

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, July 6, 2021, by Mayor Robert Simison.

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

Also present: Chris Johnson, Ted Baird, Bill Parsons, Alan Tiefenbach, Jeff Brown, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad 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, we will call the meeting to order. For the record it is July 6, 2021, at 6:02 p.m. We will start tonight'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 will be our community invocation, which tonight will be delivered by Vinnie Hanke with Valley Life Community Church.

Hanke: Mayor and Meridian City Council, good evening. Thanks for the opportunity to come and pray for you and alongside of you this evening. Would you pray with me? God, I thank you for this evening. I thank you for the city that we live in. I thank you for the leaders that you have appointed to lead us. I pray that you would help them to be people of character befitting that of leadership and we pray a blessing upon the agenda tonight and ask that you would grant them wisdom, discernment, that you would help us as a community to support them and follow their lead. That we would be a city full of neighbors who love one another as themselves. We pray for those who are on the front lines, our police and fire and medical personnel, and we ask, God, that you help us to love kindness, to pursue justice, and to walk humbly before you. We ask these things in Christ's name, amen. God bless you. All have a good meeting.

ADOPTION OF AGENDA

Simison: Thank you. First up is our adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: There aren't any changes to the agenda, so I move we adopt the agenda as published.

Hoaglund: Mr. Mayor, I second the motion.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, no.

ACTION ITEMS

- 1. Second Reading and Public Hearing of Ordinance No. 21-1933: An Ordinance of the City Council of the City of Meridian, Approving the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project, Which Second Amendment Seeks to Deannex Certain Areas From the Existing Meridian Revitalization Project Area; Which Second Amendment Amends a Plan That Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to the County, Affected Taxing Entities, and State Officials; Providing Severability; Approving the Summary of the Ordinance and Providing an Effective Date**

Simison: Okay. Then we will move right into our Action Items for this evening. First item up is a second reading and public hearing of Ordinance No. 21-1933. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance of the City Council of the City of Meridian approving a second amendment to the Meridian Revitalization Plan Urban Renewal Project, which second amendment seeks to de-annex certain areas from the existing Meridian Revitalization Project Area, which second amendment amends a plan that includes revenue allocation, financing provisions, authorizing the City Clerk to

transmit a copy of this ordinance and other required information to the county, affected taxing districts, and state officials providing severability, approving the summary of the ordinance and providing an effective date.

Simison: Thank you. This is a public hearing. So, with that I will turn this over to Tori for opening remarks.

Cleary: Okay. Thank you. Good evening, Mr. Mayor, Members of Council.

Simison: Or, actually, one second. Do we need to open the public hearing officially or -- this is a public hearing. Mr. Baird?

Baird: Mr. Mayor, I think it's appropriate. We would treat this similarly to how we would do a land use sharing, so we would open the hearing prior to the staff report. So, now it's probably a good time.

Simison: Then I would open the public hearing on this item and turn it over to Tori for staff comments.

Cleary: Thank you, Mr. Mayor, Members of the Council. As the City Clerk read, this is the second amendment to the original Downtown Urban Renewal District. The Meridian Revitalization District. At this afternoon's 4:30 session you approved eligibility reports for the two geographic areas that are proposed to be de-annexed from this original district. Let's see. The district is scheduled to sunset in December 2026. So, these two areas will be pulled out. The larger area that's referred to as the Northern Gateway area is proposed to be included in a brand new urban renewal district, the Northern Gateway District, and the second smaller area is proposed to be included in an amended Union District. The Union District was adopted in 2020 and that was the first amendment to the downtown district plan. The first area of the Northern Gateway area will de-annex approximately 77 acres, 133 parcels, and the smaller area will de-annex 1.46 acres and 11 parcels. Pursuant to state statute urban renewal agencies are permitted to do a one time amendment for -- to add no more than ten percent of the existing area and the existing Union District is 16 acres. One of the things that will happen with this de-annexation is the base year will be reset for all these properties, meaning -- so, right now the current 2002 base year is in effect and all the increments since that time has gone to Meridian Development Corporation. The base year will be reset and so that annual increment will now go -- flow to all the taxing entities, the city included. So, as the new urban renewal plans are adopted, a new base here will be established. The de-annexation does not extend the life of the district for the remaining parcels. And let's see. Sorry about that. Let's see. Sorry. This is the Northern Gateway area that we talked about, the larger area, and this is the smaller Union District amendment and this -- the Union District is to the south and includes the -- or the Union Pacific properties and also to the east and that includes the civic block parcels. As long as this de-annexation is complete before the fourth Monday in July the increment value will merge back in with the base assessment roll. As I said, kind of that base year reset. So, this is the second reading and the official public hearing. Next week will be the third and final reading. And,

then, adoption and recording with the county. This is the timetable and process that we have run through to date. MDC adopted the resolution approving the second amendment. There have been the publishing and notification requirements. Also the city Planning and Zoning Commission has to validate the plan's conformity with the city's comp plan, since there were no change of use or zoning proposals or any proposals for specific development it remains consistent with the comp plan and that was validated by the Planning and Zoning Commission in June. Let's see. We had our first reading last week, second reading, and public hearing this evening and final reading proposed for next Tuesday. I believe we have at least one person here to speak, Sean Evans, executive director of the Meridian Chamber, who I believe might have a few comments to say during the public comment portion of the hearing. Also we have legal counsel Meghan Conrad and urban renewal fiscal consultant Phil Kushlan are here. Thank you for your time and with that I will stand for any questions.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Tori, I just wanted to clarify that public -- the public comments are specific to the de-annexation portion; correct?

Cleary: Correct.

Perreault: Not the new proposed URD boundaries or specifics --

Cleary: Correct. What will happen -- so, your approval -- I'm sorry. Council Woman Perreault, Mr. Mayor, Members of the Council. What will happen following your acceptance of those eligibility reports earlier this afternoon and following this de-annexation, MDC and city -- city staff will move forward to prepare those urban renewal plans. A new plan for the Northern Gateway District and an amended plan for the Union District and just like this process, the -- it will have to be approved by MDC through resolution. It will have to be validated as being consistent with the comp plan by Planning and Zoning Commission and, then, again, there will be three ordinance readings and a public hearing for each of those new urban renewal districts proposed.

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

Johnson: Mr. Mayor, we had one, Randy Spiwak.

Simison: Randy, if you could state your name and address for the record and be recognized for three minutes.

Spiwak: Yes, sir. Mr. Randy Spiwak. 1458 East Loyalty Street, Meridian. I came really to speak about just one section of the UDC that amendments are being recommended and that deals with the sections on side street and street parking and side yard parking of vehicles. I think it's in the next section.

Simison: It -- yeah. Well, there is still two public hearings away from that.

Spiwak: Well, I put on there three. Did you want me to -- I can wait.

Simison: Yeah. If you -- are you here to talk about the UDC de-annexation?

Spiwak: I thought I marked that on --

Johnson: I see that now. You signed on the page for number one, but wrote number three. I saw the three. I will move your name over to number three.

Spiwak: Thank you. Sorry.

Simison: Perfect. Thanks, Randy. Is there anybody that would like to provide testimony regarding this item for the de-annexation of the property at this time? Sean, would you like to come forward and state your name and address for the record. Business address is fine. Be recognized for three minutes.

Evans: Thank you, Mr. Mayor and City Council Members. My name is Sean Evans. I'm the president and CEO of the Meridian Chamber of Commerce. I represent a little over 600 members of the Meridian business community. We submitted a letter of support for this resolution and urge you to move forward with the de-annexation of the proposed area for the urban renewal district and the creation of the -- the new Northern Gateway Urban Renewal. The area of downtown is seeing tremendous amount of development and it's through projects like -- that are supported from the urban rural district that you are seeing the property owners and developers see the value and the interest in redeveloping downtown. Without this type of tool in the toolbox of the community I don't think you would see this type of redevelopment in our community and we commend you for using this tool in the proper way and being very efficient in your use of it. So, with that the Meridian Chamber of Commerce board of directors and our economic development committee commends you for your work and urge you to support and pass this resolution. Thank you.

Simison: Thank you. Sean, real quick, a question for you. If you wouldn't mind, can you maybe explain to the Council real quick why the emphasis on downtown would be specifically important to the chamber with recent decisions that the board has made regarding downtown?

Evans: Yes. Absolutely. So, just recently the Meridian Chamber of Commerce has helped move the Meridian Downtown Business Association in the right direction. It has been -- it has merged with the chamber and become a committee of the Meridian

Chamber of Commerce in order to give it some stability and some resources to move forward with the support and activities that are needed to bring people to downtown Meridian as a destination. The Meridian Chamber of Commerce, in support with these downtown business owners, will be activating engagement opportunities in downtown, creating support opportunities for the downtown merchants and really trying to establish downtown Meridian as a location to bring your family, your friends, and enjoy what Meridian has to offer.

Simison: Thank you for that. Council, any questions for Mr. Evans on this item?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Excuse me. Not a question, but a comment. Great job. Seriously. I mean that -- this is exactly what the downtown corridor needs is -- not that the Downtown Business Association didn't do a good job. They -- they did a great job. It's just that having the power, might -- you know, the resources of the chamber behind them now makes all the difference in the world and I -- I think it's going to be a great move going forward. So, great work.

Evans: Thank you, Council President. Thank you, Mr. Mayor.

Simison: Thank you, Sean. Appreciate it.

Evans: Thank you.

Simison: Is there anybody else that would like to provide public testimony on the item at this time, either in the room or online? It looks like we do have a few people online. If you want to provide testimony you can use raise your hand feature at the bottom of the Zoom platform so that we can recognize you and seeing no one wishing to come forward or raise their hands, Tori, would you like to make any final comments regarding this item?

Cleary: Mr. Mayor, Members of the Council, thank you for your consideration. One of the reasons that both city and MDC staff looked into amending the district is the -- the original downtown district has faced some challenges just from a timing perspective. It was established in 2002, has faced some pretty severe assessed valuation decreases during 2008, 2009, took a number of years for a recovery and, then, with the uncertainty following COVID there really just isn't enough time to have some meaningful impacts downtown and so that's one of the main reasons for these actions are before you this evening. Thank you.

Simison: Mr. Mayor, one quick question for Tori.

Simison: Councilman Bernt.

Bernt: So, just -- just to confirm, so when this -- when this -- the downtown -- the -- the -- the piece of property that's just near here, when it's de-annexed and moved into Union -- the Union District, it will -- the new base will be current; right? They are not going to go off the base that was original to the formation of the urban renewal district in 2002 or '3?

Cleary: Correct. So, those -- I'm sorry. Councilman Bernt, Mr. Mayor, Members of the Council, that's correct. So, when those initial properties were de-annexed that was a 2020 base year and so these will be -- these new properties will be 2021 base year.

Bernt: Okay.

Simison: Thank you. Thank you, Tori. Council, anything else? Or do I have a motion to close the public hearing?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we close the public hearing.

Hoaglund: 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: ALL AYES.

Simison: So, with that, Council, we will bring back the third reading next week. Thank you.

2. Public Hearing Continued from June 22, 2021 for Speedy Quick (CR-2021-0003) by Clark Wardle, Located at 2560 S. Meridian Rd.

- A. Request: Council Review of the Planning Director's determination (DD2021-0004) that the reduced 5-foot interior side setback specified in UDC Table 11-2B-3 did not apply to the new structure proposed for construction on the property.

Simison: Moving on this evening we will -- our continued public hearing from June 22nd, 2021, for Speedy Quick, CR-2021-0003, and we will -- we will resume this public hearing with staff comments.

Tiefenbach: Good evening, City Council, Mr. Mayor. Alan Tiefenbach, a planner with the City of Meridian. This is a City Council review of the planning director's determination regarding a reduced side setback to construct a new accessory structure. I will give you

a quick background on what's happening here. Here is the project. It is on the east side of South Meridian, north of East Victory Road. A certificate of zoning compliance was issued in May to allow a mobile dispatch service to operate in the limited office zoning district. This was allowed by a conditional use that was issued back in 2017. The project includes an exterior facade improvement to an existing 1,700 square foot residence, a new 27 space parking lot and outdoor storage yard, some landscaping and a new 2,500 square foot storage building. So, this was a mobile dispatch kind of business. During the review of the CZC staff informed the applicant that the side setback for the new 2,500 square foot storage building must comply with the required ten foot interior side setbacks. This is required by the dimensional standards in the L-O zone district. This was a condition of approval that the CZC was issued on. If you look in the UDC, the applicants -- the applicants -- well, let me -- let me move forward on this first. So, here is a picture of the site plan. Meridian is -- south Meridian is here on the west. This is the residential structure that there was mostly exterior facade improvements. Very little improvements made to -- this is the parking lot and over here this is the accessory structure that is being discussed today and the photos on the left, that is what is being built, the 2,500 square foot accessory structure and, then, on the right this was, again, the existing residence, with mostly minor facade improvements. After staff issued the CZC with the condition of approval that the applicant has to meet the ten foot setback, the applicant asserted that the -- that, actually, the setback that they showed, which was a five -- five foot setback, was actually the correct setback. The explanation is that in our UDC in the table there is a footnote, basically, and what it says is that when a residential structure is being reused this minimum setback can be reduced. The applicant contends that because they are reusing an existing residential structure, that five foot side setback would apply to any structure on the property. The intent of this is that there were many properties that were residential that were converted into -- rezoned to office properties and when they were rezoned to office properties many of these properties maintained a five foot residential setback. So, this was intended to keep the existing houses that were converted into office buildings from being considered nonconforming. The intent of this -- at least staff's position was it was not to allow all of the structures -- it's not an incentive to reuse the residential structure by letting you construct all the structures -- new structures at a five foot setback. The -- following the CZC with the condition of approval, the applicant requested a director's determination regarding this matter. The director issued a letter and they agreed with staff's interpretation of the standard and, again, what it said is that the five foot setback is to address the existing homes that were converted into office uses, to allow the setback and not be nonconforming. It was never -- it was never intended to allow all structures on the property to be built at a five foot setback. With that, again, the CZC was approved with that condition. The UDC allows the applicant to request City Council review of this, which is what is happening tonight. So, the applicant is requesting that the City Council review what the director's determination is and whether or not the ten foot setback should be applied or the five foot setback should be applied and with that I will stand for any questions, Council.

Simison: Thank you, Alan. Council, any questions? All right. Then I will ask the applicant please come forward. If you could state your name and address for the record.

Leonard; Josh Leonard. 4099 Bavaria in Eagle. Mayor, Members of the City Council, my name is Josh Leonard, as I said, and I represent the appellant, the applicant, in this case. I thought staff did a great job of going through the history and the background on this and what -- and how we got here. You should have in front of you a packet of nine pages. Some -- do you have? Great. I'm going to go through those pages. But I'm going to skip around a little bit, just based on the fact that city staff did cover quite a bit of it. Page one is simply a depiction of the subject property. Page two. This is where we get into the basis of our appeal. It's in Table 11-2B-3 in Meridian's Uniform Development Code. The pink highlights and the red arrows in there are mine and they are just there to show you what we are -- what we are focused on. We are appealing the -- a director's determination, which upheld planning staff's interpretation and implementation of the interior side setback prescribed in that table and specifically we are asking the City Council to read and apply the plain and unambiguous language of that Footnote 2 in Table 11-2B-3. And, again, we would ask you to read that in context. Read that without the -- the narrative or the intent that was provided by -- by staff. Read that in context. It says minimum setback only allowed with reuse of existing residential structures. Moving to page three. That's a site plan. That shows what's proposed there and you have seen that in staff's slideshow as well. One thing I wanted to point out here -- you will note down in the bottom right-hand corner, the pink is the -- the setback -- the setback is only five feet, instead of ten feet. It also notes that that existing shed that's right next to it is nonconforming, because of exactly the reason according to staff and the director, that that footnote two is -- is in city -- is in city code. It is a prior existing, nonconforming structure that's going to be there after the -- the application -- or after this is completed. We are asking that -- that the setback for that shed that's existing there be the same as the one that's for the new storage building. Page four just shows the impacted area along that -- that property line for the setback. Again, page five back to that table in that footnote two. Page six shows several ways in which the intent could have been written into the code to provide applicants and appellants with notice of what was expected of them when they submitted an application. Any of those three accomplished what was said by staff, but isn't contained currently in city code. The next page, page seven -- I'm going to make a practical argument also as for why the five foot setback should be allowed here. If you look on page seven and also on page eight where it's magnified, immediately adjacent to -- on the -- on the adjoining property is an existing wireless tower. It's not adjacent to the side to residential, it's adjacent to a fixture that's going to be there for some time and if we apply the ten foot setback on the applicant's property we are simply wasting five feet of usable property that's available for him there. Again, we would ask you to read it -- read the plain and unambiguous language that's contained in city code and apply that in the -- to our appeal and find that the five foot setback applies and I would stand for questions.

Simison: Thank you. Council, any questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Just to make sure I heard what you said, Mr. Leonard, and that is the existing shed will be in use?

Leonard: That is correct, Council Member Hoaglun.

Hoaglun: Thank you.

Simison: Council, any further questions at this time of the applicant? Okay. Thank you. This is a public hearing. Mr. Clerk, did we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, yes. Teresa Shackelford.

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

Shackelford: Can you hear me okay? Okay. I'm sorry. I apologize for my voice. I caught a cold. My name is Teresa Shackelford and I actually live at 3964 West Miners Farm -- a little closer? Okay. How is that? Can you hear me now? Oh, good. Okay. I want to have one of these at home to yell at my husband. This is great. He says I can't hear you. You got a bad voice. So, I am the co-owner of 2600 Meridian Road, which is where the veterinary hospital is. Just south of Mr. Blood's building where Speedy Quick is going in. We really are opposing reducing this setback for a couple of reasons. One is, yes, there is a cell tower there. We have allowed for fall space. I don't know that if you realize there is supposed to be fall space and we have allowed that on our side and have designed the access road that he's going to be depending upon in the future and it actually is -- abuts the -- what shed he wants to use, which is currently like a chicken coop. That's actually the access point -- the deeded -- the access point that we were obliged to provide when we did our development agreement. So, adding that to be closer -- he certainly isn't going to drive through the chicken coop to get to our -- onto Edmonds is fine. If -- if that's what he chooses, but I -- I'm a little concerned about the cell tower. We can't certainly ask them to take it down to accommodate that and it's already there. We have provided lots of space around our property, but we feel like the space should be where it was, because when they planned the cell tower we thought that they were back ten feet there.

Simison: Thank you. Council, any questions? And she did bring up the question that I was going to ask eventually is -- because I know this has come up with -- with county issues in the past regarding fall space for cell towers. Do we not have any provisions or take that into consideration for our applications?

Tiefenbach: One more time, Mr. Mayor.

Simison: Fall space. And it's come up in the past when we have had county parcels that have -- they have come in to put in cell towers on county parcels and, then, they would require I think 150 foot typically set back for their fall space at the county and we objected to those, because they seem to be overly ambitious. But do we have no fall space requirements for things coming on -- in this case?

Parsons: Yeah. Mayor, Members of the Council, we do have setback for cell towers in -- and in our code. I'm not an engineer, I can't explain as to how those poles collapse, if they do collapse, if they fall are they supposed to break in pieces? I don't know all the technology behind it. But, certainly, when we annexed in the Shackelford's property the cell tower was approved through the county and we accepted that condition, just like we are doing now when we annexed this other property in. So, yes, if a cell tower was to come into the city today we would apply a setback based on that zone. In this particular case -- I don't know exactly. I can pull up the code and get you what that would -- what that would look like. But, typically, we don't like cell towers next to the street. We want them pushed back on the property and, then, when it's -- depending on what zone they are in it's going to dictate what setback applies. So, they have to be a certain distance from a residential district as you mentioned, but it's not -- basically it's not due to fall zone, I think it's just due to just the appearance of the cell tower, more aesthetic than anything. But there is nothing in current city code that says you have to be X amount of feet to be clear of a fall zone in our code. But there are setbacks for that use being next to residential districts and the public street.

Simison: Okay. One thing for the applicant to at least address as to why not put this shed on the other side of the property that would be well outside the fall zone, because there doesn't appear to be anything on the property that would prohibit that at this point in time. Just one question. Mr. Clerk, anybody else that is signed up to provide testimony on this item?

Johnson: Mr. Mayor, that was all that indicated they wished to testify.

Simison: Is there anybody else in the audience or online who would like to provide testimony on this application at this time? If so use the raise your hand feature online or come forward. Okay. Would the applicant like to come forward?

Leonard: Again, Joshua Leonard for the applicant. The fall space required in the county is actually one foot of horizontal space for each ten feet of tower space and the reason it's not one to one is that towers don't tip. Towers are engineered so they have rings and drops straight. Even if they are going to tip they drop straight down. The -- the other thing about a fall zone for a tower is that it's required to be on the applicant's own property, not on the adjacent property owner's property. It's not allowed to burden my client's property, unless my client were to grant them a no build easement adjacent to that property line. I think that was the only real question that was raised. There was an access road issue, but that actually is a red herring in that the neighbors unilaterally relocated that easement without approval from the -- the dominant holder of that easement and so it's -- it's actually not in the correct place as you mentioned. Any further questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Leonard, if I remember correctly, this was continued because you were working with staff to try and address some of this. Can you give us a summary as to those conversations or am I incorrect as to the reason for the continuance?

Leonard: Mr. Mayor, Council Member Cavener, it's because I was in Maui.

Cavener: Sorry, what?

Leonard: I was in Maui.

Cavener: Oh. Maui. Maui. I don't think that's in Meridian. Thanks.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: On page three of the packet you gave us, can you help us understand the downside to -- to placing the building five feet to the north? I'm trying to understand exactly what it is that I'm looking at here on the -- on the right side of this drawing of a schematic.

Leonard: For the right -- Mr. Mayor, Council Member Perreault, the circle that you see there is a fire access issue and you can see it's right up to and abuts the building. That's the minimum circumference the fire apparatus would need to access that building.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Thanks, Josh, for -- for the presentation. The -- I will give you some comments and let you respond, but the -- the issue before us is really narrow and, Teresa, to your -- to your comments, whether there is a cell tower or a -- or a commercial store or even a house right up against, none of that really technically comes into play for the narrow decision we are being asked. All we are being asked here, as I understood it, was the application of that provision of the UDC and whether that exception applies to the entire property or not. I appreciate your materials and you are -- you are correct, obviously, in the two step process and try and -- for us to determine whether or not we can look at the intent of this language and what staff has provided is step two and step one is whether it's ambiguous and -- and, frankly, I found it to be ambiguous and the way I broke down that sentence -- the sentence says a minimum setback only allowed with -- and I stopped there and a minimum setback is allowed with what follows next and it could be minimum setback only allowed with any structure, new or old, that's upon the property. It could be it's only allowed with, quote, reuse of an existing residential structure. I think both interpretations could be reasonably acceptable. But the fact that one of those acceptable interpretations is that the use of the minimum setback is connected with the reuse of the existing residential structure I think you can interpret that to mean that the five foot is only

applicable to that existing structure. But it's ambiguous. So, I think it does open up the question of intent. I found staff's initial analysis and Mr. Hood's review to be spot on, understanding that it's ambiguous. I think there is the assumption that that first step is there is an ambiguity and because of that we look at the intent and I thought the explanation of intent, why it would be limited to an exception just for that existing structure, but not applicable to any new structure that might be developed on the parcel, I thought that was -- that was a compelling argument, I thought it was the more reasonable interpretation that the five foot setback was limited and the intent was that it would be limited to the residential structure. So, I find Mr. Hood's letter spelled that out well. So, whether there is a cell tower adjacent to it or -- or a residence or a commercial business, really, that's technically not relevant, because our analysis in applying this ten foot or five foot exception has to be the same city wide in this exact circumstance, regardless of what an adjacent use is. So, that's how I took it. I think the director was correct, I think staff was correct, and the five foot is limited only to the residence. So, that's how I found ambiguity. Understanding both sides could be argued and opened it up for the intent, how I got to that conclusion. So, I hope that answers -- I guess for Teresa kind of give you some context of what we are being asked to -- to decide and not decide. That's where I saw it, Josh.

Leonard: I appreciate that. Mr. Mayor, Council Member Borton, if I can respond. I understand and I agree with your -- your approach to it. I think that's exactly right. Phase one, phase two, whether it's ambiguous and, then, look at how to interpret it. The problem that I have with the intent argument is that the intent argument only applies to a residential building then. It doesn't apply to the existing shed that will be reused. It's an existing. It's not to be constructed in the future and as you know, the way that the law works with these things is if it's existing at the time the change is made it's a prior existing nonconforming structure without footnote two. It didn't -- didn't need to be there to be able to achieve that -- that lower standard. I appreciate you -- you referring to it as a narrow -- narrow problem, because it is narrow. It's only ten feet to five feet and it really is it -- we are not talking about 90 feet, we are not talking about a huge distance, we are just talking about those five -- those five feet and it may not seem important -- as mentioned earlier, it's important for the fire turnaround and it's important for the -- for the size of the shed and usability of the property. One thing I would correct is that this actually wouldn't apply city wide, it would just be zone wide, because it's in the L-O and that's the only place that that ten-five is, so --

Borton: The circumstances of a similar project and similar zone --

Leonard: Sure. City wide. Fair point. Fair point. Thanks for the question.

Simison: Council, additional questions? Okay. Thank you very much.

Leonard: Thank you.

Simison: Council, comments? Motions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Maybe just some discussion, but the public hearing seems to be complete. I move we close the public hearing on CR-2021-0003.

Perreault: Second.

Simison: 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.

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I have explained kind of the rationale behind the conclusion I think is appropriate, but we always want to make sure our code is clear. If there are ambiguities, unintended that there may be, that we can make new language clear. I know we are talking about changes to the UDC next that does that very thing. It's a continual process. So, we might be able to look at this language. At least talk about it, you know, in house and see if there is something we could do to make it more clear to avoid ambiguities. But I think the planning director's determination is correct in support of what staff had originally concluded and it's a -- it's an appeal -- the nature of the request an appeal? So, I think the appeal should be denied for the reasons previously stated.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm not going to be able to explain my thoughts nearly as well as Councilman Borton, but I -- I agree. My concern in making this decision -- although the purpose of alternative compliance, of course, is to allow for something that's not typically allowed for or -- or some sort of exception and -- which was also the intention of putting this footnote in here is to clarify an exception. So, my concern in overturning the director's decision is that we would, then, be inadvertently creating a change to the UDC by doing that and so my -- my preference in this would be that we do review how the code is written and -- and, then, in that case it would -- would or would not become applicable to the -- to the applicant. But I just have concerns about making this decision and how it does affect other potential similar situations. Perhaps I'm -- perhaps I'm incorrect in my belief that that would be the case and if that's -- if that's so I would like to hear some thoughts on that. But that's my concern in overturning. I don't disagree with the director's interpretation with a limited understanding of exactly how, you know, that -- these scenarios work. Every time we have an application like this it seems like it's a very specific

unique scenario and it's challenging to think that the decision will, then, not only benefit this applicant, but how it will affect the rest of the -- rest of the public.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Real quick. I believe that the intent and application of the code has been for existing structures only. But to Councilman Borton's point that it is ambiguous. It is not totally clear and, in fact, I would even wonder about the existing structure. It's a shed. It references residential. Does that include all nonconforming structures. If they were just leaving that as is and -- and it was -- they wanted to add on to that shed, can that be nonconforming? Because it's not the residence. So, I think there needs to be a rewrite and we have -- staff could take a look at that, just because of an issue like that may appear in the future. If they were to just remodel and expand that, say add another bay for a truck, you know, does that -- now is it nonconforming or is it conforming? So, just all those things that -- we just want to make sure it's -- it's as clear as possible, so -- but I agree with the end result is -- is to deny the appeal.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will make the motion that we deny the appeal of the director's determination in CR-2021-0003 for the reasons stated on the record.

Hoaglund: Second the motion.

Simison: I have a motion and a second. Is there any discussion on the motion? Clerk will call the roll.

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

Simison: All ayes. Motion carries and the appeal is denied. Thank you.

MOTION CARRIED: ALL AYES.

3. Public Hearing Continued from June 1, 2021 for 2021 UDC Text Amendment (ZOA-2021-0002) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.

- A. Request: UDC Text Amendment for text amendments to update certain sections of the City's Unified Development Code (UDC) pertaining to the Landscape Requirements and Common Open Space and Site Amenity Requirements in Chapter 3; Multi-family

Common Open Space Design Requirements in Chapter 4; and
Various other Amendments in Chapters 1-5 and 7.

Simison: Next item up is a public hearing continued from June 1st, 2021, for the 2021 UDC Text Amendment Modifications. I will turn this over to Mr. Parsons for any comments.

Parsons: Thank you, Mayor, Members of the Council. Pleasure to be with you tonight. As you mentioned, this item was continued from the June 1st hearing. Before I dive into my presentation, at least give you a synopsis of what has occurred since the June 1st hearing, I wanted to at least ask the Mayor and Council if we could maybe change the procedures up tonight. In looking at the public record -- as you recall we broke this out to -- and we continued this project to allow for more public feedback for open space and amenity standards and our RV parking. Well, looking at the public record it looks like we have -- we have gotten what we wanted. We have gotten that public input and so I was -- wanted to ask the Mayor and Council if we wanted to just focus on the RV parking first and, then, move towards open space and amenities, since that seems to be the bigger topic tonight and that way we can kind of progress and, then, get back to just some general business. But I just wanted to pause there and see if you guys were comfortable with that, because, again, looking at the public record, the majority of the comments that came in were in regards to the RV parking. So, Council, Mayor, what's your pleasure this evening? How would you like this to move forward this evening?

Simison: Well, let's go ahead and start with RV parking. Does that work for everybody?

Parsons: Perfect. Then I will -- I will focus on that part of the presentation. I do have Lacy Ooi, who is the code enforcement supervisor here. She's the one that took the majority of those e-mails from our citizens as to the proposed changes.

Ooi: Good evening, Mr. Mayor, Members of the Council. I was asked to respond in just a general format of the survey results that we got and e-mails that were concerns and try to give some clarification to some of that. Starting with the difference between city code and HOAs and CC&Rs, there was some confusion of whether the city made changes, if the HOAs also had to make those changes. As city codes are effective throughout the city, regardless of regulations of the HOA, an HOA can create more stringent -- stringent restrictions within their CC&Rs. Covenants, conditions and restrictions are commonly written within HOAs to mimic or mirror the city code, which gives a better enforcement side if they are not able to gain compliance on their own. Many of them are written similar to our code as it is currently, but the HOAs would not need to make changes to mimic our modifications if they don't wish to. So, they can enforce more restrictive regulations within their HOAs. Another section and confusion was parking standards versus parking regulations. So, what we are reviewing are parking standards for residential use, not parking regulations which are on the public roadway. So, the public roadway regulations are in Chapter 7 and are not being modified and currently allows recreational vehicles to be parked without moving for 72 hours at a time. Parking standards don't allow for any use of parking regulations on private property. The section of code being reviewed for

modifications is in regard to residential properties. Private property, most commonly known as your driveway, when we refer to it as a street yard, the survey was put out trying to make it more user friendly, but may have left some detail out that caused confusion. Mostly that it said to park in front of your property and a lot of the confusion in the surveys came back with people thinking that meant the front as in the public roadway, which is already allowed and not being changed. So, when it refers to the front that the survey stated, it's referring to the front street yard of the private parcel. Asphalt and concrete they are still restricted. So, it would be front property if they pave more of their front of their property they are allowed to, but it would still require them to be on an improved surface. This -- the modifications are to allow for your use of your property for any registered licensed operative vehicle and in addition to any of those vehicles you could have one additional vessel that is being outlined for an RV, a boat, a trailer. It also allows for one off-street, off-highway, or specialty off-highway vessel. These are vehicles that aren't registered, that aren't street legal, but it would allow for one of those or the other vehicles, which actually allows us to have more restrictions from people storing multiples of those, which currently are listed as private recreational use vehicles. It would just be to define them. But at least giving us an option of having one of those. It also -- the modifications also would allow -- if they don't have one of those vessels on their driveway that they could have an additional one on their side yard unscreened. So, a lot of the older neighborhoods don't have the space that allow for the screening requirements. So, it would allow them to store one on the side yard, but it ultimately would give us the ability to restrict it to one either in the driveway or on the side yard. So, that's the majority of what I received asking for feedback on. The survey results were not great in my favor, just 75 percent to 25 percent, but I do feel that when I look at these subdivisions, just looking at current calls and calls that we have handled recently, the older neighborhoods aren't necessarily going to be on NextDoor. Most of them don't have HOAs to operate a NextDoor feature. So, those communities that are looking to have the changes aren't being equally represented with the NextDoor survey. Personal opinion only. But I just think -- I looked at the list and there is four of them that we commonly go into weekly that aren't represented on the list that was sent the survey. My goal is not to have HOAs receive more responsibility for enforcing the CC&Rs, my request in having the rewrite is that the code as written is no more enforceable for us than it is for the HOAs to get any compliance for. All they have to do is move that vehicle onto the street for 72 hours, we clear our call and, then, it can go back in. Every time requires us to send a notice of violation, every time requires us to give a reasonable time frame and it just circles and rotates and so this request is just to, hopefully, make some modifications that help the public and help our enforcement. I stand for questions.

Simison: Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you very much for that explanation. That answered some of my questions and gave me some better context. So, I was also under the impression that --

that much of the feedback that we received was a misunderstanding that vehicles will be somehow permanently parked on the street and not in a driveway or a street yard and so that being said, my anticipation is that the 75-25 results that we got on NextDoor perhaps were not accurate, because there was common understanding -- misunderstanding that it would be allowing for street parking. The question I have is specific to the 11-3C-4B, where it gives specifics on the compacted gravel base being four inches thick and the type of surface that the vehicle would need to be parked on. I guess -- I feel like that -- that if we are going to get specific about those requirements we either need to get more specific or less specific. So, what I mean by that is it doesn't state specifically that the vehicle -- that the vehicle has to be entirely sitting on that hard surface, it -- I mean maybe they could pour a small pad and the vehicle is longer or shorter than that pad. So, I think that we need to clarify that the entire vehicle needs to sit on that surface. The other question I have is if we are going to have code enforcement being so specific as to four inches thick, how do we determine that on somebody that already has a concrete pad or an asphalt pad in place on their home that they will now use -- you know, I mean I can't imagine that we are going to be able to measure it that well. So, if somebody already has a hard surface that they can now park their vehicle on, if this is passed, are we -- and it's not four inches thick, are we going to come back and say, sorry, it's three inches, now you have to have four inches. I mean kind of how far do we go with that from an enforcement standpoint. So, can you give us some more specifics on how that came to be determined and how it will -- how code enforcement will manage the compliance for that?

Ooi: The reality is that section of the code was already written. So, this code came into effect in 2005 and those modifications have not been changed. So, that is completely standing as it is. We are not engineers and we don't have a way of determining if it's four inches or two inches of concrete. The main product would end up breaking up, so if it was used over and over again and it wasn't four inches deep, the concrete and asphalt would probably have to be redone. It wouldn't lay flat so long. But that is not a modification that we have changed. That's the current code and one of our recommendations to people when they are having a struggle with cost of maybe paving or laying concrete is that the way that the code is written allows them to drive throughout to their parking space. So, if you were parking in your rear yard you need to have paved paths to get to there and those are also allowed to be parked on. So, if someone poured strips with the current code, they can park on strips. We recommend to people that they either pour strips or they park on pavers. They could lay in pavers. And the reason for the parking requirements anyway was for dust mitigation and so it's still utilizing that if they are making some sort of modification to park and not sink into grass or dirt.

Perreault: Mr. Mayor, follow up?

Simison: Council Woman Perreault.

Perreault: Thank you. So, if you could give me some background, if you are familiar, when this -- when this was implemented, then, in 2005 if we weren't permitting vehicles to be parked in the front of the homes why did we have a standard for the thickness of the concrete? So, I guess I'm not understanding why that existed if code has not yet to

this point permitted vehicles to be parked in front. Now, perhaps we are talking about automobiles that were being parked there --

Ooi: Right.

Perreault: -- versus recreational vehicles and so in this case I guess that's still a question. Why -- why is there a standard that -- if, you know, they were never permitted in the first place?

Ooi: I love your questions, because they are questions I have had my whole career. So, in 2005 it was enacted, but prior to that we allowed people to hook up electrical to their side of their houses and park on a pad that was approved for their permits and, then, the code was enacted in 2005. I wasn't responsible. I came on in 2009. So, I don't know the whole reason why, but when those changes were made it definitely caused problems. It was not -- because it's a standard, not a use -- Ted, you are going to have to help me out on this one. Stick with me. Because it's a standard not a use. So, if a property had a shed that was in a front yard and that came in -- and the code was put into effect in 2005 allowing that not to happen, that would be a use of the property that was occurring prior to 2005. But because it's a standard, every time they move a vehicle in or out it's the change of the property and the standard. So, it's not a use that can be nonconforming. So, when this code came onto effect, nobody got a nonconforming status to allow it to continue to occur. But what has happened over the years is that when we get multiple complaints in a neighborhood and one neighbor complains about another neighbor and another neighbor complains about the other one and we end up with this list of like 19 or 25 -- I know that there is some of you that were on -- when we had to do that and we got multiple complaints in of everyone saying it's not fair, they are harassing me, they are picking on me, we have been asked to pull back on that and only be complaint based. So, it makes it really unfair enforcement for those older areas, which is why with the HOAs having their own CC&Rs that are more restrictive and they can do that, it's easier to enforce because there is already a rule in place when the residential properties are getting built. So, this is kind of why I'm trying for this compromise is to say we need something that makes it more fair and more fairly enforced.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Yeah. I have been struggling with this and I think it's hard, because I definitely agree you have a big enforcement issue today. I'm just worried that the -- the solution might not be getting us there. It might be causing other unintended consequences. I guess I -- refresh my memory, but do we look at any other ways that cities have approached this? I can't remember if that came up in our last hearing, but I'm almost wondering about maybe a different approach to solve the enforcement, like instead of being specific to allowing an RV in one place for 72 hours, maybe something that's more proactive like -- if other cities have used a regulation where you could park on all Meridian streets for up to 24 hours at a time, a maximum time -- number of times per

month or something like that that might -- you kind of make it so people aren't gaming it by just moving their vehicle, a little bit outside of where it was parked, maybe something that applied to all Meridian streets or -- have you looked at some other approaches? I'm just a little bit nervous about, number one, safety. I find in our neighborhood that when we have any RVs parked out front we are getting some safety concerns from pedestrians, kids running by, we will say, hey, you can't block the sidewalk, but it happens anyway. It feels like it's a safety hazard. And, then, there -- there has been a concern articulated by people about, you know, folks living in structures and, then, taking up permanent residence there, whether it's in a side yard, a front yard, or on the street. With housing affordability questions, you know, that could come up, too. So, have you had any thoughts on those topics?

Ooi: In general your concerns regarding the vehicles being on the street or not being able to be there more often, that's going to be the parking regulation. So, it's already allowed for the 72 hours and that's not what's being reviewed under the UDC changes. If that was something that we wanted to be changed it would be difficult to enforce. So, the reason that the 72 hours resets is for people who can't park a vehicle on their driveway. So, if you have multiple people living in the home, you only have so much parking on the driveway, that you should be able to come home and park in front of your own house every night and if you come and go every night you should be able to know -- now if you had a neighbor that was persistent in believing that although you worked a grave shift, your car was never moving, we might get called to you multiple times in a month. Therefore, you would have to go find a place 500 feet or around the corner to be able to park to reset that time frame. So, those are different than what's being reviewed. Those are already allowed and it is a different battle, but this code gets reset once they move their vehicle off their private property onto the roadway and, then, we have to go through the cycle again. So, other things that we tried before changing the modifications was to change the penalties of the UDC, make them infractions and make them citable, instead of them being misdemeanors that required the notification. But when we talked to the courts about that they wouldn't proceed with summons for an infraction. It costs the courts too much to send out someone to serve and they wouldn't follow through with an infraction going through court. So, we couldn't change the penalties. We also discovered that the only UDC violation that code enforcement frequently gets called to is this code. The parking standards are in place for new development. So, when every home is built that they are built with a paved driveway, because if they weren't there, then, they wouldn't have to pave your driveway for you and people could just continue to park on the dirt. They wouldn't want to pay for their own concrete. So, parking standards in the UDC are utilized for good reason to make sure that developers are putting in the parking lot in the first place.

Perreault: Mr. Mayor?

Ooi: The living -- I was going to -- do you want me to address the living in them?

Strader: Maybe in a second.

Ooi: Okay.

Simison: Council Woman Strader.

Strader: Maybe if we could back up. So, I guess what I'm trying to see is -- is there another way to address the enforcement issue; right? So, if it's -- people are moving from their private property into the street, my question is can we try to tackle the piece on the street a little more broadly? Like could we look at that and say, okay, you know, there is a -- I don't know if we are able to regulate in that way, but that -- that would be my first question is is there a different way to say, okay, you can have your RV or whatever vehicle it is a certain maximum amount of time, maybe over a bigger time frame and try to do it that way?

Ooi: So, the procedures are outlined in the UDC that require that notification in the reasonable time frame. So, procedures would either have to change -- the code would have to be removed out of UDC and changed somewhere else that would give us different regulation standards and to be able to enforce it. When you're talking about time on a property, we get a lot of boats, fishers -- I'm not -- I'm not a fisher woman -- that have a season; right? So, they want their trailer and their boat to be in their driveway and so are we looking for storage? Are we looking at them for them to move it? So, when are they going to use it? Probably on the weekend. So, code enforcement is not there. We get the complaint on Thursday, we go out on Friday, we take a picture. The boat's there. It's gone. It comes back on Monday or Tuesday and it's there. So, on private property we can't go up and mark someone's tires. We can't sit there and photograph their tires in their driveway. We are going to be from a public view. So, a public street, public sidewalk, to be able to take that photo and we can't verify movement of that. Unless someone had surveillance 24 hours a day we can't prove how often it's being stored on their driveway.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It sounds like the frame work that we have to regulate this is -- is -- well, I know Councilman Cavener has been looking at this for a long time, too. I don't know. It just -- it feels like it really -- like this is tough to approach. You could address the question about -- and there was quite a bit of public comment about, you know, people living in RVs as well.

Ooi: It's also a separate code not being modified. So, it's called traveling sleeping quarters. So, traveling sleeping quarters is similar to like public disturbance. So, disorderly conduct is if someone's camping in a trailer without permission. So, if they are in a park and ride or if there is something that can be addressed and cited an officer on -- at the time. Traveling sleeping quarters is in the UDC and that's for the property owner and you could give someone permission, but, then, they are responsible for that violation. So, that requires us also to notify. So, it's still enforceable. It is a hard code to enforce. We usually require someone to give us a statement as to why they believe someone's

living in it, because we won't necessarily see it from the street. So, there will be a witness testify to it. But it's still enforceable. It's not being changed because of this code.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: But -- and I guess the question would -- and part of the feedback that I have received is that by doing this it may give people the impression that they can or that this somehow opens that up. Maybe we have the regulation in another place that they can't, but I think that there is definitely -- at least from -- from some feedback I have received in my neighborhood -- a lot of concern about this opening up ambiguity, that that is, then, permitted. So, I think whatever we do there would need to be a -- if we do anything there would need to be a big education campaign about what this does and doesn't do, because I'm receiving a lot of concern just about -- a lot of confusion in my own neighborhood and I, myself, am confused, being perfectly honest.

Simison: Maybe we will have three Council Members door knocking this fall making them hand out flyers and educate folks. Council, any additional questions at this point in time?

Ooi: May I respond to that? I think that there is a section in the code that states that it -- we won't allow people living in it. I think that it's actually written in there. It might be the nonmodified, but I think that there is a section that says that under no circumstance does this allow someone to live in the trailer.

Parsons: Yeah. Mayor, Members of the Council, Lacy's correct, if you look at the code. It prohibits people from living in -- in your RV, camper on the side of your home.

Simison: Are we ready to hear from the public? Mr. Clerk, do we have a sign-up list?

Johnson: Mr. Mayor, we separated these out and the ones labeled RV parking two people signed in. Both said no to wishing to testify and there were no online sign-ups.

Simison: Okay. Well, we know we have at least one that would like to testify. So, now you can come forward and be recognized for three minutes. And if there is anybody online that would like to provide testimony on this item you can raise your hand and we can bring you in. Yeah. Well, we will have -- there will be more people as well. There will be plenty of time. So, Randy, you are recognized for three minutes.

Spiwak: My name is Randy Spiwak. I live at 14580 East Loyalty Street in Meridian. Just a little bit of background. I retired as the president of Daytona State College in Florida, a school a little bit bigger than Boise State and was 41 years in higher education in Florida, so I'm very involved with the state -- state legislature and state department of education and rule promulgating and statutes. So, when we retired here back in 2010 after being a homeowner for 16 years and a place in McCall for 20, I got involved with the homeowners association. Served on the board for seven and a half years in one and two years now

on a second one and I was made aware of these amendments to the UDC and read through and I got to be a little bit concerned of the same ambiguity that we were talking about. What is an HOA going to do? I had formed a nonprofit corporation back in 2014 call ID-HOA. Idahoa. Not Idaho. And all I do is offer voluntary, at no cost, training or assistance to HOA boards all across the state. I have done about 149 just here in the valley and as far north as Coeur d'Alene and far east as Pocatello. But one of the things I tell boards is that -- HOA boards is it's our job as an HOA board member to uphold the CC&Rs that we all agreed to when we bought our property, not to enforce city code. That's what code enforcement does. Likewise, HOA boards should never ask code enforcement to enforce the CC&Rs. Ever. It's not their business. It's our business. When I read through this, because of the language in here, I thought, oh, lordy, here we go. Every homeowner who wants to park an RV in front -- in their yard, make a side area where the CC&Rs and majority of our homeowner associations do not allow that, then, it's the fight. It's not going to be the city that's going to stand tall for us, the HOA boards are going to have to stand tall for themselves and explain to homeowners, no, that code doesn't speak to you. Well, where does it not speak to us? Well, just out of curiosity I called Ted and I asked questions about where in the code do we speak to existing easements, covenants, things like that and the only section -- we never speak to homeowners association at all in the code and probably shouldn't. The only place we did I think is in 11.3 under interpretation and it's talking about the height of structures and things like that and it just says that if city code is more restrictive it shall prevail. It doesn't have paragraph -- the next paragraph that says that if the CC&Rs are more restrictive they shall prevail. It's -- it's intended. I also asked Ted in your notes -- the notes and reasons that are out here to the side, when are they ever promulgated in the code? They are not. They disappear. After this meeting, if this gets approved, none of that side of the page exists anywhere other than in your minutes. So, that nothing, again, that a homeowners association board can fall back upon and say, no, this really didn't make the CC&Rs less important, it doesn't -- it -- if they are more restrictive they stay in place. So, what I did for you -- and, then, I will just answer questions. I drafted two additional amendments to the code. One that really defines covenants. Covenants, conditions, and restrictions, CC&Rs, that could fall in the definition section. At least it would then -- our code would speak to existing code. HOAs make up 67 percent of your voters in the city. So, I think we probably ought to consider something like that. The second was should we have the quid-pro-quo? You -- we speak to the city code being a -- governing when it's more restrictive, but we don't speak directly to CC&Rs or other forms of covenants or easements or enforcement as governing when they are more restrictive. So, I have given you just two possible things. I think they are on file with the city clerk and I left copies. I will answer questions.

Simison: Thank you, Randy. Council, questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To that last point, that -- I think the confusion that's created by the proposed language would be if there is a CC&R provision that is more restrictive, both code and the CC&Rs both govern, you just have different entities that can enforce it. So, the language that says when it's more restrictive, the more restrictive shall govern, the intent is -- is correct, but I don't think it would be accurate necessarily to the public, because the reality is you are really going to have both provisions, you are just going to have two different entities that could --

Spiwak: The problem in the eyes of the public is they are going to look at city code as the code and CC&Rs as CC&Rs and, then, we are going to have to spend the time and legal fees to defend our CC&Rs, not the city.

Borton: The unintended consequence might be a citizen coming to the city and say, city, you said -- your code says this private language governs, so, city, make that happen and the reality would be it's not our deal, that's your -- that's a private contract. So, I get the intent, I just was thinking of an unintended consequence that might come from that language.

Spiwak: So, I think the greater of the unintended consequences is not addressing -- that other easements, covenants, and things do exist and the city is not trying to overrule them. I support the language that's in there. It will make it easier on code enforcement to do their job, but I just don't want to make it harder on 344 HOAs in the city to try to uphold the CC&Rs and that's what we are asking.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: To that point maybe either to Bill or Ted. Is there a way or a mechanism that we could place in code that says, look, the City of Meridian is not in the business of enforcing CC&Rs. We recognize that they exist as a civil contract between private parties and to Mr. Spiwak's comments that we are in no way, shape, or form trying to hinder or prohibit CC&Rs from enacting their own rules or, you know, covenants that make sense for the values of that particular neighborhood. Almost a declarative statement. I just don't know if -- if that's something we have explored and if we could do something along those lines.

Baird: Mr. Mayor, Councilman Cavener, I'm also interested in hearing Bill's -- Bill's opinion on this, but it operates by force of law that -- it's a contract between the homeowners amongst themselves to enforce amongst themselves and I'm just very cautious when we start making declaratory statements in our codes. You know, I get a couple phone calls a year from -- from folks asking about CC&Rs and we have our standard response that this is -- this is your contract. We don't get involved. I'm happy to help you hand out pamphlets that say the same thing, so -- but, again, I'm not saying we couldn't do it, I'm just saying let's be really cautious and -- you know, Bill is more of the keeper of the code,

so I kind of want to get -- get your thoughts on -- on if we want to go into that territory, Mr. Mayor.

Parsons: Yeah. Mayor, Council, certainly happy to provide some context on this. You know, from -- from planning's perspective we try to educate the public on CC&Rs and we are very clear in our messaging to them as well. We tell them that the city will not enforce CC&Rs, that's something that you as a homeowner bought into that subdivision, you knew what you were getting into, what -- the rules you had to follow when you moved into that subdivision and for me that's what this really comes down to. Do we really need to codify something or is it more of a public outreach? And I think from my perspective I think it's more of a public outreach, because I don't want to be in the business of maintaining or -- it doesn't feel good to tell somebody that we can't help you and that's what I feel like we are going to do if we put that in the code. I can enforce the code. I can say here are the rules, but without being a party to those CC&Rs and know what the homeowner signed in that contract, I wouldn't know how to advise them. It just -- to me it just seems to complicate things for us as far as planning. That's why we have always taken the stance of going back to even Ted's comments, that, you know, that's something that we are not going to enforce, it's something that -- it's more of a civil matter than a city issue. That's kind of been my experience with them.

Simison: Council, further questions for --

Hoaglund: Mr. Mayor, one more --

Simison: Mr. Hoaglund.

Hoaglund: Mr. Spiwak, thanks for being and here and your -- your experience and one of the things we -- I noticed throughout was some were saying -- of course the argument was, ah, you know, we are more restrictive, don't take that away from us, which we know now it's not being taken away from the local CC&Rs, but a lot of -- there are folks who wrote in and said, you know, my HOA doesn't enforce our CC&Rs and, you know, I would tell them -- you know, I didn't comment, because if it comes before us at the time, even though it's a UDC text amendment, but I would tell them that, you know, it's your HOA get involved. Is there any other advice you would give people if they are in a homeowner's association that just, yeah, they are not doing their job. I know it's -- it's their deal, but have any other suggestions for them?

Spiwak: Mr. Mayor, Councilman Hoaglund, you are seeing exactly what I tell them. You have to be involved. It's -- we are all volunteers. We are unpaid. But it's letting the homeowners know this is what it says. It's in writing. When you bought your home it was handled -- handed to you by the title company at closing and you accepted this to live in a better community, one that you don't have parked cars parked out in your front yard and 16 trailers and everything else. You live in a nice community, which is the vast majority in Meridian. This is a beautiful city and I think our HOAs go a long way to help that. But that's the advice we give is if you are going to run for office, then, do your job and if you

are not, don't, and, then, there are some that have a hard time getting board members for that reason.

Simison: So, if I could ask a related-unrelated question, but what we are here for -- in your opinion -- we are going to go on opinion -- what should be the standard for changing standards within the community, HOA and city? I mean when everyone moves here -- I mean these are standards that we have had for the last, you know, 14 years and if we are going to -- or 16. I can't do math. Seventeen years. If we are going to -- you know, HOAs, it's not uncommon to have a hundred percent requirement to change CC&Rs. You know, obviously, cities we are not going to have a hundred percent, but how do you go about changing a standard effectively in an HOA if you were to suggest it?

Spiwak: Mr. Mayor, it's extremely hard. Most HOAs require between 67 and 75 percent of the homeowners to agree to any change. It's difficult. I spend a lot of time helping soon to be HOAs dealing with a developer rewriting those -- the CC&Rs and bylaws before it's turned over to homeowners, going from developer centric to homeowner centric, then, you can manage it. But I think the group that you already have here in place, the HOA leaders committee, that Jodi heads up, I serve on that one, too. I think advise to them -- and I can give advice to as many HOA board members as I can get to on things that we ought to do as HOA boards to help support city code and not pass off our own problems on the city. Likewise, that do our jobs and do them correctly, it makes life a lot easier. People don't complain if you are fair and if you are not -- if you are just following the rules they all agreed to -- or they won't complain long. But I think we are doing some great things in the city that many cities don't do dealing with HOAs.

Simison: Council, any additional questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: One real quick one. Mr. Spiwak, University of Daytona in Florida?

Spiwak: It's Daytona State College. It was a community college years and years ago and, then, we went four years when I was their president to 17 bachelor degrees. Many of the community colleges did, because our flagship universities couldn't keep up with the demand, but we did.

Hoaglun: That's awesome. Well, thank you. Appreciate you -- that you made Meridian your home.

Simison: Thank you.

Spiwak: Thank you very much. Is there any other member of the public in the audience that would like to provide testimony on this item? Do I still have the deputy chief with his hand raised. Oh, yes. Come on up. Sorry. Just come on up to the podium and state

your name and address for the record, be recognized for three minutes. Deputy chief, we will get to you after the public.

Morris: Good afternoon. My name is Michael Morris. I live at 604 West Pennwood in Meridian. I have lived there for 15 years. I have been a citizen of Meridian since -- I'm not going to say how old I am, but Fairview and Eagle was a four way stop sign I used to catch the bus at. So, it gives you a little idea of how long I have been here. I want to speak on behalf of Lacy -- not on behalf of her, but to enlighten you on some of the things that I have come across in the current codes that are a little bit convoluted and it just takes a little common sense to look at it and you will understand that there is -- it does need to be examined. Maybe not changed, but just the language of it repaired. I will give you an example. It says that all boats must be registered if they are in your driveway. Now, number one, Park and Recreation has a barrage of boats that don't require registration. Canoes, kayaks, certain sailboats, what they call drift boats. They even have lidos, which are dinghies -- they are called dinghies that don't, but the current law says they do. So, you have got two opposing rules going on right now and, then, you have -- one of the other issues that I ran across was the gravel driveways, which, you know, there are a lot of older homes there, they are not -- we are going through tough times. People just can't dish out 15, 16 thousands to pave their driveway in the back and there is a -- what you mentioned strips, but was never mentioned. Does a strip have to go to a pad in the back? Can a strip go all the way in? And, then, even then what is the back of the house? Now there is different descriptions. There is codes that say this is where the subdivision said your backyard was, but people push forward to get more room, they put fences on the side of their house to cover the new trash cans. I have done that. So, it looks like my backyard is actually 25 feet, 30 feet in front of where it actually is. But as far as the gravel, I measured my gravel. It was put in four inches to code. It was put in in 1982. So, prior to any codes, but it was put in. Now, anyone in the right mind knows -- man, woman, knows that if you drive over gravel X amount of times it's going to cave in, it's going to drop down. So, I measured mine and I had three and one half inches of gravel. I just basically stuck a ruler in. Didn't shovel it out, just what it would fit in and it came to three and a half. But yet I still got a letter from the city saying it has to be four inches. So, there is a lot of things that need to be re-examined on that that are just common sense reasons, so -- I was working with Tammy. She was very helpful to me. She made a couple phone calls and I got some phone calls back within an hour, when I was working on it for almost two years and, you know, then, COVID came and everything went south on us. So, I'm not trying to complain or anything about that, but I do have code enforcement problems and Lacy came and talked to me and we had a discussion. It was a -- you know, it was about a hundred degrees out there and I could see she was getting hot and I was getting hot. I had iced tea in back. But, then, she doesn't remember that I was out there for five years doing the work myself out in the heat. So, I understand it was uncomfortable for her, but I'm out there every year cleaning and maintaining my yard and doing that stuff, investing a lot of time in the heat. So, I just wanted to make that statement as well. But I understand. I just hope that, you know, it can be looked at -- if not -- you know -- not rebuilt, but just the definition and the continuity of it examined, so that those details are worked out, so you are not saying this is against the law and Park and Recreation are

saying, no, this is not against the law and now I'm a citizen in the middle going what do I do? Who do I listen to? So, thank you very much for your time.

Simison: Thank you. Council, any questions?

Morris: My first time.

Simison: No problem. Thank you. Is there anybody else that would like to testify? I don't see anything over there. Okay. Deputy chief.

Bongiorno: This is different for me. It's only my second time coming and presenting. Joe Bongiorno. 5144 North Cunard Way, Meridian, Idaho. I just wanted to tie onto what Mr. Spiwak said and what Councilman Hoaglund said. So, I lived in the Sunburst Subdivision for 19 years. I was the HOA president for ten of those years. Long time. And for me -- we had 25 year old CC&Rs and so for me I couldn't enforce 25 year old CC&Rs and so as long as Lacy attests and her crew can attest, I called them a lot, because the only thing I had as an HOA president was the code and so that -- I used the code and code enforcement to help me with some of those issues, because my CC&Rs were old and they -- they -- they weren't enforceable. So, with the help of an attorney, we had them rewritten, but it took me three years to get them approved, because of what he said, you have to have 75 percent of the -- the whole community to approve them. So, it takes a long time. It just doesn't happen overnight. So, for me I just -- I just wanted to make sure that the people that live in the older subdivisions that have old CC&Rs that are not enforceable -- and they still have active HOAs, because our HOA was very active, but I just couldn't enforce it and so for me the code is very important for people like myself that needed to call code enforcement, because I needed help. So, that was all I wanted to comment.

Simison: Thank you. Resident Bongiorno.

Bongiorno: That's ex-president.

Simison: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question.

Bongiorno: Yes.

Strader: So, if -- if -- you are not currently in that role, but if you were, do you think that this would clarify and make that job easier or do you think that would actually complicate the parking situation, if you were in that role today? These changes.

Bongiorno: Oh, I think the changes are great. I support Lacy in what she's doing, again, because our CC&Rs are old and were not enforceable, it would definitely help.

Strader: Thanks, Mr. Mayor. And so like in that example, you wouldn't have found yourself in a position where you were trying to enforce a norm in your neighborhood that was more restrictive and, then, you wouldn't have found city code to be less restrictive, you are just saying you were in a position where you couldn't enforce it all?

Bongiorno: I couldn't enforce it all. Correct. Sorry. Mr. Mayor and Councilman Strader, yeah, I couldn't enforce it at all in my situation. So, out of the -- I forget what he said -- 340 whatever HOAs, there is a ton of them that are old and have been around the city for a long time and they have old CC&Rs that are not enforceable and either the HOAs have just died and don't exist any longer, so for us this -- this -- I utilized code enforcement. Now, my current HOA -- you know, obviously, I'm in the Oaks North, which is brand new, so they have a full -- you know, you got to submit paperwork and do everything. So, they -- they are there on it. So, different story there.

Simison: Thank you. And, Council, I know this is the last person that we signed up to testify, but I think -- at least from my standpoint, in terms of maybe framing the conversation -- maybe not framing the conversation, but it's really what is the standard that you want. To me the HOA conversation is good, but it's not -- it's really not what this is about. You know, HOAs they -- they can make -- do those. The HOAs come and go. I mean we have situations in Meridiem where we have all these HOAs that they have gone away. So, the standard long term -- it's fair to say HOAs are going to be the standard bearers for how all these -- how we are going to look and feel as a community, it may be correct and it may be different, because they can dissolve themselves and we know that, even with property, common areas. Councilman Hoaglun sent a question on a different, but related common property along those. What do we -- what would we want the standard to be that they -- the homeowner would be expected to maintain on those common properties if the HOA went away? So, it's really what -- what is the standard that we believe is appropriate for the community short term, long term, any term. That's what I hope that we would at least focus the conversation around and not about the HOA impacts, because each one of those is going to be different. Everyone has a got different HOA. Some have this -- you can't do this, some have other things. So, let's just at least try to focus on the impact city wide and not about the HOAs if possible. Two cents.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Process question. We have had one issue before us. We have heard public testimony. Do we want to -- staff, Mayor, are you looking for us to act on each one of these individually? And, then, we will max on one and, then, move on to the next?

Simison: That's what I think we talked about at least earlier was trying to resolve this, if possible, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I will start a conversation if that's okay, because -- and I think I will start -- Mr. Mayor, I think you asked a really good question about the values of our community and I think if you asked all seven of us that same question -- if you asked all seven of us what you want for lunch you are going to get eight different answers. For me one of the things that I really like about Meridian and about Idaho is that we are a community that focuses on the lightest hand of government and that's a value that I -- I hold really true to. Except for maybe when it comes to public safety and health and safety and I think that's a little bit of a different piece. But a lot of this is in UDC, which doesn't always regulate public safety, it's more about quality of life. So, some -- Council, I guess past and current, know I have talked a lot about this issue and, ultimately, I wanted to get us here to this point. You know, we have heard from our citizens who have asked about this, we want to be able to park our trailer, we don't want people to park their trailer. I think -- I'm just glad that we are having the conversation, so that we can say this is where the current Council stands. We are either in favor of it or against it. I don't have these toys. Maybe one day I will be lucky enough, but I don't, but what I do see is that a lot of our citizens do and I do actually think that the parking on the street poses a little bit of a -- of a life safety issue. Great example happened this morning. I'm taking Porkchop to Y camp and I'm driving through this beautiful neighborhood in south Meridian. It's trash day, so trash trucks coming through, we got a trailer, an RV parked on the other side of the road and there is a car and there is not enough space, really, for me to kind of navigate through and I worry about pedestrians or kids on bikes go into Y camp or a fire truck coming through, what that impact would be on life safety. Ultimately, I don't want these things parked on the streets at all. I don't want them parked in driveways at all. But the law is going to allow them to park on the street for three days and so to me I think what's being proposed is the lesser of the two evils. Council Member Strader, I applaud you so much for trying to find an alternative angle to make it work. I think I have got a spoiler alert. There is no silver bullet for this. There is no way we are going to solve this. People who are going to game it are going to find ways to game it. So, then, to me it boils down to two things. One is I personally take a little bit of exception when homeowner association management companies use taxpayer funded resources to enforce their CC&Rs and I know you all read the significant amount of testimony that we received, but I read one yesterday that really stuck out and I want to read it for the public, because I want them to hear it. This is a very challenging item for communities as well and with this change we won't be able to lean on the city to assist them with the enforcement. We are not in the business of enforcing CC&Rs. I don't like us talking about CC&Rs, but when it starts to involve taxpayer funded resources I guess I -- I pipe up a little bit. So, if there is no silver bullet, we don't want them parking anywhere, but they are going to, I'm going to default to -- it makes more sense for me to let these people park the things they own on their own property, as opposed to parking it on public property. I want to thank staff. This is -- I feel like the fact you don't have my haircut is a testament to your patience and your grace, because it's a really hard issue to solve. There is some things out there that I really like. There is some things that I kind of scratch my head on. But I appreciate what the staff is

trying to do is to try and capture what our community -- how they can best serve our citizens. We heard again, time and time again, the customer service that you bring. You want to try and solve this issue as best as you can and create some clarity so that you can do your job well and so that our public can follow it. So, I'm supportive of what's being proposed, but I'm really pleased that we are going to at least have the ability to answer this question tonight for the public.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Councilman Cavener. I love that discussion. So, yeah, there is -- there is not going to be a magical solution to it. I -- I also default to the safety concern for me. I guess what I'm wrestling with -- you know, I know we have in here -- and I'm reading -- you know, you can't encroach on the sidewalk. Is that really enough? And is this really safer is my concern, because part of my concern is these vehicles are huge and we are finding that there is a lack of visibility as kids are walking behind large vehicles on the sidewalk. So, I guess my concern is -- is this really safer? And are we dialed in enough to prevent that from happening?

Cavener: Mr. Mayor, maybe I will respond. I will play attorney for five seconds. It depends. Right? Huh? Not bad? Not bad? All right. All right. And I will give you an example. Because -- because this is something I have wrestled with. My next door neighbor has the coolest boat. Like it's amazing. It's got speakers and wakeboards and I -- I think it's a transformer. When he bought it it didn't fit in his garage and so he's parking it in his driveway and it extended out into the sidewalk. That was concerning. It was a safety issue. For me that's less of a concern than the large RV that's placed on a hard corner to the entrance in our neighborhood in part because I see more pedestrians accessing to go out of our neighborhood than in a cul-de-sac. So, I think -- I think it's going to be subjective. To me I think that you have a more consistent -- you have safety if those items are parked in a driveway where they are confined to the property than on a public street where they can move back and forth and all around. For me. And, again, I guess it somewhat depends.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, I want to make sure I'm clearly understanding what it is that we are deciding this evening. Is it only the proposed changes in this document that are underlined? And are we permitted to have discussions -- or I suppose we are permitted to have discussions, but are we permitted in this -- in this approval -- or not approval to modify anything else that's currently in code or does that need to be, then, some -- a future discussion that we have for another public hearing, et cetera? The reason I'm asking is I would like to continue the discussion about the requirements for the surface on which the vehicles are being parked. I don't think that it is -- I think we need some modifications of

that, but it's not currently in any of the vocabulary, any of the -- the changes to the wording that is being proposed in this application.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would -- I would propose that we stick to what's being underlined and, then, circle back in the future at some point talk about your concerns, because I think that you probably have support with -- with that, but I don't know if right now is the right time to have that discussion, is my opinion.

Simison: Well, question for -- I guess even -- so what about the stuff that is underlined to be modified? Or -- so, that -- so, what's -- what's the underlined we can amend and modify if we so choose, but what's being taken out -- for the other stuff that's not --

Bernt: Mr. Mayor?

Simison: Okay.

Bernt: My own -- I have only been on Council for four years and it seems much much quicker than four years, but I -- we have had this discussion at least two or three times. Maybe. I don't know. You know, talking about UDC changes and such and I would agree with Councilman Cavener, there is no real silver bullet to this. I mean we -- there is -- in my opinion, there -- there -- and also I can say that out of what's been presented to us for recommended changes, I believe this is, generally speaking, the best that we have seen and -- and I -- it's -- it's hard and Lacy's in a tough spot trying to enforce these -- our code and I do believe our staff and those on Lacy's team do a phenomenal job in what they do. Generally speaking, I am in support of what's been presented and so I will be voting -- if we are doing a vote or we are just taking head nods, I'm in support.

Cavener: Mr. Mayor, are you -- are you looking for motions then? Are you looking for head nods?

Simison: Looking for Council and anybody else -- I'm -- it's been requested I don't speak until other Council have spoken, so I'm trying to be reflective and let every Council Member get their comments out from that standpoint that would like to speak, so -- I don't know if we still have a few that are kind of maybe waiting. Maybe not. I don't know.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: As far as the language that has been proposed in this specific application regarding UDC pertaining to the RVs, boats, and whatnot, I'm in agreement with what is currently being proposed. However, I don't think that it's going to -- I think there are some

additional UDC changes that need to be looked at and made to the language that exists and I would propose that we review that in the future and I think it's -- I think there is going to be -- sorry. I think there are -- are still -- there is still a little ways to go on this. This -- being in -- in the real estate industry, have these conversations frequently with homeowners. Very familiar with questions regarding what can I and can't I do with my property. Is the HOA going to allow me to do -- there is not a lot of conversation, though, about what the city allows me to do and I think people -- that's sort of their last kind of question, they don't think the city even has anything to do with their private property within the boundaries of the real estate that they own and so I'm kind of thinking through from that perspective and how it might be easiest to enforce in that regard, so it's not uncommon, if there is not an HOA, for a homeowner to assume that they can already park a vehicle on their property. There is not -- it's -- it's really even questioned that there is an assumption that as long as there is not an HOA present that they have the right to do that and so if we are saying, indeed, you do have a right to do that, then, we need to be really clear about what has to happen prior to them exercising that right and that's my concern regarding paving and the gravel and whatnot and, then, it's clear for folks that they understand there is a prerequisite to allowing them to utilize their own property minus any HOA limitation. So, that being said, I agree with Councilman Bernt, I don't have any issues with the language that is being proposed in this specific application.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm not -- I'm not there yet on it. I will be voting against. I -- I think there is an enforcement issue that maybe should be addressed separately and, then, we could do more research to try to address that. I am not convinced that moving vehicles off the street and into the street yard is an improvement to safety and that -- that is my primary concern is the safety concern as well. I just view it differently. I do think having somewhat -- if we were to do this in the future I do think having some clarifying language just to direct the public that if their CC&Rs are more restrictive that those will govern them and be enforced by their HOA, if that's all contained together and clear who enforces it, I would strongly be in support of that, because I think this just creates a ton of confusion and I also think if we don't think it's -- if we are not convinced it's fundamentally solving the problem, my default to changing language like this that people rely on is to not change it until we think we have solved it.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. I think overall these are -- these are good changes. They are not a hundred percent. I mean nothing is and we are trying to do the best we can. You know, I look at the things where -- in Item B where, you know, if you don't have a recreational vehicle -- personal recreation item, boat, trailer, parked in the street, then, you can park on the side. There is going to be people who want to do both and, you know, it's just the

way it's going to be. You are always going to have to deal with some of those things and I think it's -- it's a good step and something I can -- I can get behind for -- for this.

Bernt: Mr. Mayor? Bill, can you -- can you scroll up so we can get that -- keep on going. Keep on going. Keep on going. Keep going. Down. Yeah. There -- is that it? Okay. Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve 11-3C-4A2 as amended.

Cavener: Second.

Simison: I have a motion and a second. I don't know that we need to do it officially now. I think there is enough recognition to leave it in towards -- to do it the end, as compared to an individual. What is -- Legal's preference would be to do it all at the end?

Baird: Yes. Mr. Mayor, because you have a file that you are taking action on, I think it makes sense to do exactly what you just did, capture that, somebody write it down and incorporate it all into a big enchilada at the end.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I have a question about the motion. Is Councilman Bent proposing that we only take action on one section of the code that's -- of the four that are in -- that's in our -- our sheet here?

Simison: I think he was just trying to put this one to bed, but what we just -- we are going to not take action until the end. That way if it is bad enough you can all vote no against all of it, instead of just portions of it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would be concerned about taking that approach, because I have an issue with this change to the code, but I might be okay with other topics, like our open space standards or things like that. So, I -- I mean I guess, yeah, I would have to decide how material this is to the whole package, but is that really the most efficient way to modify the UDC?

Simison: I think it's what you have in front of you at this point in time is in that fashion and you would have to probably restart separately if anything -- if the -- if that was the case,

as compared to voting individually, but I have been looking to the attorney and that's kind of what I gathered from a nonstatements statement.

Baird: Well, Mr. Mayor, that -- that was certainly my preference that I expressed. I am looking at -- at Bill who has to -- to write this up. You know, if you want to try to pull it apart tonight or --

Parsons: Yeah. Mayor, Members of the Council, that was the purpose of why I created Exhibit 1, 2, 3, 4, 5 is because I knew it was all intertwined into one application, but for simplicity -- for simplicity I was hoping that if you had concerns with Exhibit 1, you could state that as you deliberate in your motion. So, for example, you make a motion Exhibit 1, we want these changes, we don't want this change. Exhibit 2, we want these changes, we don't want these changes. So, that will give you that opportunity to say you don't like Exhibit 1, but you are good with the other changes. So, I don't want you to think that you can't do it that way, but as far as a motion goes, breaking it up in separate exhibits is easier for me to track the changes for you and allow -- allow me to get the right commentary for each of the changes that I'm sharing with you this evening. So, that's really the goal. It's still one motion, you just have to say Exhibit 1, 2, 3, 4, 5 and how you want to proceed with those changes is how I kind of saw the -- the night proceeding. And the reason why I had the procedural question tonight is because I knew this RV topic would spur a lot more conversation than potentially the -- the other four that we are going to be going through this evening. So, I just wanted to allow people to voice their concerns and, then, move on to the other ones. So, hopefully, as we progress through tonight things will provide additional clarity and get things moving along a little quicker.

Perreault: Mr. Mayor?

Simison: Councilman Perreault.

Perreault: For further clarification, each of the UDC sections that are proposed here -- my preference is to potentially address them one by one, because, for example, we have not had a discussion about 11-1A-1, the dismantled vehicle definition. We haven't had a discussion about 11-1A-1, vehicle wrecking or junkyard. So, I would hate to completely, you know, throw the baby out with the bathwater and those might be fine, we might be okay with approving those, but maybe there is another section that we are not okay with approving. So, I guess I'm curious planning's opinion on that as well. Do they want us to make a decision on each one of these UDC sections all together or can we possibly address them individually?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: What I think I hear everyone wanting to do, which makes great sense, is walk through them, discuss them, put a pin in changes, get some general consensus, move through them all, complete the public hearing. It's a single public hearing for all of the

considerations. Close the public hearing and, then, when we start taking action we can chip at them one at a time and a provision one -- one proposed provision can get approved. The next one. And that way it's not all or nothing. We might adopt one, two and six and not the others. It allows us to act on some of it.

Perreault: Mr. Mayor, for clarification.

Simison: Council Woman Perreault.

Perreault: What I heard Mr. Parsons say is that he proposes we address each exhibit separately. I was specific -- I was -- I was specifically referencing only Exhibit No. 1, so --

Parsons: Mayor and Council, I think -- it's anything that goes in those exhibits, it's not just specifically that exhibit. So, anything within that exhibit -- all of these changes if there is something you want to change you are allowed to do that.

Simison: I guess from a procedural practical standpoint I'm not aware of making actions to approve or disapprove until public hearings are closed. So, if you want to close the public hearing and start going that direction, but until you take that action I don't think there should be motions specifically that would be binding. I get the sense of where this one is. I got a four to two, five to one, it's going to stand, you know, but we can come back and make a difference, but I think at least make that determination. Close the public hearing, then, you can start making motions all you want, but I don't think that we are there yet. Does that work? Close the public hearing and, then, you can come back and do them one at a time?

Hoaglun: So, Mr. Mayor, we have officially withdrawn the motion -- maker of the motion --

Bernt: Withdraw it.

Hoaglun: Okay. Thank you.

Bernt: Terrible motion. Bad timing.

Hoaglun: And Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Before we move on to the next -- the open space discussion, are we able to take a few minute break?

Simison: We would love to do that. We can take a ten minute break, if that works, and we will recess until 8:10.

(Recess: 7:58 p.m. to 8:12 p.m.)

Simison: So, Council, we will go ahead and come back from recess. Bill, we will turn this back over to you for however you want to proceed down the next items.

Parsons: Thank you, Mayor, Members of the Council. Sorry for the confusion this evening. Tried to lay out a process for us all to follow, so we can get through all the changes, because I knew the last hearing was -- was fairly lengthy as well. So, the next couple slides really are just meant as updates. I know we -- as I mentioned, we -- we spent a lot of time and on the June 1st hearing going through all of the proposed changes and its language. But I did want to just remind the Council of some of the topics of discussion we had. So, if you -- if you recall, as I mentioned earlier, there is five -- really five exhibits associated with all of the UDC text changes for this round. Exhibit 2 really dealt with multiple sections of the code and they are just miscellaneous changes.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Bill, I'm sorry for interrupting. I think if -- if we are going to be talking exhibits, probably should give Council a moment to get that pulled up, so that we are able to kind of track along.

Parsons: And I can do that as -- as I get to that. So, let me make the point here and, then, I can pull up the exhibits for you. So -- so, really, as I recall on this particular exhibit, the biggest topic came down to some wording about staff wanting revised language -- or, excuse me, revised plans prior to transitioning either to Commission or Council when you guys have requested changes and I remember the Mayor bringing that quite a bit on wording versus shall or may. So, again, it's just more of a reminder of what we talked about as we transition to potential motions this evening. But, again, I will go -- kind of pause here, bring up those changes, show you what I'm talking about, so you guys can -- can look at all of the proposed changes with Exhibit 2. And, forgive me, it takes some time to navigate all this and pull it up over here. Is anyone seeing this one or is it still -- there we go. So, yeah, you can see here -- again, my intent tonight is not to go through all the changes. I think, again, we beat this to death on June 1st. I really just want to make sure that -- you know, give you guys a synopsis, again, what we talked about. There is quite a bit here to go through. But, again, one of the topics -- again, a lot of this we talked about. There wasn't really any -- any other concerns from the Council, except for really 11-5A-6G and that really came down to whether we wanted to soften that language from shall to may and at least -- it may be required, it may not. So, I think that was the conversation that I recall. So, however you see fit on changing this verbiage this evening. I just ask that you incorporate that as part of Exhibit 2 in your motion. Any question on any of these changes before we go to Exhibit 3?

Simison: Or direction?

Parsons: Or direction. Yes.

Simison: I think that's more important as -- Councilman Borton.

Borton: Is it a request for direction. I like all the changes you made and the shall we are talking about in this last paragraph, that last sentence, the project may be continued, is the one we were talking. Okay. Looks great.

Parsons: Perfect. And moving on -- move to Exhibit 3. And this is one that I -- I know we spent quite a bit of time on as well and I know a lot of these -- a lot of the changes with the UDC are -- there -- there is a lot of verbiage to go through. But, again, this is to make it more enforceable and easier to administer. But I think, as I recall from the discussion, the biggest topic that we discussed was the tree mitigation fund and whether or not we wanted to set that up in code and I will go ahead and scroll down to that section for you, just to -- so you guys can recall the conversation. Right now we have verbiage in this section of code that we are asking to keep it in code and, then, determine a fee at a later date. But I recall from this body that it was potentially the intent of Council to actually remove that language from the code. So, again, in a possible motion this evening, if that's something that you don't want to support as far as the UDC changes, then, I would just ask that you strike that language and that would be under tree mitigation.

Simison: Well, Council, at least from my conversation with the director, he has no issue, unless he left me a voicemail earlier, unless it was related to this and I didn't check, but the -- I don't think there is any expectation that we set up a tree mitigation fund. It was really more of a thought concept, I think, more than a hard proposal. Even if you are listening or parks, you can correct me, but it's been my conversation to this point in time and not including that moving forward.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think -- I think in our last conversation that -- that was where we landed. I'm not sure everybody was here. So, they have a different opinion. But it just felt like a way for somebody -- I was concerned it wasn't totally flushed out myself and putting it in doesn't seem like a great idea if it's not fully flushed out, is my recollection of it.

Parsons: Any direction or question on this exhibit?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If I understood that correctly, then, what we are looking at here is paragraph seven will be removed?

Parsons: That would be correct.

Borton: I agree with that. I think it's what Council Woman Strader is talking about as well.

Parsons: So, in rounding up the conversation this evening, certainly want to focus more on open space amenities for our residential and our multi-family developments. If you recall this item was continued from the June 1st hearing for the purpose to get more public input, feedback on the proposed changes to see if this was the right feel, right fit for our community. I recall at the last hearing that I shared with you that it's something that was brought up as a topic during our Comprehensive Plan update. You guys -- Council wanted staff to go out, do a survey, get a feel of what -- what the community wanted. I believe I sent both of these body -- both of you two surveys, one for public open space, but also one for private open space and, Council Woman Perreault, I did receive your e-mail this morning and I was able to get that in a better format to share with Council this evening. So, I don't -- I don't want to get us off on too much of a tangent of what the community wanted for public space, because these proposed changes are really what people want for private open space as part of multi-family and residential developments. So, hopefully, we don't get -- get sideboard or sidetracked on that conversation too much. I think everyone can agree that we all want more open space in our community and how that looks is different for every one of us. But certainly this body asked us to step back, have a town hall meeting, which we did on the 24th. You can see here that we had -- we didn't have a great turnout. We had about 30 people participate, either listening or providing questions. But the good thing is is we were able to explain those changes and so what I want to do for you tonight is do the same thing that I did at the town hall. I know some of you participated in that, but I don't think all the -- anyone listening on the phone or participating via Zoom this evening -- I think it would be a bit -- worthwhile benefit to kind of share where we are at now and where -- where the proposed changes are going, not only for you, but also for members in the audience as well. So, you can also note that at the last hearing we had a couple folks testify and some changes and proposed some new language for some of the changes to what we were proposing to the open space. I think a lot of the discussion, if I recall, stemmed around the number of homes fronting on open space and the way the current code is written it requires 50 -- 50 percent and I think the discussion landed around 25 to 30 percent, if I'm not mistaken. So, again, I'm going to transition to really where we are at today and how we got to where we are now -- or at least what the proposed changes are. So, as I will share with you current -- current code requires ten percent open space for any development over five acres or greater. This bottom -- the table below that shows you what we are proposing now. So, as I mentioned to you last hearing, there is a sliding scale here. R-2 we are looking at ten percent as we increase in density the expectation is that we increase in open space and, then, as -- as I also shared with you we also have -- expanded our amenity package and we also require, again, the number of amenities or points required per development is going to be based on acreage as well and, then, each amenity is weighted on a point system. Now, the areas highlighted in blue represent amenities that we currently have in code. So, that's really what I wanted to show at the town hall meeting is a lot of these are currently in code, but you can see how much we have expanded upon the amount of amenities

that the developer or property owner will have to choose from, which I think is a good thing.

Cavener: Mr. Mayor? Sorry.

Simison: Councilman Cavener.

Cavener: Mayor. Is it okay if we interrupt you through your presentation or do you want us to wait until we get to the end?

Parsons: It's up to you. I'm open either way. You know, typically these aren't that formal. I want to be able to answer any questions you have as we are discussing a specific topic.

Cavener: Mayor, a question for Bill. Can you give Council a little bit of back history on how points are derived? I mean why does a dog waystation equal half a point and an outdoor fire ring equal a point or bike storage is three and a clubhouse is six. I think a clubhouse probably costs more than two bike storage lockers. Help me understand how the point system was derived and what it's based on.

Parsons: Yeah. Mayor, Members of the Council, I can't give you all the specifics. As I mentioned to you I wasn't at every -- every open space committee meeting and these -- again I think a lot of the points system did come down to quality of life or how much recreation or amenity would be used throughout the year, because you are correct, if you have a pool you can only use that three months out of the year. But if you have a clubhouse you can use that year round. So, I think that's how we kind of derived as -- as to the point system where a lot of our bases were -- came down to that. I know Councilman Bernt was part of that committee, too. I don't know if he has any context to add to this discussion as well. But, again, I think that's where we struggled as -- or at least had the most discussion around those, like how do we come up with these points and I can't tell you if this is the right number or not. Again, this is where we landed. We had multiple meetings on this topic and we did adjust the point value based on those discussions.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Bill, on these points, it says maximum point value select the clubhouse 5,000 square feet or greater in size. So, it's either six -- if it meets that there is not a four or three or two; right? So, are all these -- it's either three or it's nothing or is there another ranking? I'm just trying to figure out a point value.

Parsons: Councilman Hoaglund, I think you are hitting it right on the head. I think that's a lot of the discussion we had is now I don't get credit for something if I don't meet these requirements and I think that's some of the commentary you heard at the last hearing is why does it have to be a maximum point -- or, again, if you look at the beginning of this

code -- and I'm certainly happy to pull up all the proposed changes, but the -- the onus is really upon the applicant to share what they are doing in their development. I think from -- from doing this so many years a lot of times we have applicants that do a very good job describing what they want, their vision for their community, and what they are wanting to do and we have some that don't do -- don't tell us all that information and so we are there at the 11th hour extracting that -- or trying to gather that information, which can delay a project and get -- get customers frustrated with us, because we don't have enough information to base a recommendation on and so if you look at a lot of this, I think the intent here is to give the developer greater flexibility. I don't think that we are going to not give them credit for doing something. An amenity is going to be an amenity. How we administer that is to be seen. We haven't -- we haven't -- I haven't tested the code against any projects, but I know members of the committee that sat on the open space committee did do that and they felt comfortable with what -- at least they felt they could still meet -- their products that they have on the books today meet some of the things that we are trying to achieve here. So, I don't want to think that -- I think there -- there is going to be some -- some ambiguous decisions made here. It is going to be subjective as to whether or not this is a premier community. We certainly don't want to do that in code. We like black and white as well and, again, these are topics that we have had multiple times. I don't know what the right answer is. I don't know what the right point total is. I don't know how to value something more important than something else. I know a lot of times this Council asks us to go to other communities and see if anyone has done something like this. I can't even tell you if that's occurred or not. I haven't seen a point system for amenities, but I know talking with other directors that some communities do do that for landscaping and Ada county is one of them.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, then, to -- to what you just shared and -- and to Councilman Hoaglund's point, if -- if an amenity is proposed -- and I assume staff is deciding whether they -- it receives the maximum value or not based on Section B under the -- B-2 the assigned point value may be decreased depending on size, quality of the feature, ease of the maintenance, durability, integration. Two questions in that regard. One, who is determining whether those criteria are met? Because I consider that really subjective. So, size we could, obviously, probably put some measurements on, but I determine a lot of that to be very -- I have concerns about those decisions being made and creating challenges for staff truly. I don't -- I don't want staff to feel like they are in a -- in a disagreement with applicants over -- over these specifics. So, that's question one, who makes that determination about whether the -- the amenity gets the -- the full amount of the points and has there -- was there consideration made to just assign a flat point value and, then, if the applicant proposes something that's extra special, that maybe there is some bonus points of some sort, instead of trying to do this sliding scale for each amenity, which seems very time consuming to me and also too subjective.

Parsons: Yeah. Mayor, Members of the Council, certainly -- you are right, staff is going to determine that, whether or not they -- they meet the definition of a premier community and whether or not we think it fits with the vision of the comp plan and meets the code requirements. Again, there is a component here. I mean like anything with annexation we have that discretion to do -- to require more or we have been asked to require more and so that will be something that we will analyze as part -- but, again, it's incumbent upon the applicant to share that with us. Why do you think this works in this situation? And I think for the most part applicants have done that. I think some of the developers in this room tell you that they feel amenities are more valuable than open space and that may be the option there. Maybe you value a dog park more than I would, because you love dogs and you have dogs or I like a pool and you don't, because you don't want the maintenance and upkeep. So, to you a pool site is valuable and that's -- that's the difficulty of this code -- or at least trying to balance that fine line of open space and amenities, because not every community is the same, not everybody wants the same thing, and that's why to me if they meet the criteria we are going to give them maximum points and, then, if they do a great job in their narrative explaining why they have gone a certain route or why they feel their open space meets -- I think we can at least document that and put that in the record and share that information to the decision making body and they can determine whether or not they met the test, the intent of the code. I don't want you to think staff is the only one making the decision. There is -- obviously, it's going to come before the Planning and Zoning Commission and City Council and you will have a bite at the apple, too, whether or not it's a premier community or meets the criteria that you -- you want to see in the City of Meridian. But as far as, again, a maximum or sliding scale, again, that's something that was discussed at the committee. A lot of -- again, this was run through my -- my staff, our team, and they had the same concerns. This is going to be very subjective and it's going to put us -- I mean we certainly want to work with our customers and applicants. We want to be mindful of what this -- how the citizens see us portrayed as well, because we want to be impartial. We want to look at the code, look at the comp plan, and say, yes, you are meeting these standards. That's what our job is and relay that information to you. But we have your -- we share your same concerns. We want to make sure whatever we do works for the community and that's why we are asking you, hey, is this the right fit for the community this evening.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Bill, putting -- putting this together, you know, it's -- it's something that you are -- you are working towards trying to figure out what do we assign, how do we assign it, those types of things. Have you taken that and, then, done trial runs on already developed facilities? Because I think of like Bridgetower, we have got two pools and lots of open space and a sand volleyball court, walking trails and, you know, nice playground, but, you know, for its size it may not stack up, because of huge amounts of open space, which is really wonderful, but, you know, it -- I'm just curious to see -- okay, did that play out in that -- in that scenario or if that -- and the other thing in assigning point value, I was just curious under C, ease of maintenance. I was -- I was mentally playing that around going do we

care about ease of maintenance? Should we care? I mean we understand, yeah, if it's durable -- even durability -- but ease of maintenance. That's a cost that the HOA is going to -- going to bear. I mean I would think they would want that and I think the developer would want that. Everybody wants that. But at the same time is that a matrix we should keep track of and utilize? So, it's just -- you know, just -- I'm just having a discussion here, just trying to get through some of this stuff, so if you don't mind.

Parsons: Yeah. Mayor, Council Member Hoaglund, that -- that's a good point. I mean certainly, as I mentioned earlier, we didn't ground truth any of this. We actually had participants of the open space committee look at their developments and they said it would work, what they have -- have already approved. So, they are confident in -- in how this was going to play out. But you are right, there is an extra credit if you do more than what the code allows. But, again, keep in mind that we always have alternative compliance and that's the one thing that we told the open space committee is alternative compliance isn't meant to get you out of code requirements, it's -- it's meant to allow you to do something new or innovative or allow you to do that in-fill or allow you to reduce open space if you are next to a city park. So, there is always going to be an outlier or some kind of situation that you don't anticipate when you change code and so that's what that alternative compliance is. So, that -- that's how I would guide somebody. Again, if they can't meet the letter of the law here and they want to do something different or new that we didn't think of, that's the avenue to take and, again, that's incumbent upon them to tell us how they think it works and why they think this is the right fit for Meridian and we will analyze that and bring it to you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I will pick up, if I can, just a couple seconds to bring a little perspective. I think -- I was on the committee, you're right, I remember going to this original meeting when this was first discussed. I was not at the meeting when it was ratified or agreed upon, but my first thought was, you know, the onus for sure is on the developer or the builder and I -- and my first thought was this maybe was a little too subjective to me and -- and I -- I think the reasoning for this was to create some flexibility, maybe promote some creativity and development. We talked about horse trading, you know, hey, if you want to do more amenities, but less open space or vice-versa, that was something that we could talk about and, you know, with alternative compliance. I think that was one of the things we spoke about. If the development committee for the most part is okay with this and staff is okay with it, then, I guess I would be okay with it. But to me it -- I get the -- I get the intent and I think the intent is good. I just -- my only worry is that this may be a hair too subjective and may create more problems. But I am not a member of -- I am not an employee of the city, in the Planning Department, nor am I a developer. So my thoughts.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: First I want to say, Bill, I want to clarify my question earlier. I think our staff is amazing. So, it certainly is not a -- for me a concern about how staff will handle that, it's just more that I don't want staff to kind of be defending their decision about the points they assign, always kind of being in that position, if that makes sense. But a question I wanted to ask and if you prefer to answer this at the end of your presentation that would be fine. It's a little bit more general. But what is the -- if -- if there is a situation where there is some phenomenal amenities that are proposed and the applicant requests a lower percentage of open space, are they permitted to do that? So, are they going to -- and how will those -- how will that be determined? Is that a case by case, application by application situation? So, if an applicant comes in and says, hey, I have twice the number of amenities or have some really phenomenal amenities, but I really only want the open space to be ten percent, instead of 15 percent in the R-8, how would that be handled? And is that a too lengthy of a response to share with us at the moment?

Parsons: I think, Madam -- or Mayor -- Madam Mayor. Sorry. Mr. Mayor, Members of the Council, certainly that's what that alternative compliance is for. So, again, we will have a staff report. Now, ultimately, as you know, alternative compliance is approved by the director. So, as we bring forward that recommendation to you we will let you know that the director has approved that reduction in alternative -- in open space in favor of that greater amenity package and, again, you have the ability to -- you know, if you don't agree or if the applicant doesn't agree or they like it or -- they can, again, ask you to overturn that decision if we -- if the director denies anything. So, you always have that. But, yeah, it will come in the form of an alternative compliance request with the plat or annexation plat discussion. More than likely the plat. Now, what I can tell you is I did ground truth some of the changes to our multi-family standards, which will go to my next part of the discussion as well. So, I have looked at the code that we are proposing for that and did some of that, where I have looked at other multi-family developments to make sure that we were on track for open space and amenities.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You know, I -- part -- part of me wishes we could take six months and do the new process side by side with our old process, just to take a look at it and have a comparison and see, okay, is this working. Like have a shadow rating of -- here is the new system, like we keep -- maybe we could delay this part of the UDC, but, actually, see the new framework, you know, layered over our applications to actually see if that works. Overall I appreciate the concept, though, and I -- I think what's really hard that you are trying to do is -- it is an art and not a science and you are trying really hard to make -- make it an art for a more scientific -- in terms of the quality of a premier community. So, I think I like the way that this effort is going and I think it's a positive direction. I just wish we had a way to bring it in a little bit softer, so we could actually see it in practice, you know, at least for a couple months and make sure we think that this is working well. But I -- overall I'm in support of it. One of my questions going back just to the overall open space requirements, I think this came up last time, but, you know, the concept was we

are increasing open space as we increase density and can you just refresh my memory what the discussions were on the committee regarding a change from R-8 to R-15 and how those percentages are the same here? Was that recommendation, you know, universally supported on the committee? Was there a discussion? How did we end up at 15 percent for the R-15 and the R-8?

Parsons: Yeah. Mayor, Members of the Council, it's a good question. I think a lot of times -- I think it really comes down to dimensional standards. An R-8 lot is really the minimum. It's 4,000 square foot lots. So, the intent behind it is you are going to have a small lot, you are not going to have as much open space on your own backyard to enjoy. On typical R-8 lots you have patio homes where you have a 12 foot rear setback. So, you imagine 40 feet by 12 feet, it's not a lot of area to -- to recreate. So, you are going to get increase in density. A lot of the same thing with the R-15. The minimum lot size is 2,000, but a lot of our development community has been using that to even get a smaller lot size to have smaller backyards. Again, it comes down to the number of homes you are getting on a piece of property and that's really what it comes down to, livability. If you have a small yard the idea behind this is that you make it up in community open space. And why it didn't change -- I mean really an R-15 is really multi-family. We haven't really seen a lot of townhomes. We have seen attached homes on a lot of the R-15 lots, but it really has been treated more as a single family development as well. So, that's only a speculation. Again, I wasn't part of the discussion where this sliding scale came from. I believe at the last hearing I had a different -- a different recommendation that wasn't taken to consideration or at least discussed and this is where the group landed. I don't know if Councilman Bernt was part of that discussion or not when the scale came up, but, again, I don't want to mislead the Council, if you do an R-2 development and your lots are 16,000 square feet, you still only have to provide five percent open space and that's still in the code. That's current code and that's remaining as part of this code. So, you can do an R-2 development, have larger lots, and still only have to provide five percent open space.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess I -- from my perspective I'm not sure in our last discussion that we landed on this table, if the -- or if that's exactly how it played out. I think it was kind of an open point. Jumping around a little bit, what I like about the multi-family open space standards is that it directly reflects density in how it's formulated and here I feel like we don't have that. A lot of -- you know, we have seen some R-15 lately that has easily exceeded 15 percent I think we have seen 18 percent in our last application, that one of our great developers did not have any issue meeting that standard. It just feels to me like considering that some of our surrounding communities have much higher standards, that 15 percent is an improvement, but seems a little bit on the low side to me.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: As to that point, Bill, if you could give me some historical perspective to the extent you know it, how did we come up with ten percent originally? Because when I was on Council before it was ten percent and it was just ten percent. So, I don't know how long that's been in and how that was derived. I was curious, too, about our surrounding communities. I tried to dig some around and in Nampa I found that under 10-27-4, qualifying open space, not less than five percent of total gross area of any residential in-fill subdivision shall be retained as permanent common open space. I'm thinking, oh, five percent, but, then, they have a quarter beautification requirement, which is open space and doing some things. So, I couldn't get -- you know, okay, what does that mean for Nampa and, then, I was curious about Boise and I totally got lost there. So, if you could -- historically for Meridian and what -- what folks do in the surrounding communities.

Parsons: Yeah. Mayor, Members of the Council, I think we discussed -- we -- we touched on that topic a little bit. I think Council Woman Strader has put me to task to look at some of that, too. So, historically when I started with the city -- the UDC was adopted in 2005. At that time it was five percent. In 2007 we increased that to ten percent and probably a lot of the same reasons. If you looked at our old PUD standards before we adopted the UDC, we required a minimum of ten percent open space. So, I'm not sure -- I wasn't part of that focus group when the UDC happened, so I'm not sure why we went from five -- went from ten down to five and, then, back up to ten. But, again, it comes down to probably livability, just adding more -- increasing our open space. I think this body can recall that I have been here numerous times trying to solve this issue. How can we get more open space and what can we do? One of my proposals was similar to this, where I had a point system, had it derived based on all -- I had all of this drawn up, too, many years ago and have it saved on my computer here and that's kind of where this came from was starting with that idea and just hiring a consultant and she came up with a lot of the -- the information that you see now. But, historically, looking at other areas, I think I have told you that Eagle requires 18 percent open space, but it all counts. It's -- it's not broken down like we have what we call qualified open space and I think that's what the development community would like, just count it all. Don't call it qualified, just agree to give us open space. It all should count. That's easy to administer. You give us an open space exhibit, we see what's green and we count it. That's certainly easy from our perspective, too. And, then, Eagle -- or looking at Kuna they are, again, ten percent with a PUD. Boise is ten percent with a PUD. You -- you already kind of quoted Nampa. But, again, they are ten percent with a PUD. That really seems that -- or actually, Nampa is 15 percent with a PUD. So, I stand corrected on that. So, again, it's all over the board here. Each one has different standards. If you recall a few years ago I was here proposing they not even allow street buffers to count as part of open space, because if you take out the arterial street buffers and the collector street buffers, those are governed under a different section of code. So, by code they would still have to do that, they just would not be able to count that and this body felt that wasn't the right decision and ultimately removed that from it not being counted. But if you took out landscape buffers you would ultimately -- would get increased open space within a development, because you no longer would be able to count a portion of it. So, again, I have played with this multiple different ways. We have heard from the community with the Comprehensive Plan update. They want more open space and so, again, we -- we hired a consultant, we

got the right people to the table, although some of the written testimonies would say differently. They thought there should have been more citizen representation and that's great. I think that's welcome and that's why we did the town hall meeting. But, ultimately, this is where we -- we kind of -- this is where we are going to go. This is the consensus. Let's move forward and put it in front of this Commission and City Council and, again, I think the Planning and Zoning Commission did -- did support the proposed changes. Ultimately -- I don't want to give you the impression that staff isn't in favor of these changes. We are confident we can understand the code. We can administer the code. We understand there is going to be a learning curve here. It's just going to have to be more robust discussions with the developer as we sit down with them and pre-application meetings and make it very clear with them what the expectation is and what they need to provide to us with their application submittal, because that's really what it comes -- it just comes down to communication and all of us being on the same page. It really does. And I think, you know, from my perspective we are getting there. I think developers are getting used to the new tools. They are getting used to new staff members. All of us -- again code can be interpreted differently from different staff going back to Councilman Cavener's, you know, you asked me what I want for dinner you are going to get seven different answers. I mean that's just the way we are. But, ultimately, I think from my perspective, again, I think we can administer the code. We have people that support that. You have heard time and time again we want more open space and this is what we have before you this evening.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Bill, can you summarize if there were any conversations at the open space committee about qualified open space versus counting at all and if that committee considered one option or the other or were they only presented with keeping that piece as it is?

Parsons: Councilman Cavener, I wish I could. I'm not familiar with that. Again, I don't -- I wasn't part of that, unless Councilman Treg was part of that. But, again, I know as staff members we have talked about -- from current planning staff it made a lot of sense, that it would be nice to count it all and, then, there is no -- you know, there is no gray area. It all counts, because you are doing X, Y and Z.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just also having similar questions as Councilman Cavener, really wanting to -- this is a big impact to request this additional five percent, not only on development community, but also on the homeowners who now have to fund HOA costs at a higher rate, because now there is fewer homes within the development. There is a lot of factors to this I believe from the -- the density that we are building -- you know, we -- we have

talked a lot about the importance of providing a variety of housing types and -- and bringing in some additional housing opportunities for our residents and this will affect that and maybe it doesn't seem like five percent as much on one application, but if you spread that over numerous applications over a year I think we are going to -- I think that there is going to be an effect there. So, my question is was there any consideration -- consideration made at leaving -- especially the R-8 and R-15 at ten percent and, then, possibly counting the additional open space as an amenity. So, it would be given a points factor. Maybe the highest point factor that there is, maybe a six or an eight and -- and allowing that -- that additional open space percentage to be considered an amenity. I just -- I would love to see as much beautiful space as we can have in our city, but I'm really trying to also balance whether -- so, we have had a lot of conversations about what open space is. We have had our surveys. We have had a -- we -- we understand that the definition of open space is far and wide depending on who you ask. I feel like what we are specifically talking about here are those open spaces within developments, which is a subset when we talk about open space and so I think to put a lot of these open space changes just on the -- the subdivisions is -- and I want to really discuss that as we are looking at our open space across the board, which I assume -- I mean that's not exactly what's in the application, but the point that I'm making is that I don't think that it is completely the development community's responsibility to provide more open space to Meridian. I think it's -- it's -- we have to look at open space in total and not just have it be up to new subdivisions to provide that additional park space and additional amenities for the community, if that makes sense. So, that being said, what -- do you know if there was any conversation or perhaps Councilman Bernt can share if there was any conversation about additional open space beyond ten percent being counted as an amenity and given a point -- a point sector.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You know, for me, just from our last conversation initially when I looked at this table, just some feedback. I felt like the R-15 was low, just because of the philosophy you use to create the table would lead you to think that you would require more. What makes me think I can live with it is that we do use our definition of qualified open space and that that's how I got there as a compromise, because I feel like, you know, some of our surrounding cities count everything, we are more specific about what we count. I don't think anyone is going to -- maybe a sign of a good negotiation is I don't think anybody comes away from this totally happy like they got a win. Our community has been really clear that they want more open space. I think we need to respond to that strong demand that we have heard and we have seen the statistics on, so -- so, for me I think I can live with this. It's a step in the right direction. I think it tries to increase the standard we are holding development to. It is still a minimum if we adopt it and I think that's important. A question I have -- and I think you had mentioned this, at least on multi-family, you have gone through and seen what percentage of our developments we have seen would meet the requirement. I'm curious if you did the same for these standards or refresh our memory about what percentage that we see that currently meet these requirements.

Parsons: Yeah. Mayor, Members of the Council, I have not done any of the standards. All I can convey to you is that other members have and I know maybe some of the -- our development partners here are -- can explain and let you know what their thought process was as well, because they have -- they have done it. They were part of the -- some of them were part of the committee, they can give you some insight to that as well. But if you would like I can certainly go through the multi-family standards if you want to kind of transition from single family at this point.

Simison: Just to two cents from the peanut gallery. If you will go back, Bill, to that previous slide, just -- and, granted, I have not been an elected official up here, but I have been around for 14 years, hearing what I think is the conversation -- and I could be wrong. But, you know, I have always been under the impression that Meridian was an R-4 city. That was -- that's what it seemed like when I came on in 2007 and ten percent was really kind of that threshold that seemed to be adhered to. But as we saw a lot more in the R-8, that ten percent didn't seem to be enough into that transition period, which I think -- and from my perspective is kind of what kicked that conversation into the discussion as we -- as the R-4 was no longer the standard and R-8 became the more standard for our community, how did -- how did that work? How was that changing from that standpoint? So, you know, my personal opinion, when I look at these -- because these are just subjective standards, just like parking, just like everything else, but based on what Bill said I could easily make an argument that should be five, ten, 15, 20, if you want to include everything, you know, without anything qualified. I could also make an argument that it should be eight, ten, 12 and 15, because, really, that R-4, ten, I never really heard people saying that the ten percent in an R-4 was out of place for our community, you know. That's not what I feel like I heard over time. It was really once you start getting to that R-8 and I guess I'm just kind of linear in my thinking from that standpoint that the R-8 and the R-15 at the same standard, I kind of question like, okay, does that seem appropriate. Maybe it is, maybe it's not, but I could -- I could make an argument for an eight, ten, 12, 15 with the qualified, because, again, even to Bill's point, the R-2 could really be a five percent. So, five, ten, 12, 15 or a sliding scale, if that's what we are trying to pin this more eaten up in one way, then, you give back the other way. But, again, it's all subjective standards from group conversation, group think elements that could be in there. But I just want to give what I felt was my historical impression. Joe has been around for a while, those -- back in the day and came back and I don't know if he's got an opinion on the R-4 conversation about what Meridian used to see more of, that we now see even less of. And maybe I'm off base from his perspective, but --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Correct. We weren't -- we just didn't get applications back in the day of R-15. It wasn't multi-family. So, the issues that we are confronted with in the last five to eight years weren't around 16 years ago. So, you are correct. That's how it's evolved.

Simison: Okay. Thank you. Just want to get that out there, why we are in this section.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: That raises an interesting point. If someone is an R-8 in their development, but they ask for R-15, because they want private streets, how do we -- how do we make the determination there, Bill? What -- what -- what would your thought process be for that?

Parsons: Yeah. Mayor, Members of the Council, if you -- and it's hard, because there is a lot of language proposed to this section, but if you recall there is a sliding scale in -- in the code that says if you are different zones, you divide them -- take the two and divide them and get a -- and get a number. So, you have to look at it as an aggregate, more than just one leaning towards the other. So, in this case it would be great, because it's all 15 percent. That's a no brainer. It's all R-8 and R-15. We are going to say 15 percent. So, that one would be easy, but it comes down to like you said, what if you had an R-2 in a portion, R-15 in another, you know, you have to get that sliding scale. You have to get a proportionate number to make it work and say this is what the code is going to require and that's -- that's specified in the code. We did build that in, because that's something I brought up at the committee as well, I was like -- we want to make sure whatever we do it's clear and we can enforce it and make it clear to people who use it day in and day out.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Well -- and I think if a developer were to come and do that, I think particular developers would show up with more than the minimum and, then, they wouldn't run into that issue. I mean when we saw that before that was an 18 percent qualified open space application, you know, so I -- based on applications we have seen in the past year, I -- I can think of very few that would not meet these minimum requirements.

Simison: Council, anything else before Bill moves on to the multi-family?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: From a process perspective, we are going to go through the presentation, I assume maybe come back and do some deliberation on this, is that how --

Simison: As well as take comment from the public.

Parsons: Perfect. Thank you. And I will try to shorten this up for open space -- or for the existing and proposed open space standards for multi-family developments. So, currently -- it's interesting. The current code, the way it works, is if the multi-family is in a residential district and it's five acres or larger, we actually have two standards. We require the

standards in what we just talked about, the ten percent, and, then, we also require specific open space in Chapter 4 of our code under the specific use standards. So, that's where you would get that cross-reference between our ten percent, plus whatever else was required in Chapter 4. So, you were getting that greater amount of open space and amenities, because of the way the current code is written. In this model that we are doing now is we are actually separating the multi-family out from the single family portion now, to make it clear. Before it was kind of convoluted and we wanted to make it clear to the development community, regardless of what zone you develop the multi-family in, you are going to provide a certain amount of open space, whether it's in a commercial district or a residential zoning district. So, again, in the proposed changes we are going to require ten percent open space if it's five acres or greater and, then, there is also a specific square footage or amount of open space required based on the square footage of the unit and, then, you take the aggregate of those two and you get your number. Now, I can tell you this came up at the open space committee and we had a subcommittee meeting and we met with a couple of folks and they were concerned about them -- staff double dipping in the open space requirement. So, again, if you just saw that table in the previous presentation, we are capping them at 15 percent. So, this is the same theory here, though. Again, the minimum will be if -- if the aggregate of ten percent, plus the additional open space per dwelling unit is greater than 15 percent, the applicant has the ability to propose 15 percent, but it doesn't mean that we would -- wouldn't accept more. So, there will be a minimum of 15 percent open space at that point or a cap, but, again, through the public hearing process we would request that the applicant come forward with more. The interesting part about this is as part of our multi-family standards we are requiring the development community to provide a central open space as part of a multi-family development, where we didn't require that before. So, there is a minimum expectation to have at least 5,000 square feet and, then, if that is a three or four hundred unit apartment complex, the decision making body and staff would have the discretion to say, no, we want more than that, because of the amount of units that you have. So, that's really the -- the changes in a nutshell for the open space standards and, then, as far as the amenities, again, the ones that are -- aren't underlined they are already in code. Anything underlined or struck through are -- are changes. So, staff -- Planning and Zoning Commission wanted staff to look at some of the proposed amenities that we had in our single family section and I just looked at -- saw what would be the best fit that I could see working in a multi-family development and added it to this section. So, again, just expanding amenities, not really taking anything away. And in this particular case there is not a point system. It's -- you get to choose from these categories and include it as part of your amenity. So, again, if you had a chance to look at the -- I'm going to wrap up my comments here and, then, turn it over to more questions and public testimony. But if you had a chance to look at the public record, you can see a lot of -- there was at least 88 entries in there. Some of them did reference the open space section, but a lot of it did pertain to the -- the RV parking standards. So, with that I will conclude my presentation and stand for any other questions you may have.

Simison: Council, any additional questions for staff?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Bill, on the open space for multi-family, maybe just give us a little background on -- this one seems a little off base on kind of the -- the single family. I guess kind of tracking the greater the density, the greater the open space. I guess on my post-it note I'm looking at this as more of a 15 percent minimum with a 20 percent cap and I'm just curious kind of what the deliberation of the discussion was around ten percent to a 15 percent cap.

Parsons: Yeah. Mayor and Members of the Council -- well, first of all, let me step back and let you know that a lot of the multi-family developments that I have looked at have been in excess of the, 15, 20 percent range. It really has. When you start looking at -- depending on where they are located. Again, if it was in a commercial district we didn't require the ten percent, we only required what was in code of the multi-family standards, which is a certain square footage per the size -- square footage of the unit, so -- so, in this particular case I don't want you to think we are capping them. We are trying to be consistent. So, again, if you look at the single family standards of an R-15 development, we said 15 percent. This was the discussion that we -- when we talked about -- with that subcommittee members, that's what we talked about. They are like how can I have 15 percent here, but now by virtue of not having a cap or, you know, at least a 15 percent, I'm actually going to be providing 18 to 20 percent on a regular basis. So, again, that was kind of the -- part of that negotiation or some of the consensus that we came around. I'm okay with doing 18 to 20 percent, but I want to know at least there is an expectation for this amount in code somewhere and that is really what it is. What is the minimum you want to see -- or maximum and, then, we landed on 15 percent. So, that -- that was where the discussion was. Again, they felt we were double dipping when, again, we have been applying this condition pretty regularly. We have been consistent on those standards. It was just contingent on where the development was located, whether in a residential district or a commercial district where there was some discrepancy. So, in our opinion we are going to get at least 15 percent and, then, again, as this goes through the hearing process the Commission or Council can require more. Or the applicant can propose more. We don't want to say don't provide any more than this, but do this or more than this is where we landed. So, that's why if you would looked at the specific language in the code, it's very specific, you know, you have to do this, but it's -- it's not -- the expectation is to do more.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I guess maybe some confusion on my part. It looks like some of the language I was looking at under .8C was actually from the P&Z document. I actually took it that the 15 percent was minimum and not a cap and I could understand there being a cap, because you are adding a density component on top of a minimum. But I don't think that a cap is appropriate at 15 percent, if we are requiring 15 percent in these other zones.

That just doesn't seem logically consistent to me. It feels like that minimum could be higher on multi-family.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Question for Council Woman Strader. You were referring to the minimum and caps for multi-family; correct?

Strader: Yes.

Perreault: Okay. Thank you. Question for Bill. In section 2-A it states that open grassy areas that are crooked or jagged in shape, disconnected or isolated, don't meet the standard. I know that -- I believe that's current code. Can you share why odd shaped parcels would not be counted as open space? It seems to me those would be ideal locations for additional open space. Why would we take that out of our qualified open space calculations?

Parsons: Mayor, Members of the Council, I can give you the thought process behind it is what we don't want -- and I had a discussion with Councilman Cavener on Friday about this -- is that the whole idea behind open space and these changes is to get quality open space and get it in the right location. Oftentimes what can be tricky sometimes is there is always going to be some kind of impediment on the land and you have to try to design around that and so a lot of times what will happen is -- at least from our perspective someone will come in, layout a lot, maybe might have a lot of waterways on it, may have some drainage issues and they start laying out lots and see how many lots they can get on it, but, again, the open space can sometimes come across as being an afterthought and not being well designed or part of the development and so it looks like a lot of the open space is misplaced or just remnant pieces, because it wasn't a thoughtful design or located in the right location and so keep in mind that not only is this driving quality, but it's also trying to guide design, if you will, try to make sure that it's usable, it's in the right location, we don't want open space tucked behind homes where police can't -- won't have eyes on it, it's not visible for the public. There is a whole lot of things that we need to take into -- into consideration when we are designing open space and so that's really why we are saying don't give us this jagged little piece out in the corner of the subdivision, when it's really not connected to the rest of the community. It's just -- it becomes to be an outlier -- outparcel of open space that just didn't seem to be a thoughtful placement of it. So, that's really why -- that's the intent behind that is to make sure that what you do is -- is placed in a thoughtful location and purposeful, if that makes sense. Not just a remnant drainage lot in the corner of the subdivision that no one really gets to use and it's not usable.

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

Simison: Council Woman Perreault.

Perreault: Bill, are you finding that most of those irregular shaped sections of the development are smaller? Could we not put some sort of minimum? I mean sometimes there are odd shaped pieces that are, you know, large enough to allow for usable open spaces. I just -- you know, if -- if our goal is to give flexibility to the developer, I feel like that's taking some of it away. So, I don't know if that was a consideration that was made, but it seems to me like, obviously, we want them to be located well, but every member of the subdivision, whether it's on the perimeter or in the interior, if there is -- there is going to be great access and perhaps we say something along the lines of, you know, if -- if there is an -- I don't know. I just feel like we could give some -- some allowances in that situation. But if we are only seeing, you know, one application every once in a while that has an odd shaped piece that's significant enough to be considered a qualified open space, then, do we bother to put it in code?

Parsons: Mayor, Members of the Council, if I can give you a little commentary on that. Certainly in our experience if we do see that under the current code and it doesn't count -- because right now we count 50 by 100 areas. So, if you have an irregularly shaped parcel it's hard to get those dimensions, because code says 50 by 100, there is no gray area there. But we have been able to work with our -- our applicants and say throw an amenity on it and it counts and for the most part applicants are willing to throw a sitting area on it or something to get that to qualify, because now they are putting in an amenity on it. So, I don't want you to think they can't count it. Under the current code that's how we have gotten around it or at least help -- help them get to what they -- because, like I said, everyone -- open space is subjective. What's great to you is not -- may not be great for me. I mean -- and a lot of times what we will do, too, is you might have two open spaces on the end of the subdivision and staff may recommend to consolidate those and put those in the middle. Well, Council may not want to do that. But it could get in a situation where those are remnant pieces and may not meet those national standards to count, so staff may be making a recommendation to do that to consolidate that with something else or reorient that in order to get credit for it.

Hoaglun: Mr. Mayor?

Parsons: I know some of the public testimony they want to have that discussion with you this evening on that topic.

Hoaglun: Bill --

Simison: Councilman Hoaglun.

Hoaglun: -- I'm curious how it works. I was on Council for the approval process of a development to the west on Ten Mile that ended up being Reta Huskey Park and the developer put that all together, added all the equipment, all -- everything like that. Is that part of their -- that development's amenity at the time? Does that count? How does that process? And I know it's been done before. Developers have been very generous about providing city park land, but how does that work in those developments in those situations? Is it counted? Is it not counted? How does that calculation work, if at all?

Jerome: Well, Mayor, Members of the Council, certainly dedication of a school site, dedication of a park, all of those things are public amenities and we have a definition in code for those and that still counts. If you look at the point structure you still get credit as part of your point system to do that, so I don't want you to think that we have not -- we have always included it as part of our open space, that you can count that towards your development. So, that's not changing. That's still in there.

Hoaglund: Mr. Mayor, just -- just a thought I had, as I think about it, because I thought it counted, but I couldn't remember, is the fact that in some ways it's -- it's pretty genius to go ahead and develop all that, turn it over the city, and there is no more -- there is no HOA dues, there is no -- you know, your residents have a beautiful park, very handy, so are we going to see more parks come about if we increase the percentage to a certain level where they are going, you know what, better just to do this. So, I don't know. Just -- just a thought. Could be wrong.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I know we are going to take heat -- amongst the things that don't get points are cat parks. We might have some comment coming soon, but we could hear from the public -- I know we have got some information -- that might help our discussion and dialogue as well. Cat parks not withstanding.

Simison: Do we have a remote testifier on the cat park issue?

Borton: I just know there is one in the audience.

Simison: Okay. All right. Are we ready to hear from the public on this topic? Okay. Mr. Clerk, do we have anyone signed up that would like to provide testimony first?

Johnson: Mr. Mayor, first we have Hethe Clark.

Clark: Hi, everyone. Hethe Clark. 251 East Front Street in Boise. This is the same handout that I handed out about a month ago. I am not going to cover the same ground. So, don't -- don't worry about that. But I did want to just emphasize a couple of things on this and, then, I will do something different that I think it would be important for the group to consider. You know, one item on this that I do think is important and Council Member Perreault hit this, we are very concerned about the maximum concept on the amenities table, because it really does put, in my view, almost an un -- an unfair burden on staff. If you look at the -- the way that that is defined -- and Council Member Perreault pointed this out -- you have -- you have to consider things like the -- the ease of maintenance, the durability and the year around usability and some of your highest point items are a swimming pool and a sports field, neither of which really meet any of those criteria, but both of which are very, you know, expensive and -- and -- and high quality amenities. Both would seem to me to be subject to that -- what I call the demerit system. So, you

know, my suggestion on that would be let's just identify what these amenities are, let's just set a flat number and let's move on with life, rather than putting that -- that burden on staff. One thing I want to really focus on, though, is that I want to speak to the fact that when I got out of my car today it was 108 out in the parking lot. You know, Mr. Mayor knows this, in my neighborhood last year the irrigation water was turned off early, we are expecting that this year it's probably going to get turned off in September and so as we are looking at these open space amenities and the requirements that we are going to be imposing, I think we have to really think about the qualified open space provisions and the way that we are defining it, because as we look at qualified open space there is really two usual suspects that you are going to be really dependent on in order to hit a ten or a 15 percent open space requirement and that's the 50 by 100 grassy areas and that's also going to be the linear open space. If you are talking about a natural waterway, if you are talking about a plaza, you know, those kinds of things -- their dimensions are probably going to be pretty well fixed. You are going to make up the difference by adding additional grassy areas in order to get this up to 15 percent and so we think -- or I think that there should be additional thought given to ways to promote nonwater intensive uses, rather than just saying we are going to go to 15 percent, I think it's going to be natural that that means we are going to have more green turf that's going in and we are going to have a greater burden on the irrigation system and if water is turned off early that's going to be a greater burden on the municipal water system for folks to be able to -- to cover those landscape or it's going to go away. Which leads to something that I think we have been discussing tonight, which -- and kind of dancing around, which is this idea of trading open space requirements for amenity requirements and actually tying those together and I just want to add to that conversation one item, which is it's been suggested that we should use alternative compliance to do that and I would just caution everyone when we -- when people see alternative compliance they think waiver, they think variance, and if you look at the requirements under the code requests for alternative compliance are only allowed when certain conditions exist and they read like the variance requirements and so I think we ought to be careful with going -- saying, okay, here is our get out of jail free card and pointing people towards alternative compliance. Rather I think we should give some more thought to some of these offsets between amenities and open space, then, make that explicit. With that I'm -- I will wrap up.

Simison: Council, questions?

Bernt: Hethe, can you elaborate --

Simison: Councilman Bernt.

Bernt: Sorry. Mr. Mayor, it's late. I apologize. That's bad decorum. I apologize. Hethe, can you elaborate a little bit more in regard to the horse trading between amenities versus open space and what your thought process is there?

Clark: Yeah. Mr. Mayor, Council Member Bernt, so, you know, my thought process would be that if you have a project where you have provided a number of high level amenities, we don't want to put yourself in a position where that's a zero sum game; right? So, if

you put in more high quality amenities and you have a difficult footprint for your project, you know, maybe it doesn't make sense for a 15 percent open space, so you have provided extra amenities and maybe we can -- we would shrink the amount of open space to trade for that. Now, in terms of -- I mean, obviously, this would be totally hypothetical, so I don't know that I have a specific example for you, but that's -- that was -- at least in my mind would be the concept.

Bernt: Mr. Mayor, follow up.

Simison: Councilman Bernt.

Bernt: And you would be in favor of something like that?

Clark: Right. I would be.

Bernt: Bill -- question for Bill. Sorry. One more.

Simison: Keep going.

Bernt: Thanks, buddy. So, would that require what we are talking about -- that would -- that would require alternative compliance; correct?

Parsons: Yeah. Mr. Mayor, Members of the Council, Councilman Bernt, that's correct and that's what we are talking about here. If you want to trade something for something else, that's why we have left it flexible. It would be the same thing if you -- again next to Kleiner Park and you -- why would you need 15 percent open space when you have a 60 acre park next door to you? You know, we could say, yeah, do -- but you are going to want amenities. You are not going to need the open space, but the community may want the amenities on some open space and that may be the value there. If I get my open space in the park, but I need amenities for my -- my residential subdivision next to it.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I really like this concept. The only thing that scares me is the lack of consistency as a Council in regard to what we are talking about, because that could turn into a huge cluster in my opinion, if we all have different points of view of what is important, not important, yeah, that could -- that could be -- you would have to be on the same page for that to be successful.

Perreault: Mr. Mayor?

Bernt: I just don't know if that's, I don't know, something we need to think about a little bit more. But I like it. We spoke a lot about that during the open space and amenities

discussion about horse trading and trading this for that. I know there is members out here -- builders who have done that in the past that -- that's worked. I like it personally.

Simison: Council Woman Perreault.

Perreault: Councilman Bernt, I apologize, I thought you were finished speaking.

Bernt: Oh, you are fine.

Perreault: In that regard, I agree, I would like something more substantial. I don't prefer to use the alternative compliance method, not only because I don't think that's what it was intended for, it was meant to be something used for exceptions and I think this -- we will have a lot of that happening and what that ends up doing, then, is if the -- if the director doesn't approve the alternative compliance and the applicant comes back here again asking Council to review that and now we have extended the time that the applicant takes to get their application processed, it's an additional hearing for Council, I don't like that as a method in which to determine if the applicant can have a greater percentage of amenities to -- and a lesser percentage of open space. I think we need a different system for that. Whether that is -- my concern, then, is if we allow that decision to be made at Council and we just take the application based on its merit and don't provide any kind of guidance as to percentage of amenities that could replace open space minimums, then, we have potential disagreement among members of Council. So, I think there still needs to be some guidelines put around how that's decided.

Strader: Mr. Mayor?

Bernt: Pickleball needs seven points.

Simison: Council Woman Strader.

Strader: Thanks, Hethe. I do think your point about maintenance and durability not really being something within our purview is a good point. I still think it would be great to do some sort of a trial run of this system to see how it works and maybe delay the implementation of this amenity table and to see applications come with both methods and see what we think and try it for a couple months to see how it works. I think it's going in a good direction. Your point about green turf is well taken, but I really felt like the changes to the landscaping in the UDC were directly addressing alternatives to not use turf and waterwise landscaping. Do you think there is more that needs to be done in that section of code?

Clark: Thank you, Mr. Mayor, Council Member Strader. So, I agree with you that the -- the landscaping comments about high -- you know, high efficiency uses and that sort of thing are good changes. They -- as I read it they are siloed off from these open space requirements. So, these -- these open space requirements still speak to a 50 by 100 grassy area. They don't give you the alternative -- oh, if I put in a drip system and blah, blah, blah, then, I can -- I can adjust, you know -- you know, the amount of turf that goes

in. So, I see them as being separate and not really being tied together. Similarly with this alternative compliance concept I don't -- I see that as a square peg in a round hole to try to get to where we are going as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think, you know, when we are talking about a usable open -- I think the real concern from a water perspective would be like the nonfunctional turf, right, like office parks that have tons of grass and no one's using it. If you have a 50 by 100 area where kids are playing soccer and playing ball and -- that's functional. So, to me that may be different. But I do think it's -- if there are changes we can make to the landscaping section that -- that you guys recommend, I think we need a functional green turf open space, but I think other areas I thought that this area in code really addressed, but if you think there are suggestions on -- you know, I would care to hear about them if you think there is something that can be done on that.

Simison: Just since Hethe is here and he provided this -- just two cents, because I think that there is some stuff on here for Council's consideration. We seem to have ponds in our parks. If they are good enough for our parks for people I don't know why they wouldn't be good enough for the communities that they serve or at least practical perspective. Now, stormwater detention facilities I would go the opposite way. I don't think that they should have any value towards open space, because that's there for a different purpose. What -- a couple of just little comments to some of these for consideration as you move forward.

Hoaglun: Mr. Mayor, the stormwater detention facilities, they are -- a lot of people in our subdivision were using it to shoot off fireworks the other night. Perfect use.

Simison: Again just commenting on value as open space.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate bringing this up. To be frank, I agree with -- I think with most of these. The one around regional parks, 11-3G-4B maybe want to modify the -- the distance away from a park before it qualifies. A lot of these that are proposed -- or these changes that are posted here, Hethe, would go away if the city just looked at open space as open space and kind of removed that qualifying piece and you didn't touch -- I mean you touch on -- if you want things to qualify, but you didn't touch globally about your opinions about qualified open space versus counting it all. It sounds like staff has vocalized at least some support for it. I'm just curious your opinion on that.

Clark: Yeah. Mr. Mayor, Council Member Cavener -- and Bill will know this from years of conversations. I don't think I have battles with staff over anything more than I have battles with staff over what's the definition of qualified open space. Like that -- that is -- I think -- am I right, Bill? I think that's the number one thing I have always had to debate over. So, yeah, I would absolutely like to see -- hey, it's green, it's open space standard. The -- a lot of this is catered toward the current document, you know, so if we were to go to a more flat approach I think we would want to revisit some of this, but certainly I think it would be easier on staff, easier on the applicant to have a flat standard and then -- and, then, go add more definition to the amenities and move ahead.

Cavener: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: So, Hethe, do I dare ask what would that number be? Put you on the spot.

Clark: Is this where I plead the Fifth? You know, I think I would allow some of my friends to speak to that one. I think that the ten percent works pretty darn well in the City of Meridian, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I also agree with the concept of allowing ponds to have a much greater eligibility as qualified open space. My question for you is to differentiate them from other water retention or, you know, other potential areas in which water is -- is present in the community. Would -- would it be permissible to differentiate say a pond -- or a drainage area with having, you know, some seating in that area or additional landscaping that -- that shows, hey, this is a pond -- I mean, honestly, you can go into some of the communities and the -- and the stormwater areas are full and they look like they are supposed to be a pond. I mean, honestly, I have been in some communities where I can't figure out if it's a pond or -- if it's supposed to be a pond or it's supposed to be retaining water for -- for storage or for drainage. So, is that something -- are those kinds of things, you know, modifications that would be considered? Has there been considerations made in that regard that -- are you tracking with me?

Clark: I think I am. So, I think -- I think the -- what I would point to would be the -- the way that open water ponds is described actually in the code right now. I think that that provides a pretty good delineation between what, you know, the -- I don't think that that is open for abuse the way that it's set up right now and, then, I -- you know, just making a point with regard to the stormwater detention facilities, I'm not suggesting that all stormwater detention facilities be eligible. What I'm suggesting is that all stormwater facilities that meet the 11-3B-11 landscaping requirements, which are pretty robust, that

in those instances that it would be eligible and so I think the example I used last time was the one in the Tuscany Subdivision across from Sienna Elementary School. It looks beautiful, gets used, seems to me like that should be used to -- qualify as open space. So, that's -- that's the delineation I'm trying to make there.

Simison: So, one of the questions I had -- you brought up our regional park. The issue I -- the question, does it feel like you are getting the development lottery, like if you get -- if you are doing something next to a regional park that there should be a different standard, that you don't have to do as much, because maybe the taxpayers paid for it and I know that they are taxpayers as well, but the taxpayers in this subdivision -- you know, this is always the issue when you start getting like distance specifics away about changing standards, which I'm not opposed to, but I'm trying to like what is the true -- what -- why? You know, we have -- help me understand at least from your perspective why those closer should be viewed differently.

Clark: Mr. Mayor, the -- the thought process there is that we, as a community, as the city council, you know, we are trying to identify and set incentives when we make these decisions to invest in community facilities; right? And we want the -- when we say we are going to put a fire station here or a police station there or, you know, a park in a particular location or, you know, in a larger city if you are putting in transit oriented facilities, we are saying we want development to be coming in in this location, because we are investing in that spot and so the thought process with the -- the regional park was that, hey, we as a community have said, okay, we are going to invest in this area, we are going to make this a facility that people can use, we want the development to be coming closer to that regional park. We want the most people to take advantage of it. So, rather than having a regional park that is bookended around by little tiny private parks that are mandated to be there, just because of a formula in code, instead let's have density around it and then push -- and, then, have people take advantage of the regional park that the communities have invested in, if that makes sense. It's a planning decision. You know, if it's -- in your planning for a community park you should be planning for folks to -- as much density to be around that park as -- and as many people to take advantage of it as you can.

Simison: Well, I'm personally not finding fault with that. Again, you don't have to convince me on that element. Council, further questions? Thank you, Hethe.

Clark: Thanks, everyone.

Johnson: Mr. Mayor, next was Jim Conger.

Conger: Mr. Mayor, Members of the Council, Jim Conger, 4824 West Fairview Avenue. I will try to keep my eyes open. I don't know -- I think I expired. So, we will give it a go here. I was lucky enough to be actually one of the members with Mr. Bernt and a few others on the open space code committee and I was also a member on the Comprehensive Plan stakeholder group. So, very appreciative of that. We do a lot in Meridian and are very very proud to develop in Meridian. So, it mattered a lot to us, not just as a developer, but all the homeowners that we -- you know, homeowner associations

we create. I'm still trying to understand the need or the purpose of the 50 percent increase in open space and that's really what we are talking about on the R-8 and R-15. I mean 50 percent -- I mean it's a big number and not to go and do lightly. I mean if you guys just did the budget committee meeting for the last two or three days, we all do personal budgets. If -- if your wife or spouse or in your city budgets you come in and change it 50 percent, that just doesn't work. I mean it -- it's a big big number. But yet that's what we are asking our homeowners associations budgets to do is they will increase by a little more than 50 percent in the R-8 and the R-15 neighborhoods. I have been told the residents want more open space. I have asked this question a lot for the city surveys that were performed. I said it when I was on the committees and I say today, I think there was a giant confusion of open space and, basically, public versus private. I think if that survey would have said do you want more private space -- private open space in a private subdivision that you do not live in or get to use, I think that would have had -- I mean there wasn't a pointed question like that, it was more about open space. We believe they want more open space. We all want more public open space. I want to be clear. The cost increases really aren't going to affect the developer and the home builder. We still have big machines to run. The margins can't change or we won't be in business in a year. At the end of the day the price of the lots, the price of the homes are going to increase. So, we are not here trying to make things cheaper for us. It won't matter to us. It doesn't matter to us. You don't see a roomful of builders, you don't see a roomful of engineers and surveyors and everybody that makes a living off of us, because it doesn't affect them. They make the same amount of money with what's going on today. We are here because we care about neighborhoods, we care about our homeowners associations and that's why you see a small group. It's not as -- I mean it is only a small group caring, but it's a group that knows the back end. Infrastructure is going to rise about 8,000 dollars a lot in the R-8 and R-15 area. The land costs will go up about that same amount. The HOA dues are going to increase by 50 percent and the city and ACHD will collect less impact fees and taxes that we have shown all of you before in our packets and that's tens of millions less in taxes and impact fees, because the bottom line going to 15 percent is going to decrease density. We are in the middle of a housing shortage, of course, really it's a pricing crisis going at a -- an increase of this which, is, again, going to increase the lot price, increase the home price and increase the HOA. Seems like this made sense when this all started rolling four years ago. It doesn't make sense to go by 50 -- it needs to be increased. I'm good with that. I'm wrapping up. The number -- if there is no qualified it's probably 15 percent. Meridian probably had it right at ten percent with qualifications compared to other cities and I know Bill gave you Boise and some others. But that's if you do PUDs. If you do straight subdivisions Boise is zero percent required open space. Eagle is at 20. We believe 15 probably fits that bill. We were just in front of you with one at 18 percent. We call that a high end neighborhood. We had to have certain amenities to fit it. You go to a more entry level and I will caution you entry level in Meridian is still a lot of money. So, entry level isn't to be used disparagingly. We can't be at 18 percent and still hit an entry level number, it doesn't -- it doesn't work that way. Amenities. That was our big push in the beginning. We always had four times the amount of amenities. Increased amenities is amazing. We push for that. I pushed for that when I was on the committee. That point system -- I'm with Ms. Strader. It is concerning and I -- what I have always said is it's not right. I don't know what is right. In a year I bet we are in front of

you again figuring out the point system. But it shouldn't be a maximum. I cannot have Bill and I arguing over my amenity is three points and Jon Wardle's is five points. I just can't keep doing that and that's all that's going to do. So, if you remove the word maximum, life's good.

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

Strader: Jim. Mr. Mayor?

Simison: Council Woman Strader.

Strader: A great example that came in front of us. But your point is that's a different category. Really high end. And could you estimate -- is there a big percentage of your developments that wouldn't meet these minimum requirements? Everything I think we have seen from you far exceeds these requirements. I just don't understand. Do you think this would affect your business? Is it -- is this a different price point. Other developers you think this would affect that would pass that price through to homeowners? Give me a flavor for the percentage of projects you think are in Meridian now that are at bare minimum that would be affected.

Conger: Mr. Mayor, Council Member Strader, thank you for that question. It's actually very good. On that one we were just in front of you was Sky Break. The moment we had that land under contract -- you know, we do two types of products with BlackRock Homes. We will do what I call the most affordable home in Meridian, which, unfortunately, is still 340,000 dollars, and you have seen that product with Verado, Solterra -- I can keep going. We just -- we are doing Eddington right now on Linder Road right next to the school there at Ustick. When we went to Sky Break that property was too special to do a Verado project. You can't put those homes on it. It's just too special. So, at our Eddington one that is underway, which is amazing, but it will be one of the most affordable homes in Meridian at 330,000 dollars. I just paved it. When we came in front of the Council we had qualified 10.2 percent that was approved. We have all our -- we had seven rate amenities with two required. I mean we still -- we are next to a school, which is public property people are going to play on. I mean every place is different. We are trying to create something that makes every development the same, which is always hard, right, to pigeon hole for the lowest quality factor. But no -- and -- and I would, you know, debate with anybody -- Brighton has never come in at ten percent qualified either, but their developments require it. Our Solterra and Verado is -- is a less open space, although still amply for what everybody's using, but that -- that's why free market lets someone choose where to buy, is -- is not every where is a family orientated Paramount versus a single level nonfamily orientated, has a different need of open space and not the same one.

Strader: Thanks for the feedback.

Simison: Council, any other questions for Mr. Conger? Thank you. So, that's everyone who has signed up officially. Is there anybody in the audience that would like to come forward and provide testimony on this item or anybody online that would like to provide

testimony? If you can use -- go ahead and come on up, Dave, and if there is anybody online that would like to provide testimony, please, use the raise your hand feature, so you will be prepared at the right time. State your name and address for the record.

Yorgason: Thanks, Mr. Mayor. My name is Dave Yorgason. Address is 14254 West Battenberg Drive, Boise. And I am here wearing multiple hats. I have developed subdivisions in the City of Meridian for over 20 years. Not very many very recently for a variety reasons. But I'm also here wearing the hat of the Building Contractor Association, the BCA, and so with that I want to just acknowledge a letter was submitted to the Planning and Zoning. Should be in your packet and in out of respective for time I will just highlight a few things, then, answer any questions. First of all, lots of discussion. This is very fascinating to me. I have been involved in a variety of open space committee discussions with a variety of cities, including Eagle and Boise. I'm very very familiar with their codes and so it is complicated. You have a goal and you are striving to achieve that goal and each one of you has different perspectives and your citizens have different perspectives. So, this is hard and it's complicated and the more you try it seems to be the harder it gets, frankly. Having said that, my observation with the amenity point value table, I don't know. So, let's try it out. We shall see. I support it in many ways to -- to encourage -- and that's why I see these as an incentive or an encouragement to have nicer amenities. Right now a large pool and a clubhouse is not the same as a park bench, if you want to look at it that way, and so there are -- there are some values to -- to go this direction. I don't know if it's the right answer, but I appreciate it. One of the -- a couple of key things I want to highlight. First of all, I'm really concerned about the irregular shape of open space and the amount of percent of -- of front yards fronting on parks to get qualified. What's written does not work. The developments we built, the Settlers Bridge and Baldwin Park, do not qualify. None of those open spaces qualify with these today. So, I ask that the reference to not counting irregular shape common areas be deleted and also the reference of percentages maybe just ought to be 25 percent or some number like that to be front-on housing for the park to be -- to be qualified. I can address that later. Last comment would be on the percentages. The table that I have seen -- I have seen a variety. It's on the screen right now. I have seen a variety of options. I have seen the ten, 15, I see now ten, 12, 15 -- 15 percent. I had mentioned before I'm very familiar with Eagle city and how they qualify -- everything is qualified. That 18 or 20 percent number that Mr. Conger referred to -- or Mr. Clark -- both did. It is all open space, including what's in the right of way. Not even common area. If you have parkway strips, if you have a landscaping along arterial frontage, pick any road, the landscaping in the right of way is counted towards that 18 or 20 percent and so I -- I'm struggling with the numbers here, not because I'm here to fight, but here to just say there will be absolute consequences. There is a reason why the HOA dues in Eagle are almost all above a thousand dollars per house. It's typically 900 dollar minimum HOA dues in Eagle city. You go to Two Rivers and, of course, that's a very different concept there, but those -- those would be my concerns of HOA dues and the impacts. I could provide a recommendation for you. My time is now up, so I will stand for any questions.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: What would be your recommendation?

Yorgason: Mr. Mayor and Councilman Bernt, thank you. This is not a BCA answer, because we didn't have a poll to answer. This is based on my experience, based on if you want to see more R-2 developments in your city and try to have a balance across your city, because, frankly, I have probably built more R-1 subdivisions in Eagle than most developers in this town. State. That's kind of my bread and butter is the more of the higher end type developments. Having said that I might suggest R-2 would be an eight percent and R-4 would be a ten and R-8s could be a 12 and, then, the R-15 could be 15 -- 14, 15 whatever. So, an eight to ten, 12 -- 12, 15 would be my recommendation. I'm not sure -- that's been bounced around by committee discussion. You can ask Mr. Wardle and others who may be coming and speaking later, who have opinions to that. But if you want to see more R-2 in your city I don't think the eight -- sorry -- the ten percent is going to get you there. I think you need a little more incentive, frankly. Otherwise, it will continue to not happen. That's just the market speaking. So, to answer your questions, I would go with an eight, ten, 12 and 15 percent. Having said that, again, a final answer, then, I will answer any other questions. I have zero applications -- zero pending applications, so I have zero interest in my answers. It's the market.

Simison: Council Woman Perreault.

Perreault: Thank you for being here, Dave. I want to make sure I'm understanding what you are proposing with the percentage of homes that are facing active open space. We heard from Mr. Clark that he recommended 30 percent. Am I understanding that you are recommending no requirement in that regard? I believe we are currently at 50 percent, if I understand correctly, Bill. Okay. So, you are proposing that we -- that it be at zero and could you share with us why?

Yorgason: Mr. Mayor and Council Member Perreault, that's actually not what I was saying. If I did I'm sorry if I misspoke. Twenty-five percent is the number I was suggesting. Twenty-five or thirty. That's about the same. I'm not sure there is a big difference there. The letter from the BCA said 25 percent. Thanks.

Simison: What is our current code on this one, Bill?

Parsons: Mayor, Members of the Council, zero.

Simison: The current code is zero and I still am concerned. I still don't understand why we are even contemplating anything in this one. I don't know what it gets us. But that's my personal viewpoint again.

Yorgason: Mayor, I appreciate that very much. Thank you for your comment.

Simison: Council, in any additional questions? And I -- just for the record I have not spoken to Mr. Yorgason. Apparently just great minds speak out wide -- speak out loud alike. Yes. Thank you.

Yorgason: Thank you, Mr. Mayor. I appreciate that.

Simison: Mr. Wardle.

Wardle: Mr. Mayor, Council, for the record my name is Jon Wardle. 2929 West Navigator Drive, Meridian. 83642. Thank you for letting me come back tonight. Just as a point, I did mention last time at our meeting that none of the open space in Paramount would qualify as a front on and that's true and 50 percent we wouldn't meet any of those requirements in Paramount and I think it -- Paramount is a good example of the way that a lot of different open space comes together. You know, I -- I have been on that committee since it began, over a year ago, with Mr. Bernt and Mr. Conger and a number of other people. Initially there was a jump -- it was just a flat jump. We are going to go from ten percent to 15 percent and, then, there were conversations about, well, does that really make sense and how do we get there and there was a lot of pushback by -- no -- no offense to Diane, but a lot of pushback from Diane of adjusting off the 15 and, then, we got to a scale. The scale kind of dropped in at the very last minute. The issue that always came up was is it quality open space and offset the quality, then, let's just add quantity and I think that's kind of where we jumped from ten to 15 percent. But I think we can all demonstrate that we can provide really good quality and not need the quantity and so I think there should be some allowance in there that, you know, if the standard or the sliding scale that was up there, even if it was what's there today, if I can come in and demonstrate that I'm giving the city something of really high quality, I probably don't need 15 or -- 15 percent open space. But if I'm going to do the bare minimum and not provide those amenities, then, maybe that open space is required. There is a trade off there. It is subjective and I know that everybody -- what we don't want is actually what's going on right now is we are debating these issues in front of Council. You don't want us coming to you to have you decide what is quality versus quantity. In here -- one of the good things that is stated in here is that we, the development community, need to make the argument -- we need to come in and sell you -- sell staff as part of that application process that we are checking the box on both quality and quantity. If some choose not to do that, then, we do need a minimum. Unfortunately, there are minimum standards out there that are going to be required and that's no -- that's not disparaging anybody. There -- there is a time and place for it. In some instances the quantity may be the better option than the quality. Anecdotally, I think we have all seen that there are -- you can go down to Home Depot and put up a little gazebo and that counts exactly the same as a swimming pool within that category and that's not what any of us were trying to do and so as the discussion came about we were also trying to understand how we can put a higher value on the swimming pool-clubhouse combo versus the small Home Depot gazebo, because, in reality, those things could count the same as you need this one or you need this one. I know I'm out of time and maybe I will just wrap up really quickly that there should be credit given when we are contributing to amenities that the city wants as a whole. Regional parks. Pathways. But they are given a minimal amount -- I shouldn't say

minimal amount. But the city has a great opportunity to continue to expand the pathway system on the laterals and drains and canals we already have. We should be giving a high incentive to provide connectivity, not just in my neighborhood, but among a lot of different neighborhoods and so I think we could debate what that amount should be. I'm just going to wrap up and maybe somebody can ask me a question and I can go from there. You may want to just step back, there is a lot of suggestions, and just do a bit of a workshop or allow us to come in and talk about those questions of how do the points work for existing? What does that really mean? And, in fact, in the conversations we have had with staff on both the single family and the multi-family, I think we have come in and demonstrated that, yes, we would qualify or we wouldn't qualify. I think in our case, in Brighton's project, we far exceed all the standards. Even the new standards. But we make a decision that that's what we want to do. That may not necessarily be the same approach for every single project. So, work session a little bit more, instead of trying to figure this out tonight, which I don't think you are going to do -- maybe choose not to do, but we may want to have a little bit more data points, just so we can say, yes, this would work or, no, this wouldn't work and provide a little bit more context. So, I will leave my comments with that.

Simison: Thank you, Jon. Council, questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: We rarely see you up here, so I want to take advantage of your time, because we appreciate it. A lot of conversations recently from -- from staff and Council about centralizing open space versus placing it kind of throughout a community. I'm curious kind of as a subject matter expert who has done neighborhoods large and small and have really placed a high value on open space, what do you think the right direction is? What should Council be thinking about? Are there unintended consequences or things that you forecast by continuing to follow that same philosophy?

Clark: Mr. Mayor, Councilman Cavener, I'm going to give you your answer you just gave. It depends. Okay? If it's a small project I say centralize it. But if it's a larger project, let's create opportunities throughout that community where you can put different pieces and elements. It may not make sense to centralize everything in the middle and you are forcing everybody to come to participate in all the activities you plan on, but if it's a small project, if it's a multi-family project, if it's -- I mean in-fill is a natural; right? I think the bigger the project spread the amenities out. The smaller projects bring them closer together and I think there are a variety of shapes and sizes. You can do a lot of programming in a very small space if you are strategic on the way that you do it. If it's just an afterthought, it's kind of a throwaway, but I think we are being asked to provide more context for the amenities and sell them as part of, you know, the overall community.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Good to see you.

Wardle: Good to see you.

Perreault: A couple of questions I would like to hear from you about. We have talked with -- with our other -- our other gentlemen here. First, what are your thoughts on the odd shaped spaces that are not currently allowed to be used as qualified open space? And, second, I have been sitting here mulling around the idea of counting all open space and not considering qualification and what keeps coming to my mind is the applications that we have that have -- that are very odd shaped to begin with where maybe it's ten acres and a big section of it is along an arterial and -- and all of that is -- a hundred percent of that 25 foot buffer is used as open space and we really don't have any and we have had some very odd shaped in-fill type of projects that would really -- there would really be some problems caused if we allowed all of their open space to be considered as qualified. So, curious your thoughts on both of those things.

Wardle: Mr. Mayor, Council Woman Perreault, there is a community in Phoenix called Eastmark. I don't think any of their common areas have a normal shape, except for their central park, and they are very odd shaped, but they are well detailed and understood and they are specific. So, if we just say odd shape, again, you know, what type of geometry metric are we going to use to determine if it's odd shaped or not? If it clearly is just a piece over in the corner and we put all of our backyards to it and you really can't get to it, then, I think we should consider if it has value or not. But if it's an odd shape, I don't -- I don't know that we can just use that term lightly. Sorry, your second question just slipped my mind. I wrote the first one down.

Perreault: Oh, yes. So, my second question was -- it's slipping my mind, too.

Simison: Arterial --

Wardle: Oh, arterials.

Perreault: Yes. Yes. And, then, actually, if you wouldn't mind addressing your thoughts on the front-on housing requirement for active open space.

Wardle: So, arterials, if I might. So, I think there is two -- two ways that the community benefits. There is the neighborhood internally that has spaces that they can go to, but the neighbors externally that are driving by also benefit from having good frontages. We -- we talked about this a lot as well, of enhancing the way that those frontages are designed. This is a perfect example that if you have an odd shape and let's just say it's a triangle and you have got two frontages on two different arterials, you have an opportunity to do something external that the community benefits from, instead of just seeing, you know, just the bare minimum. So, I think -- I do think it should be considered and if you can't make up your open space other places, let's look at how that could be

enhanced through landscaping, because I do think it is a benefit to the community. So, I think arterials definitely are -- through berming sometimes if it's just flat -- you know, I get the same 35 feet, but if I can elevate that four feet and put a six foot fence up on top of it, now we have created ten feet of screen with a lot of landscaping that can occur versus something just flat and I can look in everybody's backyards. Those are simple things that could be done to enhance that arterial experience.

Perreault: Mr. Mayor, a follow up to that.

Simison: Council Woman Perreault.

Perreault: Do you think, though, that that should be considered as qualified or that it should be -- should we take away the concept of qualified altogether?

Wardle: Mr. Mayor, Council Member Perreault, there are some jurisdictions that count it all. They just count. And I think the view is that it is beneficial. It has two parts -- two benefits to it. The -- the community gets a benefit from it that drives by and I think that we shouldn't diminish that either. So, if I can make just one note on multi-family we really haven't touched it -- on it. So, there is a standard in there that says as it exists today there is a ten percent minimum for multi-family. There is the nuances between whether it's zoned residential or commercial, but let's just call it ten percent. There is also another standard that says for every size unit you have to provide so much open space. In most of the communities that are -- you know, I would have to go back and look at it, but if it's greater than five acres in size, you are not going to have a problem getting over that ten percent hump. But do we really need to throw it at 15 percent if it's a fewer unit community? I ran the numbers recently on the multi-family projects that we have at Ten Mile -- so, again, the Ten Mile -- the requirement is ten percent. The minimum requirement that would be required for our communities averaging about 16 and a half to 18 percent based on the unit counts and how much open space we need to provide, we were well in excess of that, but I don't know that you want to go and say, well, everything should be 20 percent. Everything should be 18 percent. I think what staff is saying is let's have at least ten percent and, then, we do those calculations and you are going to need probably at least 15 percent in most cases to do that. But I don't know that we should throw on a whole bunch more when some of that open space really would be better suited if it was, you know, amenities type space and not just putting more grass around. Those spaces are important, don't get me wrong. We have benefited from a nice pathway system and providing a lot of open space anyways. So, we get that. But I think that's just something that needs to be evaluated a little bit more on just saying it needs to be a whole lot more. I'm not sure, once you start doing the calculations of how much open space is required by unit, I think you get there pretty quickly on some of these higher density projects. The lower density projects, you may not want to have a hard and fast rule that you got to hit a certain -- a certain point.

Simison: Jon, one thing that this Council has talked about over time is parking. I didn't see parking as an amenity in the multi-family, unless I missed it, but should that have a

value? Because, really, parking could be open space, you know, when it comes down to it. Should -- just thoughts.

Wardle: Mr. Mayor, I know that the parking was part of another UDC. I will tell you where the problem really comes out on parking is when you have three bedroom units. Three bedroom units today really mean you are going to have at least three, maybe four drivers and we have limited those down. In the -- in the projects that we do, you know, studios, ones and twos, there is more than enough parking, but I think you would -- if you went back and you looked at the data where you have the biggest parking deficits are when you are in the three bedroom units and you have a lot of those on site, because they have the same standard as two and three bedroom have the same parking standard. Really what you are doing is you are getting a lot of roommates, a lot of teenage kids that are all going to be there, all have cars and that's where you have a deficit. So, yeah, maybe -- maybe there should be a -- a bonus for providing more. I don't know if that's really viewed as an open space and it falls underneath this, but it's a good conversation.

Simison: I mean it wasn't an open space as part of an amenity conversation -- an amenity, because it is taking up that space that could be used for something else.

Wardle: Now, there is in where you would have the multi-family standard. You could consider -- I think it was the electric vehicles, parking for those. You could get some of that. So, maybe that's a possibility.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: One of the things I'm intrigued by, but also struggle with that balance is the open space, which is needed. You need that room to run and play and the amenities, which I think are more in demand and your facility -- or your developments have great amenities. How do we strike that balance of giving appropriate credit for amenities, because I have heard that from -- from several and also providing what is that amount, is it just the 50 by 100 or some different shape or that or square footage to counter the number of amenities, which are more desired in a development. What are your thoughts on that?

Wardle: Mr. Mayor, Councilman Hoaglun, I think the -- the important thing is to give people a reason to be there. I can provide them a lot of open space, but it's rarely used or I could provide a small -- small, but well thought out tot lot with good benches around where you have people just flocking there, because that gives them a place to be with kids or grandkids, but also that social moment. Sometimes when we have big parks -- and we have seen this. We are trying to be a lot more thoughtful on the way that we are designing parks and what we are doing. But we need to create that third place where people can go and meet somebody and socialize outside of their home and not just get lost in the middle of a big grassy area. One of the communities that we that -- we are really proud of, but I think we would have done a little bit differently, was Heritage Commons. You

come into Heritage Commons, it's got a beautiful park in the middle. A little gazebo that's in the middle of it, kind of an island, it's used for July 4th and rarely used. I think we would have been better served to chop that up into maybe a smaller park or brought that place where people could go and gather to the outside, instead of putting it inside. So, I just think those are lessons learned. It's not necessarily size, it's giving people a reason to be in a space, where they can meet their neighbors and not have to invite them to their home. That's safe to go to the park and visit with somebody. I don't need to bring them home.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: One other question. I want to throw out an idea that's not big, but it's been mentioned about pathways and the value they are to our community and serving on the Parks Department liaison last year, you know, I learned going through the budgeting process we don't have any external funding for pathways. We have impact fee for parks, but not pathways, and one idea I had in this process of, you know, open space standards -- let's say it's a 12 percent requirement for a particular development, that we have the developer say, you know what, we will only want to provide ten percent. That a fee is paid into a specific fund for pathway acquisition and maintenance or acquisition and improvement, not maintenance, and that way we start building a dedicated fund for pathways which benefit throughout all our community in some way and I'm hitting you cold with this. Any -- any thoughts on that? And -- and I'm hitting everybody cold with this, but, you know, it is important to our community for these pathways and we are using general fund dollars and maybe there is that trade off of, yeah, open space here, we reduce that because, then, we can provide an amenity for other people in a -- in an area that it's really needed. So, just -- just a thought.

Wardle: Mr. Mayor, Councilman Hoaglun, yeah, I mean it's a great -- it's a great idea. I know it's complicated by trying to bring that into an impact fee. Boise City has it within their impact fee, but it's -- it's -- it's a little convoluted on how that would work and how we would want to do that. With that said, however, for example, if I'm on the one side of a lateral and Jim Conger is on the other side of the lateral and his has the designation for the city. The city wants theirs -- the pathway to be on his side, but it's the same easement area; right? And if I wanted to contribute to that, so it can either get done sooner or I can participate in it and we are completing a system improvement that's desired, it's on the city's plan, there should be consideration for that. There should be some sort of way that I could participate in that and make -- make those facilities happen sooner than later. Even if it's not on my side, I just happen to get the wrong side of the canal, right, but it -- you know, there is benefit for having that completed sooner than later. I think there should also be some consideration given -- and I don't know how you quantify this, but I will put it out there. Keith Bird Legacy Park. Back in the day we made a contribution in terms of a reduced value of that land, so the city could buy it and when it came to finish it, we also contributed to the greening up at our facility. We got the benefit of the open space. But there was no consideration given -- and we didn't need the consideration, I mean we met

the minimum, but at the same time there are going to be opportunities within the community where a developer can come in and participate and make things happen a little sooner. So, how do we quantify that as well. It should be considered. It's hard to put in an ordinance. Then we are talking about potential winners and losers and that doesn't necessarily work. But there should be something outside of the alternative compliance that would allow for that to happen.

Simison: Council Woman Perreault.

Perreault: Thank you, Mr. Mayor. I wish I had actually asked this question of every individual who had come up here. We have had many conversations about parking with multi-family, but also storage space and I had the opportunity, let's put it, to live in a small apartment for a short time this -- this winter and would have absolutely loved a storage unit that was not going to be required for a vehicle or whatnot. Is that something that you believe would be -- would be an amenity that should be added to this list? I'm seeing a lot of developments come through that have garages for people to rent, but they are not allowed to put their -- their -- they are not allowed to store in there, that they are fully intended -- and the particular development I was in most of the garages were empty, because folks wanted to use it as storage and the manager said, no, it needs to be used for vehicles and, then, they got left -- most of them got left on rented. So, I -- that was the one -- one item on this -- on the multi-family that I thought was a -- for me that would have been a quality of life amenity. I'm curious to know -- and I know the other individuals have already presented, but I really would like some feedback on that.

Wardle: Mr. Mayor, Council Woman Perreault, I do think that storage lacks -- and I do know that we do -- you know, there is a requirement for covered parking and there is not necessarily a requirement for enclosed completely, like garages, and that's often offered up. When we have done garages we could put them on the perimeter, so it makes the project look nice, instead of just looking into a sea of parking. I think there is a time and place for it. But I absolutely think that, yes, it should be considered as an amenity that we have specific storage outside of the garages. Because I do know that a lot of the garages are leased and they are not used, so that -- then we are perhaps taking available parking out of the equation.

Simison: I would go even further. You may even want to consider that in HOAs to have places for garages for storage of vehicles that aren't on people's property as an amenity. I mean seriously. I mean that's -- we see that more and more with -- with the toys people have in our area, that they need a place for storage, but that's a different story. But I did want to follow up on two elements related. What I heard Councilman Hoaglund saying was kind of along the lines -- maybe I missed -- offsite amenity. You know, through -- through development, as even a way for compliance, for lack of a better term. It also kind of dovetails into the conversation -- one of the questions I want to ask was, you know -- I don't know if you see what Mr. Clark provided regard -- regarding the regional park and reduction and expectations and he talked about differences -- you know, there -- I think there is always a difference between if you donate to -- land to something, but what's your thoughts on should there be different standards for development that are near -- I mean

you could say a park, you could say a school, you could say, you know, next to Mountain View High School we don't need to have things, because there is a lot of open space over there. Thoughts on reductions near gathering spots we will just call it that.

Wardle: Mr. Mayor -- and sorry I'm not making eye contact very much tonight. I'm just dealing with a little bit of a headache and these lights always bother me. So, it's not because I don't want to look at you, I'm just a little -- dealing with a headache. But the city is making investments because they understand the population is going to grow a certain place. Whether that is a park, whether that is a school -- I know you don't handle schools, but, you know, schools are going places where that growth is happening. There is a public benefit to having growth happen around those areas. At the same time we still need to provide a place for residents internally. So, I don't know that that -- it just satisfies all of that by saying I'm going to put all of my eggs in Discovery Park and that's my amenity. I don't think that counts. I don't think that works. But I do think that there should be consideration given for, you know, maybe -- you know, if you -- if we are looking at a 15 percent, maybe 15 percent doesn't mean as much if I have got a large park next to me. I should still be providing something, but maybe not to the same extent. So, again, I don't know that there is a -- an easy way to quantify what that reduction could or should be, but I do think there should be a nod given to developing around the areas that the city is identified as a priority or also looking at in-fill -- I know that we are -- in some cases there is a minimum acreage. You know, if we are -- you know, in Old Town or somewhere close to Old Town and we have an opportunity, maybe -- maybe that overall percent isn't as critical, because we are filling from the inside out. Didn't answer it, but that's my own --

Simison: It's perspective. Just perspective. Council, any additional questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have a question. I just want to say thank you to everybody who is here speaking with us to be here late. Very much value what you shared this evening. Thank you for being here this late. We know you all get up early, as well as we do, so thank you.

Wardle: Mr. Mayor, if I can -- one last comment regarding the point system. Cats are under appreciated. But if you are going to get any points for them they have to have at least ten times as many points as dogs, because you can't control cats. So, if someone's going to do a cat park, it should be ten times as many points as a dog park.

Simison: Hope that was worth it. I think we do have one person online that would like provide testimony.

Johnson: Mr. Mayor, Denise LaFever. She should be able to unmute.

LaFever: Hello. Can you hear me?

Simison: We can barely hear you, Denise.

LaFever: Let me turn it up. Can you hear me now?

Simison: Yes.

LaFever: Like a Sprint commercial. Hi. My name is Denise LaFever and I'm at 6706 North Salvia Way and I just want to make the comment that I had the opportunity to be with staff when they were going through the Comprehensive Plan and go to all the different meetings and talk to the public and to -- I heard over and over again was the closeness of the houses and the disappearing of open space in the neighborhoods. I mean that was really really important to folks. I also will tell you that I live in a Brighton neighborhood and the pathway systems are phenomenal. They get a lot of use, all the way from younger to older, and they are fantastic. Over the years I had the opportunity to sit in on multiple P&Z meetings and years worth of City Council meetings and one of the things that I noticed is that the changes in the calculation over the years, like, for example, we -- we put in linear spaces, which reduce the usable spaces, but what I started to see over and over again is that I started to see a lot of holding ponds, storm drains, buffers, changes in the green space, you know, where they started fencing over tiled waterways and so really the area that used to be usable open space or green space started to diminish from some of the plans that I saw over -- over time. You know, we -- they just recently went back through and changed to non-tiling of laterals and canals, which I think is fantastic when you have the parkway systems and you are using it, but it's a huge cost savings and they just really need to be incorporated as -- as really viable usable spaces. So, I guess at the end of the day I just really think there is a lot of value for the people in the -- in the city, as well as the value to the homes, open space within your community and within your neighborhoods helps maintain the value of your open space and it also makes it very desirable. That's the biggest thing I hear when people come over and buy houses at Spurwing, they love the open space. So, I think this is a very important subject. It was a very important subject to our community members and I think we really need to look at both the quality of amenities, as well as the open space within the communities and I'm just going to close with the fact that we have these areas of -- we are getting smaller and smaller lot sizes through PUDs, gated communities, and private roads, which is really just a -- a use to make smaller lots. That is one area that there needs to be a need for more open space within those communities, especially pathways and benches and just a bunch of different amenities in it. I think it really holds your value of your property over time and I want to close by saying, Mayor and City Council and staff, thank you for going out to the public and doing a reach to the public to get more feedback on the open space and the parking. I greatly appreciate you looking to seek more public comment on this. Thank you.

Simison: Thank you, Denise. Council, any questions? Okay. Thank you very much. Okay. Well, Council, we are 10:22 -- '3 in the evening. I don't know where you all stand, if you need to take this any further or how you would like to proceed or next steps or are you just ready to move forward. So, thoughts, comments, perspectives? Break this up

between the different elements? Are there other elements we want to hold out and continue the conversation over time?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: First of all, I think that the amount of time and effort and energy that's been put in by our volunteers and our staff and our residents and our -- and the public that's come to share with us, I'm just -- what is fantastic about this city. It's amazing to see all of these recommendations and how much people care about making -- making all of these little details right, so that we have a beautiful place to be. So, I want to say that first. Second, I want to say there are items about each of these exhibits that I think are fantastic and changes that I think are fantastic, but also ones I'm not completely in agreement with. So, I can't say this evening that I would vote yes on any of these exactly as they are. My concern is that -- well, my -- my guess is that perhaps I'm not the only one here that -- that feels that way and that it would be continuing our meeting very late if we all specifically went section by section of each of these exhibits and explained what we -- what we are in favor of and what we aren't. So, I'm just going to, for myself, say that I don't feel comfortable voting yes or no specifically on each of these. I feel like that there is modifications I would like to see made. But if you -- if you and/or the Council decides that's the route that we are going to see evening, I can certainly do that.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think that it -- it's getting sort of late and I think it would be -- I think it would be prudent to continue this to another date to maybe have direction for Council to be prepared for discussions and -- with regard to what they like, what they don't like, in each of the exhibits. I think that maybe we should keep the -- the hearing open just in case there is more dialogue needed. So, that -- that would be my recommendation.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I, think you know, whatever the group wants to do, honestly, I will go along with it. If we think there are some we can get out of the way, but maybe what would be helpful -- kind of wondering if -- if in the future if going exhibit by exhibit is the right way or perhaps similar to some of the tables that we have on the RV standards, if we want to just have one consolidated table for the next meeting with every open issue that staff needs direction on, we could just go one by one really methodically, if it's just outlined in a table for each section, so we could, you know, get organized that way. If I were to make a suggestion that would be my suggestion.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. The RV thing I'm -- I'm okay with moving forward with that, but when it comes to the open space one, a couple suggestions were made that I'm interested in and Mr. Wardle mentioned about a workshop. Council Woman Strader had talked about parallel path or ground truthing it is my words I wrote down, because I do have a lot of what if we -- you know, what would that look like if we try this and we assign points to it and -- and paralleling that with -- and -- and maybe we do both. We plan a workshop, talk through some of these issues some more, at the same time using upcoming applications and applying what we have got here and see what does that look like? Will that -- will that really work? We think it will, but does it? And just trying to get more information. I mean there is a lot here and it's -- and this is very important and I'm just kind of interested in continuing the discussion, but at the same time kind of trying to make plans, okay, how are we going to come to a consensus and how can we answer the questions that we have on this? Is this really going to work or can we do practice runs and tweak it before we say this is what it's going to be? So, just my thought.

Perreault: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think that kind of falling in line with what Council Member Hoaglun is saying. We know what -- the more we noodle on this we will come up with something that we will adopt, but, then, we will all say, well, let's revisit this in six months and let's -- let's apply what we are doing now and revisited it at six months and I think, Council Member Strader, that's -- that's a really smart ideas. So, if we want to continue it to a date certain I'm okay with that, but if we also wanted to press pause on adopting any of this and run a parallel track for a few months and see what differences result and potential maybe decision points for the Council to make, I think that would be a very prudent practice for us. I'm happy to support what the body wants to do.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I agree. I think it's a fantastic idea for us to look at both. A couple of questions I have about that process, though, would be -- staff, I think that could potentially be a time add for them. Is that something that they are -- you know, that they don't find any challenges within? And, then, the second thing I would -- and I assume that the staff reports would, then, have analyses of both, so that the public could see that. What I would ask is that we would encourage any members of the public who come to speak on the land use application, when -- as we are assessing both, that we specifically ask them to comment on both, because I think it would be easy for a member of the public to be

confused about what standards we are using. So, just as long as we kind of have a good method for that, I'm -- I think it's a great idea.

Simison: I'm going to look to our legal -- I -- personally I have challenges with this approach of trying to do essentially two different application reviews and standards and comments through the public hearing without adopted standards.

Baird: Mr. Mayor, you would have your applicable standard that's currently adopted and the other would be merely advisory and some commentary and staff would be tracking it. so that whatever time period you choose you can say here is -- you know, it -- it's not going to be a factor in you making your decisions in the meantime, because you have got a currently adopted code, but I don't see any harm in doing this ground proofing or tracking --

Simison: Asking the comment -- the public to comment on two different concepts. That's what -- you know, I don't want to confuse what is our standard for the record.

Baird: Right. Right. Right. Right. So, that -- that may be just a staffing thing and, then, the chair would -- would reiterate that we are only taking comments on the current standards and you gather the data as you move forward. I think we can work something out if that's it -- if that's the choice. Take a certain time period and track that and report back.

Strader: Mr. Mayor?

Simison: I would like to go over here to ask the question about how to --

Baird: Right.

Simison: -- work it out.

Parsons: Mayor, Members of the Council, certainly I'm -- I'm definitely not in favor of having what the code requires and what it could be. That sets us up -- it's a bad precedent for us. We don't want to do double the work and not get paid for it either. But what we can do is, essentially, when a project comes in, we can have a table and just put the numbers -- crunch the numbers of the open space and amenities and, then, just share that and do it as a separate memo when we come back on a date certain I can maybe do a couple projects that we have in the hopper. I don't know if we need to ground truth it for six months, but we have projects in the hopper that I can look at now, put together numbers and say, yeah, there it works good, this does not work good and see if there is any concern.

Bernt: Mr. Mayor?

Simison: I think Council Woman Strader was --

Strader: Thank you, Mr. Mayor. Just real quick. My suggestion was going to be not to do two separate applications. That sounds like craziness. I -- what I was suggesting would be -- let's outline all these hot button issues in a table. Let's go through the table and try to flush out what we think we agree on now. The open item that I think should be tested was the amenity table and possibly the open space, if we can't come to consensus, and so there would just be a separate -- maybe it's one page table from planning staff about here is how this project would stack up on the amenity table versus our old method, just what -- like one page and not that that's our decision point, but to see how it would work in practice if we are comfortable.

Simison: Is it -- would it be better to go back and do that on the ten last projects we did, rather than integrating it into any of the current projects? I really don't want to confuse applicable standards, because if they did -- if they did that I would say, well, don't show it to you until after you vote on -- on the project. So, that's why I would rather -- and for expedite -- to be more expeditious towards a solution, at least that way we can work on it as time allows. But still Cameron can adjust many different resources to help determine these factors or we can even ask the development community to each go through and do two of their own projects, you know, if they want to help us figure this out.

Strader: That's a great suggestion and that would be even faster to go back --

Hoaglund: Mr. Mayor? Yeah. I --

Simison: Councilman Hoaglund.

Hoaglund: -- whether we go forward or use what we have done in the past six months, half -- in the past year -- and, again, site amenity points system, seeing how that plays out. I'm also interested in looking at some things if we apply 18 percent and it all -- and it qualifies. Okay. So, if we set the standard at 18 percent, what does that look like for all those things we passed, but everything qualifies? Or some other standards? I think we need to come up with some things. What are the matrix we want to gather, the data points that bring us that information to help us decide when we go forward, oh, this is what it would look like, that, no, we need to have 20 percent and everything qualifies for R-8 and above. If we go everything qualifies. And I'm interested in that all qualifies, because I hear from applicants -- past applicants and staff that make our life easier somehow. It would be great if we could. I don't know if we can, but what are some of the --

Simison: The majority of that is already captured and calculated, qualified versus unqualified open space. I don't know if there is some elements that we are not qualifying for unqualified that we would have to reconsider, but for the most part I think a lot of that stuff exists, so I think this can be done a lot quicker than we anticipate to get some value from these questions. If -- If Community Development feels like they know what they are looking for in those -- and it's really what is the current last ten projects, open space qualified or total or under scenarios, how would these have stacked up, looking at the point value amenities and applying them appropriately, those -- we could probably get to

some idea about what type of what we have been seeing and make -- will that work? Give it a month? Two months? How long do you think to go through ten, 15 projects?

Parsons: Mayor, Members of the Council, a couple suggestions. I like where you are going here. I like using past projects, because it's already approved and we are not trying to monkey new projects that you haven't heard yet. That gets -- the record gets crazy when you do that. So, certainly look -- I don't know if we need to look at ten or 15 projects. Let's -- let's pick a half a dozen or so, put the numbers together. What I'm going to do is not test it against all the standards, because we know a lot of the standards aren't going to count because of the fact 50 percent of the homes aren't going to be fronting on open space. We know that one. But what I want to do -- I like Council Woman Strader's suggestion of highlighting the issues that we talked about tonight. So, that way when I bring back that exhibit it will be yellow and say these are what we talked about, this range. So, for example, irregularly shaped open space, I can highlight that yellow or green and say this is something we want to look at. Keep it or take it -- remove it. If the percentages aren't right we will highlight that. So, I can bring back some of that documentation. But I think -- I think the story can be told with just maybe even six projects. A random sampling of that and see what we can have. Again I'm only going to look at the open space and the amenities and how that works with the point system and the current range we have now. I won't look at all the other standards at this point, because it's really a moot point. It's -- I think I'm -- everything else is pretty just -- everything else in the code -- and when you get past the point system is really just defining the quality of the amenity. It's -- you have to have these elements in order for that to meet that definition. It's more defining how you design that open space amenity. So, I think I can -- have pretty good clear direction and I just want to make it clear. It's not intended for multi-family single family only or would you like me to ground truth some of the multi-family, too?

Simison: I think multi-family would like to get some ideas.

Parsons: I know someone that can help me with that.

Simison: It looks like Cameron is looking to speak as well on this topic.

Arial: Yes, Mr. Mayor, Members of Council, just briefly. Just from the -- the development community partners we have in the room and -- and I know that we can get good information to you pretty quickly. I think we will work with them to analyze under these criteria and get back with you as quickly as we can with some good -- good data. So, work with Bill and the development community to make that happen.

Simison: So, from a time frame if we want to continue all elements, certain elements -- how far out? Thoughts?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: I -- I would want to get input from staff. I mean they have got current developments going on moving forward and now the look back, that adds to the workload. So, kind of would like input on even is it doable.

Parsons: Yeah. Mayor, Members of the Council, it's really your -- your realm, you know. Staff likes a quick decision and, obviously, we are not going to get there tonight, but if you feel like you need time -- obviously you see how much -- how many changes we have proposed with this text amendment and that certainly wasn't our intent. It just kind of got piled on and kept growing and growing like a snowball. So, this is an unusual text amendment to have this many changes coming before you. Typically it's -- it's a more methodical approach and we try to bring new pieces at a time throughout the year, so you are not overwhelmed like this and get so much information. So, I really -- I turn -- I turn it back over to you. I want to make sure you read -- you have all the information, you read everything, you understand what you are approving and I can bring you back the data. So, if you need a month I'm good with a month. If you need into July, I can bring back something into July. I don't think it's going to be critical. What I -- what I -- what I am a little hesitant is that we are starting to come into vacation season for my team and so I'm going to have to fill in where they are out of the office, so that's going to take a little bit of my time and put a little bit more burden on me. So, I would prefer possibly sometime mid August if that works for all of you. A month is prudent. I'm good with that.

Simison: So, what about -- because I think some of this information may exist to be quick. What if we brought back the -- maybe some of the information to Council for consideration in three weeks on the 27th and continue the public hearing to that second Tuesday, since our first one is cancelled because of National Night Out, so that -- the public hearing conversation gives us a few weeks between --

Parsons: Yeah. I think I could pull something together fairly quickly on that. Again, I have done the multi-family data, so it shouldn't take me long to pull together the single family. Again, I'm going to look at about a half -- half a dozen projects and move on. I will pick a variety of different projects.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Since our public hearing isn't closed, do we have any -- from Jon, Hethe, they have any comment on the direction we are going here? Are we good? Okay. Okay. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm just curious, so that we don't potentially hold up a portion of this that's unnecessarily so, because this is all one application are we permitted to vote on say the

-- the RV and parking portion in our next public hearings, so that we are not holding them up for the open space requirements or does that all need to wait and be decided at the same time, because it's one application?

Simison: Yes. One application. Unless we wanted to close the public hearing and renotice and have it come through a separate process. Yeah.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just in -- I guess closing comment. I have been very quiet. I -- I'm ready to -- I could act now. I could act at the next meeting. I think it's 99 percent there, quite frankly. I think Hethe's suggestions are spot on almost entirely and -- and there is some -- maybe some tweaks on some percentages, but I think we are there. So, I'm quiet because there has been a lot of good work to get us here. Staff and public meetings and the outreach to the development community has got us there. I don't know if a dog park is two points or one point. I will never know. And I'm not going to -- I'm not going to personally want to continue it until I figure out if it's one or two. I like the scoring system. I like how it tries to provide some objective measurements and encourages the development community to do X and not Y and X is worth a little more than Y. That's why we started this point system in the first place. We won't be changing this forever. The next six of us will be changing it forever. It's supposed to change. So, I like it. I think it's great work. I think there is a few changes, a few tweaks, a word here or there, some numbers here and there, but it is 99 percent there. So, I -- I don't -- I'm not going to be probably too engaged in debating the one point versus two on a drinking fountain. I think -- we -- we will never stop. We will never stop. So, I will be ready to act and vote at the next meeting. Great discussion. And thanks for sticking around. The input is awesome and the public input is fantastic. We are on the two yard line.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think most of us are -- I think similar to Councilman Borton, we are -- we are noodling over three to seven percent of this stuff. So, however we want to do that efficiently -- a week from now, a month from now, three months from now I guess is the question, but I -- I think that most of this could be settled with a brief conversation with Council -- not at 10:30 at night.

Simison: I don't hear Council talking about the numbers. I don't think that anyone is going to get into point values typically. I just think they just want to be proofed, to have an understanding about what it means. That's what I'm hearing more. Not let's redefine the numbers. At least that's what I'm hearing. Yeah. So -- well, yeah, exactly and that's why I don't think -- I think we have got some dates set forward on how to get this. I think we

are looking at the 27th of this month to come back with information, the analysis, and, then, looking at the second or third weekend, which is --

Perreault: Mr. Mayor?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I'm thinking that we can just -- if we get that data looked at I think that we can get it done on the 27th.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I won't be here, so I'm sure you guys will have plenty of time to be able to get it done. I won't be taking --

Bernt: I love the 27th.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have any thoughts on -- on the timing of it. If staff needs until mid August that's fine with me or we can get it all done. But as far as the -- the amenity point system, no, I don't want to get into the weeds as to what's one and what's two and what's five. I would like Council to consider whether we keep it a static number or whether we have a sliding scale for each amenity, a grade for each amenity. Because that's kind of is -- that's a pretty significant thing as far as how planning is going to end up adding up the points. So, I just want to throw that out there and hope that's in our parking lot of ideas that we are going to consider.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I'm good for making a decision for the 27th. We get that information and move forward.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue this public hearing, Item 3, ZOA-2021-0002 for July 27th.

Hoaglund: Second the motion.

Simison: I have a motion and a seconded continued 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 continued. Thank you all. We will see you with more information and back here soon.

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

- 4. Ordinance No. 21-1934: An Ordinance (H-2020-0117 – Shafer View Terrace) for Annexation of a Parcel of Land Being a Portion of the North Half of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Ada County, Idaho, and All of Lot 4, Block 1 of Shafer View Estates Subdivision as Recorded in Book 64 of Plats at Pages 9403 and 9404, Records of Ada County, Said Parcel is Located in the North Half of the Southwest Quarter of Section 32, Township 3 North, Range 1 East of the Boise Meridian, Ada County, Idaho; and Being More Particularly Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 10.66 Acres of Land from RUT to R-2 (Low-Density Residential) and 29.822 Acres of Land from RUT to R-4 (Medium-Low-Density Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: Our last item of the evening is Ordinance No. 21-1934. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. An ordinance related to H-2020-0117, Shafer View Terrace, for annexation of a parcel of land being a portion of the north half of the southwest quarter of Section 31, Township 3 North, Range 1 East, Ada county, Idaho, and all of Lot 4, Block 1 of Shafer View Estates Subdivision as recorded in Book 64 of Plats at pages 9403 and 9404, records of Ada county. Said parcel is located in the north half of the southwest quarter of Section 32, Township 3 North, Range 1 East of the Boise Meridian, Ada county, Idaho; and being more particularly described in Attachment “A” and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 10.66 acres of land from RUT to R-2 (Low-Density Residential) and 29.822 acres of land from RUT to R-4

(Medium-Low-Density Residential) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Seeing none -- no request do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1934 with the suspension of rules.

Hoaglun: Second the motion.

Simison: I have a motion and a second to approve Ordinance No. 21-1934 under suspension of the rules. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the ordinance is agreed to.

MOTION CARRIED: ALL AYES.

Simison: Council, anything under future meeting topics? Or do I have a motion to adjourn?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn.

Hoaglun: Second the motion.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 10:47 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON
ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK