

**Meridian City Council Regular Meeting**

**June 1, 2021.**

A Meeting of the Meridian City Council was called to order at 6:12 p.m., Tuesday, June 1, 2021, by Mayor Robert Simison.

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

Members Absent: Brad Hoaglun and Jessica Perreault.

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

**ROLL-CALL ATTENDANCE**

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

Simison: Council, we will call the meeting to order. For the record it is June 1st, 2021, at 6:12 p.m. We will begin this evening's meeting with roll call attendance.

**PLEDGE OF ALLEGIANCE**

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

(Pledge of Allegiance recited.)

**COMMUNITY INVOCATION**

Simison: Our next item is the community invocation, which will be given tonight by Vinnie Hanke with Valley Life Community Church. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection.

Hanke: Mr. Mayor, Members of the City Council, thank you, again, for the invitation to be with you all and pray for you. God, we thank you for this evening. We thank you for the privilege and freedoms to gather together to lead in the community. I pray for each member of the City Council, God, that you might grant them wisdom to lead as servants and to seek the greater good of the community that they lead. I pray for their constituents, God, that they would honor them with respect. I pray for the community members tonight as they speak. God, would you just give them a spirit of fellowship as we seek to be a city that loves our neighbors as ourselves. We pray for the first responders, the teachers and healthcare workers, God, who continue to serve our community. We ask all of this through Christ's name, amen.

## **ADOPTION OF AGENDA**

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

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Borton: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

## **CONSENT AGENDA [Action Item]**

- 1. Approve Minutes of the May 13, 2021 City Council Joint Meeting with West Ada School District**
- 2. Approve Minutes of the May 18, 2021 City Council Work Session**
- 3. Approve Minutes of the May 18, 2021 City Council Regular Meeting**
- 4. East Ridge No. 2 Fire Easement**
- 5. Edington Fire Access Easement Agreement**
- 6. Final Order for Apex Southeast No. 2 (FP-2021-0032) by Brighton Development, Located on the East Side of S. Locust Grove Rd., Approximately ¼ Mile South of E. Lake Hazel Rd.**
- 7. Findings of Fact, Conclusions of Law for Prescott Ridge (H-2020-0047) by Providence Properties, LLC, Located on the South Side of W. Chinden Blvd. and on the East Side of N. McDermott Rd.**
- 8. Findings of Fact, Conclusions of Law for Roberts Annexation (H-2021-0013) by Rodney Evans + Partners, PLLC, Located at 1630 E. Paradise Ln.**
- 9. Addendum to the Development Agreement Between the City of Meridian and Mark Bigelow (Owner/Developer) for 1450 W. Ustick**

**MDA (H-2021-0016), Located on the Northeast Corner of N. Linder Rd. and W. Ustick Rd.**

**10. Cooperative Agreement Between the City of Meridian and the Idaho Transportation Department for Landscaping Maintenance (Project No. A019(944), Key No. 19944), Located at US20/26, Locust Grove Rd. to Eagle Rd.**

**11. City of Meridian Financial Report - April 2021**

Simison: Next item is the Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: No changes to the Consent Agenda as well. So, I move that we approve the Consent Agenda, for the Mayor to sign and for the Clerk to attest.

Borton: Second.

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

**MOTION CARRIED: FOUR AYES. TWO ABSENT.**

**ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]**

Simison: There were no items moved from the Consent Agenda.

**PUBLIC FORUM – Future Meeting Topics**

Simison: So, Mr. Clerk, do we have anyone signed up under Public Forum?

Johnson: Mr. Mayor, we have one sign up, Sally Reynolds.

Simison: Okay. If you would like to come forward for three minutes.

Reynolds: Good evening, Mr. Mayor, Members of City Council. Sally Reynolds, residing at 1166 West Bacall Street in Meridian, Idaho. So, recently I reviewed a petition for judicial review summary handed down by Judge Norton in favor of the City of Meridian and I remembered a topic I wanted to bring before City Council for discussions at a later date. You may end up addressing it internally or at a work meeting or not at all, but I would like to state it on the record for information for the public. My request is that the direction for public hearing state that if you are representing a group of people and are given ten

minutes, that you retain your three minutes as an individual citizen to address concerns with your own personal property. Here is the reason for the request. In the judgment the question of standing was addressed, basically, and this is quoting directly from the judgment -- LUPO only allows an affected person, defined as a person with a bona fide interest in real property, which may be adversely affected -- affected by land use decision to challenge the decision. In order to satisfy the requirement of standing the petitioners must allege or demonstrate an injury, in fact, and substantial likelihood that the judicial relief requested will prevent or redress the claim injury. The petitioners must establish a peculiar or personal injury that is different than that suffered by any member of the public. Proximity is an important factor of standing and a court is more likely to find standing where the landowner property is adjoining the proposed development or adjacent to it, closed quote. Two of us, Mr. Eastman and myself, live on adjacent land. But Mr. Eastman's standing failed based on the fact that he -- he only addressed traffic concerns in his testimony. We did not realize each person had to speak to each alleged harm, so he was raising traffic concerns for everyone. While I did offer ample testimony about how noise, lights, and odor would affect neighbors from the adjoining development, I was only speaking on behalf of the larger group and never directly personally cited my own property. The judgment reads: While Reynolds raised general concerns within the neighboring commercial development that was actually approved, she presented no evidence during cited testimony that her residence was directly impacted by noise, odor, or lights from the development approved by the City Council. Reynolds failed to show that the location of her property exposed her residence to a particularized harm from the lights, odors, or sounds of the approved development. As a side note, I would like to state that over the past year I have been sleeping with noise cancelling headphones, there is a light that shines directly into my bedroom window throughout the night, and I have as of recently two weeks called non-emergency dispatch regarding illegal activity going on at the property. I don't say this to complain, I say it to show that reality and what a judge says is reality can be completely different. Three years ago I know that if I had asked the prior mayor and prior city council to grant me an extra three minutes to address my personal property I would have been denied. Now, the more educated part of me wishes that I had requested that, because if I had been denied I could have filed a petition on that basis that my due process rights were violated to protect my own personal property. But you live and learn from your mistakes and I hope that someone can learn from mine. I would advise any member -- oh.

Simison: You can finish your comment.

Reynolds: I would advise any member of the public speaking on behalf of their group request that their own three minutes be retained so they can illustrate how their own personal property will be impacted by a future development. I also urge residents who are close to a development to address every issue that will affect their property. If the City of Meridian is serious about allowing residents the opportunity to address their personal property rights, I request that that clarifying verbiage of citizens rights be added to public hearing instructions. Thank you.

Simison: Thank you. We will take that under advisement. Council, just a moment of personal privilege at least from my perspective. I have not been asking when people say they are there to testify on the HOA, asking others to raise their hand to showcase that, I'm allowing everyone the opportunity to provide testimony in this format, that the HOA representative does not preclude your right to provide testimony. That's how I have been handling these just moving forward.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Is it appropriate just to make comment or is that --

Simison: Would you like a point of personal privilege?

Bernt: Yes, please. Mr. Mayor, personal privilege.

Simison: Okay.

Bernt: I just think that what Ms. Reynolds said is incredibly important and I think that -- I think that as a body we will take that under advisement. I think Mr. Mayor has already been handling that, but I think that we probably need to reach out to Planning and Zoning, so that they are under the same guidelines as well.

Nary: We can do that, sir.

Simison: Thank you. Mr. Clerk, anything -- anybody else --

Johnson: Mr. Mayor, that was all.

## **ACTION ITEMS**

- 12. Public Hearing Continued from May 18, 2021 for Shafer View Terrace (H-2020-0117) by Breckon Land Design, Located on the East Side of S. Meridian Rd./SH 69, Midway Between E. Amity Rd. and E. Lake Hazel Rd.**
  - A. Request: Annexation of a total of 40.48 acres of land with R-2 (10.66 acres) and R-4 (29.82 acres) zoning districts.
  - B. Request: A Preliminary Plat consisting of 50 buildable lots and 10 common lots on 39.01 acres of land in the R-2 and R-4 zoning districts.

Simison: Okay. Then we will move into our Action Items for this evening. First up is a public hearing continued from May 18th, 2021, for Shafer View Terrace, H-2020-0117. I will ask staff if they have any comments that they would like to make as we move forward.

Allen: Thank you, Mr. Mayor, Members of the Council. This project was continued in order for staff and the applicant to work with ITD on the northbound right turn lane on South Meridian Road, State Highway 69, onto East Quartz Creek Street and immediate versus long term needs for that. The applicant did offer to construct a right turn lane with development of this site at the last hearing and they did submit a concept drawing of the turn lane, which has been conceptually approved by ITD. Therefore, staff is recommending a development agreement provision is added that requires the developer to construct a northbound right turn lane on South Meridian Road, State Highway 69, onto East Quartz Creek Street with the first development phase in accord with ITD standards. And just to remind you, there are three requests for waivers that are associated with this application. They are highlighted in your hearing outline tonight. Would you like me to go through those or is that sufficient for you?

Simison: Council, would you like anything further from staff at this time? No? It sounds like we are good.

Allen: Thank you, Mr. Mayor.

Simison: Okay. Any questions for staff? Okay. I see the applicant is with us. Mr. Breckon, would you like to make any comments?

Breckon: Mr. Mayor, Members of Council, yes, if I could I would like to just pull up the sketch that we prepared that depicts the right hand turn lane. So, here is the sketch that we sent to IPD. Meridian Road. North is facing to the right hand side of the page. Here is East Quartz Creek Street and the Bernie Lateral on the south side and the right hand turn lane is depicted in the blue color. That was tied into existing improvements and also proposed improvements on the south side of East Quartz Creek Street. The green strip depicts what we expect to be additional right of way dedication and dimensions here that depict what would show the taper, as well as the decel lane to allow for a right hand turn. The improvements along the edge here are the same as were previously shown and I would stand for questions.

Simison: Thank you, Mr. Breckon. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Jon, it looks like all of the existing plan was just compressed 12 feet -- everything shifted east a lot -- are the ones that absorbed the 12 foot shift to accommodate the lane. Is that a fair summary?

Breckon: Yes. Mr. Mayor, Councilman Borton, that's correct. The right hand turn lane was added, along with shoulder and, then, everything was shifted over accordingly to allow for the turn lane.

Borton: Follow up, Mr. Mayor?

Simison: Councilman Borton.

Borton: Is it -- is it contemplated to staff's comment about the installation of this, that it would be complete and approved by ITD and prior to, for example, the first CO or first permit? When would this need to be completed? How would we condition that in the DA?

Breckon: Mr. Mayor, Councilman Borton, I -- I guess I presume that this right hand turn lane would be conditioned as part of the first phase of the construction of the proposed development. So, this would be included in the -- the construction documents and we would work with ITD to refine it as need be, but it would need to go in right away or the first phase.

Borton: Okay. Thanks.

Simison: Council, any additional questions? Okay. Thank you. Mr. Clerk, do we have anybody signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. If there is anybody in the audience that would like to provide testimony on this item, if you would like to come forward to the podium at this time and do so or if there is anybody online that we would like to provide testimony, please, use the raise your hand feature at the bottom of the zoom platform. Seeing nobody, Mr. Breckon, would you like to make any final comments?

Breckon: Mr. Mayor, no, I would stand for questions. I believe we have talked through all the items. Is there is any -- any other questions I would be glad to address them.

Simison: Okay. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Either for Sonya or Legal. To that question I had asked about the trigger point for completion of this northbound right hand turn lane, that it would be installed, completed prior to blank. I'm thinking of construction traffic, even though it might not be a lot of northbound, just so there is some clear metrics as to when it has to be done in the DA.

Nary: So, Mr. Mayor, Members of the Council, I guess from a tracking standpoint -- I mean it's either -- for the city it's either based on building permits like -- or before first occupancy and so there has got to be some -- some significant point that would make sense. You know, ITD, as they state in the updated staff report, don't have a timetable on when that road widening may occur. It could be five years from now, it could be ten years from now. So, if the desire of the Council is that -- that there be a right hand turn lane, decel lane installed, it really is whether you want it on the -- the first building permit to be issued or the last CO to be issued and I think that's the best way for us to track it I would think, unless Sonya has a different perspective. Pardon me? Right. So -- yeah. Yeah. So, first CO -- so, Sonya was saying -- so silently -- the first -- either the first building permit or the first CO, that that's the -- a trigger point that they can keep track of that can be managed. The other question is that the -- is this turn lane for the part north of the canal and not the four houses south of the canal? Is that right?

Allen: Yes.

Nary: So, I don't know what the sequence of construction is intended. So, I don't know if -- if -- again, if it's the first building permit or first CO of the buildings north of the canal, so --

Borton: Got it. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: From the -- from the prior conversation and appreciate the applicant getting back with ITD and being willing to add a safety feature like this and ITD was willing to accommodate it and understanding it's a little compressed and everyone seemed to cooperate to try and account for some added safety, if it -- if there wasn't an objection to having it installed prior to the first building permit -- I mean it errors on the side of safety to the extent there may be some construction traffic at the start that it could mean a little bit earlier if that metrics is acceptable, the first building permit and it's measurable and errors on the side of safety.

Bernt: Mr. Mayor, I agree with Mr. Borton.

Simison: Okay. Council, what's your -- what's your desire at this time? Would you like to close the public hearing? Leave it open?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just to kind of close the loop on the waiver conditions that staff had alluded to, the three that are in the report, it didn't sound like from the prior discussions that staff had



any -- any overwhelming concern with them in light of the site. Some of the site constraints that you have referenced seem to justify the requests here.

Allen: Yes. I got it. I got it. Give me a second. Mr. Mayor, Councilman Borton, yeah, staff has no major concerns with that, if Council should wish to approve that. Thank you.

Borton: Okay. Thanks.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess my only question on that condition for Sonya was just for the -- the waiver to allow the McBurney Lateral to remain open if we feel like we have adequate fencing to preserve public safety.

Allen: Is that a question of staff?

Strader: Yes, please.

Allen: Mr. Mayor, Council Woman, they have -- I believe it's wrought iron fencing along there. If the applicant would confirm.

Breckon: Yes. That's correct. Wrought iron fence.

Allen: So, yes, that's sufficient for staff --

Strader: Thank you.

Allen: -- to meet the code requirement.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If there is no discussion, I'm going to go ahead and close -- or make a motion to close the public hearing on Item 12, H-2020-0117.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think this application, which we saw earlier, it makes good sense -- the zoning and plat itself makes particular sense at this location. The added turn lane really was one of the primary concerns that has now been addressed. So, I'm going to make a motion that we approve H-2020-0117 as presented in the staff report of June 1, 2021, and to include the DA provision that requires the right-hand northbound turn lane on Highway 69 to be completed prior to the first building permit and to approve the waiver of UDC 11-6C-3F to allow Block 3 to exceed 1,200 feet due to the existing site constraints as requested and set in the staff report to approve the waiver of UDC 11-3A-6B, allowing the McBurney Lateral to remain open and not piped. It will be fenced as previously discussed. And to approve the waiver of UDC 11-3A-3, addressing the access points to collector streets as set forth in the staff report.

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

Simison: I have a motion and a second. Is there any discussion? Before we vote I just want to at least give my thanks to the applicant for bringing this needed safety improvement to the road. I know they are not fun, but they are needed, especially as we are developing along state highways, which have even less tools to actually see improvements done in a timely fashion than ACHD. So, thank you for that. So, with that clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Thank you very much. Best of luck on your project.

Breckon: Thank you.

**13. Public Hearing for Artemisia Subdivision (H-2021-0014) by Engineering Solutions, LLP, Located at 1690 W. Overland Rd.**

- A. Request: Annexation of 25.67-acres of land with a C-G (General Retail and Service Commercial) zoning district.
- B. Request: Preliminary Plat consisting of 9 commercial buildable lots on 19.26-acres of land in the C-G zoning district.

Simison: Next item up is a public hearing for H-2021-0014. We are going to open this public hearing with staff comments. I was not going to try that word right now.

Allen: Alrighty. Just one sec here. Alrighty. The next application before you is a request for annexation and zoning and a preliminary plat and this site consists of 19.26 acres of land. It's zoned RUT in Ada county and is located at 1690 West Overland Road at the northwest corner of Overland and Linder Roads. The Comprehensive Plan future land use map designation is mixed employment, which is the 13.4 acres shown in gray there on the center map and mixed use commercial, which is the brown 5.9 acres in the Ten Mile Interchange Specific Area Plan. Annexation and zoning of 25.67 acres of land with a C-G, general retail and service commercial, zoning district consistent with the associated future land use map designations. The proposed use will include sales and service for commercial fleet operations for large commercial trucks and motorhomes and vehicle accessory sales, an installation facility for customizing vehicles, parts develop -- excuse me -- parks department and reconditioning facility for used cars for Kendall Ford Auto Center. The applicant anticipates the future uses and the six slots located along West Overland Road and adjacent to South Spanish Sun Way to be retail and office space. As a provision of annexation staff recommends a development agreement is required to ensure future development is consistent with the Comprehensive Plan and the Ten Mile Interchange Specific Area Plan. Because a conceptual development plan was not submitted for the commercial and office uses on the southern portion of the property staff is recommending the agreement is modified prior to development of that area to include a concept plan that is consistent with the comp plan. A preliminary plat is proposed consisting of nine commercial buildable lots on 19.26 acres of land in the proposed C-G zoning district. Lots range in size from .51 of an acre to 9.7 acres, with an average lot size of 2.01 acres. The plat is proposed to develop in one phase. One public street access, South Spanish Sun Way, is proposed via West Overland Road and one stub -- excuse me -- stub street, West Tossa Street, is proposed to be at the west boundary for future extension in accord with the transportation system map in the Ten Mile Plan. Linder Road is scheduled in the five year work plan to be constructed as a new four lane I-84 overpass and widened to five lanes on each side of I-84, with a level three bike facility from Franklin Road to Overland Road in the future. The Overland-Linder Road intersection is listed in the CIP to be widened and signalized between 2036 and 2040. A ten foot wide detached multi-use pathway is proposed as required within the street buffer along South Linder Road in accord with the pathways master plan. Detached sidewalks are required along all streets with street trees. The Hardin Drain crosses the northeast corner of this site and is proposed to be piped. And this is just a copy of the ACHD preliminary lines map. Conceptual building elevations were submitted for the Kendall Ford site as shown. Two single story structures are proposed on Lot 1, Block 1, with building materials consisting of ACM panels, which are aluminum composite, corrugated horizontal metal panels, CMU in two different colors. Metal sunscreens and canopies are proposed over some windows. Overhead doors are proposed on the north, east and west sides of the building. Final design must comply with the design standards in the Ten Mile plan and the design standards in the architectural standards manual. The Commission did recommend approval of these applications. Becky McKay, Engineering Solutions, the applicant's representative, testified in favor and also submitted written testimony in agreement with the staff report. No one testified in opposition or commented on the application. Key issue of discussion by the Commission. They were in favor of the location of the proposed use and the site design. There were no changes to the staff

recommendation by the Commission and no outstanding issues for Council. And there has been no written testimony received since the Commission hearing. Staff will stand for any questions. The applicant is present in chambers to testify.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Sonya, is there right of way dedication with this different than what would normally be? If just the expansion of the road, meaning more right of way to account for overpass facing?

Allen: I am not sure without looking at the report. It's covered in the ACHD report. If you would like that answer I can look.

Borton: At some point. I presume we would have covered that and tried to address to make sure that if there is going to be a future overpass that there is right of way necessary --

Allen: Yeah.

Borton: -- for it.

Allen: Yeah.

Borton: Okay.

Allen: He is planning for that. So, it's covered in their report.

Borton: Thanks.

Simison: Counsel, any further questions at this time? Okay. Then I will ask the applicant to, please, come forward. If you can state your name and address for the record and be recognized for 15 minutes.

Stiles: My name is Shari Stiles. I'm with Engineering Solutions. 1029 North Rosario Street in Meridian. Thank you, Mayor Simison and Council Members. I'm here tonight representing Idaho Auto Mall, LLC, on this annexation and zoning and preliminary plat application. I won't repeat what Sonya has very adequately -- adequately covered in her staff report. I will just add a couple of things. Just one note. There will be no vehicle sales or major auto body repair at this location. It will be strictly for the servicing and -- and the -- and the other uses. Reconditioning cars in the fleet operations, accessories, that kind of thing. So, just -- just so you know, that -- it's not going to be a sales lot. Idaho Auto Mall and Kendall Ford chose this particular location because of its proximity to the

Ten Mile interchange. That was a big draw. Visibility from the freeway. And another big draw was that they were located right just west of Camping World, which uses the Ford chassis and -- on a lot of their motor homes that -- that if they want accessories added or need warranty work or services done, Kendall Ford would be there available to do that work. We are going to be consolidating all of these light services into this one location. We have multiple locations throughout the area that perform these types of services, but they wanted one central location that they could do that. Right now they have moved their company's headquarters. They are -- into Meridian. They have purchased a lot and a building off of Copper Point Way in Silverstone Subdivision and all of their -- their corporate headquarters is now in the City of Meridian. We are hoping to get it all at the same location, but some of the design constraints and the timelines didn't mesh, so -- so they are glad to be able to locate that facility as well. Just one note on Sonya's report. The Hardin Drain has now been piped. We went through Nampa-Meridian Irrigation District and obtained a license agreement with them and wanted to beat the irrigation season. So, that drain has been completely piped and as well the irrigation pipe to the property to the west has been completely piped and -- and approved by the adjacent neighbor there that's on the rural agricultural property right now. You have had careful attention given to the architectural design of this center. The architect Adam Garcia was working diligently with the staff and the design guidelines for the Ten Mile Specific Area Plan to make sure the architecture meets those guidelines. Initially we had one building and, then, they broke it into seemingly two buildings and reoriented a building, so the mass from the interchange wouldn't -- wouldn't seem so great and -- and we are really excited about this facility and it's over 90,000 square feet. Infrastructure and building costs initially will be 20 million dollars. They are just excited to add to Meridian and the neighborhood. We had two neighbors appear at the neighborhood meetings and they were both in support of the project. We have asked for building permits to be allowed prior to actual recordation of the plat for you to decide and the facility and the length of the time it will be to do the site prep work and -- and get the initial facility. The other lots will come as they get users for those lots and -- and come up with a -- a more specific concept for each of those areas. In summary, we are in agreement with all the staff and agency recommendations. Oh. And one more thing I just forgot. To answer your question, Councilman Borton, we are dedicating 60 feet from centerline on Overland Road for this property. That's basically an expressway width. It is the widest width we have ever been requested of ACHD on a roadway within the city limits of Meridian. So, there has been ample right of way dedicated for that. With that we are really excited to expand Kendall Ford's positive contributions to the City of Meridian and I will stand for any questions you may have.

Simison: Thank you, Shari. Council, any questions for the applicant? All right. Thank you very much.

Stiles: Thank you.

Simison: Mr. Clerk, do we have anyone signed up on this item?

Johnson: Mr. Mayor, only the applicant signed up.

Simison: Okay. If there is anybody in the audience who would like to come up and provide testimony on this item, please, do so at this time or if you are one of our attendees online and you would like to provide testimony, please, use the raise your hand feature on the Zoom platform. Seeing no one coming forward or raising their hand, would the applicant like any final comments? Shari, would you like any final comments, since no one's provided testimony? Okay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I know we don't normally allow issuance of a permit prior to recordation of the final plat, but any concern in this one for that to occur?

Nary: Mr. Mayor, Members of the Council, I guess without talking to the building department, I mean you are right, normally we wouldn't do that, because, again, there is some other issues, but if the Council wants to direct that -- that you are okay with that, if it meets the building officials' metrics or whatever they feel the most comfortable with, I think that would be okay. I -- again, I don't know whether either Mr. Freckleton or Mr. Zahorka have some specific things that they require before they do that, so --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Thank you for that -- framing that well. I don't know if the applicant has a thumbs up or a concern -- a question with that -- those sideboards. It looks like maybe you did.

Stiles: Shari Stiles. Engineering Solutions. You are asking about the building permit? We -- we would like to get the -- it's eligible for one permit right now. It's an illegal parcel. It hasn't been divided. So, similar to other commercial projects within the city I know I have been granted building permits prior to actually recording the final plat, but realizing, you know, we have got to have all the fire safety and, you know, meet all the conditions for public safety issues, you know, any signage that needs to be put in, but they are really anxious to get started. It's been a long process. Not with you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think we are all saying the same thing. So, if -- if we were to approve it with those sideboards that our building -- you know, subject to approval by our building department, it's exactly what you are saying, but it still gives us the comfort that nothing gets messed up.

Stiles: That would be great. I'm sorry.

Borton: Okay. No worries. Thank you.

Stiles: Thank you.

Simison: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If there is no discussion, I'm going to make a motion to close the public hearing on H-2021-0014.

Strader: Second the motion.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Love seeing Kendall Ford grow and continue to invest and make Meridian home. So, that is greatly appreciated for sure and this -- this application at this location seems to be spot on. I think the -- so, I'm going to make a motion that we approve H-2021-0014 as presented in the staff report of June 1, 2021, and to allow the issuance of the building permit prior to recording the final plat, subject to the approval of our building department as described by legal.

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

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

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

Simison: All ayes. Motion carries and the item is agreed to. Best of luck to Kendall moving forward.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**14. Public Hearing for Linder Village (H-2021-0034) by CSHQA, Located at 6308 N. Linder Rd.**

- A. Request: Modification to the Use Area Plan in the Development Agreement (Inst. #2019-028376) to allow financial uses in the area currently designated for specialty retail and restaurant uses.

Simison: Okay. Council, next up is a public hearing for Linder Village, H-2021-0034. I will open this public hearing was staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application is a request for a development agreement modification. The site is located at the southeast corner of North Linder Road and West Chinden Boulevard and is zoned C-C and R-8. The applicant proposes to amend the existing development agreement to update the use area plan to allow for a financial institution in the area currently designated for specialty retail and restaurant uses at the northwest corner of the site. No other changes to the uses shown on the plan are proposed. Substantial compliance with the approved use area plan is required as a provision of the development agreement to ensure a minimum of three land use types, commercial, which includes retail restaurants, et cetera. Office, residential, civic, which includes public open space, parks, entertainment venues, et cetera, and industrial are provided within the development, consistent with the guidelines in the Comprehensive Plan for the associated mixed use community future land use map designation for this site. The conceptual development plan and site circulation plan have also been updated to reflect the proposed reconfiguration of the site layout in the area where the financial institution is planned. The adjacent building footprint to the east now includes a drive through. The pedestrian circulation plan depicts reconfigured pathway locations consistent with the new site design. The proposed change to include financial, along with the retail and restaurant uses, will still ensure a mix of land uses are provided as desired in the mixed use community designation. Because the proposed change increases the types of uses planned for this area, which is desired, staff is supportive of the requested amendment to the development agreement. Staff is recommending approval of the requested modification. Written testimony has been received from Norman and Julie Davis and they are not in favor of the proposed change to the use area plan to include financial institutions. They prefer a restaurant and specialty stores in this location, since there are two other financial institutions within walking distance of this site. And, lastly, a letter was received from Sally Reynolds. She is against a TCO, temporary certificate of occupancy, being issued for Winco before the Chinden and Linder Road improvements are complete, as the development agreement requires all improvements required by ITD and ACHD associated with this development to be completed within the time frame required by those agencies in accord with the STARS agreement and consistent with the traffic impact study prior to issuance of the first C of O within this development. And just a note that this issue is not the subject of this application. However, a TCO has already been issued by the building department to allow shelf stocking and set up of the store, which will expire on June 14th prior to the store opening. Staff will stand for any questions.



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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Just a couple questions about that last comment and I understand it's not the subject of this application, but it did come up. So, if they wanted to actually open the store prior to the road improvements being completed would that come back before City Council?

Allen: Mr. Mayor, Council Woman Strader, Council, it's -- it's not allowed currently by the development agreement, so those improvements would need to be complete prior to issuance of their certificate of occupancy. There -- there may be a temporary occupancy issued for like not -- you know, the landscape buffer along the -- Linder Road and Chinden possibly, if they aren't able to get that done. That's something that we regularly do. But the road improvements are required to be complete.

Strader: Got it. It's just a follow up. So, there is a temporary CO that's been issued, but that's not sufficient for the store to actually open for business, so to be clear?

Allen: No. They are planning to open on the 21st, I believe, of June and it's set to expire on the 14th.

Strader: Sorry. But it's temporary -- sorry, Mr. Mayor, didn't mean to step over you. But -- so, it's temp -- so, it's a temporary CO, but the trigger for the store to actually open for business is a full CO and that has not been issued.

Allen: That's correct.

Strader: Thank you. That helps my understanding.

Nary: Mr. Mayor?

Simison: Council -- or Mr. Nary.

Nary: Mr. Mayor, Members of the Council, so it would be to follow up on Councilman Strader, since I don't want to mix it into the record of this, but since you asked the question, I have been in contact with the building department, development services, and -- and the economic development team on the process of the store opening and so if the Mayor would like or the Council would like us to kind of bring that forward next week to answer those questions, like the roadway and the improvements, we could certainly do that. Because we do know there has been some concern expressed out there about that and we have been working really closely. There is a lot of timing that has to occur. Also a lot of timing that is not necessarily the applicant's responsibility either. So, we can have that

conversation next Tuesday if you would like and that way it doesn't get mixed into this conversation about this specific item.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think if we need to have that conversation we can. It sounds to me like if -- it's pretty simple to me. If they want to open for business and modify the DA before they have completed these improvements, staff just told me they have to come back before us. That's fine for me personally.

Nary: So, let me make it clear. Yes, to modify the DA. If it's compliant with the DA with what they are doing, then, that's normally a staff level decision. I just didn't know if the Council would want to note, since you have had some public outreach about it, so --

Simison: All right. Council, any further questions for staff at this time? All right. I will ask the applicant to, please, come forward.

Marsh: Mr. Mayor, Members of the Council, for the record Jim Marsh, CSHQR Architects. 200 Broad Street in Boise. Thank you for having us and pleased to present you for this development application modification request. I believe Sonya has covered the item well and we are in agreement with the staff report. We do have representatives from ICCU and ICCU's architect, as well as a representative from the property development. And at this time I would just stand for any questions that you might have.

Simison: Council, any questions for the applicant?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Did you guys try to, you know, find other specialty retailers? How did that process look? Do you feel like the market is -- well, give us a flavor for why this change now.

Marsh: Yeah. I mean a lot of this is -- as we developed the concept plan -- this was a few years ago. As things have changed, those -- the tenant mix and stuff has changed as well and I can bring up the landowner developer, property development representative to give you a little bit better breakdown if you would like, but right now we are really pleased to have a lot of specialty retail coming in as restaurants as well, small restaurants and some local restaurants. So, I think we have a really good strong mix. Part of the piece that -- that we are really concentrating are -- are kind of our gem of our whole development is the very center core of the development, which is the library and, then, the -- kind of the market main street plaza shops right north of those and that's where we are really concentrating some of those real kind of boutique types of uses into those

areas, but we have been real pleased with the mix of restaurants and retail that we have already had that come on board.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If you don't mind if you -- there is a lot of public interest in this development. There has been for a long time. If you are able to disclose who some of those specialty retailers or restauranteurs are, I think that there would be a lot of interest if you are able to discuss that.

Marsh: Yeah. Why don't I have Dave McKinney come up, who is with -- he can describe some of those that he is working with --

McKinney: Council, my name is Dave McKinney. I'm with DMG Real Estate Partners. 2537 West State Street, Boise, Idaho. 83702. Would you like me to address other people you were talking to or --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. If you are able to describe, you know, the specialty retailers and others that are coming in? I think part of the concern is that there was a very specific plan, at least from my review, that was -- you had kind of given -- you are pivoting a little bit. I'm curious how you are -- how you are meeting that original intention of having specialty retailers and in restaurants and kind of a mixture of that sort of those different uses.

McKinney: Sure. First of all, when we started talking with the banks, you know, at this location, we were thinking that was specialty retail. Retail banking. Now in talking with staff it was determined that it was more financial use or office use. So, that's why we are here tonight. Other uses that we have -- other people that we have signed leases with stretch from restaurants, sit down restaurants, family style restaurants, more quick service restaurants. We do have a lot of drive through uses now with COVID. Other retailers, other than Winco, we have talked with Pet Category. We have talked with Home Improvement. You know, quite a few different uses. Now, is there something specific or -- I could give names, but, you know, what -- it is somewhat confidential, so --

Strader: I don't think we are asking you to disclose anything confidential, but it just feels like there was one direction that it was going and now this feels a little bit different. So, I just wanted to give you an opportunity to talk about the vision now for this development.

McKinney: We think the vision is pretty close to what we have always talked about. It's a mixed use development. We will have residential, office, civic. We do have the library lease signed also. In fact, I believe we have a building permit ready to go with that. So,

we think it's consistent with what we have always talked about. We are making some enhanced pedestrian area and plaza area that we think is really exciting that people will really enjoy and so I think we are consistent with what we have always talked about.

Simison: Council Woman Strader, anything else?

Strader: I'm good now.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. McKinney, I -- I appreciate again wanting to respect the confidentiality of your -- in the process of working deals and we don't want to -- want to step into the mud on that. But I think what -- what Council Member Strader is getting is probably the same place that I'm at, which is that I think we all left a number of years ago really excited about this plan and I think what Council Member Strader is trying to get to, is where I am, too, is helping me understand how what you are doing gets to the intention of what Council supported when this was last before us and what I'm hearing is you think that the bank, even though you view that as financial, you have viewed that as specialty retail and I'm just trying to figure the nexus with that.

McKinney: Well, that's what we thought, but we were informed that, no, that's more of a financial institution and that we still would like to do a financial institution and so we now have it under contract to do for ICCU to take that space. That's why we are here tonight, to make sure it's okay with everyone.

Simison: Okay. Thanks. So, Dave, I don't know if this is a question for you or the architect, but recently sent a letter to ITD concerning -- if they are going to use -- do CFIs or not moving forward. Do we -- you know, there is one envisioned here. That's why we have this nice giant buffer on the northwest corner. If they come back and say, yep, CFIs are gone, traditional intersections are what we are all about in this area, does -- how -- how or would this northwest corner potentially change in your mind, if that were to be the case? Is there a broom up there that you would want to come back and put in something else in the future? Are you thinking about that or is this just lost at this point in time?

McKinney: I think what we would do is just enhanced landscaping, gateway signage, make sure that the presence on the -- at the intersection looks really nice. We are trying to do that anyway, but as you know in -- in ITD right of way we need permission to do that and -- but as far as building a building or something in that area, that's not in the plans.

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

Johnson: Mr. Mayor, we would one. Sally Reynolds.

Simison: Okay.

Reynolds: Mr. Mayor, Members of City Council, Sally Reynolds. 1166 West Bacall Street. If you will permit me just a personal -- a doctor unexpectedly paralyzed my vocal cords today at 2:00 o'clock and I used up a lot of -- of that talking on my last three minutes. So, excuse me if I -- for the whole team speech. So, I have been actively involved --

Bernt: Mr. Mayor? Sally, do you want some water? Would that help?

Hoaglund: No, I'm good. I have some. It's just -- it just needs to come back. So, I have been actively involved in this application and I attended the neighborhood meeting on this particular change. I knew when this development was approved that the developer would make lots of requests to modify the development agreement and this is the first of those. So, I'm grateful for the city code that requires the public to be notified when substantial changes are requested. Now, while this change merited another public hearing, in my mind it is not a change that materially alters the development. Sure, the residents would really prefer more restaurants over another bank. We have tons just in that square mile. Like the Davises said, to just opened up in the last month and there is actually an ICCU already in the parking lot right across the street at Fred Meyer. We have got two, you know, car washes and now we are going to have two ICCUs. But I realized the developer cannot control the demand for land and those residents we cannot dictate exactly what businesses we would like to see in a development. So, because the change is another use that would fit within the mixed use community, like staff said. I'm not in a opposition to the application. But I do fear that this is the first of many to come and I would like the Council to consider the question when a development is approved how closely to the approval do we expect the developer to stay? How many and what kind of changes are too many? Sure, when they are brought over one by one by one over months and months they may not seem big. But I would urge Council to consider the past public hearing of an application and any past modifications that the developer requests, including changes that may not merit a public notification, such as, like they said, the completion of landscaping, which may be -- be delayed in this development and any other requirements for COs. I did want to make one -- because I did provide that testimony on the TCO, I actually am fine with the TCO that has been issued. I feel good about that. It's not a TCO that allows it to open to the public and when I reached out to the building permit he -- the person who issued that he read me the parameters and I think it's completely fine that they have stockers and everyone in there. I mean if they want to -- if they want to stock everything and the roads get done and they take that last cone off and flip on the lights to Winco, fine, I am completely fine with that. So, my question on the certificate of occupancy is mainly for public safety, just that those roads be complete and I have realized that there are things that the applicant cannot control on roads, there is a lot of moving parts, but they can control when Winco opens and when that traffic starts flowing. We have not seen any calming measures on Bacall and Bergman. They might have them, I haven't been updated as to where they are at with ACHD and that's in the development agreement as well and I will not -- for the record I will not be here next week to speak to that if it is set. And I will stand for any questions.

Simison: Thank you. Council, any questions?

Borton: Madam -- or --

Simison: Mr. Borton.

Borton: Mr. Mayor. Old school? Wow. Sorry.

Simison: I know old habits --

Borton: That's a great question. So, to answer your concerns, which is spot on that you have them, I think the frequency of the DAs and the magnitude of the DAs -- so, when you see two or three -- if you were to see two or three successive requests, you know, one bite at a time to modify a DA, that causes great concern. Each one causes greater concern and, then, any individual request that strays too far from the original approval and the basis for -- this is a big project that we had really robust discussion as to why it was approved as what it was and so I think that will take some pretty high scrutiny to justify modifying any component of the DA. It's a complete package as is and that's exactly what we expect. So, it's difficult to make changes. I think it's intentionally difficult. So, this one very well may make sense. But if that gives some answer to -- we are all very aware that we all signed a contract for a particular reason and that's exactly what the city expects to see.

Reynolds: That's wonderful, Council Member Borton, Mr. Mayor. Councilman Borton, I really appreciate that comment and that does provide some extra comfort to me and I -- also to the public, who was so involved in this application.

Borton: Good.

Reynolds: If I could ask one question, just off of something that the developer said, he said there was a building permit for this building already. So, I am very hopeful -- have they recorded the final plat and I will say this with the caveat that I want them to record the final plat. We all do, because they were only allowed one building permit before they could start building and we want the library and we want the restaurants and we want the banks -- we want it to start going and it's just been -- so, I'm hoping that they recorded the final plat. Has that changed, Bill, since last time we talked? Yea. Okay. I would like to say the residents are -- at least some of the ones that I know -- I'm not going to speak for a group again, because that got me in trouble, but the ones that I know will be very happy to see that construction started on the other amenities that the residents were promised back there. That's great. Thank you.

Simison: Thank you.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, one of the things for Ms. Reynolds -- or all the other public that watch this, planning staff is really good in your staff reports to give you that history. When it got approved. When changes were requested. What was done. What decisions were made and -- and this Council has -- this Council has always been good at asking the same question Council Woman Strader asked tonight is why this change? What's changed in the market? Why is it different. But just so Ms. Reynolds and the other neighbors know, I mean that's a fairly common portion of staff reports is a history of the property and what's gone on and what's been requested. So, that -- that's always captured there, too, so --

Reynolds: Mr. Mayor, Mr. Nary, thank you. I really appreciate that. And, yeah, I'm neutral on this application. So, thank you very much.

Simison: Thank you. Is there anybody else that would like to provide testimony on this item? Okay. If you would like to come forward. And if there is anybody online that would like to provide testimony, please, use your raise the hand feature at the bottom of the Zoom platform and we can have you unmute yourself. All right.

LaFever: Hi. Denise LaFever. 6706 North Salvia Way. As far as this application goes, I'm concerned with the practice of -- we have a credit union right across the bank -- and, by the way, that is my bank and I like the bank and I go to that one quite frequently. But we have one right across the way and we have a new one proposed there. I'm concerned about what is the plans for once we go back through and abandon that building? Is it going to become blight? What is the plans for that? You know, that's an impact on the city, especially since we are moving toward -- you know, their advertisements for the bank is a bank in your pocket. You know, we are moving towards online. And so right in that area we have the Zion bank that just opened in that area. You have ICCU credit union across the way. You got Beehive just around the corner. And there is another one that just opened next to Saltzer. I can't remember what it's called. Icon or something like that. I don't remember the name of the bank. But you already have so many in close proximity. I was kind of, you know, mixed about the Village -- you know, the Linder Village. I testified on that. But I was excited about the fact that we were going to have more services for residential, more services for restaurants and other great things for people to go and do things with. Another bank I'm not quite as excited about and less excited unless they were going to come forward with a plan how you are going to make sure you don't have blight on the one building that's over there and I understand their excitement, it's going to have left-hand turning lanes. I mean left-hand control lights, both sides of that development. Like I said, I'm neutral. I'm just extremely concerned about the blight. I am concerned about how that building is going to be repurposed across the street.

Simison: Thank you. Council, any questions?

Cavener: It's nice to see you in living color.

LaFever: What did you say?

Cavener: I said it's nice to see you in living color, Denise.

Simison: Is there anybody else that would like to provide testimony on this item at this time? If you would like to come forward, please. And if you can state your name and address for the record and be recognized for three minutes.

Wolstenhulme: I'm Dusty Wolstenhulme and I am a project manager -- project manager for real estate development for Idaho Central Credit Union and I'm the one who wants to put a branch here and what I would really like to do is give our local members in this area better access and not just the easy turning lanes off the streets, but our existing location we tried really hard to shoehorn it into a small location and -- and what we are finding is our memberships are coming out of the drive up, coming head on with a lot of traffic coming out of Taco Bell and we don't have the right of way, because we are coming in from the left side, while the Taco Bell folks are coming in from the right and they are able to get out and our members aren't loving the access they have. We will do our very best to find a good buyer for the other location. We will maintain it. We will take care of it. It's not going to become an eyesore. We just would really like to build something here that takes good care of our membership. I would also like to state for the record we are -- we are not a bank. The difference between a bank and a credit union is we are a not for profit financial cooperative of our members. We take care of our members. We are not out for some big investors or board -- board appointees from some big cooperative of investors somewhere, we are out for the little guy and that's what we are doing here is taking care of our members -- our average members.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a comment. Thank you so much for that clarity on the two locations right across the street and for the background on your thought process. I'm a customer and appreciate your company and glad you are in our community here as a local business.

Simison: Councilman Cavener.

Cavener: Dusty, appreciate you being here. I, too, am a ICCU member. Got my little green card in my wallet. I have noticed that a lot of your projects -- I think of the location on -- on Vista, the project that's coming along on Ten Mile, seemed to have a little bit of a larger footprint than what I'm used to seeing from ICCU branches. Is that kind of your new model? Is that kind of your gold standard moving forward or is it just we happen to see some larger projects in different segments of the valley?

Wolstenhelme: I think it's because we -- we keep doing what our members like. Our members like to be able to get in and out. Our members like to come see us. We tried really hard to build the technology and we have some of the best technology in the state



for getting -- like our sweet member over there said, about getting your financial institution on your phone and that should be able to happen. But if somebody is ashued that and they didn't call us and they didn't get on the internet and do a face-to-face video conference with one of our people and they didn't get on their app, they drove somewhere and waited in line and parked and dealt with all of that to come see us, we do our very best to make sure they can, because they really want to, you know what I mean? And a lot of financial institutions are getting smaller and a lot of financial institutions are getting rid of their physical locations and a lot of financial institutions are getting rid of safe deposit boxes and they are getting rid of drive throughs and they are getting rid of people and putting in ATMs that replace people and that's not what Idaho members want in their credit union. They want good service and they want to be able to come sit down with somebody who knows their name and cares about them and if you have been in an Idaho Central Credit Union you will know that's the difference between us and your nearest fat cat bank with a big cigar. We are going to know who you are. We are not Pete from the old Disney shows. We are your local friends and neighbors who are taking care of you.

Simison: And, Councilman Bernt, I can't wait for this.

Bernt: I don't have anything to say, just thought that that was a pretty good plug for ICCU. I mean -- sort of fun.

Simison: Thank you, Dusty. Is there anybody else that would like to provide testimony on the item at this time? And nobody online to raise your hand? Okay. Well, if the applicant would like to come forward and make any final comments.

Marsh: Thank you again. Jim Marsh, CSHQA. I think the last sets of comments from ICCU probably said it best on most of this and although a lot of times when we get development and modifications, DA mods come in somebody is asking for something that wasn't quite forecasted from years ago, but when -- when we do have these and we work with great clients like this, there is also that opportunity that these DA modifications are actually going to bring an improvement and heighten the development and the aesthetics to those developments. So, it's not always necessarily a negative thing when we come in for requests on those, but we are trying to actually enhance developments as well. But if you have any other questions feel free to ask anything you might have.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: If you could -- just a couple of things. Ms. Reynolds mentioned that she hadn't seen calming measures on Bacall or other areas throughout the Paramount Subdivision. If you could mention that or have a response to that. And if number -- the second question that I have as it relates to the -- and it's not related to this particular application that we are discussing right now, but if you could remind me what street -- to what street are you -- are you improving on Chinden. I don't remember if that was Linder to Locust Grove -- I don't -- I don't remember. If you could remind me.

Marsh: Sure. To start off with the street calming pieces -- and I might have to have some help from staff, too. But for the most part we -- there are some pieces in there, just getting the road narrow. Some of the street calming measures that would be nice to have -- I mean they are all within ACHD's jurisdiction to approve those standards and right now I don't believe there is anything -- there is no traffic bumps or those kind of traffic measures. I think if anything it's just basically narrowing the street for -- to slow traffic. I would have to go back to our civil engineer to probably get more specifics on that. But, yeah, that has been something that we have had that -- those discussions with ACHD on.

Bernt: Mr. Mayor, follow up.

Simison: Councilman Bernt.

Bernt: But no ultimate decision has been made, just conversations with ACHD is what you are saying?

Marsh: As far as I know and I apologize that I don't have -- I don't have a ready answer for that.

Bernt: Okay.

Marsh: But, yeah, no, that has been a point of conversation with ACHD.

Bernt: Mr. Mayor, follow up. I think it's just really important those -- those folks over in Paramount -- I know that one of the things that -- one of the -- one of the concerns that they had during the application process when it was approved previous and so I think that they would really appreciate some finality to that as well.

Marsh: Okay. I do believe that Dave is better versed on this.

McKinney: Mayor and Councilman, Dave McKinney. We are improving from Linder on Chinden all the way to Meridian Road in the first phase and, then, the second phase we will tie into where ITD left off at Locust Grove. That's next year. And, then, made some widening to Linder and, then, also we built the entire road that you see -- if you have been out there, you see the -- we call it West Plaza Drive, which runs from Linder and it will be signalized all the way to Fox Run and, then, up to --

Bernt: Mr. Mayor, follow up.

Simison: Councilman Bernt.

Bernt: So, just -- and I appreciate you, Dave, for reminding me. What you are saying is from Linder to Locust Grove or Meridian did you say? It's going to be widened.

McKinney: First phase is Meridian.

Bernt: Okay.

McKinney: Then there is a second phase to Locust Grove.

Bernt: Okay.

McKinney: So, when ITD improved from Eagle Road west, they actually stopped and, then, tapered, okay, and when we improve from Linder to Meridian, we will taper, you know, past Holy Apostles church and so forth and they will tie together, slow break, and, then, in the second phase next year we will complete the actual widening from a taper to widening. Like that was always the plan.

Bernt: Mr. Mayor. I don't remember that. I just -- for some reason.

McKinney: Yeah. It's part of the STAR agreement.

Bernt: Yeah. Yeah. Okay.

Simison: Mr. Clerk, did we have Mandie that was going to speak as part of the applicant team?

Johnson: And, Mandie, with your -- she's with the applicant team -- had her hand raised and wanted to be acknowledged.

Brozo: Yeah. Mandie Brozo. CSHQA. 200 Broad Street. And just the concerns of the traffic slowing on Bacall, we have taken into consideration working with the traffic engineer to slow all the traffic going across West Plaza Shop Drive, not making significant through traffic connections from Linder Road or Chinden to the residential subdivision to the south. Along all of the roads that we are able to we have narrowed and provided slower intersections, bump outs, landscaping around each of them, to kind of make that, you know, consideration to slow people down as they start traveling into the existing subdivision. So, from the developer's standpoint of what we have control of, we have made those considerations to help slow traffic down, not make the thoroughfare, not make it into a continuous connection from the major highways down and do what we can to slow people down before Bacall.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you very much, Ms. Brozo. Just so I can understand one of your comments that you just made, are you saying it's within your control not to complete the connection to the roads to the south on Bacall until the end of your development and what's your intention?

Brozo: Well, those part of the -- I believe the existing construction that they are doing right now along West Plaza Shop Drive structure. They do have -- like I was saying at the intersections, the bulb outs that slow traffic down before they take that turn down onto the residential -- future residential subdivision and, then, extend onto Bacall.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sorry, I'm -- maybe I'm just not quite -- not quite getting it. So, I understood that you are narrowing -- you are doing traffic calming on the parts of the property that you control. Are you able to not make that connection to the south until the end of construction? Is that what you are trying to say? Until all these shops are open or -- or are you going to go out and make that connection, but you feel like you are doing all the traffic calming within your parcel? Just help -- help me understand what you are saying.

Brozo: We are trying to make sure that we don't make a straight run from Linder -- from Chinden all the way through to the South Bacall -- at Bacall. Where we have West Plaza Shop Drive bisecting the lower side of the site from the residential to the commercial, we have our traffic calming measures and, then, as you move down into the residential subdivision we are also including those same traffic measures to slow it down. There you go. As we kind of come through and connect to the existing residential.

Strader: Thank you.

Brozo: You can kind of see from this concept plan -- you can see where Chinden comes down, but we have turned traffic across to the west, so they can't actually get all the way through. So, they can't use that as a straight shot from Chinden down to the residential and we have used kind of a sweeping line to help slow traffic down at all those intersections. We have narrowed them down, like I said, with the pedestrian bulbs, landscaping, and things like that, to help just calm the traffic. As far as what they are doing in Bacall, I was not aware of any kind of agreement for us to, you know, redo their streets. We are -- I'm concerned with kind of our Linder Village portion part plats and what we are controlling with the future residential and the commercial. Did that help answer your question?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think so. I think it just opened up -- perhaps opened up some additional rabbit holes to go down. I guess I would ask staff to -- if it's possible, Mr. Mayor, maybe too follow up -- not having been on the previous city council -- in terms of if there were DA provisions that there were improvements required actually on Bacall. I'm not aware of that. But that might be a good thing to double check.

Brozo: And part of our improvements are part of the final plat that has been improved, so we can show the roadway improvements for West Plaza Shops Drive and what we have done for the calming of the traffic along there.

Simison: Council, any -- does the applicant have any final comments in addition or Council have any questions for the applicant?

Marsh: Thank you.

Simison: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe I will just kick us off on a discussion before we actually close the public hearing. You never know. We run into hot water sometimes closing it. Appreciate the presentation. I'm not like going to lose sleep at night about the change for, you know, the Idaho Central location. I don't think that's totally inconsistent with the intention for this property under our future land use map and everything. I guess I -- I would just caution the applicant DA modifications to this property are clearly a pretty big deal. I think you have heard that from most of City Council at this point and I just think if you could do a little bit of a better job -- maybe if you have future requests to paint a picture for residents to get excited about what's coming and, you know, kind of get them pumped up about it, about what they are going to get here, instead of just the minutiae, I think that's a good thing and I guess just a general comment. I see Brighton's in the room as well, that we are really focused on the pedestrian safety aspect of this and so, you know, I would love for us to double check what -- what requirements need to happen when on these traffic calming pieces and, hopefully, we can just focus on that going forward. I am in support of it. I don't know if anyone else has any comments, but those are just my main concerns. I think people need to, you know, really come prepared and -- and sensitive to the public about this.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Mayor, I tend to agree with Council Member Strader. No -- no heartburn over a well built credit union bank, financial institution in that corner, but I think your point is -- is well heard. Previous councils, previous planning and zoning commissions, previous applicant work, public testimony really resulted in what I thought was a really good plan and so I am always going to be a little skeptical or hesitant to make those changes to the plan. I think I'm supportive of this request. But I like, Council Member Strader, is your encouragement of the applicant to do a little bit better job of engaging the neighbors and the public around what they are doing and demonstrate to them the

benefits, not just for the neighborhood, but for our community as a whole. I think that's good advice.

Simison: Any further comments?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing.

Cavener: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Unless there is further discussion -- I don't sense any. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0034, as presented in the staff report for the hearing date of June 1st, 2021.

Cavener: Second.

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

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you and we look forward to getting that library moving forward real real soon.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**15. Public Hearing for 2021 UDC Text Amendment (ZOA-2021-0002) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.**

- A. Request: UDC Text Amendment for text amendments to update certain sections of the City's Unified Development Code (UDC) pertaining to the Landscape Requirements and Common Open

Space and Site Amenity Requirements in Chapter 3; Multi-family Common Open Space Design Requirements in Chapter 4; and Various other Amendments in Chapters 1-5 and 7.

Simison: Okay. Next item up is a public hearing for 2021 UDC Text Amendment, ZOA-2021-0002. We will open this public hearing with staff comments.

Parsons: One second here, Mayor, as I get things pulled up here for all of you.

Simison: Why don't we go ahead and take a three minute recess while we get things set up real quick.

Parsons: Appreciate that. Thank you.

(Recess: 7:33 p.m. to 7:38 p.m.)

Simison: All right. Council, we will go ahead and come back from recess and as we stated, we opened the public hearing and turn this over to Bill for staff comments.

Parsons: Thank you, Mayor, Members of the Council, pleasure to be here with you this evening. As you recall, I was here last week going over the first round the UDC changes before you and tonight is -- is part two of that. Obviously, with a larger -- more topics to discuss this evening, put it -- put it that way. So, if you have had a chance to look at the public record and the staff report, you can see we are basically tip to tail changing many sections in the UDC with this current round of changes and many of them have been spearheaded with different groups. As you know, I manage the UDC focus group and our planning manager Caleb Hood actually spearheaded the open space and amenity committee, which Council Member Bernt was a member of. So, before I kick off into all of the changes this evening I just wanted to extend my sincere appreciation to all of those that were part of that -- that process. I know it can be very tedious, it takes over many many months. There is always a give and take. There is winners and there is losers and -- but at the end of the day the goal is we all have consensus and we all kind of move forward and agree to champion the changes that are presented to you and ultimately get codified through this body and through all the other -- everybody else's actions. So, hopefully what I'm providing to you this evening does that for everyone that participated in this process. So, as I mentioned to you tonight's presentation will coincide with essentially five exhibits. Exhibit one is something that came forward as part of our code enforcement division. I know Councilman Cavener has a passion -- has a passion for RV parking in our community and so he has continually brought up this topic on multiple occasions, but really exhibit one tonight is really to clean up some definitions in our UDC and -- and also provide -- you know, try to clarify where recreational vehicles can be -- basically any vehicle where it can be parked on the property. Lacy Ooi, who is the code enforcement supervisor, is here to basically go through these changes with you. So, it is a tag team tonight. She is going to do exhibit one and, then, I will carry the torch for the remainder of the changes. But I thought it was important to note that we will let her go ahead and answer any questions you have with these proposed changes and that way

she can get to her evening and, then, we can continue our business with the other exhibits. So, I'm sure the Council's had a chance to look at all these changes. I won't go through all of them line by line with you, but you can see the first page here we are going through some definitions, clarifying -- Lacy can probably let you know some of her experiences with litigation -- litigating some of these cases and so that's where a lot of these changes come from, working with the attorney's office and making sure that we have our definitions right, so that we can enforce our code better. This one's probably -- Councilman Cavener, this is the one that I had mentioned to you. This is where I -- again, I want to extend kudos to Lacy and even the city attorney's office for even trying to tackle this issue, because it's not an easy one to handle. A lot of us have different opinions of what we can do on our property and that's what we are all about. But at the same time we want to make sure what we have in the books is enforceable and it's understandable by -- for people and I think Lacy's done a great job of explaining that and defining that better in our code. And, then, again, this kind of coincides -- and, then, the other coincides with the improvements that you need to have parking in front of your home. So, with that I will turn it over to Lacy and see if she has any context for you and, then, you can ask her any questions with -- regarding these proposed changes.

Ooi: Am I on? Okay. I'm Lacy Ooi and I'm a little more versed this time to come with some information for you guys. So, I'm just going to give you my background as to why the changes, other than appeasing Councilman Cavener.

Cavener: All right. All right. It's going to be one of those meetings.

Ooi: So, bringing this forward just to try to resolve years of discussion that we have had and I think between the Mayor's Office and Council and the Police Department we get this a lot and just trying to come up with something that's reasonable. So, currently on parking standards, any recreational vehicle, including motorhomes, campers, utility trailers and boats are not allowed on the front of a residential property, which includes their driveways. All these vehicle types must be stored behind a solid screened fence. Many people bring these vehicles home before and after a trip and find it difficult to be able to prepare or clean their vehicles given the standards as written. The best option for these citizens is to attach their trailer or boat to a vehicle or park the recreational vehicle on the public roadway, which they are allowed for 72 hours before moving them. In some areas this causes congestion and diminished visibility in the neighborhoods, but is within the parking regulations, therefore, it's allowed. This standard requires a violator to be notified by mail with a reasonable time frame to comply by removing the vehicle from the property or screening it behind a solid six foot fence. The violation is listed with a misdemeanor penalty. Code enforcement is oftentimes placed into a revolving cycle when trying to enforce the standard. We notify the owner, sometimes with a verbal or hang tag warning first, and, then, a written notice of violation, which usually gives a ten day compliance, which is what has been suggested to be reasonable and, then, return to the property to see whether the vehicle is moved from the property. Oftentimes we find the owner waited until the day of the deadline, moved the vehicle onto the roadway and will leave it there for a bit and, then, place it back into their driveway until we respond for a new complaint. Because the violation is corrected each time the vehicle is moved from



the property we are forced to continuously respond each time a new violation is created. Due to the cycle of enforcement our current code does not give us anymore authority than an effective HOA. This parking standard is not equally enforced, as we generally respond to this call type reactive to a complaint. Many newer neighborhoods have CC&Rs that regulate this type of vehicle within their subdivisions. We are oftentimes utilized to enforce the -- the CC&Rs per the request of the HOA or a property management company. When they receive the complaints or complete routine drive throughs in the area, they will give us a list. Older areas without CC&Rs request service less frequently. Therefore, those areas are created a new neighborhood norm where a large percentage of the homes have either one boat, trailer, or recreational on their street yard. When code enforcement responds to older areas it usually creates friction within this -- with the citizen that has had their vehicle on the property for several years and now feel like they are getting picked on. When code enforcement receives a complaint we utilize a philosophy of enforce in, enforce out, attempting to gain compliance for similar violations within the area. Enforcing this code on privately owned residential properties is the most common confrontational response we receive within code enforcement, oftentimes creating a dangerous situation for our officers. Code enforcement, Council and the Mayor's Office have received complaints from citizens regarding this parking standard. They feel like the regulation should be changed, therefore, I'm requesting these amendments to the parking standard as written. When I looked up stats for 2020, we had received 173 separate calls for parking standard violations, which included 200 vehicles in those enforcement calls. With the new code as written it would be a 59 percent decrease. One hundred and two of those calls would become compliant and only 71 would still create calls for service. The other 45 of those violations was simply moving a vehicle from being on the grass or unimproved surface onto their driveway would resolve in the additional 45. With only 53 of those calls for service remaining or vehicles involved in them, included more than one vehicle or in addition to having the vehicle, plus being on an unimproved surface, possibly with a vehicle with registration, inoperative, something that would still be handled under different regulations. So, those standards don't change, we would still be able to change them if there was multiples unregistered or inoperative or unlicensed vehicles in the driveways. We also added the 16,000 pounds, instead of what was previously written would have made them -- anything that was over 12,000 pounds couldn't be on your driveway, which almost a standard 350 is registered at 12,000 pounds. So, this gives us a more reasonable gross vehicle weight rating that would be enforceable as well. I stand for questions.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Lacy, I appreciate your work on this. I just was curious of the amount of calls that your department received, if you were able to track what percentage of them came from a property management company versus an individual citizen.

Ooi: I didn't even try to do that.

Cavener: Okay.

Ooi: It's not easy to pull the data in the current system that we have, so I would have had to look at individual calls, like I did to actually get the information that I gave you.

Cavener: Okay. Thanks.

Simison: Council, further questions on this -- Lacy, are you done with your --

Ooi: Yes.

Simison: -- comments on this area? All right. Then, Bill.

Ooi: Thank you.

Simison: Bill, you can take it from here.

Parsons: Thank you, Mayor. I will transition. So, my goal is -- tonight is, again, go through each one of these exhibits, pause at the end of each one of them and, then, just ask questions for each one of those different sections. That way we don't get everything -- all the record confused as to what we are talking about. It's very clear for us staff to go make changes if necessary. As we talk about these items this evening. So, the next round of changes it would be what I call in exhibit two and these are the changes that primarily came through me and working with the UDC focus group. As you are aware, the UDC focus group is made up with area residents, stakeholders, design professionals, developers, city staff. So, there is -- there is a plethora in expertise that goes into sitting on this and coming up with these proposed changes. Not all of them come -- come to you the way we intend. Some of them get removed and, then, shelved and, then, looked at again, revisited as we come up with better solutions, but for the most part the ones that I brought last week to you were ones on this list, but, again, at your request I expedited those and removed them from this table. So, again, tonight I won't go -- for this particular exhibit I won't go through all of the proposed changes. I'm just curious as to whether or not the Council has anything that's piqued their interest on this list. I'm going to highlight a few of these for you. One, we are going to actually increase the height of the -- of the schools in residential districts. We are seeing that some -- some of these -- sometimes we get taller schools than what our zones allow. So, allowing them to go taller without having to go through a needed application processes seems to be prudent, especially if we have a two story school. Hospitals are going to be allowed -- or a conditional use in the M-E zone. Installation for extension of time extension for installation of landscaping, this is coinciding with our building official and also some of the changes that we have heard from our UDC focus group. What's -- what's happening is -- if you had a chance to look at the Planning and Zoning Commission you have probably seen the discussion on this particular item, but really what's happening is we were having people that need to get in their homes faster than the developer can complete the subdivision improvements and we understand that sometimes things are out of our control. There may not be enough building supplies. There may be a short hand of qualified contractors to do the work and

so timing -- there is always a finesse to getting the timing right for these developments and so we were able to come up with some of this language to allow some residents to get into their home as we continue to work and, then, hold what we call a surety, which is, basically, guaranteed money for those improvements. So, we are just defining that process a little bit better in code as we are moving forward based on some of the feedback that we have heard from the group.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just had a quick question about the surety. It -- you know, things are going gangbusters now, but things could change and maybe the world falls apart and we have a bunch of unimproved things. Is the amount of the surety sized and held in escrow to -- is it sufficient to complete all of the landscape improvements or how is that sized?

Parsons: Yeah. Mayor, Council, great question, Council Woman Strader. So, essentially, the way the code is written is we break up surety into two different types. We have a warranty surety and a performance surety. For planning we deal with performance surety. So, we request the applicant to provide -- there is an application and fee and as part of that process they submit detailed bids for the itemized work. We ask for that to be itemized and, then, we times that by 110 percent. So, we add ten percent on top of those costs to handle that inflation, if you will, if we have to cash it and, then, the developer can either put that up in cash, letter of credit, or bond and, then, we hold that for the duration of the project and do not release that until the project is complete and we go out and do that inspection.

Strader: Mr. Mayor, quick follow up.

Simison: Council Woman Strader.

Strader: And so it's actually a bond, it's not that they are -- proof that they are bondable.

Parsons: Yeah. Mayor, Members of the -- yeah, it's an actual bond that we get verified by our Finance Department.

Strader: Great. Thank you.

Parsons: Next page here I want to bring your attention to our multi-family parking standards. So, you can see here we are increasing or adding some changes to that. So, we are defining how many parking spaces are required for a studio apartment and, then, also defining how many are required for guest spaces and this name -- this number came from -- directly from the city of Boise's code. It seemed to be a good number. I have tested this against some other multi-family developments and it doesn't seem to be too onerous for the group to be able to provide additional parking for guests. Flex space. On this particular one we are actually going to allow loading docks in commercial zones,

provided that they are not visible from a public street. Before they were prohibited and we are starting to see more momentum in our M-E zone, which is our mixed employment zone, which does encourage industrial type uses similar to what Kendall was doing this evening on their property and so we want to be flexible with that and make sure we attract the right business, but we want to make sure whatever you do is still attractive and not an eyesore from the public street. Here is one that was a big deal to Planning and Zoning, was just basically public hearing signs and just basically solidifying our code as to what's required for proof of posting. I would note -- mention to the Council that at one point the city was toying with the concept of us taking over posting a property. After meeting with this group we all agreed that it may be more liability for the city to take that under at this time than just leave it status quo and so we did take that portion of it out of it, but we did strengthen -- the applicant is supposed to provide still a notarized statement and, then, even a map depicting where they are placing the sign, so that we can share with the public that the site has actually been posted per city requirements. Next item -- something new that I have requested to be added and something that you will see probably in the near future is we are currently integrating Project Doc software as part of the planning process and as part of that software package we will have the ability to have the applicant upload revised plans prior to them coming to you, so that we can have a memo or staff report modified or something that says we reviewed the plans before you see it and so what I have tried to do with this particular verbiage in the code here is just give us more time to do that. So, currently we -- we have always had a condition of approval that when we want to revise plans we require that to be to us ten days prior to the public hearing in order for us to look at that and get that in part of the public record. We have noted -- we realized that's not long enough and so we are asking that to be extended. We are codifying it now. It was never codified, it was more of a condition of approval, but now we are codifying that and now if Planning and Zoning Commission recommend changes to you and those are to happen between the Planning and Zoning Commission and City Council hearing, the applicant will have the ability to upload that, it will get uploaded into laserfiche and we will be able to give you that information a lot quicker and the public will be -- can see that faster as part of the public record as well. So, I think that's a pretty nice innovation that we are trying to bring, not only to you, but also our public. We are still working and testing on some of -- testing that -- that software out, but I'm hoping at some point we can share that information with you in the near future. Again, the next one coincides with the TCL process and how that works. Just some more tweaks to define that. And, then, the last item on here is the density formula for a PUD. So, as you all know we don't have density requirements for any other districts -- zoning districts in our code, it's all comp plan driven. So, we saw this as a holdover from that and so we are just taking that out to make sure it coincides with the rest of the code. So, in a nutshell, that's what -- what I had been working on with the UDC focus group and I will stand for any questions you may have regarding this exhibit.

Simison: Thank you, Bill. Council, any questions on this section?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: One thing that jumped out, Bill, was as to the 15 days, you used the word shall, that it shall be continued, as opposed to may. That's both ways, so is that -- do you mean shall or -- if it shows up in 13 days and it's pretty innocuous, not in contention, you are okay with it's prohibited to be heard? I mean this language wouldn't allow us to go forward, even if we were able to and even if the public didn't object and --

Parsons: Yeah. Mayor and Members of the Council, that -- I think that's a valid point. In planning's world we like the word shall, because we want it black and white for all of us. But, again, I almost like the suggestion of may and I think that -- I think the UDC focus group would probably appreciate that, to be honest with you, because they -- that -- that may -- it does -- like you said, maybe it's not a contentious project, maybe there is not -- that we are all on the same page, it's just more of a formality and that we can react quicker to it. So, giving all of us the flexibility to do our jobs I think is a good -- I think it's good to change that and maybe give us that flexibility. That's what we have done in the surety. We have said may. We don't use shall. But if that's the pleasure of the Council I'm more than happy to change that.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If that's the intent. I didn't think you were going to be agreeable as quick on that issue, because I could see the intent that you wanted to have a firm message that don't be late, don't get your -- your amendments to staff and, then, to the public so they can't be analyzed in detail prior to the hearing. So, I get the intent of the shall. Giving you discretion to say may still might work, but --

Simison: Council, if I could put out something to get your legal mind around something. If you look at the first part of that sentence, though, if revised plans are required. So, are required and may, does that really seem to align typically -- and I mean if provided plans are considered by the director, the applicant may provide those. I mean --

Borton: Mr. Mayor?

Simison: Just trying to get my head around -- when you say are required, I'm wondering why are they -- I'm asking the question kind of more to like why are they required? What is -- what is contemplated the requirements in the first place as -- and, then, we may or may not hold you to a date, whether or not we think it may or may not be contentious or not, so that's what I was really trying to look at.

Borton: So, to be clear, it's the last shall that I'm talking about.

Simison: I know it is, but I'm asking in conjunction with the first are required. You know, that's where I'm kind of going to. Why are we requiring them in the first place? That's the question I don't know. That's --

Borton: Mr. Mayor, I would think as Planning and Zoning said, this looks great, except you want some modifications in the plat and the applicant says sweet and we will do it and we will get it to staff in time for the Council meeting and you want to take a look at it. I mean that scenario happens at times.

Simison: Is that a requirement or is that you kind of want it?

Parsons: Yeah. Mayor -- Mayor, Members of the Council, I think -- I think a good example was even last week where we wanted changes and we didn't get them and the applicant still has a right to come forward with the plan that they want to show. I mean that's the -- that's the reality that we live in sometimes, you know. Is that -- is that the right process? From staff's perspective, no. We want to come and bring you -- we want to make sure our conditions are adhered to and we get revised changes. I mean a lot of times we might say lose lots, because you have too many on a common lot or the Commission -- or we want more consolidated open space or we want you to add an amenity and we want you to see that. We want you to see that what we have asked for and what the Commission's asked for have been -- been satisfied and so we don't try to monkey up that record as we transition between the Commission and the Council.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think that question that the Mayor brought up is the word required, not to get too deep on it, but if those types of changes aren't technically required they are requested or recommended --

Parsons: That's a good point, too.

Borton: Does that hit on what you are getting at?

Simison: Yeah. I mean if we are requiring -- I'm trying to tie the two concepts together in what is really being done here. If it's that important that we say you have to do it, I think we should tell them when they have to do it by, as compared to saying you have to do it, but when you do it we are up to interpretation on when you really should do it.

Borton: Mr. Mayor, I think -- I think it all stays the same. If you have to do it you shall do it 15 days prior period. Now, if you fail it's the last shall becomes may. Now, if you fail to do so, you may be continued -- you might not.

Simison: I think that works. That gets to the intention.

Borton: Yeah. That's the last shall in the last sentence is -- would become may, but everything else stays. So, the mandatory requirement to do what's requested doesn't change.

Parsons: Yeah. Mayor, Members of the Council, I think that -- again, that goes back to some of the -- and I can give you that context of that discussion with the group is that's some of their reservation of codifying this is because it may not always be required or, you know, it -- so, to them they don't want to slow -- the developer doesn't want to slow down the process. They want their -- their time in front of the Commission and they want their time in front of City Council and as you know time is money. But, again, our -- we are tasked with doing the job right and bringing you good projects and so that's why, again, I added this as a change. If, again, we could add -- you can change shall to may, I'm very comfortable with that. I think it gets -- still keeps to the intent as part of this condition or you also have the ability to strike it all together, because we don't have it codified. Again, it was -- it was kind of my -- my way of trying to appease my team that has to work on this and make the -- make sure they keep track of all the work that comes in the door and gets -- and give them adequate time to do their job is kind of where I'm coming from as their supervisor.

Nary: So, Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, Council Member Borton, so when they aren't happy with Bill's answer, then, they usually call me and so I think what staff is wanting is what is your desired direction from the staff. I mean this can go all the way to the point of the staff will recommend denial, because they will not make the change that staff feels is important to the code or to the project, to we won't recommend -- we won't recommend approval, but, again, you can move it forward and the common thing we tend to hear is, you know, between Council and Commission could be approximately five weeks. I have to go back to my architect, redraw this plat, that all cost money, when I'm going to come to this Council to argue that I want the original plat. So, now I have to go spend money on something else, because the Commission made a recommendation that you are able to -- to reject. So, I think that's the balance we are looking for is there are certain things, obviously, in code that are required and that clearly we cannot even accept the application if it's not done that way. There are other things that staff and the applicant work together to try to get a good product in front of the Commission and the Council and there usually are one or two occasional sticking points on amenities, location, building location, sizes, directions that there may be some sticking points and they may have from the -- from the applicant's perspective sound, legal, business reasons why they want it the way they want it and they disagree with staff's perspective or the Commission's perspective. So, that's where the question of required I think really is critical to the staff's review. If the -- if -- if the staff says we want a tot lot, instead of climbing rocks, is that required or is that recommended? If the staff says we want a roadway versus a private lane, that may be required in code or maybe our interpretation of code. So, I think that's the direction we are seeking and if I'm speaking out of line, Bill, please correct me, but I think that's sometimes where the rub comes. It's more of the -- the details towards the end of the project. We have worked out a lot of these things and, then, you get to -- I want to have this, not that. I don't want that at all ever. You know, those are the ones that -- again, is that -- and, again, the common -- the common request I get from their attorneys are that

costs me money and we are going to be standing there arguing we don't want this, so why am I going to pay for it. Now, if the Council makes me do it, yeah, we will go draw it, because that's the way it works. But until the Council says we got to do it, I don't want to spend the additional dollars in time, because maybe I can't get it done in now two and a half weeks, so I can get it to city in 15 days or I will get continued or it might get continued. Those are the rubs that I -- that I end up having to deal with, so -- and, then, talk with Bill and say what can we do here to make this work?

Simison: Well, Mr. Nary -- and when I read the -- add a new provision that specifies when revised plans are due to staff review, you know, to me the -- it almost seems not in alignment with the proposed language, because, really, the -- does it matter who it comes from when, other than we just want to have time to look at it under any circumstance? Is that the -- Bill, what we are really trying to get to, is any new plans you want them within a certain time frame, no matter what, no matter why, whether it's because the applicant wants to change it or someone else asked for a change. Is that the crux of the issue? That's what I read it in the third column, as compared to the --

Parsons: Yeah. Mayor, Members of the Council, that -- that's the problem I'm trying to solve here with this code change is -- you are right, it's -- it can be all three. It could be what staff wants, what the Commission wants.

Simison: What the applicant wants.

Parsons: What the applicant wants. Sure. They could say -- you know, they -- oftentimes with my experience I have seen it where they might not have done exactly what the Commission wanted or staff, but they have tried to do something that met the intent and, then, we are like, okay, let's -- let's analyze it. Okay. We can get on board with that. Not exactly what they asked for, but it still works if you get us closer to what we were asking for and we compromise that way, too. So, I see your point here as far as the shalls. But, again, if it doesn't have to be codified, we don't need to include it, we can strike it, but I liked the idea of Mr. Nary's suggestion of give me some direction on what -- how you want us to communicate to the applicant. What's your expectation if staff or the Planning and Zoning Commission recommend changes to the plans, what's -- what is your expectation that they get those to us, so that we can get you the right information, not only for us to do our job, but also for the public. They want to see it, too. And I know you guys hear it all the time. They want to know those plans. They want to see the revised plans. We get it all the time.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think the word that was used is intent and in my -- in my opinion I believe -- I believe that the intent is always -- you know, there is always good intent for sure and I get sometimes the applicant makes some -- you know, sometimes I would say that -- that, you know, the applicant actually listens to the -- you know, the residents and they make



last minute deals and it may not be their -- maybe vice-versa and maybe the residents don't quite -- you know, didn't have a chance to see the revisions and the next day is the scheduled public hearing and so I totally get it -- I totally get it, but I think it's important that everyone has a fair chance to review the document. I think that that's really important, whether it's -- whether it's us or whether it's the -- the -- you know, the homeowners who have concerns or not or -- and so I don't want -- the word shall maybe -- that's pretty directive and maybe highly recommended. I don't know exactly what word we can use, but I think that it makes sense for the process. I think -- and it -- at the end of the day I get that there is a -- there is -- money is time and I totally understand. I get it. But at the same time I think it's really important that we get it right. That's the most important thing is we get it right and, thankfully, at the city, you know, we -- we have great, you know, development partners who, you know, this doesn't happen a lot, but when it does it seems to be a little bit of an issue. But, again, I don't want to make it sound like there is bad intent. I don't think -- I have never -- it's -- I can't think of a time I have ever thought to myself, ah, tricky. I don't -- I don't think I have ever -- I remember a time that it's ever happened. I think the intent is great, I just think that sometimes we get busy and the process gets a little rushed.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think if we change the second shall to may, I think it does give a lot more flexibility; right? So, first it was required, which is a strong word. This assumes it was required and, then, if someone wants to move forward, then, they are rolling the dice and they may be continued and that's an outcome that could happen if they don't, you know, provide it in advance and I feel like that gives -- I hope that would give staff a lot of flexibility, but at least, then, it -- there is a clear expectation set and they can communicate clearly. If it's required, then, that, hopefully, would set the right expectation at that point.

Simison: It's -- I believe, if I was rewriting this, I would say revised plan shall be provided X amount of days prior to the scheduled hearing for review. If plans are not received within the established time frame the project may be continued. I mean that's really the crux of what we are trying to get to. The question would be what is the time frame? Fifteen days? Ten days? I think you could not be as strict in the wording to get to what we want to accomplish and I would be fine with ten days, but why -- why 15? Why ten? I don't know. I don't do the work. Will you take that feedback, Bill. May.

Bernt: Mr. Mayor?

Parsons: Mayor, Council, I think I -- I heard you loud and clear. I almost like your language, too, Mayor, so, yes, I can certainly get that changed if that's the direction of the Council. Ready to move on I take it? All right. So, exhibit number three has to do with some changes to our landscape ordinance, which is 11-3, Chapter 11. Or excuse me. Title 11, Chapter 3, Article B. This is not quite a rewrite, but just basically going through the ordinance and cleaning it up and trying to define that we really want to start having

enhanced street buffers along arterial roadways -- more than just arterials, but along our street buffers. Mostly collectors and arterials. So, you will see a lot of ~~strikeout~~, underlined changes. For all of you that haven't gone through this process before, ~~underlying~~ means it's new text. A ~~strikeout~~ is the old text being removed and replaced with new potentially. But what I really wanted to point to your attention was really the -- probably the biggest change that came about to this -- there were some modifications from Planning and Zoning Commission to this body and that has to do with my work and, really, Brian McClure's work with the city arborist to try to nail down some appropriate tree species for our community. All of you probably know Matt Perkins, he's passionate about urban forestry and he will be coming before you on an urban forestry plan moving forward. But that's where a lot of this -- this -- again, this got sent out to a lot of different experts, design professionals to provide commentary on it, more than what my expertise is. All I do is try to enforce it and understand what we want to achieve here. But what we have added here since the Planning and Zoning Commission -- here is all of these tree species and I'm not going to pretend to know -- I know how to pronounce all of them, but you can see there is quite a few here. So, there is only -- these are some preferred species for the city and, then, there is also preferred -- a lot of you may not know that we do have waterwise conserve -- conservation in our landscape buffers, too, and so he has gone in and struck out all of the previous trees and he's given us another new updated list to include as part of this effort. And, again, I have to commend him for getting that to me and getting this added. Quite a few trees here that we can -- can utilize as part of this -- the waterwise concepts. And, then, that kind of coincides with some of this verbiage -- ties back into kind of his revised list and, then, we also have a -- what we call a Treasure Valley tree selection guide. That's found on our website and that has all of the various tree species that do well in this region as well. Kind of explains the characteristics of those trees. And, then, I also want to get down to the other crux of at least the meat of this discussion tonight is really landscape buffers and just trying to enhance how those look along the street buffers. So, Matt -- I -- I have to really commend again, Brian, he did a lot of this and wrote a lot of these standards, I'm just kind of carrying the torch for him this evening. But he went ahead and proposed a lot of changes to clarify that a street buffer along a road is more than trees and lawn, it needs to be enhanced, it needs to have boulders, perma bark, a mixture of shrubs, ornamental grasses, you know, just a variety of plant materials to really look enhanced and attractive and this also coincides with some of the changes that I will be discussing with you in the open space standards. It sends you back to this section of code and that's why we -- we dove in on this and made those changes to coincide with the open space changes and so what Brian has done, he's kind of defined what this -- to look at and how much limited lawn you are supposed to have as part of that buffer, but as part of this effort he also provided us some nice figures. So, essentially, all of this new text that you see here coincides with these figures in the code to show a developer or an applicant how they can achieve an attractive buffer along the street and, again, when we get to the open space standard you will see where buffers count towards that open space. That has not changed and that is current -- it is currently in code that we allow those to count.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Is this the right section to talk about the fee in lieu concept or --

Parsons: I'm going to get there, too. We are transitioning to that one. But I wanted to do -- I think that's a discussion that I do want to have with Council this evening. And, then, again, we are just chatting -- a lot of this is existing code and just, again, improving on verbiage and removing old language. So, again, not a lot to really discuss here as far as code changes with you, just more clean-ups. But here is one where, you know, we are always in front of you asking about land -- land use buffers when we have residential up against commercial -- or commercial up against residential and the applicant has the ability to ask for a waiver. Well, the way that code is currently written it says trees touch at maturity. Well, on this particular change we want the trees to touch at five years. So, that's -- that -- what that means is you are going to have more trees in that buffer for a denser buffer. So, a lot of the landscape plans that you see before you on the screen are showing that maturity -- landscape plan showing at maturity. So, this is something that will be within your purview as we come forward with, you know, if the applicant wants a reduced buffer that's something we will have to take into consideration, whether the buffer is large enough to accommodate additional trees. Is it -- is it wide enough. Is there enough area to plant trees in that area. So, something to take into consideration this evening -- consideration this evening. And, then, going back to Council Woman Strader's discussion leading into the in lieu fee, so I know this body is very aware of -- and this came up at Planning and Zoning Commission, too, is we are starting to see a lot of farm ground getting eaten up and a lot of these farmers have beautiful mature trees on their property and usually when you have a large development over multiple acres it's pretty easy to mitigate existing trees, but when you start getting these in-fill properties, it's getting more and more difficult and the most recent one I can think of is Lupine Cove, which is a five acre development off of McDermott Road, which had over 1,300 -- or almost, excuse me, 1,900 caliper inches to mitigate. A five acre development cannot accommodate that many trees on it with 30 homes on it and so we are trying to work with the Parks Department to come up with other ways to mitigate trees. You guys are always part of the budget process. We always got enhancements to our parks, always changing out trees in downtown. Matt Perkins and myself actually reached out to the city of Boise to try to understand their system. They do the same thing here. So, for the most part our code does align with a lot of the different jurisdictions in the community. What we don't currently have in place is this fee in lieu and, essentially, the way it works in the city of Boise is they basically charge you 200 dollars per caliper inch you are going to mitigate and, then, basically tree bank that and use it to enhance their parks or add trees elsewhere throughout their community. I was hoping to have some of that further vetted for you this evening, but I didn't feel it was important to take this out yet. I think this is -- again, I don't want to spend a lot of discussion on this tonight, because I think it really should be -- this is something that I think parks should probably champion for you more than the planning department, although it's in our code. The city of Boise's fees is in a completely different section of their code than even their zoning ordinance. But I told Matt that I would have somewhat of a -- I would have a discussion with you this evening and just take the temperature of the Council and see if that's something they even want to

entertain moving forward. Is that something that you want planning staff and parks department to work on and bring back something as part of the fee schedule in the future. As you know, our fee schedule is coming up in front of you here soon with the budget. We want to make sure our food -- our fees are in alignment with our services, but, really, these -- these are a lot of the -- the meat of the changes tonight is really the street buffers for this -- this particular exhibit it's the street buffer changes and, then, how we mitigate trees elsewhere in the city. So, with that I will just conclude my remarks and stand for any questions on this particular exhibit.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, with the fee -- it's an interesting idea. I guess one of the things I was thinking about -- it seems like it's worth exploring. I guess part of the challenge is it may not be as simple as just replacing something; right? So, I have been getting for some reason a lot of calls lately about trees and -- all the tree folks are talking together and giving me calls. But there have been, you know, some cases where there is a special species of bird in a certain tree, there are also just really old trees that provide a lot of shade, a lot of carbon sequestration -- I mean there is a lot of different benefits that come from trees. So, I guess I was curious about this concept as kind of like our method of alternative compliance. Like if there was a level of discretion where staff could say, okay, maybe the arborist or parks says it's really not practical in this case to preserve certain trees, then, they could approve it as a method of alternative compliance. That made more sense to me than -- the way it was written here it made it seem like automatically someone could just pay and there could be additional reasons or considerations with certain trees. I guess I didn't see a level of discretion here, so I guess I would ask you to sort of react to that concern.

Parsons: Mayor, Members of the Council, I think that that's a lot of the discussions we had. You hit it spot on. We have in the past used the arborist's discretion to allow trees elsewhere, but in the past we have had a lot of parks coming online, like Kleiner, which could use a lot of trees. We have had Reta Huskey Park. We have had Keith Bird Park. I mean a lot of these -- Heroes Park got expanded and added trees. So, we have had the opportunity -- opportunity to do that and, you're right, that is the mechanism that we could use right now is alternative compliance to do that and that's where I want to -- that's where I'm at tonight, where I'm not comfortable with saying we should be charging a fee for this until we fully -- fully understand what that is and continue to use that alternative compliance method where maybe the applicant can work with the -- that's why I think it's important that the Parks Department bring forward that plan to you and share what their vision -- vision they have for their urban -- urban forestry guide or whatever, I forget what Matt used for the terminology. They are just sharing their vision for the department and what they plan on doing in the future and kind of marrying up this process with what they plan on doing in the future and settings some of these trees elsewhere in the city. I think there is a lot -- a lot of value to do that, to be honest with you. So, again, if the Council would like to explore this more -- we certainly don't have to approve something like this

this evening, we can -- we can strike it or we can keep it in as a placeholder until we do define something and just know that we are not going to enforce it until we actually have something in place to do so.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I -- you know, the -- the only other place I can think of that has a fee in lieu is the downtown parking and, of course, that's tied directly to a parking facility being built, so that was the intent of that and that's pretty common. So, I -- I know Mr. Baird from my department was the parks attorney in Boise a while back and I don't know if he had a part of that, but there is no harm in putting it into place, because until we actually establish a fee we can't collect it. So, I think there is some research that needs to be done on how these are establishing and what do you base them on and -- and is the Council comfortable with -- with saying, well, instead of you having to put -- replace a tree on your property, you are going to replace a tree somewhere else or where ever we decide that to be and so I think we are -- I will need to do a little bit more research into that, but, again, I don't have a concern if you want to put it in, so it's aware that that's out there, because until we pass a fee we are not going to do it anyway.

Simison: Just two cents to throw into this, is kind of like impact fees that you pay for parks are part of your tree replacement program on any property you do. I understand trees may be viewed a little differently, but what about a farmland mitigation in lieu of fee? Where are you going to replace the farmland that you are doing. You can take this to whatever level you want from that standpoint. So, personally, I don't know I'm a fan of this and I would not put something in our code unless we are going to do a fee, because I think it -- I don't know what message it sends just by leaving it out there. So, I would at least ask for greater consideration before we just add it without a plan or purpose or a thought. And while we are on this section, since we added a bunch of trees, I saw one -- can we take out the Ohio Buckeye tree from our list? Just throwing it out there. I don't know if we really need that one. Sorry, Chris.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Think it would be okay with leaving it in just for further discussion, but there is a lot here that we need to discuss. Maybe some -- some of our development partners have some thoughts about this and some residents I know, some -- some folks that were on the open space committee that are here as well, maybe they have some thoughts on it as well. Be more than happy to listen to what they have to say.

Parsons: Mayor and Council, I will go ahead and proceed and that way we will -- maybe we will circle back at the end of the discussion, if you wouldn't mind. Any other questions on this section? All right. Now, we are going into some of the rewrite of our open space.

Yeah. There is a lot of meat here, if you want to use that -- coin that phrase there, but I think this commission -- this body, the Council, realize -- understands that in the last five years we have been trying to do something with open space standards. I have brought numerous proposals to you. We have made some minor tweaks, but this time, after the adoption of the -- the plan we -- we heard from the residents and we heard from you that we need to look at our open space standards. I wanted to let the -- the Council know that Council Woman Strader reached out to me with an e-mail today, asked me to kind of vet these -- some of these open space standards and asked me if I would look and share with you some of the developments that are out there that would meet these standards and, then, look at other jurisdictions throughout the valley to give you that insight as to what they are requiring for open space. So, what I'm going to do is probably just go through a lot of these changes with you and, then, share that -- that feedback and that information with you. I won't probably share a lot the developments in the community with you. I think we have experts here that do this for a living that can probably testify on -- from the public comment that I received in particular to this change, they have some discussions with you tonight on this topic, this particular exhibit, so I will let them go ahead and give their perspective of whether or not the proposed changes are achievable or meet the vision of the plan. But what I can tell you is there is -- there is a lot of time and effort that went into this and hopefully you guys -- again, I concur with some of the proposed changes tonight. So, really, we wanted to align our open space and site amenities with our Comprehensive Plan, which we have done here, trying to align that a little bit more based on the vision from the feedback that we heard and what we are trying to do here is really just increase the quality and the quantity of available space and the amenities. We want to give the developer flexible, but we want to make sure that we give them enough tools to do that and, hopefully, some of the testimony here tonight you will see that. We have done that or at least got to that goal. A lot of -- the other particulars -- difference between this change and the next exhibit, what we have tried to do here is I have actually -- we have actually split out the multi-family standards from this section of code and better defined it in their own section of code. So, we have tried to bi -- bifurcate those two standards, so it's clear. This is really for residential and, then, the specific use standards for multi-family had their own open space requirements. So, you can -- you know, the current code is to ten percent. A few years ago we did come forward with a proposed code change that when you had 16,000 square foot lots in your development you only had to provide five percent, that is staying on the books. Probably the biggest change tonight is really this table that's before you and how we are going to require open space based on the zone that you request for development. Now there have been some slight tweaks to this from Planning and Zoning Commission to you this evening. I realized after the Planning and Zoning Commission that we did not have any TN&R or TN&C zoning addressed in this matrix, so that was added to the 15 percent criteria. So, here in the R-2 zone we are going to require that if we have an R-2 development, ten percent and, then, as you increase in the zone in the density, the idea is you get more open space as you increase the density. That's really the premise of -- of the change here tonight. All of us had difference of opinion on the committee as to what that number should be, but, again, these are the changes that are before you tonight and I know some of the applicants in attendance tonight -- or not the applicants, but some of the public testimony today will be asking you to probably modify some of these open space numbers here.

One thing that was brought up is what if you have multiple zones in a development and that -- you can have that. We often see R-4 and R-8 developments and so, basically, we are going to take that aggregate and, then, divided by the number and get a baseline, just like an average between the two and come up with a number. Here is how we kind of justified some of the open space standards and how the applicant should demonstrate -- a lot of this verbiage that you see in section two here is really incumbent upon that applicant to tell us that in their narrative. I'm going to tell you some of these -- these standards are subjective. They are left up to interpretation, not only between us, staff and the applicant -- and we spent quite a bit of time discussing that as part of that open space committee and we felt that -- we were all in consensus that the applicants can do a better job of telling us how this open space is supposed to be utilized and how they -- what demographic they are trying to serve. I think -- from my standpoint I think that helps us as staff to clearly communicate what the development is trying to achieve, not only share that with the P&Z Commission, the Council, but also the public, so they know how we derive to our recommendation to both of you, both the Commission and the City Council. The one -- the one item -- the one thing that I do appreciate about the changes tonight is defining how -- you know, some of these proposed changes are better served by showing you it in a graphic than showing you in text and I know some of the representatives here tonight want to talk about some of these changes with you, particularly this one in front of you where we have 50 percent -- 50 percent of the homes fronting on the open space. That was quite a bit of a topic of discussion not only at P&Z, but also during the committee meetings. A lot of the development community felt like that was -- the 50 percent was a little high and so we did receive public testimony and there will be a presentation tonight where the development community is actually asking you to lower that to 30 percent. In some cases go down to 20 percent if there is an intersecting pathway and it's -- it's important to note that some of these photos that are in this -- this text amendment or these texts -- or at least in this part of the exhibit, they are actually from actual developments in Meridian. This one here is in Hill Century Farm, if I'm not mistaken, the one on the left, and the other one is part of Paramount Director where all the homes are fronting on open space. So, again, just defining what you can count as -- as open space and, again, more graphics to go -- kind of coincide with what that verbiage means, which I think is good. Everyone -- a picture says a thousand words; right? Here is where we come back to the buffer width and how some of that would be enhanced going back to what we have talked about in the previous exhibit and how you would make -- you know, if you do those certain things you get to count one hundred percent of it.

Simison: Bill, if we can go back to that -- or just -- why does it matter front -- fronting or backing on the house? Can you explain the rationale, why there is a -- why is that a differentiator?

Parsons: Well, if you look at -- if we can go up, there is a couple different reasons for it. One is we want to make sure -- it really comes down to having your eyes on open space and that can be handled in many different ways. You could have the fronts of the units on the open space, you can have open fencing on the back of the open space. What we want to do is not wall it off and you got to have it open from the street. I think that's really the -- what the goal is, but for whatever reason I think the idea is just to have people's

eyes on it, create that sense of neighborhood community when you have people orienting the front doors on open space, it just seems to be more inviting. But there is -- there is multiple reasons why we do it, but for whatever reason this particular 50 percent, the consultant that we worked with proposed that number, found some examples. I can tell you we spent quite a bit of time discussing it. A few of the committee members actually wanted to remove it, because they weren't quite sure what that meant. But, again, I -- I have seen some of the language has been proposed by the applicants -- or not -- excuse me -- not the applicants, but some of the committee members as part of the public record and I tend to agree with them. I like the idea of -- maybe 50 percent isn't the right number, maybe 25 percent is, as long as you have an intersecting pathway. I don't know if that answered your question, Mayor, but the intent is really to keep eyes open on it and just make it more inviting.

Simison: Yeah.

Parsons: Make it to the street.

Simison: I see it on one hand, but I'm like -- if it was my house -- we spend all of our time in our backyard. We never spend time in our front yard, so our eyes would never ever be on that space. Now, maybe it would be different if it was in front. I don't know. But that's kind of what -- what is the defining factor, other than a design choice, because that's what it really seems to be is a design choice, as compared to be a practical standpoint. That's -- you know, we -- you know. Anyways. Okay. Just wanted to see what the rationale was and I'm hearing just because someone recommended a number to us.

Parsons: And my record -- yeah. In my experience with it is typically it is alley load; right? You would have an alley -- you don't really have a front yard, so you -- you have compact housing, so you want this grand open space for people to front on and use it, because they don't have a lot of yard when you have alley loaded homes. Okay. Thank you.

Parsons: But I will let -- again, I will let some of the public testimony share their ideas and what they want changed there as part of those. And if I remember -- I recall a few years ago actually came forward with a fencing standard change to where we would -- in certain cases we wouldn't even allow fencing or require fencing if that was the case. It would be homes clustered around open space and just made it feel like it was part of a -- more of a cluster development and open space, rather than individual yards, but, again, like you said, Mayor, that's -- that's personal preference. Again a lot of these are just more taking certain sections out of the code and just clarifying them and others, so not -- not a lot of changes here. Here is one that -- particularly waterways that are part of an open space. I think you guys have seen this on a number of occasions where it can't count more than 25 percent, you got to have it in conjunction with an amenity so that it counts. Again, you can see an example of that. And, then, really another modification or at least a big change to this section of code is the site amenities. I think it's pretty amazing how -- how much we have expanded that list and now we are kind of -- we are -- we are actually proposing before you this evening to do that as part of a point system. So, now the developer -- or anyone wanting to develop their land can either come in with one grand



amenity or multiple amenities, it just depends on what they want to present to you as part of their -- their development. It's almost like a menu. You get to pick and choose what you want as part of your development. Again, this was something that was -- was highly talked about and rightfully so. It's -- when you look at this list of amenities here you can see here each one of them have a point value, but who is to say one is more valuable than the other. One could be an important point to somebody else. Somebody may love having a clubhouse and somebody may find a multi-use pathway more beneficial to the community. Again, this -- this point system was something we discussed at length and I don't know if it's the right number or not, but, again, this is where we have landed based on some of the feedback that we got. But you can see we have extensively extended this list and I have actually took some of these amenities and applied them to the multi-family standards as well to give some greater flexibility to those as well. But I wanted to pause there and -- and, then, again, I will kind of -- this section of quality of life amenity standards, this is basically looking at all of those and, then, further defining how those are supposed to be developed on the property. The standards, if you will, that coincide with those particular amenities. We wanted to make sure whatever we were -- if we were going to give you a point for it, we wanted to make sure that there were specifics on how they were supposed to be developed on the property and we don't currently have that in code. So, it's nice to add that and define that a little bit better in the code. But with that that really concludes the proposed changes here and I will stand for any questions. Oh. Actually, I wanted to touch bases back with what I said in my opening remarks about other municipalities and what they are doing. So, if you recall -- I will go back up to that exhibit here. Now, in Meridian this is what we are doing. This is pretty common. I have seen this in other codes in the valley. So, Boise, if you do a standard subdivision, there is no open space requirements. If you do a PUD you are providing ten percent. Eagle, 18 percent and 15 percent of that has to be active open space. And Kuna no standard open space for standard subdivisions. PUDs ten percent. And, then, lastly, I had a chance to look at Nampa, nothing for a standard sub. It talks about open space, but it doesn't have a number. But in Nampa if you do a PUD minimum 15 percent.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. Bill, just to reiterate, can you share with us again -- I heard 18 percent for Eagle, with 15 percent active?

Parsons: Yeah. Shall be active.

Cavener: Mr. Mayor. What is -- sorry, Mr. Mayor.

Simison: Councilman Cavener.

Cavener: What's active open space?

Parsons: Mayor, Members of the Council, I -- that's their definition. I don't enforce their code, but I'm sure there is probably a definition in their code that defines what that is. Again, we have other experts in the -- in the audience that do business in other municipalities and maybe they can give you insight what that means.

Simison: Must include running water.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: This kind of fits not only the single family, but the multi-family, I guess. I wanted to understand the rationale and kind of what the work was that came out of the open space committee. So, it looks like with the zoning, as you go up in zoning, which makes sense. It's more likely you are going to have density. You are going to go up, you know, from ten percent. These folks have yards. Bigger yards now you are -- you are requiring more open space. What was the rationale behind setting the cap on the multi-family at 15 percent in light of the R-15 at 15 percent?

Parsons: Yeah. Mayor, Members of the Council, Council Woman Strader, I -- I can hold off on that question until we get to that section and share that with you if you want to dive into that, but I think the crux of it is is when we -- we sat down with the open space committee and we were toying with changing -- taking the two standards and we wanted consistency and that's really what it comes down to. What I did is -- when we met with -- we had a sideline -- we had some meetings after the UDC focus group with a handful of committee members that volunteered to meet with us to talk about open space for multi-family and they were concerned that the multi-family developments were requiring more open space than this section of code and so when we met with them, they had spreadsheets and we talked about what the intent behind -- again, going back to that -- the intent of the code was and we were realizing that although we were saying 15 percent open space in residential, in multi-family we were requiring ten percent, plus we were requiring more common open space based on the square footage of the unit and in most cases it was going -- it was in excess of 15 percent and so what we agreed to as committee members, what we agreed to saying that you could have more than 15 percent, but the intent would be the minimum is 15 percent if you hit all of that other criteria and I will expand on that, because that was something that was discussed at the Planning and Zoning Commission and they didn't quite like my verbiage, so I went and tweaked that for tonight's discussion to clarify that point a little bit more for you. That's why I said if we can hold off until we get to that exhibit five, provide that clarification for you. And, then, as far as your question about developments that are meeting these standards currently, one that I can think of is TM Apartments, TM Creek Apartments over there off of Ten Mile and Franklin. I did -- we did that phase two project and I believe they had in excess of 22 percent open space, if I crunched the number. Under the code that I'm proposing this evening it would be max -- minimum 15 percent or they may exceed that if they chose to. In this case I would imagine they are going to choose to do that, because they are -- they are able to.

Strader: Mr. Mayor?

Simison: Yes, Council Woman Strader.

Strader: Thank you. That's really helpful and I know we are -- we are having conversations kind of open and we will see where it goes. I guess part of what I was trying to ask with my request related comparable analysis with other cities is to sort of understand what other communities are doing and I think it's great to know what the other communities here in the Treasure Valley are doing. I also think it might be interesting to pick one or two, you know, kind of who do we want to be when we grow up examples and -- that might be hard to find agreement on, but maybe to just get some examples nationally as well of what's worked for people. Like I would be curious, like Boulder or a place like that, kind of what their standards are. But, yeah, I went back and looked through a couple of examples myself and I have seen a lot of really fantastic developments that have well exceeded the 15 percent and so just wanted a flavor for why we -- how we pegged that 15 percent as kind of our high watermark. Have a little bit of a flavor for that now. I'm sure we will hear some public testimony and, then, just wanted to understand following the UDC focus group and in the UDC focus group what was the engagement with -- not just the development community, but the community as a whole, whether it's, you know, groups of interested neighbors or folks that commented on the Comprehensive Plan, what kind of opportunities have there been for public input.

Parsons: Yeah. Mayor, Members of the Council, I can't speak to that. I didn't really spearhead the open space committee section, but I know they were invited -- I don't -- I know Sally was part of that committee and hopefully she shared that with -- with everyone out there, so they were getting an understanding of where we were going from the standpoint of open space and site amenities, because, again, we did hear -- we did hear everyone loud and clear, but did we do a formal rollout and have town hall meetings to discuss all of that? No. But what we did do is we did send out an open space survey and we took those results and kind of landed on that and build from there and that's how we got to where we are tonight.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Is it -- it doesn't have to be right this moment, but I think it would be great if we could take the results from the survey and kind of ground back how we think that's meeting what we have heard at some point. It doesn't have to necessarily be this exact meeting or this moment, but I do think it would be really important to try to connect back, okay, this is what we heard, this is how we think we are meeting what we heard and sort of show that direct connection between the feedback from the community and how we are trying to meet that concern.

Simison: Bill, just a question. The R-8, R-15 are both at 15 percent. I'm sure this came up as why not 15, 12, ten and eight, for example, instead of both the 15?

Parsons: Mayor and Council, I wish I had an answer for you, Mayor, on how. I -- I didn't -- I wasn't able to attend all of the open space committee meetings, so I'm not sure that that was one that I wasn't able to attend. Maybe Councilman Bernt can give you some context on that. I know at one point when we started out we were actually five, eight, 12, 15 and next you know I showed up at the meeting and it was changed. So, I think there was just more consensus that we should still stay with ten percent and, then, work our way up from there and that's where the group landed on it, to be honest with you. Anymore on this topic? Any questions? All right. Perfect. And I will transition to the last exhibit of the evening and, then, we will open it up for public testimony here. So as I mentioned to you previously, this has been separated out now. Before what was happening -- if we had a multi-family development in the commercial districts, we weren't applying UDC 11-3G-3 standards to multi-family, because it wasn't in an R zone, but if we had a multi-family development in an R zone, we were double dipping, we were actually making the applicant comply with 3G standards and complying with the common open space standards in 11-4-3-27. So, we realized we needed to get that clarified. So, what we did is -- as I mentioned to you, we have basically bifurcated these two and -- and made it clear in the common open space that multi-family is subject to its own open space regulations. So, again, tying back -- again, for consistency, we have tried to tie in the purpose statement back to the Comprehensive Plan, which is, again, identical language to what we had in exhibit four and, then, remembering everything and, then, really, the -- the gist of the changes for you tonight is how we get to that open space and what we are going to require. So, currently, what we are doing anything -- over five acres we are going to require a baseline at ten percent open space. Again, they are going to have to demonstrate how they are meeting these standards through -- through their design and through their narrative and, then, also this is what I was alluding to earlier where I said anything over 20 -- anything over 20 units will have to now provide a 50 by 100 area -- minimum area for a consolidated open space as part of the development and, then, as the development size increases we are going to leave it up to staff and/or the Planning and Zoning Commission to determine if a 50 by 100 area is large enough for a multi-family development with 300 units or should that central open space be increased, be commensurate to the size of the development and I think that's pretty consistent with other language that we have in the code. That leaves it up to our discretion and also the Planning and Zoning Commission's discretion to determine whether or not there is adequate open space and, then, of course, if they can't meet the standards, then, it would be eligible for alternative compliance. You could get a project downtown where it's in-fill and may not be able to get all that open space and we want to certainly make that flexible for in-fill projects moving forward. And, then, in addition to the baseline -- this isn't anything new to code, this is typically what we have in code just in a different -- presented a different way in a different section, but, essentially, you have to provide a certain amount of common open space per the square footage of the residential unit. These numbers have not changed and so -- and, then, here is the certain dimensional standards from which they comply. So, when you take all of this together there is the very real possibility that you are going to exceed 15 percent open space and so based on the discussions that I had with Planning and Zoning Commission I went back to the drawing board and -- and wordsmithed it. So, basically, what I'm saying is if the development committee meets all of those requirements -- complies with all the requirements of the subsection, the

minimum qualified open space for the overall development shall equal 15 percent or may exceed. So, essentially, the minimum is going to be 15 percent, but the applicant will have the ability to have more if they chose -- if they choose to. And I would let you know that I -- so, what I did this afternoon -- I looked at this standard and I took a five acre development with 50 units proposed on it and it came out about 15 percent open space. Now, I took another development that was a hundred units -- 112 units on five acres and it was over 18 percent open space. So, the reality is you are going to get more open space, but there is a chance that someone can say I only have to provide 15 percent. So that -- that's a real possibility and that's -- and that's some of the discussion that we had as part of the group. So, hopefully, that verbiage makes sense to all of you. I try to leave it flexible. But, again, the intent here is that you still have to do all these things, but the minimum is going to be -- you are going to be capped -- the overall development, if it exceeds all of those criterias, would be 15 percent and, then, here is some of the open space standards that I changed. I have been seeing a lot of dog parts as part of developments, not only residential, but multi-family, so I thought that was a good add. I like the idea of that commercial outdoor kitchen where people can barbecue and create that sense of community. I thought this was a great quality of life amenity. And, then, a lot of our multi-family developments are starting to get multi-use pathways, so why not -- along our creek corridors, so why not allow fitness courses as well. So, I thought that was a good amenity add. Here I also thought a picnic area -- again anytime we can get people congregating on open spacing and building that sense of community and getting to know their neighbors I think it's important to a development. So, I thought that was a good add as well. And, then, one thing that you saw as part of the common open space standards were this concept of multi-modal amenities and certainly as we develop these multi-family developments along our transportation corridors, we have to be ready -- I mean our transportation network requires multi-use pathways, it requires bikepaths -- or bike lanes as part of the road improvements, so why not add those as amenities if -- if the developer is willing to add bike stations, park and ride lots, transit stops -- I have seen that quite in few of our multi-family developments and even Boise has just recently changed their code to allow charging stations for electric vehicles. So, I thought that was also a good idea to kind of mimic what we are doing in the valley and kind of be proactive here. So, I still think there is some value add for having these multi-modal amenities as part of multi-family developments. With that everything else is pretty much status quo in code and I'm happy to stand for any questions on this exhibit five as well.

Simison: Council, any questions on this section? Bill, just on -- how many amenities -- can you explain the expectations in the amenities on the numbers? You know, just two cents on the charging stations. To me I think -- I look at charging stations as a -- and I guess it's all a business decision at some point in time. Do you want to reward people for doing a smart business thing? Does that really meet the intent of the character and quality of the development that we want to see? Just curious. So how -- yeah.

Parsons: Yeah. Mayor and Council, this is not a point system. So, essentially, amenities are based on the number of units and the higher you go the more you provide. Keep it simple. That way we have not proposed any changes like that. So, for example, if anything's over a hundred units you are going to -- it's going to be whatever Planning and

Zoning Commission wants to see in it. So, if they have more -- if they have -- typically we see five or six amenities with our larger developments and we -- we usually tell the Commission that seems to be sufficient for a development of that size, but they are more welcome to add more if they choose to.

Simison: Council, any further questions? All right. Thank you very much. Well, this is a public hearing. Mr. Clerk, do we have anybody signed up in advance?

Johnson: Mr. Mayor, we have a few. First was Jonathan Wardle.

Simison: Okay. Mr. Wardle, if you would like to come forward and you will be recognized for three minutes.

Wardle: Good evening, Mayor and Council. For the record my name is Jon Wardle. My address is 2929 West Navigator, Meridian, Idaho. 83642. And I do work for Brighton. We have been involved in this process -- in fact, I was going back to look through my notebook today. The first open space committee group we had was May 18th, 2020, and there were at least seven work sessions that were held as a group, as well as some other discussions. Do I have control of this, Bill? Okay. I did provide a letter to you today. I apologize it was late in coming. I was out of town when the Planning and Zoning Commission met earlier in May, but I wanted to generally say I -- we are in support of the changes here. This was noted in the -- in the Comprehensive Plan process of making updates to this and I think it was -- it was time well spent, needed for some changes to make sure that we are elevating amenities in our community on a go forward basis. As I noted my letter here, staff took a lot of time on this and I know that there were some other extenuating circumstances and all of that, but I want to commend staff for the time it has taken to pull together the things that the community has asked for into a document that can be discussed tonight and perhaps continued onward into the future as we look at positive things in the community. The item that I wanted to discuss specifically -- and it was noted earlier was the requirement for 50 percent of the open space be front-on housing and there is also another section that actually says a hundred percent and I thought the best way to do that was simply to go back and look at a community that's already established and the community I looked at was Paramount. I made a table here in the slides showing the different areas that I evaluated and this was pretty much all of the common areas in Paramount from the clubhouse all the way down to some small -- small common areas you will note that they all would qualify for the 50 by 100 requirement for a grassy area, but, actually, none of them would qualify or meet that requirement for 50 percent open -- 50 percent front-on and -- and even worse is that none of them would meet the hundred percent. The best way to show you that was to kind of go through some aerial photos, which I -- which are in your documents as well. This highlights the areas that were in Paramount that I looked at and, then, I broke it down by section. This first one, the clubhouse, I said does not qualify and, then, I put a maybe. It actually could qualify under the linear open space, because it does open down below, but if you take away that linear connection it would not qualify, even though it is -- let's see here. It's over three acres in size. The next one that would not qualify as Crosby Park. It's actually 3.32 acres. The perimeter is 1,800 feet. There is 753 feet of front on, so there is homes

that are looking onto this across a road and all the homes around this one -- and, in fact, in all these common areas in Paramount have an open metal fence behind. So, there is complete visibility into these parks, but it wouldn't meet that criteria and you can look through all of these, which are in the memo I sent to you today, but not a single one of these parks would qualify under this condition and it -- I don't think it was intended to be that way. I think it was -- was something that was proposed by the consultants and until I started digging into it I realized, boy, if we look at Paramount, we couldn't meet any of those requirements for front-on housing. Should front-on housing be required? Absolutely. I think there is a place for it -- for visibility, not just a narrow neck, but expanded area on that as well. And my I guess request to you in my e-mail was that it be 30 percent front on. The city already has a code where the fencing that -- on all common area must be open if it can't be visible from -- from the street and so anywhere we would have these large triangle areas, it's open metal fencing anyways, these backyards are looking into them. It's highly desirable. It could be reduced I think maybe down to 25 percent if you provided another point of access. I think there is some areas in Paramount where we maybe missed that. Crosby Park is a good example. Large triangle, but the only way you can get to it is you have to walk all the way around, unless you can sneak through your neighbor's house and I can tell you where that is, but you have to walk all the way around to get to it if you were on the other street and I'm on Fox Run, so I have got to walk around to get to it. It would be nice to have some additional pathway access points and maybe that's a way to maybe reduce that front-on housing. In general --

Simison: Jon, if I could get you to conclude.

Wardle: Yeah. I'm going to conclude right now. In general, like I said, these conditions -- the changes are very good. We just think there needs to be modification to this front-on requirement and request that it be at 30 percent. I would stand for any questions that you might have.

Simison: Thank you. Council, any questions?

Wardle: Okay.

Simison: Well, I'm going to ask a general question just out of curiosity, just because we haven't seen them. How would you go about effectively putting everything on front-on typically? What's that -- what -- what does that -- what would that look like in a community where you did have that? I have just been trying to like picture it in a realistic environment.

Wardle: So, I have three examples. The one we did most recently was in Paramount at Cadence at Paramount. We have a couple of areas where there is common space in between these small lots, which are all alley loaded that are fronting onto a common area. It does work really well in that scenario where you have an alley and that front yard is that common area. We have two other communities, however, where I don't know that circling it with just a road made the most sense. One of them was Heritage Commons. You come into Heritage Commons, very large park. It's underutilized, because it is surrounded completely by four roads. But it is -- has complete houses looking on top onto that green.

But except for the occasional Memorial Day or July 4th, it's not used as much as you think it would be. The third one is in Bainbridge. Bainbridge we changed it up a little bit. We actually put a pool there and a playground area. It is completely surrounded by roads. The homes all look onto that one. That one's better, because we had more amenities in there, but, again, you do feel a little odd going into the middle of this playground area in the middle of roads. There is one case in Lochsa Falls they have a large roundabout. They actually have a couple of frisbee golf stands in there. It's not used. It's beautiful. But it's not used. And so I think is there a time and place for it? Yes. But, generally, these larger spaces that are isolated by roads are underutilized for what we do. That's just my opinion. But those are three examples in Meridian right now with how I think we -- and those are all projects, with the exception of Lochsa Falls, that we did.

Simison: So, it's not more complex than it sounds, it was either you had to put a road between the homes and the park or you got to alley load to get the front door right there on the green space --

Clark: Yes.

Simison: -- to accomplish it. Okay. Thank you.

Clark: Thank you.

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

Strader: Mr. Mayor, question for staff maybe.

Simison: Council Woman Strader.

Strader: Thanks. Was there a desire for the front yard concept or the frontage concept with the open space, was that -- was that in part trying to address it being centralized? Do you think that was a part of the reason for that requirement? Was it visibility? What do you think was driving that specifically?

Parsons: Mayor, Members of the Council, that's a good question. I -- I don't know where that came from, to be honest with you. I don't know if the committee members were present more than I were a lot of times, so -- I tried to chime in and help out where I could give insight, but, yeah, I'm not sure. I'm not aware of any discussions around that particular code change.

Strader: Thank you.

Simison: Thank you. And, Bill, just kind of sticking on this real quick for one second. I'm just trying to find -- I keep going back to Renaissance Park, which, you know, everything is -- we have half backloaded, but it's on an arterial. We don't allow front loading on arterials, so, in essence, open space in this scenario, if it's on an arterial, we are really not going to allow it to a certain extent, because you can't do it unless we go change that



portion of our code to turn our houses for a collector. Is that a collector that -- this is a collector, not an arterial. This is a collector road. It doesn't allow fronting, so --

Parsons: Council, that is correct. We do not allow -- well, we allow front-on housing on the collector, you just -- you can't have your driveway there. But, yeah, I think that's one of the presentations you will see tonight from Hethe and his crew. Same thing is every city park is that way. You have backyards backing up to city parks.

Simison: Okay. All right. Didn't mean to get ahead of our testimony. Mr. Clerk.

Johnson: Next is Laren Bailey.

Bailey: Okay. Again, my name is Laren Bailey. Work address 4824 West Fairview Avenue in Boise, Idaho. Tonight I'm here representing DevCo, Conger Management Group, and BlackRock Homes. I'm going to start the presentation and, then, Hethe is going to kind of finish it. One of the -- I don't want to waste time with this, but we had kind of assumed maybe each portion of the code that was getting updated, you know, with the four or five sections -- maybe we would have time to speak on each one, so three minutes is going to be real quick here, so I hope you will ask me some questions so I can follow up. So, first, I want to talk about the impacts of open space and how that increasing the open space is going to affect the community. More open space increases the cost to each lot to develop. The cost will be passed on to the buyer. Increased HOA fees and maintenance costs, landscape maintenance is the single most expensive line item on HOA's budget. So, obviously, increasing open space is going to increase those homeowner dues. Decreasing property tax revenue and impact fees, increasing open space from ten to 15 percent will result in approximately a seven million dollar reduction in taxes per year. Increasing open space from ten to 15 percent, again, we will -- over the -- the lifetime of the remaining developer property in Meridian will be a 25 million reduction in impact fees. Other groups are affected by that that aren't just the city, include ACHD, schools, and other county services. So, we are proposing really a minor change here in the R-8 and R-15. We would like to see 13 percent, rather than the 15 percent. Thirteen percent is still going to be a 30 percent increase in the amount of open space in neighborhoods. So, that's -- that's a 30 percent increase in those HOA dues and 30 percent increase to costs. Real quick just wanted to touch on that front -- front-on housing. I wanted to just show you a few of the prominent parks in Meridian that would not meet the standard today. As Jon said, you have got Paramount, you have got Settlers Bridge, Champion Park is all ringed with backyards. Woodbridge. Bear Creek and, obviously, Havasu as well. I just wanted to run through few of those. Our solution -- you know, Jon threw out 25, 30, you know, I think in that range is a reasonable number. It would provide for the good visibility that the city desires, but still would allow for a creative design and it's consistent with many of the amazing neighborhoods that are already in Meridian. Another item -- this is -- this is one sentence. We like the open space quality standards, but there is one sentence in there that we think is difficult and it's open and grassy areas that are crooked or jagged in shape, disconnected or isolated, do not meet the standard --

Simison: I had flexibility. He got another minute, minute and a half.

Bailey: Thank you. Appreciate that. We feel the statement it's too arbitrary and it leads to a lot of disagreements between staff and -- staff and applicants. We think the sentence -- if it could just be deleted it would solve a lot of problems. We don't disagree that, you know, sometimes open spaces need to be -- you know, they need to be a priority, we agree with that, but we think, you know, if there is a question it should be left up to Council to decide if it's -- if it's adequate or not. Parkway driveway width. It was determined that the driveway should be always counted as 26 feet wide. We think there should be an option for a two car garage that should be 20 feet wide, instead of always only allowing 26 feet to be deducted. And, then, lastly, we have got open water areas, we have got stormwater detention facilities. Currently the proposal is that only 25 percent of that would be able to count towards open space. We feel like ACHD's requirements for drainage is that they have to drain within 24 hours and if it's a nice green space, such as Vienna Woods, should be able to count -- at least -- we were proposing 75 percent of that should be able to count towards open space.

Bernt: Mr. Mayor?

Bailey: Oh. Excuse me.

Bernt: Laren -- so I'm familiar with Vienna Woods. So, we are talking about that big open space in the middle of Vienna Woods is actually a storm drain?

Bailey: Mr. Mayor, Councilman Bernt, yes, that is the case. That is a recessed detention facility.

Bernt: Interesting. I didn't notice. You are right. It's good.

Bailey: Yeah. I used to live over there.

Bernt: Yeah.

Bailey: You never know -- you would never know.

Bernt: Right. No. Mr. Mayor, follow up.

Simison: Councilman Bernt.

Bernt: But wouldn't you agree that that's not the norm, Laren?

Bailey: Well, I don't -- I'm not going to say the norm, but I think that good design is good design and poor design is poor design and so I think that things can be designed well and taken care of, but to just say across the board we are only going to count 25 percent throws out the opportunity for good design.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, what's your solution, Laren?

Bailey: Well, I think, again, like anything, it needs to -- I mean it needs to have Council's discretion. Is it a good project or not. Is it a good option or not. But I think 75 percent is more fair, especially when you can do something as nice as Vienna Woods. Only counting 25 percent I think is, you know, pretty low -- pretty low number.

Bernt: So, what -- Mr. Mayor?

Simison: Councilman Bernt.

Bernt: With my experience when I was -- even when I was on P&Z, I remember this was even a hot topic back then and -- and I would -- I would have to say -- and I think that -- you know, I never knew this, but I think even Woodbridge where I live there is this the -- the open space that's behind the pool is actually -- and there is never any water on that -- on that field ever. I have never seen it. There is other spots that have it, but I think that there are some instances where -- you nailed it on the head, Laren. Good design is good design. Truly I -- you and I are in one hundred percent agreement with that. But the problem is is I would say most storm -- storm -- you know, water detention facilities aren't that great of design and when there is not water in them they look terrible and so -- and that's the issue that we face with Council is the select few developers who choose on their own, you know, will and choice, to have the -- you know, to -- to -- with their design provide those type of storm detention facilities and the problem with that is that we are faced with a situation where, according to our code and I think that we are well aware of, you know, following code and, you know, past discussions on -- on applications and what -- what that looks like and what it doesn't look like, but we are sort of caught, you know, that -- where we don't have enough teeth to make sure that we are approving good design. Does that make sense?

Bailey: Yeah. Mr. Mayor, Councilman Bernt, I would agree with that. I think the problem, though, is if -- if you say it's only 25 percent can count, that means I can still do 75 percent that's garbage; right? I mean we can still have the crappy storm drainage. I would -- I would argue maybe it needs to say up to 75 percent and, again, leave it to Council's discretion if it's a nice facility that's not -- I agree with you, I don't want it to be a sandbox that the cats are using as a litter box. I don't like that design either. But I think there are opportunities to do things that are nice and well thought through and to just say, well, because some of them might be bad we are not going to allow any of them, I think that's short sighted.

Simison: So, Laren, what -- what percentage, if you were guessing, of a project is a storm drain retention facility?

Bailey: You know, that -- that's really hard, because a lot -- I mean we try and put everything underground we can. If the soils are good we are going to put it underground, because we don't want to see it either. But there is times where that's just not an option. There is times where soils don't work or just the location just doesn't work. That's more of an engineering challenge or call. So, it's really hard to say, you know, this one or that one works better or worse. Where you run into trouble is where you get -- especially you are going to start seeing south of town you are going to get into the salt rock, which you probably don't have a lot in town in -- in Meridian -- haven't had in the past and in some of those cases you just have to do a pond above ground, you can't do anything below ground. But, again, I believe there is ways to -- to design property that would still look good, there is also a way to make them look terrible. But -- but I think to just cut it off at 25 percent you are taking opportunity away to do something creative or inventive or nice.

Simison: I guess where I was -- what I was going to suggest, but you didn't give me a good answer, was maybe we dropped down the open space, but we don't count any of them, because, really, I mean they are a function for another purpose, not a function for open space. You know, there -- it's like a pond. A pond is good when it's got water in it. When it doesn't have water in it it's just a hole in the ground. So, you know, what can you use when and why. But the same thing can be said for a pool. You don't use a pool year around, you use it for nine months out of the year or three months out of the year, maybe four. So, I get it, there is various factors, but -- Council Woman Strader, did you have a question?

Strader: Mr. Mayor, I did. Thank you. Housing affordability is important. I think we know that. I think it's also important for us to listen to the residents of Meridian and hear their comments that they gave us through the Comprehensive Plan process. One thing that caught my eye -- I guess if you could follow up, maybe not in this meeting, but it looks like Eagle is requiring 18 percent open space. That's a lot more than 15 percent. And I recently was looking for an apartment for a family member there and I noticed that their rents were dramatically different. So, I guess if maybe there could be some follow up or if you have some comments on, you know, housing affordability as it relates to open space -- I guess I'm just not convinced that it's a direct linear relationship.

Bailey: Mr. Mayor, Council Woman Strader, so Mr. Clark and I just looked this up in Eagle's code while we were setting here. So, the difference between Eagle's code and Meridian's code is Eagle counts -- it's 18 percent, but they count everything. We don't have this 50 percent of an arterial buffer. We don't have linear open space requirement. We don't have, you know, some of the -- some of the requirements that Meridian has. Meridian has tried to put rules on it and I get that and I'm not against that, but what Eagle has done is said, well, everything counts. So, all that roadway frontage counts. Anything -- you know, we have got -- we are doing one in Eagle right now that is up against -- it's got a creek and a pathway and things and -- and they are allowing us to count all of that. Some of it is riparian area that really isn't usable by anyone, but it's wildlife habitat and so we are -- we are counting that. So, that's the difference in the two codes. I think, really, if you sat down and really figured out the actual square footage, they are probably very close to apples to apples. I think we are all thinking, well, Eagle is 18, we need to be 18

and have all these requirements. Well, then, you are really going to be like 25 and so that's the point we are trying to make. I know it sounds like maybe we are -- we are splitting hairs, but I think -- I think you are right, the rents aren't different, because it's roughly the same number.

Strader: Thank for the insight.

Simison: Council, any further questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Laren, early on you touched about the open space and the cost being passed along to the homeowners association and you guys build pretty quality stuff that people are choosing to live to. Do you get a lot of negative feedback about HOA dues from your -- from your residents? And let me give you some context; right? So, I grew up in Old Town and we had a homeowner's association and our -- I think our family's HOA dues were like 40 dollars a year. We had -- to call it a patch of grass is a gross overstatement. I mowed the lawn as a kid. It took me eight minutes, I got paid eight dollars, it was the best job I ever had in terms of compensation. But inevitably the HOA, because it wasn't usable, they just paved it over and so to me that's -- that was my first kind of context about open space until we moved to the south side and so help me get a flavor for what you hear from your residents. My assumption is is that this open space, green space that's usable, is something that people are choosing when they are looking at where they are going to live. They are -- they are wanting that type of space. So, maybe give us a little flavor about what you hear from your residents.

Bailey: Mr. Mayor, Mr. -- Councilman Cavener, so we do -- you know, as we are building a development we are in charge of the HOA through the -- how many ever years that development is going on. So, we hire a management company to handle that to be that interface and collect dues and do all those things. So, we do see firsthand those comments from our neighbors and homeowners and, like I said, the number one expense -- if you go look at the balance sheet --

Bernt: Right. Always.

Bailey: -- 80 percent of it's --

Bernt: Not even close. There is not even a close second.

Bailey: Yeah. Yeah. Nothing else even comes close. So, as you add open space that cost just goes up proportionately. It's not -- I mean I don't think it's hard to understand that that's -- that's the case. What we hear a lot from homeowners, especially ones coming out -- from out of state, it's dues here are higher than what they are -- they were used to, which surprised me. I would have figured in California it would be much more. I

think part of it's a labor issue and I think part of it is, you know, we have to -- we have to irrigate a lot more than I think some other places, especially people coming in Washington and Oregon aren't used the irrigation aspect of it. They are not paying for that there and so I think those costs are higher. But year over a year those costs just keep going up. It's not something that's static and this is what it's going to cost. Every year it's going up.

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

Bailey: Thanks.

Simison: And, Hethe, you will get your own time. You are on three minutes.

Clark: I will talk fast. It's good to see everyone. Hethe Clark. 251 East Front Street. I'm working with Laren tonight to provide some comments on these -- on these amendments. Again, just want to compliment everybody on all the work that's been done. We are hoping to be a productive part of the conversation to just try to get this right. So, with regard to the qualified amenities, we are certainly happy to see a more robust point system. We think that's a great idea. What we would like to do is just provide a couple quick comments on that and it really comes down to some of the subjective elements of the amendment and that really comes down to the fact that it includes maximums for these points and you have to ask yourself what does that mean if it's a maximum of those point values. You know, all we know right now is that points can be taken away for a number of reasons that include size, quality, ease of maintenance, durability, integration with other amenities and year around usability. So, very similar to some of the points that the Mayor just made with regard to swimming pools. So, example, sports fields, they can get up to five points, but a sports field, if it doesn't integrate with other amenities, you know, if it -- if it has to be mowed and maintained all the time, you can't use it in the winter, seems that it would be subject to being deducted under that instance and we would just like to understand, you know, how that would be, what -- what that would mean. You know, other examples would be something like, you know, the fitness facility. You can get four points for a 5,000 square foot -- or a maximum of four points for a fitness facility. What's the difference between a 5,000 or a 10,000 square foot fitness facility or a park and ride if you provide 40 parking spaces, is that the maximum, or is it that if you can do the minimum of 20 do you get the maximum points? You know, ultimately we think that the -- the amenities should either qualify or they should not. So, we are -- our suggestion is let's get rid of the maximum label. Let's just be a little bit clear on -- on what qualifies as that type of amenity and, then, remove the -- what I have been calling the demerit system from this. You know, either it qualifies or it doesn't. We think that that will give a lot more predictability to the process and, then, obviously, you, as Council and P&Z would have the opportunity to comment on the specific package that's being suggested. On a similar note, you know, we were thinking about regional parks and kind of went back and forth on this. You know, a suggestion that we wanted to make was that perhaps with -- if you are proposing a project that's near a regional park, that there would be a reduction on the amount of amenity points that are required. Still need to require at least one amenity, but a reduction of say 30 percent we think would make sense. That would help promote housing and density near regional facilities.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I don't want to interrupt, you will get your time. I promise.

Clark: Okay.

Bernt: I'm actually going to give you some more time, so you should thank me. So, if you are -- because I like -- we -- this was a big discussion point when -- when I was on this -- you know, a little bit of horse trading involved with regard to amenities next to regional parks and so in my -- and I don't disagree with what you are saying, I think it actually sort of makes sense to some degree. So, what else would you do? So, if we are going to allow you to have less amenities because there is a great park down the street, what would you do as the developer or the -- or the -- the presenter in your case or whatever to -- I mean what -- what would that horse trade look like do you think? And I don't need -- just give me some examples in what do you think that looks like.

Clark: Yeah. Mr. Mayor, Council Member Bernt, I was thinking about this this afternoon and, you know, what does this look like. You know, you want to have -- we want to be encouraging in-fill near areas that have the facilities that we have built that we want people to use; right. So, we wouldn't want to say, hey, you have six acre in-fill, you just get a 30 percent reduction and now suddenly you don't have to provide any amenities. So, you know, from my perspective you got to have at least one amenity that would be provided and it could be anything from this list. You know, it could be, you know, a public art installation, but people are going to be coming out of -- what you would want and the reason you would buy near to that regional park would be so your folks could come -- come out of your project and go use that.

Bernt: But what would -- what would you give -- if you were saying less, but we are willing to give X?

Clark: Well, I think that when we are building near these regional facilities, one thing I think we would want to see more is more density. We would want to see more people living near those -- near those areas and that's one of the reasons why we would want to concentrate it. You know, in terms of specifics, you know, I think we would have to -- you know. Yeah, it would be very much subjective.

Bernt: I get it.

Clark: So, with that I did -- Laren and I put together this chart of the specific items that we thought it would be good for folks to have in front of them as we go forward here and I will just kind of summarize a few of these, because I think I might be able to add a little bit to the prior conversation. So, again, with regard to the amenities, the suggestion is to remove the maximum concept and the demerit system. I think just -- does it qualify or does it not and let us move on. And, then, on this same comment on the regional parks.

With regard to the minimum open space requirements, again, our suggestion is 13 percent for R-8 and R-15. On the shape of open spaces, you know, we are living in a post House Bill 389 world. You know, in-fill is going to be -- it's always been important, but it's going to be even more important now and with in-fill there is going to be crazy shaped lots and crazy shaped open space and so I think an across the board disqualification just based on space doesn't make sense. As mentioned, we do believe the 30 percent for front-on housing is appropriate.

Simison: Hethe, if you can wrap up. We have given you that extra minute and a half and I think we have already gone over these, so --

Clark: Appreciate it. I think the last thing I would say, Mr. Mayor, then, is on the -- the 75 percent for the stormwater detention facilities, just one thing to add to that, you know, a couple of great examples of that are in Tuscany. Across the street from Sienna Elementary there is a great one. There is one over on Tiber. But I would point you to the language of the code speaks to the -- as long as the standards of 11-3D-11 are met and those are landscape standards for stormwater and so -- and they speak to it being landscaped and having trees and all that sort of thing. So, I think that the answer to the question is actually already in your code. So, with that I will go ahead and wrap up and call it a night.

Simison: Council, any questions?

Clark: Thank you.

Simison: Which was the second one in Tuscany that you were referencing?

Clark: Tiber. It's a little bit -- it's a couple blocks south next to one of the community pools.

Simison: Okay. Because there is also ones that are just an open field -- or an open piece of property that don't do anything for anybody as well. The across from Sienna is beautiful.

Clark: Yeah. The one -- like Laren mentioned, it's all about good design and that's what we want to incentivize.

Simison: Thank you. Mr. Clerk?

Johnson: Mr. Mayor, we have no additional sign-ups. We do have people on -- one personal online and people in the room as well.

Simison: Okay. Is there anybody that would like to provide testimony on the item? If you would like to come forward now or use the raise your hand feature on Zoom and we will bring you in or unmute you. I keep saying that. Come on up.

Bernt: Mr. Mayor, I thought we were going to close the public hearing.



Reynolds: Come on. Third time is a charm; right? Mr. Mayor, Members of City Council, Sally Reynolds. 1166 West Bacall Street. A lot to cover in three minutes, so I'm just going to go through bullet points and, then, you can ask me questions. So, I was a member of the open space committee. I think I only missed one or two meetings, if memory serves. So, it was kind of a long process and I am trying to give you the best background I can with my memory. So, I will just go through these. Number one. I support the open space schedule as proposed with a small exception on the multi-family. I don't think that 15 percent is too big of an ask. It was a really good compromise with everybody there. As we did a study of subdivisions that were already in existence most of them met 15 or exceeded 15 percent and that was even presentations given by some developers on the committee. And most of those subdivisions are what you would call quality neighborhoods in Meridian and so I think that 15 percent is, as Susan Karnes would say, setting the bar high and, you know, that's -- that's what we are trying to do in Meridian. That's who we are trying to be when we grow up; right? I'm really proud of the points amenity system that we have. Really supportive of it. I think that it makes for a lot of creativity. I do agree with the letter from BCA that says let's see how it's going and review in a year, because it's something really new and we don't know how that's going to flush out. So, I say come back in a year and see how it's going. So, the point of the trees -- I agree with everything Mr. Mayor said. I don't think we should include verbiage that we aren't ready to employ. I don't love the idea of fee in lieu schedule for trees. I think it sets a dangerous precedent and I will just -- a quick example, there is already some like horse trading in the code about like -- and I will just use Winco as an example that we were talking about earlier tonight. They were supposed to be capped at 60,000 square feet, but if you have more open space you can go up to however many square feet and so we have got things in the code trading square footage for open space already. So, you start adding trees to that -- I just don't know how complicated that gets. Storm drains. If it's in the code I think we would see much better storm drains already in Meridian. I'm in favor of counting it at 25 percent. If a developer comes before you and can say this is exactly what we are going to do, because that piece of land has an extremely large piece of the storm drains, then, have to make a case for 50 percent, go through alternative compliance, I don't see any reason why not. Frontage. Okay. You might be surprised. We don't know where the 50 percent frontage came from either. So, that might have been a meeting that I missed as well. But personally I am not supportive of the 50 percent frontage. I would be supportive of decreasing it to 30 percent. I do live in Paramount where most of it, like Jon said, is all backed and our parks are very, very, very well used. Lochsa is not. To the point of Vienna Woods, they have trunk or treats around there. I mean it was a storm drain, but that is well used, so I think it -- some of it depends on the residents. To the survey that you were asking, if my memory serves -- and it was a long time ago -- I think there was a survey that I think there was less than a hundred responses and a lot has happened in a year. So, I would say especially with the market I would support Council Member Strader's idea to circle back to the public and do it again, not as a way to guide future discussions, but just to see if what we have done meets what the public wanted. Just want to say a reminder of alternative compliance is there to allow for creativity and innovative development. I think there are some developers in Meridian who do that really well and there are some that use it to skirt the UDC and I think that this Council can tell the difference between the two. So, I will leave it at that. As far as the

parks going next to high multi-family or whatever, you know, that's one I do have a little bit of an issue with, because the developer is going to get a better price for their land at the expense of something that the city has done and maintained; right? And that project is going to -- it's going to pencil better. So, I don't feel like that's something that somebody should be profiting off of. I think that there could be some, as Council Member Bernt said, horsetrading, but I would hope that they could come up with some amenities to replace that open space. Maybe we say, hey, it's not open grassy space, because we have got a park right next door and, hey, the city is providing that for you, so what can you come back with in terms of amenities. I just got back from Seattle at 2:00 a.m., actually, last night and I was in two high rise buildings where I saw one had a private movie theater for the residents and -- as an amenity in a multi-family. I mean it only had 12 seats, but you could rent it out and it was really cool. And they also had a private spa, which I don't know if we are at that point yet, but, you know, the movie theater would be really cool and there are some great things with Doordash and Uber Eats and providing a refrigerator for when your groceries are dropped off and it's in the refrigerator down in the -- you know, little area. So, there are really some creative things we can do with multi-family and I would just be slow to say -- let's just say we built next to a park, so we are good. Three minutes are probably up. So, the last one is multi-family. I would like to see it at 18 percent and just because -- and if not at 18 percent, then, some language, like I said, to go with some of those creative amenities and I do think that there should be a definition in the code right now, as Bill said, it's just open, you just say there is multi-family and it's subjective how many amenities they can provide. So, I think that that should be defined in code. Are we saying over a hundred is two amenities? Over 500 is three? I'm not really sure. So, with that I will close and stand for questions and I will echo everyone else's sentiments. The meetings I thought were productive. We had some good discussion. I really appreciated everybody who sat in on them and I learned a lot and I think that everybody had some valuable contributions to it. Thank you.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Sally, congrats on the hat trick. Question for you. We heard a lot tonight about increasing open space for higher density use. I haven't heard a lot of conversation about reducing open space for some lower density use and I don't know if that was discussed or contemplated at the committee and if there is any feedback or findings you can share with us.

Reynolds: Yeah. So, personally -- personally -- okay. R-2. Ten percent. I'm going to say personally if that went down a little bit -- personally I would be okay with it. I don't think that there are residents out there who would be and maybe that's something we can put in our survey, only because the RD designation is kind of gone. That lower rural designation for residential -- the lower density residential, that designation has gone off of the comp plan -- off of the comp plan and I think that in the comp plan we are saying

preserve our farmland, preserve our heritage and some of that feeling is the open spaces; right? So, I think that the reason the ten percent is there for the lower density and this is just my opinion, this could be completely wrong, is because I think as residents we are scared that we are not going to get enough in other places. Does that make any sense? That's -- and that's pure conjecture on my part. That's kind of how I feel.

Cavener: Appreciate you sharing that, Sally.

Reynolds: Yeah.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks a lot, Sally. I didn't quite catch the very beginning of your comments. I didn't want you to feel rushed. If you could just go back through your comments about the table with a minimum open space requirements. Do you feel like in general coming out of that open space committee you feel supportive of this table and it sounded like the multi-family you think is low. Did -- are you supportive overall? How strongly do you feel about that multi-family piece?

Reynolds; Overall, but the table that's there I'm supportive of it. I mean 15 percent -- I mean in a perfect world, yeah, we would have loved to see 18 or 20, that's kind of what the residents were saying and we compromised with a 15. So, I'm supportive of it as far as a compromise and the ones that are there I feel good about. The multi-family I do think it should be 18 and I don't know if we want to do a sliding scale with the number of units, but it just feels like we are getting a lot of density in Meridian and if there is going to be so much density, you know, 15 or 18 percent of such a small area really doesn't even come out to be that much when you are looking at the footprint depending and I'm not a developer, so I can't speak to, you know, how the project's all flushed out and whatnot, but I would like to see a little bit further study on multi-family and what is that -- what are some of the applications that are being built right now, what do they have, what do they look like? And I mean if they are all at 15 and they look great, then, great. Or maybe we say it's 18 and you do get credit, you can get it reduced if you have some cool amenities, but that is where I'm at with multi-family. I'm not a hundred percent supportive of that. I would like to see that pushed that direction a little bit.

Strader: Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Interesting thought about the multi-family portion of it. I would like to know how when -- Bill, when you were doing your calculations were you using some type of a formula, you know, maybe for -- you know, Sally's mentioned it tonight and others have

mentioned and I was -- I was thinking it, you know, having a formula based -- based upon how many units, not necessarily like an exact amount. I don't know. Just something to think about.

Parsons: Yeah. Mayor, Council, Councilman Bernt, that's how we -- that's how we do it now. We -- we don't have a formula, but, basically, it's -- if you are between a certain square footage unit you times it by X amount of square feet and that's how you get the number of common open space that you provide for a multi-family development. The changes that we are talking about tonight would add that base line amount of ten percent. In addition to that if the development is over five acres. And what's -- what Sally's referring to is the fact that we are putting a minimum cap at 15 percent, unless the developer chooses to do more. I think that's what her beef is with. We -- I can tell you based on a lot of the developments I have tested out there it's coming out 18 to 20 percent for multi-family it really is, based on -- on that formula. I'm hopeful that most of the development community or those who want to come do business in Meridian will want to provide more open space than that 15. But, again, that's some of the discussions that I had with some of the open space committee members and they were comfortable with at least saying no more than 15 percent or at least cap them at a minimum if you hit all of that criteria. But they were more willing to provide more if they had to, they just didn't -- again each project is different. It's -- it's hard to develop a code that says everything fits in this box, because that's why we have alternative compliance and that's what that tool is meant for. It's meant to do something innovative. Not to get you out of code, but to do something that wasn't contemplated in code and still meet the intent of the code and the Comprehensive Plan.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Shout out to Susan Karnes. Miss her. When I -- when I was first elected we didn't start off on the right foot, her and I. I'm not going to lie. I don't think she was my biggest supporter. But over the years she became a dear friend. I hope she's -- God bless her. God bless her husband. You know, I know that they have moved, but I miss her. She's -- our discussions. That's how discussions need to be, like you find someone who you completely disagree with on every level and after a half an hour of looking someone in the eye, finding something in common and building on that. I think that's so important. And that was Susan Karnes that I miss her.

Reynolds: Mr. Mayor, Council Member Bernt, I definitely agree. I do as well and she had a good way of bringing everyone to a win-win and a good compromise.

Bernt: She was great.

Reynolds: Being respectful.

Bernt: A thousand percent. If I may, I have, Mr. Mayor, one question for Bill on that multi-family. How much, Bill, do you think it would change? Because I know we are doing it

on square footage. But number of units is really like bodies in the building; right? And that's families. So, do you think that that equation would change much if we were saying, hey, numbers of units are not necessarily square footage for open space? If that makes sense?

Parsons: Yeah. Mayor, Members of the Council, yeah, it's a good point to look at, but I don't think I have ever seen it that way, to be honest with you. But, of course, I haven't gone out to every code out in the nation to see what they have done. I don't know how that would -- would shake out. I don't know what number to apply for a development at a hundred units versus 50 and say you should provide an acre of open space. Well, I'm not sure at this point if --

Reynolds: Mr. Mayor, Council, just a question. Thank you. Thank you so much. And I -- one last comment if I might. As it is I think that -- I mean the definitions that we dug into and the amount of time that we did spend going over things, I am really proud of the direction that this code is moving. I think there is more work to be done, but I'm really happy with the changes that -- most of the changes that have been made so far and I like to commend everybody -- who worked on that and I would love I hope that other cities do take note of what we are doing and maybe they will follow us. So, thank you.

Simison: Thank you. Denise, come on up.

Bernt: Mr. Mayor, if Denise agrees with that last statement we are having a party after this Council meeting.

LaFever: Hello for the third time. My name is Denise LaFever. 6706 North Salvia Way. And as some of you know, this was a really big subject for us during the Comprehensive Plan and it was an area that we took exception to, Susan Karnes and Sally and I and -- we were really adamant about that. I'm really happy that they have spent the time to go back through and spend some time on it and I'm happy for Sally and Julie to spend time going through and sitting as residents. I do have some concerns. One, I'm opposed to all the things that DevCo recommended, with the exception of the 30 percent front. We will lay that out there. I have one issue here that's really big for me and that's 11-3G-4B3, which is the alternative compliance. I have had issues with that on the open space and in the multi-family. I have watched so many of these Council meetings and sat through these and testified over a long period of time and I can almost tell you a lot of people come up and talk about schools, roads, and open space. It's real disheartening when you spend all this time talking to individuals and they have a plan in front of them and they think that's what they are going to get and, then, alternative compliance happens and now you have the development -- Carmen -- Cameron -- Cameron in charge of making those changes that don't align with what the people that came to the public meetings had to say. So, I'm just not okay with that. I have bigger issues with that. I also agree with what Sally said moving from 15 to 18 percent and I'm really concerned about the process that happened with multi-family. The meeting was pushed to a separate meeting in which developers and ex-Mayor Tammy were involved in and excluded the full committee. Going on to some other --

Bernt: What did you just say?

LaFever: What's that?

Bernt: I didn't hear your last statement.

LaFever: During the multi-family it got pushed to a separate meeting. Okay? And during that separate meeting that -- it was done with the developers and ex-Mayor Tammy. It was not the full committee. It wasn't vetted with the full committee and I take exception to that. Julie's in the audience and I know she doesn't want to come up, but I would really like you guys to hear what she has to say as a member on the committee. I read her letter and I was really concerned about what she had to say. Those are a lot of the concerns that we felt when we went through the Comprehensive Plan. The other areas that I have concern about is the restricted height change. If that's all about schools, then, say that. Lock it down and restrict it to all about schools. My other concern is frequency of UDC changes. I think we should do that less often and not every single time we want to make a change. There is -- this is a pet peeve of mine. I have said it more than once. The lack of transparency for the UDC focus committee or the UDC advisory committee. I like to see that come as an agenda item, shown as a meeting, actually people could show up and sit through it and listen to it. It's an invisible, nontransparent meeting. The UDC is the cornerstone for how Meridian develops out. It's also the cornerstone for the codes. I just really think it needs to be transparent and I'm still not sure of who the current list of the -- the committee and who are resident -- if Ann is still doing that. I know it was hit and miss when it was Susan there. The last one is -- is -- as -- as some of you know I testified about due process once before when we changed it to public meaning cutting off at noon. Here we are today and Bill had made changes up until this afternoon. I wanted to go see if that was, in fact, the case and I looked. The C-C common space and site amenity document was, in fact, changed on the public site. It was done at 6/1/21, 4:41 and 33 seconds p.m. today. This doesn't allow your public time to really digest and see what those changes are. So, if we are going to have it at noon I think we should have it at noon all the way across and not make these last minute changes. Once again, if Julie doesn't come up and testify, I really urge you to go back through and read the letter that Julie put on file. I -- I have a real passion that residents and the community members need to be able to have a voice here and it's not all just about development and, yes, I love commercial development, I will be honest, but I do think that people have to have a voice here. They live here and at the end of the day they are your property taxpayers and they are footing the bill. So, I would really like to see you guys come back with another approach and make sure that these meetings and these committees are not stacked, that the residents do have a say and that their concerns are not just pushed forward or, oh, we have got to hurry along or whatever the case would be. So, I really urge you, while Julia is in the audience, to bring her up and talk to her about her experience that she had on the committee. Thank you.

Simison: Thank you. Council, any questions?

Simison: Is there anybody else in the public that would like to provide testimony at this time? Okay. Seeing no one that's willing to provide -- or wanting to provide testimony, Council, you have heard some conversations today and this is a public hearing and I'm not exactly sure -- honestly, a few -- from everything we have heard today I think there is a lot -- a lot in here and, quite frankly, and there is -- I'm going to -- I'm going to pull out my Mr. Cavener hat. There is a lot that the community needs to know that they don't know about. For example, the very first thing we talked about with parking and driveways. You know, I think those are some pretty big changes that have not been effectively communicated with the community and before any further action should be taken, in my opinion. You know, the -- this is all about -- if everything in this document -- well, I shouldn't say everything. In my opinion this is all about subjective -- subjective standards about how we want to have our shared values in our community and I think it's important that we get those shared values out in front of our community when we are going to make changes, which some of that -- these can be very big changes from that standpoint, regardless of who enforces those changes or how that goes, they are changes. So, I don't know what your feelings are about how we move forward and where or what we should do, but I would love to hear some thoughts on appropriate next steps since we are in an open public hearing.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Appreciate you bringing it up. It kind of leads maybe to -- at least my question to get the conversation started. Is there an immediate request or desire from staff to have some action on this in a certain time frame? Recognize a lot of work has already went into this. Want to make sure that we cross the finish line the right way. I just don't know if there is a timeline expectation for staff about this.

Parsons: Mayor and Council, Councilman Cavener, it's up to you guys. I mean, really, you know, as Ms. LaFever brought up, you know, here I -- you know, I want to make sure -- all the changes that got modified from Planning and Zoning Commission until now were things that were discussed at the hearing. It was actually going back and looking at exhibits and making sure we are getting it right, because we do take it serious. I mean when we change a code we are changing it for the city. We are not changing it for the developer, we are not changing it for Council, we are not changing it for me, we are changing it because we want to get it right and the last thing I want to do as a staff member is get something in effect that's going to create more problems for us and so those changes that you saw today -- one was a cleaned up version. I thought with all the strikeouts, underline changes it might get confusing to read through those documents, because there is so -- there are so many edits to read over and I thought it might be something you guys wanted to look at. So, I just went ahead and sent that to the clerk at the end of the day to make sure you had that as part of the record. But overall, again, the -- the purview is yours. If you think these are things that you want further addressed and further vetting and shared with the community, then, absolutely, continue it out. If you feel like you have enough information to make a decision tonight, give me some clear

direction, I will make the edits happen, coordinate with Legal and we will get the ordinance approved and passed within a couple of weeks. I'm flexible either way for you. I just -- I just know this was important, not only to us, we -- we started this process in the fall, we are here in the spring, early summer here and we don't have resolution to it and I think that's -- that's where staff wants to be. We want a resolution, either we like what we have or we pause and get it right until we have the right information for you, where you feel comfortable with the changes.

Cavener: So, Mr. Mayor?

Simison: Councilman Cavener.

Cavener: So, to that point, you know, you -- you read the information that staff presents and having this presentation from Council or from staff, feedback from -- from the public to kind of take that all into -- without maybe having to make a decision tonight is something I would be supportive of and I appreciate with the last round having the opportunity, after all this has been presented, to go and meet with staff and kind of talk through and help me kind of see where staff is coming from and weigh that against the public was helpful. So, selfishly, I would like to repeat that process again and have a little time to digest and to the Mayor's point to allow maybe a little bit greater request from the public, if they have got feedback on any of this, to invite them back and share that information with us. It's a small crowd tonight, perhaps there will be more people that feel as strongly as I do about parking trailers or boats in driveways or open space and they have the opportunity to come back and share that.

Simison: And, really, for me where I look at it -- I look at this in two very different buckets. We have the bucket that can impact everybody in this city tomorrow if it's passed and we have the bucket that's going to impact how we move forward and make decisions as we continue to grow and develop and, yes, that can impact our community feel and character, but it's not going to impact how we -- everybody the day it's passed, you know, what we decide for ten, 12, 15, 18 percent open space has no bearing on the person living in Tuscany today, tomorrow, the next day. So, that's really where I would want to make sure we at least, as a community, understand the changes that we are proposing. They are going to -- to me it's like a law change. I mean that's what it is. I mean -- and we need to make sure that they are aware of law changes and how they impact them versus open space is a little different. That's a touch point. That's -- do we feel like we have got this right now. Now, are you prepared for this change to your community character tomorrow. So, two cents.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. It feels like the parking one, especially, is kind of like that third rail. I think that we -- we maybe want to highlight or bubble that out there for the community to get feedback specifically. But I -- I just think with all these changes I would love to see



something -- and it's tough to simplify all these changes, but I would love to see something maybe come out, like just a summary of what we are considering in some type of a town hall format or some way to connect back. Maybe publicize it in a way that it's not the full Comprehensive Plan, we don't have to have like ten different meetings throughout Meridian, but I would love to have this highlighted a little more for people, so we get a little more feedback from the community personally and I think there has been a lot of good exchange of information here and it would be good to chew on it a bit and take a few more swings at it personally.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I'm pretty close. There is some concerns and some things I just want to wrap my arms around just a little bit more. Go over my notes. And also I would like to look at Julie's e-mail. I skimmed through it, I didn't -- I didn't read it as closely as I should have. So, I want to go back and read Julie's e-mail as well. I think she deserves that. But, most importantly, this is -- I think we are all in agreement that this is a really important -- I mean this is a -- this is finality to many months of preparation and deliberation and time and effort, not only made by staff and -- but -- but in -- but, you know, our friends, the development community, but citizens who have volunteered their time and -- to give their opinion and, quite frankly, we have two Council Members that are absent tonight that would bring fantastic perspective as well. So, for that purpose I think it makes a lot of sense to continue this.

Simison: So, Mr. Nary, since this is not land use, let's pretend like we continued this for a month and found a way to go out and get additional community feedback in some fashion. What limitations, if any, are there in seeking feedback, having dialogue through a town hall or through a survey on NextDoor or anything?

Nary: Mr. Mayor, Members of the Council, that was a great question and, again, because this is a legislative action, it -- it definitely needs to be funneled into the public record somewhere. So, whether it's a public hearing or a public meeting, if there is notes kept, minutes kept, those types of things, they probably should make it to the public record. But feedback from your community members, feedback at the grocery store, feedback all of those things, are certainly welcomed. You are allowed to do that. I mean, again, when the Council is making a decision and you are going to make a decision on what Joe told you at the grocery store, then, please, tell us what Joe told you at the grocery store. So, we are at least clear where you are getting your information from, but it is -- it is -- you are welcome to accept whatever information however you want to get it. So, a survey is fine. A town hall meeting is fine. Coffee with the Mayor is fine. Whatever method to get public feedback. I always encourage them -- and please write it in an e-mail and send it to us. We would like to have it just for the record so people can see. But they are not limited to that. They don't have to only do it that way.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I agree with all the comments. I didn't, quite frankly, even contemplate deciding tonight, knowing that we are going to get some input from the public and community and whoever happened to show up and -- and there is just a lot to consider and think about. So, if it's a next date at least for us to consider as a continued public hearing on this to a date certain, and, then, the Mayor's office provides some outreach to the community through social media at least, maybe a plan of -- if it's a town hall or a Coffee with the Mayor or something more robust, at the very least we have got some ability to do some outreach.

Nary: Mr. Mayor, Members of the Council, one thing that Council has done in the past when you have a very large project like this, is to break it into chunks, so that way -- we spent about two and a half hours on -- on all of it tonight, but, you know, is it more beneficial to all of you to have a focused discussion or focus survey or a focus concentrated period to, then, talk about just the open space or the other changes that affect the code and code edits and not cutting, because, again, like some people said, if you get three to four minutes, but you are trying to talk about stuff that was presented for an hour, that's pretty challenging and they are all varied greatly. So, that might be a way to help all of you get the information in pieces that are more digestible to, then, make a decision and direction at some point.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, maybe we start July 6 and, then, we do it again July 13th and break it up half and half. I think that gives an opportunity for outreach, whatever that looks like to you, Mr. Mayor, and your office and it gives us an opportunity to break it up, so we are not having -- you know, I mean -- I know we all love talking about UDC code, but maybe -- you know, so bring it -- separating it in two different nights would be -- I think what Bill said makes sense.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Nary pointed out it may be a little challenging coming off of a holiday week that first week, so maybe staggered it from, what, the -- maybe the 10th and the 23rd or something along those lines. Staff I think can -- I guess, Mr. Nary do we need to continue it to a specific date certain or can we say we are going to continue it and Mayor and Council President can determine an appropriate date in the future.

Nary: Mr. Mayor, Members of the Council, because it is legislative it is just an agenda setting, so you can set it -- I just recognize this sometimes, but Tuesday immediately after a three day weekend is a challenge both for staff and the public.

Johnson: Mr. Mayor?

Simison: Mr. Clerk.

Johnson: Just want to point out you do have a special meeting on the 29th. You have scheduled for one application that was continued and, then, July 13th you have two Council reviews now of a land use project Planning and Zoning approved. So, that might be a long evening on the 13th.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: What does the 6th look like, Chris?

Johnson: At this time there is no notices we put have out. We have not hit that deadline yet. So, it's possible something could be coming forward from Planning, but right now it's open.

Bernt: Yeah. Mr. Mayor, I don't -- I -- I'm okay with just continuing it to the 6th and if we need to -- if we need more time after the 6th we will do it again.

Simison: Yeah. If it's -- we can only accommodate all what -- you know, give direction on one or two items on the 6th, we can see where we are based on conversations we have had at that point in time. So, with that do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue Item 15 to July 6th.

Cavener: Second.

Simison: I have a motion and a second to continue Item 15 to July 6th. Any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued. Thank you very much to those who came to speak.

**MOTION CARRIED: FOUR AYES. TWO ABSENT.**

Cavener: We have groupies in the house.

### **FUTURE MEETING TOPICS**

Simison: That's right. Council, anything under Future Meeting Topics or do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn.

Cavener: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 10:10 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR ROBERT SIMISON

\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK