

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, February 1, 2022, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Joe Dodson, Jeff Brown, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call the meeting to order. For the record it is February 1st, 2022, at 6:00 o'clock p.m. We will begin this evening's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Mr. Clerk, do we have anybody for the community invocation this evening?

Johnson: Mr. Mayor, we did not have anyone sign up.

ADOPTION OF AGENDA

Simison: Okay. Then with that we will move on to the adoption of the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move adoption of the agenda as published.

Borton: Second.

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

MOTION CARRIED: ALL AYES

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, any signed up under public forum?

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

1. **Public Hearing Continued from December 21, 2022 for Alpha Development R-15 MDA (H-2021-0094) by Alpha Development Group, Located at Parcel S0427438410, on the North Side of W. McMillan Rd. Between N. San Vito Way and N. Vicenza Way, Near the Northwest Corner of N. Ten Mile Rd. and W. McMillan Rd.**
 - A. Request: A Development Agreement Modification to remove the subject parcel from the boundary of the existing Development Agreement (Summerwood Subdivision, H-2019-0001, Inst. #2019-055407) for the purpose of creating a new Development Agreement consistent with a new concept plan and proposal for a multi-family development on 16.6 acres of land in the R-15 zoning district.

Simison: Okay. Then with that we will move right into our action items this evening. Our first item up is a public hearing continued from December 21st, 2021, for Alpha Development. We will continue this public hearing with staff comments from Joe.

Dodson: Thank you, Mr. Mayor, Council. Good evening. As noted, the project tonight was continued from December 21st, which we -- we had some lengthy discussion about it then. I'm not going to go deep into detail about the original project, but in general it is near the northwest corner of Ten Mile and Ustick -- or sorry. Ten Mile and McMillan. Ustick is the next one. The proposal is for a DA modification. That is the application before us tonight. Because the site has a different -- this is the original concept plan. They are proposing to change the concept plan consistent with multi-family. This was the original concept plan discussed at the previous hearing. At the hearing there was discussions about trip generation, overall circulation, really, was the biggest takeaway that I got out of that discussion about how people can get to the other commercial on the actual commercial -- or that's on Ten Mile and McMillan. So, the applicant went back and revised their site plan and has now proposed this. They have included a new road here, which after discussion with the applicant they are proposing to build a public local road here and not just a drive aisle in order to help get people from Gondola to the Vicenza Way, as well as to the road that's here that is a -- just a secondary -- I believe it's public,

but it's a -- you know, a commercial drive aisle road that's on the north side of the Walmart property. They also moved a little bit of the open space around. It does appear -- if you flip back and forth some of the central open space seems to have decreased, but they have also gained some open space along the perimeters. This is -- you know, dimension wise it's hard to tell right now, but this is a pretty significant area, as well as this area here that was not previously here. Really that's all I had for my presentation on this, unless the Council has questions.

Simison: Thank you, Joe. Council, any questions? Okay. Would the applicant like to come forward. If you could state your name and address for the record, please.

Holt: Dustin Holt. Alpha Development Group. 801 Reserve Street, Boise. Mr. Mayor and Council Members, thank you very much. Happy New Year. Merry Christmas. I think we were here right before the holidays last time. Thank you for doing the Pledge of Allegiance. Surprised that some cities that I go to that don't do that, so thank you for that. Mr. Dodson, thank you. I want to -- we want to appreciate and acknowledge Mr. Dodson, as well as Mr. Parsons, in all the conversations that we have had thus far. I think when we left the meeting last time we really heard two points. I think one was Mr. Dodson's point. Another that we heard certainly was density. And so I do want to address both of those items with you tonight. So, first in regards to density, as Mr. Dodson noted in his brief staff report or his updated staff report, he noted that no major changes have been made to that and that is -- that is correct and there is three or four points as to why thus far no major changes have been made. So, one, since inception in starting this process with staff, as well as several neighborhood meetings, we are now on our fourth or fifth concept plan. In each of those concept plans I think we have been able to show how we maintain two different product types. Maintain what we are looking at is about 30 percent open space. I know that there is conditioned open space and the alternative, but about 30 percent open space, all while still maintaining about that same -- that same density. So, knowing that we are going through a PD process as well, we want to make certain that we are allowed to go through that due process without what feels like might be shortcutting it or arbitrarily capping that as we go through that process. We think going through the ordinance there are means and methods and mechanisms to -- to provide everything that's required through the ordinance and we recognize that that -- that density will be somewhere permitted for the comprehensive plan and the underlying zone. Number -- number two to that is we know we still have to provide all and adhere to all the other conditions that we have proposed. So, that open space -- this new road, the concept plan, the access points, all of those items are items that we know will have an impact to what that final density is going through the PD process and, then, the fourth in part is with this extra land dedication and part of these improvements that we are now agreeing to resolve and work through on this north property line. That's kind of a fourth -- minor, but fourth point as to why we have not directly and specifically addressed density. As to -- as to traffic, really had to think through this one, to be honest with you. So, we had conversations and meetings with the property owner to the north. His biggest concern owning 55 acres to the north of us -- as part of his master plan he knows he has got to get roads all the way through the north, through this property, and that it has to be developed. He has very grave concerns that we -- we or he puts a road in meandering

all the way to the north and the next day a commercial user or some application comes by and says you have put the road in the absolute wrong spot and so trying to think through that, trying to think through making certain that that stretch of McMillan in front of this property doesn't become something that our residents have to frequent to go to schools, that other residents of Bridgetower don't have to frequent to get to shopping. We came up with this alternative of a road along the north property line. You should have received -- I think Joe and Council Members, the Mayor, you should have received an acknowledgement from the property owner that he is in agreement to work with us, that he is in support of what we are doing. We are willing to make that as we work for an item of the DA modification and so we are proposing that road and proposing that it's a piece of the -- the DA modification. I think that all the other conditions that were previously proposed by staff we are still in agreement with. We are in agreement with the alterations that were made to point number four regarding the landscaping and this roadway in Mr. Dodson's letter on -- on January 25th. So, we are in agreement with those alterations. We would propose one new ninth item and what that item would be is it would relate to this road and it would be that we will work through getting this road built, dedicated -- inspected, dedicated and everything prior to the first issuance of a certificate of occupancy. So, prior to any resident of ours moving in this road would be open and operable. That's -- that's a ninth condition that we would propose and self impose to make certain that you know that this roadway connecting San Vito and Vicenza make sense. The other point that I failed to mention, we actually think this helps with traffic on Gondola. So, some of the comments that we heard are people coming north on San Vito. There is not a stop sign right now at the north end of San Vito turning left onto Gondola and so individuals, motorists are able to carry a rather high speed of pace turning left and flowing onto Gondola. By the creation of this new extension of Gondola, if you will, that will force a three -- a three way stop. So, there will be a stop sign there. Individuals will not be able to just free flow left, they will have to stop, they will have to acknowledge and think through is somebody coming from the right, is someone coming from the left going straight. So, we actually think it has other mitigating -- traffic mitigating factors as well. Those are all the reasons that we ended up with this road alignment along the north property line. So, as -- as stated, we are in agreement with the other conditions, the alterations to number four. We would self impose this point number nine if the City Council wanted to add it to that list. Otherwise, we appreciate your time and respectfully request your approval of this matter tonight. Thank you.

Simison: Thank you. Council, any questions?

Dodson: Mr. Mayor?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I was not present at the original meeting, but I did review the meeting in preparation for this one and all the materials. So, I just wanted to state that. I saw in

COMPASS's analysis that they were suggesting specifically a crosswalk. I was wondering if you are going to be addressing that?

Holt: A specific crosswalk at --

Strader: If you could pull up the -- it's not San Vito, it's I think Vicenza. In COMPASS's letter they specifically said that there should be a crosswalk to get to the shopping.

Holt: Yes. And I think -- I think staff actually had made that recommendation in one of our first meetings as well, whether it was down at our ingress-egress point a little bit further south, certainly at this new road at the north end. That's something that we would look to -- to implement.

Strader: Okay. So, you will be completing that as part of your -- you are amenable to that condition?

Holt: Yes.

Strader: Okay. And, then, I guess maybe just one more, Mr. Mayor, if I can.

Simison: Council Woman Strader.

Strader: So, I -- I appreciate that you are very proactive on providing a road solution. That's -- that definitely seems like a step in the right direction. I guess what was your thought process in terms of not addressing density head on and either a reduction in units or some other type of approach at this point?

Holt: Only that we haven't gone through the full process. So, knowing that we haven't gone through the full PD process to assess exactly exteriors of the buildings, exact condition to open space, going through that in whole -- whole process, we have not gone through it. So, to do -- to do something short of that feels like we have shorted the due process and feels arbitrary.

Dodson: Mr. Mayor?

Simison: Just one second, Joe. Council Woman Strader, did you get enough from that answer?

Strader: Yeah, I got the answer. Thank you.

Simison: Yes, Joe.

Dodson: Sorry. I just wanted to clarify Mr. Holt saying PD, because a lot of other places do planned developments as a CUP. Just want to clarify that that's the process is the conditional use permit, not a planned unit development.

Holt: Thank you.

Dodson: Yes.

Simison: Thanks, Joe.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question -- Mr. Holt; right?

Holt: Yes.

Cavener: This is -- this is kind of interesting. I -- I recalled when you -- when you introduced yourself the last time you were here you said you were from Salt Lake and now you said you were from Boise. So, are you a resident now of the Treasure Valley or was there just a change in address?

Holt: Change in address.

Cavener: Okay. Mr. Mayor, follow up?

Simison: Councilman Cavener.

Cavener: I guess my question falls somewhat in line with Council Member Strader's in I guess maybe helping me understand -- pretty clear from Council concern about density and you had a great opportunity to lead and say this is what we are proposing. Any advice for me as a Council Member who won't know how many units this unit will have at the conclusion of this meeting, except for it can't be more than 249? How do I explain that to our community who has voiced some real strong concern about density?

Holt: That's a fair question. I think -- I think what -- what we looked at as we tried to assess this is -- is two factors. The underlying comp plan with the density range up to that, that would never exceed that number and we are not asking to exceed that number, as well as an underlying zoning ordinance that has other restrictions as it relates to open space circulation, as well as a now third step, the CUP process that we will get even further into that. So, this is -- this is a concept plan that has not been fully vetted. So, did not go through that process and be allowed to go all the way through that process, feels like it's being cut short. Right on the heels of that is that three or four or five concept plans have now been shown or presented that I think address issues, are still providing, in our math, that 30 plus percent open space. I think that we will exceed the -- the requirement in the ordinance itself and so -- but if we don't I think Joe was pretty clear -- Joe was pretty clear last time, he doesn't believe we will. He thinks that in order for us to achieve that open space requirement it will require a reduction in density. So, I'm not here tonight saying lock me hard and fast at 249 units, what I'm saying is let us go through the process.

Let us understand it. I think we heard multiple times from Council Members that the Planning Commission going through that will have issues, will want us to address things, may or may not get 249 units and I think that's what you are hearing from us is instead of arbitrarily and capriciously setting a number, go through the process. We think the process was designed to work. I think there is an underlying comp plan and zone in place with some forethought. So, let us go through that process.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate the feedback on that and I think it's -- I'm just -- I'm just one vote and, obviously, this isn't -- this isn't an annexation and -- but as one who is in favor of the existing development agreement it's hard for me to waiver from saying this is worthy of a change or a modification not having all the details for me to feel satisfied that a change is warranted. I'm just --

Holt: Sure.

Cavener: -- trying to be direct with you.

Holt: Yeah. And I can appreciate that. The other thing that we didn't hear is if there was a number that -- that's the other thing; right? So, we went away and we have now come back with a new road and a new public road and I didn't hear if it was one hundred units, 107, 207, 220. So, to -- to just state a number doesn't feel like we have gone through that process.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate that and I think that we as a body try not to prescribe this as the number, but that said you did hear the concern from Council and you chose not to respond, which, again, totally your -- your choice and you have got your own reasons for doing so, but I guess I'm going to push back a little bit to say, well, you didn't do something because you didn't get a number from Council. Council was pretty clear that they had some reservations -- some Council Members were pretty clear they had some reservations about the density.

Holt: And I -- again, I didn't try -- I didn't try to -- we are not trying to shirk away from that. I -- I'm not, which is why I brought it up as a point that we clearly heard walking away. It wasn't just traffic that we heard, it was density, but for those three or four reasons that's why you have not seen massive or significant changes to the concept plan.

Simison: Council, any additional questions for the applicant?

Holt: Thank you.

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

Johnson: Mr. Mayor, we have two advanced sign-ups. First is Dan Buffham. And, Dan, you are unmuted, so --

Buffham: Hi. Can you hear me?

Simison: We can.

Buffham: My name is Dan Buffham. I live at 3554 West Balducci Street. I'm on the south side of this development. I just wanted to bring up a couple of things, you know, that -- you know, thank you for the Council Member recognizing that the developer didn't address -- in my case I think everybody that lives here in this area is the density problem. I think the road is, you know, a good start, but I also see that it's actually going to cause more problems, because that gives a new throughput from people avoiding McMillan and/or Ten Mile to go through that neighborhood on the north side. So, I think, you know, my neighbors over here are going to have a big problem with that as well and the road does nothing to mitigate the traffic on McMillan and, in fact, you know, I think it's -- it's going to cause more -- because it's a shortcut, essentially, down the center from people coming out of the Walmart center and whatever else they develop in those other areas there. We already have a problem and I wanted to, you know, bring this up the last time, with -- with cars and coming -- and commercial vehicles coming down in Vicenza, because you are cutting the corner of Ten Mile and McMillan. If this is allowed I would like the City Council to recognize that that's already a safety hazard and the more traffic we have coming down that and with all of -- I mean they are right now currently building on the -- on the south side, the north side, there is a lot on the west side on Black Cat, tons of things going in there and multi-family, single family, hundreds of homes. There is no way to expand McMillan, so all of those people as a main artery are coming down there and I just don't -- you know, I would like the City Council to understand that, you know -- and I think you guys do, you are hearing us, that you can only make this place so dense and the more stuff you put in there the more dangerous it's going to get. You have to have schools. Personally my kids are all grown, but, you know, my neighbors' kids go to school and it's just packed. I ask that, you know, if -- if -- to consider to at least, you know, Vicenza to, you know, put speed bumps in there. I don't care if you put three or four speed bumps in there and I have to do ten miles an hour, that means everybody else who uses that to cut corners would do ten miles an hour. But I really think the density problem is really key here. Not -- not just a road and whenever they address it, whether it's today or it's next month or three months from now, it needs to be addressed. We have way too much going on in here and as the big picture goes, you know, the developers, you know, even though they are trying to be, you know, accommodating in some ways, they don't live here. I live here. There is -- I believe a City Council member lives in this area. They don't have to do this and they are not taking into account everything else that has been already built

and they have broken ground, trucks, trash, everything flying all over the place and hundreds of homes and that's it. Thank you for your time.

Simison: Thank you, Mr. Buffham. Council, any questions? Okay. Thank you very much. Next up, Mr. Clerk.

Johnson: Next is Jennifer Fedewa. Jennifer, if you are online if you can raise your hand. I don't see your name.

Simison: We do have someone with their hand raised, so why don't we go to Chris Williams online.

Johnson: Mr. Williams, you can unmute yourself.

Williams: Thank you. Can you hear me?

Simison: Yes.

Williams: Chris Williams. Live at 4476 North Girasolo Avenue. I am on the south side of the development as well. Again, just as the Council Member said, density. I mean that's huge and I know they don't want to put a number on there, but to have so much density there in this area, given all the other developments that we know and the other intersections very close by, it's too much density. The roads that want -- the new road that they added, that's -- that's only going to solve so much, not to mention the stop sign. I mean we are going to have to have a stop sign there anyways once the rest of the property to the north gets developed, but it's just with even -- I will even say 225 units, even if they lower it, on average every person has two vehicles. I mean we can all do the simple math. It just doesn't make sense and it's a huge safety concern for me with my kids who I have going into elementary school right there. I mean just going down, you know, that street, you know, right off McMillan it's dangerous enough. It's a pain in the butt to get in and out of that as it is with all the traffic and I think until we solve this density, you know, it's just not a smart move to approve this kind of blindly and hoping that maybe down the road they will lower the density in the best case scenario. The other piece outside the density is I'm all for trying to keep, you know, wealth and money in the community. All these are going to be rental units. That's not keeping any of the money within the community or help, you know, individuals building wealth, building equity for, you know, a better life, in my opinion, you know, with that. It's just a massive rental complex. And I'm sorry to say it, but to make another buck. That's what it is. But -- so, I would, please, ask that Council recommend to either deny this or have it redesigned that we could get a number in mind for density. I think the neighborhood would be better suited. I think, you know, commercial, smaller retail would be better suited given the issues. We know that McMillan in that area can't be expanded. We, I believe, addressed that at the last hearing. So, I just kindly ask you guys to keep that in mind in making your decision.

Simison: Thank you, Mr. Williams. Council, any questions? Thank you very much. Is there anybody in the audience who would like to come forward and provide testimony on this item or anybody online that would like to provide testimony, please, use the raise your hand feature, so we can include you into this public comment period. Come on forward, ma'am. If you could state your name and address for the record.

Freeman: My name is Michell Freeman. M-i-c-h-e-l-l. I live at 3931 Riva Capri. My concern was on San Vito and Vicenza. Right now we have no parking signs on both sides of those roads. I'm concerned with when this development is built that there will be overflow out onto those roads with cars parked on both sides of the street and you see that a lot in areas around and I don't think that's safe for the amount of people, especially in the spring and summer riding their bicycles and that type of thing and it just adds activity out there. So, that's my concern and I don't personally want to drive into my neighborhood with cars parked on the side of the street. So, that's -- I'm wondering if those parking signs will stay there, so that there is no overflow, because I know he has mentioned that there is two car garages under the townhouses. Well, more than likely a good percentage of those people are not going to be parking in their garage. Apartments are short lived, even has mentioned that, that people won't be here for maybe a year to a two year and a half, which means at least half that garage is full of their things and I don't feel like that should be considered a hundred percent of parking for what's available there, because they won't park there. That's my concern is parking on the street.

Simison: Thank you. Council, any questions?

Bernt: Mr. Mayor?

Simison: Yes, Councilman Bernt.

Bernt: Ma'am, I got a question for you. Ms. Freeman. Yes, ma'am. I certainly would appreciate it if you did. And so would Dean. He don't like you screaming from the back. So -- so, are you saying that currently there are no parking signs on those two streets that you referenced?

Freeman: Correct.

Bernt: Okay.

Freeman: On both sides of the street.

Bernt: Okay. Perfect. Thank you. That was easy.

Simison: We are seeing someone online.

Johnson: So, Michelle Banda. Michelle, you can unmute yourself.

Banda: Am I good?

Simison: Yes, you are.

Banda: Okay. My name is Michelle Banda. I live at 3801 West Milano Street. I back straight up to this property. I back straight up to San Vito. I have been at all of the neighborhood meetings. I did miss the first City Council meeting, but I have been at both neighborhood meetings. I will acknowledge that at first the developer seemed very willing to listen to our requests. Originally they had no fence along San Vito and we unequivocally stated that that was not acceptable. They have since put a fence up. But now tonight it seems like they are kind of backtracking and even though the city told them to make this development less dense, they didn't listen to that and in my opinion they have made it actually more dense, because it seems like they took their original plan and squished it all to put this road in and I will, you know, say like others have said, it doesn't make a whole lot of sense for that road to make a whole lot of difference for this development, except like others have said, to create a shortcut through the neighborhood. But I just wanted to add my voice to the fact that I don't think that they are continuing to try and work with us on this. I don't think they are trying to continue to work with the city with their request to make this a less dense project. I don't think this area can handle this high density. We have got another development going up on the north side of Walmart. There is more going in off of Black Cat. It's just -- it's going to make this area just a nightmare in terms of traffic and density and we specifically came to this side of Bridgetower West because it was less dense. So, I just wanted to add that. No real questions, but just wanted to add those few comments.

Simison: Thank you very much. Council, any questions? Is there anybody else in the audience that would like to come forward on the item or anybody online?

Bernt: Ms. Freeman, do you want to say anything again?

Simison: Would the applicant like to make final comments?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Are you saying you don't want to say anything? Okay.

Simison: Yeah. She waives.

Bernt: Okay. I will start off the conversation with my thoughts. My thoughts are in line with what was said before from other Council Members and also some of the folks who testified publicly. One thing that I will give kudos to the developer for is activity, you know, between the two areas that -- that road makes a big difference in my opinion. So, thank you for listening to us and making that improvement. On the other hand, you know -- and it's really interesting for those who -- and just to be clear in what we are -- what's before us this evening is this -- this property is already zoned R-15. The zoning is not going to change as far as density is concerned. What the developer is wanting to do is remove,

you know, the -- the development agreement that says there is going to be an assisted living on the property. So, that's what they are asking for right now and so whether -- whether or not -- well, I guess what I'm trying to say is that the density is not a question. The project has already been -- you know, he can build whatever -- you know, he can build R-15 on it currently and so with that said, you know, Councilman Cavener mentioned something earlier that I -- that I completely agree with and that is I would like to have something. I would like -- I would like to know something. And the reason I say that is because we just came off an election year and I have knocked on thousands of doors, as did, you know, Council Member Borton and Luke and that's probably the reason why we are probably here more passionate about this than others, because we have talked to the folks in their front doorways and they all said basically the same thing, you know -- you know, growth is an issue and so I would like to -- I would like to know what that looks like and we spoke about it, you know, last time you were here. I -- I know that you are not in -- it would be very difficult for you to give an exact number based upon the CUP process and what that looks like and for those who are -- don't know what that is -- so, basically, to approve the project, you know, which would include the exteriors and -- and what the project looks like, what the buildings look like, the amount of units, so on and so forth, that would -- that would be at another public hearing at the Planning and Zoning level. It would never come to us. So, this potentially could be the last time we hear this -- this -- this and I would really like to know what that number is ballpark and so before -- before I would vote to approve this I would need to know that number, you know, at least fairly close and I think that you have been doing this long enough -- it sounds like you have been in other cities doing other projects and so I don't think it would be too difficult for you to come up with that number, in my opinion.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I agree with Councilman Bernt about the connectivity. I think that's a critical element of this, considering that it's, you know, been a priority of the City of Meridian to have these connections from one arterial road to another and this will accomplish that. I do have a couple questions for the applicant if he wouldn't mind coming up. So, the memo --

Holt: I forgot my water last time, so I'm trying to make certain I don't do that again. Yes, Council Woman Perreault.

Perreault: Thank you. The memo -- the memo with the new concept plan stated that this would be a public road. On that drawing it appears that these would function more like private roads. I just -- I'm having a hard time seeing this as a public road as you have presented it different from the roads that run internally and how that will flow and work for safety and -- I mean, obviously, there aren't a lot of buildings that are facing this, so you are trying to keep the residential piece isolated from it, but I just -- help me understand more about how this is going to appropriately function as a public road in relationship to

how traffic will flow through the interior. And, then, the second question I have for you is who will want to sit in their bathing suit right next to McMillan Road?

Holt: I would. No. I'm actually going to have to rely a little on -- on Joe for some help on the road. So, what I understand is the local public right of way, it's 47 -- 48 feet; is that right? Versus our internal. So -- so, the road along the north end -- and I don't know if -- if Joe can pull it up on the screen, but the -- the proposed road along the north end, the local road, is a 47 foot right of way. So, it allows for a couple lanes of traffic, the -- the necessary curb-gutter on both sides, land strip or -- or park strip and, then, sidewalk. Contrary to most of the ones inside the project, those are closer to 30 foot to make certain that we accommodate the fire truck -- fire truck aerial -- or our aerial apparatus. The long truck, the circulation, the radii for those roads. So, it's hard to tell on a 16 acre site plan, but just off the cuff I think there is a 17, 18 foot plus or minus discrepancy in those road sizes to be a local road, which is what's proposed on the north end compared to anything else. Is that fairly said, Joe?

Dodson: Mr. Mayor, I would prefer you answer the second question and I will come back.

Holt: Oh. The bikinis out on the street. I'm a little disappointed, actually, to hear Mr. Buffham's comment that -- that we haven't done anything, because I can tell you the entire reason that that clubhouse at a single story is on that corner is from our first neighborhood meeting. Our first concept plan that was one of our three story buildings out on the street for the reasons of visibility, a leasing office, banners, accessibility, flow and his concern was that our residents on the third floor would look at his wife in her bikini in their backyard in their pool. So, there is a direct and specific reason why we moved a single story 'ish foot -- so, not just a ten foot simple structure, but a single story clubhouse and common area facility on that corner to move the building to the north of the pool -- to the north side of that to create an even bigger buffer from some of those residents on the south side of McMillan. So, I was a little disheartened to hear that. As far as who is going to want to be out there, you would be surprised. And going -- again, part of -- part of this is we know there is more steps and that's the frustrating part to me. I can appreciate, Council Member Bernt, that you have went out, knocked doors, heard -- heard concerns. Part of it to me is we haven't even gotten to the -- all the fun part. Landscaping. Orientation. Some of those designs. We haven't even really gotten into it, which is what we do in the CUP process, which is where you are hearing that -- that hesitancy come from the density side of things. He's absolutely correct. I could tell you right now to lose ten percent, 25 units, it is not going to impact things. I don't know if that's the number. To go to 200, yes, that impacts things. I can't do the road. I can't do the common areas. Again, part of the reason this whole thing came about that we seem to have forgotten about -- in our first neighborhood meeting the residents did not want me to be a part of the Bridgetower master planned community. They want us to do our own amenities. They don't want our residents in their facilities. So, part of it is spending several million dollars for a road. Several million dollars building amenity spaces for our residents to keep them out of that. That's a big piece of this. And so, yes, I have been doing this long enough to know that roughly an eight, nine, ten percent haircut, 25 units, I can live with. If the number is 200 I can't and at that point I would have to go back and readjust the road. I would have to

go back and readjust -- hey, you know what, maybe I need to be able to use your facilities, even though I told you in my first neighborhood meeting -- if that's cut and dry what you don't want, what I heard is, hell, no, we don't want to be -- you to be a part of our master plan. We don't want you to get rid of the fence. Tried to honor those two -- those two points. So, that -- that's the hesitancy. That's the reluctance in -- in saying is it -- is it 222? Is it 227? Right in that range I know works. Less than that I have got to go back and address bigger things that have me going back on other items that I tried to address or -- or comply with. To answer your question very specifically, landscaping. Landscaping can do a lot. So, part of the reason we want a pool close to the open space, landscaping and screening, fencing, other things can do. We want that view right next to our common area, right next to our clubhouse. Our clubhouses end up with barbecues, they end up with full indoor-outdoor kitchens, so that someone can gather, watch the Super Bowl. Not be watching the Super Bowl in bikinis for the Super Bowl, but have a Fourth of July party, interior-exterior flow in and out, and that space needs to be -- be connected. Can we figure out ways to address it? If that's a concern you have viewing the pool from that street, I'm more than happy to address that as part of the CUP process. What kind of screening, landscaping, fencing -- where does the pool equipment go? We have used all of those things. Pergolas. Canopies. We have used all of those things to screen the pool when we have had city -- cities or residents that are concerned about a view shed directly onto a pool on a public right of way. I think Joe was going to address the road. Sorry.

Dodson: Council Woman Perreault, if you have a follow-up to his, then, I will go after you. However you want to do it.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Let me ask one more question, please. So, the pool was just a curiosity question. It's very unusual for us to see it on a main corridor up close like that. So, it really has nothing to do with our decision here this evening, but I just -- I'm glad to hear that you will put in some -- some privacy measures in that regard.

Holt: It was interior. If Joe has our first concept plan, it was interior to the site.

Perreault: We just heard an application off Eagle Road that was denied due to flow of traffic through with -- internally and, then, surrounding the -- the property. A little bit different layout, but they also had to access part of their property through another property, which is -- and thank you for getting the letter from the neighbor, because that was a critical element of this for me. In that development there -- similar to this -- there were 30 foot wide roads and one of the conversations we had was safety of cars moving through, backing out of carports. You know, in this case they probably would circle around to that east side and stop and unload their groceries and try to come back, you know, park -- park in their parking spot and there is going to probably be a lot of people driving and stopping and getting out and hauling things and whatnot the way this is laid out.

Thirty foot -- the 30 foot private roads and the flow of traffic with this level of density concerns me for safety issues within the development internally. We have had some other recent applications where I have voiced this where I have driven through them and seen where there is significant opportunity for fender benders, somebody backing out and not seeing a pedestrian and those kinds of things. So, if you have developed this similar type of project with this similar density and had success in not seeing issues with pedestrians, you know, safety, children at play, you know, fender benders, please, share that with me, because there are some projects here that have significant issues with -- with similar designs.

Holt: I can tell you we have. I would also tell you we have also had issues; right? I have had a U-Haul hit a -- hit a carport. So, it happens. The things that we tried to do to mitigate it, signage, lighting and delineation. So, for example, between some of the -- the open space areas going to -- the middle open space area, basketball court -- I don't know if this mouse works. Oh, yeah. Some of these areas. Nope. North of that. I think it's Joe that's controlling it. Those areas; right? So, making certain that some of those areas get connected with well lit, well delineated pedestrian access points through -- through the block is something that's critical. Lighting on the underside of carports or on the exterior of the buildings in the -- in the garage areas. The other thing that is worth noting is because these are fire sprinkled buildings we have got that -- that road width and, then, on -- on the townhome side of things, because we are going to build under the IBC -- so, not the IRC, but the IBC, we will be over 35 feet, we have to provide an aerial apparatus access. So, that's the big ladder truck. So, I -- the truck cannot be -- and you can correct me if I'm wrong, Mr. Chief -- Fire Chief, we cannot be closer than 15 feet and further than 30 feet. In addition to that -- those 26 to 30 foot drive aisles, there has to be another spot where we have at least 15 feet. We can't be closer than 15 feet and further than 30 feet; is that correct?

Bongiorno: Somewhere in that neighborhood, yeah.

Holt: That is an additional buffer in addition to the actual driving corridor space. You are -- you are looking at a very ten thousand foot level and so back down -- zooming back down closer, inside of those 15 feet to 30 feet, again, planting the correct materials in the right spot so that you don't impact visibility. Getting lighting right. Getting signage right. Getting other delineation to try and keep residents and people where we want them to be, which is through the paseos, through the well intended, well lit common areas and those connection points. Is it a -- is it a hundred percent failsafe? No, it's not. It's drastically better than turning your back on it or not -- not addressing it, if that makes sense. More specifics than that I don't know that I could give you, but -- but certainly landscaping, signage and, then, because we are building under the IBC it requires us to have a greater -- some greater areas of separation than if we were building under IRC. We don't have to have that extra aerial apparatus access buffer. So, some of those areas that we have that extra 15 feet we would not have to have under IRC.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Go ahead and answer the local road portion. I didn't -- the concept plan that I received and I put in my presentation actually wasn't the correct one, because I had three access points right here, which Dustin and I had a conversation and I told him that it's not going to meet offset requirements for ACHD, so you got to move it. So, they have moved it to the interior, which I think makes it a lot better to just have this access point and this access point. You see this a lot with a lot of different projects with, you know, a private multi-family drive aisle connection to a local street, which is why initially I was concerned that they were going to propose this as the Gondola extended and have a -- have the collector road, which I think would be a bad idea, because, really, that collector street needs to connect further north in the future. So, the fact that this is a local street I think is a benefit compared to a collector. Secondly, local versus private functionality probably won't change much, to be honest, whether it's local or private. The benefit of it being local is you will be allowed to have on-street parking on the local street and if it was a private drive aisle we more than likely would not. Now when I say private I do not mean private roads or -- I anticipate they will not have a private street application, which is separate to put these roads within an easement and/or a common lot, but they will be multi-family private drive aisles, private in the sense of ownership. You know, the multi-family development would own it. They will be at least 26 feet wide pavement minimum because of fire. I will say looking at the concept plan I see quite a bit of -- I guess you could say driveways of some sort in front of these garage areas, which I have actually not seen in any of the multi-family developments that I have seen. It's always been right up to that property line and you have no room between, which I have lived in places like that and -- but, you know, I have also lived in places a lot more dense than this. So, just a different dynamic. It is livable. It -- I haven't seen -- to your point, Council Woman Perreault, the -- some of those issues. I will admit I haven't spent a lot of time within a lot of multi-family developments. The one that I did live in we were -- a miracle able to afford a home. It -- I didn't see that happen. I actually didn't see -- there was a lot of issues and they did not have drive aisles in front of the garages. It was a pain to get a U-Haul near the garage to put some stuff in it. But I -- I see your points. I see Mr. Holt's point regarding the density. I see the Council's points. I see both sides very clearly. From a staff perspective I do anticipate that Commission will deal with density in some regard if the DA mod is approved, regardless. If the DA mod is denied this will sit and we will have to do this all over again with someone else, whether that -- whatever that might be. I would just recommend that if we go that route that there are specifics so that if Mr. Holt wants to come back around or somebody else, that if it's going to require a commercial or if it's going to require other things in order to get an approval from this Council that -- that we delineate those very clearly, whether it -- you know, because we can't necessarily require a rezone, but we can discuss, hey, we want commercial here, we want things like that, which, then, in turn, would instigate a future rezone. So, I just want to be very clear on that as we move forward to the deliberation.

Holt: Mr. Mayor, if I may? This came up in Ms. Freeman's comment on the no parking. It -- I don't -- I think that's actually tied to the Bridgetower master plan, so I have no ability to remove those signs or to permit on-street parking. So, I think just on the record that

should be noted. To Mr. Dodson's comment, as we look to accommodate the aerial apparatus access, yes, there are certain townhomes where all of a sudden we found an ability to do an 18 or 20 foot driveway behind the unit that otherwise we wouldn't have had. Part of that is trying to be responsive to individuals. You -- we provide a lot of storage opportunities in areas inside of our buildings, but if -- if a resident were to choose to utilize that -- their garage for storage, it's an extra attempt of additional parking stalls for visitors, for individuals with more than one vehicle, without actually being a parking stall that's counted. So, we really did try to take those things into consideration and I think that's the hard part for me. Do I want this application denied? Absolutely not. We -- we bought the ground. We bought the ground back in the summer. Knowing or hearing some of the comments from staff it was -- you are going to address a bunch of this stuff with the Planning Commission anyway. So, I feel stuck. We are trying to show a plan. I think to my point before, an eight to ten percent drop right now I know I can withstand. Something greater than that I would have to go back and revisit probably the entirety of it. So, if that answers your question more specifically. Thank you. Any other questions for me or --

Simison: Council, any questions?

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: One last comment regarding the road. I -- in addition to the letter from the previous landowner and the landowner to the north, I had a lengthy discussion with that owner as well regarding the road and he anticipates fully cooperating should this get approved. I just wanted to be super clear on that, that those conversations happened. It wasn't just a --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: We have received information necessary to at least get the question going. I will provide some -- some comments and thoughts. You know, the context Council Member Bernt hit on it, I mean some helpful framework to know what is before us and what isn't. You know, the property is already annexed, encumbered with the development agreement that has this concept plan to it. So, yes, it's zoned R-15, but that concept plan back in '08 was tied to this and this development agreement for a particular purpose and it's mixed use community, but still tied to what that intended and just, frankly, it's much different than what's before us now. It's the reason that this DA modification is necessary. So, while it's not an annexation, I look at it similar to that as if this was a request to annex R-15 with this intended use and would it be in the best interest of the city to have this be included. That mindset made of all of the information that we heard from the applicant and heard from the public, concerns about density among other things, that I'm not convinced that the concept plan from '08 is improved with this application. I believe the property, awkward as it is, hasn't yet developed. We try to think of these decisions in long term

generational type decisions. Still can feel convinced that the concept plan that was tied to the R-15 annexation in '08 is most appropriate. Some of the elements that have been addressed in this application, road being one of them, that principle my sense would be incorporated into that future development. Some of these really clever solutions I think would probably go into that future plat that's consistent with the existing concept plan. So, for those reasons I think I'm not supportive of this application as presented and think the existing concept plan should be given more time to see its day.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Joe -- maybe it involves Bill, but to that point if Council were to turn this application down and say, no, you have to stick with the existing DA, it's still R-15, we know that, and according to one report, the one concept plan that is specific to this property is an area of assisted living facilities -- or facility. Or medical offices. Could a developer carve out a land section for that that makes it vacant for a number of years, as it has already, and still put in units that meet the R-15 designation?

Dodson: Councilman Hoaglund, good question. I would say there is multiple -- multiple ways to answer that. Would it be -- would it meet R-15? Yes, I think it would. Would it not require a DA mod? I don't think so. I think it would still require a DA modification, because the concept plan itself will not match or the plan would not match to this concept plan. Again, we -- we, staff, we have discretion in that. We have some leeway in that, but -- but I would have to say the only way, Bill, my supervisor and Caleb, Planning and myself, would not require a DA mod on this site would be if something came in with a similar enough site plan where you have these like four pack kind of units. If they did that, single family, multi-family, I don't care, I -- I think that that would be close enough to the concept plan to, then, just go straight forward to a CUP if it was multi-family and apply if it was single. But either of those options would comply with R-15. Yes. I hope that answered your question.

Hoaglund: It helps. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The brief historical context is, you know, in almost all cases, especially back then, we wouldn't approve an annexation without a plat. Then the rare exception is the concept plan was kind of the plat light, sort of not set in stone, but intentionally set, I guess, to know exactly how the remainder of the properties would exactly develop. So, this purposeful piece, I guess, into some of the structure of the concept plan, which I appreciate your -- your hesitancy. It is a difficult question until you see it and I don't know --

Dodson: Right. Exactly. It -- any of these that require DA modification with concept plans it gets murky pretty fast, just because of, you know, without being a lawyer, because I'm -- yeah. I didn't -- I did not choose that route. It is -- yeah, it's just hard to say. I don't know how far I want to go down that rabbit hole there. But it can be difficult to do that, yes.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I have been -- you know, I -- following up and reviewing the information from the last meeting and I was really hoping to see a different concept plan that had less density. That's really hard, because, you know, on the one hand you sort of -- the applicant is saying, hey, this is all a different process, but that process doesn't come before City Council; right? And I -- you know, so I struggle with that. I think if -- for me the density is a huge concern in this -- in this area with the traffic concerns in McMillan. I do think the roadway is an improvement. You know, I -- I could probably wrap my head around something between 200 to 225 units would be a pretty significant reduction, but I don't think the applicant has, you know, necessarily stated they are firmly in supportive of that. Yeah. I -- I -- so, I'm trying to weigh the fact that it -- you know, it is zoned this way. I'm not sure if someone came forward with the exact concept plan from the previous DA if that is actually a huge improvement or not, if I'm just being really honest. So, I would be in favor of possibly approving it if there was a reduction in density that we could agree on, but if we couldn't, then, I would probably be in the camp of a denial today, hoping that it could come back if they had some more time in the future with a different concept plan that maybe addresses the density concern. I -- I just feel that that concern needs to be addressed, that it's a high enough -- it's a big enough issue in this location that to not address it is a mistake. I don't think it's in the interest of Meridian in the future to move forward with up to 250 here.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: A quick question for Joe about a comment in the staff report. On page four it says the following mixed-use policy should be met with the proposed plan and the second bullet point says supportive and proportional public and -- and/or quasi-public spaces and spaces not included, limited to parks, plazas, outdoor gathering spaces. Do you feel like this concept plan meets that? I -- I'm -- I'm struggling with this being truly mixed use and not just a residential development.

Dodson: Council Woman Perreault, I -- I do not anticipate that this site itself is mixed use and meets all those policies. Absolutely not. Just like the last one that came through that was recommended for denial by Commission didn't meet all of them and that was for the 60 acres to the north. When you have smaller sites and, quote, unquote, smaller -- you know, 16 acres isn't that big when you try to fit in multiple land uses. Public, quasi-public

spaces, I -- the revised concept plan, honestly, with that open space on the north end of the -- the north side of the local road, I do think that would be a little bit more of that. I don't know if they would hit five percent. That's a pretty big area. But I say that because other discussions with the other property owner to the north is they are -- that buffer between this potential site and, then, future residential or commercial on the north side of the extension of the collector road, would be additional park space, because they were -- they had discussed at the Commission hearing on that previous application about where the existing line or the fence line is for the park and how much should actually be there is not the same per the approvals and so instead of taking that park or -- or if they did take some of that area of the park to add it some -- some back here and then -- then you get some shared common area, even if there is some commercial there, which was previously proposed, you have some shared quasi-public space between commercial plazas and some open space. Really when I look at these I'm not anticipating that this project does, but this project, in conjunction with the existing commercial, in conjunction with what the commercial that's zoned, but not constructed on the south side and, then, everything in this little bubble will meet those, yes. This project itself, no, and I -- I wouldn't in good faith, you know, require that normally, to say, hey, on the 16 acre parcel you are going to have commercial and office, you are going to have multi-family and you're going to have single family. Really, the mixed use community in this area actually doesn't have any residential in it technically right now. It's all commercial right now. But a lot of it's undeveloped as well. So, they are -- we don't have a minimum commercial, which I would think is a bad thing in our mixed use standards, but we do have a minimum residential and that is not met technically right now. So, this would be working towards that goal, correct, to have those mixed uses within that. Like I said, lots of facets to all of this.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Joe, again, to follow up, then, to meet mixed use in the R-15, they -- someone could propose a commercial building along McMillan and have that buffer McMillan and, then, inside of that go with residential units, townhouses, apartment complexes and do a layout however, you know, and some of the testimony we hear is the fact that, well, we don't want anything over two stories and that sort of thing and someone can propose four story commercial and it meets the mixed use. So, is that a correct view of that?

Dodson: Councilman Hoaglund, yes, that is one outcome that could occur. If a rezone accompanied the DA mod, with the intention of doing, you know, bigger office buildings along McMillan that is something that planning staff in a bubble would love. I would much prefer that personally. But that's -- you know, I don't get to design these, so it doesn't come out that way. But that was something that we had discussed with the applicant from the beginning previous. I can't tell you how many people I have met with on this site before it was sold. So, those are things that have come up, yes. A rezone occurred and there was some commercial along McMillan, absolutely. Depending on the zoning would probably be at least 40 feet as a maximum.

Hoaglund: So, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I guess what -- what makes this so difficult and to address the residents and people who testified, whatnot, is we could turn this down tonight, but what you get coming later may be something even less desirable. That's -- that's the rub here. Yeah. I mean you -- you could have -- someone decides with that Walmart -- and we know how that Ten Mile and McMillan intersection is building up, my folks live kitty-corner from Walmart, back there. They are backed up against a couple restaurants. It is not a good thing to have behind your house is a restaurant. Delivery trucks and noise and whatnot. So, I -- that -- that's -- that's kind of the tough part. We don't -- we don't know. We -- we -- if this gets turned down what may come later -- they may not be so amenable to suggestions and concept plans and different things like that. So, that -- that's what makes it difficult. We dealt with one on Chinden Road where there is a hospital going in and there is homes in the area and the amount of time we spent on that from they are ruining our sight lines, the distances, the height of the building, the lighting, all that good stuff -- needless to say, you know, it -- it -- it changes things. That property will change someday and it's just what we are dealing with. It is zoned. It's got plans for it right now. This developer wants to do something different, okay, it's -- it's before us tonight. But what those future plans are if this doesn't go as they want, don't know what's going to happen. So, just -- just fair warning I guess. Just one of those things and, then, we will have to deal with it at another time. So, anyway --

Simison: Council, are we at a place where we are thinking to close the public hearing?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Get the discussion going. Be more than happy to. But for now I will move to close the public hearing on H-2021-0094.

Bernt: 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 and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think it's been a good discussion. I think it provides historical context of how we got here and what might come in the future. Councilman Hoaglund's comments are spot on in that regard. You know, this is the one that you know -- we don't know if -- if this is denied what the next application might come before us, whether the use is more intense, greater mass, but I do believe that future application would, nonetheless, come back to some council at a public hearing or a DA modification, perhaps a rezone, and that Council with that public can vet it at that time. So, with the application that's before us for the reasons that were stated on the record earlier at tonight's hearing, I'm going to make a motion that we deny the DA modification request and application H-2021-0094.

Bernt: Second.

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

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

Simison: All ayes. Motion carries and the item is denied.

MOTION CARRIED: ALL AYES.

2. Public Hearing for 1160 W. Ustick Annexation (H-2021-0092) by The Housing Company, Located at 1160 W. Ustick Rd., on the north side of Ustick Rd. Between N. Linder Rd. and N. Venable Ave.

- A. Request: Annexation and Zoning of 4.54 acres of land with a request for the R-15 zoning district for the future purpose of constructing an affordable housing, multi-family residential project.

Simison: With that we will move on to the next public hearing. Item No. 2, which is for H-2021-0092. We will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor. Give people just a couple minutes just to get out of the room. Thank you. As noted, Item No. 2 tonight is for 1160 West Ustick annexation, located -- go figure -- at 1160 West Ustick. The applications before you tonight are for annexation and zoning. The site consists of 3.81 acres. Currently zoned RUT in the county. It's on the north side of Ustick Road in between North Venable and Linder Road. So, west of Venable. The future land use designations on the site are actually two as mixed use community, as well as medium density residential. The annexation and zoning before you tonight is actually for four and a half acres, which accounts for the right of way that's required, because you go to center line when you annex properties. This is a request for R-15 zoning district and it is for the purpose of constructing a future affordable housing multi-family residential project by The Housing Company. As noted the project site has two mixed future land use designations. The majority of the site is the mixed use community, with a sliver of medium density residential. West Ustick abuts the site along

its entire southern boundary and it is relatively an odd shape. It's approximately 390 feet wide on its west boundary and only 90 feet on its east boundary. There are no public streets abutting the site, except for -- well, obviously, Ustick, but other than that no local public roads abutting the site, except for Northwest 11th Avenue in the northwest corner of the site, which is -- only has about 11 feet of right-of-way touching it. The northeast corner of the site -- I guess it's kind of hard to tell, but there is actually a property here. That is zoned R-8 and was annexed and zoned with Woodburn Subdivision, but does not take access through that site. It still takes access through this site through a private easement. Between this parcel and the Woodburn Subdivision to the north and running along its entire north boundary, except for that property to the east -- northeast is a common lot owned and maintained by the Woodburn HOA. It contains an irrigation facility of some kind. There is some dispute as to what it actually is containing, meaning the legal documents that the applicant has discussed with me does not match what our GIS labels it as, but it is some form of an irrigation facility. But it is -- the property is owned and maintained by the Woodburn HOA. The majority of the adjacent parcels are single family, with the exception of the C-C parcel to the east and shares about 90 feet of the property boundary. This property, which is Settlers Square, recently received DA modification approval to include some multi-family townhomes on the north half of their site, while keeping commercial pads along Ustick. Cross-access was required of Settlers Square and staff is requiring it to be reciprocated with this applicant and the applicant agrees to that. In general the property is a relatively odd-shaped parcel with its own set of challenges derived from previous planning decisions, meaning road placements, its dimensions and its general location. The proposed use for the subject site is multi-family residential. So, the future use and a future conditional use permit with -- within the requested R-15 zoning district is required. That would be subject to the specific use standards in 1143-27. However, the applicant is proposing this project with a couple notable differences from traditional multi-family. First, the concept plan -- sorry. The conceptual elevation shows six-plexes and eight-plexes, no more than two stories in height, as opposed to three story walk up or other styles that we normally see. They are accessed from one side, with the majority of the massing of the building facing interior to the site. So, any neighbors would see more of a traditional sloped roof of a two story home, to be honest. Again, not like a traditional three story walkup. Secondly, the applicant proposes the multi-family project to be affordable housing in the form of deed restricted rents for the entire site. Staff finds the specific use of affordable housing, no matter the type, is a greatly needed use within the city and is, essentially, its own residential use. Staff has worked with the city attorney's office to propose adequate DA provisions to ensure the proposed use of affordable housing is maintained. As noted, the subject site contains two future land use designations, mixed use community, medium density residential. Staff, finds the proposed use to be in line with -- in alignment with both future land use designations. Furthermore, future land use designations are not always parcel specific and when -- when more than one exists -- sorry. Yeah. And when one -- when -- I can't speak tonight. In short, the city has allowed applicants to utilize one or both of the designations for the project site when both exist or more than one. However, in order for the proposed 52 affordable units to meet the gross density requirements it has to be analyzed against the mixed use community designation, which allows density at a gross rate of six to 15 units per acre. The subject mixed use community area is

located around a mid mile collector and has minimal commercial uses currently developed. Previous applications in the area have allowed a reduction in commercial areas due to the viability of commercial being lower in these mid-mile locations as previously discussed. However, staff anticipates most of the remaining unannexed land to the east -- unannexed land to the east that is part of the mixed use community bubble to allow for more commercial, because they directly abut Ustick, which helps minimize that issue of not having visibility. In addition, as seen on the future land use map, the area to the north of the subject parcel was specifically carved out of this mixed use community area to allow for more traditional residential uses. This choice, coupled with the existing stub street locations and large annexed out parcels adjacent to the site, has created a site that cannot viably meet the fundamental goals and policies of other mixed-use community parcels. Minimal opportunities exist for shared spaces with other mixed-use community parcels, which is a big thing within the mixed-use community designation. And even cross-access to the C-C parcel to the east is only attainable through that 90 feet of shared property boundary. Because of these constraints to the site and nearby area, staff does not find it feasible for the applicant to meet all of the mixed-use policies or to provide additional commercial and should, instead, be an affordable multi-family development. Outside of the proposed use, the concept plan should also be analyzed against the general Comprehensive Plan. The submitted concept plan depicts six six-plex units and two eight-plex units. All two story in height and the eight-plex buildings are only proposed along Ustick. So, again, helping with building massing and transition from the existing single family. The site is shown with a looping drive aisle due to the odd shape of the parcel and has parking on both sides, with the clubhouse and playground in the center of the project. At least three of the homes closest to the subject site are two story in height. The applicant is also -- sorry. Oh, boy. Oh, no. The applicant is also showing open space adjacent to the single family home to the northeast, which takes access via private drive. Along the west boundary the applicant is showing a 15 foot buffer that will be adjacent to a future road extension, Northwest 11th Avenue. The existing single family home on this adjacent property is located on the west side of this lot, approximately a hundred feet from the shared property line. Therefore, staff finds the applicant has provided appropriate building massing, open space locations, buffer widths and appropriate transition of residential use and density to the adjacent existing residential uses. There is one existing structure on the property that appears to just be a large concrete structure and all structures on the site will be removed upon development. In addition, there is an existing five foot wide detached sidewalk along Ustick Road that will be protected and maintained during construction. Initial review of the conceptual elevations depicts the buildings with varying roof profiles and materials, including stone and fiber cement lap siding, board and batten, and different layouts. Access is proposed to West Ustick via a new -- via new local road known as Copper Lane -- I think it's supposed to be Cooper Lane, actually, because it lines up with the -- to the north. The submitted plans show this new road to extend from Ustick and, then, terminate in the north property boundary for a total length of approximately a hundred feet. Very short, obviously, so it doesn't require turnaround for ACHD. The reason why ACHD wants it as a public road is because they anticipate it to connect through the site to the north to the existing stub street on the north side of that property and potentially future connection to the east likely not go. And to correct myself, it lines up with Blairmore on the south side

of Ustick, which is why the public road is proposed here. Access to the multi-family residential buildings are off of this new local street through a multi-family drive aisle. All parking and access to the proposed units are off of this drive aisle, which is at least 25 feet wide. It only needs to be 25 -- and not 26 to 30, because they are only two story in height and less than 30 feet, which is a fire requirement. As noted there is a small area of right-of-way at the very northwest corner for Northwest 11th Avenue. Again, it's only about 11 feet that abuts the site. A little less. That's here. Not where I would have put the road, but that wasn't my project previously. It is anticipated that this road would be extended wholly on the property to the west, except for this sliver of right-of-way. The property to the west has an additional public street stub on their west boundary. Code calls for cross-access between parcels, but because this proposed development already has site constraints, staff does not find it necessary to require a stub from the west for future connectivity, meaning that if a public road were to come through this site it would vastly take away a lot of area and where you would put that it's not going to change where we would probably end up wanting the road on the property to the west if that site ever redevelops. If we were to bring Northwest 11th directly down the north boundary, that -- is that ever going to connect to the south -- would probably just still require Northwest 11th to head south and, then, head west to Tetherow Crossing. When we analyzed this, it -- there wasn't a real benefit to this property, to this project and, then, you end up with some kind of a real backage road -- a public backage road along Ustick, which isn't necessary at this time. Further, staff does find if a connection were to be required it would promote cross-access through the drive aisles meant to serve the future residents of this site. It would create more of a thoroughfare, rather than a community feel within this project. Commission and Council should determine if cross-access to the west is needed in spite of these factors and staff's opinion or decision. A five foot wide detached sidewalk is existing along Ustick as noted. The applicant is also proposing attached sidewalks and other micropaths throughout the entire site. The proposed sidewalks and micropaths will be analyzed against the UDC and other dimensional standards with a future CUP application. In addition to the existing sidewalks and the proposed sidewalks, staff did recommend an additional pathway along the north boundary. There is some discussion on that. Just a five foot wide gravel pathway along the north to go and help connect some of the sidewalk and/or open space that the Woodburn Subdivision has. Granted they don't utilize it. It's just there. There is discussion at Commission regarding that I in no way want to hinge this project off of that pathway, especially when the applicant and I have discussed it with parks and they believe that the pathway as shown -- the sidewalks shown in here would be adequate for transition and -- or, sorry, travel for residents to go west to east -- east to west, including to the east to the commercial at Settlers Park that would be there in the future. So, again, if Council determines that that DA provision doesn't need to be there at all, staff understands. I do not want to have a project approved or denied off of that when they have the existing proposed sidewalks within the site. At the Commission hearing, again, that was one of the points that was discussed. They also discussed whether the site will be managed 24 hours and if it will be an age restricted development. It was my understanding from that discussion that it could be 24 hours, but more than likely be on-call and, you know, part-time maintenance, part-time leasing. In addition there is discussion that it would not be an age-restricted development. Also discussion on staff's recommended additional gravel pathway, which I hope I also just

clarified. How does staff envision Cooper Lane and Northwest 11th being extended in the future, which I hope I addressed Northwest 11th, but feel free to ask clarifying questions. Cooper would, again, head due north through the property to the northeast. Lastly, there were some discussion on the parameters of the project that are more or less important due to the proposed land use being for affordable housing in lieu of market rate and to that point was more about my discussion of the mixed use community standards and whether or not the cross-access, whether or not commercial would be something that would be pushed for if it was market rate versus affordable. I -- I try -- I hope -- I think I answered it better at Commission hearing than I probably will right now, but what's proposed meets -- at least conceptually, because I haven't dove into the dimensions, but meets the proposed use standards, meets the condition -- or meets the dimensional standards for the proposed zoning district, as well as the mixed use community standards. That discussion that I had was a lot more about if these were market rate would we -- do we need more market rate apartments in lieu of a hundred commercial or in lieu of a few single-family lots and, then, commercial versus what's before me now, which is affordable housing, which is what we need in a lot of different ways. So, it was more of a give and take more of -- I don't design these projects, again, but more of a -- this is what I'm reviewing now and I don't find it necessary to make them meet a bunch of -- or all of the mixed-use policies on three acres when 16 acres generally cannot meet and will not meet all of the mixed use policies. Following that discussion and all these points the Commission did recommend approval of the project with the request that the applicant work with the Woodburn HOA to the north about that pathway. There was some discussion on that that I know of that the HOA has met with the applicant, but there has not been a decision made. But, again, I -- I will not push and say this should be denied if we do not have a five foot gravel pathway. There was no written testimony as of about 3:00 this afternoon, but I did look -- there was one in support of the project and following that I will stand for any questions.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: A question for Mr. Nary and you will have to forgive my -- my ignorance, but is are affordable housing apartments assessed at the same rate or value as market rate apartments? I mean I guess I'm not aware of if -- if it's affordable housing if it's assessed at a different value.

Nary: Mr. Mayor, Members of the Council, are you talking about the county assessor or the property value? I don't know, because normally they are really just assessing buildings, not necessarily what building value is or what they go for if they fail. I know they look at that. So, I know there is a factor in there, but I couldn't tell specifically that that has a greater or lesser impact on the property value.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: May I answer that question?

Simison: Sure.

Perreault: If there is a deed restriction, if the affordable housing is limited by --

Simison: Can you speak into the mic.

Perreault: If the affordable housing is limited by a legal deed restriction it will affect the value of the buildings and their salability to the public and/or investors. If the units could be converted back into market rate it's likely not going to affect the value of the structures.

Simison: Is the applicant here? Like to come forward? State your name and address for the record and be recognized for 15 minutes.

Anderson: Good evening. My name is Erin Anderson. I'm with The Housing Company and I live at 2238 North Astaire Way in Meridian. I would like to just start by answering the property tax question if that's all right. So, you're correct. The value really would depend on the restrictions and the short answer is that, yes, we pay property taxes and there would be property taxes on this. It takes an income driven approach, so they would look at how much income the property has to determine the value and, then, assess the taxes, so -- but they are -- you know, there are significant taxes that we pay on every affordable housing project. There is a state statute that does provide an exemption for nonprofits, but it only applies -- it specifically says it does not apply to projects that utilize the low income housing tax credit, which is the majority -- I would say it's 99 percent of what we do. So, only one percent or less of the projects we do would qualify for the tax exemption and most of the work that's done in the affordable housing industry right now involves that tax credit that does not qualify for the exemption. Okay. So, moving into the presentation here. For anyone that was at the Planning Commission meeting some of this may be a repeat, but bear with me, because I know that Council Members may not have been there and so I'm going to go over some of it again. We did finally give the project a name, so it's not just 1160 West Ustick. We named it Woodrose Apartments. A little bit of background about The Housing Company. We are a non-profit organized in 1990 with the mission to address the concern of inadequate supply of affordable, decent rental housing within the state of Idaho and recently we have added Montana as well. We play an active role in bringing affordable housing resources to areas of the state not being adequately served. We form public-private partnerships and utilize creative housing solutions to really figure out how to tackle the problem of affordable housing. We have developed more than 800 units and two dozen affordable rental communities. We have professional property management, as well as development and long-term -- term ownership within our company. We are located in Boise. We are a local company and we own our properties for the long term, taking pride in building an asset for the community. We are able to put together complex financing in order to meet these significant challenges. Our nearest developments are Moon Valley Apartments in Star,

Nampa duplexes and Hazel Park in Caldwell and we currently have Canyon Terrace in Nampa and Sunset Landing in Caldwell under construction. So, a question I often get is what is affordable housing? What do we mean by that? There are a number of affordable housing programs, but the most common one utilized today for new construction is the IRS program Section 42, the housing tax credit, or also known as the low-income housing tax credit. This isn't the same as what people think of as subsidized housing or Section 8. With this program a private investor, such as a bank or insurance company, as examples, will become a partner in the project and provide equity to the project in return for ten years worth of a federal tax credit. The residents must be income and program eligible. The rent is based on a fixed rental fee. So, once they move in their rent doesn't go up and down if their income changes. So, if their income increases they still have to pay that rent when they -- that was established when they move in. It's really important to keep in mind that the quality of a Section 42 affordable housing development is going to be -- it should be indistinguishable from any other apartment building. We require income verification, criminal background checks, credit checks, student status verifications and household composition verification. Okay. So, there are two types of Section 42 and I added something to the agenda here that wasn't in your packet. I apologize for that, but I need to discuss that there are these two paths, because we have recently discovered that, one, that we need to explore both paths. One of them is considered a non-competitive tax credit. That's the four percent housing credit and the -- the -- the situation with the non-competitive four percent credit is that that's the one that we would prefer to use for this project, however, it's heavily reliant on additional gap funding and in particular we were really counting on state American Rescue Plan Act dollars to -- to go to fund part of that gap, which is currently under discussion at the state legislative session and because of that we were really hoping we would have some answers on that by now, but -- but it seems like it's going to take a lot longer than we were hoping. So, we have to bring up this second path at this point in time, which is the nine percent housing tax credit. The nine percent is the incredibly competitive process that goes through IHFA every year -- essentially one-third of applications get funded and every applicant is ranked according to a number of different scoring criteria and the reason I wanted to bring this up is that one of those scoring criteria requires us to consider mixed income, because points are associated with providing mixed income developments and what it amounts to is if we end up having to go through the path of the nine percent credit, we would likely need to have six out of the 52 units, which is 11 and a half percent, be not income restricted. So, those would be -- they would not have a restriction on those six out of the 52. The reason that the IHFA's qualified allocation plan has this provision is because mixed income housing is seen as a way to facilitate or preserve economic integration, create well-maintained and amenity-rich housing for low income individuals and families and increase community acceptance of affordable housing, particularly in higher income neighborhoods. So, that's the impetus for that and I wasn't -- I didn't intend to -- like it wasn't intentional that I didn't bring it up sooner, it's just that I didn't really think we were going to have to even consider this path, but I think it's important now as we are getting a little bit further along to bring it up and, to be honest, having those six units at slightly higher rents actually does not help the project cash flow by itself, because we would actually prefer the equity that's associated with those being affordable housing units actually generates more -- the equity dollars are greater than the rent dollars, so it's

not really helping us to make them market units, aside from the fact that it's an all or nothing proposition. All right. So, here is a few examples of some households that could -- you know, just to give you an idea of income levels and rent levels. So, we have a single person in customer service around 30,000 a year with a one bedroom at 741 dollars a month. A single person with two kids at 38,000 with a two bedroom at 946. Three person household at 45,000, with a rent of 1,089. And a four person household at 43,000, with rent of 1,089. Those rents include trash and water and sewer. These are some photos of other developments we have done. This one is in McCall. It's called The Springs. This is Moon Valley in Star, which is the most similar to what we are proposing here. The elevations that were in your packet are derived from Moon Valley in Star. And that brings us to our site plan. I think Mr. Dodson did a very thorough job of describing a lot of the overall planning issues. The only other thing we added -- this is also an updated site plan that I just received today, but it shows in the southeast corner a -- so we are working through irrigation related to retention. So, we are showing an irrigation retention pond on the southeast corner there. Other than that it's the same as what he presented. You know, we really -- we really did our best to work through some of the circulation and connectivity concepts to make sure that this -- this is an in-fill site and it really -- really wanted to emphasize and enrich the advantages of an in-fill site, which is that it's in a walkable community and, then, regarding the condition on the path on the north side, so I just want to clarify that we did approach the HOA for Woodburn and I didn't meet with the HOA, I -- rather I had a phone conversation with the professional management company that the HOA hires. In the phone conversation she told me that their board is very active and I should send her the materials, which I did, but I have not actually heard -- I have not received a response back from them yet. So, that's something I -- I'm still working on. But we would like to request that you consider removing the condition for the additional path along the north boundary for the following reasons. The first one is the likelihood that the Woodburn Subdivision HOA is going to agree to us putting it on their property seems very low to me. I think it's a great idea. I just -- just realistically I -- I don't see them wanting to have to deal with it right now. It's -- it's going to bring up who is going to maintain it, how is it going to be paid for and we would have to get an easement from not only the HOA to the north, but also the single family residents to the west. If it's on our property it's too close to our buildings. We -- Keith, our architect, who is here with me today, created this section to illustrate how close it is. It's about seven feet away from our building and right now we are showing landscaping. That's why there is a tree right in the middle of where the path would have to be and, then, the little box that's sticking up is the air conditioning unit and the only other place we can put the air conditioners would be in the front of the buildings. Right now they are in the back. The other option that was brought up was could we move the buildings further south to make room for the path, but that would mean that we would have to eliminate having a fence along Ustick. Right now we have a fence around the entire property for privacy, including along Ustick and if we -- if we do this we wouldn't be able to have a fence along Ustick, because there wouldn't be adequate setbacks to meet the requirements for having a fence there. We also have concerns about the feasibility of maintaining a gravel path so that it looks good. In order to do it right it really feels like it would need to be paved with concrete or asphalt, which would be very expensive. This is about 4,000 square feet of pavement if it's five feet wide. Here are some photos we took. We did some drone photos to show you the

area. So, this -- this section you can kind of see a little drainage swale and, frankly, our -- our -- our civil engineer is still digging into it, but right now we are under the impression that it's actually a drainage ditch more than anything else. We are not able to find any tiling inside of there and we think it was just historically a drainage ditch. I did -- I tried to zoom in. Here is another angle and there isn't much more of my presentation. I'm probably getting close on time. Here is another angle, but I tried to zoom in and here is up close of the connection point to Woodburn. You can see how shallow that ditch is. It's basically nonexistent and I tried to zoom in here a little bit, too, to show -- if you can tell -- I will just tell you it -- it's very shallow, basically, throughout. There is not a lot of water that's going to be contained with the existing ditch and -- and we can't seem to locate any tiles so far within it. So, I -- I don't really see it being like a water feature, because it doesn't really seem to be serving that -- that purpose right now and it's just not a super attractive area so far, which, you know, if we connect our -- our sidewalks on our site plan to this area we would certainly improve it with -- with additional landscaping to make this look a little nicer. But I just wanted to give you a flavor of what it looks like right now and that it's -- it's not a -- it's not a deep canal, really. It's not much to really look at at all, to be honest. Am I out of time?

Simison: You are.

Anderson: Okay. This is just the timeline and probably not important for us to go over it right now, but a lot of it's dependent on getting through our CUP and funding applications and I will wrap it up, since I'm over time. Thank you.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Ms. Anderson, in light of your timeline, any idea on that -- you know, when you talk about the four percent funding versus nine percent, any -- any guess as to what the state is going to do -- what their time frame is that they are going to -- or is it completely just not known at this time?

Anderson: Well, hopefully -- hopefully we will have an idea before the end of the legislative session. So, probably by the end -- by March. So, right now we just don't have the answers, but we should know by the end of March what direction they are going, unless they extend it into like -- you know, they add additional time onto the session to discuss it. Hopefully that doesn't happen.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I have a few questions for you. Specific to the four percent versus the nine percent --

Anderson: Yeah.

Perreault: -- the four percent that's related to ARPA funds, that's going to be used not as a subsidy, but as a tax credit for the builder; is that right? For your company? Is -- is that not going to expire at some point as ARPA funds?

Anderson: The ARPA funds expire? Is that what you are asking about? When the ARPA funds expire?

Perreault: Yes. Versus when -- if you were to go with the other option of the nine percent, is that something that has to be reapplied for on a regular basis or is that a permanent --

Anderson: You have about two years from the time that you are allocated to complete construction.

Perreault: Okay.

Anderson: Yeah.

Perreault: Okay. So, first of all, thank you very much for considering bringing affordable housing to Meridian. We have had a lot of discussions -- I actually got a call from a local journalist last week asking if I knew of any affordable projects that were coming into Meridian and wanting to understand more about affordable housing, which I appreciate our media community having that conversation. So, my question for you is if neither applications are approved and we annex this property into the City of Meridian, what happens?

Anderson: Well, the way that the -- the recommendations that were put forth include a deed restriction in the development agreement. So, as currently outlined in your -- in your information there there would be a requirement to have affordability provisions on the property, even if -- even if for some reason we are unsuccessful, that's how it's set up for your consideration, you know, which, honestly, is pretty unique in my experience in 17 years. I haven't at a zoning and annexation stage encountered that, but that's -- that's been the recommendation. So, you know, our -- the reason we look at a Plan A and a Plan B is because we are very persistent in seeing things through. It's -- for us it's not a matter of if but when and -- and the -- the capital stack might change depending on what happens with things that are out of our control, but we know we have a couple different ways we can look at it. We know that it's going to be affordable housing, whether there are six units or, you know, six units of -- of non-restricted housing or not I don't think that is enough to detract from the goal of creating a significant amount of affordable housing within this development and either scenario would create something that is in such high demand for what is needed here.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Is the deed restriction requirement that you need to have in place for what you do or is that something our staff recommended?

Anderson: We do -- well, we -- we already do and that's -- that's something that's part of the tax credit program that it's required that we record deed restriction, you know. So, that gets recorded regardless of whether there is a deed restriction in the development agreement. Yeah. So, it's kind of just a double -- doubling up.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: In one of your slides you identified a four -- or essentially tenants in kind of one bedroom, two bedroom, three bedroom or four -- the -- the projected rents that were at the bottom is that what you are targeting, then, for this facility?

Anderson: Yeah. Those are the targets that I'm working with right now and I think, you know, every year in April is when HUD establishes the new -- or they collect all the data for the new income limits. Income limits lag behind about one to two years from actual information. So, they are going to tend to be lower than what -- what the actual incomes are, but, anyway, yes, that's -- that's what we are targeting. I haven't provided a full -- like full rent matrix with every unit detailed yet, mostly because there are a few of these things, you know, still being worked out. We still have to do a formal market study. We still need to really drill into the specifics on -- on exactly what -- you know, what it's going to look like. But those are -- those are generally a reflection of what I have currently in my pro forma.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To follow up on Council Woman Perreault's question. In this scenario it might be really unlikely, but if a project like this is annexed, the application goes forward and if the application is denied the project wouldn't get built. That would be a fair assumption. The application is prerequisite, really, to make it all pencil in light of the rent restrictions.

Anderson: Yeah. So, if that development agreement gets recorded and you -- you know -- and somebody is going to have a hard time making things work if they don't -- if they are not an affordable housing developer, so that is something that we -- our current contract with our -- with the current landowner, unless we negotiate something else, says that we need to purchase the property by June 1st and we would at that point, you know, be purchasing the property and would own it. We currently do not, though. So, we

wouldn't -- we wouldn't want to record that document tomorrow, if you will, until we actually purchase the property, because the current landowner would -- you know, they wouldn't want us to buy it before it's recorded.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The reason for the question of -- if that funding application, which is necessary to make it pencil and become affordable housing, the project wouldn't otherwise get built most likely absent receiving that funding from the tax credit.

Anderson: Either -- yeah. Either one of those tax credit scenarios. Correct.

Borton: If -- if a project like this -- I don't know if it's ever happened before, but if something were to go down that path, the funding application, if that was denied, does your entity, then, if it owns entitled property to build X, but it doesn't have the funding to build it in a manner that allows it to be rent restricted, does it, then, spin that off and sell it in the private market and allow some third-party developer to try and construct it without rent control?

Anderson: To my knowledge we haven't done that yet. I know I personally haven't done that yet. I have only been with The Housing Company for a year and a half.

Borton: Okay.

Anderson: The Housing Company's been around 30 years and I have been doing this for 17 years and I have never sold property back onto the market. So, it definitely would not be a common practice, you know, but this is -- this is one of those things that I guess why the DA provision is in there is to prevent that in the very -- like from our perspective it would be very unusual. Like I said, I have literally never done it.

Borton: Thank you.

Anderson: Yeah.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Follow up on -- on that question. Have you not had to resell property because you are always getting your requests approved -- your applications approved or have you not had to resell it because your company just holds on to it and continues to reapply until you do?

Anderson: Typically it's been that we don't buy the property until we know we have got the funding applications approved. That's the norm. Because of how aggressive the market is right now we have to do things differently. We wouldn't normally be buying things so far in advance. So, it is -- it is different times. You know, we can't -- we can't always do what we did before, which is to expect a seller to wait as long as we need to to get these applications done. So, it's usually been that we are confident that we can buy a property, because we have already got the funding secured and that's not always the case these days, just in -- just in the last couple years.

Simison: Council, any additional questions for the applicant?

Anderson: Okay.

Simison: Thank you very much. Mr. Clerk, do we have anybody signed up to provide public testimony?

Johnson: Mr. Mayor, nobody has signed up.

Simison: This is a public hearing. Is there anybody either in the audience or online that would like to provide testimony on this item at this time? Sir, if you would like to come forward. State your name and address for the record and you will be recognized for three minutes.

Pugmire: Thank you, Mr. Mayor, Members of the Council. My name is Eric Pugmire. I live at 869 West Woodpine in the Woodburn Subdivision. I generally am in favor of this development with a couple of things that I just wanted to mention to this group if you're thinking about approving it. One is what she said is correct, the Woodburn HOA -- I know the members pretty well. They are probably not going to be really interested in sharing a green space or maintaining it and helping pay for that anymore than they would want to help us pay to maintain our open spaces in our neighborhood. So, the path along the north side of the subdivision -- or the development I would say is really not necessary if -- if there is a fence going up around this development and I would encourage that as part of the development. In general I am appreciative of what The Housing Company is trying to do. I work in the building materials industry and was directly involved with supplying material to the Moon Valley project. That turned out to be a pretty nice project despite all of the -- of the negative, if you will, publicity that preceded it and so generally I'm in favor of that. I would just ask that you consider the -- the homeowners in the area around it. We would love to maybe have a further dialogue with the actual HOA board members, but I'm guessing you are going to find that they would prefer to see a fence around the development rather than a path. And so with that I don't have anymore time. I just wanted to share that with you. Thank you.

Simison: Thank you. Council, any questions? Thank you. Is there anybody else either online or in the room that would like to provide testing on this item? I can't tell if that's a -- our admin online or -- we only have one person who is on Zoom. If you would like to provide testimony if you can use the raise your hand feature. Seeing nobody, would the

applicant like to make any final comments? The applicant -- no -- no more comments? Okay. Then, Council, I will turn this over to you for any questions, comments, or direction.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I have a question for -- for Joe. Just two things I wanted to clarify. One, the -- that common lot that has the ditch that is owned by the Woodburn Homeowners Association and managed by them?

Dodson: Yes, ma'am. Part of the easement I believe is on both properties, but itself is owned by the HOA.

Perreault: And so that northern pathway would utilize the easement and be on that property or on the subject property?

Dodson: Subject property.

Perreault: And one more question for Joe. So, I had sent Joe an e-mail earlier and -- in which he responded and can you go over that with -- so, my question was the -- the property to the -- immediately to the west is about a little over an acre and a half and it's sandwiched between this and another development that was recently approved last year and I have a lot of concerns that that will create -- cause that parcel to be -- will devalue that parcel from future development and if you could go through your thoughts on that for me. You know, I don't know what to say, because the owner, obviously, hasn't sent in a letter or come to the hearing, but I just want to make sure that we are having that conversation.

Dodson: Yes, ma'am. The property to the west, again, is a little over an acre and a half with the anticipation of Northwest 11th coming straight south and basically -- right of way would be abutting the entire east boundary. It's 47 feet of right of way. That's typical for a local road, as well as the east-west street, which I don't know the name of it from Tetherow Crossing, again, 47 feet right of way. You can see the preliminary lines on our maps for that -- for that property. You are probably going to get at least three lots on the south side of that road adjacent to Ustick if they match the same lot size as in Tetherow and, then, you could match at least six lots on the west boundary on the west side of the road that's on the east boundary of the site. I should have drawn this, but I'm not an artist. But the -- you will probably get nine lots, give or take, in this one and a half acres, which would be perfectly fine within the existing R-8 zoning district and the future language designation of medium density residential. They could get more if they reduced the lot sizes and -- -- and/or did a common drive or two. So, the number of lots could definitely increase. So, I don't -- you know, I'm not an economist, so I don't do valuation of property at all, but I do not anticipate that it would become less valuable on a more -- not planning side. There is an existing cell tower on the site and it's my understanding that usually when homeowners have that sitting on their lot they don't redevelop, because they are

getting to cash a nice check as is untouched with no city parameters outside of what they have. So, there is not a lot of anticipation that that will be redeveloped in the near future and if they do I do think that there is ample opportunity for that L-shape -- backwards L of a road being extended to the site and still having required frontage, required building size or building lot size, as well as the landscape buffer.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, what -- what would the requirement be if this property were not -- if this property were not requiring cross-access, would that -- the size of that also prevent them from requiring cross-access to either properties east or west or would they have to have a road that runs in between 11th Avenue and the Tetherow -- Tetherow Crossing? Is it like going to cut that property up because they have to have that cross-access?

Dodson: It would, I guess, essentially, cut off the little small piece along Ustick from the rest, theoretically, yes, because, you know, you have to deed these over via plat, but no more typical than what Tetherow did if they happened to have a lot line somewhere near their east boundary. It would have been -- it's almost going to be a mirror image of that, which that would be the most efficient use of their space, but even if this site -- if we require cross-access through this site what I'm envisioning be the road layout through the site on the west -- I think it's going to be the same. I don't -- and we would work -- they have to extend 11th based upon what my discussions with ACHD were is they do want that extended and, then, they have the stub street from Tetherow, which they are also going to want to extend it. So, there is not going to be a way to get around that for that property owner regardless. If we required 11th to come down into this property it would probably kill the affordable component of the project and it would more than likely be split down the property line, which only nets that property, you know, 25 feet, give or take, and that's not really -- that's not going to get them more lots in order to get them more in their pro forma. That's not -- that's for sure. Now, again, with the other layouts that could happen within the site, you could bring 11th and bring it down to Cooper and a lot of weird things can happen. I don't think that would be an efficient use of that. I don't think ACHD would want that either, but I think what's proposed makes sense. The only caveat would be you could -- Council could require, with the future CUP, that this applicant shows a driveway connection to the west boundary for a future connection to 11th, but I -- my only issue with that is if there would be cut-through traffic, people not wanting to get to Ustick through their portion of it, through Tetherow, they would want to go east and maybe to Settlers Square through there and the commercial there and I -- I just don't -- when you have the backing up of drive aisles through there and, then, you have the ability to cut through, you know, I just don't think that's good planning practice for safety purposes. Usually apartment complexes -- you're going to want -- want the traffic to be somewhat self-contained until they get to the main roads. I don't want to make their drive aisle one of those thoroughfares.

Perreault: Mr. Mayor, one more question.

Simison: Council Woman Perreault.

Perreault: Can you share with us the -- the deed restriction that -- that you have suggested in the DA and -- and how that -- what the benefit would be of having that, if it's necessary or if it was just a suggestion? And, you know, I understand the city -- I guess I don't understand the city completely needing to regulate that, like why -- why we would need to have that as a condition. And, then, also if you could comment on -- if they don't own it until sometime in June and we were to approve an annexation today, I mean can we delay that long in -- in signing and -- and recording a DA agreement that far after an annexation approval?

Dodson: Yes, ma'am. Yeah. We have -- Mr. Nary and I have had these conversations and also with -- with the applicant. There is -- to the second point, yes, we will not approve -- or we shouldn't. I think we have in the past, but that was a mistake. We will not approve the annexation ordinance and the zoning ordinance until the development agreement is returned and signed to us and they have six months from the approval of the findings of this to get that back to us, unless they do a development agreement modification, which is, then, a de facto time extension of that. So, they do have time and that six month window is there, which, you know, again, puts us in July'ish -- I can't do math. August to -- to get us -- to hopefully get their funding and get everything set up and that would also give them the out from now until June in case it doesn't work, then, they can bail out and no harm, no foul. In regards to why I put it in there is specifically because -- kind of like I talked about with meeting mixed use or not. Do we want more market rate apartments or do we want affordable housing? Do we want market rate in commercial or do we want affordable? I think affordable housing trumps both of those in the context of the comp plan and the city's needs, especially when you talk about in the best interest of the city, which is a question that is incredibly subjective, in my opinion, whether it meets things in code or not. It -- it came down to that and needing to say, hey, we need a DA provision, not just what they are telling us is going to be deed restricted, but saying that we need something in the DA saying that, yeah, this site plan, this proposal, this number of units we want to be affordable. If that doesn't happen do I want this site plan, this number of units, this layout to be market rate and the answer probably no. So, would there be other things anticipated with that? Yes. Therefore, we are going to put a DA provision in there and that's just, as we all know, typical of annexation. That's the only chance we are going to get. So, if we are looking to ensure that it's affordable now is the time to do it. I did revise that language from the original staff report and, then, I think even at the Commission and, then, after that to show that -- well, some of the discussions that we have had with the applicant, some of the discussions we have had internally about what that language should be like as we gain more knowledge of their funding and what they are required to do. So, hopefully, that's been a little cleared up and gives them a little bit more of an open pathway with what they have got to do and how they can operate this in the future.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: So, Mr. Mayor, Members of the Council, I can add on to what Joe said. The idea of the DA provision was my suggestion in our meeting with Ms. Anderson and she did raise the fact that that was an unusual request and that they hadn't seen. It isn't -- it isn't a concern to the city -- or at least to my department or planning that they will build something else. That's not who they are. I mean that's just not their business model. But as you know in these DA's, as Joe said, the business model is really what's going to drive it. It's really difficult for us in the DA to catch a lot of these things on the front end. It's usually -- and after the fact we will get a complaint, someone says this isn't affordable like it says, I thought it was supposed to be, we are going to investigate. The -- the -- the benefit of this type of project is that we don't have to do that if the housing company or a like company owns it, because other people regulate that, other people are -- are verifying that it meets those standards of affordable housing. So, that helps us on the administrative side. But when we had this -- the meeting and discussion with The Housing Company, again, we discussed that the city would like to see some level of assurance -- a deed restriction can be changed without our input. A DA provision can't. So, again, it's something that provides some level of assurance -- again, I don't -- I have no doubt that they will build what they said or at least attempt to build what they said. The built-in timelines that they have could meet their business where they have six months, there is an ability to get an extension, there is an ability to get some time. The DA -- again, as long as they can move forward where it isn't annexed until the DA is signed and the DA won't be signed until they actually own the property and at least at the time of the meeting we had in December that was a timeline that could work and so that's why we landed on that direction of this and I'm fine with -- I'm good with Joe's language. I think -- I think it still meets our intent. Again, we want to provide a level of assurance, because as Joe stated, if this was something different this may not be the ideal project if this was simply a market rate apartment complex. It may not meet the standards we have held to others. This one we felt it was okay to adjust slightly, because we felt the -- what's necessary and needed is the type of -- of living units, not necessarily a lot of the other types of mixed use. So, that was the reason for it.

Hoaglund: Mr. Mayor?

Strader: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, real quick. Bill, is the language structured such -- she went over the nine percent and four percent that allows six units to be market rate in this situation -- with that language?

Nary: Yeah. I will have to double check, because I don't -- I haven't looked at it since -- since that issue, but I think -- I think it's okay. Again, I think -- again, the ideal part is someone else is regulating that, too. Not just us. So, that -- that's going to be helpful.

Simison: Council Woman Strader.

Strader: Yeah. I mean I -- just to comment. I have been dead set against annexations, but, darn it, if we haven't found one that I like. I -- I don't want to lay all of the many problems that we are having with growth and growing pains at the feet of the affordable housing folks that have a huge hill to climb in their funding and all of their challenges. I think for this one I am supportive because of the deed restriction and the DA restriction. If it was market rate housing I don't think I would have any interest in this location and, then, I guess my other comment would be I think it's warranted to accept very small properties from the bigger, you know, kind of food fight on data with West Ada School District. This is a very small in-fill development and previously when we have paused things to work things out with other issues we have exempted small parcels of this size. So, I think it serves an important purpose in the community of providing affordable housing that we really need and I just hope that everything comes together and they can get it done.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Thank you. You sound so happy to say that. The DA provision that's existing does not account for potential market rate apartments -- market rate units, just because I didn't get that information until recently. So, I didn't include that in a potential language change. If the Council -- you know, it sounds like we might need that provision I can -- we can wordsmith that. Bill and I will be able to add that. But if any -- if you move to approve it make sure in your motion just add that you want staff to work with Legal to get that provision buttoned up for that -- to include that additional component of potential up to six units I would say per the applicant of market rate units.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Before we move on I just had a quick question about the fence, Joe. The -- the -- Mr. Pugmire mentioned something in -- regarding the fence instead of having a shared -- you know, whatever -- you know, open space area. Would the staff be agreeable to what Mr. Pugmire recommended?

Dodson: Councilman Bernt, sure. Yeah. Absolutely. The -- if they did a pathway we wouldn't want the fence, just because we would want that area to be shared and traversed universally there. But if -- again, I'm not going to hang this whole project off of a five foot wide pathway. I -- if residents want that and the applicant currently wants just the fence and some more of that privacy instead of the gravel or whatever pathway, I'm perfectly fine with that.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would just have whoever makes the motion maybe include that in the motion as well. Thank you.

Hoaglund: Yeah, Mr. Mayor, to that point --

Simison: Councilman Hoaglund.

Hoaglund: -- noting that -- noting that parks and rec, you know, said the interim sidewalks are adequate, that doesn't seem like to be any need for that gravel pathway, so -- Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I would move that we close the public hearing on H-2021-0092.

Strader: 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 saying that by saying aye. Opposed nay? The ayes have it.

MOTION CARRIED: ALL AYES.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: It's not often we get to talk about affordable housing -- workforce housing and that's kind of exciting, so it's not like the old days when it was government housing, this is a win-win where government provides some tax credits for private industry to come in and build a quality product and maintain that asset for long term and -- and in the process it helps people who are out there working and -- and just need something that's more affordable, especially in the market that we see right now and also with a -- with a piece of property that is very difficult to work with. The shape of this thing makes it tough and I applaud the work that you guys put into that to -- to make it work and Planning staff and Legal and trying to find ways to make it all come together, so much appreciated. So, Mr. Mayor, I would move, after considering all staff applicant public testimony, to approve H-2021-0092 as presented in the staff report for the hearing date of February 1, 2022, and with the removal of the condition that the path -- gravel pathway be put in the -- along the north boundary -- boundary, that it be removed, and also that the applicant can work with Legal to create language in the DA to allow up to six units if necessary for the work credits that they are seeking.

Perreault: Second.

Hoaglund: I have a motion and a second. Is there a discussion on the motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: No, I -- I will be in favor of this -- sorry. Can you hear me now? Thanks, Deano. Appreciate the heads up. I actually -- it's not often when we have these discussions. In fact, it's probably the first time that we have had this discussion since I have been on Council and that's been five years and so I applaud The Housing Company, a private entity, to come in and provide affordable housing -- real affordable housing for those who stand in need, workforce folks, those who are struggling, we certainly have that in our community. A lot of times, you know, for this to pencil out and for this to work they need help from municipalities and in -- in this case this is going to be handled and -- and funded, you know, through The Housing Company and in -- and what they are going to do and the funds that they will receive from -- from other government entities, et cetera, and so I just wanted to say thank you and this project, in my opinion, is much needed in our -- in our city.

Simison: Are there any other comments? One thing I would add is I -- I do hope that the state legislature takes serious action related to this topic. I know the governor's put forward something that they are considering as a body and, hopefully, they will move forward so people know what the -- what's available here in the state of Idaho.

Bernt: Yeah. Great.

Simison: With that Clerk will call the roll.

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

Simison: All ayes. Motion carries. The item is agreed to.

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

- 3. Ordinance No. 22-1965: An Ordinance (Pera Place Subdivision – H-2021-0056 And H-2021-0091) for Annexation of a Parcel of Land Situated in the Southwest Quarter of Section 27, Township 4 North, Range 1 West, Ada County, Idaho, Including Lots 2 and 3, Block 2 of Black Cat Estates Subdivision No. 2 (Instrument #870382, Records of Ada County Idaho), and Being More Particularly Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 10.01 Acres of Land from RUT to R-8 (Medium Density Residential)**

Zoning District in the Meridian City Code; Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

Simison: Okay. With that we will move on to our last bit of business this evening on the ordinances. Item No. 3 is Ordinance No. 22-1965. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to Pera Place Subdivision, H-2021-0056 and H-2021-0091, for annexation of a parcel of land situated in the southwest quarter of Section 27, Township 4 North, Range 1 West, Ada county, Idaho, including Lots 2 and 3, Block 2 of Black Cat Estates Subdivision No. 2 (Instrument #870382, records of Ada county, Idaho), and being more particularly described in Attachment "A" and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 10.01 acres of land from RUT to R-8 (Medium Density Residential) zoning district in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Was there anybody here that would like it read it in entirety? If not, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 22-1965 with suspension of rules.

Bernt: Second.

Simison: I have a motion and a second to approve Ordinance No. 22-1965 under suspension of the rules. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the ordinance is agreed to.

MOTION CARRIED: ALL AYES.

- 4. Ordinance No. 22-1966: An Ordinance (Pera Place Subdivision - H-2021-0056 & H-2021-0091 Rezone) for Rezone of a Parcel of Land Situated in the North Half of the Southwest Quarter of Section 27, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho; Establishing and Determining the Land Use Zoning Classification of**

6.99 Acres of Land from R-4 (Medium Low Density Residential) Zoning District to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

Simison: Next item up is Ordinance No. 22-1966. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance also related to Pera Place Subdivision, H-2021-0056 and H-2021-0091 rezone for rezone of a parcel of land situated in the north half of the southwest quarter of Section 27, Township 4 North, Range 1 West, Boise meridian, Ada county, Idaho; establishing and determining the land use zoning classification of 6.99 acres of land from R-4 (Medium Low Density Residential) zoning district to R-8 (Medium Density Residential) zoning district in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Seeing none, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: One of these days I'm going to say yes. I move that we approve Ordinance No. 22-1966 with the suspension of rules.

Strader: Second.

Cavener: Second.

Simison: I have a motion and a second to approve this item under suspension of the rules? Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the ordinance is agreed to.

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

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

Hoaglund: Move to adjourn.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:21 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK