

A Meeting of the Meridian City Council was called to order at 6:05 p.m., Tuesday, March 8, 2022, by Mayor Robert Simison.

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

Members Absent: Joe Borton.

Also present: Chris Johnson, Bill Nary, Sonya Allen, Joe Dodson, Alan Tiefenbach, Tracy Basterrechea, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, call the meeting to order. For the record it is March 8th, 2022, at 6:05 p.m. We will begin this evening's regular City Council 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.)

COMMUNITY INVOCATION

Simison: Our next item is the community invocation, which will be delivered this evening by Pastor Vinnie Hanke. If you all would, please, join us in the community invocation or take this as a moment of silence and personal reflection.

Hanke: Mr. Mayor, Members of City Council, good evening. Thanks for allowing me the opportunity to come and pray for you. God, we thank you for this evening for the City of Meridian. We thank you for the peace and the prosperity that we have gotten to experience as its citizens and we pray and think of those who lack this evening and pray for their comfort. God, we ask that you would grant wisdom and discernment to the City Council as they lead. To the citizens of Meridian would you grant us the ability to live with one another in kindness and that we would be neighbors who would seek the welfare of our city. God, we pray for those first responders. God, those in education, those in the police, fire and rescue and continue to keep them safe and secure as they serve us well.

God, we ask that Meridian would be a city that ultimately would glorify you. We ask this through Christ, amen. Thank you.

Simison: Thank you, pastor.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Real quick. Pastor Hanke, I just -- I want to say thank you. I know you have been coming before us a lot lately and that's time away from your -- your family and your friends and your congregation. I just -- I know the Council feels this way, too. We just -- we appreciate your time, we appreciate you coming before us and praying for us. We don't often comment afterwards, but it's something I have really appreciated and found great comfort in. So, thank you.

ADOPTION OF AGENDA

Simison: Next item up is the adoption of the agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adoption of the agenda as published.

Bernt: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, we did not.

RESOLUTIONS [Action Item]

- 1. Resolution 22-2317: A Resolution of the Mayor and the City Council of the City of Meridian, Reappointing Bonnie Zahn Griffith to the Meridian Arts Commission; Appointing Bobby Gaytan to the Meridian Arts**

Commission; Appointing Patrick O'Leary to the Meridian Arts Commission; and Providing an Effective Date

Simison: Okay. Then with that we will move on to resolutions. Council, first item up tonight is Resolution No. 22-2317, which is appointments to the Meridian Arts Commission. We --- we had a lot of interest, a lot of extremely qualified people who are wanting to serve and so before you I have three people moving forward. First is a reappointment of Bonnie Griffith, who has served faithfully on the commission. The current chair of the commission and well known to many of you. Next is Bobby Gaytan. Bobby was someone who applied last time around. He -- he was the next one out from my selection and I asked him to get involved with the Arts Commission, which he did. He's -- he's been faithfully serving as a member of the public art subcommittee and very engaged and when this opportunity came up to reapply he put his name in the hat and, you know, I -- I had several of the commission members say, please, consider him for appointment. It was -- it was the easy -- very easy decision, because I already had -- and he -- he -- he brings a great background to the Commission as a practicing artist with -- you can see from what he's done in our region and just a fabulous individual. One of -- the third one -- and this -- this was -- this was a tough component, because I -- I worked with one of our longest serving arts commission members Leslie Mauldin, served for 12 years. She also put her name in up for reappointment. But in conversations with her and looking at the needs of the commission, she graciously said that she was willing to step aside to allow additional resources and talent to be brought forward to the commission and that's really what Patrick O'Leary brings. He -- he definitely brings a different side of the business to the arts commission. Very -- very much needed skill set that he is bringing and one that is very welcomed, again, by the resume you can see he -- he's got a lot of experience teaching in the -- in the for profit, nonprofit side of the performance industry and it's exciting -- and that's one of the great things about a growing community is we have a lot of people from out -- who have moved to the area who are bringing their skills and talents into the commission, that allows our commissions to grow and prosper as well from these opportunities. So, with that, those are the three recommendations to -- to round out the arts commission at this time. Happy to answer any questions.

Borton: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Seeing no questions, I would move approval of Resolution 22-2317 reappointing Bonnie Zahn Griffith to the Meridian Arts Commission and appointing Bobby Gaytan and appointing Patrick O'Leary to the Meridian Arts Commission.

Bernt: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Patrick, would you like to come forward and say anything this evening? I think -- I think he might be the only one. I didn't see Bonnie -- and, Patrick, you don't -- you don't need to if you don't want to, but I -- I'm sure Council would like to put a name to the face as they see --

Hoaglund: You're almost here, Patrick.

O'Leary: I wasn't ready for this. Just Mr. Mayor and Madam Commissioners, thank you for this opportunity. I really look forward to working with the -- the City Council and the other commissioners in developing the arts here in Meridian and doing whatever I can to make Meridian the great city or greater city than it is.

ACTION ITEMS

- 2. Public Hearing and Second Reading of Ordinance No. 22-1972: An Ordinance Repealing and Replacing Meridian City Code Section 1-7-1, Regarding Election; Districts; Terms of Office; Residency Requirement; Amending Meridian City Code Section 1-7-2, Regarding City Council Member Qualifications; Repealing and Replacing Meridian City Code Section 1-7-4, Regarding City Council Seat Vacancies; Adding a New Section to Meridian City Code, Section 1-7-11, Regarding Meridian Districting Committee; City Council Districts; Adopting a Savings Clause; and Providing an Effective Date**

Simison: Thank you, Patrick. Appreciate it very much. With that, Council, we will move on to our action items this evening. First item up is a public hearing and second reading of Ordinance No. 22-1972. Mr. Clerk, would you like to read the ordinance by title?

Johnson: Mr. Mayor, be happy to. This is Ordinance 22-1972, an ordinance repealing and replacing Meridian City Code Section 1-7-1, regarding election; districts; terms of office; residency requirement; amending Meridian City Code Section 1-7-2, regarding city council member qualifications; repealing and replacing Meridian City Code Section 1-7-4, regarding city council seat vacancies; adding a new section to Meridian City Code, Section 1-7-11, regarding Meridian Districting Committee; City Council Districts; adopting a savings clause; and providing an effective date.

Simison: Thank you. You have heard this item read by title. Is there anybody who would like it read in its entirety? Okay. Seeing none, this is a public hearing. Mr. Nary, would you like to make any comments?

Nary: Just briefly, Mr. Mayor. So, this is pursuant to state code. This is a requirement for the city to establish districts for the upcoming election in 2023. The purpose of the ordinance is to establish both the commission and a method for creating those districts and, then, ultimately, that final product will, then, come back before the Council for approval. So, this is to try to accomplish that within this calendar year. So, hopefully, if all goes well as anticipated with both the public hearings that are required by ordinance,

as well as any other public hearings that may become warranted based on the commission and the input from the public, we would have a -- hopefully, a final district done by the end of the summer. That's what's anticipated. So, it would be a full year in advance of when our elections open for candidates to file for the 2023 election. So, this would, then, create six districts within the city and there would be an election in 2023 for three of those districts to be elected by -- or three of those seats to be elected by district and, then, the remaining three seats to be elected in the following subsequent election in 2025.

Simison: Thank you, Mr. Nary. Council, any questions? Okay. This is a public hearing. Mr. Clerk, do we have anyone signed up in advance to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: Okay. If there is anybody in the audience who would like to provide testimony on this item you can come forward to the mic at this time or if there is anybody online that would like to provide testimony you can use the raise your hand feature and we can bring you in for any comments. Seeing no one wishing to testify on this item, do I have a motion to close the public hearing?

Hoaglund: Mr. Mayor?

Simison: Councilmen Hoaglund.

Hoaglund: I move to close the public hearing on Ordinance No. 22-1972.

Strader: Second that.

Simison: I have a motion and a second to close the public hearing. Is there any discussion?

Cavener: Mr. Mayor?

Simison: Councilmen Cavener.

Cavener: Mr. Mayor, if I'm -- if I'm not mistaken we will have a third reading --

Nary: Yes.

Cavener: -- and the vote next week. I -- I appreciate the -- the motion to close the public hearing and I know we -- we typically refrain from substitute motions, but I think because this is such a substantive change to how we do our elections, I guess I would encourage the Council to keep the public hearing open for an additional week. We didn't have anybody come tonight and there likely might not be anyone that wants to come and testify. I think we have all been in those situations where somebody has said, after the fact, they wanted to come and provide some input. So, this is something that I think is such a large

change, I would -- I would support that we keep the public hearing open for an additional week. I don't know if that's something that Council's supportive of, but I just think it's -- it's a good practice for us to give our citizens the opportunity to come address us if they have any questions or concerns.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I have no issues keeping the public hearing open.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I withdraw my motion to close the public hearing.

Simison: Second agree?

Strader: I agree.

Simison: Okay. With the motion for withdrawal the public hearing will remain open.

Nary: Mr. Mayor? Two things. So, that would -- just for the public's perspective, that still allows also written comment, if there is any written comment that wants to be submitted prior to next week as well and we would anticipate having our third reading and approval for next week.

Simison: All right. Then with that we will -- the item is continued until -- to -- actually, do we need to have an official motion continuing? We withdrew it, but do we need to have a motion to continue it? For the public hearing. Do we need a motion to -- do we need a motion to continue the public hearing to next week?

Nary: We should probably, just to make it clear on the record, yes, sir.

Simison: Okay.

Simison: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move to -- I move to continue the public hearing for the third reading of Ordinance No. 22-1972.

Strader: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

3. Public Hearing Continued from September 7, 2021 for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.

- A. Request: Annexation and Zoning of 30.27 acres of land with a request for the I-L zoning district for the purpose of constructing an Ada County Highway District (ACHD) maintenance facility on 23.7 acres

Simison: Next item up is Item 3, public hearing continued from September 7th, 2021, for ACHD Ustick maintenance facility, H-2021-0029. We will continue this public hearing with any staff comments.

Dodson: Thank you, Mr. Mayor. Seeing it has been six months, I will briefly go over what was proposed just for the benefit of the public hearing and, then, we will get into the meats and potatoes of everything. First, the request before you tonight is for annexation and zoning, with a request for the I-L zoning district. The annexation area is 30.27 acres, but the subject site is approximately 23.7 acres, because the applicant is being gracious enough to include the irrigation areas that are not part of the property, but they are proposing to annex it to help clean up the area. Secondly, the proposed use is for a maintenance facility for ACHD, which falls under the public utility major use within our development code. The future land use designation in this -- on this site is mixed use nonresidential, because it is near and within a certain area of the city's wastewater resource recovery facility. This type of use is consistent with the Comprehensive Plan because of its proximity to the wastewater plant. The proposed use is a permitted use within the requested I-L zoning district. It is subject to specific use standards. Staff has analyzed the project to be in compliance with those specific use standards and all other development regulations, except for the building setback to Naomi, which we have discussed before. It needs to be 35 feet. They are showing it at 25. Simple fix for them to do that. This is the last concept plan that I received. I'm not aware of any changes to that. Since the last City Council hearing in September of last year, ACHD did -- ACHD did submit two documents that are worthy of note. One a letter to the Council outlining the timing of development of the facility in relation to the widening of Ustick Road and their recently adopted integrated five year work plan and also a response to the previous conditions of approval in my staff report -- my latest staff report. Now, in between the staff report publishing and the September hearing, there were some possible recommendations that were in the presentation. I will go over those briefly as well. Specifically this one regarding the wastewater discharge, which was discussed between the applicant and Public Works, because sewer is unavailable for this site currently. It's my understanding that both the applicant and the city engineer, Public Works, are okay

with this. So, I have not been told otherwise. It seems pretty straightforward. Secondly, this was a DA provision that had been modified, as you can see with the strikethrough and underline in regards to occupancy, permits on the site and, then, the widening project for Ustick. Now, this was not something staff included, this was at the behest of Council. I did not write a memo following ACHD's latest -- or I should say the applicant's latest letters, because they are requesting that this provision be waived or stricken completely and they are also proposing two additional conditions. I did not want to presume what Council's direction on that DA provision would be, so I did not include additional -- an additional memo for that. Really, the outstanding issues are regarding this and, then, the proposed timing of development for the area. So, they did not submit a different phasing plan. However, they did -- or I should say they didn't submit a phasing plan that's tied directly to the site plan like they had previously, but they have shown what their site phasing and trip generation will be, which was also included in their letter. Plus the overall widening projects in the area. So, really, that's the end of my presentation, so I will stand for any questions, but I presume you will want to hear from the applicant.

Simison: Thank you, Joe. Council, any questions? Would the applicant like to come forward?

Berenger: Good evening, Mr. Mayor, Council Members. For the record Jennifer Berenger. I'm the deputy director of maintenance for Ada County Highway District. I did want to add a little bit of additional information. Joe, if you could go to the next slide. It's very similar to what you had in your packet to review, but it adds a little bit more insight into other things that ACHD is doing as far as site building and -- and expanding our capability across Ada County, specifically because Ada county is growing so much we need to grow as well. So, as we move forward with not only the Ustick yard -- I wanted to let you know that we have a yard on Franklin that is currently in design and that's where traffic operations are going to be going into. We have the Ustick yard and, then, just below that I kind of show that timeline of the Ustick Road widening and, then, we have property that's been acquired on Federal Way at Apple Street and we have very similar strategy for the Ustick yard that -- that will apply to that site and, then, overall kind of what that might mean for our currently operational Adams yard. So, in general, what I wanted to show on this slide was development at Ustick yard is tied pretty closely to our timeline for developing the Federal Way yard and if you think about Ada county as a whole and where our -- currently our two yards are, expanding out to be able to cover all of the zones appropriately -- if we are going to develop up the Federal Way yard, we really need to have the Ustick yard operational, because we are kind of shifting a little bit in our -- in our capability and response times. So, I just -- this -- this slide just kind of shows -- or this slide shows how all of those sites are going to kind of time together and, really, the -- the value of the location that we have for building up the Ustick yard and our ability to service this side of Ada county specifically. Meridian being a prime -- prime location for that. A lot of our development is going to be tied to cost. So, not going into any of the details on the bottom part of the slide, but you can see some of our decisions are going to be made on what the costs are going to be. So, any delays in any of those pieces will -- will possibly impact timelines for the others. But that's -- that's, in general, what I wanted to share. Just kind of in addition to the details that we gave you on the Ustick yard that ACHD wide

we do have other plans for other sites. So, everything is kind of tied in together and I will stand for any questions and I will have -- Becky has a portion as well.

Simison: Council, do you want -- have any questions or do you want to wait until they finish their presentation?

Berenger: Okay. Thank you.

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. Engineering Solutions. 1029 North Rosario in Meridian. I'm here as a representative of Ada County Highway District. I have been working with the district for, gosh, at least a year on this particular project and it's had its ups, it's had its downs. We have been working diligently to, obviously, take into consideration some of the comments from the City Council about the Ustick corridor and the importance of -- of improvements along that corridor. If you look at the attachments that were provided by the district, as Jennifer indicated, that site phasing and trip generation shows what -- the district plans over the next eight years at that site. It's -- you know as -- as Meridian grows it's imperative that the district be able to provide services, because they are integral in our community and the support between the city and the highway district is of utmost importance if we are going to deal with the traffic and growth issues that we are now encountering. Secondly, if you look at the other attachment it shows a '20 to '22 -- 2022 to 2026 integrated five -- five year work plan and all of these documents were reviewed and endorsed by the ACHD commission. Some of those representatives are here tonight, obviously, showing their support. So, one of the things that they did go back and -- and look at is -- as far as the cost effectiveness of improving that Ustick corridor and they determined that it was more cost effective for them to -- to do a rebuild from Linder to Ten Mile and, then, from Black Cat -- or from Ten Mile to Black Cat and so they have those design year 2022, right of way acquisition in 2023 and, then, construction to begin in 2024 on the first phase and, then, that second phase in 2025. As Joseph indicated, the site plan has not changed from what the -- the Council saw previously. I did submit a letter to the Council and the Mayor, basically outlining the conditions of approval that were within the staff report, which was written on 7/13/2021. I have highlighted some of the sections that we need revisions to, A-1-C, as far as the administrative building is concerned, that is, basically, the focal point there at the intersection of Naomi and Ustick Road. The district is in agreement that the design of that administrative building shall meet the commercial guidelines under the Meridian design guidelines or the commercial standards. As far as the other proposed buildings that are within the interior of the project, we would ask that the Council allow us to apply the industrial standards, since the I-L zone is what we are asking for. We are also providing a significant amount of berming and the staff has included a condition of approval that requires that we have additional landscape berming, fencing, buffers. Obviously, that's going to mitigate, you know, any industrial look. If you drive down the Ustick corridor right now what do you see? The wastewater treatment facility. Not that pretty. Not that nice. So -- well, from that perspective --

Cavener: Beautiful facility. Love to give you a tour.

McKay: Fabulously. Plant some trees. But anyway -- so, you know, we -- we were already agreeing to additional landscaping, berming, fencing combination and, obviously, cost is an issue. These are public dollars, just like the city has public dollars, so that we ask, like I said, that -- that the -- the commercial standards, design guidelines apply to the administrative building, but not to any of the other buildings, which are more industrial in nature. Under item 1-D, the district will be installing detached walks along the project frontage of Ustick and Naomi. We voluntarily included that five foot micro path going north attaching to the sidewalk -- a future sidewalk in Naomi, so that we have an interconnectivity to that multi-use pathway along Five Mile Creek. We are agreeing to improvements along Five Mile Creek frontage and the lighting as requested by the Meridian pathways coordinator. Item 1-F, the applicant's in agreement with -- with the city engineer and Public Works. They provided us some alternatives. They are willing to work with the district, obviously, to -- to facilitate getting this project online, knowing that the eventual trunk line designated to serve this property is northwest of us, but will eventually come to this site, but we can use like a grinder pump or something along that line as an interim facility to pump back to the manhole. I have included in mine, under Item H, that that landscape buffer along Ustick will be vegetated with additional landscaping, trees to touch at maturity, incorporating beds, fence line, shrubs, vegetation to mitigate any commercial or -- industrial type uses within the site with that first phase and, then, if you go down to Item C, the district has asked me to propose two conditions be added to the development agreement. One, that building permits will be issued for the on-site improvements based on the timeline provided by the district and the commitment in the documents that have been submitted as part of this record. ACHD will construct the plan deceleration turn out-lane prior to any building permit request, so that we won't hamper any of the traffic along that Ustick corridor and ACHD will be authorized to construct and obtain a final inspection and occupancy permit for the decant center, so that it may be operated during the development of the site as outlined in the timeline and site phasing and the decant will be constructed within the calendar year of 2024 and the site will also be used for some staging equipment and outdoor storage. One of the things that -- that the commission made it very clear and the staff is that we have made the commitment to the Ustick widening, we have provided the documentation, it's in the work plan, but we cannot accept a condition of approval that states that that Ustick widening has to be done prior to any improvements on the site. That's just not going to work for the district. There is trust here, it goes both ways, and I think the district has taken these past few months to -- to talk through this. They have come up with a very defined site phasing plan and showing their commitment to the City of Meridian and their commitment to the Meridian residents to provide better service and I feel that the Council and -- and the Mayor should support this, because I do believe it's in the best interest of the community as a whole. May I answer any questions? Or do you have any questions for the ACHD staff that's here this evening?

Simison: Council, any questions for the applicant?

Dodson: Mr. Mayor?

Simison: Can we go to Council?

Dodson: Sure. I just wanted to make a clarification before the questions, because I might get one about this.

Simison: Yeah.

Dodson: Thank you. Regarding the A-1-C and the commercial standards versus industrial along Ustick, I just wanted to be clear for both the applicant and Council, the way the DA provision is currently written is that all of the buildings along Ustick have to meet commercial standards, not just the admin building. So, I did want to make that very clear. It sounds like the applicant is requesting that that only apply to the admin building. I don't really care about the fleet maintenance, because it's going to be so far back, but the covered storage and the admin building I do believe should meet the commercial standards, because the storage can get pretty rough if it doesn't meet the commercial standards. So, I just wanted to make that very clear.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And that was the question I had and, Joe, I think we touched on this at the previous hearing for that particular building covered storage and I know when we have homes and whatnot we require modulation and different colors and different things like that, but I think at that last hearing we talked about for industrial it's -- it's -- it's not -- it's not as intense in terms of having -- it's -- to be not stark white, that sort of thing. So, it wasn't going to be a major thing -- oh, you got to have cupolas on this thing and, you know, let's put up a weather vane, whatever. Can you -- can you -- I don't know if you recall the conversation, but what would that mean for -- to meet the standards, just because it is visible from the road for -- for a portion of time, because we do want trees that touch eventually, but --

Dodson: Councilman Hoaglund, that's a great question. Now that I'm thinking about it, between the industrial and the commercial centers there is not going to be that big of a difference for what's going to be required in the provisions, because it faces Ustick. So, a lot of the architectural standards are applicable to -- if you face residential, you face the public entrance of another business, or you face a public space slash right-of-way. So, this faces right-of-way, so it's going to have to meet pretty much everything that the standards manual is going to request. So, it has to have modulation, it has to have -- you know, both in the wall, as well as the parapets or the roof of the building. It can't just be one color, you got to have like an accent material, things like that. It usually requires some landscaping. Granted that will be within the buffer, so I'm not too concerned with that. It shouldn't be anything substantive, especially because I believe in that conversation. They had noted that it shouldn't be any higher than like 18 feet, which between six foot fence and, then, you have the landscaping that will eventually be taller than the building, it won't be that noticeable. But the city and staff just want to -- to make sure we have that ability to say, hey, you at least got to meet the commercial standards here.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Follow-up question for -- for Becky. You mentioned the berm. If you got a six foot fence, how -- how high is the berm; do you recall?

McKay: Well, obviously, it hasn't been designed yet and that's going to be determined, obviously, with the Ustick corridor design and -- and the elevation of the berm. Right now we have I believe 35 feet to our closest building and, then, we have -- I believe a 25 foot landscape buffer and in my conversations with the district, obviously, they want that Ustick corridor to be as attractive as possible, so, you know, they have indicated to me if -- if the Council or the Mayor thinks they are just going to stick up an RM steel building, you know, as -- along Ustick, that's not their intent. You know, their intent is to -- you know, to incorporate different colors and some textures and stuff. They just don't want to get into a situation where they are incurring excessive costs to meet the commercial standards for the shop or the -- the fleet storage. But their willingness to work with the staff to come up with color schemes, material texturing -- I mean I have seen a lot of -- a lot of mini storage where, you know, it's got one wall that, you know, due to different materials and colors you wouldn't even know it was mini storage and -- you know. And it's -- on the interior it's -- it's more of an industrial type metal building, so -- so, the primary concern is, obviously, cost, but they are concerned with aesthetics, just like the city, and I guess they -- you know, they would like the opportunity to work with the staff and take staff recommendations, but -- but not be saddled with conditions that wouldn't be applied to any other project that -- that may be in an I-L zone.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Becky, would you mind bringing up the timeline again. So, I just want to talk about FY-2025. Is the plan to have the widening under construction while there is 103 trips per day at the same time? How is that going to work -- excuse me. How is that going to work? Is the assumption that the construction that happens in 2024 -- what will run in front of the site and, then, perhaps as you are going towards Black Cat that's where 2025 construction comes in or does it not work like that?

McKay: Based on what they provided me they indicated that the Ten Mile to Black Cat would be constructed in 2024 and so in 2025 when you start generating trips, they are going to have that one mile completed. Then they will start working on the -- the Linder to Ten Mile. Okay. So -- so, yeah, they have -- they have indicated that as far as their trip generation, you know, there aren't going to be -- there is going to be very few trips which will be completely insignificant and negligible as far as the overall trips on Ustick until such time as that widening in front of the parcel is complete.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Becky, it's nice to see you and it's nice to have the bulk of the commissioners here and the director and legal counsel. Their remarkable communications director joining us all tonight. I think it speaks to the partnership collaboration. I think we should all be celebrating. I know we are maybe looking at this issue a little bit differently, but I'm appreciative that everybody is here. I guess, Becky, I'm going to ask you to kind of dumb this down to a 101 level, so I can make sure that I'm wrapping my head around this correct. When I look at Condition J that it sounds like you and the commission aren't supportive of, when I read that it -- it resembles a lot of what I think your legal counsel suggested when they were before us six months ago and so I'm trying to wrap my head around about what's changed since you were before us in September and why what you are now suggesting you think is I guess the better mousetrap.

McKay: Mr. Mayor, Councilman Cavener, yes, we did ask that Condition J be removed and the reason being is we have basically supplied the Council and the Mayor a road map and adopted integrated plan showing what the improvements are going to be, what those steps -- what fiscal year they will take and the commission is extremely concerned that -- that they would be saddled with a condition that would inhibit their ability to get the site going and when you start putting conditions on, it would just be -- it would be the same thing as if on a subdivision you said prior to the issuance of any permits -- construction permits for your first phase you have got to build a whole mile of arterial. I mean, you know, it's -- it's -- I have never had that happen. I have done my frontage requirements. I have done signals, so what I'm -- my point is the mitigation that is more than what the impact of this site is and that's -- that's the crux of it. This isn't a subdivision. This is -- this is part of your infrastructure and a facility that will serve this community for years to come and they will be able to react with their -- their -- their deicing equipment, their maintenance equipment, their sweepers. It will be more cost effective for the district and provide better service to Meridian and the commission is strongly against any condition that says you can't have a building permit until you do all the road widening. That's -- they need to get that decant center on. You are talking 20 vehicle trips a day, which is like absolutely nothing and that's in 2024. They have made a significant commitment, so you ask what's changed? This document that I have in my hand that I put in the record is what has changed. They have made commitments and they have said, no, we are not just going to build one mile of Ustick corridor, we are going to build two miles of Ustick corridor. So, that's -- that's significant. That's -- that's a big fiscal commitment on their part and trying to meet the Council in the middle and do a little more than what was offered last year.

Cavener: Okay. Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. That I -- I was going to do a follow up with -- with Becky, making sure that the deceleration lane was constructed as part of that construction in 2024 and -- and this does answer that after it's -- we disappeared. Can we go back to that slide that was just up on deceleration lane, Joe, or whoever is controlling it? Yeah. The deceleration lane at Naomi Avenue and Ustick Road is construction -- no building permits shall be issued until that lane -- deceleration lane is -- is constructed and, then, building permit -- after its constructed building permits may be issued for those other facilities and no certificate of occupancy permit shall be issued by the city until Ustick Road widening project is completed per the letter from ACHD commission. Certificate of occupancy -- and you will know this, Becky, and I don't, but I -- I will learn -- is certificate of occupancy for -- for coverage sheds and those types of things, is that -- do we do that?

McKay: Like a decant center? I -- you know, I -- I -- I would assume so, because you have got have some final measure in order to final out the permit. A permit has to be granted. I think, you know, that -- that condition is written. What we have done is we have tailored it so that, you know, you can, obviously, attach this timeline as an exhibit to the DA. You know, this -- this -- this document -- this timeline in this integrated plan that -- that I brought before you can be part of the DA and, then, I tried to, basically, clarify that in my request for modifications and additions within the conditions of approval.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. I appreciate that, because I think in the last meeting that was the question, what's happening when and what's being built and proposed. This really does lay it out much better. It is very helpful, so I appreciate that.

McKay: I think so and I think -- I think we kind of got out into the weeds at the last hearing, Mr. Mayor, Members of the Council, and -- and, then, some of the Council Members were like now, what, you are going to build this, but when are you doing that and, you know, we thought it was clear to us, because we have been working on it for a year, but up on the screen it became kind of confusing and so this format that ACHD came up with that -- that Jennifer prepared and the -- the Commission worked on with the staff and Steve, I think is a lot better exhibit to put in the DA.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I just want to be very clear that this DA provision as written was -- you know, this is six months old or so and I just wanted to make sure -- this is the one that the applicant is proposing to strike. So, this would -- this whole deceleration lane and all that, not part of it, but it is part of what the applicant has proposed within these two conditions. I just wanted to make that very very clear. Tied to the timeline of Ustick in the exhibit, et cetera.

Simison: So, there is five Council Members here this evening, I'm not going to be part of any decision that's made, unless somebody gets a call and -- or goes out with their voice from that standpoint. So, I'm going to ask the hard question, Becky. Commissions can change, they can revise that document next year, so other than trust -- you are asking us to trust maybe new commissioners that are not even elected if they are going to fulfill that plan as outlined by this current set of commissioners and, you know, I think there is a lot of similarities to development where when we approve a development, if they go sell, that new developer is tied to those conditions, you know, and we don't give one a break because they are better than the others, they are still tied to the same level of expectations and so, yes, I understand trust, but you are also saying this document has weight, when it really has no legal weight beyond this commission for this year's decision making process. How -- how -- how are you -- how is the commission -- or who at the commission is going to guarantee that this is doing, especially when you are -- the guarantee would be to put it in the DA, but we are being told not to do that.

McKay: Mr. Mayor, I think -- I think the issue is the fact that they are here, the staff is here, the commissioners are here and, you are right, commissioners can change over time, but as an exhibit, as part of the development agreement, this document would be binding, you know, this is -- this is a public agency. The -- the bait and switch game is not on the table here. If we can't trust each other, then, who can you trust?

Simison: It's not about trust in -- in a lot of ways.

McKay: But I'm trying -- I guess I'm -- I'm -- I'm -- I don't -- I don't understand the reluctance of the Council to -- to be supportive of what they are trying to do and what they are trying to accomplish and -- and -- and I think they have been forthright, they have had a lot of meetings with me and without me to get to this point, to get to this commitment and I -- I commend them for that.

Simison: And I'm -- I'm just trying to take other conversations about other issues and apply them fairly and equally to all parties for that prospect, where -- I have been very educated by our legal department that we are not allowed in to -- be allowed to enter into long-term agreements with other partners that have funding obligations tied to them, because we can't tie future councils to decision making processes, just like they can't tie them -- and that's where I'm really trying to get at and -- and ultimately I will turn to the Bill at some point or he can -- or Council can if it's relative. I just want to make sure that there is a -- yeah, trust is good, but what is the value of a time -- putting that document into this process and if legal says, yep, that -- that's a legally binding document that will hold people to do stuff, then, maybe Council will have what they feel a need -- I'm just trying to work through the --

McKay: And I respect that, Mr. Mayor, and I guess -- I guess from my perspective as a planner for 32 years now, when a project comes before you, obviously, there are exactions that are warranted based on the trip generation as far as any transportation improvements. This is a public site. It's not like anything that I have represented before that has a significant impact on the transportation system by itself. I guess, you know,

they are here in good faith saying, you know, hey, we know that the -- the Ustick corridor is a priority in Meridian and we are willing to make that commitment. But to put an exaction on them that you wouldn't put on a developer, I don't think that is proper or supported by the UDC or by the law.

Simison: I wouldn't use the word exaction. That's your -- your word, not mine, but I think we have a developer who is right behind you who has been held to occupancy of buildings specifically on road improvements that they opted to do themselves and that has been part of work that we have done, it's just fortuitous that they are in the audience right behind you tonight. So, it has been part of that, but that's a voluntary -- voluntary element.

McKay: And, Mr. Mayor, they -- they are going to generate significant amounts of traffic when you are talking projects of that magnitude. So, obviously, there is a chicken and egg when those traffic -- those trips are generated the improvements are in. But this is a different animal.

Simison: Fair enough. I just wanted to get that out there, because it's -- I could feel it, but I wanted to get it out there for the --

McKay: Appreciate that.

Simison: -- discussion.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a comment. You know, when I joined City Council there were a lot of projects that went forward as a result of decisions of past councils and I feel like as an elected official I tried to honor the previous decisions that councils had made and I understand that things can change, but I just want to say I appreciate the documentation of widening Ustick and the timeline that was put together. It gives me a lot of comfort. I have faith that the entire Ada County Highway District is in support and that I hope future commissioners will follow the promises that were made. I consider it a promise and arising to that level and at some point, yeah, I wish we could have what I thought was a workable legal approach, but it feels like we have just pushed this as far as it can be pushed, in my opinion. The overall benefit is to our community to have it here. Ultimately we are going to get Ustick widened a little bit earlier than probably would have happened. So, just wanted to provide my take on that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Becky, you said something interesting earlier and that was, you know, in your experience you deal with development and this is a whole road and yet if this was a single

development -- if we take BridgeTower, which is a good example, just a mile down the road and something you were involved with, I think you were required to put in a center turn lane for that in -- in and out and maybe some other things on Ustick Road. So, if this was just a private development and homes going in, I would assume we would want a center turn lane and maybe a decel lane for something like this and landscaping. From your experience what -- what would be required for -- if that was just a project you were working on right in front of that facility?

McKay: You know, the -- the -- the property is not that large. It's 23.7 acres. So, you know, it will -- it wouldn't -- you know, if we were say doing single family there, you are right, it may warrant a turn lane. We would have to widen Ustick, so -- 17 feet from center line. We would have to install sidewalk. We would have to do the arterial buffer. But as far as signaling Naomi or building Naomi Avenue to the north, we probably would not be required to do so, because the trips we generate wouldn't warrant it, because the project wouldn't be a significant size, so -- so, I think, you know, that's -- that's the big thing. The Council is getting a big bang for their buck here, considering the traffic impact to the site and, you know, getting that signal in at Naomi, the -- the residents were very supportive. You know, pedestrian crossing there, so they can go down the sidewalk that we are building, get on the micro path and get on the multi-use pathway along Five Mile Creek. I mean I think this is -- this is a puzzle piece. The district's gone out of their way, you know, they -- they -- they paid me and a survey to -- to clean up all the little out parcels that were part of Five Mile Creek and Nine Mile Creek, so that the city limits don't have all these little pieces and parts that aren't in the city limits. You know, everything the city has asked us to do we -- we have stepped up and we ask that the city step up and -- and support us and support these modifications to the conditions as requested and -- and include these documents as an exhibit in the DA.

Hoaglund: Thanks, Becky.

McKay: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, Becky, I just -- I want to make sure I'm hearing you and really clear on exactly what it is that has changed and what's being requested. So, at the last meeting one of the biggest concerns was that the district was -- wasn't wanting a condition that said they had to widen Ustick Road in the DA, but by attaching that schedule -- are -- are you not, essentially, doing that by saying we are going to follow this timeline, therefore, we are going to widen it by 2025? And so -- so help me understand --

McKay: Mr. Mayor, Council Woman -- oh, go ahead. Sorry.

Perreault: Thank you. So, help me understand that. And, then, the second question I had for you is it's my understanding -- as Joe was explaining this, that we -- we are no

longer considering this -- the -- the version that was -- of the DA provision that was written six months ago, completely going to be gone, and -- and it's just the two conditions now that you are proposing; is that correct?

McKay: That is correct.

Perreault: Okay.

McKay: And -- and, secondly, on -- on the -- the first question is the -- the problem with the language was it stated that the Ustick improvements had to be installed prior to the issuance of any building permits and they need that decant center or station, as they call it, to -- to come online. They need to store some material, some equipment out at that site, so they do not feel comfortable with having restrictions placed on them as far as the -- getting that going and, then, with setting this site phasing timeline and making the commitment and having this part an exhibit of -- of our application, they are showing the Council their eight year plan for this site and their plan for the Ustick widening for two miles and accelerating that as -- as much as possible and putting it into their integrated plan. So, that's -- that's what's changed.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Thank you. I'm just thinking about all this -- and I'm not a lawyer, so -- you know, bear with me here, but I'm not a complete idiot. So, just thinking about all this as we are going through it and -- and reading these two conditions compared to the other one from, you know, last year, they are a lot closer than they seem and I think that's what Council Woman Perreault is -- is getting at and I would agree by the way they are read and to Mr. Mayor's point, you know, integrated five year work plan can change outside of our understanding or -- or, you know, know with all, so I would recommend modifying the first condition to just -- after the first sentence put, you know, timeline provided by the district and as shown in the attached exhibits and, then, in parentheses I would put whatever those exhibits would be. However -- and Mr. Nary can correct me if I'm wrong -- I think that would, then, make those exhibits legally binding to the DA and those improvements almost necessarily that way, regardless of the integrated five year work plan, which, in turn, is almost the same condition that I already had in some ways, maybe with some modifications, because they are already adding the one with the decant station, which makes sense. I understand that. We already -- Council was already ready to do that last time. I just wanted to -- you know, maybe Council can help me understand, as well as the applicant, because it -- may be with that slight modification we are all on the same page.

Nary: So -- Mr. Mayor?

Simison: Mr. Nary.

Nary: Joe, if you put up the slide with the -- the timeline and that's where I think what you are getting at. So, here -- if you look at the -- the decant station to FY-24 -- so, what we had previously talked about -- and I hadn't heard that tonight, but at a prior meeting I had with both the district staff and -- and with Becky -- talked about tying the certificates of occupancy to some of these later construction pieces and that Council Member Hoaglund asked that question. So, I did speak with the building department and, yes, everything that has a permit has a -- has a certificate of occupancy. Even for a shed. And as we have discussed on other occasions -- not with this project, but other projects and you have heard me say a number of times from this seat -- again, the building permit is your hammer; right? It's because it's a no. It's a hard no. At -- at the -- it's a hard no at the window when you come with your check. So, that's one tool to enforce your DA, but a lot of it is dependent on who the other party is and -- and Mr. Mayor's example was a good one, but here is the slight difference I see. In a normal residential building project, whether it's multi-family or single family, the potential to sell it from one developer to another is very high. In this particular instance for ACHD to sell this project, who, then, another developer to develop a lay down yard for a construction company is not quite likely or the same. It's a completely different scenario. So, what you are getting in this DA is what you are getting. I mean I -- you're not likely to have that happen. That's -- that's the least likely scenario I could see. Time. Because the certificate of occupancy is more difficult than a building permit. I won't kid you and Mr. Price and Ms. McKay know that, but it's not a -- it's not the same tool. It is a tool. We have means to enforce it. We have a development agreement that has conditions in it that allow us some leeway to enforce through a court if we had to. I don't know that we would have to, but we do have means to do it. It's just a different tool. Yes, there is trust. Yeah, you are dealing with a developer that is not likely to change or the most least likely to change that you would in every other scenario. So, there is at least a method here that is better than other developments with certificate occupancy as your one tool left. We have used it before. We have used it in conjunction with the district before. So, it isn't something that's foreign to us to apply or the district. So, I wouldn't say it's completely, you know, an unusable form of enforcement -- again, I'm never going to tell you it's a better tool than is the building permit, but in this particular scenario it certainly can function, it is a different animal than your typical residential or multi-family or even commercial or even an industrial sub, because, again, all of those with private development have a much different ability to change from one person to another or one -- one business to another. This one isn't the same.

Simison: Council, additional questions for the applicant? Okay. I think we are good for now. Mr. Clerk, do we have anyone signed up to provide testimony on this item this evening?

Johnson: Mr. Mayor, only one person signed in. They didn't wish to speak according to the form.

Simison: If there is anybody that would like to provide testimony on this item, if you would like to come forward at this time or if there is anybody online who would like to provide testimony, please, use the raise your hand feature at the bottom.

Bernt: Thought for sure it would be Kent Goldthorpe.

Simison: Come on up and state your name and address for the record.

Olsen: Ryan Olsen. 4559 West Niemann Court, Meridian, and I'm the one that did sign in, but decided I did want to comment. So, thank you, Mayor, Council Members. Appreciate it. As -- as a neighbor -- well, first of all, I want to say I appreciate ACHD and all they do. I think they do a tremendous job in our county and really do appreciate them. My only concerns about this project, really, are just the aesthetics. As -- as a neighbor I am concerned about the -- the appearance. Now, it was discussed that the difference between the -- the commercial standards versus industrial standards for the buildings and I don't know the difference, but I do hope that -- that the buildings that are near Ustick Road, if approved, that those do have more of a commercial feel. Just a -- a -- a nice look to the -- that -- that adds to the -- to the neighborhood and the -- and the streets nearby. Also if it's -- if it's not inappropriate, I do have just a few -- maybe questions that might be addressed by the applicant. Number one is there has been mention of a six foot high fence. Skimming through the application I had thought that was an eight foot high fence. So, just wondering if -- if they could provide -- correct me if I'm wrong or provide clarification on that. Also, the -- the buffer -- it sounds like there was a question about the -- the -- the height of the berm. That was one of my questions as well. It sounds like that hasn't been designed yet, but I was wondering if the 25 foot buffer was the distance between the fence and the edge of pavement. Just trying to understand what that buffer entails and -- and just like to encourage the applicant and the City Council just to make sure this is a good looking project for us in the neighborhood. We -- we really do care about that. We have a lot of pride in our neighborhood and just -- just want it to -- to maintain a good -- good feel and so that's all I have. Thank you very much. Appreciate it.

Simison: Council, any questions? Thank you. It looks like we do have one person online.

Johnson: Yes, Mr. Mayor. If my mouse will work here. We have Mike with no last name and, Mike, you can unmute yourself.

Lewis: Good evening. I just wanted to talk and make sure that we understand, because I think there is a --

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

Lewis: Michael Lewis. 5343 West McMurtrey Street.

Simison: Thank you.

Lewis: In Meridian. Good evening. I would just like to bring up that I think there is a developer in the audience tonight that is going to be developing on the Black Cat and Ustick area, so that's going to be additional traffic in the area as well and being here with Owyhee High School down the road, the traffic already is getting heavy and this is a one

lane road. So, I would ask -- I am thankful that they want to put something over here, because it's usually one of the last areas I think that gets maintained, so that will definitely help on this side of town. But with that said, what's the impact -- I mean the roads get closed down a lot already for the construction that's going on in between McMillan and Ustick. So, with this project coming online and, then, asking for no conditions, I guess how do we hold them -- besides for the DA -- to making sure that they are upholding their side and they are meeting their timelines. And that's what I have for you guys. Thank you.

Simison: Okay. Thank you. Council, any questions for Mike? Okay. Thank you. Is there anybody else that would like to provide testimony on this item?

Price: Thank you, Mr. Mayor and Council. Steve Price, general counsel for the Ada County Highway District. I just wanted to be very clear the commission's position on the projects that are identified in the integrated five year work plan. They are committed to doing those projects for a lot of the reasons that you just heard from the last speaker. You got a high school. You have got a lot of other things and we recognize the growing need out there. But the commission will not agree to any condition in the DA that ties the -- any of the projects in the integrated five year work program to this development application. I just want -- want to make sure that's very clear, because that's very much their position.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Price, appreciate you coming up. I know you are -- are with Becky and I want to make sure you had a chance to weigh in, so I'm glad you came up. Talk to me a little bit about the amount of projects that have been intended to be completed as part of the integrated five year work plan, but has had to be delayed or pushed off from year to year and we know that happens. We, as the Council, earlier talked about fire stations and police stations and parks and conditions change and what you anticipate doing five years from now, conditions change, but give us a flavor -- are you guys executing at a hundred percent of your five year work plan, 80 percent, 90 percent -- give us a flavor for that.

Price: Thank you, Mr. Mayor, Councilman Cavener. The -- I can tell you that, yes, we do have projects slide. A lot of the times every year you will have -- it will go from one year into the next year. Very rarely do we delay one project multiple years. It usually just slides because of the contract schedule. You have irrigation issues. So, if anything, it would slide into the next calendar year. The key thing, once the -- the horse let's go in terms of the design of the project and right of way, then, it's pretty much full steam ahead. But, again, this application for development -- the property itself and the development will generate very few trips per day, especially during the construction. We are really fighting over something that I don't think is a fight. The reason is is that you will see from that schedule a lot of the project -- the buildings, they are not even being -- they won't even be developed until after that project is built. One thing the commission was interested in

doing was tying the two projects on Ustick together. One, we were afraid that it would create a bottleneck if we just improved one and not the other and the other is is it will save money if we do them both at the same time. So, it was a win-win and that's something we have talked about over the last six months is how can we not just give Meridian what they want, but how can we make it work for the area and that's their commitment to do that. The total -- if you exact -- and I will use that word because it's a legal term. If you exact and you make it a condition of this development agreement that we complete those projects that's a 14 million dollar exaction for less than 300 trips per day and I know it's an annexation, but it's also subject to the Idaho Regulatory Taking Analysis. I mean Becky mentioned she doesn't think that it's legal. We don't feel that it's legal. But the concern is this. If we -- if the commission is subject to that, then, anything else that we do in any other community, then, we have other cities that will condition projects in the ACHD integrated five year work program tied to something that we need in that community. It's really improper and I hope you can see that.

Cavener: So, Mr. Mayor?

Simison: Councilman Cavener.

Cavener: There is a couple of things in there that I -- at least I started to agree with. Maybe -- maybe my mind is changing, because I don't think we are fighting either. I think your commission likely relies on your expertise and advice, as they should, as all good commissions rely on their staff. Likewise, we, as a Council, are relying on the feedback and advice and subject matter expertise of our staff as well. You gave me a lot of extra insight and information that I find actually very valuable, but you didn't also answer my question and so I will ask it again and I will give you another chance.

Price: Sure.

Cavener: What percentage of -- of projects that are part of the integrated five year work plan -- I think you used the word slide from year to year -- what percentage is that that slides from one year to the next? Do you anticipate doing it in '23, but conditions change, something happens and it moves to '24, '25. What percentage?

Price: Well, I don't -- as the lawyer I don't walk around with that number, but as part of the executive team I will tell you out of a 50 to 60 million dollar capital improvement project, maybe four million slide and that's what's happened in the last year. A little over four million and we track that in the financials. It's -- they are called encumbrances and so I would say -- you can do the percentage off of that, but it's a very small percentage.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe a couple and, then, maybe not for you, but maybe for Becky or -- you have got a lot of very talented people here, maybe they can get us that answer. My -- my

other question would be is it looks like your -- your daily traffic counts in many cases is four or five years old and as we have heard from public testimony, there has been a lot of growth in -- in west Meridian. The addition of the high school. What impact does that have in moving the service level of -- of better than E to E or something beyond that? And, again, I recognize you are legal counsel, you are -- you are not a traffic engineer. I don't play a traffic engineer or I -- I would not -- I'm not near capable of that. But relying on the expertise of maybe some smart people in the room to answer those questions for us I think would be helpful as well.

Price: Okay. So, I just want to be clear on your quite -- sorry, Mr. Mayor. You want to know what the -- if -- what's the -- the increase in traffic since the last traffic study.

Cavener: Sure.

Simison: And that might be better as -- Mr. Price, I don't want to hold you to that, but we know that that's not your role, but perhaps your team is on notice and maybe Becky can provide that when she comes up.

Price: You bet. Yeah.

Hoaglun: Mr. Mayor, while Steve is up I have a question.

Simison: Councilman Hoaglun.

Hoaglun: Steve, you -- you talked about the projects on Ustick Road and you talked about the 14 -- were you talking about both the -- if we work back from Black Cat to Ten Mile and Ten Mile to Ustick for -- was that both projects? Because I -- and I just wanted to be sure. I think they had mentioned that the --

Price: Where is that map of Ustick?

Hoaglun: Yeah. I think the Ten Mile to Linder would be 2025, because that -- seems like that's a more complex build because of Five Mile Creek right along that northern edge and -- and I wanted to be sure that -- and, then, the '24 was definitely the Ten Mile to Black Cat. I guess -- and -- and to come down -- my point and question to you to confirm, I guess, is the fact that ACHD has made Ustick Road a priority now, because of Owyhee High School, because of the growth that's occurring out there, it -- it seems to me the district has really moved that up and it's committed to -- to making that work. So, I -- I guess can you -- can you confirm that?

Price: Sure. Well, if you look on this -- Councilman Hoaglun -- okay. You will notice the two projects, the Ustick, Black Cat-Ten Mile, and the Ustick, Ten Mile-Linder, those are the two projects that would be moved up. Well, that you see the schedule, but the idea is that the Linder project's very much part of that.

Hoaglun: I guess, Mr. Mayor, to -- to follow up and, Steve, just to kind of -- Councilman Cavener raised an interesting question about the push and whatnot and to me when you look at these two construction projects, I see them as -- as two. That Ustick Road, Ten Mile to Linder, is -- is -- is a much more complex one. If one is going to get pushed it probably would that one, just because of the irrigation season, because of that -- having to build a huge retaining wall. To me that Ten Mile to Black Cat is the one that -- that gets done. I mean the right-of-way acquisition, what needs to be done, it's less complicated than the other one and since your site is there to me that -- that gives me a little more comfort that that's not the complicated one, which engineers are capable of overcoming it, but sometimes nature and other things, you know, conspire against that. So, that -- that gives me -- I can sleep better at night where -- where the facility is located than if it was located off the other one, just because of that. When we talk about pushing projects, you know, when things get complex, that's when you have a greater chance of those things happening. So, thanks for bringing that up, because that does show the construction years and how that comes about, so --

Price: And as a -- kind of a follow up to your last question, Mr. Mayor and Councilman Hoaglun, we are committed to a lot of the road improvements out there. We have been very concerned about the impacts of Highway 16 and what's going on with that and that's caused the commission a lot -- and that's one of the things, we have had some funding issues during the last budget session and that's why we really did ask for a deferral is how can we fund this and we did receive a big chunk of money from the legislature this year that's committed to this area. It was specifically earmarked -- well, not in writing, but the commitment from the legislature as understanding the impacts of Highway 16 on the local roads within this area and the commission is committed -- at least in my understanding is is that there will be a lot of focus with the dollars out in this area. So, Councilman Cavener, I -- in terms of funding, that's usually one thing that makes a project slip and I think with -- once it gets into this -- and with the additional money that we have received from the state, I don't see that the project would slip because of funding, I would see that it would -- any -- any logistics or design issues or something like that. But we would keep the city fully apprised of that just through our integrated five year work program. I would also like to -- Mr. Mayor, we have Justin Lucas, who is our deputy director of projects and planning, he is on the line and he can answer some of your questions on traffic counts, as well as scheduling.

Simison: Becky, before you speak, I'm -- I want to make sure we are in regular order. I took Mr. Price as a citizen of -- not a representative of the applicant for closing. Before you start speaking, can I just verify that there is no one else in the audience from the public who would like to provide testimony, so we can give the applicant -- get into the closing portion of the public hearing. Is there anybody else here or online that would like to provide testimony on this item? Seeing none, the applicant, it's your time to close.

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. Engineering Solutions. Just to kind of answer some of the questions that arose. The gentleman got up and asked about the height of the fence. The maximum height in that I-L zone is eight feet. We did submit pictures of like very attractive like Trex sight obscuring fencing that

would be used along that Ustick corridor and, then, we had like chain link coated fencing that would be adjacent to the multi-use pathway that, obviously, because we can't put sight obscuring there, we want eyes on the path. In a combination with that eight foot fence, plus the berm, plus the additional landscaping that's required above and beyond what the code says, I think, you know, we are going to have a very nice and attractive corridor. One of the things that I did in my site plan is I did modulations of the buildings. So, if you look at the site plan I kind of staggered those buildings a little bit to give that visual interest, but you are probably not going to see a lot when you drive down Ustick with the fence, the berm combination and the heavy landscaping. Secondly, this is an opportunity I -- I -- I don't think we want to miss as far as getting -- getting this Ustick corridor upgraded and, obviously, advancing ACHD's establishment of -- of maintenance facilities out in the Meridian area that benefits us all. The question arose what are the current traffic counts on Ustick Road. 10/19/21, the traffic count east of Black Cat was 7,512 vehicle trips per day on Ustick Road. 10/19/2021. I think we have -- we have got a good -- we have a good project here. It's -- it's a -- it's a different -- different type of project. Very challenging for me, because I knew nothing about a maintenance facility when I started. Toured their facilities down in Garden City over on Cloverdale. Learned a lot. Worked directly with their staff. I think we have worked with Bill. We have worked with Joseph. We worked with your pathway coordinators. And I ask that the Council approve this project this evening to move us forward. The district is already in design, Jennifer tells me, as far as the Ustick Road improvements are concerned and I would ask that you include the conditions that I have incorporated into my comment sheet and delete Item F-J -- or no. J. I'm sorry. Sorry. I worked late last night. I can't read right today.

Simison: All right. Thank you. Council --

McKay: Thank you very much.

Simison: -- additional questions or comments for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, since we will need to make a motion at some point, I want to be very very clear about something that Mr. Price said, which is that we cannot tie the five year plan to the DA. How does that affect your suggestion that the schedule be tied to the DA? Because that is -- I see it as one document. So, I want to understand that, because the schedule is working in coordination with the other document, which shows -- I understand he doesn't want to tie all six of those projects to this DA. So, is that why --

McKay: I will leave that up to Mr. Price to explain his legalese here, since I am no attorney.

Price: Thank you, Mr. Mayor, Council Woman Perreault. The -- I think Becky may have been a little confused about the idea of attaching and incorporating by reference those exhibits and making those binding. The -- the commission is very clear that they will not

agree to any condition that ties our projects to the integrated five year work program. To the extent that the city or ACHD want to incorporate that into the agreement is really as good faith and tie it to that, then, I think we are okay with that, because in moving forward we are in good faith going to follow that. I think there -- that the anxiety is really tying as a condition to a development application for a facility -- ACHD facility. Tying it to a 14 million dollar outlay in our integrated five year work program goes too far and it will set a bad precedent and I believe the president of the commission is here tonight if you would like to ask her the commission's perspective, but I believe I have captured that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Ask a follow up. So, you are giving verbal commitment, but if you put it in writing, then, it sets a precedent? I'm trying to understand that. You are -- you are -- it's -- you are setting a precedent either way in my opinion. You are -- you are actually on the public record saying that ACHD is giving a verbal commitment to do this, but they won't attach it to the DA. So, help me understand the difference.

Price: Okay. Thank you, Mr. Mayor, Council Woman Perreault. What we are saying is that in terms of developing our project we are committed to doing that, but we are not going to agree to it as a condition of the development agreement. We are happy to say that this schedule -- that we will use our best efforts to try and accomplish that, but we will not agree to it. We don't think that the city has the authority to exact a 14 million dollar improvement for the -- the very little impact that it's going to cause. I believe that it's illegal. That's like telling Mr. Turnbull, who is here, that he can -- he gets to improve all of Black Cat for something way beyond than what he needs for his development. You are welcome.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Just to make sure, Steve, don't want to beat this horse to death, but we talked about outlined in the time -- timeline and site phasing that you have provided. If that's incorporated into the documents as part of staff and applicant comments, that is there for the record to the Mayor's point that if future commission comes on we can say, hey, look, this was what was committed to -- yeah, legally binding? Maybe not. But committed to. We have some evidence there that this is what --

Price: Exactly. And I think that was Ms. McKay's intent.

Hoaglun: Thank you.

Simison: Council, any additional questions for the applicant?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm willing to kick off discussion. I'm -- it's not perfect, it's not where we would want it to be, but, like I said, I think this is as far as we can push this. I -- I personally am in favor of it. Ready to make a motion and go through each condition after we discuss and close the public hearing and see if people agree. If that's the most efficient way. But if people have other thoughts for discussion, happy to -- happy to wait.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I'm just wondering -- if we don't close the public hearing and we go through a condition that might have a question to need the applicant's input, maybe that's -- might be a better way.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sure. Yeah. I'm not sure how it works to make a motion without closing the public hearing, though. It feels a little bit backward. But I guess just to flush out where -- where a potential motion would be, I would think just sort of going through each condition that -- starting with Condition A-1-C, as proposed in Becky's letter, I would say not just the proposed administrative building, but also the covered storage buildings located adjacent to Ustick Road should be designed to meet the commercial design standards and the other ones that are not adjacent to Ustick it would be appropriate to allow them to use industrial standards. Certainly the Condition D, that they will install the sidewalks, lighting. Condition F, connect to city and water. Condition H, the landscaping buffer. I am in support of deleting the Condition J with the new conditions outlined. So, ACHD's new conditions under one I would like to include the DA exhibit -- the exhibit of the site phasing document and timeline. I think that that's important to have that on the record. Certainly they are planning the deceleration lane and, then, Condition Two, the final inspection occupancy permit for the decant station that they have outlined and, then, I think we will need to add the condition outlined by city staff about engineer approval for the wastewater discharge proposal. But I think with the totality of this it puts on the record the intent of ACHD, their support for widening Ustick. It helps -- it helps our community in terms of accomplishing an enhancement of the service that they receive from ACHD and ultimately an acceleration to some extent of the widening of Ustick. It's a tough one, but I feel like with -- with all that laid out I'm in support of it.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just a clarification on -- on Item 1-C. There were two covered storage buildings. One was between the admin building and the future covered storage, which was closer to Ustick Road. The one in the middle was back farther. You weren't referencing that; correct?

Strader: Yeah. That's correct. I think it's more important to apply the commercial design standards to the buildings that are located adjacent to Ustick.

Hoaglund: Okay. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I have been silent for most of the evening listening and I really appreciate the discussion that's been made. I appreciate the commission's and the district's willingness to be committed to what their plan is. I -- I can't think of a -- before I go to my next statement, I preface it by saying I -- I'm -- I'm in favor. I do agree with Council Woman Strader's point about making the building along -- all buildings along Ustick to design to commercial standards to alleviate the concerns by the good citizen that's been -- that -- that testified here this evening. I think it's a big deal. I -- I think that it's incredibly -- I think it's incredibly important that we have a working relationship with the district and I think that there is not a person in this room that would disagree. I mean we provide a lot of services -- these services to our good citizens of Meridian and it's important that we work together. It's important when we make commitments that we come through with them. I trust that you are going to come through with the commitments that you have made this evening. I can't remember a time that I have watched a project like a hawk. I'm going to put in my calendar on my cell phone to make sure -- drive by -- and I want to know -- I will be watching. I want to know that you guys are -- we don't normally do this. You know, the -- the -- the good Mayor stated earlier that we have a -- a process in place for consistency with development across our city. I think that's extremely important. This is not something we would normally do. But I trust the district. If you say that you are going to do it, then, you are going to do it and I trust you. I will be watching and I want to make sure this is done.

Simison: The rest of development community don't get any ideas.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: To that point I mean -- I mean good points have been raised on -- on both sides about this, but, you know, we are dealing with another public entity and it really is different than a private concern. You know, we have an applicant tonight who is a good community partner and -- and we work through things. But, really, we have to do things in a way -- because they could turn around and get an offer they can't refuse and whatever they were

bound by goes with that land and it might not be what we wanted with somebody else, because they won't do it to the same standard that we know another developer does and -- and -- and so to me that -- that's what the difference is. We have got a public entity, they need a facility in Meridian that is going to serve our citizens. This is a benefit to our community and they have stepped up and, as Becky pointed out, there they are also providing other community benefits with our pathway system, with straightening out some property line issues. I mean all these things come together to -- to help out. And -- and looking at what we could require, because it entered my mind do we just say, okay, if we really want to protect ourselves we just make them put in DAs that say, okay, you got to have a turn lane, decel lane, and all those things we would require for a private developer, and, then, we want the 2024 completion for the rest of the road, but if it doesn't happen, well, we have locked in that. But I -- I don't think we need to do that. They have committed to it. We know it's a priority. It's part of their five year project and it's coming up quick, so the funding mechanism -- I think Mr. Price pointed out they have got the money for it and we know that is huge. That is huge. So -- and as Mr. Nary pointed out, certificate of occupancy, yes, not as strong a tool as a building permit, but it is a tool. I don't think we will need to use it, but if -- if it gives you comfort that we have something -- we do have something, so I'm -- I'm certainly in support of this to -- to move forward with that tonight.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I guess I will just -- this is the wet blanket portion of the program. Appreciate the comments from my colleagues and it sounds like this is -- this has got a thumbs up and I agree so much with what my colleagues have said about the impact and positive impact for our community and I recognize Meridian's taxpayers are highway district taxpayers. I will just be real direct with what I struggle with and I guess I would ask my four ACHD colleagues that are here to envision you are sitting at the dais and an applicant comes before you and they are asked direct questions multiple times and they don't answer that question directly, especially when there is a lot of conversations about trust. It makes me question now. It makes me scratch my head. Because I -- I hold our highway district commissioners in such high regard and you have some of the best staff in the nation, but when I hear we have got money to do the project, we got the desire to do the project, we just don't want to commit in a development agreement that we are going to do the project, I got to ask myself why and when I don't get direct answers it -- it makes me wonder what is it that I'm not asking and what am I not being told and so that gives me pause. So, I think there is a lot of benefits to this project and I have no doubt that Ustick Road will be done. What I sit here thinking is that it's not about that it's going to be done, it's about the when and I think that we owe it -- I personally think that we owe it to the Meridian citizens to commit to them when those roadway improvements are going to be done and if the highway district is not willing to commit via a development agreement to that, I'm going to be hard pressed to be in favor of this project, as much as I love it.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I am appreciative that the district is interested in widening two full miles. I don't think it's just for Meridian's sake, however. I do think that there is a benefit to the district as well. So, to say that this is done just for this application I -- I'm not entirely in agreement with that. But I'm very appreciative of what it will bring to our residents. I -- I am in favor of this, because it's needed, but I'm not -- I'm a bit disappointed in how the -- the -- the district has gone about the process, to be honest. I think in all three of our hearings Council has struggled with sort of a -- it seems to be like there is one thing that's said and, then, it's changed and somebody else comes up and says something different and every one of our hearings has been that way and -- and it -- it's -- it's -- I think that's why we have had three or four hearings, to be honest, and -- and so I don't know what the cause of that is, but it -- it makes it a little bit more challenging on us to really get all of the factors down, so that we can make a motion to make a decision. So, that being said, however, I'm -- I -- I don't see a single difference between what -- between what is being proposed by ACHD this time as last time. But there is something that we can -- we can't just keep kicking the can down the road with this, we have to make a decision about it. I -- I do not think that -- well, let me -- let me just say this. We can -- we can argue back and forth about whether the widening of Ustick Road is -- is an -- a above and beyond request for the district, but in my opinion we don't compare this to a residential application, because there is heavy use on Ustick Road with the trucks that are coming and going -- gravel trucks that are going to come and go from this site, there is going to be heavy use on Ustick Road and that was the original -- one of the original reasons that we asked ACHD to widen the full mile in the first place. So, it's an unfair characteristic to say that we are just trying to get a mile of road out of ACHD, because that's not what the intention was originally. So, that's -- that's all I had to say.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You know, relationships take work; right? All of them do. And let's keep working on it. Let's keep working on the trust and the communication. I think that's really important; right? Let's build on this. I think -- I think we can do that. I will go ahead and make a motion. Mr. Mayor, I move that we close a public hearing.

Bernt: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I stated my comment. I just want to thank the commission for being here. I know we have -- we are missing one, Jim, and I'm sure he's busy, but --

Simison: He -- he's online.

Bernt: Oh, Jim's online. Perfect. So, we have the entire commission here. Thank you for being here this evening and thank you, Director Wong, for being here and other members of your leadership team. So, thank you so much and I'm excited to get this thing going.

Simison: The public hearing is closed. Can we wait until after the motion? It might be more appropriate just that way.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I will go ahead and try to make a motion. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0029 as presented in today's hearing date with the following modifications: Condition A-1-C, that the proposed administrative buildings and covered storage buildings located adjacent to Ustick Road will be designed to meet the standards outlined in the Meridian design guidelines for commercial. All the other proposed structures will be designed to industrial standards typical within the I-L zone. As outlined in Becky McKay's letter, dated March 2nd, 2022, that under Condition D the district will install the detached sidewalks at the micro path and the ten foot wide multi-use pathway along the Five Mile Creek frontage, including lighting, will be installed as requested by the pathway coordinator. Condition F. The applicant shall connect to city water and sewer services if available with the complete verbiage as outlined in the letter. Condition H. Landscape buffer shall be vegetated with the additional landscaping. Condition I. They will comply. Condition J will be deleted. All the other conditions they have agreed to. The conditions they will comply with all the way up to C, ACHD had requested that they add the following conditions, so we will add them. Condition one. Building permits will be issued for the on-site improvements based on the timeline provided with the district and to be attached as an exhibit to the DA, site phasing document and timeline. And condition two. That they will be authorized to construct and obtain the final inspection occupancy permit for the decant station with that verbiage that they have attached in their letter. Additionally, we will include the condition that the applicant shall obtain the city engineer approval for the interim wastewater discharge proposal prior to phase three development or at the time of construction of the decant and washout areas, as noted on the concept and phasing plans. Additional pre-treatment may be required per the city engineer's review. Let me check my notes and make sure I didn't miss anything. Okay. Thank you. That's the motion.

Bernt: Second.

Simison: I have a motion and a second and I'm not going to repeat that motion.

Bernt: It was a great motion.

Simison: Is there any discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Condition J is kind of the sticking point for me, so as I mentioned earlier in my comments I will be opposing.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: It's my understanding the applicant has stated that they are refusing to add the -- the timeline. So, I want to understand the motion maker's thoughts on that and whether that's something that the city is --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. The timeline and site phasing plan are informational and demonstrate the district's intention and I believe that it is to our benefit to have that included in the development agreement and, further, I would just say I believe that they are morally, if not -- they are not legally maybe, but they are morally committed to moving this forward and that gives me a lot of comfort.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, so -- and the way I understood the testimony was that was to demonstrate their intentions. It's not tied to any particular phase or permit. So, it is simply a demonstrative evidence of what their intentions are. But it doesn't tie any permitting or final inspection to that timeline.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will amend my motion to say that instead of the exhibit being attached to ACHD additional condition one, that simply ACHD's site phasing plan and timeline be attached to the DA.

Simison: Second agree?

Bernt: I agree. Wholeheartedly.

Simison: Second agrees. Is there any further discussion on the motion? If not, Clerk will call the roll.

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

Simison: Four ayes, one no, and the motion is agreed to.

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

Simison: Commissioner May, did you want to come up and make any comments?

May: Mr. Mayor and Council, for the record Mary May, ACHD Commission President. I just want to say thank you so much. We appreciate the opportunity to be here tonight and to have this dialogue and the fact that we now have some resolution and we are moving forward and I speak for the entire commission and the rest of our team at ACHD, to say that we, too, are committed to building on what I think of as an already good relationship. It's only going to get better and we are looking forward to collaborating and making this really one of the best projects ever and we thank you and, please, know that we are committed. But thank you very much for the -- for the time this evening.

Simison: Thank you. Council, with that we are going to take a 12 minute break. We will reconvene at 8:00 p.m. for our next two items.

(Recess: 7:48 p.m. to 8:00 p.m.)

Simison: All right. Council, we will go ahead and come back out of our recess. Mr. Clerk, are we ready with the audio?

Johnson: We are on.

- 4. Public Hearing for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.**
 - A. Request: Preliminary Plat consisting of 208 building lots (207 single-family and 1 multi-family) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts.

Simison: Okay. With that we will move on to Item 4 this evening, a public hearing for Apex West Subdivision, H-2021-0087. We will open this public hearing with staff comment.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you is a request for a preliminary plat. This site consists of 96.08 acres of land. It's zoned R-2, R-8 and R-15 and it's located on the north side of East Lake Hazel Road, approximately a quarter mile west of South Locust Grove Road. This property was annexed with the --

Simison: Sonya, do you have a presentation that you are sharing?

Allen: I didn't realize it wasn't sharing. Thank you.

Bernt: Mr. Mayor, Sonya got really quick to the draw on that and just like quick before I can make a little comment on the public record.

Simison: Yes, Councilman Bernt.

Bernt: I need to recuse myself on this one.

Simison: So, what you are saying is there is a chance I get a vote. Wow. Okay. Thank you for that information. Thank you, Sonya.

Allen: Alrighty. So, this property was annexed with the previous Shafer View Terrace and Apex Developments and is included in their respective development agreements. The Comprehensive Plan designation is shown there on the left map. It is low density residential the green. The medium density residential the yellow. And the medium high density residential the orange. The proposed preliminary plat consists of 208 building lots, 205 single family building lots -- I should say the 208 building lots consists of 205 single family building lots, two lots for future resubdivision for residential homes and one lot for future resubdivision for either townhomes or the development of multi-family apartments and that is that lot on Lake Hazel right here. We have 34 common lots on 96.08 acres of land in the R-2, R-8 and R-15 zoning districts. This subdivision is proposed to develop in four phases as shown on the phasing plan on the right. The proposed plat includes a portion of the parcel to the east, depicted on the plat as Lot 1, Block 5, in the surrounding area and that is this area -- if you could see my cursor -- right here. The entire parcel is required to be included in the boundary of the plat or a property boundary adjustment. The applicant is proposing to submit a revised plat prior to City Council approval of the findings to include the entire parcel in the boundary of the plat. This area will be resubdivided in the future for residential homes. A revised landscape plan is also required to be submitted, both of which will require review by staff for compliance with UDC standards. Additional conditions may be -- may need to be added to the staff report. Access is proposed at the northwest corner of the development from East Quartz Creek Street, a collector street, from South Meridian Road. From South Sublimity Avenue and South Apex Avenue, both collector streets, from Lake Hazel Road. Stub streets are proposed to adjacent properties for future extension and interconnectivity. Qualified open

space, consisting of linear open space, open grassy areas of at least 5,000 square feet in area, eight foot wide pathways and street buffers along collector and arterial streets is proposed in excess of UDC standards. Site amenities consisting of a swimming pool with changing facilities and a restroom, two segments of the city's multi-use pathway system, totaling a half mile, and a playground are proposed in excess of UDC standards. The future development areas will be required to comply with the open space and site amenity standards with development. The McBirney Lateral crosses this site within a 41 foot wide easement and the Watkins Drain runs along the west side of the site within a 38 foot wide easement, as depicted on the plat. These waterways are required to be piped unless otherwise waived by City Council. The applicant is requesting approval of a waiver to allow the Watkins Drain along the west boundary -- and that is this area right here in green -- to -- excuse me -- to remain open and not be piped. No fencing is proposed to prevent access to the drain. In order for Council to waive the requirement it has to find that the public purpose requiring such will not be served and public safety can be preserved. Conceptual building elevations in a variety of materials and colors were submitted for future single family detached homes in this development as shown. Homes on lots along collector streets are required to incorporate certain design elements as noted in the staff report, since they will be highly visible. And just to back up a little bit. This is a cross-section that the applicant submitted showing the Watkins Drain easement and the pathway and -- and landscaping that's proposed in that area. The Commission did recommend approval of this project with conditions in the staff report. Mike Wardle and Jon Wardle, Brighton Corporation, testified in favor. No one testified in opposition or commented. Written testimony was received from Julie Edwards and Josh Beach, Brighton Corporation. Key issues were concerned with the provision of three common driveways within the development and associated traffic congestion. Concern pertaining to parking in relation to the alley accessed units and the adequacy of such for guests on the adjacent public streets, especially with the common driveways proposed and parking issues -- issues associated with those. And suggest some of the building lots be eliminated in favor of a provision of guest parking, in addition -- guest parking lot in addition to the on-street parking and elimination of the common driveways in favor of larger lots in those areas. School capacity concerns from their proposed development and others in the area. Key issues of discussion by the Commission are as follows: Desire for South Sublimity Avenue to be built with the first phase as a final build, instead of a temporary fire access. Question pertaining to if Apex East and Apex West will be considered one development for common use of common areas and amenities. The provision of common driveways within the development and associated congestion. Not in favor of common driveways, although they are allowed by code, and in favor of the applicant's request to leave the Watkins Drain open and not pipe it. The Commission did not make any changes to the staff recommendation. The following are outstanding issues for Council tonight. Number one, the Council requests approval of a waiver to UDC 11-3A-6B as I mentioned earlier, which requires all waterways on the site to be piped in accord with UDC standards to allow the Watkins Drain to remain open as an amenity feature. Second. Staff requests Council include a modification to condition 2-B in Section 8-A to also include Lots 4 through 11, Block 10, and the requirement for an easement for a 20 foot wide street buffer to be provided on the lots along East Horse Creek Street and South Sublimity Avenue. And, lastly, with submittal of a revised plat and landscape plan

to include the remainder of the legal parcel previously mentioned, staff may identify additional conditions of approval that need to be added to the staff report. Therefore, staff recommends the public hearing is left open and continued in order for Council to have a final review of the revised plans and any added conditions. If the applicant is in agreement with the conditions, findings can be prepared to be approved at the same meeting if deemed appropriate by Council. Staff will stand for any questions.

Simison: Thank you. Council, any questions?

Allen: There has been no written testimony since the Commission hearing also. Thank you.

Simison: Councilman Cavener.

Cavener: Sonya, I think in -- in reading the summary document in your report I think you said that Planning and Zoning recommended approval. I have got my notes that they recommended denial. Am I misremembering, misreading?

Allen: They did recommend approval.

Cavener: Okay.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Sonya. So, I -- we -- we often see the -- these lots that are set aside for multi-family, maybe townhomes in the future, but I haven't often seen lots that are dedicated to single family dwellings that aren't included in the proposed plat. So, can you help me understand the thinking behind those two lots that are on the north that are triangular shaped, does it have to do with kind of how the parcels are already set out or -- it's just unique.

Allen: Mr. Mayor, Council Woman Perreault, I -- I don't really know why, so the applicant can respond to that question in their -- in their presentation. Thank you.

Simison: Council, any other questions for staff? Then will the applicant come forward, please.

Wardle: Mr. Mayor, Members of the Council, Mike Wardle, Brighton Corporation, 2929 West Navigator, Suite 400, in Meridian. 83642. Thankful for the technical capability of some people in the organization that give me the opportunity to address you this evening and I will get to the questions that were raised in due course. I'm -- I'm going to just kind of recover some of the -- the ground that Sonya has covered, but also just note that -- well, let me -- let me start with the first one. When the recommendation for approval was given by the Commission, it was -- quoting directly from the meeting minutes of February

3rd -- as presented with no modifications, but embracing the applicant's request to have a waiver for the open waterway for the Watkins Drain. So, there really were no issues that the Commission had. I mean there was a lot of discussion, but when they made the motion it was a fully affirmative motion. As Sonya noted, this area was part of the annexation that the city did back in 2015. You have already approved three projects or three specific phases of the project as Apex Northwest, Apex Southeast, and Apex East that are denoted in the purple color. This project -- again, two years ago when we brought forward a concept plan and the rezoning and those preliminary plats, it was all zoned at that point in accordance with the Comprehensive Plan. So, everything that is before you is as was approved two years ago in the R-2, R-8 and R-16 zones. A little bit more detail in terms of what the ground looks like today before we get started on this. The Shafer View Subdivision, the -- and there has been applications separate from ours relative to some of the ground in that project, but Shafer View is to the west of us and west of Watkins Drain. Kind of the easterly portion of our project as proposed for specific development is along the Williams Pipeline corridor, that's the green diagonal, in reference to Council Member Perreault's comments about the triangular future development, those were specifically because they were within a parcel and we had to include them, we just don't have the detailed preliminary plats that will come forward at some point in the future. So, part of that was because of the way that the separation from -- of the parcels by the Williams Pipeline -- and that's a very difficult thing to cross without a lot of thought and so we are just not quite ready to make that crossing at this point. But it will happen as part of the area that the Council has already addressed in our past actions for the rezoning and preliminary platting. Now I need to go back and talk a little bit more about some of the elements. You will see just below the Williams Pipeline there is the McBirney Lateral. That, as the preliminary plat will show, will become a -- that lateral will be piped and there will become a pathway corridor that links many of the facilities together on kind of an easterly -- east and west alignment. The Watkins Drain, which forms the west boundary of the project, actually kind of at the beginning down at Lake Hazel, we will be piping the portions that go through the project along Lake Hazel and up Sublimity -- Sublimity Avenue of the collector along that western boundary to a point where it enters adjacent property and goes into that property. But, then, the portion above that that we will propose to be left open we will illustrate in a few moments, just kind of the character of that. So, those are the elements on the ground that we will be dealing with in the course of development. The site plan specifically shows the single family lots with those future R-8 parcels that will be preplatted with adjacent ground in the future and as Sonya has noted, if you look kind of east -- northeasterly from the project where it says future development and has the -- the school site, that's the parcel that we have agreed with staff that will be brought in in the revised preliminary plat, only just to take -- make sure that we don't leave something out that was an original parcel. So, nothing specific will be approved there, except it will be subject to a future preliminary plat application. But just for the parceling purposes it's going to be brought in by a revised preliminary plat and so the only thing that will add to it will be the buffers along Crescendo, the east-west street, it's a collector, and along Locust Grove, which is the arterial on the east side. So, the only -- well, the only real issue that we are going to be just addressing here in a moment is the waiver. But we do have in the project 46 alley or rear-loaded lots that are designated there kind of in the southerly portion of the -- the site. I would note that those lots are 120

feet deep. They will have the 20 foot parking pad at the back. There will be no driveway curb cuts on the streets. The streets are full width ACHD streets. So, on-street parking, so there is no need -- there was some discussion about, well, maybe they need to have a parking lot. There is no need, because we actually have more on-street parking, but we also have the required parking pads at the back of each of those lots. The open space, 16 percent -- 16 plus percent of the area is in the open space and you will see that -- that green McBirney pathway corridor that I mentioned a moment ago. Community pool and playground complex there on the east side that is linked by that pathway corridor also that goes over to the -- the Watkins Drain and Sonya did note the amenities, the pool, playground, and the pathway corridors. And, again, a little bit more detail precisely to show how that McBirney corridor connects the future Williams Pipeline pathway corridor, that will, in fact, be a pathway that connects already to your city park, Discovery Park, is -- has that pathway and that same pipeline going through it. We have the -- the connections that will link people down to the intersection of Lake Hazel and Locust Grove and onto the -- the park to the east. But, then, that McBirney pathway corridor, again, links all of those facilities over to the Watkins, which does have a -- already a sewer access. There is a sewer line that has been constructed into the project and I will illustrate that again in just a moment and that becomes part of the common area pathway corridor along the Watkins Drain. This is the existing Watkins. Shafer View on the left. Apex to the right. That gravel pathway or trail that you see there right now is actually the sewer access maintenance road. That will become a multi-use pathway, 14 feet wide, and so the only issue before the Council this evening, if you agree with the affirmative recommendation of the Planning and Zoning Commission, is the question of will you grant a waiver to maintain the Watkins in an open corridor. This is just a view from the northwest corner of the project looking back with Shafer View on the right, Apex to the left, and, of course, the city's sewer access road future multi-use pathway. This simply shows that there is going to be a section that Sonya already showed to you, but I want to just reinforce. There is a -- a Watkins Drain easement that goes through that area currently. You have a city -- a 25 foot sewer easement that will become the dual purpose pathway and maintenance access and that will be the manicured area as proposed. Everything from the top of bank to the back of the lots will be manicured, but the Watkins Drain itself and the area over to the west would be native landscape and part of that you will see in the next slide is actually -- the property line is at the centerline of the Watkins. I would note that on the very west side you will see that it shows a fence location. There is, in fact, a white rail fence along all of that property, so that where it says fenced property line there is a white rail ranch type fence already in place on those adjacent Shafer View properties. Where the property line, then, deviates and goes down to the center of the Watkins, that actually occurs -- it's an interesting -- it's an engineering phenomenon, but the McBirney lateral actually siphons under the Watkins. So, you will see the McBirney Lateral at the very bottom center of the photo, it ends there, goes into a pipe, goes down through the swale under the Watkins Drain, comes back up and you can see a little roadway connection there that's an access for the purpose of maintenance for the irrigation district, that, then, intersects with the McBirney where it, then, surfaces and runs to the west. So, it's an issue that's been addressed in the past and from that point, then, to the northwest boundary of our property the Watkins Drain is actually centered on the property line and you will see, then, that sewer access road, the gravel road, that will

become paved -- a 14 foot pathway. So, we concur with the staff recommended conditions and the Commission's recommendation for approval and, again, quoting them: As presented with no modifications, but embracing the request for a waiver for the open space -- the open Watkins Drain. We agree with that recommendation and we ask for your approval with that acknowledgment. Be happy to answer any questions that you have.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, that is -- if I understand correctly drain easements generally stay dry most of the year; right? With exception of any excess groundwater that may come through natural causes. So, is -- is that correct, this is not -- there is not active water running through this on a regular basis.

Wardle: Mr. -- Mr. Mayor, Council Member Perreault, that is -- that is correct and it was interesting because of the hearing this evening -- let me go back one slide. The property owner -- if you look the very left side of the slide where the property line jogs down from the Shafer View, that adjacent property owner called me just to find out what our schedule was, noting that they plan to come in sometime this year with an application of their own on their eight acre parcel and I asked the question of him -- I said so would you tell me what the Watkins Drain is like and he said it's wet, but it doesn't really run much water and he said we really are the only ones that put any water to it from our irrigation, but it's not a stream, it's just a -- a wet swale. So, it's not a waterway that -- that would raise concerns for safety, it's purely just a natural swale that picks up the excess drainage that comes out of the area, which as development occurs will be less and less. Thank you.

Simison: Councilman Cavener.

Cavener: I guess I can do that, Dean. Thanks for the reminder. Batting a thousand tonight. Mr. Wardle, I'm certainly supportive of -- of the request and -- but I -- I do have kind of an odd question that you may help me just become a better Council Member. When we pipe these waterways do they need to have a certain amount of moisture running through them with any type of regularity in order for them to function correctly? Do you create scenarios where they can fail because they run dry for a certain amount of time? Just -- not about this particular project, just you are here, you are making a good request that I'm supportive of, because -- because there isn't a lot of water movement and I just would seek your insight and counsel.

Wardle: Well, Mr. Mayor, Councilman Cavener, I kind of anticipated that there may be a question about this, so I have slipped a slide in there from your code and if we, in fact, wanted to create what is deemed a water amenity, we would have to qualify -- we would have to design and note exactly what the flows were and, then, appropriately grade, but

this doesn't even qualify for that purpose and so your code actually says -- and this is the one that we are requesting the waiver for -- in Section A, the purpose, it says -- since I'm going to just pick up the yellow highlights that -- the purpose is to limit the tiling and piping of natural waterways, including drains, where public safety is not a concern and it certainly is not. Then in the subsection on the piping, the natural waterways will remain as a natural amenity and, then, in the subsection B-2 and, then, the fencing section C-2, it talks about maintaining these as maybe left open as a water amenity and that's where you get into the technical details or linear open space. And so, again, there is no public safety issue. It's going to be primarily making sure that stuff that blows into that -- the grasses and weeds there is picked up and since it will be a homeowners association maintained corridor that will occur.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, that follows my -- that was my next question. Could an HOA erect a fence in the future if they choose to do so, if they find that -- that there is a safety issue after all? Is that something that an HOA would be able to do? Is it on -- will they have jurisdiction to do that?

Wardle: Mr. Mayor, Council Woman Perreault, I would assume that they would if they -- if they determined that there was a threat, but there will be eight, essentially, acre lots that will back up to that and it will provide them with kind of a -- a space and a backyard area that will be, frankly, enjoyable. Probably a few critters that will wander through there occasionally. But, yes, an HOA would have the authority if they deemed that there was some kind of a threat.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sorry, I don't want to beat this to death, but is there any -- we are in a desert, we are not like experiencing flash floods or something. Just want to make sure -- have you guys at least taken a look at it, if there is a rain storm to make sure like -- there is not a part of it that is a hazard? I know it feels remote, but I -- I just want to make sure that -- that -- that we are not missing something.

Wardle: Let me go back to the pictures of what that actually looks like.

Strader: And maybe -- maybe to answer the question also, like is there a part of this that if it was full of water would be more than like a foot or two feet deep in terms of the actual terrain I guess.

Wardle: Under extreme conditions and, you know, with a hundred year storm, yeah, there would be the potential of a foot or two of water, but if you look at the channel right there

it's only a couple of feet wide itself. So, yeah, I -- I -- I just don't know how to respond, other than the fact that you will find that this is really similar to a lot of facilities in the community that are actually left open, many of which are improved as amenities, but because there is really no perennial water that runs through here it doesn't really even qualify for the investigation or assessment from an engineering perspective as a water amenity.

Hoaglund: Mr. Mayor?

Simison: Councilmen Hoaglund.

Hoaglund: Just to shed some light on that, we have a drain that used to be on the farm, but now is part of a development and they left that open. There are requirements for safety that -- the slope and different things like that and -- and they lowered it down to have a walking path and during the summer during irrigation season drains can have a fair amount of water, I mean it probably at the deepest gets knee deep, but the rest of the year it is a drain, it -- it takes natural groundwater and water flow and carries it off. A lot of times they are under -- it's a Boise Project Board of Control and I think this one is as well. In fact, they have a letter here and they -- they don't want fencing within the project and whatnot. It can be an amenity and -- and what you are doing is similar to what they did in BridgeTower in terms of having a pathway and doing it. So, it's -- it's -- there hasn't been a safety issue. I mean we see kids making little dams across and whatnot, which they really shouldn't, but they do and, then, they -- they get taken out, so it -- it's something that's actually used there. The ducks are there, the geese are there, and -- and whatnot. So, it makes it -- it makes it nice when -- when it's done correctly, so -- but I know a lot of times the Boise Project Board of Control does not want it piped, because they want that access and they want it open and so -- hope that helps.

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

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody in the audience who would like to provide testimony on this item? We do have someone online. It looks like Julie Edwards is online.

Johnson: Julie, you are able to unmute.

Edwards: Hi. My name is Julie Edwards and I live at 1310 East Mary Lane, which is just north of this subdivision and there is just a couple thing -- couple things. It wasn't about the waterways, but I did have a question about -- if there is any water studies ever done, because the majority of us surrounding this area are on wells and so once the subdivisions go in and, you know, we are not getting the water regenerating back into the aquifer from the agriculture, I'm just wondering if that's something that the neighbors all need to plan for in the future, that we are going to be drilling deeper wells or being forced to connect to city services. So, that's one thing. The other one is in regards to schools

again. I know I bring that up a lot. But, you know, it's -- in the small picture it's listed in the information packet it said this, you know, could generate 132 school age children, 154 once they had the townhomes and so my thing is that, you know, 132 students, that doesn't sound so bad, but when you look at the bigger picture of all the other applicants -- and I was hoping to talk to Marcy Horner at the West Ada School District before this, but she's out of town until tomorrow. So, I just looked at your active public hearing map online and just kind of pulled numbers from there for the schools that were zoned for this area. So, Mary McPherson Elementary, Victory and Mountain View and so there is Apex East, West, Graycliff Estates, Burnside Ridge Estates, Biltmore Estates, just for the elementary school that's almost 700 new homes going in in those and that's just, you know, what hasn't been fully approved yet. So, I know there is other things that are in the works surrounding us as well, so that's in addition to that 700 and same with the middle school, it's just under 600 and high school that was like right around the 600 mark, too. So, that was one other concern. And, lastly, I -- well, I wanted to know what the timeline was for phase three completion, just because it's edging closer to me and I just wanted to know that and also if planting -- and this is a general new development question. I don't know if they have pre-selected trees and shrubs that they are supposed to use, but I was just wondering if there was a way to kind of migrate towards using drought tolerant shrubs, trees, things like that, just doing more native landscaping because we are so dry these days. And that's all. Thank you.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Not a question, just a comment. Thank you for -- for providing that concern. We recently met with the West Ada School District staff and while I agree with you, there appears to be a very acute issue, particularly brewing in south Meridian, when we directly ask them the question of what they needed from us, they -- they told us they didn't need anything from us, that they have the situation with the student population under control. I'm having a hard time, frankly, believing that. I'm doing my own math on it, but it's pretty hard when another agency emphatically disagrees and doesn't provide district wide projections. We are continuing to meet with them. I think, you know, we have meetings coming up, hopefully soon, but I just wanted to tell you I feel like we are trying to address that issue head on, but in a very recent meeting when we directly asked that question of them they told us that they will redraw their boundaries, that they have tools available and that they don't see any issue. So, I would encourage you if you see an issue to be vocal and bring that directly to them. Thanks.

Simison: Thank you. I know we do have two members of our Public Works staff online. Would Council like to hear any of the information about the water issues that were asked by the applicant from Warren or Laurelei, if you are available, to unmute and provide comments to the question for Mrs. Edwards.

Stewart: Mr. Mayor, Members of the Council, you know, the -- I can tell you that -- and let you -- let the lady that testified know that the City of Meridian has been keeping track of the aquifer for about the last 20 years. Every well that we put in we also drill a test well, which has a series of smaller wells inside of it to -- that goes to various aquifers and we track that on a regular basis to see if there is any declines in the aquifer and we have not determined that there is any significant decline in the aquifer in the Meridian area. That the aquifer underneath Meridian seems to be fairly robust at least at this point, but to caveat that a little bit, we don't -- you know, really shallow, depending on how deep the person's well is, we typically take a look at things at two to four hundred feet and deeper. There could be a situation where some private wells are not that deep and we would not necessarily measure those aquifers that they are in, those really really shallow aquifers. But we have not seen any declines in the aquifers that we have been measuring for the last 20 years and you can go to the Department of Water Resources, they have other information that's available on wells that have been drilled and water table and so forth and so that's another resource if they would like to go there.

Simison: Thank you, Mr. Stewart. Is there anybody else that would like to provide testimony? If you are online you can use your raise your hand feature -- raise your hand feature on Zoom or if there is anybody else in the audience that would like to come forward on this application. Seeing none, would the applicant like to close?

Wardle: Yes, Mr. Mayor, Council Members. Again, Mike Wardle, Brighton Corporation. One of the first things that we do whenever we undertake a development is go visit with the school district. We have a reputation for addressing their needs first and foremost and we have identified a future elementary site within the project. We have also worked with Gem Prep and they are under construction for their facility to be open this fall. So, schools, yes, and we all hope and trust that decisions made by West Ada will deal with what appears to be stress and overloading, but they do have the ability to make those changes in boundaries. Ms. Edwards asked about the timeline for phase three. It would appear that 2024 would be probably the earliest that we would be into that northerly area. There is still ground between our phase that's being proposed in Apex West and their property. So, this doesn't get adjacent to them, it just gets closer. Final comment. We agree with the recommendation and ask the Council to affirm that recommendation for approval. We acknowledge that Sonya has asked that the find -- that the issue be left open until findings, so that if we add that parcel that there is any question that needs to come up or be addressed at that point that it can be and we agree with that, but we do ask that the Council approve by motion and second this evening what we have requested and what the Commission has recommended. Thank you.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Mr. Wardle, I do have a question for you regarding the schools and when -- when Brighton set out to do this whole concept with Gem Prep being a part of it, it's my understanding that Gem Prep will be about five or six hundred students; is that correct?

Wardle: Mr. Mayor, Council Member Perreault, Jonathan has been the one that has dealt with them. If there is a -- if you can answer that one.

J.Wardle: Mr. Mayor, for the record Jon Wardle, 2929 West Navigator, Meridian, Idaho. 83642. Mr. Mayor, Council Member Perreault, that is correct. Their -- their student body population is designed to be about 600 students at that location.

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

Simison: Council Woman Perreault.

Perreault: We -- we have a lot of hearings, so if memory serves me right, you had another annexation application before us recently where we talked about this again and -- and I guess my question for you would be was it Brighton's anticipation that this would offset the amount of public students that were anticipated to come from the whole project or was it just more of like -- it wasn't necessarily intended to replace what the public schools were offering, it's just something that is being -- a benefit that's being provided to the community, because the -- in our last hearing it was also brought up in the -- that -- that Gem Prep was -- was -- you know, was being built as an asset and -- and so I just -- is that something that you want us to take into consideration in every phase of the Apex development? Because I would anticipate that the student -- that you are probably going to have -- I mean maybe closer to a thousand students coming out of this based on kind of what I'm seeing for West Ada. So, I just want to understand a little bit more about that.

J.Wardle: Mr. Mayor, Council Member Perreault, it's an interesting question. At the time that -- when we started doing the planning for the project we were approached -- we had conversations with West Ada, but we had also been approached by Gem Prep. We did not look at it as a replacement to the responsibility that West Ada has to educate our kids and provide those facilities. This is a plus one. So, this is another opportunity, another option for families to make should they choose. It is a public charter, so it's open to all, but we really viewed it as something similar like we would do with a -- you know, our other amenities. While it's not necessarily Apex specific, there -- there were donations made so that that could be -- that could happen and happen quickly. So, not to replace, but to be a plus one. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Same question I asked last time. Has the timeline changed in terms of delivering your phases overtime. You know, if it -- if it take -- if this whole thing -- if this whole buildout ends up taking you a number of years that is a positive thing in terms of the school

district's ability to absorb students as well. So, if you guys see a big change in your timeline I would just ask that you flag that for us when these hearings come up.

J.Wardle: Mr. Mayor, Council Member Strader, we will do that.

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

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Seeing that there is no further questions or comments, I would move that we close the public hearing for H-2021-0087.

Cavener: Second the motion.

Hoaglun: I have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Oh.

Perreault: Sorry. I believe the last outstanding issue for Council was that the public hearing be left open, but I don't know that we can do that if -- if we are going to make a motion tonight. We would have to continue; is that right?

Nary: So, Mr. -- Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, so, yeah, thank you for -- thank you for injecting, Council Member Perreault. So, I -- I think -- Sonya and I talked about this today and we can see what the applicant thinks, but I would agree -- I think what we are trying to get to is clear direction to planning staff to create findings based on the direction and the conversation tonight, but there is this one issue that needs resolution and may require additional findings that are unclear. We don't think so. I mean the potential is probably not, but we want to make sure that there was an opportunity both if there was maybe not meeting of the minds between planning staff and the applicant or a disagreement as to whether that's complying with the Council direction, that there is at one last opportunity for the Council to weigh in on the final findings, but we could, then, approve the findings at the same hearing. So, instead of closing it and, then, waiting another week or two for findings, we would have it prepared and if there is no disagreement or they are very minor, we could finalize it that night. So, I think that was our desire was to not close it, to give direction, to create findings pursuant to that with leaving that one condition left open for a resolution before the final findings come back for approval. If I have misstated that I'm sure Sonya or the application can correct me, but I think that was our desired avenue for tonight.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yes. Kind of habit to close the public hearing, so thanks for the catch there, Council Woman Perreault. So, Bill, in -- in making the motion do we signify that the public hearing will be left open?

Nary: Yes.

Hoaglun: Okay. Thank you. Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: We leave the public --

Allen: Mr. Mayor, excuse me. Councilman Hoaglun, I might just suggest, if I may, that the public hearing just be left open for discussion of that item, rather than clear open. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Let me take a stab at this. After considering --

Simison: Are you going to withdraw your motion to close the public hearing?

Hoaglun: Oh, yes. I withdraw my motion for -- to close the public hearing.

Simison: Second agrees?

Cavener: Second agrees.

Simison: Motion is withdrawn.

Hoaglun: Wow, two of them in one night. I think I have never done that before. Anyway, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: After considering all staff, applicant, and public testimony, I move to approve H-2021-0087 as presented in the staff report for hearing date of March 8th, 2022, and that we include a waiver of UDC-11-3A-6B to allow Watkins Drain to be left open and that the public hearing also be left open for discussion of revised plans and any added conditions.

Cavener: Second.

Allen: Mr. Mayor --

Simison: Have a motion and a second.

Allen: -- clarification from the city attorney if I may. Is -- should they actually be making a decision at this meeting, since the public hearing is being continued?

Nary: So, the way I took that motion is that it is still pending and there is a final decision to be made when the findings are completed, but the direction is to complete the findings but for this one outstanding issue to be resolved. So, it's not a final decision until the findings get approved.

Wardle: Mr. Mayor, I -- I would just maybe suggest one other alternative and that would be to actually close the hearing, make the motion and, then, if that one issue requires some further discussion at the time of findings, that the issue could be reopened at that point, just so that we can avoid confusion only on that one item.

Nary: So, Mr. Mayor, Members of the Council, Mr. Wardle, but, then, we have to renotece it.

Wardle: I didn't under --

Nary: We have to renotece the hearing.

Wardle: Oh. Okay.

Nary: So, this would avoid us being able to having to renotece and be able to take action at the final hearing.

Wardle: We are agreeable with that, as long as the Council's direction is clear that they are recommending it -- or approving the project subject to just clarification when that one issue is addressed through the revised preliminary plat, that adds only undeveloped parcel.

Nary: Yes. Subject to the final decision and approval at the next hearing.

Hoaglun: Mr. Mayor?

Simison: I do have a motion and a second, so we are in discussion.

Hoaglun: Yes. To just clarify, I just want to make sure that -- from -- from the -- the staff deal, it is -- for the public hearing to be left open and continued in order for Council to have a final review of the revised plans and any added conditions. So, that's what we want to -- want to follow here and that's why we are leaving the public hearing process open.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have anything specific to state regarding the motion, but before we vote I wanted to mention specifically regarding the public testimony this evening, that because these properties aren't even annexed and we already had conversations with the applicant prior about school enrollment and whatnot, we -- we do take the decision regarding approval of preliminary plat just a little bit differently. I -- I know that Ms. Edwards had mentioned that in a letter that she had written and -- and I want to be clear to her and anybody else that's listening that -- that we are hearing -- but that we -- we address this -- approach this just a little bit differently, because this has already been annexed and they are complying with the zoning, so --

Simison: Is there any further discussion? All those in favor -- you know, because we are not approving the project, so voice vote okay?

Nary: Yes.

Simison: All those in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued. To what date?

Allen: It depends on how long it will take the applicant to revise their plan.

Simison: It depends on how long it will take the applicant to revise their plans.

Bernt: Mr. Mayor?

Simison: Mr. Bernt.

Bernt: You know I better abstain just for the record.

Simison: Yeah. Noted.

Allen: I need the revised plans a few days -- like at least a week before the hearing to get the staff report out.

Nary: The April 5th or whatever the --

Allen: So, if we continue for two weeks I will need the revised plans in a week. The applicant states are good with that.

Simison: Okay. So, all clear -- clear is good for the record? Do we have a date on the record with a motion? Okay. Approved until the 22nd? Okay. Thank you. Let's not do that again.

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

5. Public Hearing for Quartet South Subdivision (H-2021-0088) by Brighton Development, Inc., Located on Parcels S043432586 and S0434325410, at the Northeast Corner of W. Ustick Rd. and N. Black Cat Rd.

- A. Request: Annexation of 67.61 acres of land with the R-8 (48.83 acres) and R-15 (18.78 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 229 single-family residential lots, 2 multi-family lots with 140 townhouse units, and 42 common lots.

Simison: All right. Next item up is Item 5, Public hearing for Quartet South Subdivision, H-2021-0088. We will open this public hearing with staff comments.

Tiefenbach: Good evening, Mayor, Members of the Council. Alan Tiefenbach, planner with City of Meridian. Get moving here. Okay. This is a proposal for an annexation, rezoning and the preliminary plat. The site is 67 acres, zoned RUT in Ada county, located at the northeast corner of the North Black Cat, West Ustick intersection. July 2020 Quartet Northeast, which is 137 buildable lots, and Quartet Southeast, which were 50 lots, were approved north of this property, which is up in here. This is basically a southern continuance of that development. This is proposed from medium density -- or sorry. This is designated by the future land use map medium density residential, three to eight dwellings per acre. The applicant proposes to annex a total of 67 acres of -- 67.6 acres of land. 48.83 acres on the northern portion of the property is proposed to be rezoned to -- or excuse me -- is proposed to be rezoned to R-8 to allow 229 single family detached homes. The southern 18.78 acres of land is proposed for R-15 zoning to allow 140 single family attached or multi-family units, although the housing type has not been chosen yet. They have not determined what that's going to be. Here is a graphic showing what's been approved or what is in the process out there. Jamestown Ranch Subdivision, which is here, Quartet Northeast and Southeast, which you see down here. The Klamath Basin, Staten Park, and Geddes Subdivisions, those are to the south and Birchstone Creek Subdivision is to the west across the street on Black Cat. To the east, which is here, is all unincorporated and that is the area of the wastewater facility plant and the ACHD maintenance facility where I think you know where that is. There is -- these all have comparable densities in the area, except that what is being proposed with this one includes multi-family and there is no multi-family in this area. Again, the applicant has said they are not sure whether it's going to be multi-family or single family attached. It is important to know, though, that if they do multi-family that would be a conditional use required at that time. There are presently four accesses off of Black Cat Road. These accesses will be closed and the west entrance from North Black Cat will occur from West Aspen Stone, which is here and North Makato Drive, which is already approved as part of the Quartet Subdivision, which is to the north. Internal streets will be built to ACHD local standards. The applicant submitted a traffic study for this application. ACHD

responded that the level of service at the North Black Cat-West McMillan intersection, which is up to the north of here, is functioning at level of service F and that sections of North Black Cat and West Ustick Road also are exceeding the acceptable level of service. J -- as you now know, the integrated five year work plan has been updated as of January 26th. This is not what the Planning Commission knew at the time, where is -- they are -- will be widening Ustick Road in this area to five lanes. I hope. That was sort of a joke. Yeah. The North Black Cat-West Ustick intersection was signalized with turn lanes in 2021. This intersection is eventually intended to be widened between 2026-2030. The applicant will be required to construct a dedicated eastbound turn lane on Ustick, Sunnyside, and a dedicated northbound right turn lane on Black Cat and Aspen Stone Drive. The applicant will also be required to construct ten foot wide pathways along North Black Canyon and West Ustick. There are two common drives proposed with this subdivision. I will go back to this. There is a minimum of 15 percent open space meeting the standards listed in UDC and that's -- oh, sorry. Minimum of 15 percent is required with this development. They are showing just about 15 percent -- well, they were and I will show you the updated plans, which has increased the open space, but at the time that this came out 15 percent was being provided. This includes that -- includes two larger parks, several smaller open spaces, some park -- some parkways, as well as the pathways running along the facility. Based on the not quite 49 acre area of land proposed for R-8 zoning, ten amenity points are required. That's the way our new regulations read. Because this is more than 40 acres, amenities are required from all of those categories. This application proposes a community pool and changing room, children's play structures, and a clubhouse. Although the square footage is not indicated, just with staff scaling it out, we determined this clubhouse does scale at a larger than 5,000 square feet. What that means is it qualifies it for six amenity points. There is -- depending on the square footages how many amenity points you get. Let's see. Also the -- the -- yeah. So, also the children's play structure is indicated. That would be one amenity point. Although the 13 points which we came up with would exceed what's required -- again they need to have ten -- it doesn't meet all of the categories, which is what's required. That's easy enough for them to solve, but at the time that we received this it didn't meet all of the amenity categories that were required. This subject property is adjacent to the Naomi Farms property, which is what you see with the brown and the pluses I guess or the crosses. That area is resident -- is designated for mixed use nonresidential. The purpose of that designation is designated areas where new residential dwelling units should not be permitted, as they would deem to be not compatible with the planned or existing uses in the areas. The wastewater treatment plant is approximately 1,200 square feet to the east, which is -- sorry -- right about here. Also as you now know the ACHD facility will be just to the south of this property, about a thousand feet away. Staff does have concerns with this being close to the highly intensive use in regard to noise, light, and traffic. At present the Naomi Farms property could be developed as industrial if it was annexed into the city and it would comply with the future land use map. Staff has recommended to the applicant that a better transition should be provided between this property and the mixed use neighbor -- or, excuse me, mixed use nonresidential designation to the east. The applicant has responded that there may be a future request for a future land use map amendment to allow additional residential uses in this area and I mean, again, this area in here and the applicant has noted that a buffer or transition via

a road or something like that could be provided as part of this request. The applicant also states that the mixed use nonresidential designation is intended to provide that transition, which is why this project shows houses directly backing up to the Naomi Farms parcel. Staff has noted that due to the increasing loss of industrial land and the impacts of the wastewater treatment plant and the future ACHD maintenance facility, we may not support a change to the -- to the residential designation in this area. However, whether or not the City Council is compliant -- is inclined to support redesignating this area for residential, unless the applicant procures his property or the current property owner is also an applicant, staff cannot ascertain whether or not an appropriate transition is provided based on a parcel that's not owned by the applicant and not part of this proposal. Staff does have concerns with higher density residential and actually low density residential this close to industrial uses, not only because of the wastewater treatment plant, but backing up to the Naomi parcel and because it's now going to be relatively close to the ACHD maintenance -- maintenance facility, which will have light, sound, and traffic impacts. Council should determine if there has been an adequate transition in this area. The applicant has submitted elevations of the single family homes. These are depicted as one and two story structures with attached garages and a variety of architectural elements. Submitted elevations do seem to meet our architectural requirements. Design review is required for single family attached or multi-family. Again, the applicant said they are not sure which type it would be. However, since they have not provided us elevations at this time, we are proposing that as a condition of approval that if you were to approve this, the architecture of any single family attached or multi-family units be generally consistent with what's being shown here with the single family elevations, so that it blends better. The application does meet most of the requirements of the UDC, so within the density range there is 15 percent, which has gone up, which I will talk about in a second. The minimum 4,000 square foot are met and the applicant has provided the required amenity points, although not within all of the required categories, which, again, is easy for them to fix. However, staff, as I said, does have concerns with the density and the proximity to the industrial uses, the existing traffic in the area, the level of service and the timing of future improvements, which will be somewhat helped with the new Ustick widening. At the February 3rd, 2002, Planning Commission meeting the Planning Commission recommended denial of this application. Their concerns include the length of the block to the east without a break, which is -- this is the previous one, which is what you can see in this pointer here. That the traffic study that was analyzed was more than four -- four years old and this traffic study was actually done before most of the development in this area had even been approved. The existing level of -- the existing traffic level of service in the area now, which is not good. That the timing for future improvements, except for Ustick, were at least ten years out. They also had issues with how close it was to the residential -- or, excuse me, to the industrial uses, to the ACHD facility, to the wastewater treatment plant, that there is no lack of transition. There was a comment about whether they were trying to fit in as many lots as they could. Since the time of the Planning Commission meeting the applicant has submitted these revised drawings and on the right I'm pointing out what the significant changes are. First one is a break in the block length. So, again, there is a requirement how long a block length can be. They have added this trail connection here -- I don't know if you can see it well, just because of how small it is, but what I'm showing there with the arrow. So, that's breaking

the block length as required. They are narrowing down the street in this area to provide traffic calming. They have widened the lots along the east to reduce the number of lots from 41 to 36, just to make it a little larger on the east. They have redesigned this southern cul-de-sac to make it easier for fire turnaround. This has increased their open space from 15 to just about 16 percent. And as I noted again, since the time of the Planning Commission, this is very new -- ACHD has told us that now they are going to widen Ustick Road, which was certainly one of the major concerns when the Planning Commission saw this. With that staff will conclude our presentation, unless you have any comments or questions.

Simison: Thank you. Councilman Bernt, did you have any statement that you want to make on this one this evening?

Bernt: Same statement. Thank you.

Simison: Okay. Council, any questions for staff?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question, Alan. You know, this is in Ada county right now. RUT. The future land use map is -- designates it as medium density residential. With all the things you just outlined, with transitions and, then, the waste treatment plant, should this have been something else -- zoned something else?

Tiefenbach: I don't think I'm going to answer that one, because I'm sure Caleb's on the line listening.

Hoaglun: I -- I mean the outlining issues and -- and I'm like, okay, are -- are we going in the wrong direction with this, so --

Tiefenbach: Mr. Hoaglun, Members of the Council, I guess -- I don't know if I want to answer that one, but I will say I think staff is comfortable that what is designated to the east as mixed use nonresidential is very appropriate.

Hoaglun: I guess, Mr. Mayor, follow up.

Simison: Councilman Hoaglun.

Hoaglun: Alan, I'm -- I'm -- so, you know, we have areas where we do zone residential and, then, there is commercial. When the residential moves in and, then, a little bit later the commercial comes in and the commercial then -- and I was thinking when I was on council previously on Overland, that's when the Walmart went in and the requirements of where they are shipping was, move it from the back to the side, the walls, the trees, how the lighting works, all those good things that we have when we abut, you know, different

uses together and I'm just thinking, okay, who -- who makes the transition here. Is -- are we trying to -- and what does that transition look like for residential for what's going to be possibly mixed use or something else, which we don't know.

Tiefenbach: Council Person Hoaglund, Mr. Mayor, Members of the Council, I guess that's the million dollar question. Sort of the chicken and the egg; right? Does this applicant provide the -- the transition, since this applicant knows that they are developing next to what will possibly be industrial and they are the ones developing or do we let the applicant build houses directly on the property line and, then, hold somebody who is not part of this application or developing at this time, hold them responsible for the transition. I do know that one of the Planning Commissioner's concerns was that if we did allow houses to directly back to that line that's putting some pretty significant limits now on what kind of uses will occur to that -- to that parcel, because now we have just eliminated a lot of uses that could occur right there on the property line.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: On that same note, however, to be devil's advocate, what if the applicant does do that and, then, a minimally impactful use goes in anyway and now the applicant's spent those funds or modified their application and it was unnecessary.

Tiefenbach: Council Person Perreault, Members of the Council, valid point. Don't think I can answer that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to double check and make sure that I -- I understand the concern about the transition and the property next to it being nonresidential. I just want to make sure that this is not within the area of concern identified in the odor study. So, maybe that's a question for the Public Works Department if they are still online.

McVey: I can -- I can jump in if you would like.

Simison: Sure, Laurelie.

McVey: Okay. Thank you. So, this is actually outside of our -- this particular parcel is outside of the impact -- the odor study impact area. So, at this point the only parcel that -- and I should say this is from the Public Works standpoint, so other planning issues aside, but the only parcel that is of a concern at this point that's non-city owned for the odor study is the parcel directly to the -- the north and -- I guess northwest of this parcel. So, this parcel and the parcel next to it, because of the prevailing wind patterns and odor study, are not a concern -- or significant concern from the odor study standpoint.

Strader: Thank you.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: So, Mr. Mayor, Members of Council, maybe to give some context on the past and maybe to answer Council Member Hoaglun's question. Originally this entire area was listed as a nonresidential zone and so the whole area around the treatment plant for a long time would not allow anything other than commercial uses, industrial storage units, those types of things because of the concerns about the plant. Over time the Public Works Department has worked very hard on the -- on the odor and noise studies to figure out where the concern should be and that's kind of where we have landed and in the last iteration of the comp plan that was the conversation of what else can we put here now that we are -- we have a better clarity from the science and from the studies as to where the areas of industrial or nonresidential uses should be and where other things could be. So, I don't know if that answers your question on did we zone it right, but we based it a lot on evaluation and study and analysis of the science around the -- the treatment plant. So, it really was intentional to allow other uses, including residential, to the east of the -- or to the west of these properties. Whether and how far and what's close I think, again, we looked at that a lot in those studies on what's appropriate buffer, but it doesn't answer the ultimate question of who is supposed to buffer. Is it both sides? Is it one side? You know, is it -- is it reasonable on the first property owner or is it reasonable to split the difference -- again I think that's your decision.

Perreault: Mr. Mayor?

Perreault: Council Woman Perreault.

Perreault: This is where I really wish that the neighboring property owners would come to the hearings, because I would like to hear their thoughts, even if they don't have a plan in place, just in general and I guess I have to make this assumption that -- that that individual is not showing up to advocate for their own property.

Simison: I don't know that -- do we know they are not here?

Perreault: So -- well, I apologize. Perhaps they are. I assumed that they weren't, because I hadn't read anything -- any -- any entries. But that's --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Alan, this -- this road there to the -- I guess that's to the east. Thank you, Mr. Hoaglun. Where you have got these -- these kind of arrows pointing, my assumption is staff is supportive of this type of change. Again, I'm not the traffic engineer, as we have

learned tonight, but it -- it looks very similar to what was initially proposed and I know there was a lot of concern from the Planning and Zoning Commission about that. Does staff share those same concerns?

Tiefenbach: Mr. Cavener, Members of the Council -- well, certainly they -- they broke up the eastern block. That was -- that was something -- they just weren't meeting the code. They had to do that. The -- the concerns that staff has listed in the staff report and same with the Planning Commission, we are really not related to what they were showing with the road here. These -- these were some tweaks that are positives, that they have broken up the block length, they provided some traffic calming. I believe that -- that Mr. Buongiorno does support the turnaround, but what they are showing here -- what -- what you are seeing here is really not the reason why Planning Commission did not support this and this really was not the -- the cause of most of staff's concerns. Staff's concerns were related to the traffic on the surrounding network, proximity to the ACHD facility, the water treatment plant, the industrial, those were staff's concerns.

Cavener: Thank you.

Simison: Counsel, any additional questions for staff?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Alan, I -- I always gave credit to President Reagan for breaking up the Eastern Block, but if you want staff to be in -- I guess. That's kind of --

Tiefenbach: Might be coming back, Mr. Council Person, by the way things are going on the news.

Hoaglun: I hope not, but you may be right.

Simison: With that I will ask the applicant if they would like to come forward, please.

J.Wardle: Alan, can I share my screen? Thank you. Mr. Mayor, Council Members, good evening. My name is Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. I appreciate the opportunity to come tonight and to talk about this project, which is a continuation of projects that have been brought before you already, which we have called Quartet Northeast and Quartet Southeast and, in fact, this is a continuation and providing some continuity with the community as we move towards Ustick Road. Quartet South includes a variety of -- of housing and living options on 67.61 acres, both single family and alley loaded homes, as well as future townhomes on -- towards the south shown there in yellow. The area designated for -- in red is the R-8 area, which is 48.83 acres. R-15 would be that future attached or multi-family down there in yellow on -- along Ustick and Black Cat Road. In addition to the -- I just want to clarify regarding the R-15. We don't know exactly at this point if it would be a -- a single family attached or a multi-family.

Regardless, that still goes through a process, which is a conditional use process, and we would bring back more detail for the city to review as part of the overall project. The overall density for what you see, both the single family and the multi-family, the R-15, is 5.35 acres for the entire project. When we have gone through and we did an update to the master plan for Quartet South, in the R-8 area we have 9.42 acres of open space, which is 19.3 percent for that and as Alan noted the requirement is 15 percent overall. The R-15, as it stands right now, although this is interim, we are at 7.8 percent., That as I mentioned we will come back. There will be open space requirements for the multi-family in the future. The amenities that are presented before the Council tonight is, yes, we will have a very large clubhouse, which will be over the threshold that Alan mentioned with a large play structure and a community swimming pool. We are trying to emulate the type of amenity package we have done in our Cadence communities, but this is an all ages community, so we are just trying to add some more social interactions opportunities in Quartet South and that's why we are showing a much larger clubhouse in this project. We will be installing ten foot sidewalks on Ustick and on Black Cat with the project as we move forward and like I mentioned, we will bring back the R-15 in the future and bring that back for the city's review and approval. As Alan mentioned, we did make some amendments and adjustments to the design. I just wanted to hit these quickly, just so that you understand what we have done based on, you know, comments that were made, but also ways to improve the overall project. The first one is over on the middle of the project, which I identify as number one. We looked at this -- yes. Originally there was just one long road. It doesn't look like much at the moment, but I'm going to zoom to the next sheet here. When Brahm comes down and connects with -- with this road, it's actually -- the movement is a forced right turn and if you are going to go south we are going to choke that with a 24 foot back to back, which is approved by ACHD and the same thing on the bottom here. Is if you are coming up Brahm's you are going to be taking a left-hand turn. So, we have broken it up, so that you no longer have that straight continuous road that's kind of shown on the left-hand side here. Like also mentioned, we have reduced the number of lots along the eastern boundary and have increased the open space as well, both in the north-south and in the middle of the project. Overall we have removed six lots along that boundary. On the south there has been lots of comments made about common driveways and we do agree that there was an opportunity to improve the design of this. We worked with Mr. Buongiorno to come up with a way that we could perhaps provide still some on-street parking. This would be a 33 foot street coming all the way around, which would allow on-street parking, but we would limit the parking in the bottom of the - - of that turn around, just so there is no impact to the fire department, but this does eliminate the common drive on the southern, which also improves the project. And, finally, you know, we wouldn't want to eliminate all common driveways, but we did want to look at a way to improve it. I -- some of the concerns we have had -- or have heard from Council is these common drives just dead end and it -- it becomes tight. On the right-hand side the improvement is we are actually going to install a detached sidewalk. We will have a planter strip. And so there will be a sidewalk that connects from Trilby all the way out to Black Cat and opens it up. It's not closed in. We think that common driveway should still be a tool. They may not need to be the only design solution, but we feel like this one, by adding the pedestrian access and not blocking that off, this is a very good way to do common driveways and I think we have proven that it could be -- it will be very

livable. There were a few items that were in the staff report that we want to address. The first one was arterial frontage improvements and timing of those. The future residential in the R-15, alleys, and, then, the big one is the future land use map. Staff had indicated in the staff report that they wanted from day one Ustick Road and Black Cat improved with our first phase. We have always been a supporter of making roadway improvements. It is, however, problematic for us to do that in this case. There are utility improvements that need to be made. As noted as well, ACHD will be making improvements as well, so there is an opportunity that some things would be thrown away, but we do feel like, yes, we do support those, but the timing of those at the very beginning of the project is not appropriate and we would request that the improvements be made at a time such that those phases adjacent to that -- or in concert with ACHD's improvement be the -- the opportunity for those. So, we request Condition 1-B be deleted. Regarding the 140 residences in the future on the R-15, like I said, it could be single family attached or it could be multi-family. Either way it's going to require a CUP. We will bring that back. If it's single family there will be a plat associated with that. If it's multi-family the CUP -- and we will meet the open space requirements. We are just asking that this condition be modified, so that it can run concurrent with the CUP and not prior to that submittal. Alleys -- we have actually -- we have really just narrowed this down to a single issue. Staff had made a comment that this doesn't comply with the city's ordinance. It actually does comply. You can see from one end to the other. What the -- where they want to avoid those is when they make a -- like a turn and it doesn't -- you can't see through, kind of a blind corner. But this one you can see all the way through and you can see this way as well. So, we are asking that condition be deleted. Finally, the big item, which has a lot of history. It actually goes back to 2001. If you want to go back in time and we can -- I can bring back the -- the future land use maps and we might need to do that tonight, but this mixed use nonresidential designation has been on the city's Comprehensive Plan since at least 2001 where the question came up was who is responsible for the buffer. There were early conversations that perhaps there could be a change in this use. Let's just take that off the table. We know that the use today -- or in the Comprehensive Plan is mixed use nonresidential. We don't have any ownership in that. We can't speak for that owner. They would need to come do that on their own. As it stands today, this is mixed use nonresidential and the city's Comprehensive Plan is very clear as to how that should be treated. Just like a commercial project in any designation would buffer or transition to residential, this one is no different. If you look at the city's Comprehensive Plan, which I have a snapshot up here in the corner, as well as a concept diagram that is also in your Comprehensive Plan, this shows specifically how that transition is to occur and I will zoom into this on the next one. I have just created the highlights here. I have taken the same exhibit here, I have taken the mixed use nonresidential and made it brown, just like it is on your -- on your future land use map and the residential in yellow. That exhibit shows clearly, as does your -- the narrative in the future -- in the Comprehensive Plan that transitional use is encouraged on the perimeter of the mixed use nonresidential area between any existing or planned residential development. In fact, tonight the ACHD project that came before you provided that transition to Naomi Farms, even though they are in that designation it is an existing residential. Little nuance that was perhaps missed, but that was, in fact, a -- a requirement of the ACHD project for that landscape buffer. Also in the city's exhibit it clearly shows that there is single family residential coming right

up to the mixed use nonresidential. If you look here it shows that there is existing industrial use or new industrial use in the middle, perhaps some flex use, light manufacturing and, then, going to office and light distribution along the perimeter before you would get to the single family. This has been codified in your Comprehensive Plan. This has actually been in the Comprehensive Plan -- I think this exhibit has at least going back to 20 -- the previous one and 2011. This exhibit has been there since that time. This just simply shows the type of zones that could occur within the mixed use nonresidential, from C-C all the way up to I-H. There was a project to the east, they are showing I-L, but these are zones that could be allowed. The city has built in transitions that are required for these. On I-L or I-H there is a minimum of 25, up to 40 feet between that use and residential. When you look at the C-C through the H-E, it's anywhere from 20 on L-O -- I don't know you do L-O here, but more traditionally be 25 feet. So, the city is already built in these transitions into the UDC. Finally, if there was a heavy user that decided they wanted to come along and build on the boundary, there are additional setback requirements built into the UDC under additional requirements, anywhere from 300 feet, depending on the industry, to light heavy, or if it was a food and beverage processing that would be 600 feet. The city has already anticipated some of these uses and how they should transition. The mixed use nonresidential is the transition. It's not the adjoining use. We are -- we have been part of the comp plan process for a long time. We are familiar with it. The Comprehensive Plan is very clear. When you go back to your exhibit and the way that the language is, that the transitional uses, whether it's to us on the west or to the south, those transitional uses should be required against residential and that's where that transition would have come from. I just want to show one other thing here. It's not really clear, but you can also see if they have designated in your exhibit a landscape buffer, even from those transitional uses against the residential. In summary we are requesting the following conditions be deleted or modified. We want 1-B, 2-A and 2-B to be deleted and modify 1-C that the applicant be required to amend the development agreement concurrent with the CU for the multi-family piece on the R-15 zone. We feel like the modifications that we have made from a design perspective actually improve the overall project. It gave us an opportunity to go back and look at some of those things, to break up the long road, to provide some additional opportunities for connectivity to the public roads and to look at it as a whole project. We respectfully request that the City Council approve the Quenzer South annexation and rezone and preliminary plat and I stand for any questions you might have.

Simison: Thank you. We -- we had a minute 45 back on the timer. I was actually surprised. Jon normally goes right to the last second, so --

Turnbull: Pretty punctual. Excuse me. Mayor, Members of the Council. David Turnbull. 2929 West Navigator in Meridian. I just wanted to highlight a couple of things and I usually don't speak at these, because Jon does a much better job. Mike and Jon do a much better job. But if you take a look at this area that we redesigned on that area on the east side, that roadway -- and I think Jon did a good job of zooming in on that. We actually went through so many iterations between the Planning and Zoning Commission hearing and this hearing from -- and -- and I -- and I mentioned to our team -- and -- and this goes back -- we don't always do everything perfect, but every project we do we like to do it

better and we like to look at it with fresh eyes. So, we looked at this and we looked at it with common drives that would break up that area and we looked at it with little Snoopy dog entrances that would break up that area and in the end I said, well, let's listen to what the Council has been saying. We need to take a look at common drives with new eyes, not make them sterile, like sometimes they are. Provide for some connectivity and in this case why don't we just connect it all the way through, but create those chokers and that -- those chicanes in this area, so it makes it look like a -- like a private street, it still meets ACHD standards. But the other thing that you will notice here, if you zoomed out, now we have around that common park four sided -- they are all alley loaded homes with no driveways facing that common park. So, that's kind of like something that I think really enhances the feel of the overall project and so those are some of the things that we feel like -- we want you to know that we hear what you say and we are always looking at ways to improve and, then, I think Jon made it abundantly clear what the issue is on the perimeter buffer with the resident -- the nonresidential use to the east. Whenever we have done commercial projects next to residential we have provided the buffer on our commercial properties. Thank you.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, let's go back to talking about Ustick. So, I want to understand the ACHD report and their requirements of you for the turn lanes. So, they are requesting a turn lane on Ustick eastbound coming -- and heading north; is that right? And would that not, then, be constructed with their development and improvement and -- and not something that you would be required to do?

J.Wardle: Mr. Mayor, Council Member Perreault, we actually were anticipating that we would be doing -- you would have that center turn lane where -- it actually would go through the intersection. It just doesn't dead end there. There would be a widening there. It does get back to the timing of their improvements and the way that we are phased on this project, we actually -- see if I can get to that. Our phasing here is we would be doing the red area first and, then, we would go green and so perhaps by the time we get down here ACHD is a little bit closer and we can coordinate those. We are -- we are willing to make the improvements at the time that they needed, but it may be better to coordinate with them, so we are not throwing things away.

Perreault: Mr. Mayor, follow up.

Simison: Council Woman Perreault.

Perreault: Thank you. That's where I was going with that was how you were -- how that was going to work, because based on the time -- you had mentioned in the Planning and Zoning Commission meeting that you thought that phase one would start summer -- early

as summer of '23 -- or '23. Yeah. So, that means that phase two maybe a year later and they were not confident in their hearing tonight that this section would be done in 2024. So, I didn't know how that would play out.

J.Wardle: Mr. Mayor, Council Member Perreault, we have worked with ACHD very closely on improvements as you can appreciate what we have done out in south Meridian and timing of certain things that they are doing. We will just work with them to make sure that those things are done in concert. I did want to clarify one thing regarding the traffic study. It's been mentioned a couple times that the traffic study was dated. That's not correct. We actually -- our traffic study was done in the summer of '21. We went out and did traffic counts in August of '21. The only part of the traffic study that goes back four years was the intersection of Black Cat and Ustick. At the time we did our traffic counts that intersection was shut down because of the signal, which we now have, and so ACHD requested that we use data from 2018. But, then, we put an inflation factor in it for a 2021 basis. So, there were no traffic counts at the intersection of Black Cat and Ustick when we did our study, but that's not -- it wasn't a correct statement that this was an old traffic study, because we actually went out and did it. There was additional modeling that COMPASS has been doing at the same time related to the State Highway 16 corridor, so this area has a lot of information that is current. So, I just wanted to clarify that, that this is not a dated traffic study. This is a current traffic study, with exception of that intersection. But ACHD dictated that we use 2018 and, then, just inflate that to today's numbers.

Perreault: Mr. Mayor, one more question about traffic.

Simison: Council Woman Perreault.

Perreault: So, am I reading correctly that they also are asking you to do a center turn lane heading north on Black Cat or was it just the right turn into that -- that northerly street and, then, a left turn lane within the development onto Black Cat heading south or are they -- because there is not currently a center turn lane in that, so that would be significant -- a significant road improvement on your part in that section of Black Cat.

J.Wardle: Mr. Mayor, Council Member Perreault, we will be adding a center turn lane on Black Cat through that intersection to make that turn. It's not necessarily needed right now for right turn coming into it, but that moving either southbound -- there needs to be the ability to get out of the lane of traffic to get into the site and so, yes, there will be a center turn lane needed on that. That's also a situation where, you know, timing of -- ACHD just put in the interim signal, but their plans -- this will be a dual lane roundabout. So, there are improvements here at that same time frame, just talking through how that's all going to work together. I will note that that would be our third phase and I would assume that we would be pretty close -- our timing of that phase and what ACHD has of their plans are going to, you know, be pretty consistent. So, we just would look to make sure that we are doing improvements that are additive to what they need.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Question for staff just to clarify. If a future CUP for the R-15 would come in front of City Council or not.

Tiefenbach: Mr. Mayor, Members of the Council, no, a conditional use -- it would go only to Planning Commission. I suppose you can require something by the DA, but in general no.

J.Wardle: Mr. Mayor, if I can just add something there as well. Council Strader, we are in agreement, however, that there would be a DA modification that would detail what we would be doing there. So, we haven't -- we aren't saying you won't see it. You are going to get an opportunity to see it. If it is single family attached, there is also going to be a plat accompanying that. But, regardless, there will be a DA modification that will come to Council and so you will be able to see that part of the project.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess just to get some feedback on that. I -- I guess the -- the challenge that I have with that is that the most power that the city has is during the annexation process and so, you know, we are all different. My -- my psychology is a control freak psychology and I apologize for that, that's just how I am. I hate the idea of approving something that I am not going to see. I -- I just don't -- I'm not into it. Especially something really dense in this location.

J.Wardle: Mr. Mayor, if I can add one thing to that perhaps to address Council Member Strader's question. We would agree to bring back that CUP so the Council could see that before it got approved. So, it will go to Commission and we would allow the city to see that -- the City Council to see that. It's not required, but we are making a commitment that we would bring that back.

Simison: That's a commitment I would trust. Because we are on commitments from partners this evening.

J.Wardle: Mr. Mayor, I'm not going to respond to that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, that being R-15, I mean for multi-family it doesn't seem to me like that's not quite as dense as you would expect. So, I know you haven't decided what's going to go in there, I just -- as a Council Member and -- and as a real estate professional, I want to make a -- a plea to consider townhomes. We really have a shortage of them in Meridian and we have -- we have approved a lot of apartments, but I would love to see opportunities

for folks to purchase homes that are attached and so I'm just -- that's -- I'm going to leave it there. But I am making a plea to you to consider the townhomes, because we really don't have enough of those as of -- as we encourage a variety of housing in our community.

Turnbull: Mr. Mayor, Members of the Council, Council Member Perreault, I meant to clarify that when I was up here before. I didn't want anybody to get confused about a multi-family designation here. Our intent -- what we are debating on here is something not to exceed a townhome type of a product. So, I don't want anybody to get the impression that we are talking about three or four story apartments here.

J.Wardle: Mr. Mayor, in fact, you know, we -- you know, we have designed this so that it would be a townhome style project. Two story in nature and kind of have built in a density here so that that was also into the traffic study. So, that information is there, it's in the background information and we just wanted to give the whole picture here and just to clarify -- if -- if desired that CUP -- it could be a required condition that it come back for Council review.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Jon, let's -- let's walk through Black Cat and what improvements you are going to be making. I mean with the approved developments already and, then, with this one before us, ACHD is showing that Black Cat in the CIP is to be widened to five lanes from McMillan to Ustick Road between 2031 and 2035 and I know -- I think -- I have seen some turn lanes that you are required to put and what not, but that -- that's going to be awhile before that road gets improved and there is a lot more traffic coming on there. So, can you walk me through how -- how are you mitigating those increases in traffic that these developments bring in?

J.Wardle: Mr. Mayor, Councilman Hoaglund -- Council Member Hoaglund, that's a good question. We are not going to leave those improvements just alone; right? We are going to be required to make those improvements, so that we can get at least a three -- what would be a three lane road by making our piece on that -- you know, we have to expand at least 17 feet. It would be great if we could do more improvements on this roadway section, but given the timing of Black Cat -- in fact, Black Cat from Chinden all the way down to -- to Franklin is a transportation corridor that has a lower priority. It doesn't mean it's not important, but there are some limitations on what ACHD is able to do in the short term. We are fully committed to working with -- as best as we can where there is available right of way to make some improvements ahead of those time frames. We also -- there -- there is a nuance right now in the ACHD requirements, typically on street -- or your sidewalk is in a five foot detached. They are in the process of amending that to be ten feet. We are actually saying we will go ahead and do ten feet, so we have it right to begin with in the right location. So, that improvement is done as the project develops. I -- I would like to be able to say, yes, we are fully committed to do a CDA and make all these

improvements, but there are limitations and ACHD did indicate -- provided your staff a letter today saying, you know, there is priorities in place and it may not be possible to do this if the right of way is not there. Between our project and the project to the north, the ultimate right of way can be dedicated with these two projects and ACHD has the ability to make that happen with these projects and not have to go through any type of condemnation or eminent domain in the future. So, we -- short of being able to say, yes, we could do a CDA, I don't know that we can at this point until priorities change on some of these transportation improvements in this area. I will say, however, it is a very good step by ACHD on the prioritization of Ustick back to Linder. I think that's going to enhance this area dramatically based on -- you know, from just a two lane road to a five lane road with a dual lane roundabout at this location.

Simison: Council, any additional questions for the applicant at this time?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If we -- if you don't mind going back to the slide we were just on. So, with Black Cat and -- and I understand what you are saying, incurring that whole cost, right, with phase one -- that's hard to take that on. But what's the timing of each phase and when could improvements start to happen from just -- how does that fit with your timeline? And I understand that that could change, but what you are expecting?

J.Wardle: I anticipated that might come up and I'm just scrolling through my notes here. So -- so, best case for us in terms of development is we would be starting in phase one in summer of 2020 -- we would be able to deliver lots in summer of 2023, which means there would be occupancy starting in the, you know, springtime, early of 2024. And, then, coming down to the green area, this would be a spring 2024 delivery and, then, over here this would be a delivery probably late fall 2024. Again, there -- there -- we are going to have a much better idea with ACHD and their improvements, but our -- our connections down -- connections over to Black Cat and the improvements that we are making actually with Quartet Northeast and Southeast on Black Cat Road with those projects and the future improvements, I -- I feel comfortable and confident that we will be able to marry up our plans with ACHD's plans, so that these things are happening concurrently and also to minimize, you know, what those future restrictions or closures would be on both Ustick and Black Cat. Be better to do improvements all at once than shut down, open, shut down, open.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sure. Yeah. I -- I get what you are saying there in terms of efficiency of -- of -- of kind of the order of operations that you want to do it in. I guess I'm a little bit concerned that I'm sensing a reluctance on their part to enter into a CDA. Do you -- do you feel like

that's the case? Is it just a question of resources at this time and -- and prioritization? Just help -- help us understand that, because you are not the first person. Actually, this has happened now two times in a row where a developer has been just getting -- trouble getting traction on the CDA and I just want to understand kind of what the constraints could be.

J.Wardle: Mr. Mayor, Council Member Strader, I do think it is -- there -- there are two issues here. It's -- their integrated five year work program and the timing of these projects in those. There is also just overall resources that if, you know, they do make their capital plans based on what's happening in the next five years and so it may be problematic to move some of these projects forward. If you look at the list that the City of Meridian has been working with ACHD in terms of prioritization, Black Cat doesn't make that list, because there are other -- you know, there are other pressing needs in the community. I think ACHD is trying to balance those. One of the biggest issues that comes up on projects is right of way acquisition. I mean if they have to get into a situation where there is eminent domain and things like that, but where we have development and there is arterial roadways are built into what that ultimate right of way is, ACHD can accelerate and does accelerate the acquisition of those at the very beginning of the projects. They don't have to wait until that time frame. So, they will -- they will be able to hold that and move -- move it forward. There are other opportunities that they may say -- that they may have dollars available, but they have their bigger projects that they have to work within that plan. So, I wouldn't say that they are reluctant to do it, but it does mean that they would have to prioritize it and move it up, so that it dropped into that five year work program, which it does not exist right now.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. And -- and our Transportation Commission's recommendations and I think the approach that we have taken as a city is kind of a corridor approach, similar to the efficiency you were trying to achieve, we have corridors that we are trying to improve fully and so it -- it -- don't take this the wrong way, but this to me kind of makes it a challenge to make this development as much of a priority if we have this kind of a grade on the road and -- and this sort of timeline. But I appreciate the feedback on your phasing. Let me just mull it over at this point.

Simison: Council, any additional questions for the applicant at this time?

J.Wardle: Thank you very much.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, you had mentioned on your slides that you would like to delete three sections and run the DA modification and CUP currently. I assume you mean in the same application we can't have the hearings on the same day. But the staff has removed all conditions, because it was proposed denied by the Commission. So, can you help me understand what -- I mean there -- there -- I can't find those numbers in the staff report. So, are you referring to the original staff report before the Commission heard the application or --

J.Wardle: Mr. Mayor, Council Member Perreault, you actually do have conditions in your packet, but that's the section that everything is stricken through. So -- so, those are the conditions that were in the Planning and Zoning Commission. There has been no change to those. In the e-mail and the letter that we provided to Council -- I think it landed in the city on May 1st, we pulled back those conditions that were there before and so these are verbatim and what we have asked for is the same. So, this is part of the -- the letter that we provided on -- this is dated -- well, that says February 2nd, but February 28th and, then, the last three pages show what those conditions are. The -- the project specific conditions. So, that's what we are referencing.

Perreault: Thank you. The staff report attached to the agenda doesn't show any conditions, so I was trying to track that.

J.Wardle: So, Mr. Mayor, Council Member Perreault, what we are asking is taking the conditions that are there with these modifications or deletions.

Perreault: Thank you. Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: In that regard -- I don't know if this is a question for Legal or for Alan. Would we need to continue in order for staff to develop new conditions before we approve or -- that's what we have done in the past when there has been a denial.

Tiefenbach: Members of the Council, Mr. Mayor, the conditions that are listed on the staff report that have been crossed, those were staff's conditions going into Planning Commission. So, when Planning Commission recommended denial, we struck them. It would be easy enough for you to -- I mean the Council has approved cases and just -- what's the word I'm looking for? Reverted the Planning Commission striking and the conditions.

J.Wardle: Mr. Mayor, Council Member Perreault, if I can also give to recent history, Apex East also fell into the same category and the Council took the conditions that have been stricken through and adopted those at that same hearing. So, the conditions are before you, even though they are redlined out. We are just asking that they be stricken -- or not stricken, but brought back into for your consideration with our modifications.

Perreault: I know we haven't -- Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I know we haven't had the public testimony yet, but I just wanted to make sure I understood that before we move forward. Thank you.

Simison: Any further questions for the applicant? Okay. Thank you. Mr. Clerk, do we have anyone signed up to provide testimony this evening?

Johnson: Mr. Mayor, we did not.

Simison: Okay. This is a public hearing. If there is anybody in the audience that would like to come forward and provide testimony, come -- come forward, sir. State your name and address for the record, please.

Rowles: Good evening. Good Evening, Mayor, Council. My name is Mike Rowles. I'm a resident at 5242 West Torana Drive, Meridian. And in The Oaks. I'm sure you are all familiar with that. So, it's my concern that I'm expressing just about the entire concept of dumping, you know, so many families onto -- onto Black Cat and to Ustick. It just -- it just -- you know, I hear about traffic studies and all of that, but what I hear you telling me that it's all going to be okay. That we are going to, you know, add a huge number of families that are exiting or entering onto Black Cat and onto Ustick and I can't see in the planning where there is a way for that to actually be done and I'm maybe missing it, but, anyhow, that was just my concern and -- and the fact is that it's immediate. The congestion on Black Cat and -- and particularly the intersection there -- yeah, it's better with the light, but, oh, my gosh, the Black Cat back up at anytime in the afternoon -- bring a lunch. So, anyhow, that's my concern. Thank you.

Simison: Thank you. Council, any questions? Okay. Then we have Mike online.

Johnson: Okay. You are unable to mute yourself, sir.

Lewis: Michael Lewis. 5343 West McMurtrey Street. It's in Jaden Village, just west of the Ustick and Black Cat intersection. When we are looking at this long term Highway 16 shows the on-ramp and off-ramp is going to be on the Ustick Avenue and there is -- there was the 2026 plan for ACHD to expand Ustick. But as the gentleman before me stated, in the morning and the afternoon when the school is going in or going out, the intersection is a nightmare. The road has been closed down -- I can't even tell you how many times for construction already. So, as a resident it's kind of frustrating. I would just ask you guys to consider the infrastructure before we keep continuing to add to this area. It's not built for this rapid growth. Growth is going to happen, so I'm fine with that, but I just -- the infrastructure needs to be put in place and it doesn't sound like there is anything for a long time going Ustick west towards Owyhee being thought of when we are doing these expansions. And the other thing I heard in a previous testimony was the water. So, is the Meridian wells adequate for this growth? Just to the south of us, Lactalis, pumps over a million gallons a day and they are getting ready to go to 1.5 million gallons a day. So,

is the city prepared -- are we tied into that same aquifer would be my questions for tonight and thank you.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have a question, but I do have a statement for Mike. I wish this wasn't true, it would make planning much easier, but both the schools and the transportation department tend to run behind the city's applications and if -- they bring in their infrastructure and they build their schools after residents have already established there and so if -- even though it's in the -- the plan for Black Cat to be widened in 2031, I think, to '36, if there were no residents on that street, then, ACHD would just likely push it out farther. They have shown that they are willing to step up and move some of their projects forward because of growth. The Ustick intersection was not supposed to be done for another several years and the McMillan intersection, which is going to be done in two years from now, I think, isn't -- was not supposed to be done for another several years. So, they -- they are making improvements that they didn't intend on making because of the growth that's out there and my opinion is -- is that -- that's my cue -- is that the center turn lanes that the applicant is proposing to put in will really help that whole area, in addition to the lights that have been put in. I lived on -- off of Black Cat for many many years and still drive that road constantly and I understand what you are saying. I can -- I can -- can relate.

Simison: Okay. Council, any other questions for -- is there anybody else that would like to provide testimony on this item? Okay. Seeing none, will the applicant like to come forward with final remarks.

J.Wardle: Mr. Mayor, Council, for the record again Jon Wardle with Brighton. We are committed long term -- even in the short term to making improvements before or concurrent with our project. If there is a way to do that and work with ACHD we are going to make it work. We are going to figure it out. In the interim, if need be, as -- as was mentioned, we are going to make sure that these intersections do work for the project and for also traffic coming through, so that people can get out of the lane, so that through traffic can happen. ACHD is making -- expediting projects in this area, which I think is very good. Will it satisfy everything? Absolutely not. And I also think we need to remember that McMillan has always been -- has since probably 2001 has been determined that it's going to be a three lane road and so McMillan will always be constricted and it will always be an impact. There will be improvements made with intersections at McMillan and long term with Black Cat. There is a plan and -- and let's -- we will continue to work with ACHD to make that happen. I just wanted to clarify again -- and -- and David did a good job of this. When we say multi-family sometimes that's a little scary, but our intent here is that it would be townhome style and very likely could be single family for sale. We just needed to vet through that a little bit more and we will bring

a plan back to you. That's our commitment to you. I just wanted to restate that the city in its Comprehensive Plan understands and has detailed how that mixed use nonresidential buffer transition should occur. It's always been that the commercial or the nonresidential provides that transition. The city anticipated that they. Described it by text. But they also graphically showed how that would happen. This mixed use nonresidential, like I mentioned, has been on the city's plans starting back in 2002 and I will show you that there was actually residential still showing up right up against it in 2002. 2011 same situation. 2018 with that update. And this is what exists today as there has been some changes recently and -- and clarifying that. The mixed use nonresidential is the transition to the existing residential or future residential and the city does have a plan, both in the Comprehensive Plan and in the UDC on how that should happen and how that buffer should occur. We are asking that the conditions of approval that were in the staff report be reinstated. That conditions 1-B, 2-A, and 2-B be deleted and that 1-C probably need to work through that a little bit, but be modified. The development -- we will bring a development agreement back to you and we are committing as well to bring the CUP back for a City Council review. Again, we are looking forward to adding a continuation of Quartet as we work out here and provide opportunities for good development and be a good partner with the city and stand for any questions you might have at this point.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Jon, so we have had some applications recently where neighbors have come and said with lots that are really narrow, especially ally load lots, and these are all public streets is my understanding.

J.Wardle: Correct.

Perreault: Even with the public streets and -- and the -- the street parking, because the lots are so narrow and you have got a mailbox and you have got a tree out front, that it doesn't really still leave any space for cars to park between the two homes or maybe one space because of, you know, impediments -- and especially now since Meridian is requiring ten feet -- no parking within ten feet of a mailbox. It's creating issues with street parking on very narrow lots. Can you give us some thoughts on that and whether you anticipate that -- that being a problem in this, because it seems to me like these lots are maybe 35 feet wide, 40 feet wide.

J.Wardle: Mr. Mayor, Council Member Perreault, regarding on-street parking, these streets are designed as a 33 foot street back to back. This is a standard ACHD street that allows parking on both sides. There has been one thing that has changed, whether good or bad. The United States Postal Service no longer allows individual post office mailboxes. So, they are all in clusters. So, every project we do now on a go forward basis we have to identify a location for those. We do anywhere from 80 to 120 in a

location. They are spread out through the community. So, it's very possible that you would have location -- probably even here in the community center with part of that and some of the other common areas. So, they are spread out. So, the parking in front of mailboxes, which I'm sure has been a complaint at times, mailboxes are pulled out of the -- pulled out of the equation. This is a street section just like you would find anywhere else. One of the -- yes, we do have alley loaded homes here and these are averaging 40 feet wide with a minimum two car garage, but also that 20-by-20 parking apron on the back of those homes as well. It's been our experience that, yes, you will have some on-street parking, but, actually, by eliminating a lot of driveways that parking isn't as congested as it would be with a lot of driveways punching out there on that road. So, we don't believe that there will be an issue and also the -- for mailboxes, that's kind of resolving itself.

Simison: Council, any additional questions, comments?

J.Wardle: Thank you, Mr. Mayor.

Simison: Thank you.

Perreault: Mr. Mayor? Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we close the public hearing for file number H-2021-0088.

Strader: Second.

Simison: I have a motion and seconded to close the public hearing. Is there any discussion? Councilman Cavener.

Cavener: Thanks, Mr. Mayor. I appreciate the -- the motion and the second. I just -- kind of meatier applications like this I -- and the Council brings something up and, then, the applicant may want to provide some extra context, so I would prefer maybe let's keep the public hearing open, we can continue to deliberate and discuss, that way if we have got questions the applicant can -- can respond. That's my suggestion.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I will withdraw my motion to close the public hearing.

Simison: Second agrees?

Strader: Agree.

Simison: Okay. Then would Councilman Cavener like to kick off the conversation to get us going.

Cavener: Well played, Mr. Mayor. Happy to. Appreciate the -- the applicant's testimony. This was one that for me as I was reading the minutes of the Planning and Zoning Commission and going through the application and whatnot, I -- I was really conflicted, because I -- I appreciate what the applicant is trying to achieve. It's a challenging part of town. I think we -- we heard some public testimony with some concern about that. Some of those things the meeting -- kind of changes the meeting and I think the presentation from the highway district earlier gave me some greater comfort, what about their commitment to Ustick and, moreover, the funding they received from the state to make those easterly connections to Highway 16. I also appreciate Mr. Turnbull, Mr. Wardle, you both talking a little bit about that R-15 piece. That's always going to be a little questionable for me. I -- I -- I like to see multi-family closer to -- to interstates and state highways and while I wasn't envisioning four story apartments, knowing kind of where you are headed and the fact that's going to come back to us gives me good comfort. I think overall I'm -- I'm supportive of the application. I'm supportive of the requested condition removal and modification. I think that this is going to continue with -- it's been I think a track record of building a unique part of our community in a unique part of town. So, I -- I think overall I am supportive of the application.

Simison: Or I will accept a motion to close the public hearing.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Very well said, Councilman Cavener. I have nothing else to add. I am also in support of this application. So, I will make a motion, Mr. Mayor, to close the public hearing for H-2021-0088.

Strader: Mr. Mayor?

Simison: Do I have a second for purposes of discussion?

Strader: Sure.

Simison: Okay. Second for purpose of discussion. Council Woman Strader.

Strader: I have been waiting for Council Woman Perreault to say something, because she's been warning us about Black Cat now for two years and I feel like maybe the -- the breaking point has -- has come and gone. I feel really conflicted about this, because I feel like the applicant will make the problem a little bit worse before they make the problem better. You know, I -- I have -- I have been kind of on the fence. I think I can support it, considering it will improve this section of Black Cat earlier than ACHD would normally. I also am happy to hear about ACHD moving up the Ustick widening, although not -- you

know, maybe to the extent we all would love to see, but I do appreciate that. I personally just want to say I could support a motion if the CUP comes back before City Council. I am in the same boat as Councilman Cavener, I just -- yeah, I get concerned about a lot of density in a location like this that's not -- not really near a transportation corridor. So, I would encourage the applicant to focus on the townhome approach and I also just want to say definitively -- and I -- I think that -- that direction was definitely received, but the nonresidential piece I do not support the expansion of residential into that area that's in the FLUM. I just want to say that. So, you don't -- you know, it's only one person, but I just wouldn't want you to waste a lot of resources on that effort, so -- that's it for me.

Simison: So, the second stands on closing the public hearing?

Strader: Yeah.

Simison: Okay.

Strader: Sure.

Simison: Then we will consider the public hearing closed. Just -- just some notes on -- and I'm actually really surprised -- not entirely, but a little bit, you know, the state -- it is going through the legislature where they have approved -- where they are recommending 34 million be added to see the improvements of the roads in this area, specifically the mile to the east and west of the access point at Ustick and, quite frankly, it might get them before any of the rest of Ustick gets widened by ACHD. I mean depending on the -- the -- if it's a part of the ITD contract with -- with their project or somebody else's. I understand it hasn't been approved by -- you know, signed into law, it's not there yet, but I -- I want to give some hope to Black Cat and the community that really with the opening of McDermott traffic could go significantly different directions than are currently planned in all these impact studies and you could have well built intersections from this intersection going west to McDermott. Now, I don't know what that does. I don't. But I think that there is hope in this area from what I understand as the elements moving forward, but nothing is inked at this point in time. So, for whatever that is worth of value. I know ACHD probably didn't want to talk about it earlier in their context either, because it's not finalized, but their -- it is moving through the process to improve this area, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to respond to Council Woman Strader's question about Black Cat. So, absolutely, yes, I am an advocate for being very careful how we develop in this area, having been a resident there. Three things on that. I -- I would likely be having a different thought on this application if ACHD wasn't doing that widening on Ustick for sure. I'm really appreciative that the applicant is adding the turn lanes in on both sides of that intersection. Without that I also would be highly considering recommending it a denial on it. But the southern part of Black Cat is really complicated, because you have -- you have

Pine that doesn't go through. You have got Cherry Lane, which is an intersection that -- that is -- it's really not that -- it really doesn't get that congested. Honestly, Ustick and Black Cat gets more congested than Cherry. Probably because it's five lanes. Then you have Pine that doesn't go through, so you have a lot of people turning left there. Then you have a railroad track. Then you have a school and you have a substation and you have -- you know. So, that -- that mile is just exceptionally complicated. This is a little bit less so. But I'm -- but I'm also a little more -- more comfortable with this, too, because the McMillan and Black Cat intersection is going to be improved with the light in the next couple years. So, there is a lot going on that makes me feel more comfortable with -- I also like how the traffic enters and exits on the north and -- very north and very east side of this development. I think that moves it away from the Black Cat-Ustick intersection a little bit more, just kind of how it's designed. So, just to share those thoughts, because I appreciate you asking me that. I am always hyper aware of what happens along Black Cat.

Simison: And to piggyback off that, I mean to a certain extent I don't want to -- you could have people in the north part of this subdivision exiting onto Ustick by passing a lot of the Black Cat traffic and I'm sure they will figure that out.

Johnson: Mr. Mayor, there was not a vote on closing the public hearing.

Simison: Just some discussion.

Johnson: Just making sure.

Simison: Thank you. But I did -- I had forgotten. Is there anymore discussion on that motion? All those in favor signify by saying aye. Opposed nay? The ayes have it. Thank you, Chris.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: President Hoaglun is pointing at me. I was waiting for you to make some comments. Okay. I will make a motion. Mr. Mayor, I -- excuse me. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0088 as presented in the staff report for the hearing date of March 8th, 2022, with the following modifications: To delete Items 1-B, 2-A, and 2-B from the conditions in the staff report and that the DA modification for the multi-family area and the CUP be applied for and processed concurrently and that the City Council hear the CUP application, as well as the Planning and Zoning Commission.

Strader: Second the motion.

Simison: I have a motion and a second. Mr. Nary?

Nary: Mr. Mayor, maybe before the -- I don't think there was a second. I think one of the requests by the applicant was to -- to grant approval of the pre-existing conditions that went to Planning and Zoning that had been recommended denial, so that Alan knows to, then, basically, reverse that -- that action that came before you tonight.

Simison: Does the motion maker agree with that comment?

Perreault: Yes, Mr. Mayor.

Simison: Does second concur?

Strader: Agree.

Simison: Okay. Is there discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not discussion, just a -- just a comment. I just want to thank Alan. I know this particular project's been a little bit of a bouncing ball and I appreciate you keeping us focused on task, the staff report, and the way you communicate to us, just -- you know, we don't always say we appreciate it, but I know that we as a body really appreciate -- particularly on these kind of more nuanced applications. So, thank you.

Simison: Any further -- if not, Clerk will call the roll.

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

Simison: Three ayes, one no, and the item is approved, so -- thank you very much.

MOTION CARRIED: THREE AYES. ONE NAY. ONE ABSTAIN. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: With that we don't have any ordinances to do this evening. Future meeting topics, Council?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Perhaps maybe just a conversation for you and Council President to discuss. We have had some -- we have had a presentation, some e-mails with some -- I have received some comments from citizens who had some concerns and some questions about the library and its relationship to the city and what role that we do and don't have. I'm not -- I -- I struggle to find the nexus about what would make for a public hearing, but perhaps maybe an informational session for Council, so we can all be on the same page about what role, if any, we have with the library. With some of the issues that are playing down at the legislature I think -- I'm getting at least more inquiries about our involvement and so perhaps if you and the Council President think it's necessary, that may be a potential topic at a later point in time.

Simison: Duly noted. Anything else under future meeting topics?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move for adjournment.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 10:18 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK