -- in the public testimony -- written testimony that some of the comments were negatively received and did not -- thought it was too arbitrary. But I -- to me this is pretty consistent with other language in our code and, then, the other item that I added was we have typically -- we have been getting a lot of these common driveways where people are just basically doing perma bark along the common drive and not landscaping it and I wanted to be very clear that if we are going to have landscaping along that common driveway that it needs to be vegetated and enhanced, so it looks attractive as part of the development. So, that's why you see the change to number five. So, in long story short, again, a lot of discussion around this. A lot of -- you can see from -- even from Jon Wardle in his public testimony he does support the change, but he has requested that you increase that from three to four and he also supported the Planning and Zoning Commission's recommendation to allow this to happen on a case by case basis through the alternative compliance process and even at six it still remains eligible for alternative compliance. We just have not approved any more than six off a common driveway. So, with that, again, staff is open to changes that you may have this evening. You probably saw on the record the different testimony from Dave Bailey, Cornell Larsen, Laren Bailey and Dave Yorgason and, then, as far as discussion by the Commission, it was, again, these common drive standards and the height in the Old Town. Some of the Commission felt it should be higher and that's why we made those changes this evening and, then, no outstanding issues for you and, then, as I close in my presentation, you know, Jon and David Yorgason also submitted testimony today. So, with that I will go ahead and conclude my presentation and stand for any other additional questions you may have.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I was curious also about what I didn't see and I was just wondering will we get additional waves of UDC changes that will come -- like, for example, regarding open space or other topics. Are we expecting updates to other provisions as well at a later date and we are kind of doing these in batches or -- I was just curious if we have an update on what's coming out of that working group and when we might see those.

Parsons: Yeah. Mr. Mayor, Members of the Council, yeah, as I have mentioned in my opening statements, this is -- this is phase one or round one. There is a much larger one before this body on June 1st that will address open space and 3-G, multi-family open space, landscape improvements and, then, other various code sections. So, it is a larger one and we will take more time in front of this body, but I do anticipate changes that came from Commission as well. So, that is a working document as well. So, you will see some -- we will be asking for further modify -- modifications to some of those changes, but, yeah, anticipate those in three weeks or so.

Simison: Council, any additional questions for staff?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Bill, just from a -- from a process standpoint, can you walk Council through -- as I was reading the minutes for the Planning and Zoning Commission I think some of this was vetted through the UDC steering committee and some of it wasn't. Can you walk us through kind of how that process played out and what was determined to be shared with them and why.

Parsons: Yeah. Mr. Mayor, Members of the Council, all of these changes -- well, three of the four changes here have been vetted through the UDC focus group and also shared with the BCA. The one that hadn't -- has not been changed was the one here for the laterals and courses, because that came about as a result from this body and you having to deal with that issue a month or so ago and that's probably why you saw the commentary around it as soon as it came out. But as soon as I had the draft done I did send it out to them for review and comments and that's why you see that as part of the record.

Cavener: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund, you are recognized.

Hoaglund: Thank you. Bill, I just wanted to make sure I understood the -- the six to three to four, because I -- I went through the Planning and Zoning minutes and going through that and they -- and it was brought out in the letter as well that there was also the backup alternative by the Commission recommending that, well, you know, maybe it could be a maximum of four and you do the alternative compliance following that. So, I was -- I was a little bit puzzled on where did they really settle it. Was it three or was it four. So, can you give any clarification to that?

Parsons: Mr. Mayor, Members of Council, Councilman Hoaglund, that -- that's -- that was definitely Lisa's motion is -- she -- she said I like three, but would recommend Council look at four and, then, Commissioner Seal said, well, I would be okay with four if we went through the alternative compliance process. But, ultimately, I kind of erred on the side of caution, went with three, with anticipation that this body would more than likely recommend four and, then, we would go through the alternative compliance process as it's currently written in code. So, I did kind of gamble a little bit on tonight's proceedings, anticipating what -- tried to anticipate what you might be doing. But, again, I don't have a crystal ball, but I will go ahead and stand for any changes you may want requested this evening and make those happen if that's your desire.

Bongiorno: Mr. Mayor?

Simison: Yes, Deputy Chief.

Bongiorno: Mayor and City Council, I just wanted to comment on that also. The longer the common driveways are, the more difficult it is for us to service them as a fire department. So, if you get like four to six houses on a common driveway, that common driveway gets long and, then, because it's just open space there is the temptation to park a boat there, park a camper there, put an extra car there, jam it full of cars when there is visitors. So, the Fire Department supports the three number, just because it's -- it's less in case that driveway is packed with cars we can at least pull a pre-connect, get it down the driveway into the house. So, some of these ones that we have had in the past where they are super long, it makes it a challenge for us and I just wanted to make that comment. Thank you.

Simison: And I'm just going back in my head over the last year where this has come up. I don't know that we have had -- I think this issue came up with the longest one being four. I don't know that we have had any fives or sixes proposed in anything. I believe has been concerned with only as much as four in any application, unless anyone remembers otherwise. I don't recall any sixes or fives where Council got concerned, it was starting at four.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I was trying to think the same way and, then, I got to thinking, well, I think there were some stubs that we approved that I -- and I want to make sure Bill can clarify -- make sure it was three and three on each side. So, that made a total of six. So, I don't recall ever six in a row or four in a row, but mostly they were twos and threes on -- on each side that -- that we -- we have approved, so -- but to your point, Mr. Mayor, yeah, I don't recall anything --

Simison: I think there is some fours, because sixes on two sides of roads would not be -- or three and three would not equal six, they would each be treated as three. The common -- the common drive is the one -- the three on the left, not the three over on the other side of the road element. Or are you talking about a -- a one simple three on the north and the south side as a private -- is that a private drive or is that a -- a shared driveway. A private road? Shared driveway. Okay. You could be correct then. I would stand corrected.

Cavener: Mr. Mayor, I recall is Alpine Point I think was the one that we had a lot of conversation about. I think it was Alpine Point. One of those -- it was four and four; right? Mr. Mayor, to my --

Simison: Councilman Cavener.

Cavener: -- to my question to Bill -- as I recall that conversation that we had, I know that Council Member Hoaglund brought up a really good point about concern about getting garbage cans and garbage collection. So, as part of that alternative compliance process would that outline, then, a placement for -- for garbage cans to be set out? I mean how does that process play out. If somebody wants to come and do more than four, how do we address some of those concerns that Council has -- has acknowledged recently?

Parsons: Yeah. Mr. Mayor, Members of Council, I think that's a valid point. I think that's why I said let's increase the width of the common driveway, because, then, we could accommodate for those trash receptacles if we had a wider common drive. I also know that in discussions with Republic Services they are starting to pull into the common driveways now and actually get the trash collection if it's under a certain length. So, they are working a little bit more closely with city staff to address some of those concerns. The other thing that Chief Bongiorno didn't bring up is that we actually have a conflict with his code and our code. So, if I'm not mistaken, I'm putting my fire chief hat on, so correct me if I'm wrong, Joe, but apparently the fire code restricts it to no more than five dwelling units off a common driveway and we were saying six. So, either way we have to try to get this in alignment with the IFC. So, it just -- Joe, I didn't know if you wanted to chime in on that as well, just to make sure we are consistent with what your code says as well.

Bongiorno: Mr. Mayor and City Council, Bill, you hit it right on the head. Again, that's why I'm not -- I don't like six personally. But, again, I'm just looking at the potential for the blocking of the driveways and that's why whenever we get one of those I require them to put signs up no parking fire lane. So, that way if we do run across one of those Meridian PD or code enforcement can actually ticket against it. So, if someone's parked their boat in there or their RV or whatever, we can -- we can ticket it until it gets removed.

Stewart: Excuse me, Mr. Mayor.

Simison: Yes, Warren.

Stewart: I just wanted to say thanks to Bill and for -- for bringing this forward. He -- he did hit on some important things from a Public Works perspective. Of course we support, like the Fire Department, a fewer number of lots for a variety of reasons, whether we are putting main lines down through a common drive and we have to operate and maintain those sewer and water mains, or whether the mains are out in the road and we have services, you can imagine if you are trying to run even three sewer services and three water services up a common driveway, that's a lot of trenches and a lot of congestion and the more you add, the more congested it gets, and the more complicated it gets to try and maintain all that infrastructure. So, just -- you know, it's one of those things that's underground and it's easy to -- you don't see it, but there is a lot of things trying to take place in those little bitty common drives and the fewer houses

that we have on those the more space we have to actually, you know, maintain and -- and make that infrastructure work for our operations team.

Simison: Council, any further questions for staff? Okay. This is the public hearing. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we had no advanced sign-ups.

Simison: Okay. Is there anybody in the audience that would like to come forward and provide testimony, please, do so now and you will be recognized for three minutes or if there is anybody online. Well, we have ACHD online. If they would -- if they would like to provide testimony, I'm sure they can unmute themselves and raise their hand to do so.

Inselman: Mr. Mayor, this is Kristy with ACHD. I don't have any comments, but I'm so glad that you know that I'm still here. I'm always here with you guys.

Simison: Thank you, Kristy. Okay. Seeing no one wishing to testify, Council, what's your pleasure?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, on the common driveways, just a comment. I personally would fall on a preference of more of three -- maximum of three units. It seems like a good recommendation by the Fire Department. So, I feel like looking back in the past year most of the applications that have come before us I think we have limited quite a few to that -- to that amount, but I don't have the same memories as Councilman Cavener, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate I think the -- the recommendation that came from -- from the Planning and Zoning Commission. I have thought a lot about this particular one and -- and for me I feel comfortable with four. Maybe because it's an even number. I don't know. Just because it is four doesn't mean that we have to approve four if we have something that comes forth and we don't particularly care for it or we think it's a concern or if you get a series of them and maybe we will want to restrict it, I think that we still have those options. So, I'm supportive of the recommendation of four. I guess not a recommendation, I guess that would be my recommendation is that we leave it four, recognizing that if somebody does something creative they can go through alternative compliance for more and if we don't like what they have put together we can always restrict it to three or two or none.

Strader: Mr. Mayor, maybe --

Simison: Council Woman Strader.

Strader: Just to take the other side of that, I also think it's like we are putting out there into the world what we want to see as well and so I think if we want to see the majority of these come through at three and, then, we can always make an exception up to four, I guess I'm looking at it, you know, the exact same side of that coin. So, I'm sure we will get to the right answer either way, but at least the Fire Department's comments felt like if it was on the fence that -- that's what would push me over the fence one direction or the other. I'm not sure. It's like I would not go for it if we all decide -- the rest of us decide it's four I think I can live with it.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: On the reduction, I was thinking four as well, just from the fact that when I think of three in terms of -- Council Woman Strader, that -- that's a good number and one we have bantered about before. It's just the fact that sometimes there will be the layout where it's two and one. So, I'm thinking if -- and is that going to be open space or how does that work. It's got to be in each parcel. So, if you are doing two on one side and you are going to have that length of road, to me that makes the even number and make it four, so -- but, again, it all depends on the layout of the -- of the design of the subdivision. It depends on how the land is laid out. Yeah, we may, as Councilman Cavener pointed out, that, you know, it might have to be less than that and there may be situations under alternative compliance that it could be even more in the right situation. But, you know, to have that option there I think is good. But I was thinking of four as well, just because of that even number and the two and two, so --

Simison: And I think that's where everyone looks at this a little different. I view shared driveways more as -- they are only on one side of the street, as compared to the other. So, maybe you split the baby, three if they are only on one side. Four if they do them on both sides of the shared driveway. Because part of it is length. The further -- the deeper you go. So, the -- if you go four on one side you still have challenges, but if you only go up to three it's a little less. Just food for thought.

Cavener: An interesting point, Mr. Mayor.

Hoaglund: Yeah. Good point, Mr. Mayor. If I might continue the discussion. And that's -- and my only hesitation on that is that -- that's a big change. I mean right now if we go from six to four, what is that, a 33 percent reduction in the number of site, units. You go to three, yeah, that's a -- that's a 50 percent -- I can do that math right there. A 50 percent reduction in the number of units and that's where that's -- that's a big change from our current code and it's -- it's not a -- it's not a bad thought and I like your -- kind of the split the baby approach to it to where you can have four, but only if they are two

and two across from each other type of function. So, I guess that makes me want to ask Deputy Chief Bongiorno and -- and Mr. Stewart, you know, is it the length or is it having houses on both sides, which -- which is the lesser of two evils in your world.

Simison: Deputy Chief?

Bongiorno: Mr. Mayor and -- and Councilman -- Council, for me it's -- it's the length that's the problem. So, for the -- the Mayor's suggestion of two and two -- two on one side and two on the other or three on a straight drive, that -- that works for me, because, again, it's that length that we are looking for and what the potential is -- again, for me the biggest problem is the blocked driveway. That's going to be my biggest problem. If there is a fire at the end of the driveway how am I going to get an engine either part way up it or down the driveway enough to get a pre-connect to where I can reach all the way around the structure. That's -- that's my concern with it. So -- so, it's definitely length. So, if you have six that are on one side or even five that are all on one side, that just makes that driveway that much longer and -- that we would have to reach it. And I'm sure Bill can comment, but I know for us the -- the plans that -- like Brighton we looked at today, the most I have seen lately is three, so -- and Bill's nodding in his head. Thank you, Bill. So, I know -- I have not seen anymore than three in quite a while. There may be a couple out there when we first -- when I first became fire marshal, but lately three or less seems to be the magic -- or a lot of people are just dumping them, they are not using them any longer and they are doing the good old fashioned, you know, curve. So, that's -- that's my thought.

Stewart: Mr. Mayor?

Simison: Yes, Warren.

Stewart: Yeah. I think from a Public Works standpoint it's a combination of things. So, certainly the length of the driveway when we have to get a vacuum truck down there to the end of a manhole that sometimes is at the end of those or a camera truck, things like -- that those are big vehicles and getting those down those common driveways is challenging. You can't turn around down there, so you have to back out when you are down in those common driveways. But it's also the -- the width of those common driveways, especially if they are requesting main lines in those common driveways, we have to maintain them, we have to have certain distances from separation requirements. That's why Bill put in there that if we are going to put sewer and water in them that they need to be 30 feet wide, because that's the -- the standard easement -- minimum easement for both sewer and water. Twenty feet if it's just one of those utilities. But, also, like I said, you know, the -- they also have to run all the service lines, even if we have the main lines out in the road and they are running service lines back there, you know, you get -- you get three homes in there, that's six lines going down that road. You add five lines in there and, you know, that's ten -- that's ten services in addition to all the other infrastructure, power, phone, cable, all those things that have to fit inside that little area and it gets pretty congested and hard to work on. So, just something to think about.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, the other thing to consider is I think on a lot of them you have seen over the last year, the common drives start behind another residence that's already facing the street. So, you have got a residence -- the length of a residence and, then, the homes right behind it. So, you really have many times -- if you had three in a row you would have the distance of basically one side yard and the frontage of three, so it does get pretty lengthy beyond three, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess just thinking out loud, but would it -- would it be possible to maybe take another look at it and move a little bit away from measuring it by units and have the Fire Department create something more centered around the length or the distance that they -- the maximum distance, instead of pegging it at 150 feet, and looking at that differently, like the length from where I assume you hook the water up to the end of the longest driveway is a certain distance. I don't want to get too creative, but maybe that's something to look at. It sounds like the main driver isn't necessarily the number of units, it's really -- it's really a Fire Department concern and utility concern.

Bongiorno: So, Mr. Mayor and Council Woman Strader, so we -- there is code that -- that addresses your -- your questions. So, the 150 foot long driveway is for backing purposes and, then, on top of that we have -- if the building is not sprinklered, then, the -- that's where that 150 foot pre-connect comes into play to where where ever my fire engine stops I have to be able to reach all portions of the structure with 150 foot pre-connect and so during our pre-app situations that's where I bring up those concerns to the developers. I believe it was South Ridge up on the hill at Overland there was -- I believe it was for lots where the driveways were long and by the time they put the structures on the lots there is no way I could reach them with a 150 foot preconnect. So, what we ended up doing was the planning group made it to where those four lots had to build fire sprinkler houses on them, because we couldn't reach all points of those pieces of property with 150 foot preconnect. So, your concerns are covered in code and, then, we -- we try and catch them during these preapps and everything when we are doing the -- the designs of the subs.

Strader: I guess not to beat it to death, but, then, I guess if you are covered there, then, I guess my question back to you, to turn it around, would be, then, what makes the difference in your mind between three and four from a Fire Department perspective?

Bongiorno: Mr. Mayor and Council Woman Strader, I think, again, it depends on how it's laid out and that's where -- if -- if it's straight, like Mr. Nary was saying, if it's -- if there is no house and it's just one, two, three, four in a row and they are only -- you know, they

are 40 feet wide lots, you know, then, it's fine. There is not an issue. But if there is a house and, then, four, now we have, you know, maybe a hundred foot lot with four 40 foot lots, now we are over 240 -- you know, 260 feet long. So, that's a problem anyway. So, again, that's something that we look at when we do these pre-apps and when we are doing the -- the platting of the properties to make sure that they meet code.

Simison: So, Council, what's your thoughts?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess what I'm hearing is it sounds to me like four would be okay, because the Fire Department's preplanning process would catch a layout with four units that is inadequate from a fire perspective and that our code already covers the majority of their concerns. I think that's what I'm hearing, so -- that would be my view now.

Simison: I think what you also heard was the fire code allows up to five. So, if you just want to go by code -- but I guess I go back to what has this Council been willing to approve and consider. That's why this is here before you, because this body was having struggles with what they were seeing and I'm pretty sure you have not approved anything over three on any common driveway. I don't care on a personal level. I think that it's just what are you willing to consider when these come forward. Again, if you are going to put four in the code now, I highly encourage you to let four go if you see four on a plat as a general -- general -- that's what the development team wants to know. They want some consistency in this issue. So, whatever you put down I hope we don't have an amendment in the future to reduce them down. That would be my guidance to you all.

Hoaglund: Mr. Mayor, question for Bill, I think. Under the common driveways, item three, it provides a maximum length of that driveway. A hundred and fifty feet. And we heard Deputy Chief Bongiorno speak to that. So, if we are trying to play with numbers -- numbers of units -- well, is it three, is it four, do we do two and two -- that is still there in code 150 feet we are allowing. Does it even come to a number that -- that's going to be a hundred feet or it's going to be 125 or that sort of thing. I don't know.

Simison: An R-8 versus an R-2, that's very different length of consideration.

Hoaglund: Right.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I guess -- I think the challenge to thinking back and on the ones we have looked at, it's -- it's not purely a Fire Department issue; right? And so I think we

have done three. I personally -- my bias going into this originally was three. I think I can be talked in -- by my other Council Members into four and I think I can live with that. If there is a way to split it so that it's a layout thing, I'm not -- I can't quite wrap my head around that, but that seems to make sense if we want to take that approach. Yeah. I mean it's -- you know, people park all kinds of stuff on them. There is the utilities. There is a lot of different aspects. Republic. I know that's come up. So, you know, if it was purely a Fire Department issue that -- that would be that, but it's just not.

Simison: And I'm just going back to my memory of these. Typically what you see is a cul-de-sac -- what used to be a cul-de-sac now becomes a three on one side, maybe three on the other, concept -- two or two from that standpoint. The ones where they are on both sides of the street I think is less common, because it's an odder location, you know, from that standpoint, but -- yeah. If we only had a hearing process to figure out what was good and make decisions individually on these. Sorry.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Additional food for thought is the ability of these are going -- or right now have been mostly through the annexation process, so that you have had the ability to sort of do that, but you are going to have zoned property that's going to allow this and if you are -- you may -- you may never see the four, unless it's three is the max, unless there is an exception they have to come to Council for that. Otherwise, you will see four and you won't see them until they want five. So, I think -- I guess that's the decision point for the Council. What are you comfortable with somebody building without them coming back to this Council for your review. It's easier to go up than it is to go down and as the Mayor said, if you find four becomes an unworkable one and you want to go down, it is a real impact to the development community as well. If you go the other way not so much, so --

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: My only thought is to error on the side of being conservative. It's almost like open space issues. Unfortunately, they are going to go by code and they are going to do what they are able to do a lot of times they -- you know, if it's four homes they are probably going to put it four homes and so the last thing that we should be doing is -- is wanting it to be, you know, three homes or lower and -- but that's not what the code says. So, consistency, like Mr. Mayor pointed out, extremely important in this decision making process I think.

Simison: And I'm probably the lone odd duck on this one, but I have never heard anyone complain about their shared common driveway. I think it's a personal preference for the large part of what we think is appropriate in this case and, then, to

drive around parking and mailboxes and trash trucks -- or trash collection and the impacts and that's stuff that, you know, hard to quantify that -- those issues in my opinion, because every layout is so unique, so good luck.

Hoaglund: Well, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Nary and Councilman Bernt provide some good food for thought. I mean that -- to go conservative and, then, when they have those situations come up where they want more, because of the layout of the land, it's easier to go up than it is to go down. So, that kind of -- as I mentally chew on that it kind of makes sense.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question for you or for Bill. I understand some of these were accelerated to be brought to us tonight. Is there an immediate need for us to render a decision on this this evening?

Parsons: Mr. Mayor, Members of the Council, you can certainly move this to the -- add it to the list of the other ones or we can punt it until we can get some -- vet the issues with the -- or with the UDC focus groups and more. I mean that was -- certainly was my recommendation. That's why I didn't make it on the shortlist, but, again, I was asked to add this because of the conversations that I had -- been occurring not only with you, but also the Planning and Zoning Commission. Three was -- seemed to be the magic number you all were approving with the platting process, as Mr. Nary had alluded to. So, that's -- that's why I came forward. But, no, you can -- you can remove this or you can -- you can -- I don't know. Mr. Nary, can we tag this onto the next -- the other changes we have going forward on June 1st or should it kind of wait until the next round of UDC changes in six months or so? What's your recommendation on that?

Nary: Well, Mr. Mayor, Members of the Council, I think this is a recurring -- and I guess -- I don't know, Councilman Cavener, if you just want some opportunity to kind of ponder this, not necessarily delay it a great deal of time. We can -- certainly you can -- you can continue this a week or two weeks. You don't have to tag it to the June 1st ones that are coming, if you just think -- or if there is specific information you would like staff to gather to help make a more informed decision for all of you, you certainly can do that.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I certainly wasn't suggesting we continue this out for -- for six months. I was thinking more in terms of -- I appreciate the conversation here tonight and there is a

couple of views that I would like to kind of ponder on. I think for me also 11-3A-6 -- maybe it's an opportunity to sit down with staff and get some better clarification of how that reads. I'm a little sympathetic that we heard some communication from a couple of stakeholders that were concerned about some of the subjectivity of the language and so that's a piece that's hard for me to get my head wrapped around when I don't fully understand it and those that are the experts have an issue with it, so if Council wants to move forward tonight I'm okay with that, but if there is -- if there are others that would like a week or two to marinate on it, I'm supportive of that as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I don't think it would hurt to take a week or two to ponder, maybe come back and make a decision at that time. People will have a chance to like mull it over, chat with staff a little bit. The Comprehensive Plan amendment one seems like a very straightforward decision to me, but I don't know if we can actually split them off and make decisions on some tonight and not others or -- maybe it's just easier to give it a week or two. I will defer to the -- the others if they would want to see that as well. I think a week or two would be fine personally.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I'm ready to make a decision this evening, but if Council Members are wanting to wait a week or two it's certainly not a hill I'm needing to die on. So, I mean it's -- I don't believe these are super imminent, so if you want to -- if you want to punt for a week or two I -- that's fine.

Simison: Yeah. The only question -- if we can even just do a quick little -- is everybody okay with three? Does anybody have an issue if someone brought forward a three with shared driveways? What about four? Does anybody have an issue with four right now?

Hoaglun: Well, Mr. Mayor, I like your idea of limiting on three on one side or two and two. If -- if the design is such where it's two across from each other, that would be four on a shared driveway. I mean I'm okay with four if they are across from each other and three if they are on the same side.

Simison: What I'm asking -- I'm just trying to give Bill some ideas if he wants to look at changing any of this language, so that we -- A, when we come back we are not redrafting on the fly. If there is something specific that we agree on now or don't agree on or he can take and consider further. We got at least one idea, Bill, if we want to approach it that way, so -- and it seems like Councilman Borton had a strong viewpoint on this issue I remember and maybe his voice is one that's needed to help not create a

tie, even though I'm happy to break one if necessary if we move forward on this in two weeks and we are still questioning --

Bernt: We can wait a week or two.

Hoaglund: Yeah. Mr. Mayor, I would like to wait. I think we are talking about some things that might get clarified even further if we have some more input from our community partners out there and there is further discussions with Public Works and Fire Department and Community Development and all kind of coalescing around some of the things we talked about and -- the picture might become clearer by then if we wait a week or two.

Simison: Maybe it would also -- Mr. Nary, I don't know -- can staff reach out to the two Council Members who are not here and ask them specific to this issue?

Nary: Since this is legislative, yes, they can.

Simison: Maybe that would be helpful, too, to see if they have a strong opinion based on what you have heard today. Or a great idea. Or a solution. And so love to come with -- with draft language next time, so we don't -- so we can move it forward at that point in time.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Sorry. Mr. Mayor, if we were to continue this, Bill, what date would you want us to continue to? Right now we have four hearings on May 18th. May 25th we have three hearings. And, then, we have a special session, which we have one hearing. I -- I don't think this is going to take a lot of discussion when it comes back. I feel like it's going to be fairly quick and so are you -- is there a -- is there a date that you prefer?

Parsons: Your special hearing is fine for me or even June 1st, because we are going to have the other one, so we can get this one out -- out of the way and, then, move forward right into the other ones. So, whatever your pleasure is.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Council President Bernt. Bill, I appreciate the offer to loop them together. I -- I almost think, since you have got them separate, let's keep them separate and not kind of get into more minutiae, so -- I mean if we have only got -- if we have only got one hearing right now, that special session, if it isn't going to take that long, I'm supportive of us moving into that one and maybe having it be our last item on the agenda, so we can

do all the land use stuff first, as opposed to having our customers sit here while we discuss UDC.

Bernt: Whoever makes the motion make it May 26th.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't believe we have closed the public hearing, so I will continue our public hearing on UDC text amendments to May 26th.

Bernt: Second.

Strader: Second the motion.

Simison: I have a motion and a second to continue this item to May 26. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: One item. And I don't think it's really a future meeting topic, other than the fact that on June 1st I will be out of town and won't be back in time to make the meeting on June 1st, so -- you guys can talk about me, so there is the topic.

Cavener: First on the agenda.

Bernt: I'm glad to talk about you like that, Mr. Hoaglund.

Simison: Okay. Well, with that anything else or do I have a motion to adjourn?

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. We are adjourned.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 7:40 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK