

Meridian Planning and Zoning Meeting

May 16, 2024.

Meeting of the Meridian Planning and Zoning Commission of May 16, 2024, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Commissioner Andrew Seal, Commissioner Maria Lorcher, Commissioner Patrick Grace, Commissioner Brian Garrett and Commissioner Matthew Sandoval.

Members Absent: Commissioner Enrique Rivera and Commissioner Jared Smith.

Others Present: Tina Lomeli, Caleb Hood, Bill Parsons and Dean Willis.

ROLL-CALL ATTENDANCE

<u> X </u> Brian Garrett	<u> X </u> Maria Lorcher
<u> X </u> Matthew Sandoval	<u> X </u> Patrick Grace
<u> </u> Enrique Rivera	<u> </u> Jared Smith
<u> X </u> Andrew Seal - Chairman	

Seal: Welcome to Planning and Zoning Commission meeting for May 16, 2024. At this time I would like to call the meeting to order. Commissioners who are present for this meeting -- this evening's meeting are at City Hall. We also have staff from the city attorney and clerk's offices, as well as City Planning Department. If you are joining us on Zoom this evening we can see that you are here. I'm going to skip over some of this, unless we have -- there are no attendees, so I can skip over that part. Tonight will we not be taking any public testimony, because the only application we have will be continued. Just as -- in case you are here to testify for that. Okay. And with that we will just go ahead and begin with roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: All right. First item on the agenda is the adoption of the agenda. File No. H-2023-0043 for Blayden -- Blayden Subdivision will be open for the sole purpose of continuing to a regularly scheduled meeting. It will be open for that purpose alone. So, if there is anybody here tonight to testify for that application we will not be taking public testimony. Can I get a motion to adopt the agenda as presented?

Garrett: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor please say aye. Opposed nay? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the May 2, 2024 Meeting of the Planning and Zoning Commission Meeting**
- 2. Approve Summary Minutes of the May 7, 2024 Joint Meeting of the Planning and Zoning Commission Meeting with Meridian City Council**
- 3. Findings of Fact, Conclusions of Law for Idaho Pup and Ales (H-2024-0006) by Aviva Childress, Studio H Architects, located at 70 S Outpost Ln.**

Seal: Next item on the agenda is the Consent Agenda and we have three items on the Consent Agenda. First is to approve the minutes of the May 2nd, 2024, meeting of the Planning and Zoning Commission. Second is to approve the summary minutes of the May 7th, 2024, joint meeting of the Planning and Zoning Commission with Meridian City Council. Third is the -- third is for the -- forgetting that wording on this.

Starman: Mr. Chairman, the findings --

Seal: Findings of Fact and Conclusions of Law. That's it. Findings of Fact and Conclusions of Law for Idaho Pup and Ales, File No. H-2024-0006. Thank you. Can I get a motion to accept the Consent Agenda as presented?

Grace: So moved.

Lorcher: Second.

Seal: Moved and seconded to -- moved and seconded to adopt the Consent Agenda. All in favor, please, say aye. Opposed nay? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

- 4. Public Hearing continued from April 4, 2024 for Blayden Subdivision (H-2023-0043) by Bailey Engineering, located at the South side of W. Chinden Blvd. and west side of N. Black Cat Rd.**
 - A. Request: Annexation of 27.36 acres of land with R-15 (4.32 acres), R-40 (16.71 acres) and C-G (6.33 acres) zoning districts.

- B. Request: Conditional Use Permit for a multi-family development consisting of 312 dwelling units on 14.92 acres of land in the R-40 zoning district.
- C. Request: Preliminary Plat consisting of 26 building lots and 11 common lots on 24.98 acres of land in the R-15, R-40 and C-G zoning districts.

Seal: All right. I will go ahead and kind of skip through the public hearing process, since we don't really have a public hearing tonight, and at this time I would like to continue the public hearing for Item No. H-2023-0043, for Blayden Subdivision for a continuance to June 20th, 2024.

Grace: Do you need a motion on that, Mr. Chair?

Seal: Yes.

Grace; So moved.

Lorcher: Second.

Seal: It's been moved and seconded to continue File No. H-2023-0043 for Blayden Subdivision to June 20th, 2024. All in favor, please, say aye. Opposed nay? The item is continued.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

DEPARTMENT REPORTS

5. Presentation and Discussion Regarding Commission Best Practices

Seal: And with that we will go on to Item No. 6, which is a presentation and discussion regarding commission best practices and staff can take it away.

Hood: Thank you, Mr. Chair. That will be me I believe this evening, although it's more of a discussion than a presentation. So, Mr. Starman I think at least knows some of the presentation I'm going to speak on. Mr. Parsons is here as well. So, feel free to interrupt and hit us up if you have any questions or want to talk about anything that's not on the presentation that I have prepared for you tonight. Maybe before I jump into that -- you just approve the minutes for May 7th. I want to thank you for attending your time, providing the feedback on the staff report. We are -- we are fine tuning that considering those, seeing what we can do. Some things we can't. But, again, just appreciate your time here meeting with Council last week and your time this evening. So, here is our agenda for this evening. You know, I recognize I'm standing between you and dinner and family and things, but I can stay as long as you like. I don't -- I didn't time this. I don't know how long it would take if you say nothing. We are probably 15 minutes, but,

again, I anticipate more of a conversation, so -- so, again, please do feel free to interrupt if there is anything that doesn't make sense, you want to dig deeper or whatever the case may be. But here is what -- what I will be speaking on, facilitating the discussion on this evening. So, the first one -- and I will say you have seen some of the slides in your orientation packet that we typically hand out to new commissioners -- here in a little bit towards the end -- it's actually at the end of that packet as well and often those slides get brushed to the side, because we are running late on time and whatnot. But I think this one is -- is just a good refresher and I actually have a few slides on this. But it really talks about how the Comprehensive Plan is the policy document that enables the zoning code. So, the implementation of zoning and the UDC really is foundationally in the Comprehensive Plan and some of those aspirational policies that are contained within the Comprehensive Plan. So, this is something where the comp plan is powerful, but it's really visionary and aspirational; right? It's not a lot of words -- and we had this conversation, too, when we talked about some of the mixed use stuff, the shalls and the shoulds and the mays and we want you to, but we can't require you to type of statements. Again, a little broader, more citywide aspirations and parcel specific conditions or regulations that would apply. But, again, it sets the direction, as the slide says. It is -- it is very important -- the comp plan is very important and, again, really defends and tees up, if you will, a lot of the zoning ordinances and the laws that we have there. But, again, at the end of the day the UDC carries the day and is the thing that we hang our hat on most of the time to say you have to do this. This doesn't comply with code and you have some more discretion when it comes to interpretation and application of the Comprehensive Plan. I don't necessarily expect you to read this. This is directly out of the Comprehensive Plan. But I did want to take this just a step further and talk, then, within the Comprehensive Plan we have the future land use map designations; right? And there is a lot of confusion on -- and I'm not trying to talk down to anybody this evening. I think a lot of you -- all of you probably largely have a great grasp on this, but the future land use map designations do not directly correspond to zoning districts of the UDC. It's not a one for one. Low density on the comp plan does not mean R-2 or R-4. It can mean R-2. It can mean R-4. It does not mean R-2 or R -- so, there is not a direct correlation there; right? So, again, same concept, comp plan is higher level, visionary kind of squishy and, then, the zoning ordinance, once you get a zoning district and the designation, R-4 means this is the size of your lots, these are your setbacks, it is very standard defining. So, that's really what this slide says, especially that last paragraph. The comp plan future land use map helps push you in a general direction and, then, when -- when one of those zoning districts gets chosen, then, again, that -- that is what really dictates how that property gets developed. Sorry I'm driving that point home, but -- but it is -- again it's -- they work in concert, but they are not -- they are not the same. And, then, even just to take that one more step further, again, the UDC -- or our zoning codes, conditional use permits, subdivision ordinance is the -- the enabling code of the city of the UDC to, again, implement those standards. So, this slide, again, is -- is familiar in that handout. So, at annexation and rezoning is really where you get to have a lot of discretion. You get to make the call. That's why you have been appointed by Mayor and Council. You have a good understanding of our community direction and what our community needs, especially when it comes to bringing property into the city from the county or rezoning it from an

existing zone and up zoning something or -- or downzoning something. That last finding under the annexation and rezoning is, again, pretty broad. Is this in the best interest of the community. You get to decide that. What's best. Good. So, there is a lot of subjectivity in that. Once you move all the way down, then, to -- and a lot of times even in the site plans you were kind of cut out of that and this is really administrative by city staff. So, it really is us just verifying that everything does meet code compliance and we don't get a whole lot of discretion on, yeah, but I really would rather you do this tone of brown on your building doors or, you know, that's -- we really don't have any control over that. So, kind of further down that discretionary process you move, you know, the city as a whole loses discretion, so -- and, then, in between, obviously, conditional use permits you have a little bit more. That's sort of -- in the name; right? Anything you need to include to mitigate any negative impacts you can put -- put those conditions on -- on a project or a property to make sure that -- that they are mitigating their impact to the surrounding neighborhood. Subdivisions even a little less. Again we cover a lot of that in our subdivision ordinance, although, again, you know, things like amenity packages, you know, if you really think something needs a swimming pool you do have some discretion there, because they are going to lose points and immediate, but it's -- but especially if they are coming in for the zone they need to do that subdivision and they are like, I don't know, if you are just like -- you know, Walmart swing set and a barbecue as your amenity package for 400 homes, even though they may claim the points you still have a little discretion in that. But a lot of -- a lot of subdivisions are -- it's pretty standardized and if your lots are 5,000 square feet and you have a two car garage, off you go. So, again, I recognize you know some of that stuff, but I just wanted to reinforce that a little bit. So, I'm going to move to the next topic. Is there anything kind of on that with the comp plan and -- and UDC zoning?

Grace: Yes. Mr. Chairman?

Seal: Go ahead.

Grace: Often we -- if we have a room full of people it gets said by somebody, either the applicant or Commissioner, that -- something along the lines of, well, this has been on the books for many years. So, I understand that you are upset that this is occurring, but, you know, it's been planned, so to speak, for many years. Which -- which part or maybe it's all of these parts -- I'm trying to apply what you have laid out to practical application. Is it -- what -- what part of this process makes that statement true? Is it the -- is it the comp plan which set the aspirational goals? Is it the zoning when it's zoned that way? Or when it's a conditional use permit? Or is it a combination of all those things?

Hood: So, I will -- I will give you an answer, although I'm not quite sure that it directly addresses your question. So, if we need to double back and I can try again. But it's an iterative process. I will start maybe in 2005. That is when we combined our -- what we commonly know and lovingly refer to as a Unified Development Code. So, we took Title 11 and Title 12 of City Code and made them one and we take our subdivision ordinance and we put all of our zoning codes into one place and unified them. We did have a

comp plan that was already on the books that helped us do that and, then, in 2008 we did an update to our Comprehensive Plan. So, again, it's iterative and both documents change over time. So, I don't -- the statements you say that -- you know, like that comes up at a lot of hearings that this has been on the books for many years, I'm not quite sure if you are referring to a specific property that was maybe annexed and zoned in 1990 let's say -- you know, there are some entitlements that certainly have been out there for a long time. I will use Paramount as an example. That one -- that's one that just jumps to mind. It was early 2000s -- 2002, 2001, somewhere in there where they got basically that whole square mile entitled; right? But the multi-family and the Dairy Queen and some of the things that are right around the corner of McMillan and Meridian didn't develop until last five years. So, they were entitled, though, to do those things way back, almost 20 years ago. So, their phasing plan helped. Again, the city's comp plan and -- and Unified Development Code -- in fact, Bill's got one coming to you -- I think next month. June, I believe, is the target date. We are always tweaking it; right? Our -- our society and our community is not stagnant and so we have -- things will also evolve, some things devolve, but we change and we have to stay current with the times when you address things and some of the loopholes maybe that have been exposed or just best practices. So, 2005 was the -- the last major change, if you will, to the UDC, although open space and amenities we had a steering committee here two years ago, three years -- something like that. That's fairly new. This -- you know, again the points, that's -- that's kind of a newer concept at least for Meridian and our current -- and our Comprehensive Plan was adopted December of 2019. So, it's -- you know, it's fairly new for the life of a comp plan. We don't modify that all that often. But, again, Brian McClure was here a couple of months ago -- three months ago changing some of the -- the mixed use standard; right? So, again, your question I don't know that I totally answered it, but hopefully that helps you understand that none of this is set in stone and we check in with the community and we say, look, we can change the comp plan, we change the UDC, we change the UDC, we change the comp plan. It generally should, again, point you towards a similar vision in the standards and where we are trying to head as a community. But if you want to give me a little more specific example of when you remember someone saying, well, this has been on the books -- it really is -- it matters to --

Starman: I'm not sure I will give a specific example. I might be able to come up with one, but I was going to tag on -- I think that was a great description. But what came to my mind -- I think the first answer it probably depends on the context and it probably is all of the above when someone -- someone testifies and makes a comment like that they could be referring to the Comprehensive Plan, they could be referring to a previous decision. When I hear that type of comment, though, if I'm wearing my legal hat tonight -- when I hear that type of a comment I'm typically thinking that this property has some level of entitlement or a legal entitlement to do something. They are not coming in for an annexation for the first time or for the first -- the initial zoning in the city. They have already been through that process. They have been annexed. They probably had their initial zoning or they would as part of the annexation and there -- maybe likely would be a development agreement that says they are -- you know, at least in concept form what they are able to develop on that piece of property. So, oftentimes when I hear that type

of comment what I'm thinking about is that this property owner has already gone through some of the processes and they have entitlements in place -- legal rights in place and they are allowed to develop within those confines, within those parameters. If we don't allow that, then, that's the makings for a potential claim for a takings argument; right? You gave us -- you gave me something, I had the entitlement to do something, now you want to change your mind and take it away. That sounds like a taking. So, that's how I can think about it from a legal perspective.

Seal: I was going to say, an example that I have in my mind is the northeast corner Black Cat and McMillan. It -- it had been around, it had been entitled for quite a long time and we looked at it and I think it was either the hearing after within a month of basically recommendation of denial for the southeast corner of that intersection, so it was -- it was a really tough one to look at, because, basically, all of us were thinking denial, but at the same time they were already entitled to do what was on the books there. They were just enacting it at that point in time and it was based on the information when -- when it went through for the development agreement and the annexation. So, that one to me sticks out as far as like the scenario that you are talking about.

Starman: That's an excellent example. For those that might recall those two projects, actually, that were very close to one another within a two year time frame, that's a great example where that smaller -- I think it was phase seven of a project that they already had their entitlements in place versus the larger project in the same product -- same area -- I think it was annexation, I believe, and so we had a lot more discretion as Caleb described. Which is a good segue to two other quick thoughts on annexation if I can add. So, what -- again, just kind of this from a legal perspective, kind of given that angle, so I would just echo what Caleb said that really the city has the most discretion at the time when someone applies for annexation. That's for a couple of reasons. One is we are looking at from a very broad perspective, including whether it's in the city's best interest. Also from a legal perspective most decisions that you make and the City Council make are subject to a petition for review to the District Court. So, things like conditional use permits, zoning decisions, anything that falls under the local Land Use Planning Act, which is Idaho law that governs what we all do when we meet. One exception to that is annexations. That's covered by a completely different title of Idaho Code and it's not subject to petition for review to the District Court. So, it has a different review and, really, the city has a lot of discretion in terms of whether to approve or not and courts readily will question that decision about expansion of territory or city limits. I'm not saying that never happens. There are -- there is a way to get there sort of through the backdoor and I won't go into the nuances, but is it just a broad statement. Very difficult to convince a court to overturn an annexation decision versus anything else that you deal with. Conditional use permits. Zoning decisions. You know, plats, things of that nature, those are all subject to petition to -- for review by the court.

Grace: A thought on it. And that's really helpful, Kurt. I think it helps to know that when the city in some fashion has obligated itself in terms of the use of that land there is obviously less discretion. But I guess where I was looking at it is lots of people might do

some -- they think they do some research or do some research before they move here and they often come up and say, well, I looked and I talked to the city before I built my house and, you know, this wasn't planned or this wasn't -- and sometimes that's true and sometimes it's not, but I just was sort of wondering where -- where to plug in the -- the sort of statement -- well, that's not actually true. It has been this -- we have obligated ourselves to the legal use of that land.

Hood: So, if I can -- I guess maybe just a little bit of advice that way. And I'm not calling anyone that's ever testified a liar, but you can ask; right? We don't require them just swear to tell the truth and the whole truth and all that. So, I guess I would say when you hear those types of statements you can fact check with us and -- and maybe ask them a clarifying question. What do you mean by all in the bush? So, what -- we can help you with some statements like that if, in fact, you are wondering about what level of entitlement maybe exists with the property, because I will tie this back in here. The comp plan map designations can and do change. Not all of them. But we have changed them. So, it could be true that when they bought their house it was low density and now it's medium or high even. That could be a fair statement. I -- so -- but I think it's a good question to follow up and maybe don't just take everything you hear as fact. We can help dig a little deeper and understand what that really means and, then, a couple more just in that same vein. So something that -- let's just say was entitled 20 years ago. Paramount was the exception, because that was a huge project and multiple phases -- 25 phases or something like that. I mean it was crazy. You don't get that very often. So, if something was entitled -- we do have a couple. There are actually some still -- Eagle-Overland have some really old entitlements out of Overland Road. But a lot of times they expire; right? So if there is a subdivision. It expires. If you don't record a plat in successive phases project's dead. So, it's very rarely you have something that's that old that is still valid and also say an entitlement -- someone says, well, I have got my zoning, I'm entitled to do this. There may be some truth to that. Typically over the last 25 years or so anyways pretty regularly we put development agreements on properties. They are specific enough where it doesn't just allow anything and a lot of times it will address what you have to do to actually get real entitlement if you will -- we will annex it in and we will say, yeah, there is some level of entitlement, but sometimes they can take that claim and say, well, you can't tell me no. I'm entitled to that. I have got the zoning and it says this. Well, there may be a provision that says, yeah, but -- right? It -- usually when we did that, because it was so conceptual, we weren't sure -- they weren't sure what they wanted to do with the property, so we didn't give them just a blank check. Here, go and do anything in C-G you want. You are on your way. That was pretty rare. So, we can -- you know, you hear those types of statements -- and we tried to bring that to your attention, too. There is -- there is another one that recently came through and I won't use specific examples -- that did have an R-8 zoning. It was a low density; right? There is some level of, yep, their underlying zone allowed them to do this density. The neighbors didn't like it, but there is some level of entitlement. But, again, I would just say fact check, verify with us, whatever that looks like or even ask clarifying questions. Maybe we can fish that out of them, but --

Seal: One thing I would -- do you watch the Council Meetings?

Grace: Occasionally.

Seal: I have watched them more and more and our Council folks especially --

Hood: Bill Nary?

Seal: What's that?

Hood: Bill Nary?

Seal: No. Mr. Cavener and Strader. They -- they ask a lot of counter questions to -- especially just public testimony, people that are coming up and giving testimony and they are -- and I have to say especially Commissioner Cavener, he will -- he will ask the question that everybody's wondering, you know, like -- especially the kind of the -- you know, the not-in-my-backyard crowd that he will ask those questions. Would you rather this than this. What would you rather see here? You know, what would -- what -- what's your idea of -- just trying to pull out, you know, instead of just hearing the negative element to it, it's like tell us what you want. Tell us what you -- tell us what's, you know, great for you and that -- a lot of times that will set -- set people back a little bit, like I didn't really think about that. I just don't want this, because generally the -- I mean all those -- all those public testimonies -- or a lot of them tend to start out with I'm not against development, but -- I'm not against multi-family, but -- I'm not against -- whatever. But -- so, you know, the clarifying questions that come out of that and, like I said, Commissioner Cavener especially -- he is really good at that. He comes well armed.

Hood: I will just say -- and this isn't to pat myself on the back. But I have some slides here to talk about the art of asking questions and prodding and things and, then, also findings, too. So, we will kind of bring some of these common threads of this part of the discussion back around here in a few more slides, so -- I do want to transition, though -- and, again, it's related, but to private property rights. Kurt mentioned LUPA. I think he called it the Land Use Planning Act, but the Local Land Use Planning Act of Idaho does require that comp plans address private property rights. This one is, again, like a lot of things you do, tricky; right? There is different angles and lenses you can look at -- things through to say if something conforms or not. The private property rights balance; right? Or I like this and, you know, I'm going to watch a little video, but whose property and whose right? I mean there is two sides to that; right? I mean -- so, you know that, but it is just -- it's an interesting -- depending on what shoes you are wearing or, you know, what you are looking at, but there is -- there is property rights on all sides. So, we are back to some of that quasi-judicial and you get to play judge a little bit in that and say, okay, we are not harming anybody. This is a right and we are protecting things. But, again, subjective words like sensible and value and good -- like you get to decide what those things are and mean in particular cases and that all comes back to our police powers and why I have a job and why you are there is we have the general

health, safety and welfare of our community in everything we do should kind of be right there, like is this in the best interest of our community. So, I do have a quick video I would like to show you, so I'm going to try that real quick. If -- let's see if we can do this here -- and I have a link to where I got this, too. There is actually a series. I don't know -- some of you were on the commission at the time, but about a year -- maybe a little more ago I mentioned that the Idaho Chapter of the American Planning Association was putting together kind of a suite of videos. They have the first seven done and available, so I will have a link to that later. You can go watch the other six. I actually asked them for more. You get seven just for going to the website, they like if you want the rest of them you have to log in and pay us a fee and stuff, so -- but I have access to some more than what you could access on the website. But this one I thought was a pretty good one. They are all decent and they are only all just a few minutes long, so -- so, I thought this was a good one, so -- see if we have any sound.

(Video played.)

Hood: So, hopefully, you found some value in watching that short video, reinforcing some of the things we have already talked about tonight. There are some -- again some more resources on -- on private property rights. I'm going to transition to the next topic, unless there is anything there we -- Kurt mentioned takings and that was the last part of that video, if you want to spend a little bit more time on that or private property rights, if there is any comments or anything like that. I'm going to jump back into my presentation though. Okay. Defining residential density. So, that's -- the first bullet there is number of units per acre. So, we are done. I guess we can move on to the next slide. No. Really, there is more to it than that, so -- and I really -- there is actually two kinds of topics that I want to talk about in one. So, one of them is the -- the transition that comes up a lot; right? An appropriate transition. So, that's kind of also in defining density. I already mentioned some of this in -- so, my opening remarks with comp plan, zoning and density and future land use map designation that I will touch on that a little bit more, too. First, though, I want to start by saying the comp plan -- anytime you hear us refer to density in the Comprehensive Plan it's always using gross. So, we are considering just the overall acreage, doesn't take out anything for roadways or right of ways or waterways or really undevelopable land if you will. So, we are talking the gross density. The -- the UDC, though, does define both net and gross. It doesn't define density as much -- it defines it, but it doesn't use it in some of its calculations in the UDC. So, again, as an example R-4 does not mean four dwelling units per acre. It's -- it's just R-4 is residential and it's medium low density residential, but it does not equate to a maximum of four or a minimum of four dwelling units per acre. It's just an -- it's just a number. Same with the two, the four, the eight, the 15. They are numbers. Sometimes there is some correlation, but, again, we took that out -- jeez, that's probably been five years where we took with -- more than that even where we took the density calculation out. If you meet the minimum lot sizes and the open space and the other code requirements of doing a subdivision, the density just essentially works itself out, but it is possible that if you had a cul-de-sac stubbed to your property and you just lined out lots along it you could get more than four dwelling units per acre in an R-4. It doesn't happen very often. Typically it's less than that, so -- but it is -- it is confusing to

people; right? It is -- all the density shows is that this is, you know, 4.4 and this is an R-4. How can that be? The zoning doesn't -- doesn't necessarily equate. Another -- I just want to read to you maybe -- and this -- this thought goes with what we have already talked about before with the comp plan being the guide, the visionary document kind of citywide. I want to read you a few comprehensive policies that talk about density. So, the first one is locate higher density -- I don't know what that means, but locate higher density housing near corridors with existing or planned transit in downtown and up in proximity to employment centers. I'm kind of joking, but the higher part -- again there is discretion in that. Two is higher than one, three is higher than two. Higher I don't know. And that doesn't mean R-15 or R-40 necessarily, it could just be more. Higher. Right? So, here is the -- here is the next one I want to read you. Consider incentives, such as density bonuses, reduced open space requirements and reduced fees for in-fill development in key areas near existing services. Key areas? Right? Key areas could be in or near my house or your house or downtown and we do define some of these things. But, again, it's not an exact. You can interpret it -- there is a little bit of wiggle room in here. There is another one. Consider population slash housing density and accessibility when acquiring future land use for Parks and Recreation. That's more of an internal thing for the city. You probably won't run into that a lot of times dealing with development. Okay? Here is the next one. Require all new development to create a site design compatible with surrounding uses and, then, there is a list. Through buffer, screening, transitional densities and other best site design practices. Encourage, as appropriate, the continued use of land for farming in areas of city impact boundaries to effectively transition from rural uses to urban. So, some of my point there is it's -- it is -- it's leading you down a path, but doesn't tell you exactly how to get there; right? I mean you have some -- some ways to interpret some of those directions, the vision, statements we want to go as a city, but it's not going to say you apply that right on that property right there. That's for that -- that project. And we will help you in staff reports, too. We will cite those. We will interpret that. We will apply it as we deem appropriate. But you can, again, draw your own conclusions on a lot of that, so -- and we also do encourage with the Comprehensive Plan a mix of housing types within all neighborhoods. So, monotonous Meridian is not the goal of the Comprehensive Plan. It says encourage a mix of housing types in all neighborhoods, so -- but, again, there is discretion even in that. A mix? What does that even mean? Typically we apply that, you know, single family detached. You could say lot size variation. Doesn't mean you have to have thousand square foot homes and 5,000 square foot lots. There is, again, some interpretation in that. So, that comp plan has aspirational statements that help enable the zoning code, but a lot of the subjectivity and hard to legislate appropriateness of density. And, again, sometimes even the policies seem to conflict a bit in there, depending on the case, but -- for example, you know, we have a want and a need for affordable housing, too. So, how does that play in with -- with some of the protection of private property rights? Sometimes people can make those types of claims, so -- and this is just a little bit more kind of in our profession -- it was in the video a little bit as well. Zoning has historically -- so, the way our Unified Development Code is classified -- it's not form based, what we -- what we use is typically referred to as Euclidean zoning. So, we do use zoning to basically designate areas where you are again using that -- the film as an example. You know, industrial areas aren't going to

put next to housing or we aren't putting the adult entertainment next to the school. That's -- that's Euclidean zoning. This is your commercial district. This is your residential district. A lot of times we will use office as a way to transition. So, we have buffer requirements, right, in code, you know, a 20, 25 foot land use buffer sometimes. Office is a very good transitional use, because most of those users are done at 5:00 or 6:00 o'clock when most people are coming home. So, if you have some commercial or industrial we will sometimes try to feather an L-O around them and, then, the residential, you know, buffers, those two uses typically up. So, that's -- that's in a very high level nutshell explaining Euclidean zoning is the separation of land uses. Society, though, is going more and more to mixed use; right? So, then, you get nuances in there. Okay. Well, is it this use? How much of a nuisance is that use potentially with the people that are living 200 feet away? And that's why a lot of communities are going to different types of zoning codes and ordinances. We are not there yet. And maybe we will never get there. I don't know. But my point was some of that is -- we try with some of the -- we do standardize some of that saying if you have C-G next to R-8 you have to put it in a 25 foot buffer period. That's part of the code. That's -- you do that. But there are some things, again, within that word there is discretion and you can require more. If they want to annex and a 25 foot buffer is not enough, you can -- or you can limit height. Height was another example in the UDC. The base code, you know, caps all -- all of our zoning districts to a certain height, whether it be 35 or 65 or 75 feet in some commercial industrial districts. But, again, my point there is -- and I want to have a little bit of a conversation, because this is something that I have heard from Council, too, to some degree, is this needs to put transitions in -- potentially in the UDC and it's something I'm not sure how to -- how to do. I will use examples, too, of odd-shaped lots or pie-shape lots. You know -- and one to one isn't a bad, you know, idea -- or two to one even and say, hey, generally we like -- but -- so generally part; right? You can get a lot thrown in east-west and they have north-south lots and it's like, all right, this lot is 500 feet long, you know, like only one to one or even two to one, that makes it tough to lay a project out on the other side of that -- that lot line. So, again, standardizing that and saying thou shalt -- in no case shall you have, you know, three backyards to one -- for me it is very difficult to legislate, because I can -- I love to play devil's advocate. I can come up with an example of where that doesn't make sense. But I think you can -- you can generally have an agreed practice to say, listen, that's -- that's not an appropriate transition. That's not the intent of that and what -- you typically have north-south lots and they are lining up north-south lots two to one, I think is a -- is fair. But, again, that's -- that's part of this process -- the public hearing process. But I want to hear your thoughts on some of that. And, again, in the comp plan we say, you know, appropriate transitions. We don't tell you what that is. Someone's got a two story home is a three story next to it appropriate? If they have a single level? Two? And you have had those discussions, too. Like that transition in height, what's appropriate? Well, you got to kind of hear from folks and see what they deem appropriate and, then, you get to decide. So, I know -- there is some comments and that's what I'm asking for.

Lorcher: Mr. Chairman?

Seal: Go right ahead.

Lorcher: I think it's challenging also with some of the developers that go out and buy this land and, then, they kind of figure out what they are going to do with it or what they can get away with it later, you know, and the example I'm going to use -- and, Andy, you weren't here for this one, but Patrick and I were -- was there was a storage facility on Eagle Road across the street from a development that has three stories, but the zoning for the west side of the street was really only two stories and the guy was trying to negotiate with us, like, okay, well give me 64 feet, instead of 35. You know, we will meet in the middle and we are like we are not the deciding factor here and so, you know, some of it needs to kind of go back on the developer and say if you are going to look for a piece of in-fill land and you want to develop it, shouldn't you have kind of an idea of what you are going to do with it before you come and, then, when Planning and Zoning -- or city planners say, yeah, this doesn't fit into the thing, they need to kind of reconsider and so I feel sometimes the burden is put on us, like we are not being reasonable enough, even though they bought this weird shaped pie or whatever the case might be and they are -- they are trying to make it work, which totally makes sense, but they are not following any of the rules that the zoning even allows and that puts a -- I think a burden on us, because, then, we are being unreasonable. So, that's -- that's a little bit trend for that one. And as far as transitions are concerned, I don't know if it is within policy or, like you said, it's just more of a suggestion. If I'm in a five acre parcel, you know, obviously, high density is not -- I don't want that in my back door and so the trend that we are doing -- that we are -- we are going from five acres to maybe three acres or maybe to one acre or high density -- or low density to medium and, then, to high seems just to make more sense, because it just seems kind of crazy to have a five acre parcel and, then, next door to it you have got apartment buildings. So, I appreciate that as a -- as a citizen of this community to be able to kind of see those transition.

Hood: And I will just say -- and that's just kind of the last bullet there. I do appreciate that and I don't -- I don't disagree with that. I think what I would ask, though, is you -- you -- again, you got to consider multiple things simultaneously; right? So, that five acre parcel, if we are annexing now is not going to be a five acre parcel for very much longer. I respect that someone wants to stay there and have that quality of life they have enjoyed as a five acre parcel, but that's going to redevelop at some point; right? So, you need to be respectful of them today and understand that, so I'm not saying just slam all the apartments next to that, but you also need to figure out, then, okay, what happens when that five acres come in and they say, but I'm high density and, you know, now the transition slipper is on the other foot; right? And it's like, well, we didn't set ourselves up for success as a city, because we allowed lesser on that property and now the transition is taking longer to get there, if that makes sense. I know it's kind of the same side of the coin -- a different side of the coin. You know, if it's one to one we will never transition to anything; right? It's just going to be the same thing. So, I think just -- that's my request a little bit, is -- is be respectful certainly of that property owner, the five acre property saying this is my backyard and you need to respect my cows and what I do there or whatever the case may be. Absolutely. Also need to be forward thinking, though, and saying, okay, I respect that, but here is what we need to do and maybe there is something you can condition that says this is what with the phasing plan next

door says. But, hey, this is your last phase and you don't develop this first or -- or whatever those mitigating things are that you can do to make that transition easier for the community over time. So, good points, but that's -- that is a great example of, you know, you are juggling all kinds of different competing interests simultaneously. I don't know if we should, because I know Council had it on their agenda Tuesday. The Eagle Road storage unit project.

Lorcher: Did they pass it?

Hood: That's what I can't remember if they --

Starman: I'm going to advise that you not --

Hood: Yeah.

Starman: -- delve into that because the Council did consider and make a decision that they have not yet adopted their findings and final order. So, I think you ought not to dig deeper into it.

Hood: So, I will use -- you know, just that to start a similar conversation. Again, there is things to consider. You got a major arterial on a roadway and you have got pretty -- I will just say, you know, can have pretty dense, intense land uses even on the other side of that, but maybe it's not 65 feet tall. So, I think the things that staff looks at is the appropriateness. But, again, we may define that differently than you do, differently than Council does. So, we all kind of look at things maybe a little bit differently. Someone focuses more on the principal arterial side of the world and says, hey, there is 50,000 cars a day here. Why can't I have three stories and someone says -- but I'm trying to raise my kids 50 feet away and so what's the -- you know. So, it's not an easy job and you don't get paid anything, so -- it's good conversation and if there is any more on the transition, any more thoughts, for this --

Grace: I would totally agree with you, Caleb, that it seems like it's a little bit more of an art than a science and so to try to codify that would be difficult. To the extent, though, that there is some stuff standards, some criteria that we might look at. I don't know if you can create ranges of things to look at and consider to bring it -- to pull it maybe from the art side a little bit more to the science side. I don't know. I'm really just talking off the top my head.

Hood: If I can just -- and I thought a little bit maybe if I can extract that out a little bit more -- and this is -- it's not the same, but I will use it, because the comp plan is more of the art and the UDC is more of the science and what I think we can do is put some more things on the art side, i.e., the comp plan side of that world that talks about appropriate transitions, but doesn't standardize them; right? It gives a little more to the five acre parcel or whatever, right, the existing thing that's there, but it's not going to say thou shalt do two to one or three to one or no more than this or whatever. But it can still have words that say you need to seriously consider appropriate transitions. Again --

and I'm not -- off the top of my head that doesn't sound eloquent. We wouldn't put that in the comp plan. But -- but something similar in the Comprehensive Plan that is more policy and not so standard. So, a little -- again a little more art than -- than the science tried and true. But -- but it helps. It's -- it still helps to cite those things, citing comp plan policies when you are making your decision -- and, again I got some things on that kind of near the end -- I think is very helpful.

Lorcher: Mr. Chair?

Seal: I'm going to jump in real quick.

Lorcher: Okay.

Seal: Some of the -- I will just call it some of the ambiguity that's in there is sometimes frustrating, especially when we have lawyers presenting to us -- nothing against lawyers, but it is difficult sometimes, because they -- they have an absolute point that's based in the UDC where we are trying to more apply the comp plan, you know, vision to what we are seeing here. So, that -- to me is when things get a little bit frustrating, but I understand why it's there, especially after working on some of the -- you know, the open space committees and things like that where we don't want to ratchet it down so much that people can't bring us something that makes it innovative. Wow, that's really cool. That's really neat and reward them for it, because I think if we do, you know, kind of strangle that down too much, then, it will lead to people, you know, having less ability or capability to do that and we have had some things come through that have been, you know, really neat, fascinating, new ideas, new ways to look at things or develop things and, you know, I think we want to kind of champion that going forward as we can, so -- and, then, as far as the density -- I mean that just kind of plays right into that for me that not everything is going to fit exactly the way that we want it to fit and the more in-fill that we do we are going to find more and more of that. I think one of the things to definitely keep in mind for us is to kind of strive for more of that vision, but understand that, you know, our -- our role here is fairly limited in what we see in the UDC and the comp plan. So, the comp plan definitely gives us a little more latitude to input our -- you know, our personal feelings into it, but at the same time, you know, the UDC -- UDC standards are what we have to carry forward, but what's said here at Planning and Zoning and kind of the direction that we give applicants does have a bearing on it. So, there are several things that we have said here and they have -- City Council has taken those to heart and -- and acted on them. You know, we don't always agree on everything. There is some things that we recommend approval on, they will deny it and just the opposite, but I do know that it does have a bearing on, you know, even the most recent stuff that's went through. I will just leave it at that. So -- I mean a lot of these applications are -- by the time they get to City Council what we have recommended here is -- it's there. They are -- they have already done those things, because they do see that there is a little bit of harmony happening between Planning and Zoning and Council. So, you know, don't be afraid to mention it or throw it out as an idea, again, asking a lot of questions, especially of people giving public testimony can kind of help us shape some of that as

we send it on its way up to Council. So, anyway, I have rambled enough. Go right ahead.

Lorcher: And my only comment to that is that I appreciate that every application is unique and I have said that in counsel to different parties. You know, we look at each individual, because just because you put it at Ten Mile interchange doesn't mean it should be, you know, at McDermott and Franklin or it shouldn't be at McMillan or someplace else. So, in that particular case, you know, that's where like the art comes in, the science has been applied, but just because we allowed it in a space that's identical two miles down the road doesn't mean it's applicable in another space that's identical to it two miles in a different direction. So, you know, I have said that in -- in Chambers before to people and sometimes it helps them, sometimes it doesn't. But that's what I like when we look at each individual application on its own merit and not necessarily comparing to what is surrounding it. Taking it into account, but not necessarily saying, well, just because there is a Jimmy John's next door doesn't mean you get to, you know, put a Subway next to it just because you can.

Hood: If I can that point -- to that point a little bit -- I mean I think it is nice to have tenure and experience, though. You don't have to -- because you did it over here doesn't mean you have to do it over there. It does help; right? You have seen similar things before, but everything is case by case, site specific and no two are the same. So, it's good just -- and you don't even have to necessarily recall it, but, you know, to have that tucked away somewhere and I think it's helpful over time; right? You will -- you see some similar things and themes that come up with projects. So, that's why I want to do what I can to keep you all engaged and learning and keep volunteering, because it does take some time to get up to speed and be -- produce fruit if you will for the community. So, that's one of the reasons we are here tonight. The thing I wanted to just maybe touch on real quick is I -- and I get it, you know, whether it be an attorney or a hired gun from the applicant or whoever that just speaks with some authority; right? Like this is the way things are -- and, again, I'm not calling anyone a liar. Sometimes, though, you can -- there is half truths or there is only one side of the story that they are telling you. So, I would -- I would encourage you to clarify either with them or ask us -- things can be said as factual or absolute. I'm entitled to this. You have to allow me to do this because the code says this or whatever the case may be. You know, you hear those absolute types of -- and it maybe just doesn't feel right -- I would encourage you, again, as in the same vein as -- ask those questions. I don't care who is saying it. You are going to hear some of those things sometimes and I'm not saying what they are saying isn't true, but usually there is a little more to the story. There aren't -- the city does not typically give you just this blank -- sorry to be repeating -- slate entitlement and you say, well, I got my zoning, so your comp plan doesn't apply. That's not necessarily -- it can be the case and there is case law even that says -- but, guess what, we put something in the DA that says you have to comply with the comp plan in the future. So, that trumps this case law that you are referring to that -- so just again, you know, says -- not saying anything that's not factual, but it's not the whole -- the whole truth. So, anyways, I will let that go. But -- but feel free to ask us or them to clarify those things.

Seal: We can always remember we have Kurt. I mean I -- I know I have leaned on you several times to keep -- keep us from being in trouble. But we also have had applications -- we had the application come in for the multi-family that was going to go in behind the Walmart and that was just hotly contested all the way through the process and I thought legal counsel did a good job of helping to guide us to the decision that was made, not only in Planning and Zoning, but also at City Council, because I watched that -- you know, those hearings and to me that's just -- don't forget that we have that and if -- and if you do have a question that is legal in nature or if you are even wondering if it's legal in nature, you know, it's -- it's been good doing so.

Starman: Yep. Always happy to help.

Grace: Just a comment. Don't need to discuss it really, but just a comment. I think the -- the -- the consideration isn't so much that any one of us up here aren't willing to call -- kind of call someone out on it, it's sort of that respectful citizen dynamic that we want to make sure we don't come across as overbearing and, you know, over governmental regulatory and so we -- we entertain a lot of things and I know personally I'm a little bit more -- you know, I'm willing to do that maybe more than I should and I should call -- I should maybe ask more questions along those lines, but I'm trying to be respectful, because I think that's what we want to project from the city and so it's just a little balance. That's all.

Hood: And my request -- I know you said you didn't really have a question, but I get -- I have got a slide here about the art of asking questions. I think you can do -- ask clarifying questions in a respectful manner and direct them to, hey, Kurt, I wasn't quite understanding. You made this statement. Can you explain how that works a little bit better or what -- you know, whatever to clarify where it's not -- we are not calling them out, but you are asking clarifying questions or that maybe help -- and I will just say also, you know, it is -- unless it's something just -- you know, or just can't stay silent -- typically we are going to sit here and let whatever said be said, unless you engage and ask that question. So, you know, we are going to assume -- you know. And it happens from time to time. It's like hold on a minute, that's what they just said. No. But we are not doing that either; right? We want to be respectful. We are not sitting here and calling someone a liar, so I think there is -- there is a way that we ground truth some of those things, so everyone understands what was said and clarify what was said and what's on the books or not on the books or what's entitled or not entitled in a respectful manner. But we do -- but we need to be engaged usually. It's like, hey, I didn't -- you made the statement, can you help me clarify and we may or may not be able to -- you, know to clarify what they said or what they meant by what they were saying, but we can clarify what's on the books or entitled or whatever, those types of things, so -- okay. Kind of transitioning again -- and this is what I referred to at the beginning -- these -- these next six or eight slides -- and, by the way, if anyone wants that again -- some of you it's been a minute or two since you were handed the handbook. It's not really a handbook, but our slides, but I can -- I can share this again if anyone is interested in a re-review of orientation materials. But these ones we often fly through. So, I thought we would just spend a little bit of time, see if there is any questions. I kind of mentioned

some of this already. I mean some of this will just come over time, too. As -- as you get hours in that seat you will -- you will -- you will pick up more and more all the time, but these are just some best practices. I'm not going to read the slide to you there. And same with -- same with the knowledge part; right? Again, LUPA -- I don't -- I don't expect you to memorize any of this, but you should know about it; right? You should know where it's at, how to access it, at least -- I remember hearing something about this. Can you help me -- private property rights? How is that -- what is our role in that? You know. Again, don't feel like you have to memorize any of this stuff, but have some knowledge of what the comp plan is and does. Some of the, you know, UDC information -- you will pick up on some of this -- and, again, we mention this to new commissioners, you know, if we say ACHD and you are like, wait, what was ACHD again? You know, some of the acronyms, the short -- you know, some of the planning jargon we use -- we try not to, but we fall into that trap a lot of times. Help. Hey, wait a minute. Hold on. Before you move on what -- what is that term? What does that mean? We have a glossary, too. So, again, if anyone needs a glossary again on that kind of shortcut, we -- I would be happy to share that as well. Again, Robert's Rules, some of the procedures. We are pretty good there. And, again, you get more and more comfortable over time with that, but -- and that group dynamic; right? That only comes with time spent together and so you will get -- you get a feel for each other and anticipate -- I think they are going to ask a question about this or that or whatever. So -- but -- but working together as a team really and feeding off of each other. I have seen some of that; right? Hey, I'm going to, you know, echo some of what was just said. I got my own thing. So, that consensus building getting to a -- you know, it does -- and you don't have to unify it all the time; right? It can be three to two. It can be a split vote. There is nothing wrong with that. But you should be -- again we are representing the city, we are going to be professional, we are going to be courteous, those types of things. Listening -- and, again, I'm not -- I'm not -- I'm not wagging my finger at anybody. These are just best practices. This isn't because something that's happened and I'm here now I'm -- you know. Legal said, hey, you better talk to the Commission about this. This is just a reminder. Especially that last one a little bit, watching nonverbal cues. And I think I have got a couple of slides or the next slide on that, too. It is okay -- and this came up, too. It is okay to share your -- your personal beliefs and thoughts. Your real life experiences. I think that's fair. We want to be sensitive, though, to their perspective as well, whoever they might be. The applicant. The public. Whoever is before you. You are going to give them your attention and respect their -- their views. So, again, here is some things -- you know, don't be on your phone searching Google, checking in on Facebook. Give them your attention, please. This doesn't mean you have to sit up perfectly straight and eye contact all the time, but just some things to be aware of; right? It doesn't mean you can't, you know, have a little, you know, to the chair, hey, I got a question. You know, a little bit of that's fine. This is pretty common sense stuff. But it's -- I think it's a good refresher. The referral by name and we talked about that a little bit, because I came up with a joint meeting, where we -- we are still trying to figure out how we can help with that. I haven't talked to the clerk yet, but maybe there is a way, you know, sign-in sheet, we have people's names. Maybe there is a way we can project that on your -- you know, here is who signed in and if you didn't catch their name, they mumbled and -- you know, we have some of that

information. It's not going to be a perfect system though. I don't -- I don't know how we can do that. We are talking about, too, again, just working with the applicants and saying who is going to present, at least would have their contact information. But someone just from the audience can come up and mumble their name and there is not a whole lot we can do about that. The chair maybe can assist with some of that. Hey, we didn't quite catch that. What was your name again? You know, it's a way to do that and kind of tactfully, but what we are trying to see if there is a way we can improve that a little bit and this is -- this is the pep speech I guess. So, keep the faith. You know, we do change them, though; right? I mean they are not perfect. I mentioned that earlier, too. Things change in our -- in our community, in our society. COVID -- we are still dealing with some of that and some of that stuff you are going to see with drive-throughs. I mean there are drive-throughs that -- everyone wants pickup now. No one's going into restaurants. People are. But there is still more and more of that pickup or drive-through in our society and so we are changing our codes, because they are antiquated and you are seeing a bunch of CUPs for drive-throughs and -- or why, so -- the second bullet I think is a good one. There -- to me there is a -- there is -- you can be swayed by public testimony. We shouldn't be pressured; right? So, you can have good points and you should consider them, but you shouldn't feel obligated or pressured, like, oh, am I going to make it out to my car if I say no to this project; right? Or, hey, you know, I know your friends or I'm going to hold something over here or whatever. You know, don't feel pressured to make a decision. Really stay within the confines of the code and the comp plan. Again, your real life experiences and what you think is best for Meridian. But not -- and, again, there is a difference between personal bias and personal experience; right? You know what you have observed. That doesn't necessarily mean in every case you can't approve a Starbucks, because you don't like their coffee. That -- that's just -- there is a difference between -- and things relevant. Fair and impartial. You have heard that before, too. So, come into that, do your research, but you should be open minded to hearing the process out. I have touched on this a little bit, but, again, that -- that rapport, the collective decision making, it's not bad now, but, again, you have two fairly new Commissioners. That will just improve I think. So, in respect to -- it doesn't mean you have to agree on every topic. Again, listen, hear people out, including your peers there at the dais. I'm not doing a good job with the one at the end there, monitor your air time. I don't see any of you dominating, you know, the meetings necessarily. Chair, obviously, you know, is probably going to say more words than anybody else at any given meeting, but allow the opportunities for, again, your peers to have their say. I think you guys are really good about that, too. And here is the ones that I mentioned. There was some of this -- and, again, I'm not going to read every one of these, but, you know, if you think Councilman Cavener does a good job at some of this, too -- I mean I think it's fair; right? You can ask questions of staff, the applicant, I think that's what the next slide is actually. Public. Colleagues. So, just some cues for, you know, what would you do different? What -- you know, engage with them. Ask them for some follow-up questions. It doesn't mean you have to, but you can. And your fellow Commissioners, you know, and I know you do that, too. Right? You typically at the end of presentations and testimony -- hey, what do you guys think. But I will go back to that first one again. Engage staff if you really have questions. We will raise the flag if we really see concerns or, well, you will see

something on our face like, oh, you know, but -- but feel free, too. If you really are like -- that doesn't sound right. I don't remember that being -- have we had anything else like that? Is that -- is what they are saying the case here? You can do that in a more tactful manner than I just said it, but --

Seal: You have to say it's easy to read that. Maybe we are going off the rails from -- probably Sonya that kind of looks like --

Hood: Yeah.

Seal: -- oh, no.

Starman: Can I ask -- can I interject a couple thoughts on this? I also think this slide and the next are really helpful. So, we don't have to do a deep dive tonight, but it's -- I think it's worth taking a look at for a couple reasons. One of which will be selfish on my part from a legal perspective, but -- but, first and foremost, I think it's just a really good way to engage the public -- the applicant, as well as, you know, public testimony in a very respectful, productive way, instead of just listening and being stone faced or saying just thank you. It's, you know, the opportunity to ask the applicant or the -- either the applicant or the person from the public that's testifying, you know, thoughts about, well, this -- you know, we are probably going to do something like this at some point, but do you have some thoughts to mitigate the impact on your adjacent property or your neighborhood or do, yes, the pre-conditions or -- where you make it more of a -- more of a back and forth and constructive, instead of just opposition. The part I like about that selfishly from a legal perspective is we -- I have used this term a few times already tonight, but, you know, we will talk frequently from the staff perspective about the record and so when courts look at issues like this or when there is controversy, it's very helpful to be able to have a record showing that the Commission and the Council, the hearing in general was fair, it was open, people had a chance to engage. It wasn't one sided. There wasn't bias. And so that -- that extra sort of interaction where we -- it's an opportunity to identify issues, get them on the record, address them, show to others -- the judges in particular that, you know, we looked at all sides and we were fair about that and balanced. That's -- that can be helpful and I think, you know, the -- that is what it is and I will just put that to the side. But most importantly it's just a really good way to gather information for you all as a Commission to make good, informed decisions and you can gather more information without -- you are not being antagonistic or overly probing. It's just a more of a conversational way to do it by asking a question and people appreciate the opportunity to give some additional, you know, thoughts. Those are just a couple of supplemental ideas.

Hood: I would even -- real quick. I would even -- and I will lay down sort of as a challenge. You don't have to accept the challenge. But I -- I do think -- and I will use Council as an example. They are pretty good. If someone takes the time out to come down here, usually you can even throw them a softball, maybe even you know the answer to it, hey, where are you? Where is your property in relation to this property? Oh. Okay. Thank you. You know, something while they are here that is a follow-up

question. Hopefully, there is something meaty and you really have a question and you are like, oh, can you explain this a little bit more or a follow-up or something that really engages them. But even something as simple as, you know, help me out with, you know, why you are interested in this or something that is a pretty even simple answer, but it is -- it's engaging not just the, you know, thank you for being here. You know. Name and address. They sit down. You know, it doesn't have to be everybody necessary, especially if you got a packed house; right? That can drag on. But some level of -- and maybe you even know the answer, where you are going to ask them, so they are -- they are aware that you are -- you are listening and you are engaged, so -- anyways, just -- Council is really -- they really are good at that. When someone takes the time out to come here, they have something they want to follow up with.

Parsons: Mr. Chair, Members of the Commission, I just wanted to say there is -- there is other techniques, too. I mean we have been -- we have been doing this together for a while and I know a lot of times other testimony can drag on and you are hearing the same topics over and over. It's a very good idea just to say, hey, we have summarized, this is what I have heard from a majority of you, transportation, enrollment numbers. Is there anyone here that would like to add something new to the conversation that we haven't heard and just try to redirect people, so that you are not getting the same thing over and over, because certainly, as you all know, people come here with emotion and it's -- sometimes it's hard to hold back your emotions when -- when you are passionate about your property. So, I think those are some -- I think that's a good opportunity for you to summarize and say we have heard this, can you contribute something new that we haven't heard yet? Or is there something that we can explain better for you to help you understand? So, we are getting the same topic over and over and redirect it to staff, legal or even the applicant when they come back up.

Seal: Yeah. And I -- I was going to say I -- I know I don't do that. I know some of the people that have followed through up to the chair have -- were much better at that than -- than I am. So, I will keep that in mind as I go through and try and formulate it. So, I kind of get lost in the minutiae of it sometimes, but it is true. There is about the seventh or eighth time you have heard the same exact thing -- especially if they are reading off a form letter. I know that some folks do that, too, and they just insert their little blurb in there. It does tend to wear on the night.

Hood: You know, there is a little -- there is a little bit of an art form to that, too; right? Like I think you can acknowledge that concern you have heard for the seventh or eighth time, sort of get out -- get away or across to the audience like we get it. Starting to bug us. If we hear another seven or eight people -- you know what I mean? Like you don't have -- you wouldn't say it that way; right? And -- but it's something like, hey, guys -- you know. And you kind of -- they are like, okay, we -- they heard us and if we say it more we are likely going to push them away, you know. So, again, it's more of an art form and you need to listen to whatever -- they get three minutes they can basically say whatever they want. But it's a good reminder say, yeah, we have got it, you know, and if there is a finer point to that we will listen to that, too. Yeah. It's very -- that's -- that's tough to do. But I think with just some -- again, with just some body language or the

way you say things, like, okay, we get it and, again, I will -- I won't read this. In fact, I don't even know if I had anything on this slide to call to your attention, but if there is something next to your monitors besides the -- the password login I think I would put this next to it, you know, here is just best practices of -- of -- you know, things to remember. Pretty high level; right? Nothing very super specific, but -- and you don't write the findings, but give us -- when you are making a decision, you know, all staff and applicant testimony stuff helps, but it's -- you know, give us some reasons that you are -- that you are supporting the project or recommending now the project and whatnot.

Starman: So, this is -- I think the -- the Commission does a good job of this historically and of late as well. But here is just -- I want to call a little bit about number -- number five and six -- or combined. It makes a good -- makes a good record and make written findings and conclusions. You know, staff takes the lead on the written findings and conclusions, but this is the point I wanted to talk about with regard to that issue, which is it's very helpful -- or -- for everybody involved, the applicant, community members, for the Council, if they are looking at your decision, for staff as they write findings and conclusions of law and, then, particularly if we get challenged in court in particular, it's very important is -- to kind of articulate your thought process, so -- what I mean by that is that there is sort of -- kind of a flow to how that happens; right? So, you can hear a bunch of testimony, whatever the issue might be, but perhaps pro and con. Yeah. So, you need to weigh that information of -- you know, you heard testimony in favor, testimony against, that kind of fell into three categories. Let's summarize what those were. You know, traffic, schools and whatever. Transition. And, then, a little discussion about -- you know, I -- I found this more -- this was more compelling to me, that, you know, traffic I think is -- is manageable here, because -- and a little bit of a reasoning behind that, some explanation as to -- you heard both sides, the pros, the cons, you weighed the evidence and you find that the weight -- the evidence more weighs on this side, wherever that side might be. So, that's kind of part one of the thought processes. Then part two is those conclusions of law, which, again, staff will write, you know, the written version of that, but it's -- apply those findings to the criteria, typically the UDC provisions that says, you know, you have findings to make and do the -- so, you make your findings or your facts that are before you and, then, does it fit into the UDC requirements. Can you -- you know, does it fit the requirements that you are required to make? Is that -- whether it meets UDC -- the law in this instance. And so those things put together to lead, then, to the final, which is, you know, if it's your -- if you are the final decision maker, like on a conditional use permit, that would be your final -- you know, that would lead to a decision and order that says we approve it or approve it or changes, whatever it might be. Well, if -- in case a recommendation, just goes to Council with your recommendation, but that's my point, just to kind of wrap all that up in a sentence or two is that it's really helpful to explain your reasoning. I heard these facts, I reached these conclusions based upon the UDC. Therefore, my decision or my recommendation is X, you know, just to be able to kind of articulate how you got from point one to the final point, as opposed just jumping to the final point.

Grace: Mr. Chair. Maybe if you could help a little bit. I can't -- I try to start the discussion when we -- when we close public testimony, we talk amongst ourselves, with

a -- sort of statement like I'm leaning -- or I'm looking at it this way, because I don't want to look like a fool if I change my mind and the first person that goes is -- is a little -- it's a little tough; right? Because we don't -- especially on one that's a little bit -- it could go either way and so you don't know what your fellow Commissioners are thinking and you don't want to be the only guy way out on a limb, but I guess I would say, number one, probably got to stick to your guns, if your gut's telling you and you are looking at something a certain way, it is what it is. But I try to leave open the possibility that my Commissioner -- fellow Commissioners could, you know, persuade me in a different direction. So, I know it's not easy to be the first guy to say something on some things and so I -- if you have any thoughts or tips on that, it's probably welcome.

Hood: And your fellow Commissioners may have some -- some thoughts and tips on that, too. I guess what I would say is follow your gut after considering -- you know, reading the staff report, hearing staff's presentation and all that -- all that. Yes, you are going to, then, really start to form your opinion on the project. Not that you can't be swayed, but really you -- you are -- you are largely done with what your facts are that you are considering, not what -- you don't need to all agree. It's -- I heard -- and I guess my advice to you, then, sort of that way -- and, again, advice may even be a little strong. My -- my tip -- my whatever -- is to say, hey, I like this about the project. Don't like that about the project. You know. Or something that, hey, this is kind of cool or that -- I don't know. What do you guys think about it? You know. There is a way that you don't have to put all your cards out there and say, hey, I'm going to support -- you know, I'm likely to support it or I'm leaning towards this or whatever. You can just say, hey, I kind of like this. Don't really understand that. I am kind of concerned about this though. You know. And just start that discussion more if you really -- and I would also just say I -- you know, easier said than done; right? No one is going to -- I don't -- I know I don't judge you if you do change your mind or whatever. You don't have to stick to your guns necessarily. If you are persuaded, but you are like, gosh, I already said I liked the project, but you bring up a good point. Now I got to support the project. Do what's in the best interest of the community. You got to kind of put your pride aside and go, you know what, I do think that -- or never mind, this project -- I don't think it works. You know, I am convinced by the conversation. So, I guess I would just keep that open mind and not let your pride or whatever that may be get in the way a little bit, consider the facts and to Kurt's point and the slide -- and changed it on you, because you were talking about all these, but tell the story. You don't -- hey, this is compelling to me and for that reason right now -- I'm leaning towards this, but I could be swayed because I'm still getting that over there. It's kind of a -- I don't know.

Starman: Okay. That last point in particular I had the same thought as Caleb. So, I will get to that in just 30 seconds or so, but I think that's excellent advice and I like how you framed it. I think that's a really good technique is to say, you know, after -- if you are the first or second speaker or the commissioner making comment -- I like the idea of -- you know, these are my initial thoughts. I'm leaning this direction. I like the idea of saying these are things I like, some things I don't like and, then, you know, you can end that by saying, but -- but I want to reserve my -- my -- until I hear from -- I will reserve my judgment until I hear from my fellow Commissioners. It's always a nice way to kind of

wrap that up and, then, to the part that Caleb mentioned I really like a lot, too, is my same thought is that I don't think there is -- if you listen to your fellow Commissioners and they -- they say something that changes your mind, I would say I admire that, that, you know, you -- you are a thoughtful person, you listen to your colleagues, something resonated with you and you say, you know what, that makes sense to me. I think I'm now going to move in this other direction. I don't think that's a bad thing at all. I think that's a positive thing that you are working as a team, you are listening to your colleagues and you are -- you know, that's what deliberation is all about. You are all talking it through, thinking it through and you are reaching a conclusion and, just lastly, I will say what Caleb has said several times now, which is at the end of the day, you know, if it's not unanimous, that's perfectly fine as well. If you end up -- you know, whatever the vote might be three-two, four-one, whatever it might be, that's -- that's perfectly fine. There is no -- that's not an issue either.

Seal: Yeah. I was going to say I will say I have -- I have been the person out on the limb, so -- and I do tend to stick to my guns on a lot of stuff, but I have been swayed as well. So, I mean there is -- there is a lot of different elements to it and -- and some of the -- the most learning I have done, to be perfectly honest, is -- is when there is a lot of -- not necessarily division, but different viewpoints on the Commission, talking about it different ways, looking at it from different perspectives and a lot of times that will end up in, you know, a split vote, you know, fairly even on both sides, with, you know, one vote deciding. So, sometimes that makes things a little bit -- this is a lot of information that comes out of that, so sometimes that's easier for Council to act on. Sometimes it is a little more difficult, because it is -- I mean there is just so much that goes into it. So much that's relatable on either side of it, so -- but -- yeah. I don't know, I guess since the beginning I haven't been afraid to let them know what I think, so -- and, again, I mean, you know, the idea that we should all think the same -- that's why there is -- you know, that's why there is so many people that are up here on the Commission to make sure that we are looking at it from a lot of different perspectives and even to the -- to the point of -- of choosing commissioners, we want to make sure that we have, you know, people that are in the area of impact, people that are north of the freeway, south of the freeway, in different places, so that we -- you know, because the issues that are happening, you know, kind of in our southeast are not necessarily the same issues that are happening in our northwest. So, it's good to have a lot of diversity up here to kind of help handle that.

Grace: And I'm not afraid of looking the fool. I do it routinely. But, my Commissioners, you guys often bring up a lot of good points that I just hadn't thought of and so I like the idea of sort of reserving the ability to go, well, I'm open to being persuaded, so --

Hood: That is what that deliberation time is for. Now, why did you hear what I -- you know, consider all the facts and -- and talk it out. The one thing -- so, again, Kurt covered most of the things on this slide. I do want to spend just a minute on that conditions part of that and this is another one sometimes we are -- you know, wave a flag if you guys are like hold on a minute, don't require them to do that, that -- you know, more than likely we are headed down the wrong path if you say go build that sidewalk,

you know, two miles away from your project, because there isn't a correlation to the impact of this project. You know, you aren't out to solve the world's problems. If it's something they need to mitigate and it's appropriate for them, fine, but, again, some of that should be -- you know, you are causing -- this is likely to happen if we approve your project. Therefore, this condition to mitigate that impact on our community -- that should also be part of your thought process and the pros and cons and, hey, we are implementing this condition because -- you know, you have got -- you know, these are four bedroom homes and we are afraid of, you know not enough -- I don't know. Whatever. Some nexus back to whatever your condition is. It should tie back somehow to that project. But we can help you a little bit with that if there is -- and again, I haven't seen you kind of go off the rails and say, go build an interchange and go, you know, whatever, so -- but just remember that, it really should be kind of direct impact and proportionate to their impact and if it's a two lot subdivision having them do something that's going to cost 20 million dollars, you know, probably is not an appropriate condition.

Seal: I can't ask all applicants to build a bike path?

Hood: You can. We will probably say don't in this case, but if it doesn't connect -- if it's the bike path to nowhere then -- okay. So, I think I'm about done. I did want to just -- those training videos, if you just go to idahoapa.org, that's where I got the one and there are -- again, there is a -- and they are still building the library, but there is six or seven up there now. You go there, they have a knowledge center. Conferences and events. I think I mentioned this. We have -- it's a small budget, but we have a budget for the Commission. So, if you say, you know what, hey, down on The Grove they are having a training about housing or density or whatever, you see something like that, we may be able to get you to a training, too. So, they have some of those things locally, usually, within the state anyways that are there with conferences and other events. That's some policy guides and legislation. Here is my disclaimer a little bit, you know, all of those may or may not align with the city's kind of legal interpretation of some of those things, but for the most part I think you are pretty safe, pretty good. Jerry Mason, who you saw on there, has been -- I don't know, kind of doing a lot of that -- for since the '80s I think. So, there is some good stuff there anyways. But -- anyway. So, that -- that website is one I would send you to. The American Planning Association also has some briefs and some other things if you want to get a little -- little bit bigger picture of where the profession stands on some of these topics you can. Really it's that last one that I wanted to just sort of highlight for you that there are some good resources there. And, then, finally, I just wanted to let you know who we are. In fact, this slide is outdated as of today, because we are promoting Nick Napoli. So, you will be seeing Nick at hearing probably July or August. So, he is going to transition. He is going to start. Stacy is going to kind of start to help train him up and Bill will obviously help train him up, but Nick is going to -- was promoted today from assistant to associate planner. So, if you haven't met Nick you will soon, but this is the team -- will be back likely in the fall or winter with another type of a training. We are opportunistic. Thank you for bringing it to our attention that wasn't anything and everyone had it on their calendar, so might as well do some training. I do have a list. It's a little dated now, but I still have a list of

potential topics for the future, but I am open to whatever -- you know, inviting ACHD and I am going to tell them if we come where I can totally throw you under the bus or ask you, you know, all the hard questions, but not going to guarantee there won't be some hard questions. But some of those types of things. So, if there is other trainings or guest speakers or things like that you are like, hey, I want to hear from someone or about a topic, we will see if I have -- if I know somebody that can maybe help -- help with that presentation. So, you don't have to do that now. If you want to call that phone number or my direct line or whatever and you are like, hey, can we get a guest speaker to talk -- talk on this or whatever. I just -- whatever you want to hear. But, likely, again, we will be back later this year to do some more discussion. I don't want to call it training. But have a discussion on best practices or whatever topics you all want. So, appreciate your time tonight. Little more than 20 minutes, but -- and we can keep going, too, if there is other things that are just on your heart now, let's do it.

Seal: Commissioners, anything further? No? Really appreciate the time and -- and I mean some of us our new and some of its newer information for those of us that haven't been through it in quite a while. So, always appreciate -- appreciate the refresher in there and do appreciate the dedication that the staff has to providing, you know, really good information. The new staff report that is going to -- I mean that -- that's just a highlight on what you guys are doing to help improve things for us that have to sit up here and kind of deliberate on all this stuff. So, you know, again, staff does a great job and, again, Kurt really appreciate your -- your guidance on some things to help keep us out of trouble and, yeah, we are -- we will just keep on doing this and I know that everybody's doing their best to provide, you know, what the city needs long term. So, appreciate that.

Hood: Thank you.

Seal: With that I will take one more motion.

Grace: Move to adjourn, Mr. Chairman.

Lorcher: Second.

Seal: Okay. It's been moved and seconded to adjourn. All in favor, please, say aye. We are adjourned. Thanks, everyone.

MOTION CARRIED: ALL AYES.
MEETING ADJOURNED AT 7:36 P.M.
(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)
APPROVED

ANDREW SEAL - CHAIRMAN
ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK