

**Public Hearing for Mogul Industrial Park Subdivision (H-2025-0006)
by The Land Group, generally located at the northwest corner of
Black Cat Rd and I-84.**

- A. Request: Preliminary Plat to subdivide two (2) existing parcels into eleven (11) building lots across three (3) phases in the I-L zoning district on 88.20 acres of land.

Lorcher: Okay. Moving right along. The next item on the agenda is Item No. 2025- 0006 for a preliminary plat to subdivide two existing parcels into smaller lots across three phases for Mogul Industrial Park at Black Cat Road and I-84 and we will begin with the staff report.

Parsons: Thank you, Madam Chair, Members of the Commission. You nailed the description of the project. Thank you. It is a preliminary plat on 88.2 acres of land currently zoned I-L. As you mentioned it is adjacent to I-84 and Black Cat. If you recall this project was before you in 2022. We received this annexation with that I-L zoning designation. As part of that approval there is requirements for road improvements. Amount of uses were restricted through that development agreement. Timing for thresholds for extending the collector road through the site. So, I want to make it clear to this body tonight that this property does not require it to be subdivided. The applicant is just proposing to do that. So, under that current DA there is nothing in there that doesn't allow them to move forward with additional development on this site. Again, for construction purposes and phasing is what I understand being the primary driver for subdividing the property. You will also notice looking at this map that it seems like the two parcels are disjointed or not connected. That isn't a typical subdivision that you see in front of you, but I can assure you based on what you are seeing here the applicant has done a series of property boundary adjustments to carve out the configuration that you see here, so they are legal parcels and, then, in our coordination with the Ada county assessor's office they have said as long as the right of way touches between the two parcels and ACHD signs the plat and it's within the same section of the city it could be considered as one preliminary plat. So, even though you see it connected by a roadway, the county still sees this as one plat and so we have moved forward with that determination from the county. The other pieces that are gray around this area are still part of that development and the applicant does have CC&Rs in place that basically align all of these properties to share in the landscape responsibilities, roadways and cross-access between all the properties. You can see here on the future land use map that it does have two Comprehensive Plan designations. I won't go into that too much, just for the fact that it's already been annexed and zoned and there is a DA. So, again, currently there are six buildings constructed on the site and ready to be occupied on the site. So, they have already moved forward with a large portion of the site and they are ready to get tenants and businesses operating in this part of Meridian. So, here is the preliminary plat. It does consist of 11 industrial lots on 88.2 acres of land. You can see here in the preliminary plat these four lots here have existing buildings on them. This larger parcel just to the west is St. Luke's that was purchased from the applicant and that's developed and there is an existing building here that was just recently signed off by planning as well

with all parking and landscaping in. So, really, what we are looking at is the remaining of this portion here and, then, as you recall a few -- three, four months ago this property was annexed into the city by the same developer. Enter into a DA, which that property is still part of the overall development for this site. So, again, it's one cohesive development, just coming in on different phases and different parts and pieces or different -- and different timing. As part of this development the Ten Mile Interchange Specific Area Plan calls for specific collector roadways to be built within this development. You can see that here on the concept plan. So, this is the east-west collector portion of that master street map required collector road, which is called Grand Mogul. It's currently built to about this location -- about a third of the way into the site and that's been essentially deeded to ACHD and constructed per their development agreement and per ACHD standards. As I mentioned to you and as -- as the Chair mentioned, this -- this preliminary plat will be phased in three developments. So, again, this middle portion will be phase two and, then, the last phase will be this northwest quadrant and a portion of the north-south collector road here. So, probably it's -- there is a picture of the phasing plan here, but it's probably -- we have got a blown up picture here probably for you, so you can see the phasing a little bit more here. So, phase one those first two lots and phase two are the three interior lots and, then, the last phase is Lot 3, Block 2, which also includes a portion of the north-south roadway that we will spend probably some time discussing this evening. All right. Also with industry -- this is the other unique part about this development is some of the landscaping is already in along the street frontage and so anytime a developer has to subdivide the property the code either requires those street buffers to be in in a common lot or a dedicated easement and so as the applicant works with staff on their phasing and their plats and their plat submittals they will have to graphically depict those easements on their final plats to ensure they are meeting the required landscape buffers per city code. So, along Black Cat they have installed a 25 foot buffer and, then, on the collect street require a 20 foot buffer. The other part of it -- of the street network the applicant's also providing ten foot sidewalks on each side of the roadways as well. So, they are -- rather than having the multi-use pathway along the interstate within the 50 foot buffer. During the annexation of the property the Parks Department agreed to allow the applicant to put those -- add those to the on-street network with the collector street. So, that's why you see ten foot sidewalks on each side of that collector roadway, along with the northern portion of the north side -- north-south collector roadway, which is along the west boundary here. Again, here is -- you saw where I was mentioning the existing conditions. So, you can see they have progressed quite a bit on the property and, then, here is the landscape plan that coincides with their phasing. Again those required buffers are depicted on all on the roadways. Again, they will have to indicate that here, because of these four parcels that's a requirement or a condition of approval in the staff report and, then, along the freeway we require a 50 foot buffer and so they will -- again they will do that and I will let the Commission know that the landscaping will be phased consistent with the phasing plan that I just shared with you. So, really, if you had a chance to look to the staff report the applicant did send me an e-mail, had a few items of discussion they wanted to take up with you this evening. Probably a majority of it is really the extension of the north-south collector roadway along Lot 3, Block 2. So, this area here. So, this is a schematic that I put together to explain what we are trying to achieve at least in the area and with -- with the extension of the collector network. So, I asked the applicant to provide

an exhibit how the east-west -- or the north-south collector road could be extended in the future and that's the red line that you see on the graphic here. You can see that it jogs off -- runs up about three quarters of the property and dead ends. The turnaround would -- the required ACHD turnaround will be on Lot 3, Block 2, in this general location. So, don't be alarmed that there is not a required turnaround at the end of the street. There is. They are just working with ACHD on that and when they come in with their final plat they will provide that -- show that turnaround easement on their buildable lot and, then, ACHD construction or review staff will -- will approve that turnaround. And, then, as it heads north off their site it is running on the adjacent property on the west side of the Rosenlof Drain, which you see here. The reason why I brought it up in the staff report is because our long range planning staff is working with ACHD on the widening of West Franklin Road and so the connection point -- or that intersection isn't quite laid out or planned yet and so now that we are here with -- we have some vacant properties in the area we are subdividing, now it's maybe the right time to have that conversation to make sure the plans that we are working on align with what we are trying to achieve in the area. There is some pros and cons to that. So, the exhibit here, the lines in the blue is what staff's recommended as far as the -- as the alignment for the north-south collector. The applicant would only be required to stub to this portion. So, the blue north of that is just a graphic representation of what it could look like consistent with the master street map. As you head on the other side of Franklin Road -- you see my yellow line here at the top of the graphic. That's where it's depicted on the north side of Franklin. That's where the master street map shows it aligning. So, if the applicant were to -- or if this road was to connect into Franklin where the applicant is proposing, there is a possibility or chance that that intersection wouldn't align and it would be offset, which could be problematic. It's not uncommon, but it could be problematic. When I looked at the recorded development agreement for this site and the concept plan in that DA it did show the road along the entire boundary stubbing to their north boundary. So, it did -- this -- this plan or this plat does fall short of it going to the north boundary consistent with the concept plan. But I don't want you to get into the weeds on that too much, because, again, they are still providing that north-south collector roadway consistent with the master street map. ACHD has approved the location as proposed by the applicant. So, really, I wasn't trying to derail the conversation tonight, I just wanted us to have the conversation as what -- when the timing and what is the best location for that roadway, because we are -- the city is starting to see some development happening in this location on the east-west side of Black Cat and it's starting to funnel westward. So, we are starting to build this existing east-west collector road north of this development and so we really have to be cognizant on how all of this connects and aligns in the future. But, like I said, again, collector road was required with the DA. It's there. ACHD has said yes. Keep in mind the other reason why staff has recommended that I go on the east side of the drain versus the west side is just a logical expansion of city services and development in the area. But when talking with the applicant they raised some valid concerns, too. By moving the road to the east you are impacting smaller developments, which have a harder time carrying the cost and building those roadways when you have a large property to the west that's still vacant and could also easily facilitate the extension of that roadway. So, again, more discussion points. I know the applicant is going to discuss with you kind of their rationale for why they located where the road is, but I just wanted to at least have that conversation and

show you that there is other alternatives here than just putting it on the north and south. I mean looking at the -- again, staff is recommending approval with conditions. There are a few modifications that I would like the Commission to make tonight as far as the conditions of approval go. So, like I mentioned to you earlier in my presentation, the applicant -- one of the concerns we raised with the applicant before we even processed the application was how is cross- access going to work with the parcels that aren't part of the subdivision? We can -- when you subdivide a property we can have them add a note on the plat that addresses cross-access, but how does it work when you have a portion of a project that's platted and a portion that isn't, but it's still all governed by one DA and one -- one master plan and so the applicant did provide us a recorded copy of their CC&Rs and the entire property is encumbered by those. So, in my e-mail discussion with the applicant staff feels comfortable, as long as the plat notes that their CC&R is in effect and that cross- access are bound by those CC&Rs. We are good with changing the language that they don't need to either add a note to say cross-access is provided or add a note that references the CC&Rs that we have on file and, then, that way we know cross-access is covered by -- for the entire development, just not a portion of it. The second request is to strike condition 4-B. That was a redundant condition that did not need to be in there. It referenced landscaping on both sides of the pathway and because the ten foot multi- use pathway or sidewalks are within -- contained within the 20 foot buffers, the code doesn't require us to double dip and get -- require twice the landscaping along that. So, they are only required to meet those subdivision -- or the street buffer requirements of the landscape ordinance, not the pathway requirement. So, again, it was just a redundant condition that needs to be stricken from the -- the record. And, then, the applicant also wants to -- staff also had a condition five in there. It speaks to adding additional landscaping adjacent to the collector roads. We ask that they provide an additional five feet of -- if parking was going to be adjacent to the street buffers, because we don't want vehicles overhanging into that buffer or overhanging the pathway. I don't know if that necessarily needs to be a plat condition. It's something that we can work with the applicant on as we go through that CZC design review process with them. That's really a parking lot landscape requirement that we look at as we get farther into the weeds. But we just at least want the applicant to be on notice that if there is parking they are going to have to mitigate that somehow by adding additional parking, whether it's three feet of parking with wheel stops, curbing or adding five feet and shortening their parking stalls and allowing the vehicles to overhang a little bit more into that parking. But, again, had a conversation with the applicant and they understand that and, again, if you feel desire -- so desired to strike that condition you can. Again, we will get it with CZC design review. I haven't formally asked you to strike it, because it's -- it only says it's required if it abuts parking, so it wouldn't be applicable if they didn't have parking there. So, I will let the applicant try to sway you or advocate for that as they present to you. But other than that I think for the most part we are pretty -- pretty much in alignment with the applicant. Looking at the public record there was no public testimony that came in on this application. Again, I will conclude my presentation, stand for any questions you may have.

Lorcher: Bill, a couple questions. In regard to the item five parking, is it for consumer parking or employee parking or any parking?

Parsons: Madam Chair, Members of the Commission, it's any parking.

Lorcher: And one other question before the applicant comes up for clarification. So, phase three talks about the north-south access. Do we know when Franklin is proposed to be widened?

Parsons: Madam Chair, Members of the Commission, I can look that up on ACHD's website, but maybe the applicant knows more. They work more directly with them on that. I can tell you -- the one thing that I can tell you is when the applicant was in front of you with the annexation they tried hard to work with the adjacent property owner to build that road as part of this development, so we could get that out sooner -- get it done sooner rather than later, but it just couldn't get that easement in place to extend that roadway as I showed you in their exhibit. So at least I -- you know, they tried and they can't -- and they couldn't. But, again, this is consistent with the master street map. We just want to make sure is it in the right spot and will it align in the future with Franklin. If not keep in mind it's the third phase. So we do have time to work with the applicant. They have the time, they will work with ACHD. So, I think whether or not we don't solve that tonight we can certainly continue to work with the applicant and maybe have some more definitive answers as we go to City Council and bring up this topic.

Lorcher: One more thing. Can you bring up the slide that shows the -- the shadows of the property -- property lines that you had before with your -- with your blue lines and your red lines there. So, is this -- is this an existing road that goes north-south or is that just between properties? So, I'm looking at the storage lot and, then, I think I'm looking at the plantation house I think is currently for sale. Is that a street that goes through there right now or is that just access for the farms? The red line.

Parsons: Oh, this red line here?

Lorcher: Uh-huh.

Parsons: Madam Chair, Members of the Commission, that is their proposal where they think it will connect to Franklin. So, there is nothing there. That gravel road that you see adjacent to that red line is the ditch. It's the irrigation district's access and probably to -- along Rosenlof Drain there.

Lorcher: Okay. And so the McDermott Road is further west than the two parcels shaded gray?

Parsons: You got it.

Lorcher: Okay. Okay. Just want a point of reference. All right. Any other questions for staff before we invite the applicant up? All right. Would the applicant like to come forward? Hi. If you can state your name and address for the record that would be great.

Densmer: Sure thing. I don't know if I can quite get to the microphone.

Lorcher: That's fine.

Densmer: Thank you. My name is Jason Densmer. I'm a principal civil engineer with The Land Group. Our address is 462 East Shore Drive in Eagle. I'm pleased to be here tonight on behalf of the applicant. The other members of the development team are here also should you have any questions that I need to fall back to them. Bill and the staff have done a great job of analyzing our application and summarizing it for you. We are pleased to be here tonight almost in full support of his recommendations. As he mentioned the project was annexed in 2022 and has a development agreement. Since, then, the development has been progressing pretty rapidly. There are six buildings complete today. We have completed the first third or so of the east-west collector road called Grand Mogul Drive and dedicated that to ACHD. We have constructed street frontage improvements along Black Cat, including landscape and multi-use pathways and we have gotten to a point now where the proposed subdivision would allow us to continue the regular development of the project. As Bill mentioned we could continue under the development agreement, but having these parcels separated into individual lots allows greater flexibility for the owner in terms of financing and ownership. The layout of the project and the design is still consistent with the development agreement, we are just asking for approval to superimpose new property lines on top of that development. So, do I --

Lorcher: You might have better luck with the arrows up and down.

Densmer: There we go. Regarding the conditions of approval we are in support of all of them, including the recommendations for modifications that Bill described tonight, with the exception of condition number two and you will notice there is actually two condition number twos. So, I mean the second one that's in bold text.

Lorcher: I'm not sure if that's in front of us right now. Can you tell us what -- do you know what that is?

Densmer: It has to do with the north-south collector road.

Lorcher: Oh. Okay.

Densmer: The condition number two requires that we resubmit updated preliminary plat materials within 15 days of the City Council hearing to redesign the north-south collector road to the east side of the Rosenlof Drain. As Bill said there has been a lot of prior work on this and we would like to just talk through the logic of it, because until the staff report was issued last week we didn't realize that there was any concern from the city about where the north-south collector road ran. As I mentioned we have been working out here for a while and have coordinated with ACHD and reviewed the master street map and have ACHD's support through their staff report for our proposed location of the north-south collector. It's a little bit of unique situation, because along the north boundary of the Mogul Industrial Park or Meridian Commerce Park as we are putting on the sign, is

the Rosenlof Drain and as it gets to the west edge of Meridian Commerce Park the Rosenlof Drain makes a 90 degree corner and heads due north, both on our property and as it extends to the north the drain is centered on the property line and so the easement, which is Nampa-Meridian's easement, affects both property owners, both us in the case of the south and our neighbors to the north and, then, once the drain turns to the north and heads towards Franklin, Nampa-Meridian's easement affects both property owners on each side and so stubbing a road due north at the corner actually puts it right on top of the Rosenlof Drain and in conflict with Nampa-Meridian's easement. So, it seemed to us early on that it was going to be necessary for that north- south collector to diverge either to the east or to the west, because it clearly can't be on top of the drain. ACHD and Nampa-Meridian get along in a lot of ways, but they will not let us put a road on top of a drain easement and I think ACHD had realized that also, because the master street map also shows that the road will be located west of the Rosenlof Drain. So, we thought that that was what agencies had laid forward as far as groundwork for us and it also made sense logically that the roadway be west of the Rosenlof Drain, because that's a single large parcel. So, about 103 acre parcel. It's under single ownership. There is a lot of flexibility with a parcel that size to develop and accommodate construction of a road in a -- kind of a logical way. Conversely, on the east side of the Rosenlof, which is staff's recommendation that we consider, the -- there is two parcels. They are both smaller. One of them is currently being used as a storage parcel and just by the virtue of the fact that there are two getting the road from our project to Franklin Road will require two parcels to develop, which sequentially may not happen as quickly as a single large parcel could. In addition to that the two parcels being smaller are more restricted from a planning standpoint and a road is much more impactful in terms of percentage of the land area. The smallest parcel there is about eight acres and just a conceptual design for the road suggests that almost 20 percent of it could be consumed in the roadway, which is a tremendous amount of land area for that one parcel to have to dedicate and not leaving much flexibility for anything else to happen. So, we think there is logic in our proposal. It was supported by the master street map at ACHD and supported by ACHD's staff report that agreed with our location. So, it would be our request that as you are considering the conditions of approval tonight you strike condition of approval number two, part two, that asks us to redesign the project on that one element. Other than that we appreciate staff's support and agree with those conclusions and we would love your support as we move forward to a City Council meeting.

Lorcher: I have a few questions. In regard to the property to the west where you are suggesting that the road goes, you have no ownership in that parcel; correct?

Densmer: No. The parcel to the west is owned by a third party.

Lorcher: By a third party. And that's not going to be part of your subdivision where the north-south -- and I'm talking about the one that hits Franklin where you are proposing the road to go and, then, what you are suggesting is that you want it to the east -- no. You want it to the west; right? And, then, city is suggesting to the east, which would affect those two smaller parcels. So, from a business standpoint, you know, if -- if ACHD and the irrigation companies, you know, want those roads -- and now you have got a drain in

the middle of all of this at the same time, the marketability of the western property just gets compromised, because the road goes there. You know, because of your buffers and your land and all those other types of things. So, there may be some financial impact to that larger landowner and, obviously, a significant financial impact to the two smaller parcels. So, ACHD has their wish list. You have yours. What does the irrigation company prefer? Where would they like to see it? Do they want to see it east of the drain or west of the drain?

Densmer: Madam Chair, that's actually an interesting question. I don't think the irrigation district weighed in in providing a staff comment on that question. We have worked with them extensively on the other areas of it and, in fact, under the development agreement the city agreed that the Rosenlof Drain should remain open. I think that's the irrigation district's primary concern is just that the drain remain open and continue to function.

Lorcher: And when you say open you mean not tiled. Open as -- okay. So, now we have a property to the west who is -- if the land -- if the road goes to the west you have got a property who is going to lose, what, 40, 50 feet of marketable area, because of the road and the drainage ditch or if you move it to the east now you are compromising two smaller parcels with an open drain and a road. If I'm that small guy, not the storage guy, but if I'm that little guy right there you just took about 20 percent of my land in order for me to sell that to anybody and as much as the collector road would be fabulous for In-N-Out, but now my parcel is a tiny little rectangle compared to what it is before. So, the placement of this road actually becomes a bigger picture for future development and, technically, it shouldn't be yours, because you are to the south of that, but it all kind of ties together, right, and we have time because of the phasing and, then, you add on top of that Franklin Road being expanded in the future and the city wants alignment, because we don't want to be zigzagging all over the place so -- for continuity, I would be interested to hear what the irrigation company -- besides the fact that they want it opened -- of where they would prefer the road and how that's going to affect all three of those landowners. So, you know, if I owned any one of these parcels I would have concerns, because that road -- whether it be done through eminent domain or however it's going to become, is going to become a big issue as we go forward -- as the city grows, as you create connectivity with your third phase, so as you go forward to City Council I would implore you to talk to the irrigation district to see what -- if they had their -- they were king for a day where would they want the road and, hopefully, between -- you have already seemed to get your blessing from ACHD. The city has their proposal of what they want and what you want and hopefully everyone can come to the conclusion of what the best impact is -- not only for today, but five years from now or whenever -- whenever those roads are going to be developed. Does that make sense? So -- okay. Commissioners, do we have any other questions for the applicant before we open public testimony?

Garrett: Yeah. I mean just from an economic standpoint I agree that if you could go west that's a much less impact on that larger property than it would be on the two smaller ones. You are almost negating the value of the two smaller ones with a road.

Lorcher: And that's -- and that's what they would like. The city would like them to go east.

Garrett: That's correct.

Lorcher: Okay.

Garrett: That's why I'm -- I see the -- the east as the most favorable compromise and that's what it is as a development.

Lorcher: Okay.

Smith: Madam Chair?

Simison: Commissioner Smith.

Smith: Question I guess for staff or the applicant. I just want to confirm that both -- on the north side of Franklin and the south side these would be left in? Oh, like is that -- is that -- they are not going to be right -- right-in restricted -- right-in, right-out or like that.

Lorcher: I don't think so.

Smith: I just wanted to confirm, because I think that's the -- that's the one thing that we have not discussed I think in terms of takings and, you know, the -- the most equitable move, I think that's -- I think we have had that conversation, but also just making sure we preserve the connectivity. I don't have as much of a concern if -- rather than I'm trying to go northbound -- instead of going straight up I take a right and, then, a left. I don't have as much of a concern there, as long as that's not somehow being prohibited by the configuration of the street. That's -- that's why I was asking, but --

Densmer: Madam Chair, Commissioner Smith, of course the intersection with Franklin of this north-south collector is not part of our application or our project, but my belief is that ACHD envisions that to be a full motion intersection when it's constructed in the future and in addition to that there was a question earlier about the status of ACHD's Franklin Road project. I think it was articulated in ACHD's staff report that that's currently under design. They intend to do property acquisition over the next couple years, but they haven't yet identified a construction year for the project.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: That actually raises a question for me. If the intention is for it to be a controlled intersection are you saying that it's your belief that they intend to move the north connection also to the west or -- and I guess what I'm struggling with is their plan for that

to be a full controlled intersection. How would that work if this moves to the east and is now out of alignment with that northern, you know, collector?

Densmer: Commissioner Smith, it's pretty hard for me to design ACHD's intersection from the dais here, but I'm sure that they would figure out a solution that's safe for everyone. The -- maybe the -- I guess the pertinent point that we wanted to bring forward is that this north-south collector is anticipated to be built by development. It won't be an eminent domain. ACHD is not going to go acquire property to construct the north-south collector and it will wait until the property owners between us and Franklin Road develop. Looking in the crystal ball you have to consider whether you think it's more likely for the two small land owners to develop and make that connection or if it's more likely that the single large landowner would bring forward an application to do that. Ultimately, you know, everyone I think would like to have it connected as soon as possible, but it's under the control of those other people that aren't here tonight.

Lorcher: Right. And also understand our purview, too, is to do what's -- what's in the best interest of the city, not just at this point in this application, but looking at the future land use map and how that all connects together and when we are dealing with undeveloped land, even though we are evaluating your application individually, it does connect and that is something as a commission we need to look at as well, so -- okay. Thank you. Let's open for public testimony and we will go from there. Madam Clerk, do we have anybody signed up to testify?

Lomeli: Thank you, Madam Chair. No one has signed up.

Lorcher: And no one online as well. Jason, do you have any other comments that you would like to make before we close the public hearing? Okay. Can I get a motion close the public hearing, please?

Smith: So moved.

Perreault: Second.

Lorcher: It's been moved and seconded to close the public hearing for Item No. H-2025-0006. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Parsons: Madam Chair, I just wanted to go on the record. Got some new information on that. It looks like ACHD is moving in Franklin Road up to 2029.

Lorcher: 2029? The only portion of Franklin Road that's not wider, because Black Cat is right up until that second or third parcel and, then, ITD is doing just down the street at McDermott. So, we are less than, what, a mile that just needs to be widened, so that everybody is the same width and length and because you are industrial or light industrial and access to the freeway and Highway 16 is going to be a big part of your marketability

of your project, you know, it's important that all these pieces kind of fit together. I guess -- you know, I'm looking at it as a landowner who is in the impact area of Highway 16 and very familiar with people taking -- developers working with land, ACHD working with land, widening roads and things like that, I understand your point of moving it to the west, which makes sense for the larger land owner to assume the financial costs of that road. It would be very detrimental for the two smaller parcels to do it, but what I have learned in this valley is that water trumps everything. So, you know, I have seen people do improvements along the irrigation district based on the county -- specifically Ada county and, then, had to rip everything out, because Nampa-Meridian Irrigation said that's not allowed. So, as long as those two agencies continue to work together, the irrigation and ACHD, along with the developers, I think -- I think will be fine. The fact that they want it open surprises me considering we are looking at industrial development mostly in that corridor. I'm not going to hold back this application based on the location of the road, but -- and phase three it sounds like it's going to be a few years away, so there is time, but before you go to City Council you might want to get a weigh in from the irrigation district of where their preference of the road might be and that might help with long-term planning as far as whether it should be east of the drainage ditch or west of it. I personally I'm -- I'm not inclined to -- I guess -- I guess I don't feel like I have enough information to say we should strike item number two to redesign for the east, but I would like to hear from the other Commissioners and see what they think.

Smith: Madam Chair, I think -- I think I'm in agreement with you. I think especially -- and I know this isn't the prerogative of the applicant, but this does factor into the decision what ACHD's plans are about that intersection. If it's -- if it's an uncontrolled intersection that -- I think that is one decision, but if there is intention for it to be a controlled intersection I think that -- that really changes the calculus on whether it's important for there to be a straight through connection or, you know, a right angle kind of turn scenario. So, I think if the road gets moved to the west by City Council I don't think there is -- there is -- it's the end of the world. I think this is still a good application aside from that, but I don't think I'm comfortable moving to strike that language at the moment, just lacking that knowledge and I don't know that this is a big enough issue to need to continue over, but I think it's definitely something that is -- lacking that information I think my judgment is defaulting to staff's recommendation absent kind of some of that clarity.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: I apologize if I wasn't tracking on this. I have a question for Bill. As far as that applicant is concerned, they are only responsible for taking that section up to the northern boundary of lot -- of Lot 3; right? So, they are not -- I mean their responsibility is just to take that up to the section of their property. So, we are talking about whether we are moving to the east or the west and ultimately they are not the ones that's -- that are going to put that road in, so help me connect the dots here on whether we are just talking about how they design it up to their northern lot line and how we are tying that to the decision of the preliminary plat. Like how are we making that a condition of the preliminary plat?

Because all the time I have been doing this I don't recall us having this specific type of decision.

Parsons: Madam Chair, Members of the Commission, Council Woman -- or Council -- wow. Commissioner Perreault, you are -- you are correct. We are only talking about that much of it and, like I mentioned to you, the concept plan that's in the development agreement did show it going all the way up along that boundary, but as the applicant mentioned as you start having those discussions and figure out where this road lands, sometimes those things change. In a DA it's a concept plan and, then, when you are starting to get actual development plans and looking at constraints and trying to align everything, things can change and that's where as planning we -- we lean on ACHD to say, hey, what is the best approach? And, then, we also coordinate with ACHD on the master street map and so, yes, the conversation is broader than it needs to be, but at the same time I think it's an important conversation, because if we don't get it right where are we shifting that burden on one or the other property owner, it's -- at the same time we have to do what's in the best interest for the city and the future development of this area. So, ultimately, you are right, 20 percent of the smaller property is being affected, but what if somebody buys all of those properties and now it becomes -- and consolidates it and it's one larger project? Now it's not such a burden, because they have consolidated properties to do something different. Not saying that's going to happen, but we have seen it time and time again where people can come consolidate properties and get a larger piece to offset some of those costs. I agree with you, if it was just that road on that small piece of property, it looks like it is burdening the smaller property owner versus the bigger property owner. But for tonight's purposes the plat is a mechanism for extending roadways and if the condition is written that they stub it to their north boundary, not --

Lorcher: All the way.

Parsons: -- where it aligns on Franklin, just you stub it to your northern boundary and, then, where it goes from there will be determined. But that's how the condition is currently written.

Lorcher: Okay.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: So, that piece has to be completed and built to the northern line by the certificate -- by the time the certificate of occupancy is issued for that lot.

Parsons: That is correct.

Perreault: And there -- will there be other opportunities for the same conversation to be had prior to that or is this the last opportunity for Commission or Council to have -- to put teeth into that or to create that condition?

Parsons: Correct. Like when we go to a final plat we can't change the condition of approval or we provide more restrictive -- or new conditions on the applicant. So, this -- this is the time to get it right. Again, the condition can be flexible. It can say work with Nampa-Meridian, work with the city, work with ACHD. As I mentioned, this is their third phase, so it may be some time before they have to get that resolved, but there is time, but this is the time to figure out where we generally want it located.

Lorcher: On another note, all of the other items that you have as far as your development look great, but like Bill said, we want to make sure we get it right not only for your business plan and your move ability for your tenants to be able to use that collector road in an efficient way, but also what's in the best interest of the city. So, as far as conditions are concerned, you know, honestly, I know the city likes it to the east, but I have to say if the -- if the burden of the road is going to be on the developer those two smaller parcels, I agree with Jason that would be a huge financial burden compared to the west, regardless if it gets consumed by a bigger one or not. I think the only condition I would want to put before it goes to City Council is that the applicant works with ACHD and specifically the irrigation district of where they see it happening, because the water is going to be one of the most essential parts of that construction at the end of your development and the future connectivity of where your tenants will be able to move around; right? So, it's -- it's in your best interest that we get this road right, that not everybody's doing all these little S curve -- curves and all these other things and that -- especially if the irrigation district is going to be open and you have box trucks and possibly 18 wheelers going through. So, any other comments from Commissioners?

Garrett: Yeah. I would like to see maximum flexibility, because, as you say, the variables between the irrigation district, whoever is going to own those properties, if there is going to be an additional owner or new owner, I think -- and that length of time between now and I think Bill said 2029, I mean, gosh, we -- I mean that's a long time.

Lorcher: It is.

Garrett: And we don't know what the irrigation district is going to say and so I think committing to a certain position I think is just too unknown right now.

Lorcher: Any other comments before we make a motion?

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: I agree with Commissioner Garrett on that. I would like to see maximum flexibility on this and wonder if there isn't even a way that we can change the wording of the condition to make sure that when Council does the same deliberation that we have -- that it's reflecting we believe there should be some flexibility in that. I understand staff's recommendation to -- to make it a condition that that shift -- that that section shift to the

east. I just have -- I have some concerns of -- of setting that condition in how it's currently worded, but the revised wording I can't recommend.

Lorcher: And, then, Bill, you also wanted to add to our motion that the CC&Rs in effect include cross-access throughout the property is provided and did you want us to strike 4-B, which references --

Parsons: Correct.

Lorcher: -- landscaping on a street buffer requirement?

Parsons: Yes. Madam Chair, that is correct. The requirement for pathway landscaping is not required.

Lorcher: Pathway landscaping.

Perreault: Madam Chair?

Lorcher: To pathway landscape.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I guess this is -- I guess this is a legal question regarding, you know, in terms of requiring things prior to the City Council hearing. If I could wave my magic wand I would say something like, you know, you need to get feedback from NMID and ACHD on this. That sounds like that's also putting the prerogative on them that -- or it's -- it's -- it's continuing -- it's placing a condition that depends on ACHD and NMID getting back to them in time. So, I'm just curious is there a way that we can do that legally, but not -- I don't know if you get what I'm saying. If -- if someone at NMID is on vacation or drops the ball, I don't want it -- that's a -- you know, be -- I don't think we can make that the developer's fault, if that makes sense.

Murray: Madam Chair, a way you could word that would be to say that you require them to reach out to ACHD and the irrigation company by X date requesting feedback and, then, they have done their part, you know, in two weeks or a week or whatever it is, however long you want to give them and, then, if they hear back great and if they don't then they have at least complied with the condition.

Lorcher: Commissioner Perreault.

Perreault: Bill, Madam Chair just mentioned adding that plat note. Is that not already condition 3-D.

Parsons: Yeah. Madam Chair, Members of the Commission, it is. It's just modifying -- we will wordsmith it a little bit, but it says and and it can probably be or. We will wordsmith it a little bit more. Because they -- like I mentioned to you in my staff presentation, we have the CC&Rs, so we know cross-access is out there. We just need to make sure that it's referenced correctly on the plat.

Lorcher: Okay.

Densmer: Madam Chair, I'm sorry, I realize I'm completely out of order because the public hearing has been closed, but as I hear you wrestle with this north-south collector road alignment question, we are happy to reach out to Nampa-Meridian, ACHD, whoever you would like. There is risk that, you know, ACHD has already said that they were comfortable with our proposal. There is a risk that we wouldn't get a response back and even if they did respond I think that we are all trying to figure out what the right thing will be several years from now and to make that decision over the next couple of weeks before a council meeting might kind of circumvent the natural evolution of this area I would be in -- I think we would be in -- in stronger favor of a rewording of the condition of approval, just to provide us flexibility to resolve the final alignment of that street as we get towards phase three of the project in a few years. Certainly the picture will be clearer then than it is today or will be in the next week or two.

Lorcher: Okay. Thank you. Okay. Do you want to take a stab at this or do you want me to?

Smith: Well, Madam Chair, I think that raises a question, again, kind of defaulting back to that question of when do -- will we get another, you know, at bat or, you know, if -- when is the latest that we can kind of require some -- some compliance. I think what -- what the applicant said it makes sense to me, but I don't know how we could, essentially, delay past the final plat.

Lorcher: Oh, I wouldn't want to delay the application. I mean just say have due diligence to communicate with the agencies and, you know, take it more information to City Council.

Smith: Yeah.

Lorcher: And, then, they can deliberate, like Jessica said, to -- you know, based on their knowledge of the area as well.

Smith: Yeah. Madam Chair, I think I'm specifically talking to the -- the desire to require some reconciliation prior to phase three, but not within the next few weeks of City Council. I don't know that there is a mechanism and if there is any -- staff can correct me if I'm wrong. I don't know there is a mechanism by which we can do that. Is that -- is that right?

Parsons: Well, Madam Chair, Members of the Commission, they are -- they are phasing the project. So, again, if you want a condition on their preliminary plat you can say prior to submittal of phase three they have the alignment of the collector road figured out

whatever that is. I don't have the wordsmith either, but we can come up with some language if that's the desire of the Commission to do that. Like I said it could be -- could be tomorrow. The risk that we run is keep in mind that there is a development agreement and in the DA they don't need to subdivide the property. So, it really becomes a plat condition, not necessarily a DA -- DA provision. Again, like I mentioned to you, the concept plan and the DA showed it along that east -- their west boundary stubbing to the north. But, again, it was a concept plan. There is nothing in the DA that says thou shalt do that, other than the picture. And, again, we -- we try to give applicants flexibility, because we know things can change as you talk with the different agencies and understand what's occurring around development, so -- but I'm comfortable if you -- if you like that verbiage, if you want to do that, and, again, like you said and it's going to go to Council and Council can -- can discuss it and see whether or not they agree with that or not and I'm sure they will -- they will watch this and will report back to in your commission rec that this was a topic of discussion and they will probably want to know more about it and, hopefully, the applicant will get some more information and we can continue to work with the applicant as they transition as well, though I'm sure they will reach out to us and say, hey, what can we do to try to get this resolved before City Council?

Lorcher: Right.

Parsons: At least that's my -- been my experience with them.

Lorcher: Okay.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I can try taking a stab at this.

Lorcher: Okay.

Smith: All right. After considering all staff, applicant and public testimony, I move to recommend approval of File No. H-2025-0006 as presented in the staff report with the following modifications: To modify Condition 3-D to read -- or to change the word between subdivision and add -- to modify that from an and to an or and, then, to strike condition 4-B and, then, lastly, to modify the second condition to -- to require the applicant -- have alignment of the north-south collector road with staff and NMID and ACHD prior to submittal of phase three.

Perreault: Second.

Lorcher: It's been moved and seconded to approve File No. H-2025-0006 to City Council with modifications mentioned. All those in favor say aye. Any opposed? Motion carries. Thank you for your patience. We appreciate it.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Lorcher: Okay. Do we need a break or you want to keep going? We have got a few Comprehensive Plan map and UDC text amendments. It's 8:00 o'clock. Why don't we take five minutes and, then, we can reconvene for more of the land use applications. Thanks.

(Recess: 8:00 p.m. to 8:08 p.m.)