

Meridian Planning and Zoning Meeting

October 15, 2020.

Meeting of the Meridian Planning and Zoning Commission of October 15, 2020, was called to order at 6:00 p.m. by Chairman Ryan Fitzgerald.

Members Present: Chairman Ryan Fitzgerald, Commissioner Andrew Seal, Commissioner Rhonda McCarvel, Commissioner Nick Grove and Commissioner Steven Yearsley.

Members Absent: Commissioner Lisa Holland and Commissioner Bill Cassinelli.

Others Present: Adrienne Weatherly, Andrea Pogue, Bill Parsons, Sonya Allen, Joe Dodson and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Lisa Holland	<input checked="" type="checkbox"/> Rhonda McCarvel
<input checked="" type="checkbox"/> Andrew Seal	<input checked="" type="checkbox"/> Nick Grove
<input checked="" type="checkbox"/> Patricia Pitzer	<input type="checkbox"/> Bill Cassinelli
<input checked="" type="checkbox"/> Ryan Fitzgerald - Chairman	

Fitzgerald: So, at this time I would like to call to order the regularly scheduled meeting of the Meridian Planning and Zoning meeting for the date of October 15th and let's start with roll call. Thanks, Madam Clerk. First let me welcome our esteemed former colleague, the guy who actually taught me how to do this. Commissioner Yearsley, it's so nice to see you again. Sorry I'm not there in person to see your face in person, but we are still happy to have you back. Someone to call on if I can't call on Commissioner McCarvel to take my place and Commissioner Holland is on maternity leave again. Nice to have you here, sir.

Yearsley: Thank you very much.

ADOPTION OF AGENDA

Fitzgerald: First item on our agenda is the adoption of the agenda. We are going to do a little bit of an adjusting tonight. Item No. 8 on our agenda tonight is requesting continuance to November 19th and I would like to move that item up to number three, so we can hear about the community development discussion about our schools, but, then, handle that issue. So, if anyone's in the audience or on Zoom that wants to talk about the Skybreak Subdivision we can deal with that up front for a continuance. Is that -- anybody have any issue with that?

Seal: None here.

McCarvel: No.

Fitzgerald: So, with that can I get a motion to adopt the agenda as amended?

Seal: So moved.

Yearsley: Second.

Grove: Second.

Fitzgerald: I have a motion and a second to adopt the agenda as amended. All those in favor say aye. Any opposed?

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. Approve Minutes of the September 17, 2020 Planning and Zoning Commission Meeting

Fitzgerald: Next item on the agenda is the Consent Agenda, which is the approval of minutes for the September 17th Planning and zoning Commission Meeting. Can I get a motion to accept the Consent Agenda?

Seal: So moved.

Grove: Second.

McCarvel: Second.

Fitzgerald: I have a motion and a second to accept the Consent Agenda. All those in favor say aye. Any opposed? Okay. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

DEPARTMENT REPORTS

2. Community Development: Discussion Regarding Building Permits Per School Attendance Area

Fitzgerald: So, moving to the first item on our agenda is -- going to turn it over to Miranda and the staff as the community development discussion regarding building permits per school attendance area to -- it's going to help us be better informed about -- you know, I think Commissioner Grove and I know, Commissioner Seal, you guys have both talked

about this a lot and I think the staff's done a great job of bringing us more information about all the building permits that are going on in an area and how that's going to impact schools and so I'm going to turn it over to Miranda to talk through kind of this new tool we have and I think she's been warned that we may have her back for additional meetings as we get a pretty significant dump of information and, then, how that qualitative information will play into our discussions and contemplation. So, Miranda, do you want to take it from there, ma'am.

Carson: Okay. You should be able to see my window with the table on it.

Fitzgerald: Yes, ma'am. I can see it.

Carson: Okay. So, this is a school impact table. This is a new tool.

Fitzgerald: Sorry, Miranda. Can I get you to introduce yourself. Your name and --

Carson: Oh, yes. Sorry.

Fitzgerald: -- and who you represent. Thank you.

Carson: I'm Miranda Carson. I am a comprehensive plan associate planner in the Community Development Department. So, looking at long range planning for transportation and schools mostly. I'm fairly new to the city. I think I have been here three months. So, I was hired on for school and transportation planning.

Fitzgerald: Perfect. Thank you.

Carson: All right. So, one of the first charges I got after being hired on was to come up with a way to show how developments might be impacting schools. This tool is, again, a might be. This is what -- there are several assumptions that I will re-do as I show you the table about the assumptions that I had to make to come up with this data and to come out with the outputs of the different data that was collected. This tool is not meant to be a decisive tool, it is meant to be a reference tool for the Planning and Zoning Commission, as well as City Council to use just for a reference of how a development might impact the schools that are around it. So, I will just go ahead and jump right into it. So, this was an example table for Prescott Ridge development. Some of the data might look a little different than the original table, because this is just an example table, it's not intended to be the table for Prescott Ridge. So, Prescott Ridge is in the Pleasant View Elementary, Star Middle and Meridian High School boundary. So, this is looking at the schools that it is currently zoned to. The schools can be -- the school attendance areas are analyzed based on the current attendance areas when the report is created and those can change anytime between the school year and occasionally change during the school year. The distance will be based on the data that's provided in the West Ada School District agency letter. If that's not available, then, it will be provided from the neighborhood opening to the school and when I say the neighborhood opening I mean the geographical opening. So, where the neighborhood is shown to go out onto a main street. The school capacity

is provided by West Ada School District and these are the most recent capacities that were updated. The enrollment information is based on spring 2020 enrollment counts and, then, there is an adjustment made based on students that moved to Pleasant View Elementary. So, Pleasant View Elementary is a new school, they did not have students in spring of 2020, but with the help of the planning and development administrator I was able to move the students that now attend Pleasant View out of their old schools to come up with a number for Pleasant View and to reduce the numbers at those schools. We are using spring '20 counts because of COVID. So, when and if COVID ever subsides we will be looking at current counts. Until that happens with students out of school and students doing online school and virtual schoolhouse, we will be using the spring '20 counts. The estimated West Ada students generated by the development. This is looking at the number of residential units that a development will create, be it multiple family or single family. This student generation rate is the number of students that are generated per unit. So, the student generation rate for a single family house for the West Ada School District is .7 students per single family residential unit. That is based on census data and based on the school enrollment data. That number was created in conjunction with the West Ada School District and that is the number that they also use in their planning. The multi-family student generation rate, students per multi-family residential unit, so one apartment generates .1 students. There are significantly less students generated by apartment complexes, which is why that number is significantly lower. That is, then, calculated out by grade level. So, this -- the .7 students per single family residential unit is the number of students -- all West Ada students. So, then, that has to be generated out into elementary, middle, and high school students. So, we have to divide that number up based on the grades. So, we come up with an elementary student generation rate, a middle school student generation rate, and a high school student generation rate. Are there any questions on the student generation rate? I know that can be -- okay. So, the number of students generated by the development will be based on how many single family and multi-family units it has and, then, will be multiplied by the appropriate multiplier and it will be 105 students in Pleasant View, 52 -- 52 students in the Star Middle School boundary, and 70 students in the Meridian High School boundary. The next columns that you are going to see are based on building permits. So, this is the 2016 dwelling units that were approved in building permits. So, a building permit may have more than one dwelling unit if it's a multi-family unit. So, a single family unit is typically one building permit, but an apartment building may have 50 units and still only be issued one permit. So, this is the dwelling units that are in the permits. Does that make sense? Okay. So, these are the 2016 actual dwelling units. These are the 2017 actual dwelling units and you can see the change from the previous year. 2018 and the change from the previous year. So, we can see that the area is growing. The 2019 and the change from the previous year. And, then, the 2019 percent of citywide total. So, this shows you that in the Pleasant View Elementary School boundary, to simplify it, 15 percent of the city's residential growth is happening in the Pleasant View Elementary boundary. Thirty-nine percent of the city's residential growth is happening in the Meridian High School boundary, as a very simplified way of saying it. So, then, the 2020 dwelling units as of 8/18 -- as of when the report is created. And, then, I estimated out the '20 -- end of year 2020 dwelling units based on the monthly average. So, if we continue issuing building permits in the same monthly average that we have up to August 18th, then, by the end of the year we

will have issued 536 -- we will have issued permits for 536 dwelling units in the Pleasant View Elementary boundary and, then, using the same student generation rate for the building permits, the number of building -- the number of dwelling units based on building permits issued would be 173 students generated for the West Ada School District in the Pleasant View Elementary boundary, 90 students in the Star Middle, and 235 students in the Meridian High. So, this shows you that even if you stopped approving developments these students are still likely coming. These are the students that are coming based on the building permits that we are issuing. So, then, there is a column that shows you the estimated West Ada enrollment after the permits and the development. So, this is simply the addition of these students generated by development and the students generated by 2020 permits and the current enrollment. So, the estimated enrollment after permits and development compared to the capacity of the school shows the percent that the school would sit at. So, if these permits -- if this is the correct number of permits that are issued at the end of 2020 it will generate this many students and if this development is approved it will generate about this many students and with both of those counts it would put the school around 104 percent capacity. So, let me just check and make sure I hit all of our assumptions here. So, the growth data is analyzed only for the City of Meridian based solely on building permits. Preliminary plat data is not currently included and the West Ada School District does have areas outside of the city. So, anything outside of the city that's growing that also falls into this, for example, Star Middle School, is mostly comprised of other cities, not Meridian. So, other cities growth is not shown in this data. This is strictly growth of the City of Meridian and it's strictly growth based on building permits and not preliminary plat data. At some point in the future we hope to add preliminary plat data to this report and when that happens I can come back and explain that data as well. The dwelling permits -- or the dwelling units are based on -- on the units for the building permits, including any units with age restrictions. So, for the purpose of this report, with all the variables that it has in it, units with age restrictions were counted the same way that every other unit was counted and that is based on -- the student generation rate is based on census data, so it will already include age restrictions, because census data is based on the number of households, not the number of households that don't have age restrictions and I think that covers all the assumptions that were used to create this data. So, if you have any questions I'm happy to take those.

Fitzgerald: Miranda, one of the comments you made during our pre-meeting today was this doesn't include private schools; correct?

Carson: Correct. This is strictly West Ada students. So, the student generation rate was created looking at students per household per census data and, then, looking at what percentage of students about in the census records -- what percentage of students go to the West Ada School District. So, these are strictly West Ada School District numbers.

Fitzgerald: Perfect. Thank you, ma'am. Are there any questions for Miranda?

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: Miranda, thank you for this. This is going to be a useful tool. I look forward to reading more about it as -- as it continues to roll out. The only question I had -- and it's probably just a typing error, but is the middle school generate -- student generation on assumption two for multi-family, is that .023? Those are the only ones that look different than the rest.

Carson: Mr. Chair?

Fitzgerald: Go right ahead, ma'am.

Carson: Yes, that is a typographical error. I will correct that. Thank you.

Fitzgerald: Any additional questions for Miranda? I think if you -- oh, Commissioner Seal, go ahead.

Seal: Yeah. Mr. Chair. Just a quick question on -- and because -- and I just want to ask this question, because you have probably been dealing with the West Ada School District a lot. When -- when the numbers are published like that we have a -- you know, a percentage in there. Is there a particular pain point where they are -- you know, I mean a hundred percent -- anything over a hundred percent, obviously, is something they don't want to, you know, attain or have to deal with, but at the same time is there -- where is their pain point on that? I mean where do they want to see us try and tap the brakes I guess? Is that information something that's available through here or -- I mean is there -- is there thresholds we should definitely be looking at more seriously where -- you know, I know schools basically have to push the thresholds in order to justify having more schools available to them, so I just want to make sure that that data point is captured in here somewhere as well. If possible.

Fitzgerald: Go right ahead, Miranda.

Carson: Commissioner Seal, that is -- the capacity that you see there is the design capacity. So, schools have two capacities. The design capacity is the capacity that the school was actually designed at. How many classrooms does it have. The program capacity is how many students can it actually hold. So, every school has individual programs, whether it's gifted and talented, English language, preschool classrooms, special needs classrooms, all of those programs take up classrooms that general education students can't use during the day. So, that significantly in some cases reduces the capacity. So, at this time there is not a full list of program capacities for the West Ada School District schools, because it's a moving target. I don't say that in any criticism of West Ada School District that they don't have that list. The programs change yearly based on what the student's needs are. So, that list would be extremely difficult to create, but they are working to create that list. When that list is created it may or may not be added to this report, it will really depend on how often it's changing and what kind of things they are putting in their agency letter, whether I add the program capacity to this report. So, to answer your question the percent capacity -- there is not one number. In some schools, like Rocky Mountain High School, has been severely over capacity for a few years, but

the principal has miraculously found a way to make it work by having teachers that float rooms and things like that, where other schools that might look like they are not at capacity really are over, because they have programs that need to be in the school that are using classroom space as well. So, the percent gives you kind of a general idea of how many students are living in the area that the school is in and how full the school will be, but there is not a cap that you can put, there is no one standard number that could be applied to every school. I can reach out to the school district and see if they have an opinion on some percent, but I can tell you they are probably going to give that same answer.

Seal: Okay. Thank you. And that -- yeah. I was going to say that would be good information to have from -- from West Ada. This helps us all out to have -- have more information. Thank you.

Fitzgerald: Miranda, is there a desire from the Mayor or City Council to have this include charter schools and private schools or is this going to be pretty much just West Ada?

Carson: At this time it's only intended to be West Ada, Mr. Chair.

Fitzgerald: Okay. Thank you. And, team, the -- this document can be in the agency comments folder, so it won't be in the staff report. That will -- the numbers in the staff report will stay as West Ada's numbers, but Miranda's analysis will be in the agency comments for future applications. So, if you are looking at the staff report and this isn't seen in there, you will see that in her agency comments section.

Carson: Mr. Chair, if I may.

Fitzgerald: Yes, ma'am, go right ahead.

Carson: I would also like to point out that in the West Ada agency letter they are going to list the schools that the students will be attending based on current caps, current boundaries. So, for example, if you see -- they will put a caveat in if there is a cap for enrollment, which is when a school has reached enrollment, but they don't change the boundary, they cap the enrollment and say any students that live here are going to now go to this school, any students that live there are now going to go to that school, but they don't actually change the full school boundary. So, if they cap a school they are going to list in their agency letter the school that they will be sending the students to based on that cap. My report will always show the school that the students are actually zoned to go to and that is because I want to give you a geographical idea of where students are living. So, their report is more qualitative data and this report is strictly quantitative.

Fitzgerald: And I think, Commissioner Seal, you have talked about that several times about kids getting bused to different areas, but I guess it's kind of that balance between -- you will see the difference between the two sets of information.

Seal: And Mr. Chair?

Fitzgerald: Yeah. Go ahead.

Seal: On that is there a way to see kind of the other side of this where when schools are -- when schools are being built and how that's going to impact the numbers that you see here, meaning that if people that -- if the students that live in the -- where -- Prescott Ridge, using this as an example, if a new school was built in that school boundary, when that would be opening and what those numbers -- how those numbers would be affected as far as weighing things out, because sometimes what we are faced with is we have, you know, something come through that we are looking at and to have the data in front of us that within two years -- you know, and I don't know if West Ada has planned out that far, but if they have something in the works for an elementary school or something along those lines, that would help ease these numbers -- because a lot of subdivisions are going to take, you know, a year or maybe two to even get residents in them.

Fitzgerald: Miranda, is that something you guys are working on?

Carson: Yes. So, the school district does have a plan, I believe it's a ten year plan, it's their facilities plan is what you can look for it on their website it's called. Their agency letters do include information about schools that they are working on building or know they will be building. The key there is schools they know they will be building. So, they can plan out ten years. But unless the bonds are approved those schools will not actually get built on any time that they know. So, they can only plan -- they can only really plan after a bond has passed. They can hope that a bond passed and they can start planning and in a few rare cases they might start some design work, but until a bond is passed there is not a lot that they can do. So, their letters will include a school maybe being built. My data will not include that.

Fitzgerald: Thanks, ma'am. Commissioner Seal, do you have a follow up?

Seal: No. Just thank you very much for this information. I think it's going to be very helpful. We really appreciate it.

Carson: Thank you.

Fitzgerald: Any additional questions for Miranda? Nice seeing you, Miranda. Thank you again. We appreciate it. I second Commissioner Seal's comments. This is going to be a helpful tool and as we balance issues going forward it's going to be great information to have. So, thank you very much for the effort.

Carson: Thank you for the opportunity to share it with you. Have a good night.

Fitzgerald: You, too, ma'am. Okay. As we move on down our agenda let me pause for a minute and explain the hearing process for our public hearing portion of the -- of the evening. As we start on our agenda we will open each item individually and start with the staff report. The staff report will provide the findings and -- regarding how each application adheres to our Comprehensive Plan and Uniform Development Code with the staff

recommendations. After the staff has made their presentation the applicant will come forward to present their case for the approval of their application and will respond to staff comments at that time. The applicant will have 15 minutes to provide those comments. After the applicant has finished we will open the floor to public testimony and since our challenges with the pandemic we appreciate everybody's patience as some of us are there in person -- Commissioner Yearsley, thanks for taking one for the team, being there in person and the rest of us are on Zoom and we also have folks from the public, both in attendance in person and participants on -- on Zoom as well. So, be patient as we work through that process. We will make sure everybody gets a chance to be heard. One thing I do want to point out is you have one chance to speak tonight. We will not take additional comments. So, if you are speaking individually you will have three minutes to do so. If you are speaking on behalf of an HOA -- we may have one of those tonight -- we will give you an additional -- we will give you ten minutes if you are speaking on behalf of a group of people as the representative for that HOA. But we have had situations in the past where we have had attendees requesting additional time after the applicant closing. So, please, utilize your time wisely. Focus on issues that may not have been brought up to the -- to the Commission, so that we can make sure we get the breadth of issues to take into consideration on each application. So, after all testimony has been heard by the public we will give the applicant another ten minutes to have a chance to respond to the testimony that they have heard, as well as answer any questions and, then, we will also probably have questions from the -- from each of the Commissioners. At that time we will close the public hearing and the Commission will have a chance to deliberate and be able to make a recommendation to City Council on -- or a decision on the application.

ACTION ITEMS

- 8. Public Hearing for Skybreak (H-2020-0079) by Laren Bailey, Conger Group, Located at 3487 E. Adler Hoff Ln.**
 - A. Request: Annexation of 80.46 acres of land with an R-8 zoning district.**
 - B. Request: A Preliminary Plat consisting of 353 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 zoning district.**

Fitzgerald: So, that's kind of the process for the evening and so we will shoot into our first application, which is adjusted, it is the public hearing for Skybreak Subdivision, H-2020-0079, and they are requesting a continuance of this application to November 19th of 2020. Sonya, is there any issues we need to be aware of or is this just a straight continuance, ma'am?

Dodson: She's coming up to the mic.

Parsons: Mr. Chair, this is Bill. I will speak on behalf of Sonya this evening. So, yes, as you know we have issued out the staff report and the applicant received that and, then, it's based on staff's recommendation of that they have requested continuance of that application to continue to work with staff to address some of the concerns that we raised in that report. So, certainly it's -- it's up to you tonight if that's something you want to do this evening and request that, we will just ask that you act on that accordingly.

Fitzgerald: Thanks, Bill. Any questions from Commissioners on the continuance for this application? If not, I would always entertain a motion.

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: I move that we continue public hearing for Skybreak, H-2020-0079, to the date of November 19th, 2020.

McCarvel: Second.

Fitzgerald: I have a motion and a second to continue the public hearing for H-2020-0079, Skybreak Subdivision to November 19th, 2020. All those in favor say aye. Any opposed? Motion passes. We will see you all on the 19th.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

- 3. Public Hearing Continued from September 17, 2020 for Tara's Landing (H-2020-0048) by Mike Homan, Located at 5025 W. Larry Ln.**
 - A. Request: Annexation of 6.34 acres of land with an R-8 zoning district.**
 - B. Request: A Preliminary Plat consisting of 29 buildable lots and 2 common lots on 6.14 acres of land in the R-8 zoning district**

Fitzgerald: Moving on to the next item on our agenda, we have the public hearing continued from September 17th for Tara's Landing, file number H-2020-0048. This applicant is requesting withdraw of this application and so all we need from the Commissioners is a vote to allow this application to be withdrawn by the applicant. I don't -- I think we have seen this one enough and there has been some things along the way, so I think we just need to move forward with the motion. Unless someone has comments.

McCarvel: Mr. Chair?

Fitzgerald: Commissioner McCarvel.

McCarvel: I move we accept the application be withdrawn on H-2020-0048.

Seal: Second.

Fitzgerald: I have a motion and a second to allow the withdrawal of the application for Tara's Landing, H-2020-0048. All those in favor say aye. Any opposed? Motion passes. Thank you for that.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

4. Public Hearing for Teakwood Place Subdivision (H-2020-0006) by Hesscomm Corp., Located at 1835 E. Victory Rd.

- A. Request: Annexation and Zoning of 7.35 acres of land with an R-8 zoning district.**
- B. Request: A Preliminary Plat consisting of 22 single-family residential lots and 4 common lots.**

Fitzgerald: So, moving on down the agenda, we will reopen the continued public hearing -- oh, the returned -- remanded, sorry, public hearing for Teakwood Place Subdivision, H-2020-0006, and I will hand it over to Joe for the staff report.

Dodson: Thank you, Mr. Chair, Members of the Commission. As noted, this project was remanded back to P&Z by the City Council on the August 25th hearing after your recommendation of denial. Since then they have made some revisions to the plat and I will make sure I highlight those, but just for our new commissioner and just so we are all on the same page, I will go over the whole thing quickly. This request before you is for annexation of seven -- actually, I apologize. Let me share my screen first. Here we go.

Fitzgerald: Thanks, Joe.

Dodson: Absolutely. It's for annexation of 7.35 acres of land, with a request for an R-8 zoning designation and a preliminary plat consisting of 22 building lots and four common lots. Of the 22 building lots one is reserved for the existing home that is to remain. The future land use for the site is medium density residential, which allows detached single family homes and requires a gross density reside between three to eight dwelling units per acre. The applicant's revised plat has a gross density of 2.99, which is rounded up to three, and complies with the comp plan. As noted there, is an existing home on the subject site and it's on the left part of the screen. It is intended to remain and reside on its own lot within the subdivision. This is a change from the very first time you guys heard this. In addition, some of the existing accessory structures on the property are proposed to remain as well. Current access to the property is via a driveway connection to East Victory Road and now the applicant is agreeing to close this access and comply with the UDC. Instead, the current residents will take access internally via the new driveway access, which is right here, to the extended local street East Fathom Street. The applicant is also proposing to construct an emergency access that connects from this new local street extension to Victory Road. Staff is recommending a conditional approval that this

emergency access be constructed prior to any certificate of occupancy and this also helps solve an issue for the Tradewinds Subdivision that technically does not meet fire code by only having one entrance and exit and having more than 30 dwellings. Parking for the development is required to be provided according to the standards listed in the UDC for detached single family homes based on the number of bedrooms per home. The proposed street sections are 33 feet wide with five foot attached sidewalks and will accommodate on-street parking where there are no fire hydrants or driveways. In addition, the applicant has proposed a cul-de-sac with a 57 foot radius, which is nine feet wider than the standard and, therefore, allows on-street parking along the perimeter of the cul-de-sac also where there are no driveways. In most cases a five foot wide detached sidewalk is required along the street frontage along Victory Road. However, because there is no sidewalk adjacent to the site on either side and this section of sidewalk would be less than 300 feet in length, the UDC allows for the sidewalk to be attached. The applicant has proposed to construct a seven foot attached sidewalk in line with ACHD requirements. This is one of the changes from previously. The sidewalk should be constructed within the required 25 foot landscape buffer along Victory Road. A 25 foot wide easement is depicted on the plat and per the UDC staff has given the applicant the option of placing the buffer within the easement as shown or revising the plat to add a common lot. The submitted landscape plans do not show the correct amount of vegetative ground cover and the existing trees that are to remain within the buffer are too close together to meet UDC requirements. Therefore, staff has recommended conditions of approval to correct these items and the applicant has agreed to that -- the main points with those regarding the spacing with the trees along Victory and also just the additional vegetative ground cover beyond just trees. So, shrubs and grass. Based on the proposed plat of 7.35 acres, a minimum of .74 acres of common open space should be provided. According to the open space exhibit, the applicant's proposing approximately 37,800 square feet of qualified open space, which is about 11.8 percent, which is an increase from the previous time you guys heard this. The open space consists of common lots and half of the landscape buffer to Victory Road. The largest area of open space is located at the southern end, as seen on the right hand of the screen, and is more than 20,000 square feet in size. To the north and across the cul-de-sac from this open space lot is the next largest open space and also contains the proposed amenity, which is here. A water feature with seating around it. This open space also has a micro path that continues north to the temporary cul-de-sac on the new east-west street in the center of the project, adding another pedestrian connection to the project. The applicant has submitted sample elevations of the single family homes for this project. The single family homes are depicted as mostly single story with structures -- with a variety of finished materials of stone, stucco, and lap siding. Some homes depict extra -- also depict extra large spaces for RV at home storage. All single family homes appear to meet the design architectural standards, but there are no conditions or requests to limit them to single story. I will go over quickly some of the main points from the written testimony that have -- there has only been one since the previous hearing, but it's still -- I know they are the same concerns. So, the additional traffic going through the subdivision -- the Tradewind Subdivision as that is their only access for Teakwood. The concerns of how drainage will be affected here and concern over the building height for those homes adjacent to the Tradewind Subdivision. Those have been reiterated by numerous

members of the public and I just wanted to go over those quickly. Staff does recommend approval of the requested annexation and preliminary plat and I will stand for questions.

Fitzgerald: Thanks, Joe. We appreciate it. Are there any questions for staff? Hearing none, is the applicant with us and would like to join us for -- either in person or on Zoom?

Weatherly: Mr. Chair, he is on Zoom. I'm transferring him over now.

Fitzgerald: Perfect. Commissioner Yearsley, I'm going to use you as my eyes when I need to survey the audience. I usually call on Commissioner Seal to do that job --

Yearsley: Okay.

Fitzgerald: -- but I got to start coming in person here soon. I'm being a slacker.

Weatherly: Mr. Lardie, you should have the ability to unmute yourself.

Lardie: Good evening, Mr. Chair, Commissioners. Dan Lardie. Leavitt and Associates. 1324 1st Street South, Nampa. Here -- here we are again. I just want to first make sure that I say thank you to staff and I also want to say thank you to City Council. They allowed us to come back and address your concerns and, hopefully, we can gain a recommendation for approval back to City Council and move ahead. So, with that I'm going to -- I'm going to share my screen. I think. See if I can get it pulled up. Okay. This -- this is a little cleaner copy of what was there. See if I can zoom in. There we go. So, some of the key points that I -- I don't want to reiterate the -- all of Joseph's staff report, because he did a -- he did a wonderful job. So, again, the access -- the homeowners have decided to go ahead and -- and -- and give up that access. We have got them to agree on that finally and we are providing access via the extension of Fathom Street at this location and we also have provided a connection through which -- was which -- which came up in our last Commission hearing about this particular open space and this turn around. Since we have the turn around, we provided it as open space to surround -- since it sounds like it's going to stay for a while and provide a -- a pathway connection and an amenity of some park benches and a pondless water feature to allow for some trickling water and some -- and some park benches there to relax and enjoy that -- that area. We still do have the enlarged -- or not the enlarged -- the enlarged cul-de-sac per the Fire Department's request and trying to meet the zoning commission's need for parking. We originally -- I think at one point in time we had some parking in the middle. The Fire Department said, no, they wouldn't allow the parking in the middle. They did allow us to go with a larger -- with a larger cul-de-sac. The -- the large area in the back -- the open space area -- it is in the back. It's at the end of the cul-de-sac where -- where we should allow for people to play or utilize the area fairly safely. It also provides a buffer for our change in zoning to our Tuscany neighbors and, lastly, the -- I just missed the sidewalk and we have proposed a sidewalk -- attached sidewalk along Victory. With that I hope we have addressed all your -- all your concerns from previous hearings and look forward to a recommendation of approval. With that I can stand for any questions.

Fitzgerald: Thank you, Mr. Lardie. I appreciate it. Are there questions for the applicant?

Yearsley: Mr. Chairman?

Fitzgerald: Commissioner Yearsley, go right ahead.

Yearsley: So, Dan, this is Steven Yearsley. I -- looking at your photos for your homes I have concerns that you can actually -- can you actually fit those homes on your lots? You have got several lots that are very small and these homes that you are showing are very wide. I'm a little concerned about a bait and switch of homestyles.

Lardie: I believe -- make sure my -- I'm still unmuted. Okay. Mr. Chairman, Commissioner Yearsley, the homestyles that are there -- I believe they will fit. I don't have a footprint -- I didn't see the footprint exactly. I believe it can be done with these -- with these particular lot sizes. Again, our -- our goal is not to build something small or that it's not commensurate with the neighbors to our -- to our west and to ourselves.

Fitzgerald: Commissioner Yearsley, do you have follow up, sir?

Yearsley: You know, I don't. And, you know, without -- without actually looking at how wide those are compared to the lots -- I just -- looking at the lot sizes they are fairly small and narrow and I just -- like I said, I have concerns, especially with -- they are showing a three car garage with some home frontage, those are typically fairly wide. So, I just have concerns, since I live out in that area and understand what the other adjacent neighbors are concerned about.

Fitzgerald: Mr. Lardie, do you have widths on these or width and depth, so we can -- I see one, it's 73 feet wide. Yeah. Go right ahead.

Lardie: Can I ask -- could I ask Joe to pull up his preliminary plat. I don't have it in my slide presentation here.

Fitzgerald: Absolutely.

Dodson: Thank you, Dan. I will go ahead and reshare my screen. I don't -- I don't think I can zoom in, unfortunately.

Lardie: Oh. Okay. I believe -- I believe that's a line of 64s on the -- on the west boundary right here and I think that is some of the -- some of the larger lots are back here, but I believe 64 is the running -- the running theme.

Yearsley: Thank you.

Fitzgerald: I will say, I -- I do appreciate your guys' efforts to kind of understand where we are coming from. There is two questions I have and I think you have addressed them, but just -- I think that Chief Bongiorno -- I think he expressed that he was okay with this,

but the -- the half cul-de-sac turnaround, the Snoopy if you will, that's a permanent lot; right? An unbuildable lot. So, when -- if and when that goes through that will become -- it will get torn out and become a common area; correct?

Lardie: Mr. Chairman, that is correct. Or it can remain. They can plant a basketball hoop. It's going to be curb, gutter, and sidewalk all the way to the boundary and so if they wanted to they could plant a basketball hoop there.

Fitzgerald: Okay. And my understanding also is that the emergency access that you have onto Victory, that's the only access this property will get to Victory; correct?

Lardie: Mr. Chairman, that is correct.

Fitzgerald: Any additional questions for Mr. Lardie?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal, go right ahead.

Seal: Just quickly, because I couldn't find anything on the concerns on drainage. I'm sure that's probably something that's been touched on in the past, but I know it's still a concern. Is that something that can be -- that you can speak to a little bit -- the applicant can speak to just as far as concerns that are out there and how you plan on mitigating that?

Lardie: Mr. Chairman, Commissioner Seal, so the site is -- I'm not exactly sure what the concerns were for the drainage. The site will drain and be collected in an underground storm drainage system. Actually, it will probably be a pond with a -- with a below surface infiltration window and it's been graded preliminarily to grade back to the end of the cul-de-sac into the open space. The lots in between -- all the lots will be graded prior to -- prior to construction of those sites -- or at least fine graded after the construction of those sites, but they will -- they should be graded to allow for drainage to be collected and not run off onto their neighbors.

Seal: Okay. Thank you.

Fitzgerald: Commissioner Seal, if you have any water questions you can ask Commissioner Yearsley, because that's what he does for a living.

Seal: Excellent.

Fitzgerald: But I will say that one thing they do have to do is -- you have to keep your own drainage on your own property. That's one of the -- the storm drainage is one thing, but everyone else has to keep their -- they have to maintain their water on their own property. So, hopefully, that's -- that's maintained. Commissioner Yearsley, do you have any thoughts on that?

Yearsley: Yes, Mr. Chairman. I guess my biggest question -- Dan, have they done a study to figure out what the seasonal high groundwater is out there and are you going to be above that seasonal high groundwater?

Lardie: Mr. Chair, Commissioner Yearsley, so groundwater is fairly shallow there. We are -- we are attempting to grade the site, so that it will be above the high groundwater and make sure that we meet DEQ requirements for separation between groundwater and our drainage.

Yearsley: Okay. Have you done that study just so you figure out what that seasonal high groundwater is?

Lardie: Mr. Chair, Commissioner Yearsley, I don't have it in front of me. I was thinking that it was about four and a half feet to three and a half feet deep is what our -- is what the geotech I believe reported.

Yearsley: Okay.

Dodson: Mr. Chair?

Fitzgerald: Commissioner -- oh, Joe. Go ahead.

Dodson: Thank you. And for the benefit of the Commission, the public testimony that we got regarding the storm drainage showed a lot of pictures of the -- the drainage ponds that are in Tradewinds. My understanding is that that same type of storm drainage will not be used here, which is good. I think that is definitely an improvement and will have the underground infiltration bed as discussed. So, I'm hoping that that is a better option for both these residents and to quell some of the concerns of the neighbors.

Fitzgerald: Thanks, Joe. Any additional comments or questions? Okay. Mr. Lardie, thank you. We will take public testimony and come back to you and let you close, sir.

Lardie: Thank you. Thank you, Mr. Chair.

Fitzgerald: Madam Clerk, do we have anyone who would like to testify on this application?

Weatherly: Mr. Chair, we had one person sign in and that's Sandy Blaser.

Yearsley: Please come up and state your name and address for the record, please.

Blaser: This is an improvement over last time.

Fitzgerald: Spoken like a true former chair. I love it.

Blaser: My name is Sandy Blaser. I'm a resident at 3370 South Como Avenue. I'm one of the residents on the properties just west of Teakwood and I appreciate the -- the

Commissioners and Planning in regards to the concerns we have had with matching heights of property to our -- our areas and the other issues with drainage. Our biggest concern -- my biggest concern and some of the others has been the -- the situation with the traffic through Fathom out to Locust Grove and at one of the hearings one of the Commissioners asked have we -- have we talked to ACHD about the traffic load on Locust Grove compared to -- to Victory and the reason I'm bringing that up and the other people in the development are bringing it up is because ACHD stated that Victory is a major arterial and they don't want to have a typical entrance and exit out to Victory and I'm submitting that Locust Grove at this point in time, not way back when they planned this -- this road, Fathom Road, to go into the property to the east, it's becoming a major arterial, because it's drawing traffic, people are looking at Eagle and they are looking at Meridian Road and they have now decided that Locust Grove is a good way to go between the two and with all the hundreds and hundreds of homes that are going to be developed south of us off of Eagle and Kuna, I think we are going to have a problem. We also know -- just found out that there is a development just west of us of duplexes and triplexes that's being developed on the -- I believe it's the southwest corner, which is just opposite our entrance and also that the property on the northwest corner is going to be developed with housing. So, I think we are going to have a problem and I think the solution -- we all feel the solution is to have a typical exit off Victory for egress and in and out of Teakwood for their people there. I just think it's going to be a major problem when we try to unload everyone off of -- I forgot the name of our entrance, but for our entrance in and out is all centralized along Locust Grove. Coastline and Locust Grove. And I think it's just going to be a mess and I would really like to have the Commission talk to ACHD about their logic of not permitting an entrance for Teakwood on Victory and having it all stream through Fathom out to Locust Grove to the west. And that's basically my concerns and I think a number of the homeowners concerns. The quality of life being affected by the traffic.

Yearsley: Thank you. We will have the applicant answer that after.

Fitzgerald: Thank you, Mr. Blaser. Any additional -- any additional attendees in the audience that would like to speak on this application at this time? Please raise your hand. Or if you are online, one of the attendees, please, raise your hand via Zoom.

Yearsley: I don't see anybody in the audience wanting -- raising their hand, so --

Fitzgerald: Okay. Thanks, Commissioner Yearsley. Madam Clerk, I don't see anyone online either. Is that correct?

Weatherly: That is correct.

Fitzgerald: Okay. Mr. Lardie, do you want to take a few minutes and close, sir?

Dodson: Mr. Chair?

Fitzgerald: Joe, go right ahead.

Dodson: Sorry. Try again. If I may I can address Mr. Blaser's questions.

Fitzgerald: Go right ahead, Joe. Give us more information. That would be great.

Dodson: Absolutely. Sorry. I -- following the previous Commission hearing I -- and while writing the staff report I did reach out to ACHD regarding why Locust Grove was not included and why Victory Road was. Short answer is that this property abuts Victory Road and is the arterial that it has frontage on, so, therefore, that's the road that was discussed. Secondly, Victory Road is already failing as an arterial road -- arterial road with its current access points. So, ACHD, period, was not going to allow any further access, other than what's there now. That leads into Locust Grove, which they understand is busy and continuing to get busier, which is why from Victory Road north Locust Grove is slated in the next five years in their integrated five year work plan to be widened to five lanes and a roundabout is slated to be built at that intersection. With those two new conditions coming to fruition in the next -- within the next five years ACHD finds that they will have enough capacity to support more development using this entrance, especially for the backup that occurs south of Victory on Locust Grove currently. With a roundabout it's designed to keep traffic flowing and especially if they are continuing north will have more lanes available to be used and keep the traffic moving north. So, that was the discussion that I had with ACHD. Trying to get that for the Commission and the public.

Fitzgerald: Thanks, Joe. Appreciate the information. Mr. Lardie, do you want to close up with any additional comments, sir?

Lardie: Mr. Chairman, Commissioners, thanks, Joe. First of all, I -- I was going to see if you could defer, because I know you have had some discussions with ACHD and I notice they were in their staff report. You know, I -- I hope that we have addressed your concerns or at least addressed -- or attempted to address your concerns and that I look forward to a recommendation of approval if you can give it. With that I will -- I will stand for any more questions or sit down -- sit back down quietly. Thank you, Mr. Chair.

Fitzgerald: Thanks, Dan. Any additional questions for the applicant or staff? Seeing none -- or hearing none, can I get a motion to close the public hearing?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: Move that we close the public hearing for H-2020-0006.

Grove: Second.

Fitzgerald: I have a motion and a second to close the public hearing for H-2020-0006, Teakwood Place Subdivision. All those in favor say aye. Any opposed? Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Fitzgerald: Anyone want to lead off or start the fun and excitement? We have talked about this one a lot. Commissioner Grove comes off of mute. Yes, go right ahead, Commissioner.

Grove: I will jump in real quick. I don't have a whole lot, other than to say that the access for the residents that is remaining coming off of the new development, rather than Victory, makes a big difference in how they connect to the open space, made this a -- a lot better project in my opinion and so I like the changes and the work that they have gone into -- to address the concerns that were raised the first time through.

Dodson: Mr. Chair?

Fitzgerald: Joe, go ahead.

Dodson: Sorry. I have more information for you guys.

Fitzgerald: Okay.

Dodson: Regarding the groundwater. I looked up the geotech report and it looks like they found groundwater at seven feet.

Fitzgerald: That's much better than four.

Dodson: Correct.

Fitzgerald: Okay. Thank you for that. That helps, too. Well, first, I want to tell Mr. Lardie and Joe, both, thank you for your work. I think the conversation I had -- or my comments on this were very much -- if you start development you kind of got to either develop or not develop and that was -- there was a desire to keep access and do some things with their horse trailers and the house that's existing and I think this is a much better transition and it's -- it's better than it was -- much better than -- I think this is the third or fourth time we have seen this thing. I think the chief is happy with the fire access and emergency access he has. Obviously, we all have a connection to the north, but that doesn't seem like it's going to be for a long time and it seems like it's reasonable to -- this is not that many houses and I understand the impact it does have on the neighbors to the west, but I understand that ACHD is not going to allow anything else to access Victory and so we are in a -- in a weird spot there. But I do appreciate the work that's gone into the common areas, the -- you know, the amenities that were put in and utilizing that unbuildable lot as a turnaround for the fire department. I think those are all good improvements. I do share Mr. Yearsley's comments on -- that was one of our comments early on, but I -- we have gone a long ways from where we were where there was going to be no improvements on Victory, no sidewalk, no -- they weren't going to take access off of the internal road. We have come a long ways from there. So, I do appreciate that and so I do see the improvements and the effort being put forward. It's just a matter of does this fit within the

communities around it and I think that's what the Commission gets to determine. So, additional comments?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: I share some of the same thoughts that -- that he just went through on this and I do -- I really like the addition of the pathway in there. I know that's something that Commissioner Holland also -- I think that was originally her -- her original thought was to kind of put a pathway through there, open that up a little bit more, provide for some more connectivity within the subdivision. So, you know, basically adhering to the, you know, what -- the staff recommendations on -- as far as Victory Road are concerned with putting in the sidewalk, closing off access and everything. I know the sidewalk and the improvements that are going to go in out there are no easy feat. I remember the picture that they showed us of that, you know, with the irrigation boxes and -- and the different grades that are out there, it's -- it's not going to be easy for them to accomplish that. So, I very much appreciate the fact that that is something that's now in the plan and, again, I know that that's -- that's not going to be easy to accomplish, so -- and, again, this is -- this is a long ways from where it started and I think it's a very good compromise, especially for an in-fill piece, which are always incredibly difficult to get those in and -- and just with a regular subdivision, much less something that wants to retain the original property in there as well. So, overall I think it's a good job with a -- with an in-fill piece. I'm very pleased with where it's landed.

Yearsley: Mr. Chairman?

Fitzgerald: Commissioner Yearsley.

Yearsley: I have -- you know, for the most part I'm -- you know, the subdivision looks okay. I do have some concerns about the homes fitting on the lots. You know, they are looking at three -- three car garages with fairly large frontages with only 68 foot facings of most of the lots. That's really leaving no -- you know, that's -- that's really tight and I don't think that it can hit -- that those -- unless they shrink them up quite a bit. I do have concerns with the groundwater. I don't know when the -- the geotech report was done. We have huge groundwater influences from the canal that's close by. We have it in our subdivision, because I live in Tuscany, but not near this subdivision at all, but we have areas that we have -- our -- our drainage basins fill up with water during the summer because of high groundwater. So, my recommendation would have them do a -- a seasonal high groundwater check to make sure that they can do the drainage appropriately on that. So, not knowing when their current groundwater deal was done I question that it -- that they have seven feet. So, those are my concerns.

Fitzgerald: Would you have that done before Council if we go for a recommendation?

Yearsley: Unfortunately, the canals have gone out of the water and so your groundwater is starting to go down. They need to get it done immediately to test to see where it's at, because we are starting to see our drainages start to go down as well. So, I would recommend that they have that checked almost immediately to see where that groundwater is and -- and -- and report back that to Council.

Fitzgerald: Perfect.

Dodson: Mr. Chair?

Fitzgerald: Commissioner McCarvel.

McCarvel: Yeah. I think I'm at a place where I could support this. You know, we have spent a lot of time on this little piece and I appreciate the changes that they have finally come back with, but I would agree I'm not sure that the homes that they have shown us -- I appreciate Commissioner Yearsley's pointing that out. I'm not sure that those homes that they have shown us are going to fit on those lots. But, you know, they might be predominantly the two car garage version with only a couple of threes out there I guess. But I do think it's night and day from what we had to deal with before.

Fitzgerald: Agreed. And I think, you know, the request if -- if I was -- and I can't make motions, but if -- you know, I think an immediate groundwater or a pit test or whatever -- high water -- high groundwater test prior to Council, as well as doing -- making sure that the elevations they are providing Council will fit on the -- on the lot, so that they understand what they are getting into, I think that's totally appropriate. I do think we have come far enough to -- to recommend an approval to the Council, because I do think it's -- I think it makes sense -- and much like Commissioner Seal said, for an in-fill property from where we started to where we are now I think it works. But I think there is some questions we could help answer before they get to Council with some additional information.

Dodson: Mr. Chair?

Fitzgerald: Joe.

Dodson: Yes, sir. Thank you. Members of the Commission. Commissioner Yearsley. The report has a letter date of December of last year with a request made in October, about this time last year. So, when they did this site testing was definitely the fall, winter.

Yearsley: Yeah. So, that's your -- my concern is your groundwater is not accurate.

Dodson: Understood.

Fitzgerald: Additional thoughts or comments or motions are always in order, so --

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: I will take a stab. I don't have the -- I don't have my cheat sheet in front of me, so -- after hearing all application testimony and information on file number H-2020-0006 for Teakwood Place Subdivision, I recommend -- I recommend that we recommend approval to City Council with the following caveats: That an immediate high groundwater check is done and, then, reported to City Council, as well as some updated elevations that are guaranteed to fit the plot sizes.

McCarvel: Second.

Fitzgerald: I have a motion and a second to recommend approval of file number H-2020-0006, Teakwood Place Subdivision, to City Council. All those in favor say aye. Any opposed? Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Fitzgerald: Mr. Lardie, Thank you guys. Good luck with Council and I hope the neighbors understand that we are trying to get as much information as -- to give to Council as they can and, hopefully, that will be good -- good logic for them to decipher on, so they can make good decisions -- a good final decision.

5. Public Hearing Continued from September 17, 2020 for Ada County Coroner (H-2020-0085) by Lombard Conrad Architects, Located at 173 N. Touchmark Way

A. Request: Rezone of 1.77 acres of land from the I-L to the C-G zoning district.

Fitzgerald: Turning to our agenda we have the next -- next item, which is file number H-2020-0085 for the Ada County Coroner's office and we will start with the staff report.

Allen: Thank you, Mr. Chair.

Fitzgerald: Sonya, are you ready? Go right ahead, ma'am.

Allen: Members of the Commission. The next application before you is a request for a rezone. This site consists of 1.34 acres of land. It's zoned I-L, light industrial, and it's located at 173 North Touchmark Way. Adjacent land uses to the west consist of retail stores zoned C-G, industrial to the north, zoned I-L, vacant land to the east, zoned I-L, and Franklin Road and vacant land to the south, zoned L-O. This property was rezoned in 2009 with the requirement of a development agreement. The Comprehensive Plan future land use map designation is industrial. The abutting property to the south is designated commercial. The applicant is requesting a rezone of 1.77 acres of land, including land to the centerline of adjacent streets from the I-L, light industrial, to the C-G, general retail and service commercial district. Because the adjacent future land use

map designation and zoning of the property to the south is commercial and a public, quasi-public use, Ada County Coroner's office, is proposed to develop on the combined properties, staff deems it appropriate to apply the future land use map designation of the adjacent property to this property, because such designations are not parcel specific. Rezone this subject property to C-G consistent with that of the adjacent property to the south will create uniform zoning for the overall property. Although the UDC does not prohibit multiple zones on a single parcel, split zoning does make it problematic to decipher which of the two standards, industrial versus commercial, to enforce. The rezone to C-G will ensure that the development meets the dimensional standards of one district versus two. A conceptual development plan was submitted as shown that depicts a 35,000 square foot, two story building, oriented north and south on the site with the entry fronting on South Touchmark Way. Mr. Bill there, you are -- you are touching the screen.

Fitzgerald: He's going to go faster. Sorry, Sonya.

Allen: I'm getting zoomy zoomy. One entry and exit and one exit only is proposed via North Touchmark Way and one entry only is proposed via East Lanark Street, both classified as industrial collector streets. No access is proposed or approved via East Franklin Road, an entryway corridor. Per the recorded development agreement direct lot access to Franklin Road is prohibited. Staff is supportive of the access points depicted on the proposed concept plan. Off-street parking is proposed in excess of UDC standards. A minimum of 70 parking spaces are required, 117 public parking spaces and 51 secured employee parking spaces, for a total of 168 spaces are proposed. A 35 foot wide landscape street buffer is required along Franklin Road, an entryway corridor. The staff report states a 20 foot wide buffer is required along Touchmark Way and Lanark Street. However, when the final plat was recorded these streets were designated as local, instead of collector streets. For this reason staff will amend the analysis in the staff report to reflect a ten foot wide street buffer requirement with future development along Touchmark and Lanark. Conceptual building elevations and perspectives of the proposed buildings were submitted as shown. Written testimony has been received from Deborah Phillips, Ada county. She is the applicant. In agreement with the staff report. Staff is recommending approval without the requirement of a new development agreement, as the existing development agreement will suffice. Staff will stand for any questions.

Fitzgerald: Sonya, thank you very much. Are there any questions for the staff? Hearing none, is the applicant in -- in quarters or online, ready to join us?

Yearsley: They are here.

Fitzgerald: Perfect. Thank you, Commissioner Yearsley.

Yearsley: Would the applicant like to come forward. Please state your name and address for the record.

Brosa: I'm Brenda Brosa. Business address is 1231 Shoreline Lane, Boise, Idaho. I'm one of the architects that's been working with Ada county to develop their new coroner's facility. As Sonya mentioned, Ada county has purchased two adjacent parcels of land near the corner of Franklin Road and Touchmark. They were planning on combining these two parcels in order to build the new coroner's facility on it and after multiple conversations with the Planning and Zoning staff it was recommended to us that we go ahead and change the zoning of one of those parcels, so that we could combine them as a single zoned parcel, so we weren't dealing with a split. So, this application is to fulfill that request that they have made. As you can see the current design of the facility -- it still respects the uses of the adjacent properties on both ends. The administrative end of the facility is towards the commercial side that faces Franklin Road, whereas the medical and back of house functions are located towards the industrial parcels to the north. Given this arrangement the proposed layout is compatible with the surrounding properties at both ends of the site and from the concept views included in your agenda packets and shown up there on the screen, you can see the design of this facility is shaping up to be a pretty attractive piece of architecture that should enhance Meridian's image along one of its entry corridors. Are there any questions that I can answer?

Fitzgerald: Are there any questions for the applicant?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal, go ahead, please.

Seal: Just -- in some of the elevation samples that are given in here I just see that there is a lot of solar that seems to be depicted on there. Is that something that's going to be concentrated on the building and something that's going to be true or is that something that's just in there to make it look nice?

Brosa: That's been proposed as an alternate right now. It is a goal for it to -- to be able to maximize that, but as we know with our low electricity rates here it doesn't always pan out. So, that is as an alternate right now.

Seal: Okay. Thank you.

Fitzgerald: Great question. Additional questions? Thank you, ma'am. We appreciate it. If there is public testimony we will give you an opportunity to close.

Brosa: All right. Thank you.

Fitzgerald: Thank you. Madam Clerk, is there anyone would like to testify on this application?

Weatherly: Mr. Chair, we had two people sign in, none wishing to testify.

Fitzgerald: Okay. Is there anyone in the audience that would like to testify or anyone online, please, raise your hand so Commissioner Yearsley can see you or I can see you online.

Yearsley: Is there anybody here that wants to testify? There is nobody here.

Fitzgerald: Thank you, Commissioner. Would the applicant like to come up and close? Or is there any additional comments?

Yearsley: She's good.

Fitzgerald: Okay. Can I get a motion to close the public hearing?

Seal: So moved.

Grove: Second.

Fitzgerald: I have a motion and a second to close the public hearing on file number H-2020-0085, Ada County Coroner's Office. All those in favor say aye. Any opposed? Okay. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Fitzgerald: Kudos to Lombard Conrad, because I do think the building is very unique and it's cool. Setup -- I think the way it is aligned with the office and administrative glass and metal -- I'm a glass and metal guy, so great work. Very cool building and it kind of steps down with the landscape that is over there with the elevation change. I think it's a very nice laid out building. I think it will be a good addition to that area. So, I have no concerns. I would like to see the -- the solar come to fruition, too, but that's -- I guess that can only be a hope. Additional comments?

Yearsley: Mr. Chairman, I agree with your comments. I like the look of the design. I think it's an appropriate location and so I think -- I think it's good.

Fitzgerald: Commissioner Grove, you are off mute, so I'm going to call on you.

Grove: I forgot. Yeah. Nothing much. I think it makes that area -- it's a good addition to that area from an aesthetic standpoint and the function. I hadn't really thought of how she described it, you know, going from commercial towards the Franklin area to the more industrial aspects towards Lanark makes sense and I like it even more.

Fitzgerald: Commissioner Seal.

Seal: Mr. Chair. Yeah. Same comments, basically. Again, hopefully the solar does -- is something that comes to fruition on that. Glad to see an Ada county building landing in the area of impact of Meridian. So, that's nice to see as well, that Meridian is starting to,

you know, get on the list of where we need to have facilities out there. So, it's -- it's always a good thing to see. Pretty impressive building for sure.

Fitzgerald: Absolutely. Commissioner McCarvel, go ahead.

McCarvel: No. Mr. Chair, I was just going to go ahead and make a motion. I think it's pretty straightforward and it is a very striking building. Kudos to the architects. So, after considering all staff, applicant, and public testimony I -- I move to recommend approval to the City Council of file number H-2020-0085 as presented in the staff report on the hearing date of October 15th, 2020, with no modifications.

Seal: Second.

Fitzgerald: I have a motion and a second to recommend approval of file number H-2020-0085. All those in favor say aye. Any opposed? That was delayed reaction time. Motion passes. Thank you. And we wish you guys good luck in your next steps in the process.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**6. Public Hearing for Landing South (H-2020-0005) by Jim Jewett,
Located at 660 S. Linder Rd.**

**A. Request: A Preliminary Plat consisting of 8 building lots and 2
common lots on 2.27 acres of land in the R-4 zoning district.**

Fitzgerald: Okay. Moving to the next item on our agenda, I guess it's -- tonight's theme is things we have seen before. So, moving to the next item on the agenda is file number H-2020-0005, Landing South, and we will turn it back over to Sonya for next steps, ma'am.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a preliminary plat. This application was previously heard by the Commission, along with a request for a rezone, and a recommendation of denial was forwarded to the Council based on the belief that the development plan was not consistent with the Comprehensive Plan. Issues with the turnarounds and access drives and the revised plat and didn't address previous concerns of the Commission. The City Council heard the application and remanded it back to the Commission for review of a revised plat meeting the R-4 dimensional standards. So, I will just review real quick with you -- remind you of the original plat on the left that was submitted. There was a combination of single family attached -- excuse me -- not attached, they were actually duplex buildings on the lots fronting on Linder Road and, then, single family residential detached on the eastern portion of the development. The Commission requested some changes to the plat. The applicant came back with the plat on the right there and, then, the Commission, then, made a recommendation to Council and forwarded the application on to them for their review and the plat on the left there is the current revised plat that is before you tonight for review and I will just go through the -- the application again, since it's been a while since you guys have seen it. This site consists of 2.27 acres of land. It's zoned R-

4 and is located at 660 South Linder Road. Adjacent land uses and zoning are single family residential properties surrounding this site, zoned R-4 and R-8. This property was annexed back in 1994 without the requirement of a development agreement. The Comprehensive Plan designates the property as medium density residential on the future land use map, which calls for three to eight dwelling units per acre. The proposed revised preliminary plat consists of eight building lots and two common lots on 2.27 acres of land in the R-4 district for the development of single family residential detached homes. The minimum lot size proposed is 8,018 square feet, with an average lot size of 8,199 square feet. Access is proposed via the extension of an existing stub street, South Spoonbill Avenue from Joshua Street from the north boundary of the site, which ends in a cul-de-sac. No access is proposed or approved via Linder Road. An emergency access only exists off site to the north via Linder Road. Off-street parking is provided in accord with UDC standards. Two on-street parking spaces are available in front of the two northern lots, but parking is not allowed within the cul-de-sac. Staff is concerned there may not be adequate on-street parking for guests. However, the UDC does not have standards for on-street parking. The Kennedy Lateral runs along the northern boundary of the site and has been piped. The pathways master plan depicts a ten foot wide multi-use pathway along the frontage of this site adjacent to Linder Road. However, because there is an existing sidewalk that is in good condition in this area, the Parks Department is not requiring it to be reconstructed and is only requiring an easement for a future pathway. A 25 foot wide landscape street buffer is required along Linder Road. Because this site is below five acres in size, the qualified open space and site amenity standards in the UDC do not apply. An open space exhibit was submitted that depicts .32 of an acre of common open space, consisting of the street buffer along Linder Road and the area along the north boundary where the Kennedy Lateral lies. No amenities are proposed. Wrought iron fencing is proposed to be constructed at the back edge of the street buffer along Linder Road and along the Kennedy Lateral easement. And the exhibit on the left there is the open space exhibit. Although not required, the applicant did submit that just to show what areas are common open space and the concept elevations on the right represent elevations for single family residential detached homes proposed to be constructed in this development. The applicant submitted written testimony. He is agreement, except for conditions A-3-B and A-3-C in regard to tree mitigation requirements. The applicant states that the -- incorrectly states that 67 caliper inches of trees are required for mitigation, but that the city arborist only determined that 17 inches are required based on retention of an existing 50 inch maple tree. So, staff is okay with this change to those conditions. Written testimony previously was submitted on this application. I'm not sure if it necessarily still applies, but it is on the record from Chris and Candice Johnson. They are requesting Joshua Street is allowed to extend to the west and connect to Linder Road as a permanent access, instead of emergency access only, or, at the very least, the construction traffic is allowed to use this access for development of the subdivision and that a no outlet sign be installed at South Tylee Way where it intersects Waltman Drive to notify drivers the dead ends -- the street dead ends to prevent unnecessary traffic. Jeff Bolen submitted testimony. He requested direct access via Linder Road is allowed for this development. Staff did reach out to ACHD to see if an access via Linder would be allowed and it would not, as it does not meet district policies. The site does not have sufficient frontage to meet spacing requirements from Gander Drive to the south and

Pintail Drive to the north. With the proposed development factored in traffic volumes on Gander Drive are anticipated to be well below what is allowed on a local street. Kenneth Scott Grapatin submitted testimony. He's concerned pertaining to the continued provision of irrigation water to his property, which currently runs through the north side of their proposed project and accessibility of the ditch for repairs and cleaning. Staff is recommending approval of the proposed preliminary plat with a modification to conditions A-3-B and A-3-C as requested by the applicant. Staff will stand for any questions.

Fitzgerald: Thanks, Sonya. We appreciate it. Are there any questions for the staff?

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: Sonya, just a question about the parking that you mentioned. Is there -- is the road wide enough between this subdivision and the one to the north for parking on street on that roadway?

Allen: Commissioners, I -- as far as I know it is. I believe it is. The applicant could probably answer that question.

Fitzgerald: Commissioner Grove, do you have any follow up or are you good? Okay. Any additional questions for Sonya? Hearing none, is the applicant available in some form?

Yearsley: He is coming up.

Fitzgerald: Okay. Thanks, Commissioner Yearsley.

Jewett: Yeah. Mr. Chair, Members of the Commission, Jim Jewett, 776 East Riverside Drive, Eagle, Idaho.

Yearsley: If you can speak into the microphone a little closer.

Jewett: Do you want me to repeat the address?

Yearsley: We are good.

Jewett: Thank you. As Sonya stated, this application came prior as a rezone with some more dense smaller lots and some duplexes. We subsequently after City Council discussion decided to withdraw the R-8 rezone, come back with a straight R-4 plat and asking for none of the previous requests before, the duplex, the common lots, common driveways and just a straight plat. We are in agreeance with the staff report and would stand for any questions.

Fitzgerald: Are there any questions for the applicant?

Grove: Mr. Chair?

Fitzgerald: Go right ahead, sir.

Grove: Same question that I asked Sonya in regards to the parking between this subdivision plat and the road that it comes off of to the north. Is there parking along -- access on those -- or on that street?

Jewett: As currently constructed there is no restrictive parking from the cul-de-sac to this cul-de-sac that we are proposing, albeit there is that canal easement that's in there, but there is no requirement for no parking in front of the canal that I'm aware of. So, yes, there would be additional parking between our boundary and the next property boundary to our north for at least one vehicle per side, if not two.

Grove: Thank you.

Fitzgerald: Additional questions for Mr. Jewett? Thank you, sir. We appreciate you being here tonight.

Jewett: Thank you.

Fitzgerald: And we will let you come close if there are additional public testimony.

Jewett: Thank you much.

Fitzgerald: Madam Clerk, do we have anyone who would like to testify on this application?

Weatherly: Mr. Chair, we do not.

Fitzgerald: Okay. Is there a show of hands on -- if there is anyone in the public in the chambers that would like to testify or please raise your hand via Zoom if you would like to testify on this application.

Yearsley: No one's indicating they want to testify.

Fitzgerald: Thanks, Commissioner Yearsley. Mr. Jewett, did you want to say any further closing remarks, sir, or are you good?

Yearsley: He said he's good.

Fitzgerald: Okay. Can I get a motion to close the public hearing?

Grove: So moved.

Seal: Second.

Fitzgerald: I have a motion and a second to close the public hearing on H-2020-0005. All those in favor say aye. Any opposed. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Fitzgerald: Commissioners, what are your thoughts? Commissioner Seal.

Seal: Mr. Chair. Recurring theme tonight. In-fill property that we have seen a number of times.

Fitzgerald: Yes.

Seal: I -- compared to the layouts that we have seen before I like this -- this concept in here for this piece of in-fill. It's because of the restrictions on roadway access and how it's, you know, basically blocked in here, I think this is about as good as it's going to get. It's -- I really like the idea that they had as far as the -- some of the properties facing the frontage on -- on Linder Road there. I was, you know, a little sad to see that go, but I can -- you know, like I said, seeing this layout and how it works and flows a little bit better, I'm happy to see this is where it landed. The only concerns I have are, you know, the same as -- that Commissioner Grove shared, just the parking is going to be an issue in here. So, you know, you have one -- one Super Bowl party over here and the next thing you know you are going to have people parking up on the -- you know, into the next subdivision there. So, you know, it's -- it's a similar problem everywhere. So, it will just be a little bit more of an issue here I think. So, that and, you know, trash delivery days and things like that are going to be interesting in here. But, you know, I seeing cul-de-sacs like -- like this. They seem to work it out in the end. So, again, for a piece of in-fill property like this I think it turned out pretty well.

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: I will just echo everything that Commissioner Seal said. This is a difficult one just based on its size and I don't know how much different you could really go and still do something with this. So, I appreciate them coming back and -- and trying this again and it -- we have seen it a few times. So, this is easily the best one we have seen, so --

Fitzgerald: I agree. I didn't get to -- I wasn't here for the first one, but I was here for the last two or three, and I think, if I recall, this was the request of the neighborhood. The neighbors next door where -- can we just match it up to what we have got next door and I think they did a good job of doing that. I think -- if there was a theme I can say tonight is our staff's pretty talented in regards to working through things before they get to us and, you know, just like giving direction to our -- our development community out there is they kind of know what we are -- where we head a lot of times in our conversations. Listen to them, because it saves everybody some time and effort. But I think -- I agree with the comments that Commissioner Seal and Commissioner Grove made, this is a much better

and much more improved -- with not having access to -- to the Locust Grove, I think it's -- or to Linder, I'm sorry, I think it's going to be a very limited opportunity without doing something like this. So, I'm in agreement. This is probably the best we are going to get. I think where we are dealing with cul-de-sacs everybody -- they seem to manage through it, you know, whether it's neighbors or the trash trucks that are racing to get through it. So, I think this is probably a significant improvement from where we were.

McCarvel: Mr. Chair?

Fitzgerald: Commissioner McCarvel.

McCarvel: Yeah. I totally agree. This is by far the best we have seen and probably the best configuration is going to work in this little corner and I do appreciate the thought to have the different product along the frontage road there, but it just -- it just was putting a square peg in a round hole for this piece, so I agree. This is something I could support and probably just recommend as big a driveway as you can get.

Fitzgerald: That's totally true. Commissioner Yearsley, do you have any thoughts, sir?

Yearsley: I -- there is nothing more to say than what's been said. It's -- it is what it is and I much prefer the R-4, to be honest with you.

Fitzgerald: Well, team, I am ready for motions whenever you are.

Seal: Mr. Chair?

Fitzgerald: Go ahead, Commissioner Seal.

Seal: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2020-0005 as presented in the staff report for the hearing date of June 4th, 2020, with the following modifications: That A-3-A and A-3-B are remediated to reflect the -- the reduction in tree mitigation to the 17 inches as proposed by the applicant.

Grove: Second.

Fitzgerald: Is that A and B or B and C?

McCarvel: Mr. Chair, I have B and C.

Seal: Do I have that wrong?

Fitzgerald: Sonya, can you clarify that?

McCarvel: Sonya is nodding.

Fitzgerald: Sonya is nodding. Okay. So, Commissioner Seal, that's B and C. Would that be your revised motion?

Seal: My revised motion will be for A-3-B and A-3-C. That is correct.

Fitzgerald: Does the second -- second agree with that?

Grove: Second. Yes.

Fitzgerald: Okay. Second's seconding. I have a motion and a second to recommend approval of file number H-2020-0005, Landing South, with modifications. All those in favor say aye. Any opposed? Motion passes. Thank you. Appreciate it, Mr. Jewett. Good luck.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

- 7. Public Hearing for Spurwing Sewer Easement Annexation (H-2020-0087) by Shari Stiles, Engineering Solutions, LLP, Generally Located North of W. Chinden Blvd./Sh 20-26, Northeast of N. Ten Mile Rd.**
 - A. Request: Annexation of 0.60 of an acre of land with an R-4 zoning district.**

Fitzgerald: The last item on our agenda for this evening is the public hearing for Spurwing Sewer Easement and Annexation, file number H-2020-0087. Before we get started I need to check in with my fellow Commissioners. I live in Spurwing and I will be honest with you and tell you I have -- people have asked me about this thing and I have given some information about what I thought it was, mostly before when it was in front of Ada county. I haven't given anybody my opinion, but I told them what I -- what they saw on the notifications they got in the mail. I don't think that puts me in a place where I should recuse myself, but I will let the Commission make a combination -- or that call. So, I think I can be impartial on this discussion, but I also want to give that -- I have provided some information when people ask me about the application that was in front of Ada county. So, if that is an issue with anybody I'm happy to step away, but want to give that -- that opportunity for you guys to comment -- or any comments you might have.

McCarvel: I'm good.

Fitzgerald: Okay.

Seal: I was going to say, being that you are chair and you can't make the motion, I think we are safe.

Fitzgerald: That's probably a good call. Commissioner Yearsley, any concerns?

Yearsley: I'm good.

Fitzgerald: Okay. Well, we will start with the staff report and I will turn it back to Sonya. Are you ready to go, ma'am?

Allen: Yeah. Just a second here.

Fitzgerald: Is Bill breaking your computer again?

Allen: Yes. Alrighty. Sorry about that, Mr. Chair, Commissioners. The next application before you is a request for annexation and zoning. This site consists of .6 of an acre of land. It's zoned RUT in Ada county and is located north of West Chinden Boulevard and State Highway 20-26. Adjacent land use and zoning are single family residential properties in Spurwing Subdivision, zoned RUT in Ada county, and single family residential properties in the development process in Olivetree at Spurwing Subdivision, zoned R-4 and R-8 in the city. And the Spurwing Golf Course, zoned RUT in Ada county. The history on this project. A lot line adjustment was previously approved by the county in 2007, which included the subject property. The county denied a conditional use permit modification application recently to build an emergency access road. The Comprehensive Plan future land use map designation is low density residential, which calls for three or fewer units per acre. The applicant is requesting annexation of .6 of an acre of land into the city with an R-4 zoning district consistent with the future land use map designation of low density residential. The annexation area is a portion of Lot 2, Block 2, Spurwing Subdivision, which was developed in the county. Typically the city does not annex a portion of a parcel or lot. However, it has been deemed appropriate in this case due to the county's denial of the site modification and the city's requirement for an access to maintain the public utility. The property proposed to be annexed is developed as part of the Spurwing Golf Course and contains a 20 foot wide Meridian sanitary sewer easement with a 12 inch sewer main line and an eight inch Suez water main line. An emergency vehicle access easement is proposed in this area to satisfy the fire department's requirement for secondary emergency access to Olivetree of Spurwing Subdivision. Emergency vehicle access for this subdivision was previously planned via West Chinden Boulevard at the Chinden-Ten Mile Road intersection. However, since the time the preliminary plat was approved improvements have been made to the intersection, which require an alternate location for emergency access. For this reason emergency access is proposed where the sewer easement lies and public access will be restricted through the use of gates at each entrance with a Knox Box as required by the Fire Department or Fire Department access only. This road will also provide access to any manholes within the sewer easement area in accord with city requirements and access to the Suez water main lines. The Olivetree at Spurwing Subdivision cannot develop without an approved secondary emergency access, which the applicant's proposal provides. If Council denies the applicant's request an alternate emergency vehicle access will be required for any development over 30 building lots in the Olivetree at Spurwing Subdivision or the applicant has the option to provide fire sprinklers to any additional homes beyond the 30. The subject property is nonbuildable as it's -- it isn't a legal parcel or lot eligible for a building permit and doesn't meet the minimum dimensional standards of the R-4 district. There have been several letters of written testimony received on the project and I will go through those. Apologies in advance if I

mispronounce your name. Robert Trerise and Gretchen Tseng. Carrie Franklin. Eric and Mary Klein. Qing-Min and Erin Chen. Tom and Andrea Nist. Greg Stock. Steven Leavitt and Rick Mauritzson. The majority of the concern pertains to construction of the street -- a street and public access between Balata Court and North Crantini Way in Olivetree at Spurwing. And just to reiterate, there -- there is no public access proposed or approved with the subject application. This is only for utility easements, as well as emergency access and maintenance of those easements by the city and Suez. Staff is recommending approval with the requirement of a development agreement that states the annexation area is nonbuildable and, as I stated, shall only be used as an easement for city sewer and Suez water, emergency vehicle access and an access road for maintenance of the city and Suez water facilities in the easement area. Staff will stand for any questions.

Fitzgerald: Thanks, Sonya. Are there any questions for Sonya on this application?

Seal: Mr. Chair?

Fitzgerald: Yes, go right ahead, Commissioner Seal.

Seal: Just following along with what I'm reading through all the public comments in there, has -- has Ada county been contacted and where are they at on this parcel? I mean is there a -- is there some kind of legal action that's pending on it for real or is that just something that people are talking about?

Parsons: Mr. -- Mr. Chair, Members of the Commission, yes, there is an active case pending in the county and they are waiting to see what action the city -- city will take on the annexation of this property is what we have been told, so --

Allen: And, Mr. Chair, Commissioners, the -- the county has been copied with the staff report and has been involved with the city's process on this.

Seal: So, follow up to that, I guess where are they going to lie -- lie on this if -- if this goes forward for approval are we stuck in the middle of a lawsuit here or are they looking for us to approve it, so that there doesn't need to be one?

Pogue: Mr. Chair, Commissioners, I think depending on the outcome of the application it could render the substance of the county's litigation moot and the county would have to act accordingly. This -- this lawsuit that -- it doesn't involve the city and won't involve the city regardless of the outcome of this application.

Fitzgerald: Commissioner Seal, did you have any follow up there? Does that help?

Seal: I just wish I understood that a whole lot better. But, yes, it does. Thank you.

Fitzgerald: Okay. Any additional comments or questions for Sonya or the -- the staff at this point?

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: Sonya, just to reiterate, kind of going off of all of the public testimony reference to the original emergency access, it -- is that completely off the table for reasons due to the change of that intersection or is there something else that is preventing that from being done?

Allen: Chairman, Commissioners, if you are referring to the -- are you referring to the emergency access via Chinden at the Ten Mile intersection?

Grove: Correct.

Allen: Yeah. ITD is no longer allowing that emergency access. It's been a significant period of time since that was approved, 13, 14 years ago, something like that, and since that time there -- there have been intersection improvements there and a -- and a traffic signal installed and it's just not conducive to an emergency access in that location any longer.

Fitzgerald: And, Sonya, my understanding is they are going to gate both ends of that with a Knox Box or a padlock, it is only allowed for anyone to access it besides -- or, Sonya, even if Meridian city wanted to come access that road, they would need the chief's key or a firetruck to come access that -- that gate; is that correct?

Allen: That is correct, Mr. Chair. Again, there is a sewer easement through there, so our Public Works Department or sewer department would be able to access that easement as well. But it would definitely not be open to the public and there would not be any keys or access codes or any such things issued to the public.

Fitzgerald: And do they -- what -- do we understand what the gate is going to look like? Is there a -- is it specified somewhere on your -- did I miss that in the staff report?

Allen: Not that I know of, Mr. Chair.

Fitzgerald: Okay. Maybe the applicant could help me there.

Allen: Yeah. I'm sure -- I'm sure Becky can provide you with a lot more information on her presentation, so --

Fitzgerald: Perfect. Any additional questions before the applicant comes up? Hearing none, Becky, are you available in person?

Allen: She is in person, Mr. Chair.

Fitzgerald: Thank you. Becky, thanks for being with us tonight. Please state your name and your address for the record. The floor is yours, ma'am.

McKay: Thank you, sir. Becky McKay. Engineering Solutions. Business address 1029 North Rosario in Meridian. I'm here representing the applicant. The applicant in this matter is Spurwing Limited Partnership, along with Pacific Link Limited Company. What's before you this evening is, as Sonya indicated, an annexation of a .62 acre parcel for the purposes of establishing an emergency vehicle access, sanitary sewer and water maintenance roadway. This is the first Spurwing Subdivision that you see here. This was approved back in 2007. I have been working on this project for 15 years, which is a long time. When we obtained our initial approval, obviously, the recession hit and so we kind of slowed down to -- to kind of wait that out. Can I do the -- let's see. Will it let me do my arrow? But they can see -- there we go. So, the -- the subject property at the time that we annexed and zoned it into the City of Meridian, the utilities were coming from the northwest corner, which was Suez water and City of Meridian sewer. Our pathway of annexation -- dang it. I'm having difficulties with my arrow. Our pathway of annexation was there on the southwest corner at Chinden Boulevard. This was a platted lot. As part of the original Spurwing development it was always intended that -- that it would be developed with some patio homes and as I indicated, once we obtained approval we started working on some of the issues. One of the conditions of approval, as you can see in this staff report issued in February 6th of 2007 from the fire department, was that a secondary emergency access, 20 foot wide, capable of handling 75,000 gross vehicle weight would be required with this project. It also indicated in our staff report that this roadway would have to be equipped with emergency rolling or swing gate and it would have to have a Knox Box and would not be allowed for any parking on that access. So, initially when we obtained our approval we put in for a permit with Idaho Department of Transportation. This is the permit that -- that I submitted back in May of 2008. As you can see in the very low right-hand corner this permit was issued and signed and approved on 6/18/2008 by ITD's district three engineer. So, what we did is we designed an emergency vehicle access and as you can see this screenshot is from Shona Tonkin at Idaho Department of Transportation. We constructed the -- why does my arrow want to disappear? There we go. We constructed this emergency vehicle access. It had certain design criteria that ITD mandates and once constructed they inspected it and approved it and so we established our emergency vehicle access in 2008. However, we did not construct the subdivision, we wanted to wait until the economy improved. Then in 2012 Spurwing Challenge development to the east came to my client and Mr. Anderson indicated that he wanted to extend the sewer from down the golf course and through our subject property and you can see the -- the patio homes located right here and so they -- they submitted and were approved design plans and extended sewer all through our project and over to the Spurwing Challenge development. My client granted an easement to the City of Meridian for that sewer extension and as you can see Mr. Anderson constructed a 12 -- a 14 foot wide all weather gravel access roadway for that sewer line and the sewer came out of Spurwing Greens, it came down and across over and down. In 2014 I was contacted by Dave Splett, who worked at district three, and he indicated that due to the Walmart that had been approved by the City of Meridian and ACHD at the intersection of McMillan and Ten Mile, one of their conditions of approval was to expand

the Ten Mile intersection at Chinden and to install a traffic signal. He indicated to me that this would -- this improvement would basically -- they would have to remove our emergency access in order to expand the intersection, install the signal. In this particular letter he said the applicants and the city should be aware that a traffic signal is under construction at US 20-26 intersection with Ten Mile. The new site approach is being constructed, but the signal design does not include facilities for any southbound traffic from this subdivision and so they -- they basically made our permit, which we had completed and had installed the emergency access, null and void and they removed our access. This gives you a picture of -- of what that intersection looked like after the improvements. As you can see, the emergency vehicle access that we had installed was removed and in its place is that signal pole. Here is another picture of that, the existing improved intersection there at Ten Mile and State Highway 20-26. In my conversations with Mr. Anderson he stated that they had installed ribbon -- concrete ribbon curb and, then, they had installed a gravel base and, then, a perma bark cap over the sewer line right here. You can see the manhole here. He indicated to me that, then, they laid gravel down here and through our sight. He said over time that gravel sunk into the -- the soil as the years passed -- as you can see this is 2016 -- and basically disappeared through here. When we got ready to develop the Olivetree at Spurwing patio home project we were required to come up here and to extend Suez water. There is an eight inch sewer water -- Suez water main that we extended into the project and, then, looped that back onto Balata Court. The sewer was already a 12 inch sewer line, was already constructed and ran through our project and out and over to Spurwing Challenge. We were required by the City of Meridian to install a 14 foot all weather gravel surface over that sewer and water easement and so we submitted plans to Public Works, to the Planning Department. We also had to do a modification of our final plat application, because we had to modify the landscape plan to accommodate that access. The Fire Department -- we got -- obtained approval from the Fire Department. This is a letter that Warren Stewart, the city engineer, provided to me stating that for many years the City of Meridian has required water and sewer infrastructure to be installed in easements and to have a gravel access road to accommodate regular operation and maintenance activities. The sewer lines and manholes must be regularly cleaned in order to function properly and minimize odors and he also stated that it -- if the city is to continue to provide sewer service to its customers on this line, we must have the ability to properly operate and maintain the infrastructure and this requires a gravel road that will support the vehicles necessary to perform the work. This is a picture that Mr. Stewart sent to me that shows a vac truck that they regularly use and it weighs -- it is full of water and it weighs a lot and he said we need it to be able to hold 75,000 gvw. This is their TV truck where they go through and TV the lines on a regular basis as far as properly maintaining the facilities. This is what we started to construct out at the site, since we had Fire Department approval, Public Works approval, Planning approval, Council approval and so we came in and we cut in and put in a base and that's when we received a stop work order from Ada county and Ada county indicated this access is in the county and you do not have any permits from Ada county. We submitted them all of our city approvals, our approved construction plans, and they said, well, then, you need to apply to Ada county, we don't care that the City of Meridian has approved anything, where this sewer-water lies and where this emergency access is proposed lies within the county. So, they asked that we submit a traffic and development

plan modification of the original 1994 approval of Spurwing Subdivision. They also asked that we submit a grading and drainage plan for this facility. We did comply with all their requirements. We submitted it. It was a staff level review. The staff reviewed it and, then, the staff denied our request to construct this. So, we asked what -- what is our recourse. So, they said your recourse is to appeal staff's denial to the county commissioners. So, Mr. Terry Cople, the attorney for my clients, submitted an appeal to the county commissioners. So, we did go to the county commissioners hearing. We submitted all of our documentation and the county commissioners said, well, we feel that you have other alternatives. We told them we don't have any other alternatives for emergency vehicle access. This is an issue, a life safety issue. It is also an issue of these utilities and proper maintenance. We submitted this letter to the county from the Spurwing. Mr. Anderson signed it, stating that he will not allow Pacific Link to have any emergency access across the golf course and out to Chinden Boulevard, because it would interfere with development of the golf course and its functioning. Also another issue is ITD is expanding Chinden Boulevard. They have also been acquiring additional right of ways and so that particular green will -- or fairway may become narrower and he said that any other impediments that we were to put on there would severely impact the functionality of the golf course. We did meet with Mr. Wagner. Mr. Wagner has a couple of acres at the corner of Chinden. Mr. Wagner supplied a letter stating that -- that under no circumstances is he in a position to grant any emergency access out through his property and to Chinden. He said I'm fearful that adding any access or encumbering my property could impair its future marketability and use and you must find an alternative access for your property. There we go. So, this is what we -- was approved by the city staff. This is what we showed the county commissioners. This is a 20 foot wide gravel surface. It has ribbon curb on each side, gravel underneath, and, then, it would have a perma bark cap over the top of it, which is like that landscape type rock. So, it blends in, would not look, you know, like a typical gravel road. It would have a gate at the north end here and, then, a gate at the south end. The gate -- whoa. There we go. The gate would be a swinging gate. This is what -- this standard is an emergency access gate. According to Meridian Fire Department this is their -- these are their specifications and what they would require of us. It would have a Knox Box that would only be used by emergency services or for the city Public Works Department or Suez water to maintain it. I will wrap up here. This is the Fire Department approval that we received by Perry Palmer and I also received a letter from Joe Bongiorno supporting the emergency vehicle access to the north. So, basically -- and that's a Suez letter. Basically what we are doing is we are coming to the city to, obviously, protect city services and the county commissioners looked me straight in the eye and said, well, if Meridian has facilities here and they want a gravel access road, then, maybe you should annex into Meridian and so that is why we are here this evening annexing into Meridian and I asked that the Commission support this application to, obviously, protect the emergency access and maintenance road, which is one and the same, and there is no adverse impact on these adjoining properties. This is all at grade and there is significant landscaping between us and the adjoining properties and this is -- lies solely upon the golf course. Thank you. And I will answer any questions.

Fitzgerald: Thanks, Becky. One question I have is -- is your plan going to return it back to the original picture you showed with the ribbon curb and black covering that's -- what's like on the other side of that course there? Is that the plan is to make it look similar?

McKay: Mr. Chairman, that -- that is correct. We will emulate exactly what has already been installed to the manhole on the west side with the ribbon curb, the gravel underneath and, then, a perma bark concrete cap so it blends in.

Fitzgerald: Thank you. Are there additional questions for Ms. McKay? Hearing none, Becky, we will let you close after we hear from public testimony.

McKay: Thank you, sir.

Fitzgerald: Madam Clerk, I would guess we have folks who would like to testify. Do you want to start in chambers and go from there or wherever you go.

Weatherly: Sure, Mr. Chair. I have Greg Stock first.

Stock: My name is Greg Stock. I live at 2915 --

Yearsley: Can you speak into the mic. Sorry.

Stock: My name is Greg Stock. I live at 2915 West Balata Court. I stand here in opposition to this. But I would like to make two points of order before I begin. First, I would like to -- I can't remember the name -- I missed the name of the Commissioner who lives in Spurwing and I would ask that he recused himself. I think it's inappropriate that he's involved in this. The second thing I would ask is another point of order, is that the council -- or the committee is flexible with those of us here as attendants on the time as they are with Ms. McKay, who ran over her time by a minute and a half. So, having said that -- I don't know if it's appropriate we stop and let you decide those two points or I should go on.

Fitzgerald: Mr. Stock, go right ahead. We are pretty flexible in the time frame.

Stock: Okay. It's impossible to tell who I'm talking to, but we will go from here.

Fitzgerald: Yes, sir.

Stock: Okay. Having read the staff report this afternoon I'm concerned and I'm concerned that, number one, even in the staff report it mentions it was made up -- or it was decided on based only on the narrative input from the applicant. We were told on October 8th, City Council, that we would have our input in 72 hours in advance, so that it could be included and reviewed by decision makers. I can only hope that you have read that -- that material now or you will before you take a vote. I go into a lot of detail and a lot of different facts. But there are several facts that are right off the bat inaccurate. First off, the county's denial of the site modification only included the emergency access. It did

nothing to the City of Meridian's easements and, in fact, the lawsuit would return that property to its actual pre-July 4 state and return the access that's now been 15, 17 months since the applicant essentially destroyed it. Secondly, ITD did not completely reject the applicant. I have in this package I can give you a copy of a letter that's December 19th -- December 9th, 2019, where ITD said they would understand and they would stand -- back up. I can give the exact language. They would approve access -- shared joint access with Mr. Wagner into that access that was originally approved. Point being part of that access that Mr. Wagner is now denying is an easement that the applicant granted him sometime in the past. As far as the letter from Spurwing that they won't allow the access across the golf course, that's a matter of aesthetics and the truth is is that Spurwing, the golf course, is a tenant of the applicant. The applicant owns the property and under the law I don't believe a tenant can refuse a landlord access to his property for reasonable improvement and if a fire access road is not a reasonable improvement I don't know what the definition would any longer be. I would like to go on real quickly now and get through a couple of these things. This annexation request is really about two issues, sewer and water maintenance, which can be kept and the fact that at this point the city needs nothing. Rejecting this application or not acting on this application gets the city back the access that they need and the question, then, is where is the fire access. Nobody's questioning the need for it, but it's appropriate where it was originally approved. The impact is less on the neighborhood and it's -- that's the right thing. I -- it appears here that -- that the applicant is attempting to manipulate the city into helping him avoid the jurisdiction of Ada county court and I hope that the city is not that easily -- easily manipulated that they would allow that to happen to themselves. I sincerely hope that's not the case. I would ask that this annexation request be judged on the impact, the negative impact of the neighborhood, and that other alternative routes do exist. The applicant does not want to use them and that's his problem, not ours. I appreciate your time. I will answer any questions. I would only ask, again, that you do review the material that's been passed to you via the Council -- or the City Clerk's office. Thank you.

Fitzgerald: Mr. Stock, we appreciate you being here tonight. We do appreciate the information you provided. We had those in our packet last night -- or earlier this week and have reviewed them. It was a significant amount of information. We appreciate that. Any questions for Mr. Stock? Thank you. Madam Clerk, who is next on the list?

Weatherly: Mr. Chair, that would be Gretchen Tseng.

Tseng: Hello. My name is Gretchen Tseng and I live at 3075 West Balata Court. I have also put some information in that I hope you review, but just wanted to quickly go over this. Throughout -- throughout this long -- very long process with both Ada county and now the City of Meridian, I have been very disheartened by Engineering Solutions mistruths and hope that you have been able to communicate with Ada county about all the history of this road. The fact that once the application was finally submitted to Ada county they denied the road and, then, when once Mr. Hewitt appealed he lost his appeal and was ordered to restore the road to its original condition. He's refused to return it to its previous condition and is now being sued by Ada county as you are aware. It would be very disappointing to have Meridian city allow the annexation and ignore the fact that

Ada county has already determined twice that this emergency road is detrimental to homeowners and it would only serve to reinforce Mr. Hewitt -- to Mr. Hewitt and others that they can go ahead and do what they want regardless of the law. The original plans for Olivetree development showed the emergency road connecting between the southwest corner, as you guys all know, and I do want to reiterate that we do have a letter from ITD saying it's still an option. You guys brought up the possibility of sprinklers. I hadn't heard about that. If sprinklers being installed in each of these homes is a viable option, then, why not go that route, since Ada county has already denied this road -- denied this as detrimental to homeowners. I bought a home directly on a golf course and now have a 25 -- 20 foot wide road next to it. Prior to the -- I just want to make it very clear to you guys that prior to the construction of this unapproved emergency road there was never a gravel road next to the length of my home. I have lived there for seven years and there has never been gravel next to my home. It's been grass from my home to the golf course. As far as the sewer access on the other side of the golf course is what was next to my house before, just stub roads, grass, and, then, stub roads and I mean that's -- that's sufficient over there, it should be sufficient over here. We -- we have letters also from the sewer saying that it's not required to have a road. She's trying to combine an emergency road with this and they are two separate issues. I want to make it clear that just so that you know the detriment -- like I said, I bought a house on a golf course and I am not kidding you, all day long -- that is an access for people to walk -- to walk their dogs, to ride their bikes. Cars have driven down it. This has become a thoroughfare for people that walk by and we actually did the responsible thing and had to rehome a dog, because for his entire life there was no one walking by and having people walk by made him start to get aggressive. So, we were responsible and I have lost a dog in this situation as well. Please do the right thing and do not reward Mr. Hewitt for his actions of building this unapproved road. Ada county has spoken. Please just -- I just ask you to review everything and be conscious of this. It's been pretty horrible.

Fitzgerald: Thank you, ma'am, for being here tonight. Madam Clerk, next on the agenda -- or next on the list of --

Weatherly: Mr. Chair, I'm not sure -- Mark, did you want to speak? Thank you. That brings us to Rick Mauritzson.

Mauritzson: Hello. Can you hear me? All right. Commissioners, my name is Rick Mauritzson and I live at 3028 West Balata Court and I am a resident of Balata, as well as a member of the Spurwing homeowners board of directors. I have a few highlights I want to highlight from my submitted statement. So, I strongly urge the Commissioners to rule in opposition to the staff's recommendation and to reject the developer's request for relocation of the previously approved emergency access road. Furthermore, the city should not entertain annexation of the parcel of land in question until the land has been returned to its original condition, including the sewer access stub roads, which Ada county has already demanded, and not to rule until any active Ada county litigation has been settled or wait until any active litigation has been settled. So, my arguments against the relocated emergency access road or the proposed new road, as Gretchen Tseng said, will have a significant negative impact to her property and the adjacent properties. The

neighbors directly adjacent to Tseng's purchased a home on a fairway, not a home on a 20 foot wide gravel road. If this new road were to be approved they would lose their pristine view of the fairway. Also the proposed road is not required for either sewer or water access. At least not a continuous road is not required. The previously existing stub roads from both the north and the south are sufficient for sewer access and these stub roads are exactly what Ada county is demanding the developer restore. The proposed road was partially constructed by the developer unlawfully without Ada county approval and has been denied twice by Ada county development and the Ada county commissioners. In regards to the original road location, the originally approved location between the Olivetree Sub and the Chinden-Ten Mile intersection is the best, most reasonable placement for the emergency access road. It provides the quickest, least redundant secondary access to Olivetree Sub and does not retrace 60 percent of the primary access route that's being proposed by the developer. The developer has submitted a letter from the Club at Spurwing stating they will not allow the road in it's original proposal occasion. However, the Club at Spurwing has no authority on this matter as they are the tenants and leased the property in 2011 with knowledge of the planned emergency access road as a public record since 2006-2007 time frame and it was in the final plat approval in 2008 by Meridian city. So, the tenants knew this. The developer let his original ITD permit for the original emergency access road approach connecting to Chinden and Ten Mile to expire in June 2009. You did not hear that from Ms. McCabe and the developer has made no effort since then to renew it. In December of 2019 ITD reiterated that an option to connect emergency access road to Chinden and Ten Mile still exists. I implore you to go look at my exhibits three and four of my submitted public testimony and you will see the letter from ITD there. In summary, annexation is not required for the developer to meet his requirements for water and sewer access or emergency access. All requirements were met with the pre-existing stub roads in the original 2008 approved plat map. The request by the developer to annex this strip of land is only a means to circumvent Ada county's twice denial of the proposed road and to null and avoid the act of litigation that's now pending with the county. Thank you. Any questions?

Fitzgerald: Thank you, sir. We appreciate it.

Weatherly: Mr. Chair, next we have Carolyn Mauritzson. Carolyn has chosen to pass on her time. So, that would bring up Tony Tseng. He is also choosing to pass. His neighbors have said everything that the -- that he agrees with. Tom Nist.

Nist: Good evening. My name is Tom Nist. I live on 2932 West Balata and I'm opposed to the annexation. Am I -- is it possible for me to yield time to someone who has already spoke?

Weatherly: No, sir. It's one person per -- unless the chair -- unless the chair has another opinion on that. Thank you.

Nist: Rick and Greg have done a lot more research on this than I have. However, I just want to point out and have a request -- a request that you really take time to review what

was submitted in the public testimony and really do your own research in the facts. It's very dangerous to take the developer's narrative at face value, because they have had a history of not telling things -- inaccurate things and, frankly, lying and we heard tonight Becky here -- let me just give you one example. Becky said that the ITD was not a solution when, in fact, it is. I'm looking at a letter in 2014 where that's entirely not accurate. So, I just would urge -- because there has been a history of things like that where they are literally saying things that are not true, I would just ask that you really take time to review all of the public testimony and take into consideration that it's been denied twice from Ada county. So, thank you for your consideration on that.

Fitzgerald: Thanks, sir. We appreciate it.

Weatherly: Mr. Chair, that is all the signups we had.

Fitzgerald: Okay. Thank you. Is there anyone in the audience or online that would like to testify that hasn't so far? If you would, please, raise your hand online.

Yearsley: There is a gentleman that wants to testify in --

Fitzgerald: Sir, please, state your name and your address for the record and the floor is yours.

Wagner: My name is Rod Wagner. I'm at 3240 West Chinden. That's where I reside. Just -- I just wanted to say the crazy thing about all this -- it looks -- sounds like there is a lot of emotions here it looks like, I can feel it, about moving this thing over towards my property. So, this road -- my thoughts are this road does not have any impact on anybody's actual yard property. It's -- it's away -- you know, it doesn't impact any of theirs. One thing I have never gave anybody permission to -- back in 2008 or whenever it was, I never --

Seal: Mr. Chair, he's incredibly hard to hear. Could we have him step up to the mic?

Fitzgerald: There you go. Thank you, sir.

Wagner: I wanted to -- I heard that I was -- they -- they said that I had given permission to access my property or use it for this easement road, which is untrue. I never have. I would like to see a documentation that says that. But I have never -- I have always supported all this development. I have been there for 35 years. I have got documentation that shows that I have had -- that property's been there for 126 years, the house that I live in. When all this development came around to my -- near my property I never opposed any of it. I supported it. I belong to the irrigation district that they get water out of. I have been president of that lateral. I support everything they have ever done -- always done. So, it's kind of crazy, they want me to give up some of my property for this road when this is not even impacting any of theirs. So, I just -- and, again, I'm just denying any access on my place for this road.

Yearsley: Thank you.

Fitzgerald: Thank you, Mr. Wagner. We appreciate it. Is there anyone else in the audience or online that would like to testify? If you are online and would like to testify, please, raise your hand via Zoom. Commissioner Yearsley, is there anyone else in the audience that would like to testify?

Yearsley: Mr. Chairman, there is one gentleman that wanted to testify. He signed up, but he -- he earlier recluded. Do you want to allow him to come up?

Fitzgerald: Yes, sir.

Yearsley: Okay. Please come on up. Name and address for the record, please.

T.Tseng: Hello. I'm Tony Tseng. I live at 3075 West Balata Court. I just want to point out something that was brought to my attention -- that was just stated by Mr. Wagner and this is part of public record where Ms. McKay has -- and I can submit this to you guys -- where she says -- I'm going to read what was -- it's down on paper and so this is in her words. So, we worked with -- so, we -- dot dot dot -- we worked with -- with some traffic engineers and came up with a solution. I did Olivetree at Spurwing. The patio homes over here at Spurwing golf course. So, I went to Jock Hewitt and Rod -- Rod Wagner. Also talked to Jock and we asked him would he be willing to give us access and an easement, so that we could align with the future expansion of Ten Mile intersection. They will -- they will come along with Costco that will -- that will -- and it's written they will -- but that will come along with the Costco development. He has agreed. Came to office said draw up the paperwork. That's fine. We went to ITD, reported back to them, took the site plan. ITD said the only thing that we ask for -- for you is for the traffic engineer to prepare a turn analysis. So, I'm just using this as a time to bring that point up. Part of this whole situation that's just -- is disturbing is there is a lot of lying going on. We had a community meeting, everyone came out, and she started the meeting with just to let everyone know this has been approved and it was just -- there is so much deception and misleading going on in this whole process and us as homeowners -- yes, it's emotional, because we sit there and we feel powerless. We feel we don't have the ability to -- we are not sitting here lying. You know, it does impact us. There wouldn't be ten grown adults here to oppose this if it meant nothing. If it didn't impact us why would we be here, you know, and there is -- it's very emotional, especially for me and my wife. We are impacted the most and -- and I want to thank my neighbors and everyone to sit there supporting us and the whole street, because there is multiple issues in Spurwing where the developer, Mr. Hewitt -- we had a cul-de-sac -- it's no longer a cul-de-sac. I know that's not part of this meeting, but it's one thing after another. They do what they want. I know Idaho is growing up. It's different now. But it's -- parts of it doesn't feel that it -- it feels like a good old boys network. They get to do it without permit on the 4th of July. We were out of the country and luckily our neighbors would look out saying there is a road being built literally in our backyard and we have pictures of cars and it's -- it's a traffic zone and it's in my backyard. So, yes, it's emotional, because it impacts our livelihood every day. So, thank you.

Fitzgerald: Thank you.

Parsons: Mr. Chair, may I just try to clear up some -- I think some confusion in the room, if you would allow me maybe three minutes to talk about that access to Chinden and how that got established. So, if you can see this exhibit here before you, you see the C-C zoned property right next to the -- the point of where Spurwing -- or Olivetree at Spurwing was contiguous with city limits. Mr. Wagner came through the city in 2019 and annexed that property. At the time of annexation he had a concept plan that showed an access to Chinden for his property, but in order for it to align up with the intersection improvements at -- and make it a safe access for his property, we asked him and Becky to work with Jock Hewitt, the applicant, to make that access in the right location, so it aligned properly at that intersection and that's where some of the mis -- the mis-information that's coming from. So, yes, if Mr. Hewitt is going to develop the property consistent with his annexation plan, we are going to want that access to align and those property owners to work. That's how ITD is saying we support an access there, because they -- those are the discussions we had with them during the annexation of that property. So, can that still work today? Absolutely. But as Mr. Rod Wagner testified, he lives there. It's not a commercial development. He is still a single family residence. So, if he is not willing to further develop his property, the city just can't make him grant access to this owner if he is not willing to work with him until he's ready to develop his property consistent with his agreement with the city. So, I just -- again, I just wanted to go on record, clean that up, that, yes, that access in theory is approved there when Mr. Wagner develops and works with the adjacent property owner to get that access built. So, I just want it to be on the record to -- to at least let you know what those conversations were and -- and it goes to the testimony that the gentleman was just referring to and reading into the record.

Yearsley: Thank you.

Fitzgerald: Thanks, Bill, very much appreciate it. Are there questions for Bill? Hearing none, anyone else -- last call on opportunity to testify that haven't spoken yet, either via Zoom or in the audience. Commissioner Yearsley, seeing none --

Yearsley: I see no hands.

Fitzgerald: Okay. Are there any questions or additional comments or questions for the staff? If not, I would entertain a motion to close the public hearing.

Yearsley: Do we want Becky to respond to --

Fitzgerald: Oh. Sorry. Yes. Thank you, Commissioner. Becky, do you want to come up and close, please, ma'am?

McKay: Thank you, Mr. Chairman, Members of the Commission. We are going to do kind of a two pronged rebuttal here. I just want to make a couple of statements that have been made. I have been doing this 30 years. I have been coming before the city -- the City of Meridian for 28 years. I have never misconstrued, lied, or said anything that was

not true. There are no easements -- no signed easements between Mr. Hewitt or Mr. Wagner. What we had hoped to accomplish we did not. Mr. Wagner is still living in his house. His property did not develop as a C store. As far as removal of the improvements, I called the city engineer and I said they are telling me we have to remove all of the gravel improvements that we put in and Warren Stewart's comment to me was, no, you are not. So, I was caught between a rock and a hard spot. He said we need access over our sewer. I have a letter from Suez saying we want access. So, access over those utilities is critical. It is important. And when we tried to -- when we got our final approval from the city -- I have an e-mail here from Bruce Freckleton to Sonya saying let's make sure the required compacted gravel access road over the sewer main is in place, please. I mean it's not just an issue of an emergency vehicle access, it's an issue of access over utilities. It's a dual use. It's going to be there one way or the other. This is the only way I can satisfy my conditions of approval and I have tried to reason with these people, I -- I have been called names, obscenities, dang near hit with a golf cart. It's been kind of a little -- a little raveling on my end, too. I will turn this over to Mark.

Freeman: Good evening, Mr. Chairman, Commissioners. My name is Mark Freeman.

Yearsley: Speak into the mic. Pull it up. There you go.

Freeman: Mark Freeman is my name. My business address is 953 Industry Way in Meridian. Foley and Freeman Attorneys. I represent the applicant. A couple comments. There is -- obviously there is some emotion here, which is not uncommon and that's the tough job that you all have to do as Commissioners to deal with that type of emotion. This is not a -- this work did not occur in the middle of the night on a July 4th while someone was out of town. This work on the easement, which was stopped by Ada county, occurred after my client obtained the approval of the City of Meridian to -- to -- the construction plans were approved. The Fire Department was contacted, as you have seen. The letter is in the record. There was approval obtained. So, this is -- it is not -- my client is, unfortunately, being tagged as this big good old boy who pushes people around and -- and the actual facts are quite different than that. He applied with what he thought was appropriate and Ada county put a stop to it. It's interesting, because we have learned from the City of Meridian engineer that there are a number of other locations in the -- in the county where there are similar gravel easements for sewer and water which do cross between the city and the county and -- and we haven't ever heard of that situation occurring where -- where that kind of work was stopped by the county. There has been a comment that the -- the applicant lost -- lost two appeals or -- and there has been some question by one of the Commissioners about what's the status of the issue with the county. The county did file suit to have the property restored. The applicant originally appealed the decision of the commissioners to deny the original application, but decided based partially upon the recommendations of Commissioner Visser that they should proceed to this -- this is a City of Meridian issue, it's a City of Meridian sewer, it's a city of Meridian -- Meridian's required easement access, that they should go there. So, the applicant actually chose to dismiss its appeal and proceed this way through the City of Meridian. You know, I think it's clear -- I was going to talk quite a bit about the fact that there really is no other emergency access available. There just is not. And I appreciate

staff's comments. Unless Mr. Rod Wagner changes his mind, which he has indicated he is not inclined to do, frankly, I understand that. If he owns the property and he thinks it's going to be somewhat detrimental to some potential purchaser, why would he agree to do anything. But there is no other access. So, that's the bottom line. There is no other emergency access available at this property. It has to come somewhere else and this location is the best place for it to come and, really, the only place it can come for this subdivision to be developed as it was originally proposed. Other than the access to fully develop this Olivetree Subdivision requires an emergency access and the city approved it previously, but the -- the other issue is this access was not lost, it was not due to inactivity. It didn't disappear. The access that ITD granted was not lost, it was taken away by ACHD -- or, excuse me, by ITD. They -- they removed it. They took it away. So, any comment that -- that the applicant was lax or allowed it to be taken or didn't proceed in the appropriate manner is just absolutely incorrect. This was taken by ITD, which resulted in my client having to look for another location for access to the property. There has been discussion about what was there before. Somewhat relevant, somewhat maybe not relevant. Again, I think Becky made the point -- these improvements are at grade. This is nothing that sticks up. And there is -- and there has been since, oh, 2000 and -- I think the existing sewer easement -- the original gravel road -- or excuse me. I'm calling it a gravel road. I should call it a sewer easement with gravel on top of it. Has been there since 2012 or '13. Yes -- and you can see it on the exhibit that Becky introduced. It existed. It was there. It may have not been there all the time -- I mean it's been there apparent for a number of years. It's gravel. It's sunk in. It has deteriorated over time, but there is and has been gravel -- a gravel roadway in that exact same location and there has been comment about people using it and even cars driving on it. Well, the -- the actions of Ada county actually prevented my client from improving it and putting the barricades and lock boxes up, which would actually have prevented these people from using it. So, it's not designed as public access, it can't be public access, it never will be public access and what's the difference between the use before this application request came through and after if it's granted, the difference is that in addition to vehicles owned by the City of Meridian or Suez water to do maintenance on their sewer and water lines respectively, the only other people that are going to use this easement are going to be emergency vehicles and they are going to have to open that Knox Box either way to get in or out. That's it. There is nobody else going to use it. So, that should take care of the issue of people riding their bikes on it or cars going across it. I think that's basically a moot point when that happens. Finally, the -- I have got some time. The -- there is already a public dedication. There is already an easement on this piece of property. Yes, it's owned by my client, but it's subject to an existing easement -- two easements, actually. One to the city -- or one to the City of Meridian for the sewer line and presumably one to Suez water for the water line. These easements, like most easements of this type, require the property owner to refrain from doing certain things with their property. So, in other words, my position is that there already is, in essence, a public interest in those parcels. Mr. Hewitt can't plant trees in the middle of those easements. You can't put bushes there. There is a lot of things he cannot do because it interferes with the city's rights in the property and by granting and agreeing to allow the emergency access at this location, what it does is it -- it will actually, in some respects, provides the city with not only

emergency access, but better access for its sewer and -- and -- and also to Suez water. I think I'm done. Thank you.

Fitzgerald: Any additional questions for the applicant? Commissioner Grove, go right ahead.

Grove: Mark, question for you. On this -- just pulling out some of the stuff from the staff report and from one of the public testimony, in regards to the option for installing the fire sprinklers in the homes above -- that go beyond the 30 home limit, is there a reason that that is not something that has been discussed in this forum?

Freeman: It's -- it's an expensive option. It increases the cost of each home. It doesn't solve the emergency access issue that will be there anyway, regardless of how many homes are constructed in the development. I don't know exactly what the cost of -- the additional cost is per home, but that's the reason.

Fitzgerald: Commissioner Grove, do you have follow up?

Grove: Not at this time.

Fitzgerald: Okay.

Yearsley: Mr. Chairman, I have a couple of questions if you don't mind.

Fitzgerald: Go right ahead, Commissioner Yearsley.

Yearsley: So -- so, my understanding, the easement's already there. It was gravel at one time per city code. Is that a requirement per code or -- and maybe the city can help with that. I don't know. So, you could -- you could put the gravel -- replace the gravel to get it back to city code without a fire access is kind of what I'm -- I'm kind of playing Devil's advocate on this, because, again, I understand the concern of the neighbors and it was in the staff report that if you have over 30 homes you could sprinkler without having a fire access, if I'm not correct. Is that correct?

Parsons: Yeah. Mr. -- Mr. Chair, Members of the Commission, that -- that is correct. That --

Yearsley: Okay.

Parsons: -- comes right from the fire chief saying that if they go -- so, if you also saw in the staff report you know the city is also monitoring the amount of permits that are being issued in that development until we get this issue resolved. So, as of today there is 22 permits that have been issued out there in that development, so they are approaching their 30 before they are needing either to fully sprinkler the homes or provide that secondary access per the fire code.

Yearsley: Okay.

Parsons: And we did discuss that with the applicant at the pre-application meetings early on is that would be the -- our preference, so that we could avoid some of these discussions in front of a public forum, because there are other ways to do it. So, I hope that the neighbors know we hear you, we understand your concerns and -- and we as staff tried to vet all options with the applicants. But, ultimately, they have the right to go through the process and go the way that --

Yearsley: I'm not -- I just want to just clarify a couple of items.

Parsons: Oh. I wanted to also just kind of chime in on the gravel road, too, so -- I -- I did a lot of these projects out here, so I'm very familiar with the history and I'm very familiar with a lot of these neighbors, because I have talked with them about the other road situation as well. But just to clarify, there wasn't a gravel road that went through the golf course, there was gravel -- or improved surfaces to provide manhole -- access to the manholes. So, if there was no manholes it was still vegetated and did not have any disturbance of the ground cover. It was only a gravel or that perma bark over to the manhole cover. So, if you look at old photos -- Google photos you will see how it was developed, but -- so, that's -- that's kind of the premise of what the commission wanted -- the Ada county commissioners wanted them to restore back to the original approval back in 2012 when it was run through. But the portion that Becky showed you it was gravel through the Olivetree portion, because they were going to put a public road over the top of it at some point, which they have now.

Yearsley: So -- so, I know being on the Commission before -- and I realize that this is my first time -- day today -- a lot of times Public Works with sewer easements or water, they would prefer that be paved, is that not the case?

Parsons: Yeah. Mr. Chairman, Members of the Commission, you are correct. If -- they do require -- even through common lots they will require that gravel road through the city's common open space lots as well --

Yearsley: Yeah.

Parsons: -- to get to those manholes and sometimes -- again, there is always circumstances, but majority of the time, yes, that is a requirement. A 14 foot compacted gravel road.

Yearsley: Okay. Just -- just kind of wanted to make sure I can wrap my head around this to make sure I understand. I guess -- I don't know if I have a question now, since I have -- the city's answered that. So, I don't know if you have a comment with what my comments were.

Freeman: Yeah. Mr. Chairman and Commissioner Yearsley, I do have a comment. First is Becky informed me that the cost of the fire suppression in the -- in the individual homes

increases the value -- or, excuse me, increases the cost of the home by about 12,000 dollars per -- per home -- per unit. So, it's a substantial cost and I -- not to belabor the point, but on this issue of what was there, that entire line -- entire line was graveled over the top and was gravel for a period of time, not -- not just to the manhole, but all the way through -- all the way over to where it connects in the roadway on its way to the Challenge course at Spurwing. So, that -- so -- and that's what you see. I acknowledge when you look at those aerial photographs you don't see just a gravel road, what you are seeing is the remnants of a gravel road that some grass has grown -- is growing through, if that helps at all.

Yearsley: Okay. Thank you.

Fitzgerald: Any additional questions for the applicant at this time?

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: Just out of curiosity, are -- are the homes that are going into this subdivision planned to be like entry level priced homes?

Freeman: I'm probably not the best -- excuse me, Mr. Chairman and Commissioner Grove, I'm probably not the best one to answer that, but I would say -- because I have seen them, they are definitely not entry level homes, they are patio homes, and they are not inexpensive and they are not entry level homes.

Grove: Thank you.

Fitzgerald: Any last call for questions? If not, I will entertain a motion to close the public hearing when the Commission is ready.

Seal: Mr. Chair, just -- the width of the path, the -- whatever is being proposed to be put in here, what -- what is the -- the width of that?

Freeman: Mr. Chairman and Commissioner Seal, the -- the width is 20 -- the easement is 20 feet. The old easement that's in existence today is -- is 14 feet, I believe -- 14 feet of gravel. Fifteen feet. So, the width is 20 feet of the emergency access, if this recommendation is made to approve it.

Seal: So, the -- so, the gravel that will be put on top will be 20 feet wide?

Freeman: Yes. There is a -- again, there is a ribbon curb to hold the gravel in and there is a perma bark cap on top of the gravel, which is basically identical to what was previously located in the -- the north portion of this property that's subject to the annexation, between West Balata and the first manhole.

Fitzgerald: Bill, can you roll back to those aerials or do you have those? So, I think that -- so we can look at that -- so the Commissioner can see that. Is there -- was that in -- or was that in Becky's presentation?

Parsons: Yeah. Sonya will try to pull it up, Commissioner.

Fitzgerald: Okay.

Parsons: Can you see that, Commissioners? That's -- that's what it looked like 2012 -- what was it -- 2012 was probably when it went in.

Fitzgerald: Commissioner Seal, does that help?

Seal: It -- it does. Part of what I'm trying to formulate here is what -- if this were to go in what would make everybody happy and -- I mean if it were a pathway instead of a gravel road maybe everybody would be happy about it, so -- and I don't know that for sure, but I mean it's pretty obvious that something was put in there at some point in time. You know, what that was or how significant it was we will never know, but --

Freeman: Mr. Chairman, Commissioner Seal, as you -- if I can -- maybe I can't do this, but I should be able to. I can't. The -- the -- the northern portion, let's call it, from the sewer line to the road is similar to how this will look. We talk about a gravel roadway. It is gravel, but it's going to have the perma bark cap on it, just like this black portion that you see up above on the property and it will have the curbs along the side. I can't represent you that what's there is exactly the same width, because I think that's the -- the sewer easement, which is like 15 feet, and this is going to be 20 feet. But that's how it's going to look when it's done. It will not just be gravel and the perma bark keeps the dust down. The curbing keeps the gravel and everything in place and, again, it's all at grade, if that helps.

Yearsley: So, Mr. Chairman?

Fitzgerald: Commissioner Grove, go ahead. Oh. Commissioner Yearsley. Sorry.

Yearsley: So, this little piece here that's already there, they are going to take it out and widen it to 20 feet for the fire access; is that correct?

Freeman: That will become part of the fire access. I -- I think it may have already been taken out, but I -- in anticipation of being replaced that's where the problems with the county came up.

Yearsley: Okay.

Freeman: After all the approvals were obtained from everybody, except the county.

Yearsley: Right. Okay. Thank you.

Fitzgerald: Commissioner Grove, go right ahead, sir.

Grove: Mr. Chair, thank you. Question comes from what Commissioner Seal kind of mentioned is was this ever -- is this -- was this considered a pathway at any point? Because I know that -- I mean that's what it looks like from the image that we see, like I mean instead of using gates, using bollards. I don't know how -- if that's possible or not. I'm just curious.

Freeman: Mr. -- Commissioner -- Commissioner Grove -- or Mr. Chairman, Commissioner Grove, this has never been a pathway. Before the development of Olivetree to the south of what we are looking at here -- you can't really see it -- it was just a field there. I can't tell you that nobody ever walked on the golf course. It's a golf course. But you can see -- what you see there that you -- that appears -- you class -- you categorize it as a pathway, it's really what's left of the gravel road that was put over the sewer line. That's what you see. And over time, again, that has degraded, there is no question about that, and -- and to grant this approve -- this recommended approval -- this -- this pending application will result in an improvement to some degree in the nature of what -- what's up to the north. The -- when it's complete it will have lock boxes -- Knox Boxes and gates, so it won't be able to be accessed by vehicles, bicycles, people -- the general public is not allowed on the golf course, but sometimes people do walk across the golf course and they are not authorized to do that and that potentially could happen here, like it could happen anywhere, but there -- there won't be any interconnectivity, if I can say it that way, that's public between Olivetree and the road that these neighbors live on that they have been testifying about.

Fitzgerald: And, Commissioner Grove, I think the neighbors are hoping -- they don't want to have access, because that would connect the Olivetree to that road on the -- that's to the north I think is what they were saying before, if I'm explaining that correctly.

Grove: Yeah. I didn't know if that was solely pertaining to vehicles or if it was also to pedestrian traffic as well.

Seal: Yeah. Mr. Chair, on my previous remark by -- by -- what I meant by pathway was simply everybody likes a pathway. You can ride a bike on it. You can walk on it. It looks pretty -- sometimes there is nice things that go along with it, but, you know, a little gravel road back there is maybe off putting to some people. So, at any rate, whatever is put back there would, you know, need to be limited to pedestrian and bike traffic on the norm and, then, any kind of vehicle accesses as described in the application. So, again, I mean when I -- I will -- I can -- I will have more comments since we close the -- the public hearing part of this.

Fitzgerald: Commissioner McCarvel, did you have any questions or did you come off of mute for --

McCarvel: No. I think I will wait until our discussion. I don't have an actual question, just a comment.

Fitzgerald: Okay. Well, Mark, I think we are good. So, thank you very much, sir. I appreciate it.

Freeman: Thank you.

Fitzgerald: With that can I get a motion to close the public hearing?

McCarvel: So moved.

Seal: Second.

Fitzgerald: I have a motion and a second to close the public hearing on H-2020-007. All those in favor say aye. Any opposed? It sounds like we are good and motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Fitzgerald: Anyone want to lead off?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: A few things in here. I think there is other things that could happen on this. I'm -- I'm kind of leaning towards a continuance on this to explore some other options. One is to have a formal application to ITD to at least explore the option of what would happen with trying to do a joint access with Wagner Farms. We have already heard from Wagner Farms that they are not going to do that, but, basically, it will put that to bed. If -- if that was the deal. Because they are -- they are not going to move the signalized intersection to accommodate this. If they don't do that there is not enough room for the road. I mean I can see that by simply looking at the street view on Google Earth for this, so -- but it is a question that's been raised. It's something that could possibly happen, so maybe if they go down that path something might happen with it. I highly doubt it, but it might be worth looking at. The second, you know, reason I would think a continuance might be in order is just because instead of doing, you know, a gravelized access road, maybe a pathway type system is something that would be better served here. So, I don't know if they can do a pathway system and still allow a 75,000 -- or 75,000 pound vehicle on it. I have doubts about that as well. But, basically, give a little bit of time to explore every option that's out there and, then, if those do not come to fruition, then, I mean it makes total sense to me to go ahead and, you know, allow this to annex in. Personally, you know, I mean putting sprinklers in all the homes is -- I guess if I were a homeowner and I had to choose between looking at a gravel path and as far as I can tell it's not out the front of anybody's home, it's to the back of them, or somebody else's safety, I would choose somebody else's, you know. So, I would choose somebody else's safety over, you know, any objections that I had to something that's purely aesthetic. But that's -- that's where I'm at on it. I understand both sides of it. The simple answer is just put the thing in and let it go, but since there is a lot of people that are involved with this that are -- you know,

are saying that they are going to be impacted by it and that there are other alternatives, then, I think there is time to explore the other alternatives and if they don't pan out, then, they come back before us and we look at it from that perspective again.

McCarvel: Mr. Chair?

Fitzgerald: Commissioner McCarvel.

McCarvel: Yeah. I think there was definitely a gravel road there -- a gravel path at one time. I -- I disagree that we want to explore the option of it being a walking pathway. I don't -- I mean on the fairway of a golf course. That's not where you want people randomly walking and I think that's what the homeowners are -- around there are trying to avoid is having more people walking back there. I would say if -- if this is something we consider, that there is actually signage that this is not public access. But I can see where -- I mean that -- that has been gravel in the past and it's just looking to improve it and the -- having the perma bark and everything on it I think would improve the look of what was there and, obviously, keep the dust down from the exposed gravel. But I think making it a pathway along a fairway is not where you want people walking.

Yearsley: So, Mr. Chairman?

Fitzgerald: Commissioner Yearsley.

Yearsley: First of all, I want to address the -- one of the person's comments about you recusing yourself from this testimony or our decision. I have no personal problems with it, but I don't want to give it an option for a reason for an appeal I guess and I would look to counsel for direction on that.

Pogue: Mr. Commissioner, Mr. Chair, at the top of the action the chair did put it on the record and, you know, stated he could be objective and neutral and he asked Commission -- the body if they had any concerns and they did not. So, the matter was addressed at the top of the agenda -- at the top of this action when it was opened. So, that's all that's required at this point.

Yearsley: Okay.

Pogue: So, I don't have any concerns about it.

Yearsley: I appreciate that -- that counsel, just to make sure we -- we have addressed to the applicant -- or to the gentleman who gave the testimony. So, I'm kind of torn, because my guess is it was never a gravel road or a gravel pathway, what it was is they just never restored it after they put in the sewer line is what it looks to me and it's just grown back from what has been done before. But on the city side, knowing what the city has and what they do, they would more than likely like some way to get through there if they actually have to go work on it by any means. So, as a city side I think to protect our interest it would be behoove us to -- to annex it and to at least let the applicant put that

gravel pathway in to protect the city's assets. Do we allow that to be a fire access -- at that point it becomes a moot point to me that, you know, there is -- the likelihood of them using it is slim to none, but they always want to make sure that they have a second way out if -- if something happens. So, how do I say that. So, I -- at this point I think I would recommend -- because I -- I can almost guarantee the homeowners are not going to want -- they don't want a gravel path, they are not going to want an asphalt path behind their house so -- and, to be honest with you, they are going to put gates on it, but the likelihood that someone could walk underneath the gate and get through it is -- is if they want to do a loop or something like that it's going to happen. They can't stop that. They could stop the vehicles or the bikes become a lot harder from the one side to get their bike underneath the gate, but those can happen and I don't know what to do about those. People are people. We can put no trespassing signs or whatnot. So, at this point I'm in favor of moving forward and allowing and recommending we annex this property.

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: When I first read this I thought this was going to be -- before I got into all of it it looked super simple on paper, nothing to it, like -- yeah. Like just reading the -- you know, the narrative and kind of going through the staff report it seemed pretty straightforward. Reading everything else and listening tonight, I have gone back and forth on like where I'm at on this, understanding both arguments why it should or why shouldn't isn't. Still somewhat on the fence as to not having been shown enough like flexibility in what they presented as options, but there are severe limitations on what their options are. I wouldn't be opposed to approving this to go to Council.

McCarvel: Yeah. Mr. Chair?

Fitzgerald: Commissioner McCarvel.

McCarvel: Yeah. I agree. I think it's in the city's best interest to protect the asset there and so if it's -- you know, there is going to be the significant improvements to protect the asset, you know, I guess what difference does it make if it's the emergency access as well, because you are -- it's rarely if ever going to be used as that. It's -- it's more about the -- getting access to the sewer lines -- sewer and water lines.

Fitzgerald: Commissioner Seal, was there additional information that you think you could gather. I guess that's my question. I generally think, though, with the ITD application is you have to have the interested parties sign an agreement that they are giving their consent to an application. If Mr. Wagner has said he's not giving his consent that application is DOA. It doesn't go forward without a consent. So, that's the challenge with that piece of it. Is there other information that you think you need?

Seal: No. And I understand that, I just -- you know, I think it's something that could be run to ground, basically, was, you know, my point in that. As far as the access, you know

-- and I understand. I mean as far as the access, the access is there. The manholes -- you can access it from either side without having to drive through it. So, as far as anyone from the city mandating that there be anything put on that, they can't mandate it without it being annexed. So, I guess that's the rub for me at this point is I agree that if it needs to be covered in order to provide access, then, it becomes a moot point. That said, I don't think that it needs to be covered in order to provide access, because access is being provided from either side to the manholes that they do access. If they needed to go somewhere in the middle of that, absolutely, then, they are -- you know, that's going to cause issues at some point in time. But, again, that -- if that is Ada county property, then, it doesn't matter what anybody in the City of Meridian says about it, it's not theirs to say at this point. So, that's -- that's the rub that I have with it, so -- you know. And that's -- that's just where I'm at with it. I think there is some things that could be run to ground on it. Again, if it is the only option, then, I'm for annexing it and going forward. But I think a little bit -- you know, just a little bit more footwork could run that to ground and, then, it makes that statement true of there isn't -- there are no other alternatives and if that becomes true, then, people might look at it differently. You know, I know they are looking to develop that as fast as they possibly can. They running up against the numbers as far as how many they can have in there without the emergency access. That said, there has been things that have come through that we have slowed down from even going in in order to do it -- you know, we get one chance to do it, let's do it right. So, I think that a little bit more groundwork on this could prove that out. My personal belief -- you know, and I'm not an attorney and I don't work for ITD or ACHD, I'm not a road engineer. Personally I think that exactly what you lined out will happen. They are going to go to Wagner Farms and they are going to say no and that basically negates any access that's going to be capable of coming through there based on that alone. That said, I think it's something that should happen just to prove that out, show that, you know, everybody has done what they could in order to make something else happen. When it can't happen, then, we move forward with the annexation.

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: Is -- is that something that would be appropriate or possible to put into a condition of approval?

Fitzgerald: Joe, if you want to take that one.

Parsons: Mr. Chair, Members of the Commission, I mean certainly it's annexation. So, if that's something -- I know this Commission on it has regularly moved something forward and given the applicant time to work on those items before City Council. So, you could certainly do that. Or, again, this is annexation and you could deny it and say that you have got an approved access with your plat back in 2007 going through that site or you could also continue this out if you think -- you can almost treat this like a conditional use permit and see if the applicant and the neighbors are willing to work on some additional landscaping and screening or doing something to try to mitigate impacts to the adjacent

property owner and, then, certainly require that signage, that we have no public use over top of that easement, because certainly we do not want -- that is private property and people shouldn't be walking down that emergency access roadway. It is a golf course, they could get hurt. And the other thing that we can't do is -- and I'm not a golfer and I -- but I know golf balls bounce very high off of hard surfaces, so I imagine if you paved it and someone hooked a ball and it hit the asphalt, it would probably end up in someone's backyard at a higher velocity than probably perma bark. So, again, there is a lot of different scenarios here for you. I guess my -- my opinion on really the access -- I'm not ITD, I'm not ACHD either, but we have the applicant -- Rod is only required to provide an access when he develops. So, if ITD would grant that access based on the current location of their path of annexation to Chinden, that's up to IDT to determine that. If that's something that you guys want to move this along this evening predicated on them getting a definitive answer from ITD prior to the City Council, I think Becky would be amenable to that as well. Again, you also have the option of opening up the public hearing and at least talking to the Tsengs and Becky as to what they would like to see as far as the mitigation along their property and, then, make -- you know, see if you want to amend or continue this project for some more additional information. A lot to digest there, but, again, you do have some options. I gave you the PC answer. Sorry.

Fitzgerald: The kitchen sink, Bill. Thanks.

Parsons: Yes.

Fitzgerald: With that information is there additional comments from the Commission? The only other comment, Commissioner Seal, that I want to make sure that we are clear on is if we are -- I mean I don't think it's just access to those manholes that you are worried about, I do think you are actually -- you are worried about protecting that -- that sewer line and that is Meridian property and that is Meridian -- that is a Meridian asset, so we do have to make sure we are protecting something in there. So, we do have a piece of this. It's not just county property, we do have a piece that's running through the middle of it and don't have it -- I mean right now I guess we have a gravel bed that's sunk into the ground, but I think that's what Public Works would like to have is the ability to make sure that they have access for their trucks to get in and clean those things out when they need them, but also to protect it for -- from future issues would be my guess and Commissioner Yearsley could probably explain that better than I can.

Yearsley: Mr. Chair -- and I don't -- I don't want to speak for the city. I know Bill mentioned that they want access to the manhole at least. We might could table it and ask for a recommendation from the Public Works what they want to see on the rest of it. Are they okay with it. You know, that would be an option and that would give an option for Becky to try to work with the adjacent owners for maybe some additional screening, you know, which I don't know if they want -- there maybe some lower shrubs that they can not see the pathway, but see the golf course, you know, as an option as well, to, you know, come back with some additional information.

Fitzgerald: Thoughts?

Grove: Mr. Chair?

Fitzgerald: Go right ahead.

Grove: I -- I think I agree with Commissioner Yearsley and Commissioner Seal for the most part, but I think where I'm landing is sending it to Council with -- with those pieces as conditions before they get to Council to have those discussions and to have the -- that entered into the -- the record for Council. But I don't -- I don't necessarily see this as an issue where I would recommend continuance.

McCarvel: Mr. Chair?

Fitzgerald: Go right ahead.

McCarvel: I would agree with Commissioner Grove. I don't -- I really don't think there is enough here that we would have to see it again. I think we could make recommendations and move it on to Council.

Fitzgerald: Commissioner Seal, Commissioner Yearsley, thoughts?

Yearsley: I'm okay with that.

Fitzgerald: Okay. Somebody want to take a stab at a motion or -- Commissioner Seal, did you have a comment?

Seal: I almost did, but I will just see what the motion sounds like. I guess if I were to make a point, if we recommend approval based on information that would be coming back from ITD or something along those lines and it kind of puts it to where we are now waiting on something to happen. So, I do agree that if ITD comes back and says, no, you can't have that access, there is -- I mean at that point there is no reason for me to see it again, because the option is what we are looking at, which is annexation and putting the path in. So, I guess -- I guess it will all be in how carefully worded the motion is and if you notice I'm not volunteering to make one.

Fitzgerald: I got that.

Yearsley: Mr. Chairman?

Fitzgerald: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2020-0087 as presented with the staff report for the -- for the hearing date of October 15th, 2020, with the following modifications: That Public Works provides description of its -- what recommendations they would recommend to have between the two manholes for a surfacing or what they would prefer. Also to give time for Becky to work with the adjacent homeowners to see if

there are is some additional mitigations that they could do to hide the pathway as best as possible and also potentially if Becky can get a letter from ITD saying that they wouldn't provide access. We already had testimony that Mr. Wagner -- I hope I said that right -- was not going to provide an easement. So, those three things is what I would recommend. And I guess the question for the hearing date -- or no. We approved it. Never mind. That's my motion.

McCarvel: Second.

Fitzgerald: Okay. I have a motion and a second to recommend approval of file number H-2020-0087 with modifications. All those in favor say aye. Any opposed? Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Parsons: Mr. Chair, before we wrap up on that, I just want one clarification on the motion. Would that also include the additional signage for that area? Just to make sure that it's private property and if that's something you want Council to do.

Yearsley: I'm okay adding that condition. Or do we need a revote on that with that condition?

Fitzgerald: Yeah. We need a separate motion on that one.

Yearsley: So, I would -- I would amend my motion to include signage for no -- no public access on the gates.

McCarvel: Second.

Fitzgerald: Second has -- as we revise our motion I have a motion and a second to recommend approval of H-2020-0087 to City Council with modifications. All those in favor say aye. Any opposed? Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

FUTURE MEETING TOPICS / DISCUSSION

Fitzgerald: Thank you to everyone involved. Appreciate it tonight. I need one more motion.

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: I move that we adjourn.

McCarvel: Second.

Fitzgerald: I have a motion and a second that we adjourn. All those in favor say aye.
Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 9:18 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

RYAN FITZGERALD - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK