

A Meeting of the Meridian City Council was called to order at 6:01 p.m., Tuesday, July 27, 2021, by Mayor Robert Simison.

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

Members Absent: Luke Cavener.

Also present: Chris Johnson, Bill Nary, Caleb Hood, Bill Parsons, Lacy Ooi, Brian Caldwell, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Joe Borton
☒ Brad Hoaglun	☒ Treg Bernt
☒ Jessica Perreault	☐ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, call the meeting to order. For the record it is July 27th at 6:01 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next up is the community invocation, which tonight will be given by T.J. Hankey of Refresh Church. If you would all, please, join us in the invocation or take this as a moment of silence and reflection. Thank you.

Hankey: Father, your Word tells us that ask what we need and thank you for what we have and peace will be in our hearts and so today, God, we ask you that you would bring peace to our city, to our world. We have great needs ahead of us. Pray that there will be rain and these fires would go away, God. We pray that you would protect our -- our officers and our firefighters, Lord Jesus. I pray that the hearts of the people of this city would turn to you, God. We are so thankful that we get to live in this great place with an incredible Council and Mayor, Lord Jesus. And so we ask all these things in your name, knowing that you grant peace in all of this. Thank you, Lord, in your name we, pray. Amen.

Simison: Thank you.

ADOPTION OF AGENDA

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Hoaglund: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, do we have anybody signed up under public forum?

Johnson: Mr. Mayor, we do not.

ACTION ITEMS

- 1. Findings of Fact, Conclusions of Law for The 10 at Meridian (H-2021-0025) by J-U-B Engineers, Inc., Located at 75 S. Ten Mile Rd.**

Simison: Okay. Then with that we will move into Action Items. First item up is Findings of Fact, Conclusion of Law for 10 -- for The 10 at Meridian, H-2021-0025. I will turn this over to Mr. Parsons.

Parsons: Thank you, Mayor, Members of the Council. So, if you recall two weeks ago this body actually approved The 10 at Meridian project. At that hearing it was discussed that we would put the findings on the regular agenda to make sure that we captured the appropriate DA provision for the extension of Cobalt Drive. Staff did work with the attorneys for both parties and try to draft up that language and put that into the Exhibit A of the findings. Hopefully you guys have had a chance to review that. I think we are all on the same page. So, we just ask for your approval and move this project forward this evening.

Simison: Thank you. Council, any questions?

Bernt: Mr. --

Simison: Councilman Bernt.

Bernt: I move that we approve H-2021-0026.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I did have a question.

Simison: Do we have a second?

Hoaglund: Second the motion.

Simison: Have a motion and a second. Is there discussion on the motion? Council Woman Strader.

Strader: Yes, please. Thank you, Bill. I just wanted to make sure that if we needed the fallback position, the compromise, what the cost of the road would be, or that the road would basically fall -- would be split between the two properties -- that that piece was captured in the findings.

Parsons: Yeah. Mayor, Members of the Council, it has been. In that DA provision it lays out what was discussed, either where it stubbed in the concept plan with that cost share or if they can't reach an agreement and, then, it falls basically half and half.

Strader: Thank you.

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

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

2. Public Hearing Continued from July 13, 2021 for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.

Simison: Next up is a public hearing continued from July 13, 2021, H-2021-0029. Bill, is this going to be you or is it going to be Joe?

Parsons: Yeah. Mayor, Members of the Council, Joe is going to do it from -- remotely this evening.

Simison: Okay. Then, Joe, I will turn this over to you.

Dodson: Thank you, Mr. Mayor, Members of the Council. Can you hear me?

Simison: Yes.

Dodson: Thank you. Sorry about not being there in person. I'm not feeling too well. Sorry. But I still wanted to participate in this and not leave it all on Bill. As noted this -- this was continued from two weeks ago in order for the applicant, which is ACHD, to reach out to their commission and discuss the phasing of both this project, as well as the phasing of the utility -- or sorry -- the Ustick Road road widening. We did receive a letter last week, July 22nd, from the ACHD commission regarding the second point noted on this slide eight point -- A1.J, which discusses the -- the timing of the future building permit. Based upon the conversations that I had with ACHD, as well as with -- from the discussions that occurred at the Council meeting two weeks ago, I found that this was an appropriate modification of what is in the existing staff report. It is different than what the applicant had originally requested. On the 13th. I did circulate this language with ACHD at the end of last week and I was under the impression that this made sense and was understood. Beyond that I don't have any other comments, since everything else is the same. I'm not -- if you have any other questions I'm here for you.

Simison: Okay. Thank you, Joe. Council, any questions for staff? Okay. Everyone is shaking their head no. Would the applicant like to come forward.

Wong: Mr. Mayor, Council Members, thank you for the opportunity to be here today. Mr. Mayor, if I could take a little bit of a pause on this. I first would like to thank your Police Department for the tremendous job they did on Sunday's Idaho Patriot Thunder. They did ensure that we all arrived safely. They did a tremendous job as always and it was just a pleasure to have them on board again and we will make sure that next year we have that on your calendar very very early for your participation. Mr. Mayor, we are --

Simison: Mr. Wong, if you could state your name and address.

Wong: I'm sorry. It's Bruce Wong. I'm the director of the Ada County Highway District. Mr. Mayor, we do have a concern on this. This language that was changed -- we were aware of that -- or made aware of that today at 3:43. I have talked to my staff. We have not received any type of other reports back and forth and we have been in lockstep and very agreeable to all of the conditions that the P&Z had asked us to consider and we have agreed to them all and the letter from Commissioner Goldthorpe was very clear on what we thought was the agreement that would be coming in front of you. So, Mr. Mayor, Council Members, I do apologize, but we do not agree with the change at this point in time and we would request that you would render a decision that provides -- that was in lockstep with all the discussions we have had with your P&Z and the letter that -- that you

all requested that the president of the commission send you, which was that we would be able to take occupancy on phase four. That was our request. That's the letter we sent. And, again, I -- first we were notified of this and I have got the e-mail here was at 3:43 today. I will stand for any questions you might have.

Simison: Okay. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Yeah. Part of the schedule of today was somewhat rushed in hopes that the stars might align and we can get this worked out and understood that it might be rushed in doing so, but, you know, the letter came five days ago and now we have got this condition and it needs a little more time to discuss the pros and cons of specific language. The one thing that jumped out to me was -- the condition made sense as proposed by staff, but to incorporate the specific matrix in a letter, because that would be in the DA, as opposed just referencing it for itself, to include those benchmarks. But by all means it --

Wong: We can work that --

Borton: Yeah. More time is necessary to visit with staff. I think we contemplated that very well might occur, because I think the second date we were looking at was the end of August, beginning of September, so --

Simison: So, before we just go directly to that, are there questions Council has or comments? I mean, personally, this is more in line with what I thought the Council's conversation was last week, as compared to what we received from the letter from ACHD. So, I would say that there is maybe a difference of expectation or interpretation, so -- but that's my -- that's how I heard the conversations last week -- or two weeks ago.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Yes. Thank you for mentioning that. I would agree with that and that's why I wrote it this way. I apologize if there was any confusion with ACHD and their staff. I -- I'm not trying to throw anybody under the bus, but I have e-mails that I sent this out last week, this exact language, minus the words ACHD commission and the date and I had two people from ACHD tell me that it looked good, which is why I went forward with this. So, I didn't formally send the memo until today, yes, because, again, I was not feeling well today and I was out yesterday, but this is consistent with what I thought that the discussion between both myself and ACHD and what the Council discussed last week -- I know that we have had -- Council has had discussions recently about using the word certificate of occupancy, because we have less control over how we can withhold that because of the TCO process, so I thought that using the word building permit consistent with my original

DA provision makes more sense and gives the city -- I guess the most power to do exactly what the Council had discussed two weeks ago.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I agree with Joe as far as the recollection of -- in fact, it was pretty recent that we were having that discussion on the -- you know, the COs versus building permits and kind of got pitched in a different situation. So, it seemed appropriate, timely, quite frankly, to -- to make sure not to have that happen with this one. So, I thought Joe's language -- staff's language here made sense as well, so --

Simison: Additional questions, comments?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: ACHD provided a letter to us, which was I believe in response to the conditions of approval on July 12th and this that we are discussing here, which is one of those items that they responded to, but there were three others -- excuse me -- two others and I just wanted to make sure our staff was -- could advise us on -- on those decisions as well and so that was specifically A-1-C in -- in the letter that was provided by ACHD's engineer and that's specific to the commercial design of the -- of the buildings that are going to be along Ustick and the costs related to those in relationship to the use of the -- of the building. And, then, in addition, that there -- that the multi-use pathway would be constructed in the second phase of development, instead of the first. So, I don't know if we -- if Council needs to have conversations about those requests to the changes in the conditions of approval. I didn't see anything in the file, as far as staff's specific comments on those, so I would like to hear from our staff on that as well and, then, if there is anything additional the applicant would like to share on those for our clarification that would be great.

Simison: Joe.

Dodson: Thank you, Council Woman Perreault, for your questions. I did note that -- or I can say -- because those -- my -- my presentation was two weeks ago for the commercial standards I did note that that is something that staff is wanting, again, because of the Ustick corridor, it's highly visible, it's an arterial, we tend to do that a lot for buildings that are going to be close to the arterial. However, I did note last -- you know, two weeks ago and I will say it again, that if the Council thinks that with the additional landscaping that I'm requiring and the additional costs that it might incur to the applicant, that they utilize the industrial standards. I understand that reasoning. I think that is up to the Council to make that final determination if they want to give that concession to the applicant. On the second point regarding the multi-use pathway, traditionally we have always wanted the

pathways and landscaping to be done with the first phase. I do understand that per the phasing plan submitted by ACHD -- by the applicant that phase one is pretty minimal, so I can understand the desire to move it to phase two. I think that that is acceptable, but, again, it is Council's determination, if they want to do that per the phasing plan or if they would like to require it up front with phase one. But no additional information has come out about -- regarding those items.

Perreault: Thank you. Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: If the applicant could share with us some specifics on how they would like the commercial design to be different, that would be really -- really helpful, give us a better understanding of what would be cost prohibitive.

Wong: So, Mr. Mayor, commission -- again, the district is in agreement -- the district is in agreement with all of the discussions we have had with your P&Z across the board and we continue to be in agreement. We can work through these things with modifications. The one issue that I will raise again was -- again, the 3:43 note from your planner stating this, which we were not aware of -- the Commission was not aware of it. I was not aware of it. Our maintenance team was not aware of it.

Bernt: Mr. Mayor. Mr. Wong?

Wong: Yes.

Bernt: Would you disagree with what our planner just told you?

Wong: Yes.

Bernt: One hundred percent. You are saying that he is lying.

Wong: No, I'm not saying that at all. I'm just saying that this is new to what we saw today at 3:43. We were under the assumption coming into here that we were lockstep with -- with P&Z. Now, in the past -- yes.

Berenger: Jennifer Berenger. I'm the deputy director of maintenance at ACHD. 3775 North Adams Street, Garden City. Just for clarification, this was sent to us last week before the commission memo came out. So, what Joe was doing was kind of setting the stage and here is what we think it's going to look like and we were like, okay, that looks good and, then, he said, after we get the memo we will clean it up a little bit. So, we hadn't seen the cleaned up version after the memo got submitted. The changes that were made after the memo was submitted were specifically putting the date -- the date in there, but it didn't change the other pieces that the memo had outlined, to include kind of the changing -- to -- to the condition of occupancy, as well as some of the other verbiage on tying it back to phase four in those cases, so -- so, again, this was -- he did submit this to

us before the memo came out, so it just -- this doesn't incorporate what the commission had put into their memo.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, what Mr. Wong is saying isn't accurate?

Berenger: He is -- he is correct in the sense that he saw it today. But that was when we saw the final version that was sent to you. What we --

Bernt: The question is -- no. No. No. The question is -- I -- the question that I asked was did -- was this seen prior to 3:43. My -- my planner is saying yes. The basic premise -- you know, there may be some different words, there may be some dates added, but I want to -- I want to make it clear that I'm getting two different stories, one from my planner and one for Mr. Wong. As a decision maker on this body I like to know what's -- what's going on.

Berenger: No. The -- what your planner is saying is correct.

Bernt: Okay.

Berenger: He sent a draft of this last week before the memo was received from the commission. So, this was kind of a leading edge before all of the facts were in. We hadn't seen a final version that incorporated what the ACHD commission would commit to. So, this -- what we saw was before what our commission was able to commit to.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Would it be helpful for you all to have additional time to digest language and review it, then, with the commission? Is that the request?

Price: Mr. Mayor, Council Members. Steve Price. General counsel for the highway district. We did just get the final version of the staff report today at 3:43. But --

Bernt: Mr. Price, one second. Mr. Price, that's not what we are saying. We agree that the final -- the final version of it was sent at 3:43, but what I'm confused about is that Mr. Wong said that no other correspondence had taken -- he hadn't seen anything until -- until today at 3:43. So, I just want to know what story is correct and which story is wrong.

Price: Well, Councilman Bernt, the -- I'm not sure and my comments aren't related to that. I will tell you that the way that we look at it is is that we received communication on July 12th from the P&Z and at that time -- or excuse me. Our engineer at that time was very

clear that in terms of the condition related -- and that would be A-J and I believe we referenced that in our letter -- that we wanted that condition modified as to occupancy, not as to the building permit. Okay. And, then, you had the meeting on I believe -- shortly thereafter on the 13th and we again restated that. The Council wanted a commitment from the ACHD commission that they would go for offsite improvements in support of that. Now, in terms of off-site improvements I'm not sure that we are comfortable with that legally. I'm not sure the Council has the authority to condition a land use development application based upon offsite improvements. We are happy to make all of the on-site improvements, but the commission, as part of interagency cooperation, agreed to go ahead and accelerate the project in response to the Council's request and we sent that in the July 22nd letter. That was our agreement -- the commission's agreement to do that was based upon the fact that no certificate of occupancy shall be issued until phase four of the project consistent with the submitted and revised phasing plan and the deceleration on Ustick frontage is constructed. That is what ACHD will agree to. Nothing more. Nothing less. I don't think the Council has the authority to require any more than that in terms of off-site improvements. That is something that is beyond what you can ask for, but we have agreed to it and now today you are telling us, no, it's not certificate of occupancy, it's based upon the building permit. We can't agree to that. There is no justification for that. You don't have the authority to do that. And it -- frankly, I don't understand it in terms of us building -- a building permit in terms -- and the relationship to occupancy. So, that is our objection. If you have got a legal rationale and Mr. Nary can provide it as to why you can require off-site improvements beyond the on-site improvements, great, provide it to us. But today you are not and we have already committed -- the commission has agreed to, based upon certificate of occupancy, that we will go ahead and accelerate that project plan. This isn't -- this is occupancy, folks. This isn't permitted to construct. We will -- those projects will be done as committed by the Commission. It will be done by the time we actually take occupancy and don't understand why the Council is requiring that as a new condition. It was nothing -- anything we have agreed to. It's nothing we have committed to as of today. And so I think there is a big misunderstanding as to what the commission has agreed to.

Bernt: Mr. Mayor?

Simison: So, just for clarification, this is annexation.

Price: That's fine.

Simison: Correct?

Price: Yes, that is correct.

Simison: We both understand what is -- what the latitude there is in an annexation.

Price: I understand the latitude. But, at the same time, you have to think of it reasonably as interagency cooperation, as we try to do with you. We are not asking to run the

maintenance facility until we actually occupy it. We just want to construct it. There won't be any impacts to the roads until occupancy.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I did want to clarify that the -- what was in the memo from the ACHD commission letter regarding the condition that they had in there -- that was what ACHD requested as a modification to what is already in the commission recommendation that I sent out for the hearing two weeks ago. That is not something that our Council or myself agreed with. That is something --

Price: We agree with that.

Dodson: -- that the ACHD commission -- they may have seen that and that may be what they want, but that is not what we have agreed to. So, I do understand Mr. Price's point there and they did not receive the final draft of what I have included here until 3:43 today, yes. But the only thing that changed from July 22nd until now is I added ACHD commission and July 22nd, 2021, because I felt that the language was sufficient based upon what I had discussed with ACHD maintenance, as well as with the Council discussion from two weeks ago. The rest of that is beyond my paygrade, frankly.

Price: Appreciate that, Mr. Mayor and Council Members, and I think that that is correct, but in terms of the commitment for the commission we are stuck at a dispute as to certificate of occupancy and building permit. That's where we are at.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. Coming into this I thought, eh, we are a little bit apart -- not that far apart. So, Steve, if we can walk through -- you know, when I read the letter due to the fact that there could be interim uses that may need a building permit -- permit, but do not require occupancy and, then, when I saw the language that -- that Joe had submitted, it would allow for a building permit and it's -- with this language here -- and it talked about the decant washout station needing the building permit. Is there more than one building permit that is needed without the occupancy?

Price: Yes.

Hoaglund: So, it sounds like you want to build out and, then, when everything is done you will occupy, it's ready to go, and you walk in, boom, you are operating.

Price: Exactly. And we will have all the improvements made to the road network offsite at that time.

Hoaglund: Right. Mr. Mayor?

Simison: Councilman Hoaglund.

Price: That seems a reasonable approach.

Hoaglund: Yeah. Follow up, Steve, then. So, it is probably not just having one building permit, but it's others.

Price: Yes.

Hoaglund: You need the building permit to get them constructed and, then, usually -- building permits and, then, as we know, you know, certificate of occupancy follows after -- after that one when the time comes. Everything's agreed to, just like the WinCo, everything's got to be done, okay, here we go and we can do temporaries, of course, but -- so, it's just a matter of building permits plural, as opposed to singular, and it sounds like --

Price: It's a timing issue and you are correct.

Hoaglund: Timing issue. So, I think that's the area that we have to figure out if we can make that flow, so --

Price: I don't understand the rationale, frankly, as to why the certificate of occupancy versus the building permit.

Hoaglund: And, Mr. Mayor, if Joe could put up that other language, I was going back and forth -- that he had sent back and forth between the two, just trying to figure that out. Or is that you, Bill? Okay. Joe, could you put that language from your memo back up?

Dodson: This one? Yes, sir. Sorry, I was going to ask you which one he are referring to. There we go.

Hoaglund: There we go.

Dodson: The first one is not related to this. It was an additional DA provision based upon the sewage stuff that we had discussed. The one that we are discussing now is the lower one and my understanding is that it was because of the discussion two weeks ago was to do with truck traffic and that's why the building permit and the future buildings may incorporate the use of more trucks is the reason why we would be using building permit, instead a certificate of occupancy, because we have the temporary certificate of occupancy process that can somewhat circumvent that provision. So, I was trying to give the city a stronger position.

Hoaglund: So -- and, Mr. Mayor, follow-up question for Joe then.

Simison: Councilman Hoaglund.

Hoaglund: So, that's why no building permit shall be submitted until the widening project is completed, except for the one building permit and for that -- for the decant washout station; is that correct?

Dodson: Yes, sir. That is correct. And that's what I had discussed last week with the -- the other ACHD staff. So, I thought we were on the same page there. This is something similar to what we do with a lot of larger plats where we say, well -- well, we will allow one building permit for one building. That's it. You don't -- not -- we don't say withhold occupancy, we say one building permit, because of this -- because of the ramifications with allowing more building permits, which usually means more traffic.

Hoaglund: Mr. Mayor, question for Steve.

Simison: Councilman Hoaglund.

Hoaglund: And I might defer this -- so, I remember seeing the plans, we went through all that. How many buildings are we talking about for build -- building permits for -- for that period of time that would be constructed?

Price: A total of seven buildings.

Hoaglund: Okay.

Price: And, by the way, this is inconsistent with the July 22nd letter that the commission did send. So, I'm not sure how there has been any interpretation that this is consistent with ACHD's position, because it's not been. It's a misunderstanding. Fine. But it's important that we be able to build and we most certainly won't occupy until all of those improvements have been made, including the on-site improvements adjacent to our facility, as well as off-site improvements. These are not minimal improvements, these are significant improvements that are off site.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Steve, you know, looking at Planning and Zoning Commission proposed the condition no building permit shall be submitted until phase four and that's why you countered and said, well, wait a minute, you know, we need to have the build out and be ready to operate when that time comes.

Price: Exactly.

Hoaglund: So, I understand that. When -- if there is no -- you can -- if -- if you were to be allowed to build, there is no occupancy, they would be able to use the facilities, like the

decant washout it sounds like. Would there be truck storage? Is that -- how -- I guess -- and maybe this is a question for staff -- is -- my lack of understanding on what is occupancy for something like a storage shed? Is that occupancy?

Dodson: Councilman Hoaglun, that's, frankly, kind of the issue I thought the Council was having last time was some of this stuff that is not a building, like the broom shed or the covered storage, those things will require a building permit, but the gravel pit and the pavement and all the paved open storage, that generally does not -- they need a certificate of zoning compliance, but we don't issue a building permit for them to move dirt and lay asphalt. So, that's where -- when you start having all these additional things that may not have a building -- a physical building that has an occupancy, now you start getting to, well, you can still have trucks use the facility -- can you have all this truck traffic that was heavily discussed at the previous hearing. That was the issue. All that can still occur. So, again, that's the understanding that I had. I -- I agree that I don't -- that we don't have the same understanding that the ACHD commission had, because I was not in contact with them and -- and what they proposed or what they were shown was not what the Council had agreed to either, so I do apologize for that misunderstanding. That was a -- that was not our intention at all.

Price: Mr. Mayor and Councilman Hoaglun, the -- ACHD is not going to operate this facility with trucks otherwise, other than the construction of it and so we are not going to be running trucks out of there, other than for construction purposes. Wouldn't make sense for us.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Steve, I appreciate that comment. I think if there is some understanding to the effect that if it's built that -- until you have I guess that certificate of occupancy should be issued, we -- we just have to make sure those -- the deceleration lane, the other widening projects are made that is done and, then, we can -- we can move forward. But I think somehow we have to figure out, okay, what is that language? I think we are close. Again, it just comes down to the language. We -- each side goes, okay, yes, we agree and it means the same thing to everybody, so --

Price: No. And thank you, Mr. Mayor and Councilman Hoaglun, I appreciate that. I really do. I think we can agree in the development agreement, which is anticipated on that language, that ACHD is not going to be actively operating any maintenance operations out of that facility until what the commission has committed to in our July 22nd letter.

Strader: Mr. Mayor?

Price: But we need the ability to go ahead and build those facilities until that time.

Simison: Council Woman Strader.

Strader: Yeah. I mean it -- you know, it -- I think the challenge we run into with conditioning certificates of occupancy and enforcement has been a thorny one. In this case, if the DA could be crafted to reflect that understanding, I personally think that should make us more comfortable if we can enforce that additional language, according to Mr. Nary, but I do want to say I -- you know, I appreciate the written commitment from the commission to go ahead and accelerate the widening of Ustick Road in that letter. I don't want to lose sight of that fact in the details of working this out. So, I thought that that was an important commitment and appreciated seeing that commitment in writing. That was my two cents.

Simison: And I'm going to try to walk a fine line in my comments right here, that this is a very similar situation to another project out in this area where we started talking about TCOs, DA provisions, that are, quite frankly, enforced by you. I mean the off -- some of the off-site improvements in these areas. So, just trying to -- you know, we got a lot of different issues that are kind of coming to light in this point in time to try and figure out, yeah, how do we work together to address all these issues that are off site, on site, et cetera. What we can -- what we can hold a developer to and that's -- I think that's the thing is like we get these requests from developers all the time, say we need to go in and we need to do this first. We need to do this. And we have seen how that doesn't work on our back end, but we are trying to figure out what does make sense for another government entity partner, how do we work together to solve these issues without going through all these hoops to make things complicated and that's, you know, where we are in several issues right now and that's what it feels like.

Price: Well -- and, Mr. Mayor, if I can, the difficulty is that -- well, one is the development agreement between the city and -- and the City of Meridian, we are contractually bound by any conditions that you put. Check. That's done. The second point is is that we are in a unique situation, unlike other developers where you can condition from a partnering agency to make improvements beyond. You can't require this of other developers, because they don't have the ability to -- to make off-site improvements, like a wholesale improvement of arterials in the area. But the commission's agreed to that. Fine. You can condition that in the agreement. The commission did what you said, they provided you a letter of commitment that they would do that. Obviously, that's going to take resources from other projects that are within our priority, but we are willing to do that. So, it's a difficult situation, but it is within your purview, within the development agreement, to require what we have proposed and that's all we are asking.

Simison: Mr. Nary, keep me in a short leash.

Price: He will.

Simison: Yeah, just trying to be -- again, we got a school down the road that has off-site improvements -- off-site road improvements, which are part of a DA --

Price: Yes.

Simison: -- and we are being asked to uphold, which are not necessarily ours to uphold, but they are part of our DA.

Price: Well, they are yours to enforce.

Simison: And that's -- that's where we are getting into these type of issues, where it's like --

Price: But this -- in this situation, Mr. Mayor, we are in the contract. The school were not in the contract. There is a difference.

Simison: Can we hold another -- can we hold them to do their own work through a DA provision that we don't have the ability to sign off on or enforce against?

Price: Contractually you can.

Nary: So, Mr. Mayor, Members of the Council, I guess maybe to kind of echo where Joe was going earlier, part of the reason -- the difference between building permits and certificates of occupancy are huge and the reason why a majority of commercial developments with multiple buildings, where we are very stringent on allowing more than one building or more than two buildings, usually it's primarily one, is because it's the biggest hammer we have. You can't build another building until you get this done and we want whatever it needs to be done to make this whole project fit -- has to be done before you get to build a second building. That's the common factor, because from an enforcement standpoint it's a lot easier. On the occupancy -- occupancy is physically occupying the building. Right? If you want -- it requires some voluntary effort on the property owner to enforce it. We can red tag the door. It's locked by red tags a lot on buildings when we have done this in the past. We now have to take code enforcement action. Now we have to take contractual legal action against the property owner to enforce it or we de-annex it. I mean that's the other option in the contract. So, it is a lot more difficult to manage on -- on contingencies where we aren't the signing party. Again, if we are required to sign off on it to approve the next phase or whatever that is, it's fine. But if it requires another agency's approval and also their voluntary compliance with that, those can be challenging to deal with and I know there are other entities around the state and around the valley that find that challenging in dealing with partner agencies that -- again, we do want to get along, we do want to figure out how to do this together, but, again, we don't have a lot of teeth up front. The building permit is the teeth. Everything else requires a lot of letters, phone calls, conversations, visits from code enforcement, you know. Again, are we going to have the ability -- we don't have the ability -- we can turn off water. Normally that's not a condition as long as they are paying their water bill. I don't know what -- I don't know what those needs of the utilities are on his property at that point in time. We can sometimes -- depending if there is a life safety issue we can turn off power. I don't foresee that in this situation. So, if -- if people won't comply, the enforcement, without a building permit, as a need, is a little harder. So, I don't want to kid anybody that the CO is the same, because it's not.

Price: Mr. Mayor. And I most certainly acknowledge that, but we are one of your better partnering agencies and we most certainly try and get along and I don't think you can question the integrity of ACHD and if you want to put a condition in the development agreement that we won't operate any of our operations out of that facility, that is most certainly fine. We can agree to that.

Perreault: Mr. Mayor?

Price: And that's contractual and Mr. Nary is right, you will be into potentially a -- you know, a breach of contract, a development agreement, but you are not talking about a developer, you are talking about the Ada County Highway District, and you are talking about the integrity of the Director Wong and the commission that we will commit that we won't do anything until certificate of occupancy, we won't run any operations, we need to build those facilities until that time. That is something that you can put in writing in a contract. Mr. Nary knows it and we will commit to it.

Simison: Just to kind of do a quick follow up on -- kind of related really -- and two weeks ago when we heard -- we heard that the plan was to operate three facilities.

Price: Yes.

Simison: News reports have said otherwise. Can you just put on the record that your -- is this is to replace the facility down in Garden City or does the facility in Garden City stay operational?

Price: Well --

Simison: Because I saw different stuff in the media and I just want to have it on the record.

Price: No. Absolutely. Mr. Mayor, we have -- based upon a lot of pressure from Garden City, we are now looking to relocate the Garden City maintenance yard to a new location. We are in negotiations in a contract, actually, to purchase property off of Federal Way and that would move that facility off of that, but it will not diminish the need, because of the growth in the west, from the facility that we are trying to get permitted from you today.

Simison: Thank you. Just wanted to make sure that we have a clear understanding.

Price: Yep.

Simison: Council Woman Perreault.

Perreault: Thank you, Mr. Mayor. Well, I'm going to ask about that first and, then, I will make a follow-up statement. So, does that mean you are still intending on -- on having three facilities, the one -- because it's my understanding there is also going to be one in south Boise potentially?

Price: Well --

Perreault: Or is that going to replace Garden City and the Boise facility, the one on Federal Way?

Price: Excuse me. Mr. Mayor, Councilman Perreault.

Perreault: Perreault.

Price: If I get it wrong I'm --

Perreault: Okay.

Price: -- not good at French. But the -- the idea is is that we will have three facilities operating at all times. We will be moving the Adams facility, which is in Garden City, to Federal Way and that will -- that won't change the number of facilities. So, we will have the Federal Way facility -- but, trust me, that is a long ways away. The Cloverdale facility and the Meridian facility.

Perreault: Okay. Follow up, Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, I just want to -- I don't have a question for you, I just want to make a comment that -- first of all I appreciate the commitment that -- that the commission is willing to make to allow us to put that in the DA, because the conversation we are having right now is very different than, in my opinion, the conversation we had at the last hearing and I think very highly of Becky and she's phenomenal, but her presentation has been very different than the one that you are presenting.

Price: Well, I'm -- I'm the blunt instrument. They bring me in.

Perreault: And so I just want you to know that it's -- it's understandable that we are kind of here now, because what was presented to us was a lot of ambiguity about things and so appreciate -- very much appreciate the letter that was sent from the commission clarifying what your intentions are, but there -- there was a lot of questions asked and a lot of ambiguity and I think had your staff been here and you had been here the first time around we may not be here. So, I just wanted to share that with you, because --

Price: Well, I appreciate that.

Perreault: -- it's not intended -- you know, I want to -- I want to be in good communication as well, but just -- we will be having these conversations about other applications in the future and I appreciate that you all have come and taken your evening to talk to us this evening, because what you have shared with us this evening, in my opinion, is significantly different and more clear than what we received the first time.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question for Bill. I just want to make sure I understand the process and understand the hammer that the -- the building permit is for us to be able to use to make sure things get done. But if Scentsy were to come before us for the first time and they said we want to build our headquarters and two warehouses and here is our time frame, we are going to be doing these pretty much concurrently, would we not issue three building permits for that or do they have to complete one and, then, do the next one and, then, the next one and if they were doing -- let's say widening of Pine at the same time.

Nary: So, Mr. Mayor, Members of the Council, I mean I think -- I think this would be the conversation you would be having with any developer on what they would like to do. So, you know, I mean -- I guess what I would characterize the letter from -- from President Goldthorpe was that's ACHD's ask. Their ask is we will widen the roadway with this condition that allows us to build the buildings, but not occupy them by this date. Every developer asks you for things in annexation as a give and take on a development agreement. So, if Scentsy were to ask that, we -- I would tell you the same thing and so would Planning. Once they build those buildings I have a lot less control over people going inside them, because, again, the building process is primarily focused on the construction of the building and its safety to occupy it. So, then, to build a building that is completely done and completely safe to occupy, but has a -- has a contractual version that says no one can be in there, but there is no real teeth for us to enforce that, especially on private property. This is a little bit different. But if it were the Scentsy situation, it's behind the fence on their property behind some trees, I can't see if anybody's in there. So, then, enforcement is challenging. So, I think we would always have this conversation and certainly Bill is probably a better resource than me, but -- we get asked this all the time. This is not new of we need this, this and this and we are saying, no, we want to really hold the line here. Again, our standard has been one and we have seen it in residential, we have had the same questions in the past. You have a person standing there with a moving van full of -- full of furniture and they are saying what do you mean I can't occupy. Because there is a sticker on the door. Too bad. I'm going there to do it. So, it can be challenging. So, we have over time tried to create these standards to be able to have enforcement mechanisms.

Simison: And, Mr. Nary, just to that, it's not been uncommon for levels of building to be based upon, quite frankly, off-site road improvements. I can think of Walton property, which was based upon limitations until progress, bridge was put in, Center Cal, same similar stuff. Obviously, Winco had its own unique one most recently, but it's not uncommon for elements to be tied to road improvement, specifically more than anything that I can think of.

Nary: You are correct, sir. Yeah. It's certainly not an uncommon part of the development process and, again, it's a partnership with the developer, ACHD, and the city in trying to get those road improvements done.

Simison: Yeah.

Hoaglund: Mr. Mayor. Follow up, Bill, then. I'm hearing from Mr. Price that the DA is the instrument that we can use as a contract. So, how -- how strong is that contract? And, again, I completely get the building permit is the stronger -- the bigger hammer, if you will, but is the DA useful to us?

Nary: So, Mr. Mayor, Members of the Council, I would definitely tell you the DA is a useful tool. I certainly have, over the time period that I have been here, pointed to that development agreement to a developer -- a developer's attorney and says this is clear to me. Do you really want me to sue you to comply with this or will you just comply and -- and most times we can get to an agreement and comply. That -- I mean, you know, as a lawyer I have -- I have better things to do than go to court over things and spend the money and time and I'm sure Mr. Price does as well. So, I don't see that as not an effective tool. What I'm saying is it isn't the same kind of tool. So, if -- if the expectation is there is going to be -- you know, is there going to be -- is it -- is it similar, the same, or have the same level of teeth? Again, from a developer's standpoint, not a public entity, like ACHD, the fact that I can't build another building to be able to turn that over to create revenue is a big deal. This is a little bit different situation, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think this could be a situation where I would look at a TCO issuance as a slippery slope. I wouldn't want us to issue a TCO in this case, because I think at that point only life safety issues would possibly get in the way of our CO. So, I -- I think where I would be more comfortable if -- if we were to go down this road would be the substitute condition with that DA provision that they wouldn't operate the facility without occupancy and my question to staff would be if they had direction that no TCO be issued until the Ustick Road widening was completed without a waiver from City Council would that help? No. Mr. Parsons.

Parsons: Mr. Mayor --

Simison: Just say no --

Parsons: The reason why I say no is just the fact that, you know, the building official really has the hammer for issuing TCO and in this particular case if a building meets all of the minimum life safety issues it's going to be difficult for him to say no to a TCO. He is going to want to give CO and that's going to put Planning in a -- in a predicament where we are trying to leverage our building department to manage one of our conditions in a DA and that's why we brought that conversation to you two weeks ago as well. So, that's why we are -- we are trying to get out of the business of the TCO process, if possible, and make sure that we can leverage COs -- or not even do COs, but hold people up with building permits or, if you recall, even in development agreements, we want better phasing plans

and I think that's why ACHD came forward with their best phasing plan to let you know how they plan on using the property over the next eight to ten years. So, that way you can make that informed decision and, then, limit what they can do based on that phasing plan. So, if something's wrong with their phasing, then, maybe that's the discussion we can go to as well. But, again, a lot of the buildings that I see on the site are going to get -- they are going to get COs, but they are going to be getting COs for storage buildings, they are not going to get a typical CO for an office building or that affect. So, I'm also looking at their phasing plan and I don't know -- I'm not trying to belabor the discussion, but I'm looking at phase five and that's when their administration building comes on and to me that's where people are going to start moving in and wanting to operate from this facility. So, I'm not sure if ACHD is even amenable to maybe saying no building permits until -- with phase five until phase four is done or whatever -- whatever we can do to help allow them to do -- use some general maintenance on the site and get moving forward on it. But those are some of the ideas that I was thinking about, but I will -- I will turn it over to Steve and see if he had any other comments on that.

Price: Well, Mr. Mayor, I think at the end of the day what I'm hearing is is that the City of Meridian, Council and the Mayor, don't trust the Ada County Highway District in terms of their commitment. We will not operate that facility if you give us the permits. You put that in a contract. I most certainly appreciate Mr. Nary's -- I develop -- I deal with development agreements all the time. We do development agreements with developers and the City of Meridian in terms of impact fee credits all the time and it's a little disheartening to think that if we make that commitment that we are going to be into a dispute with the City of Meridian over a condition within a development agreement and I would hope that you would have more trust in the integrity of our interagency cooperation than that. We are not some fly-by-night developer, we are a multi-million dollar public entity that's trying to provide maintenance service within the City of Meridian. By the way, that's what that facility is for. And we are trying to develop that and it's a little disheartening to say the least and I'm being extremely blunt, I probably got the director rolling behind me, but that is the truth and if you put it in a development agreement -- you have already got the letter from the commission, we will build the -- the off-site improvements as requested. We just need to be able to get those built and, then, have those facilities -- the timing of that so that when the day is ready and they are complete, we can move in and start operating. We will not operate our maintenance facility, we won't store anything, we just simply want to get it constructed and ready to go.

Simison: And, see, that -- I'm a lot more lenient than some of my friends up here. Trust is not the issue in my opinion. It's not about whether or not we trust ACHD. So, I hope you either, A, rethink your words moving forward from that standpoint. It's about consistency in our process. As much as we would like to treat you differently than we treat other people, we still have a consistency that we have to uphold and we -- these are the same issues that we deal with with any developer and you may say you are not any developer, you are not like them, but, you know, we all talk about precedence. We all talk about consistency and fairness. And that's what we have to be looking at.

Price: And I agree, Mr. Mayor, most certainly. But you don't have the opportunity to ask a developer to make these kind of off-site improvements.

Simison: We often will not approve a project until certain improvements are --

Price: Not to this extent, Mr. Mayor, I'm sorry. These are significant.

Simison: No, I think that there are some people in the development community that would disagree with you.

Price: This is a big ask.

Simison: And, then, we have denied their projects when they weren't willing to go work on -- to work to improve the projects. And, you are right, you have the -- you have the discretion not to sign a development agreement with any of these things and that's not under your purview. But we do have these conversations consistently with development to say the road infrastructure is not adequate. Don't come back until you have a plan to fix the road infrastructure. And, then, we condition permits and everything else, based on those road improvements. That is what this Council and the city has consistently done to get ACHD's roads built, ITD's roads built, more than anybody else in this valley. That's what we do. This is how we get your roads built and I'm sorry you don't feel that that's what this is, but, you know, it's --

Price: Well, Mr. Mayor, I -- I don't disagree with that, but I'm not sure that the -- all of these improvements are warranted for the level of impact that we are making with on the network.

Perreault: Mr. Mayor? Again, I would --

Simison: Councilman Perreault.

Perreault: -- say that the -- the questions that we asked of the prior presenter about the impact, there were not clear answers given to us. We didn't leave this meeting clearly understanding exactly what the impact was going to be on the roads and the timing of which that impact was going to happen. So, in my opinion, the decisions that we were making in our last meeting we didn't have sufficient information to make them, which is why we continued and decided to have another hearing and very much appreciate you being here, because the presentation that was made when there is questions asked about the use of Ustick Road, there is -- there is no -- there is -- I mean it's a shoulder -- a gravel shoulder and there is no improvements on either side. I live in that area, I have driven it a thousands times. If -- if there is two trucks coming a day and they are gravel trucks, highly different than if there is -- if there is 15 a day, if there is -- we don't know. That's what we need you to share with us and your applicant -- the applicant -- the presenter last time didn't have clarification on that. So, her obligation is either to say I don't know, I will get back to you, if that is an important issue for you, instead of us going ahead and conditioning it last time at the last meeting. Let's have a conversation about that and,

then, we will do the condition at the next meeting, but we didn't have enough information, in my opinion, at that time, so we were trying to find a solution at the last meeting to try to get this passed on your behalf and if the solution isn't satisfactory, I'm sorry, but your applicant should have come forward with more information for us.

Price: Sure. And, Mr. Mayor and Council Woman Perreault, I most certainly respect that and I think that's why you got the July 22nd letter was we don't want to make that an issue. The commission is happy to go ahead and approve that project and get it done. We don't want to get into that debate with you. We most certainly respect that. But at the same time we need to get our facility developed. We don't intend on operating it. So, absolutely, and I respect that comment.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Steve, I appreciate blunt. I think that's helpful. I think the direction that we are getting from Mr. Nary and from our Planning staff makes sense. I think it articulated well the reason why and to the Mayor's point we are trying to be consistent and why the building permit has become a very focal point. Hammers doesn't necessarily need to be the word we use for it, but a focal point to ensure things that -- that need to be prerequisites for any project are -- are accomplished. This one's clear to your language that this is a big deal. It's a big ask. A big improvement. And I think that's, in part, necessitated by the big impact, quite frankly, on the -- on the road and the neighborhood and -- and the heavy use. I know it was described last time 12 to 18 to 20 trucks a day. It's heavy use. And this is the next hundred years. So, the big picture is this will be a very intense use on Ustick Road and that was one of the reasons why we were extremely concerned with all annexations at time we have considerations of whether it's the right time for a particular project in this particular location in light of roadway improvements or other infrastructure needs and I think that's the same consideration that I heard us discussing last time and this time. We always want to try and be good partners, but I think ACHD has held Meridian's feet to the fire with good intentions at times on projects and vice-versa. I think that's kind of what we are doing. Trying to be good stewards for the city when all seven of us are gone and everyone here is probably gone and there is going to be other folks operating this. So, for me I thought with all of that direction that we got from our team, that the proposed condition from -- from Joe tying it to the building permit made the most sense in light of the concerns, quite frankly. Greatly respect and appreciate Commissioner Goldthorpe's letter and the commission's July 22nd commitment. I know that's somewhat unusual probably to do that. There is nothing really overtly binding about it, but it is definitely a good faith and a great gesture, which made me feel like we are close and I'm not as worried about the -- any squabble about who e-mailed who first and the timing of all this. If it needs a little more time so be it, but a couple of -- I can't come up with a condition on the dais that -- that has certainty as powerful as a building permit. I probably wouldn't invite us to do it.

Price: Well, I don't think -- and, Councilman Borton, I don't know how.

Borton: Yeah. I -- frankly, I --

Price: You're a good lawyer, but --

Borton: So, to that point -- and it's just a pure policy consideration. Do we want to treat this relatively consistent to other projects, like Mr. Nary had said, and it just seems to be most prudent to do so for the city. This is a really big deal. Certainly I understand for you as well. But this annexation is a big deal for this corridor and the type of use that's going to be placed upon it. So, I'm not comfortable going forward. I would love to have this proceed, but it's that -- it's that condition, that building permit condition that staff has proposed is the only reason that could get me over the hump on it, quite frankly. So, it's kind of a blunt response back, but I think you deserve --

Price: No. And I appreciate --

Borton: -- to hear the logic, at least the understanding that leads me to that conclusion, at least as I see the application.

Price: Yeah. Mr. Mayor and Councilman Borton, I -- and I appreciate that. I really do. And I have always had a great deal of respect for you. You know that. But the urgency and the need for this --

Borton: Hey, wait a second. You can't say but after that.

Price: Yeah. It's the yeah, but defense.

Borton: You are supposed to stop the sentence.

Price: I apologize about that. I would like to say, though, that the Council and Mr. Mayor, you can't forget that the reason for the urgency to get this facility bit built is to provide service to the City of Meridian and to be able to provide quick response in terms of maintenance and this most certainly will delay that effort and out of interagency cooperation and due respect for our agency commitment, I would ask that the Council most certainly consider some language in the development agreement that can give you the assurance that you need that -- and give us what we need to be able to build a facility, that we are not going to go in and start operating this facility and creating all these impacts on Ustick Road when those improvements aren't made. We are most certainly happy to work with Mr. Nary to come up with some language that you feel comfortable with. I think that this situation merits that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Parsons said something interesting that kind of made me think the -- the administrative portion of the -- of the build out, the administration building, the operation

center if you will for that facility, that requires a building permit. That's the main portion that you need to operate from that facility I would think. I'm just thinking out loud. Is that the focal point, to use Mr. -- Councilman Borton's very diplomatic words, is that the focal point to make sure things are done before occupancy and not having that building permit is the way to go about that. And, again, it's not about the trust issue, you are a public agency, you provide services to our residents and greatly appreciated and unnecessary. So, I think it will get done, but to Mayor Simison's point, that the process, we do have to have integrity of our process to a degree, so having a building permit that's still outstanding that gives us that focal point for enforcement, I don't know if that's an option or not.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Thank you. I just wanted to reiterate that the main focal point of the discussions that occurred at commission and by -- by this Council was regarding the truck traffic and not necessarily regular car traffic. So, if -- if there needs to be some language changed regarding what the -- what the applicant is requesting, again, I'm all ears, I'm just trying to reiterate and work on behalf of the city as -- as is my job. I just want clear direction as to what that should and should not be moving forward. That's the only thing I ask, so that I can be a good instrument of enforcement for -- for you guys.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I appreciate the creativity or the -- the attempt to try to find the -- the answer. May not find it up here tonight. Yeah. I'm wondering if the combination of a DA provision, in connection with an outstanding building permit that we don't issue, since we feel like that's our consistent practice now with development is, you know, have building permits conditioned, as opposed to COs. If we had a combination of those things, if -- if there was one building permit outstanding and, then, we were to have that DA provision, which they have stated on the record they are not going to operate this facility and I take them at their word and I appreciate their letter. I wonder if the combination of those things would be consistent with our practice and, then, be a contract that we could enforce if needed, so it's just consistent with how we treat other development.

Nary: Mr. Mayor? Mr. Mayor, Members of the Council -- and maybe this is a question for Mr. Price. I mean I don't doubt that Mr. Price and I can come up with some language that might be satisfactory. I guess my concern is -- and most of what Council Member Hoaglund was saying, from I understood what's been presented tonight is ACHD would like to, essentially, create a turnkey facility and have it completely built and, then, occupy. So, even holding a building permit for the administration building -- because it sounded to me from what -- what Mr. Parsons said, is a lot of the things you are constructing might need a building permit, but they are not buildings, they are -- they are sheds for stores, they

are sheds for equipment, but they are not occupiable buildings. So, it sounds like there is -- there is one or two buildings on this site that will have people in it. But from what I have heard -- and I -- again, Mr. Price could correct me, but I don't think they want to be operating it with equipment and people running in and out of the facility, operating, maintenance, doing all what they normally would be doing once they are occupying the site, and, then, building another building after that. That's -- that's what I'm thinking may be problematic, because, you are right, that would be a way to do it that could be consistent. Again, it isn't -- it isn't as common, to be fair to this application, is for a lot of commercial developments. They need the buildings to be built to get them occupied to, then, get the next phase built. So, a lot of that's based on how financing is done for those types of things. This one isn't that. So, it's a completely different model. But I don't -- I don't know that that would work, Council Member Hoaglund, only because I don't think they want to bring a construction crew on the site to build a building while they are trying to operate the facility the same time and maybe I missed what you said, Mr. Price, but that's the way I understood it. So, that may not be a solution.

Price: Mr. Mayor and Mr. Nary, you are correct. Alls we want to do is get it built in the same phasing as the road improvements. We won't operate the facility in any way until those improvements have been completed and that's all we are saying and it is more of a turnkey. It isn't like a developer where you do one phase and you want to get -- because of financing. We just want to get it built in the same time frame that the road improvements are done and so that they coincide, so when the road improvements are done, then, we can start operating it. We don't want to operate it any sooner. We respect -- Mr. Mayor and the Council, we respect your -- your guidance on that and -- and the need for those improvements. The Commission committed that in the July 22nd letter, but we want to have the opportunity to get those built. That's all we are asking.

Perreault: Mr. Mayor?

Price: And I don't know how you do it. We can do it in the DA. Maybe the certificate of occupancy isn't as strong as you would like. Maybe we can do it -- Mr. Nary and I can do it through a phasing and -- with the building permit in terms of language. Happy to explore that.

Simison: Council Woman Perreault.

Perreault: So, just a clarification question on the timing. The letter had committed that the construction would occur in 2024. Correct?

Price: Uh-huh.

Perreault: Certificate of occupancy is likely not going to be issued until phase eight, which is 2028. So, are you asking to have until the certificate of occupancy is approved for the last building in phase -- that will be constructed in phase eight and that length of time to construct the Ustick or are you committing to having that completed by 2024? I guess maybe I'm crossing my wires, but I want to understand the timing of that.

Price: And I -- Mr. Mayor, Council Woman Perreault, most certainly that's a fair question. But that's -- what we have outlined is simply just conceptual. Again, we most certainly just want to build the whole facility and have that completed at the same time of the project. That's our commitment. All of the phases.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: That didn't quite answer my question.

Price: Well, in terms of timing -- I think that that's a concept in terms of timing. We just -- that simply got put into the plan. That was before we got to the point where the Council wanted us to make a commitment to make road improvements prior to that. I think we would accelerate our construction of that facility to get all those facilities built to coincide with the improvements that you have requested.

Perreault: So, by the end of 2024 --

Price: Yes.

Perreault: -- you would want to have this -- complete all of the phases by the end of 2024.

Price: Yes.

Perreault: So, that's why I wanted to clarify.

Price: Yes.

Perreault: The statement that -- in the letter that you sent that says no certificate of occupancy shall be issued, but your phasing plan would show that that would be the last one --

Price: Yeah. No, I -- that was a good catch. I appreciate that.

Perreault: And then -- but, then, you are claiming -- or stating that you would complete the road by 2024. So, I -- that's part of why I'm kind of sitting here going I'm really trying to understand. They are asking to wait until 2028? But what you are essentially saying is you would like to have the project complete by 2024, including the road improvements. Can we clarify that?

Price: She will.

Berenger: Yes. So, this was -- again, this is Jennifer Berenger, deputy director of maintenance. The phasing plan that we sketched out here was taking the whole project and spreading it over eight years to find some financial benchmarks along the way,

knowing that we won't have probably a big pot of money to do it all at once. So, it was kind of looking through what can we do, how do we plan it out through the -- through the eight years. What kind of money do we think we have. When will we bring the people and equipment on. And it was kind of a slow phase in. The -- the end goal would be to have full operations by 2028, but in our plan that we have, 2028, is building some parking lots, 2027, or phase seven was building, putting in a scale, some minor things. The bulk of when we are trying to get the buildings and people in there would be in 2024, '25 and '26. Phase four, five and six. So, our phases really aligned more with the fiscal years and, then, it was just kind of put in here before we had the discussion about widening the roads. But we certainly wouldn't want to operate the facility until we have the -- the Naomi Road built, the deceleration lane was absolutely something we want to do before we operate out of there, and signaling the intersection, which would happen with -- with the widening of the road. So, that's really where it makes sense for us to operate. We wouldn't want to operate before those critical pieces of the infrastructure are in.

Perreault: Mr. Mayor, follow up.

Simison: Council Woman Perreault.

Perreault: So, if I'm hearing correctly, your buildings would be constructed at the end of 2024. Your last certificate of occupancy would potentially come at that time. You potentially would not be fully operating, though, until 2028, because you still anticipate having some improvements come into play that are not structures.

Berenger: People and equipment.

Price: Certain operational -- yes.

Perreault: Okay. Thank you.

Price: But the buildings would be committed -- would be built by --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: You know, if this was just another burger joint coming in and we had the same issue, we would say, you know, come back, talk to us when you are ready to, you know, make sure they are done. This is not another burger joint. I mean this is a public agency serving our residents and in a way that we want to have that service and I think there is a way to do it. Now, exactly what that way is I don't know and I think, as Councilman Borton mentioned, that's not something that's easy for us to do up here and we shouldn't and per his suggestion I think we should have staff, our Council and P&Z staff -- development staff work with ACHD and see if we can come together to the exact language we can all agree on and come back before Council and make it happen, so --

Price: We welcome that and I most certainly have worked well with Mr. Nary in the past and he's most certainly very able counsel for the -- for the City of Meridian and I'm -- and your staff are very good and we most certainly would like the opportunity to be able to do that.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To that -- to that point, if that's where this might go for that future dialogue, if there is some language that is of similar impact as a building permit, that would be it. So, if it's not a building permit as the -- the prerequisite tool to ensure that the improvements are done, it will be something equivalent to it. So, that's certainly not a CO. And if it's not a building permit, boy, is it close to that. Now, good luck trying to craft how that might ever occur.

Price: Right.

Borton: Just so there is some clarity in the direction, that would be where it would tilt towards.

Price: Mr. Mayor and Councilman Borton, there is no question at the end of the day this will be contractual. Whatever is in the DA. So, we can make that as tight as you want. But it would be contractual. And I'm not going to lie to you, Mr. Mayor and the Council, that you have the same leverage under a development agreement that you do with a building permit. But we are asking that you extend that courtesy under a development agreement and we are willing to commit to that and I think we can find resolution.

Simison: Okay. Council, before we make any motions, this is a public hearing. There is one person online. I want to make sure that we are not excluding someone who has been sitting here listening to this conversation. So, I would like to -- if it's okay, if we have reached a point where we think we are -- to see if there is anybody else that would like to provide testimony on this item, either in person -- Ralph? Or if you are online use the raise your hand function on Zoom and we can bring you in for any comments. Seeing nobody who is wishing to provide testimony. Council, I will turn it back over to you for your pleasure.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Don't -- don't walk away yet, Steve. I apologize if I am trying to oversimplify this, but I really want to get into my understanding the timing of all of this. So, it's not feasible for the section of Ustick to be completed until the end of 2024. It's not possible to have that done. It's not.

Price: Correct.

Perreault: So, essentially, your concern is that if we make it -- if we -- if we require that no building permit be submitted, what you are essentially telling us is that now none of the buildings will start construction until 2024 and, therefore, your buildings are going to be constructed from '24 to '26 let's say. So, is that -- am I understanding that's essentially what the problem is?

Price: Yes. Mr. Mayor --

Perreault: Instead of the buildings being built at the same time as the road construction is happening, your concern is that we are asking you to wait for the construction of those until after 2024, which puts your construction of the buildings into '24, '25, '26, therefore, extending your full operation of the facility for two more years, three more years. Is that -- is that -- am I -- am I essentially --

Price: Mr. Mayor and Council Woman Perreault. Most certainly -- the -- the urgency and why the whole team is here tonight is we want to get this facility up and operating as fast as we can to be able to provide service to this -- this part of Ada county. It's important. We have looked at the numbers and the demand for our maintenance fleet and so it's the urgency to get this built as soon as we can. In terms of what our plan is and what the Council's requested in terms of improvements, we thought they would coincide and we would make most certainly the best effort, so that our facility is completely built with the road improvements, the timing of that and so that we would provide that facility to provide the service sooner than -- than what is being sought.

Perreault: Mr. Mayor, follow up.

Simison: Council Woman Perreault.

Perreault: So, just want to clarify that we are understanding correctly that if -- if the Council so chooses to continue to encourage the building permit be -- be the -- the requiring factor, then, this will delay your construction by -- can you give me an estimated amount of time? I don't know how long it's going to take to construct all of your buildings. I assume two years.

Price: Mr. Mayor, Council Woman Perreault, I don't know, but I would estimate two to four years.

Perreault: Okay. So, then, you would, then, be moving in 2000 --

Price: '28.

Perreault: -- '28. Past that.

Price: Yes.

Perreault: Maybe 2030. Because '28 is when you are currently saying -- your phasing plan is based on -- on that road being completed at certificate of occupancy; right?

Price: Yes.

Perreault: So, if it's being completed upon the first building permit being issued, now your phasing plan is two to four years beyond what you have had --

Price: Well, if we could have built sooner we would be requesting certificate of occupancy sooner. Absolutely.

Perreault: Okay. So, I just wanted to understand that your phasing plan is based on your expectation that the road be constructed by the first certificate of occupancy, not the building permit.

Bernt: Mr. Mayor?

Simison: Let him answer that question, then, go to you, Councilman Bernt.

Price: I think that -- that -- the phasing plan was -- you know, when you come into the city and you make an application for an improvement, you do that, and, then, it changes when you get feedback from the Council and you had asked for road improvements and -- and we -- the original timing was thinking of road improvements, if you recall, within our integrated five year work program as to when they would occur. So, now that that timing has changed, we most certainly would like to try and accelerate it. We may not be able to meet those timelines, I just asked the director, it will be tough. But most certainly the idea, at the end of the day we are here before you to try and get this facility up and operating sooner, because the demand is there.

Simison: Councilman Bernt.

Bernt: Mr. Mayor, thank you. I think that it was pretty clear what -- what needs to happen next, you know. I think that it's pretty important that our staff and ACHD staff get together and legal counsel and hash out an agreement and so if you don't mind, Mr. Mayor, I think we probably should just continue this public hearing and -- and see where the ball lands.

Simison: Don't mind at all. Happy to take a motion.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just to talk through logistic for the city clerk, whatnot, you know, fifth -- August 31st is a fifth Tuesday, so we don't have a meeting then. I think it's going to take a few weeks and depending on vacation schedules and everything else -- I don't want people canceling vacation schedules or what have you, to get together, work on language, pass

things back and forth. I know speed and timing is of the essence. But it looks like September 7th would be a date we could have -- continue this hearing to. So, it's -- that's a five week -- five week delay. Okay. Thank you, director. So, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we continue the public hearing on H-2021-0029 until September 7th and in the near term, legal counsel and staff for the City of Meridian work with ACHD on proposals to bring back to City Council.

Bernt: Mr. Mayor, I second that.

Simison: I have a motion and a second. Is there any discussion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: There were two other conditions that ACHD had addressed in their letter from July 12th that we have not -- still have not discussed. I tried to start that discussion at the beginning of the hearing and it didn't -- didn't get discussed. So, do we want to do that now or do we want to wait until the next -- next one?

Simison: Council? Do I have a -- will the maker of the motion withdraw their motion for a second?

Hoaglund: Well, I guess it's a discussion piece. Do we want to modify the motion or do we want to, you know, withdraw it and have that discussion I guess. Is that what you are asking, Mr. Mayor?

Simison: I'm kind of looking at the guy at the podium in hopes that he will answer the question to provide clarity to the issue. So, that's why I'm hoping, but I don't want to recognize him under the guise of a motion on the table.

Hoaglund: Mr. Mayor, let me withdraw my motion and we can have further discussion if the second agrees.

Bernt: Second will agree.

Simison: Second agrees. Mr. Price, can you answer that question?

Price: Thank you, Mr. Mayor and Council. If you would identify those issues in the July 12th letter most certainly. I'm happy to work with Mr. Nary and address those issues as part of the overall agreement with the city. I keep going over the letter and I'm not quite sure which conditions they are, but --

Simison: Council Woman Perreault.

Price: -- if you would identify those we most certainly will make a good faith effort to come back on September 7 to have those addressed.

Perreault: Mr. Mayor. That would be A-1-C, A-1-D and A-1-F. I believe A-1-F is something that staff is going to have to figure out. The Council won't have an opinion on. But I don't know that our staff has -- at least I haven't heard comments by our staff or ACHD, other than what is just in the text up here of explanation of the request that ACHD is making for those modifications to the conditions of approval.

Price: Mr. Mayor, Council Woman Perreault, the -- we have agreed to all the conditions except J. So, whatever was in the staff report data before that, July --

Perreault: July 13th there was a modify -- there was a staff report that came out. So, you are -- you are in agreement with that and you are withdrawing your -- your requested changes to conditions from the July 12th letter?

Price: Well, I would like the opportunity to discuss that. I haven't -- unfortunately, I don't have my -- but we will most certainly get those worked out. It was my understanding we were in agreement with all the conditions, except J.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I would have to agree with Council Woman Perreault that -- that ACHD did send the letter and requested additional changes beyond just J, which did come up at the -- at the hearing. So, this was between the commission and Council hearing. So, I would agree with Council Woman Perreault that -- hearing them say that they were in agreement with all of them, except J, is news to me based upon that letter that was received before the July 13th hearing. If that's the case now that makes our jobs easier, but I agree that it would be nice to have that clarification.

Simison: So, perhaps it's something that Joe can continue to work with ACHD on and this is really one of the issues is this -- is this landscaping and which design standards to apply to the building. Quite frankly, you know, if I'm -- that's at least one of them and I -- I thought I heard Joe asking you when you presented this basically saying are we okay with which version. That's -- and I don't know if that's an ACHD issue or a Council issue ultimately is -- apply which standards. Extra landscaping with less structure? Am I -- am I interpreting that right, Joe?

Dodson: Mr. Mayor, that is correct. The way that I have it in there is the way that we have traditionally done it. But, again, applicants always ask for more. So, that's what they did. And, then, at that point if there is that not -- us not lining up exactly, then, Council makes the final determination on those. It is within the purview of either of those.

Price: Mr. Mayor, if I can -- in the July 22nd letter -- in President Goldthorpe's letter it says in response to the City Council's request for the Board of Commissioners to commit to the proposed city agency comments and conditions of approval A and J, I'm writing to confirm the board's agreement to the Council's proposed conditions with the exception of A-1-J.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: And for clarification, the letter that was sent on July 22nd supersedes the letter that was sent on July 12th?

Price: Yes.

Perreault: Okay. So, that -- in my opinion that wasn't clear in July 22nd, that -- that ACHD was removing all -- that they were in agreement with all conditions of approval outside of J. I didn't get the impression that that -- that that was actually what transpired. So, I just wanted to clarify. If it was, then, fantastic. Like as Joe said --

Price: That was my understanding.

Perreault: -- but I didn't --

Price: I think the only issue we are here tonight is on A-1-J and -- but to the extent that we -- that there are any other issues that are within the proposed conditions, I would like the opportunity to negotiate those with Mr. Nary. But I don't -- yeah.

Simison: Thank you. Mr. Hoaglund, back to your motion.

Hoaglund: Mr. Mayor.

Simison: Councilman Hoaglund.

Hoaglund: I move that we continue the public hearing for H-2021-0029 until September 7th and allow staff and applicant to work out suitable negotiations for presentation to the Council then.

Bernt: Second agrees.

Simison: I have a motion and a second. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued. Thank you and we will see you back here in September.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Dodson: You have a good night, Council.

3. Public Hearing Continued from July 6, 2021 for 2021 UDC Text Amendment (ZOA-2021-0002) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.

- A. Request: UDC Text Amendment for text amendments to update certain sections of the City's Unified Development Code (UDC) pertaining to the Landscape Requirements and Common Open Space and Site Amenity Requirements in Chapter 3; Multi-family Common Open Space Design Requirements in Chapter 4; and Various other Amendments in Chapters 1-5 and 7.

Simison: Thank you, Joe. Council, would you like a break or do you want us to move right into the other thing? All right. We will move forward. So, with that we will continue the public hearing, continued from July 6, 2021, for the 2021 UDC text amendment ZOA-2021-0002. I will turn this over to Mr. Parsons.

Parsons: Thank you, Mayor, Members of the Council. Let's move on tonight to our next item, which is the UDC text amendment that we have been talking for the last several weeks. As you recall, last couple meetings we spent quite a bit of time going through all of the exhibits and proposed changes. So, tonight I really want to just stick -- stick to the open space and amenity standards for you this evening, if that's okay with you. If you recall during the last hearing you asked staff to go back to the drawing board and do some exercises, vet these changes and see how they meshed with some previously approved projects. So, I was able to provide you with a memo and some of those tables that showed some of the proposed changes. Now, if you -- some of the data was a little misleading and what I mean by that -- it wasn't clarified as to whether or not it was common open space or qualified open space. But I had a chance to go ahead and look at what was submitted to you and I can see that the applicants did break it out into qualified open space. So, I don't plan on going through every one of the tables that -- that I sent you to go over all of the findings for all of the projects that we tested. What I shared with you in the memo is that we did look at nine single family projects and we also looked at five multi-family projects. I think from my -- staff's perspective is at least want to acknowledge it was a team effort. It wasn't just staff doing this -- this work. So, we reached out -- actually Mr. Wardle from the Brighton Corp actually put together the template that we all used and every one of us -- some of the audience members as well participating and probably providing that data based on projects that they had been involved with and I wanted to make sure that the tool worked as well, so I threw in a couple more multi-family projects, tried some of the changes to make sure that I understand them as well as we look to enact some new changes, I want to make sure whatever we do is the right fit for Meridian as well and the right fit for -- for the team. So, if you had a chance to look at the examples that were provided, you would see that the tables provided the number of units of the project, the acreage, the common open space, what the required open space was and what the qualified open space was and how it stacked up to what the proposed changes were. I can probably tell you -- in -- in my hearing outline tonight I can tell you

most of the projects didn't meet the current standards, nor did I expect them to, just for the fact that as you recall some of the changes that we have proposed is we don't want irregular shaped open space, we want homes fronting on -- 50 percent of the homes fronting on open space and a lot of the projects that we did test did not include that criteria. But what we did try to do is look at qualified open space and see how that -- if those projects could get up to the 15 percent versus the ten percent and you can see by evidence of what was presented to you that a lot of the projects were barely -- barely met the ten percent that we currently have in code. So, I think that -- that overall goal is if it's your goal to enhance the open space and increase the open space, I think we have done that well. You can see that not all projects will stack up with the new standards and there will be a change moving forward to the open space requirements in the code. The other thing that I thought very interesting through this exercise was how these -- these projects stacked up with the point system for the amenities. And if you notice a majority of the projects met the amenity standards or far exceeded them, so either the points are right or our standard is too relaxed and people are going to get -- be able to meet the -- the amenity standards a lot easier than potentially the open space. So, that's one of the outliers or anomalies that I saw here. The interesting part to me was also the multi-family. You know, looking at our standards there you can see all of the five multi-family projects came in above the minimum 15 percent, which was encouraging, but the one thing that I noted today when I was looking at the data is the discrepancy between the acreage and the number of units. So, if you had noticed, if there was a project that had a large number of dwelling units and a smaller acreage, you see they are providing more open space -- or at least it gives the impression they have to provide more open space, because they can't spread that over a larger area. So, when I looked at one project, for example, there was 280 acres, but they had 15 -- 15 acres -- or 280 units and they had 15 acres. So, I think they came in at under ten percent open space if you just applied the per unit amount of open space. But when you looked at something like what's being constructed at Ten Mile and there was eight acres and they were doing the same amount of units, they were providing in excess of 16 percent open space, even though it was the same -- the same math and same calculation. So, that's -- that's an interesting correlation that I saw as I did this exercise. But I think what kind of captures it is if anything is over -- that's why it's critical in my opinion with the multi-family standards that we have, not only the amount of common open space per unit, but also that we have a baseline and that's why we have -- are proposing that ten percent. So, you can see how that comes into play and you actually increase the open space in the multi-family project. So, I think from staff's standpoint, I think -- again, if the goal is to increase the open space and enhance that per some of the feedback we heard from the comp plan, I think the new standards are doing that. As far as multi-family, I think we are there. I am a little concerned that 15 percent may not be the right number. It may need to be higher based on some of what I'm seeing here, because, again, at the baseline 15 percent, and you can easily get to that just by -- if a project has a large amount of acreage to spread the units across, then, you may not end up with more than 15 percent, unless you go through that CUP process and use that discretionary body that you or the commission were wanting to see more of a developer. That's something that we will have to come up and talk about with -- with applicants as we pre-app with them. So, in short, the other thing that I promised this body was -- I remember a lot of the discussion around the open space standards and so I actually went

through the proposed standards and I highlighted the sections that we spent quite a bit of time talking about last hearing and I have highlighted those in yellow for you. So, again, I remember us discussing if the percentage was the right amount based on the zoning. Again, that was another correlation of why some of the single family projects did not meet these standards is because -- for example, one of their projects was the Silver Springs Subdivision and that's an R-4 development. Yet on this they had ten percent open space. This proposed change requires 12 percent. So, there is no way they were even going to get close to that and, then, they had one amenity and it equaled one point and the -- the particular example said they needed four points for their amenity. So, in that particular example the applicant did not even meet the amenity standards or the open space standards for that particular project. There is a lot of discussion around jagged, irregular shaped lots that we talked about. The other one was centrally located and as you recall there has been projects that have come before you where staff was -- was pushing for a more centrally located open space and others had opinions that it may be better to have intermittent open space throughout a development. So, that's something that you may want to -- that we discuss as well. This is one that came in from some of the public comments as far as the 50 percent of the homes fronting on open space. We spent -- last couple hearings I know we spent quite a bit of time on that and you can see here we also provided examples that demonstrate how that -- at least the intent behind that specific language. I remember us discussing storm detention facilities and modifying some of those standards. How we classify open water ponds and how much it can comprise of an open space. So, I have highlighted that for you as well. One of the -- the applicant and the -- or at least one of the applicants that testified had a concern with the terminology of maximum point value and that also correlates to this part of it where staff would be able to either lessen the amount of amenities based on -- I think their word was a demerit system, if I recall. So, that's really assign -- so, this number 2-B-2 here, it says assign point value may be decreased. I thought I highlighted that, but I don't know why it's not on this one. So, we can discuss that more and I'm sure some of those in the audience will want to do the same thing. And then -- I think that was probably all the highlights that I recall as part of this discussion, at least for this specific exhibit. And, then, as I wrap up my presentation tonight I just wanted to remind the Council, you know, this has been going on for several months -- or at least over the several hearings and I recall Exhibit 1 really had no changes that had to do with the RV parking that code enforcement brought forward to you. I don't recall anything you wanted to be modified as part of that discussion. Exhibit 2, there was some language we wanted to change that was specifically to UDC Standards 11-5A-6G, where staff was asking the applicant to upload revised concept plans. We had language in there that we were going to -- we shall continue the project and you wanted to change that wording from shall to may. So, if that's something you want to take under consideration tonight, that would be part of Exhibit 2. Exhibit 3 was the changes to the landscape ordinance and we had talked quite a bit of time about tree mitigation fund and it's very clear that we are not ready to move forward on something like that in our code or even add that to our fee schedule. So, I think it was your purview or at least asked to remove that as part of that -- those changes. Exhibit 4 will be all of the changes I just went through, the highlighted areas, to see if you have any appetite to change those and, then, Exhibit 5, which are the open space standard and the standards for the multi-family standards. I did not note any changes to

that specific exhibit. I would also mention to Council that this afternoon you did receive another letter from the BCA speaking to these changes, specifically to Exhibit 4, that they want you to take under consideration this evening. Caleb and I did talk about them a little bit. Again, we feel what we have in code is what came forward from staff and the Planning and Zoning Commission. So, really, we are going to rely on you tonight to -- to listen to what the applicant has to say or at least why they feel these changes are necessary and, then, direct staff or provide staff with any feedback or -- if you endorse those changes or not. With that I will go ahead and conclude my presentation and stand for any questions you may have.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Bill, thank you for that very thorough presentation. The projects that were chosen to do the analysis, can you give us some understanding of specifically how those came to be? I guess I -- I had a -- an assumed unspoken expectation that the projects that would be chosen for that would be a wider variety, meaning each one would have -- had a different developer, because we already have some members of our development community that come in with applications that are already doing their very, very best to meet what we are expecting in our current code and it sounds like it's similar enough to what the future code would be. But we also have a lot of -- we have discussed in the past that a lot of the reason that codes existed are for those -- those applications that don't do that and so I guess I would have liked to have seen some analysis of some projects by some developers that -- that we -- you know, that don't already come in and consistently try to do a high level of amenities to really get a better understanding of it. I don't know how else to kind of describe what it is I'm asking, but --

Parsons: Mayor, Members of the Council, Council Woman Perreault, yes, I saw your e-mail today and I appreciate you providing that feedback to us. So, if you recall last hearing you gave staff directive to pull together this information. There were members here that were gracious enough to assist in that. So, yes, I did -- I did cast a wide net to get that feedback and the feedback I received were from Jon Wardle, from Conger Management, and from Dave Yorgason. Becky McKay was -- said she would commit to providing us some information, but she did not. So, unfortunately, I did not include that and I did not do any of my single family analysis for you. I basically stayed with the multi-family side of things, because I felt we had captured a large enough sample for you with the nine projects and I didn't want to add to any more of it. But I felt we were a little light on the multi-family. So, I wanted to just truth that a bit before -- more for the Council. So, that's why you didn't get -- get the broad net that you wanted. But I can tell you the majority of the applicants that we meet with -- and I think this body's very familiar with it, but you have always asked us to raise the bar or require more than the minimum and that's what we have always tried to do as we start with applicants at the pre-application meeting and we move them on through the hearing process. So, again, if your goal was

to see every project fail, it did. I mean that's -- I think we have enough samples here to say that even those these are great projects, under what we are trying to do this evening, some of these products don't meet the minimum. They won't meet the new standards. And I think that was -- and going back and thinking about that after the hearing, I should have probably brought that out at the last hearing, is like is your goal to see if this was going to work? Yeah, it works, if you -- obviously, those projects were approved under our current codes. So, again, if -- if it was the Council's expectation that you were going to see multiple projects exceed 15 percent, we were never going to get there. We would have probably got somewhere in the neighborhood of 11, 12 percent. Because, again, it comes -- it's all going to be -- for example, with the Conger Group, they come with R-15, none of their projects are going to have 15 percent open space under -- under the proposed changes, because that's not what was required of them and that's the change -- those are the standards we are changing now. We want R-15 to provide 15 percent of -- and, again, the word is qualified open space. It's not just -- just the entire project to have 15 percent overall open space, it's qualified. It has to meet these standards. And so, again, going into that exercise I knew a lot of the developments wouldn't meet the standards, just because of, again, the 50 -- 50 percent element and some of those irregular shaped parcels. What we have done in the past when we have had irregular shaped parcels or properties that did not meet the dimensional standards of the current code, we would ask the applicant to put an amenity on it and, then, we would qualify it as open space, because now it's becoming usable, because it would have somebody going in there and recreating. It was a good -- I was happy I got to meet with Council -- Councilman Hoaglund this afternoon, we had a pretty good discussion about all of these different changes and so it didn't -- I did want to at least share some of that information with you, that open space under the current code can count, even if it doesn't meet the dimensional standards, if the applicant puts an amenity on it and makes it usable or enhances it. So, again, the -- I think the overall impression of the exercise that shows you it can work, it just -- it may need a little -- a few tweaks tonight to get you to where you guys feel comfortable that it's the right direction for the city.

Simison: Council, any additional questions for Bill? Okay. This is a public hearing. Is there anybody that would like to come forward at this time and provide testimony on these items?

Johnson: Mr. Mayor, we did have one sign in, if you wanted to get her first. Julie.

Simison: Okay. If you can state your name and address for the record.

Langlois: Julie Langlois. 3556 Rustler in Meridian. Good to be here tonight. It's been a while. As you know, I had the honor of serving on the Meridian open space and amenities group -- work group where I attended every meeting. Tonight I'm here to advocate for our Comprehensive Plan. The Comprehensive Plan directs the city to align city code with the policies of the Comprehensive Plan to reflect the community's desires for various types, sizes, and designs of residential neighborhoods. Evaluate open space and amenity requirements and criteria for consistency with community needs and values. Promote the Comprehensive Plan as the primary growth guide for growth and development of the

community. Preserve, protect, enhance and wisely use natural resources, preserve, protect, and provide open space for recreation, conservation, and esthetics. Clearly the residents in Meridian value open space. It is apparent in our Comprehensive Plan and it is reflected in the multiple surveys sent out by the city. This is the moment of opportunity to codify the vision of our residents. Land tells the story of America. Historically it shaped us as a people. Today it is the key to a healthy and secure future for all Americans. Locally are preserved historic landscapes not only define us as a community, but provide clean air and water, reduce flooding, enhance property values and offer places to reflect and recreate. Open space improves our quality of life. Forests, prairies, wetlands and other natural habitats absorb approximately 15 percent of the U.S. carbon dioxide emissions. That's a huge benefit, but one that we stand to lose if we continue converting open land for development. The loss of our land is accelerating. Every day in the U.S. we lose more than 4,000 acres of land to development. Typical building patterns in America drive us further and further from the center of our communities, as we subdivide our increasingly threatened fields, farms and open spaces. People of all ages benefit from nature. Children today spend 90 -- 90 percent of their time indoors. Studies show when people are connected with nature we live happier and healthier lives. Access to nature is linked to the buffering of stress, improved cognition and to social cohesion. Open space is good for the soul. I'm often reminded that we are building a city, but let's not use that as justification to approve a weak increase in required open space. That is not what the taxpayers have asked for. We are building a city for people and we should accord them an abundance of resources to live happy, healthy lives. I live behind the last dairy in Meridian, which is currently being dismantled and hauled away piece by piece to Oregon. As we raze our dairies, farms and natural areas, we lose a little bit more of our identity as a community and some of the things which have made Meridian such a phenomenal place to be. It is in your hands to defend and protect our community's quality of life now and for future generations. Thank you.

Simison: Thank you, Julie. Council, any questions?

Bernt: Not a question, but a comment. Thank you, Julie. I know that -- I know that you don't like to come up and speak in public here, but I really appreciate your comments and I want to know that I listened to them.

Langlois: Thank you.

Bernt: Thank you.

Simison: Thank you. Is there anybody else that would like to provide testimony at this time on this issue? Come on up. And if there is anybody online that would like to provide testimony, please, use the raise your hand feature at the bottom of the Zoom platform.

Yorgason: Good evening, Mr. Mayor, Members of Council. My name is Dave Yorgason. Here on behalf of the Building Contractors Association of Southwestern Idaho. In case you did not see it, I asked Laren to help pass around a paper copy. It's the same as what's being posted online here that Bill is just pulling up. I think -- there you go. Thanks,

Bill. In case there is anybody that wants to reference it as well. First I want to thank you for giving us the opportunity to provide comment, be part of the process. I come here with a background in land development. I have developed for over 20 years in the Treasure Valley. Second generation developer. And, frankly, only done a few developments in Meridian, maybe four or five that I can think of. Done more in Eagle and a few other surrounding cities in the community and I appreciate the comments that have been shared just prior about open space. I'm a big believer in -- in good quality open space. That's the kind of developments we have done. But I appreciate Council Member Perreault's comments about the minimum standards, because not everyone sees things differently -- or sees things the same and so I appreciate the need for minimum standards for the city going forward. So, with that regard we appreciate the opportunity of providing some examples and, Council Member Perreault, you asked about different examples. I specifically chose Silver Springs, because it's the most recent one I have done and it's one that would not be a higher end type development. It had frontage. It had a little open space for the common area. There was a typical, you know, little mini tot lot example, but not a larger planned community. It would be a different scenario. So, hopefully, that will provide a little bit of balance for your insight. I did not do Settlers Bridge or Baldwin Park, knowing those would be different -- different standards. Learned a lot through this process, actually, in the last three weeks or however long this has been and one of the things I have learned is that there has been a lot of comments from members of our association about how do we interpret qualified open space. What qualifies as qualified open space and it's -- unfortunately, it's really hard to articulate. It's hard to put it in words. And so I don't fault your staff for trying hard, because even amongst ourselves we have differences of opinion what qualifies as qualified open space and so in this letter that's in front of you, one idea which is not going to be the answer tonight I'm sure, is, well, maybe we kind of throw some of that out and just raise the numbers, because that achieves a few things. It gets you closer to what maybe Eagle is, if that's where you trying to go and do. But I don't think that's where you are wanting to go, because I think there is a lot of desire to try to help articulate what qualified open space is. I'm a believer that more open space is not necessarily better open space. The better open space is better open space. When you are in a city like Meridian today where you are looking at more and more in-fill, you don't have large 80 acre tracks always to try to develop. Those in -- in-fill parcels you want to have some quality open space and just having more percentage doesn't always get you there, but this amenity point system I love, because I think that will help you achieve some of your goals. So, with that in mind I think one of the challenges is you have to look at each zone separately. Is the R-2 percentage the right number? Is R-4 the right number that you have that's being presented to you. Same with the R-8 and the R-15. Each of those are different and this letter I have identified some examples. Happy to go through and walk through with you. I will wrap up my comments here and address any comments you have with letters that were presented. But we gave two examples in this letter, one of which is if you kind of throw out -- throw away the qualified definer -- I don't know if that's really where you want to go, but the second half of the letter does articulate -- which was asked of us in the last meeting, what numbers would work for you -- not maybe raise the dues too much for our homeowners associations, which is a deep concern of ours, as after it's built out we want it to be sustainable and have dues not go up too much. So, that second chart is referencing if you include some changes in the

code, which we referenced before, it's also in a second attachment we gave to you. These will be our recommended proposed changes to those different zones, with the idea in mind that R-2 -- if you want to see some R-2, you might -- I hate to say it in this meeting, but if you want to see it you might want to lower that number, because those yards are actually bigger and -- and so with that in mind I will stand for any questions you have. Again, I would be happy to walk through the second letter, which was those line items -- red line suggested changes if you go with the second table of numbers.

Simison: Thank you, Dave. One of the questions I had -- and I'm just -- you know, because, honestly, I could go to remove everything. I think I said that last time and could even go to the 8, 10, 12. But what I might -- what I get stuck on personally is R-8 versus R-15 and why they are the same.

Yorgason: Mr. Mayor, I appreciate -- and Members of the Council, we actually debated that. There may be some others here who can help answer that question for you, which I'm sure they would like to speak to that. My personal experience is I mostly live in the world of R-4 and R-8 and I don't think R-4 and R-8 should be the same. Some -- and I will let them speak to that. They say that actually density is not that much more if you do detach product in the R-15. When you go to the attached product, then, that's a whole other story and, again, that number maybe should be higher. But, again, that's getting complicated, probably not in the form here to try to wrestle through that level of detail. If you want to kind of have a little chatter back and forth, maybe that R-15 should be a little bit different. Happy to have that discussion. We had a lot of discussion internally about that, but we realized the density is not that much different for R-15 and R-8 builders, one of which is here today who could speak to that for you.

Simison: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Thanks -- thanks for your input and the letter. I have had a chance to go through that. I think at the last meeting you had mentioned something about maybe if we just remove qualified open space, but go to a higher number, like 18 percent throughout. You know, just throwing that out there and I was trying to look at -- as I was going through some of these examples trying to think what would that look like and it gets a little complicated and whatnot. I also thought about, well, what if we just go to a square footage per unit type of deal where you just put a number to a unit and so depending on the size, that's going to be -- you know, if it's 500 square feet per unit, it's going to come out to X, so -- and that -- for that development would -- would be it. You know, I like your comment about better is better. You know, that's -- that's what we want to get to. So, if we are taking a bite at this apple let's make it the best bite possible. So, it's -- there is lots of things out there that could be thought of and discussed and kind of like the discussion process a little more to do that. I do like the fact that R-2 -- and we had that discussion before on your one, if you keep the qualified, that it's dropped to eight percent. R-2 is a

different animal with the -- with the bigger yards and the types of things that I now live in is -- happens to be R-2 -- yeah, we have got lots of room and we also have a lot of open space. It's -- it's -- it's well done that way. So, I don't have any heartburn with that and I like the fact that it provides an incentive. We like to see more R-2. It's not going to happen anytime soon. There is a lot of zeros attached to that price tag when those things are developed, so we will see, but if it's an incentive to get some developers to do that, I like that fact. There was something in here I saw, but it was a ways down I had a question about. One of the things you had stricken under 2-A, minimum open space quality requirements, and it said open grassy areas that are crooked or jagged in shape, disconnected, or isolated do not meet this standard. As -- as I thought about that -- yeah. Again, like the context I have in my own subdivision and I have seen kids playing where the collector road is here and there is a pathway here and they put a bench, so I think it qualified, but it had an angle, so it was a triangle piece and, like I said, we are an R-2 and I saw a dad and two kids, they were playing catch out there. I thought, well, that's interesting, because just two blocks away is the big open space, but they decided to go there. I think disconnected or isolated is something that, yeah, we probably want to keep, because you can just plop these things anywhere and call it good. It's just an add on that you don't need and that makes it more difficult. You know, crooked or jagged in shape doesn't necessarily mean that it's not usable and if we keep qualified, so what are your thoughts on disconnected and isolated still not meeting the standard?

Yorgason: Mr. Mayor and Council Member Hoaglund, thank you, and I would agree with that. Specifically the crooked or jagged comment is the bigger of the two and it really jumps out. So, some parcels are actually not the same shape and if it is a square shaped development, do you all want just square roads? Sometimes you get a little curvy road, that creates the irregular shaped common area by default. The disconnected -- I appreciate your concern or comment there. We have heard in the past with applications here or side conversations with the emergency services, the police and others, you don't want to have a common area to nowhere and, then, people can't see it and you have, you know, activities going on you don't want to have happen back there. So, I can understand your -- your concerns with maybe half of that. But of the two pieces I would definitely strongly say the crooked or jagged pieces is the problematic language in that section there.

Hoaglund: And, Mr. Mayor, follow up.

Simison: Councilman Hoaglund.

Hoaglund: What if -- and I keep going back to your idea of just one percentage and go through it all and, you know, easier for you, easier for staff, but -- because it sounds like that's where the heartburn comes in sometimes. What's qualified, what's not qualified, so let's set a number to make it work for -- for everybody. But, again, it's hard to get to that number. What if it's a percentage that -- but it takes away all the parkway landscaping as being qualified and, then, we just go to a number and say, okay, it's the areas that have amenities and play areas and those types of things. Is that doable? I mean it's hard to do this on the fly and, then, we don't want to do that, but I'm just kind of

thinking out loud with some ideas and it's not to say all my ideas are good when I think out loud, trust me. My wife tells me that quite often. So, just your thoughts on something like that.

Yorgason: Mr. Mayor and Council Member Hoaglund, I guess I'm not going to give the answer of this one. I know open space fairly well, but I also respect the process you have gone through to this point. A lot of people who have sat on this committee, including the person before me, and I wouldn't want to speak and suggest my voice is louder than hers. So, I don't think I'm going to give you an answer for that tonight.

Hoaglund: Okay.

Yorgason: But I would more than be happy to do that. I appreciate and respect your questions, but I respect the process you have gone through.

Hoaglund: Okay. Thank you.

Yorgason: I know what Eagle has done. I know what Boise is. I know what Star is doing or looking at doing. I know what Kuna just did. And they are all different and so, again, I respect the process and I was not on the committee, I respect those who were, and so that's my answer for that.

Hoaglund: I appreciate that --

Yorgason: Thanks.

Hoaglund: -- Dave, thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thanks for being here, Dave. I -- in general, I -- I'm also very intrigued by the -- the idea of removing qualified open space. However, there have been some applications that have come before us, small, five acres, ten acres, and they run along an arterial or a highway and our buffers are huge and they take up a good portion of the property and so that -- those are the kinds of applications that make me just a little bit nervous to completely take away the qualified open space element --

Yorgason: Yeah.

Perreault: -- because they might be a long rectangle, where a good portion of it bumps up against and so we have seen a couple of those in the recent past. What are your thoughts on that?

Yorgason: Mr. Mayor and Council Member Perreault, a couple of answers. I would agree. That's probably one of the reasons why they are one of the latter parcels to be developed, because they are more expensive and less utilization. I would also say that -- if you want that open space, this -- along the arterial and it's highly visible to look nice, you should give credit for it and maybe it's an encouragement or incentive or whatever, otherwise, the minimum might be all that you get and that may not be the look that you want. Having said that, it's -- it's hard to give each of you, minus one who is not here -- each of you come at it from a different perspective and -- and so I absolutely respect what you have said there, because I think you are spot on and if I were in your position you wouldn't want that to just look like the bare minimum, like it was ignored or forgotten one year or 25 years from now. When you -- when you drive by it every day and you look at it and you think, oh, that's one I missed, because that's what I do. When I drive by I see entrances of all the subdivisions I drive by every day and I, frankly, think the landscaping on the arterials is more important -- or at least as important as anything behind the fence inside a subdivision, because the entire public sees it, not just those residents behind the fence. So, how do you -- how do you make sure it's built in a quality manner? Just putting a percentage on it I don't think gets you there. Sometimes it's just how you define what it takes to qualify and if it's an upgrade, that's one of the things that was discussed as an amenity could be upscale landscaping. When we did the Castlebury West Subdivision we -- I think we did a decent job putting in a nice water feature and enhanced the landscaping and that's -- that's pretty nice and that is the amenity for the entire neighborhood, by the way, is their entrance. There is nothing on the inside. And so those are my suggestions and I remember those homeowners saying that they feel so much pride in that entrance, because if that deteriorates, then, that affects the value of their homes and so I just share those thoughts with you, knowing that if you want to make sure it looks good, I think defining or giving credit for it -- but that's where you want to go with that. Just giving straight percentages may or may not help that. Hope that helps.

Simison: So, I'm going to ask you another unfair question --

Yorgason: I'm here.

Simison: -- on behalf of the organization.

Yorgason: Sure.

Simison: Just -- just throwing something out there for consideration and, ultimately, I think we want to get into some -- hear from anybody else and, then, kind of ratchet this down and figure out where we can go tonight. But just kind of looking at some of the issues that were put in this -- and I'm going to start with the stormwater retention ponds. Let's pretend like we were to do the suggestion, say we are just going to go to a straight percentage and count everything and if I was to say 8, 10, 15, and 18 as your percentages, but you count retention ponds, versus 8, 10, 12 and 15 and you don't count retention ponds, I don't know how much retention ponds are part of an element, but, you know, say they can be everything from very nicely done now to something that you can't

use, if it's -- you know, for three months out of the year when there is a lot of -- you know, in a rainy year --

Yorgason: Right.

Simison: -- you know, so it kind of varies from that element, but --

Yorgason: Right.

Simison: -- but any -- do you want to speak on behalf of the BCA about the value of retention pounds --

Yorgason: On behalf of our 400 members here?

Simison: Yeah. And if they were to be considered as part of open space if we went to a flat --

Yorgason: Mr. Mayor and Members of the Council, my experience with stormwater -- you find that it -- the answer is it depends on a variety of factors. You look at the Paramount Subdivision, they put a nice pond in and that actually probably does treat their stormwater, but it's designed as an amenity, not because they have high groundwater in that area. If you get closer -- closer to the rim usually it's the case, but that's not so much when you go further west towards Black Cat and McDermott area, the groundwater, again, is McDermott and -- that's right. McMillan. McMillan and Black Cat area. Your groundwater is, again, at three or four, maybe five feet, and so you are really scrapping to try to figure out how to treat your stormwater and ponds might become a natural solution. I was actually working with a builder developer today on a potential smaller type development, where they have irrigation water on rotation. They don't have 24/7 water and that's something you will start seeing more and more of when you have smaller parcels where they have to build some facility, whether it's large underground pipes and vaults, or more likely is some kind of a pond to capture adequate water on the rotation, so they have 24/7 water for their homeowners. You will see some of that if you haven't seen much of that. I think some of that is starting to come to you. That's a very common solution in Eagle, by the way. Have some of those where the groundwater is high and that's just -- you try to figure out solutions and be efficient with the land that you have. So, to answer your question, not every parcel is the same and if it's just intended to be an amenity, which, oh, by the way, it's the side -- like Paramount's water feature is, where they probably do pretreat the water in the -- they call it forebay or the balance of the water, then, goes into the pond for the storage, that's being clever and smart and getting combination of stormwater and amenity for that site, where if you are in a high groundwater area sometimes you are just going to be dealing with, again, northwest corner of Meridian, you are going to be dealing with that regardless and you want it to look pretty, but it might just be cattails and marshland, which is different than a pond and so to answer your question, I don't know how I can give you a straight answer on the percentages, because each -- not every parcel is the same.

Simison: And, ultimately, you either got to count it or you don't count it.

Yorgason: Exactly. Exactly. And I agree with you, Mr. Mayor, about that.

Simison: I will let you think about it. You don't need to answer now -- maybe you don't even have to answer at all. It was more of a --

Yorgason: I'm giving you an honest answer, so it's not about answering the question, I'm sorry. I think that if you have -- I mean is it usable? That's often the question. Is it usable. Well, I'm not saying we put a kayak in there and call it usable, because I think a lot of these ponds and rivers are not full of kayaks, but they are pretty nice water features and are counted as open space.

Simison: Because that can make an easy policy provision where it's required for other purposes. You know, it's there to retain water and so, therefore, it should not be counted and don't include it in the information, but --

Yorgason: Yeah. When I talked to one of the consultants and also Mr. Wardle, who is not here today, but he and I counseled on this together and, again, there is -- there is the forebay and there is the balance of the area. So, if it's the pretreatment area of the stormwater, maybe you don't count that much of it, but the balance could be or should be counted and that's a slice in the app a little bit for you, but I think that might make some sense. Any treatment area maybe that does not get counted, but if it's just for storage, that should be counted was one of his ideas.

Simison: All right. Thoughts for Council for you all to think about as you move forward. Additional questions for the BCA at this time?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Along the lines of that, I know ACHD maintains on our own some of those, even in a private subdivision. I lived in one where the HOA was owning it, maintaining it and it looked great, no problem. As soon as ACHD took over the maintenance it was horrible. So -- to be fair. So -- you know. And so, then, the question comes in -- can -- can it still be counted as an amenity if it's no longer being maintained by the association or by the homeowners? So, there is -- there is all these nuances; right? And that's the hard part about code is none of it ever fits exactly, which is why we got to a place where we got to the qualified and unqualified, because the attempt was to at least address as much as we could. I -- I anticipate that this won't necessarily relieve us of a lot of these -- a lot of these unique situations as much as we hope that it will. But I think in general -- I think it will probably solve more than it -- than the problems it will create. I have a specific question for you about site amenities. I agree -- as a matter of fact, before I even read any of the -- any of the public testimony about the values, I thought why would we put those on a sliding scale? So, I agree, I would rather those not be on a sliding scale.

My question is specific to the pathways and wondering if there is a conversation had about whether those pathways are part of Meridian's broader multi-use pathway system, like we see some developers that attempt to have a portion of their development as part of our -- why am I blanking on the name of our -- well, no, but like our -- our cross-Meridian pathway system, The Ten Mile -- the -- anyway. So, are we going to have a separate -- separate point system for a pathway that is just a walking path or truly a multi-use path with maybe some other visual feature? Is that a conversation that was had and -- and/or is that something that would be proposed? Because we do have that conversation quite a bit. What -- what is this -- this pathway is next to -- next to an irrigation canal, it's nice and wide, there is a view, you can ride your bike on, et cetera, versus just a walking path that's going between the homes to get out to a recreation area. So, just want to specify that.

Yorgason: Mr. Mayor, Council Member Perreault, two things. First of all, let me just quickly summarize on the pond thing. If you just keep it at a 25 percent number, you are basically saying we don't want developers to have a pond as an open space. They will -- you won't see the incentive to do it, so you won't see a pond upon like Paramount's, I will just leave it at that. If you want to try to get there, then, maybe the treatment portion is not counted, but the balance is counted. There -- there is ways to maybe try to get there. Secondly, to your comment about pathways -- and this whole entire chart on the point system. Again, respect to the process. We did not go through each item to say that four ought to be a three and that four ought to be a five. Did not do that. If you want to encourage more value for a regional pathway, if that's what you are referring to is regional versus a private -- and maybe it's city-owned versus private, those are two ways to kind of get there. I'm reflecting upon the Settlers Bridge Subdivision, which we did. We had a regional pathway down the middle and we had private pathways in the common areas throughout. If you want to give two different point systems, that could make some sense, if that's the direction this Council wants to go. It would be more beneficial to the community, to the public, if you want to go there. I'm looking really quickly and I don't know where it is on the charts. I didn't -- I haven't looked that closely, because our -- my goal wasn't to -- and our goal wasn't to debate the efforts of the -- of the committee. If the committee said these are the numbers, then, we just trusted them with -- with their efforts.

Simison: As it relates to the multi-use pathways, they are on our pathway master plan and they are required for the development. So, your -- whatever point value -- but we wouldn't necessarily want you to put in other multi-use pathways that don't connect to our system, because at the end of the day you -- they turn those over to us in one aspect and I don't -- and so I don't think we want them where we don't want them, would be the best way I can answer, and you are going to have to put them where we -- where we ask you to put them.

Yorgason: Mr. Mayor, I'm agreeing, you are -- the city tells us where to put them. We don't tell the city where to put a regional pathway.

Simison: Right.

Perreault: Mr. Mayor?

Simison: Yeah.

Perreault: My question was more about the quality of it, I think, than the -- if that makes sense.

Simison: So, you are saying if they put it in larger within their subdivision and -- if they over built an internal pathway, more towards the standards of a regional pathway, should it count as more?

Perreault: Because my opinion -- in my opinion there is a lot of pathways that I wouldn't count as an amenity, to be truthful. There is some that I definitely wouldn't count. So, I'm wondering if we should make that distinction or not and, if not, then, that's okay, but --

Simison: Okay. That makes sense. Thank you.

Yorgason: Again, that gets back to better is better, not more is better. Appreciate the -- and we agree.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Dave, one last question on -- on your submittal. On page nine under general standards for common open space and site amenities, under location, A-1, you got stricken common open space shall be grouped contiguously with open space from adjacent developments, where ever -- whenever feasible. What was the thinking behind that?

Yorgason: Mr. Mayor and Council Member Hoaglund, I might also point to page two of that attachment. It was 2-A where there is reference to -- I'm sorry. 2-B. Reference to centrally located within the development. There was -- in our minds there is some conflicting comments. If you have a commentary on your site and now you are having to put one next to somebody who already maybe put one in adjacent to you, well, now do you just put one in it's not central and you get credit for it? It seemed like there was some conflicting language there. That was primary -- someone behind you may be able to address that as well. They helped provide a little more insight to that. But it seems a little odd if someone -- it's common area -- let's say it's even a city park, but right on your border, are we now required to put more open space right next to an adjacent development? If that's what the city wants us to do, that seems a little interesting, but that -- that's what this -- that's what led to us --

Simison: And aren't those typically fenced, so you would have a fence between two common areas?

Yorgason: Mr. Mayor --

Simison: On a -- do you have a property?

Yorgason: You are correct. So, if let's say an adjacent development for some reason -- and sometimes you see pathways, irrigation districts, you know, you might have a canal on a common pathway -- common border property and, then, this would tell me that you need to have more open space. The next development on -- next to it has to put even more open space next to this existing open space to be qualified and so either way you have to have an open style fencing per the code. It's just a matter of which type. Is there homes against that open space or is there more open space against that open space before you can have your homes begin to be qualified. So, the intent here was to remove some of the conflicting language. That's -- that's the direction there.

Hoaglund: And, Mr. Mayor, just to comment.

Simison: Councilman Hoaglund.

Hoaglund: In our subdivision where we put in a pathway and the development to the west has open space to the right and, then, Reta Huskey Park is on the left. So, they managed to keep this big open space with a pathway utilizing that. So, I think it's something that developers would look to do if it makes sense, as opposed to being mandated. So, I -- I understand the thinking behind what you are saying with -- with the conflict in 2-B.

Yorgason: Well, Mr. Mayor and Council Member Hoaglund, that's exactly -- about a ten acre size parcel in northeast Meridian that had that exact same kind of thing was an irrigation open space with a pathway adjacent to it and it had kind of a pathway to nowhere and led to some challenges. So, that's -- we are trying to eliminate some conflict.

Simison: Council, any additional questions? All right. Thank you.

Yorgason: Thanks again for your time.

Clark: Hi, everyone. Hethe Clark. 251 East Front Street. You know, a couple extra thoughts here and I kind of want to focus on the -- the red lines that were submitted, because I was part of the conversation putting those together and I think maybe I can give a little bit more background on each. But, preliminarily, I just want to say that, you know, nothing that we are doing here is going to create new public open space. What we are talking about is private open spaces within subdivisions and as a result everything that we do is going to have a permanent impact on HOA budgets. As we did this exercise over the past few weeks we did some auditing and we found that about 85 percent of HOA budgets goes to landscape maintenance. It's by far the highest line item. So, as Dave has mentioned, we do think that the Council should give very serious consideration to removal of the qualified open space concept and in that case we are happy to -- to sit down with staff and work back through the code and try to identify a way to make that work with a new red line. We didn't want to convolute everything tonight with having two

different sets of code and working all through that. But we do think that it would be very important for the Council to give that serious consideration and I don't want to belabor that point too much, because I think everybody is kind of thinking the same thing here. But, if not, we think that these red lines that we have proposed are critical, because if -- without those red lines you are going to end up with percentages of open space that go well beyond the targets that we have been talking about. So, if I could, maybe I could run through the -- the code provisions here and kind of talk -- give it a little bit more background. So, Bill, yeah, second page there. So, the 8, 10, 12 and 12, that's where we landed when we did the analysis and compared the two calculations between qualified open space going away and qualified open space remaining, but with the tweaks that we have identified. We think that that's relatively equivalent to the 10, 12, 15, 15 that we showed -- that was showed in the BCA's letter. With regard to 2-A, the point with regard to crooked or jagged in shape, disconnected or isolated open space, one of the things -- and one of the kind of common themes that I will mention as we go through here tonight is that we think that each project needs to be individually designed to take advantage of the characteristics of that project and as time goes by Meridian is going to be experiencing more and more in-fill development and that is going to be with the context in which this is going to be applied and there are going to be instances where open space is just going to have to be isolated, it's going to have to be in strange -- not strange, but unique -- that's a better way to put it -- orientations. So, allowing for individual design is important. 2-C -- or 2-B I should say. Dave I think hit that nail on the head. But, again, it goes to the concept of individual design. You guys are going to look at these subdivisions and the subdivision layouts when we come back before you. If you think that the open space layout doesn't make sense, you are going to tell us that, but let's not mandate or include conflicting provisions about whether it's going to be centrally located or on the edge.

Simison: If you can summarize --

Clark: Yeah. I will.

Simison: -- and we will have questions at the last.

Clark: Sounds good. A couple of highlights that I would just mention following through here, again, on the -- the -- the street buffers, the stormwater detention, and the open water ponds, you know, we included these red lines, because we think it's important that this -- the result of this process not be that we just end up with a bunch of new open turf areas in order to meet these percentages, because these other amenities that we think were making sense in a lot of areas can't be counted and, then, I would just wrap up by saying, yeah, the demerit system should go away and I will leave it at that and happy to answer any questions.

Simison: Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, ideally, you would sit down in a pre-application meeting with our staff and get some great clarification far before you get to the Planning and Zoning Commission. The more we leave this open the less our staff is really able to guide you truly based on code and so our hope is that you don't get to us -- and by the time you get to us we aren't trying to revise the plan -- your -- your project. It happens. I happens all the time. But that's certainly not our goal. Our goal is for the -- by the time that you get to Council -- by the time you get to Planning and Zoning Commission and Council that we are not doing that and so help -- help us understand if -- if we remove the qualified open space and our staff has perhaps more of a guess as to how to advise you at the beginning, rather than something that -- that they really are using as -- that's code specific, is that going to affect you as you are moving forward through the application process in a positive way or in a negative way or -- I'm just wondering how that will all play out.

Clark: Yeah. Mr. Mayor, Council Member Perreault -- and I think some of the Mayor's comments on this are well taken. Yeah. Absolutely. We want predictability. Everybody wants predictability. I mean I think I'm -- what am I here five weeks in a row at this point. I was trying to set some sort of a record.

Perreault: It's predictable.

Clark: Yeah. That that's predictability, too. But we always end up having these kinds of conversations. But let me -- let me bring it back to the code a little bit and kind of point out a couple of items here that would be in my mind if we were going back and revising the code to remove the qualified open space. So, if you look back at 11-G-A2 -- so, just above there, Bill. Keep going past page two. There are actually three different locations in the code where you talk about the quality -- keep going down. Right there. Stop. 2-A, B and C. So, as we look at this code there are three areas where you actually pull the -- the kind of qualifications for what open space should look like. We have -- in two way we have these minimum open space quality requirements where we talk about things like high visibility, direct pedestrian access, support a range of leisure and play activities. Has to be accessible and well connected throughout the development and, then, it has to promote the health and well-being of its residents. So, actually, there is a fair amount of description there as to what open space should do and gives, you know, you and staff a fair -- a fair amount of leeway to give us direction. And, then, if we go down to the end, Bill, to 11-3G-5, we have -- in addition to what I just read, we have general standards for common open space and site amenities. Again, located in areas of high visibility, avoid hidden areas, maximize pedestrian and bicycle connectivity and, you know, so on and so forth. So, you actually -- even if you were to go and just strike everything that's in 11-3G-4 -- excuse me. Not 4. 11-3G-3. Sorry for the alphabet soup. B. Which is the qualifier piece, you actually have a fair amount of direction already to give to an applicant as to what open space should generally look like. Now, I could see through the course of the discussion about removing qualified open space that maybe a couple of these items may survive and go into those other two locations. You know, maybe we are having a conversation about stormwater ponds, maybe we are having a conversation about regular open ponds, but I don't think -- if we remove the qualified open space concept that people

are bereft of any direction and they are left to flounder. You actually have a fair amount of direction in here already.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Hethe, I'm attributing this to you, so if it's not you I apologize, but I think at one of the last -- the last hearing you mentioned something about alternative compliance and that you are not a big fan of that, because of public perception, but that was you? Okay.

Clark: That was me.

Hoaglund: I couldn't find it in my notes, but for some reason I thought it was you, so I'm glad I haven't forgotten everything in my advanced age.

Clark: I will take that one. Yeah. I do -- I am not a fan of alternative compliance. You know, if you have a -- if you have a controversial application, then, invariably, people are going to say they are trying to break the rules, regardless of what the motivation was for what the alternative compliance was going to be.

Hoaglund: And follow up, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And Hethe -- because I look at things like open space, you know, qualifiers -- I'm on page two, the bottom B-A -- open grassy area of at least 50 feet by 100 feet and -- and to me I think sometimes it may not fit exactly 50 by 100, but you have a 40 by 125 and to me that's alternative compliance. You can come in and you are meeting the intent of the code, so that's why I don't want -- you know, I heard your comment like, yeah, I don't know if we want to do away with that, because sometimes it is -- to make where you can meet the overall standard, but it may not be that exact type. So, I -- hopefully there is that willingness to -- to see how that works that way.

Clark: Oh, absolutely. I mean, you know, we -- who we think -- you know, the -- let me -- let me back up the -- you know, the -- the PUD concept is a great concept, because it allows for people to bring in priorities and maximize open space and have flexibility as to -- as to dimensional issues. But when I look at the qualified open space language as it exists today, what I think of is the number of discussions that I have had with staff over the years, over how do I measure linear open space that's at least 20 feet and up to 50 feet in width, when it's crooked and in parts is less than 20 and in parts is wider than -- wider than 20. Is it -- you know, has -- you know, what does it mean to have an access at each end? Is that into a smaller pathway that comes out by a driveway or does that have to be onto a sidewalk at the street? You know, these are the kinds of debates that we have had multiple times over the years and I -- to me that's putting form over substance, you know, tell us -- we want something that is, you know, open space that's

usable, it promotes pedestrian activity, that, you know, isn't going to be a crime issue, because people can't see it and, then, tell us to go design the project according to the typography and the layout and, then, let's just move on.

Simison: So, you're saying if Picasso had to do a paint by numbers we wouldn't get what we got?

Clark: That's about right.

Simison: Council, any additional questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, along those lines are -- this wasn't in the -- the crossed out area in red, but are you suggesting that if the clause that these open grassy areas are crocked or jagged in shape is removed, that we -- that we change that to being a 5,000 square foot open grassy area and not have dimensions?

Clark: Council Member Perreault --

Perreault: Have it square footage instead of -- you know, to Councilman Hoaglund's point, 40 by 125. Is that -- and that wasn't stated in here. I just want to make sure I'm understanding.

Clark: No. So, what I have -- the thought process with this document that you have in front of you is if qualified open space is going to remain, these are the red lines that we would recommend. If -- if qualified open space goes away, then, what I would recommend is that we work with staff and get you another iteration of this. Now, with regard to what I think your question was about the crocked or jagged in shape, to me the crocked or jagged in shape piece was just unduly limiting and it -- to me it just didn't serve a purpose. Now, the open grassy area of at least 50 feet by 100 feet is also going to be a limiting dimension. It's -- you know. And it's not a great -- it's not a great approach when we are talking about, you know, how can we make our HOA more drought resistant to say that, you know, if you are going to have grassy open space for it to qualify it's got to be at least 50 by 100 and so, you know, from that perspective I'm not sure that it moves the ball forward either way. But, again, what -- what we did here was, okay, if we are in the track as it seems to have been moving forward today, then, the things that we are really focused on are -- let's give more credit along the arterials for landscape buffers. Let's allow for more credit for stormwater facilities. Let's allow for more credit for open space ponds. And, then, we think that that gets somewhere close to what the percentages would be if you had qualified open space versus if you didn't. And the science is not precise, but this is based on as far as we can tell.

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

Clark: Thanks, everybody.

Simison: Keep them coming.

Conger: Mr. Mayor, Members of the Council, Jim Conger. 4824 West Fairview Avenue, also part of the open space committee. So, super grateful for that and grateful still to be part of the process as we get near the finish line. Kind of start now, Bill, if you could go to the -- bathroom? Or the first page would be great.

Johnson: I will be Bill. What can I do for you?

Conger: This first page, please. Chris, thank you. First page of our letter, which is that left tab up top. If we could scroll to the top we would be in business, which that's not -- is that the top top? Okay. So, just scroll down a little bit and we will just get to the -- yeah. Almost. Almost. Right there is perfect. So, back on percentages -- and I will try to give -- give my input on a couple questions from where we see it, which are very similar to where Dave sees it. As far as percentages, really, Council Woman Strader kind of put us all to the test and in that last saying go back -- and we are slightly embarrassed, we hadn't done the effort -- A, because it took two to three days of different staff's time, but to go put a bunch of our past projects in it, see where we come out. That is why you are seeing some last minute information from the BCA and things of that nature is that was a -- an amazing exercise. What we did find is the similarities of the qualified percentage to the total percentage is close enough to be in uniform that it seems like we should just go to count it all and get to the right percentage of that. Staff time is saved. The bickering and putting us in front of you and us with neighbors in front of you seems to -- to clear up a lot of things. With -- with that percentage we understand that it's going to be a greater percentage. We are shooting to increase by 20 percent or so to the HOA budgets, not the 50 percent -- 50 percent plus that we think is on the table. So, we have been transparent from day one that that -- that is a little bit of an issue. We are saying count it all, 10, 12, 15 and 15 is what's on the screen in front of you. Quick questions on the density to Mr. Mayor's question. R-4 product and R-2 we are not going to talk about, so R-8 versus R-15. R-8 gets you detached homes in a density range of four to five homes per acre. Four to five. R-15 in a -- is -- really should be broke down by two, but we think it's too late in the process and it would snap everybody's mind. But -- but R-15 -- we do a detached product with Blackrock homes in an R-15. We get six -- if we are lucky we get seven homes per acre. So, you go from four to five, to six to seven. What you haven't seen a lot in your city, which will be coming, I suspect. Not by us, but by others, is R-15 you can also attach and you are going to get nine units per acre, plus or minus. You really can't get to 12 in a for sale home product. If it goes higher than that you are in multi-family and that's already covered and we are -- we are all pretty close to satisfied with that.

Bernt: Mr. Mayor? Sorry.

Conger: Yes.

Simison: Councilman Bernt.

Bernt: I don't mean to cut you off. Just -- just to confirm. Did you just say that development may be coming where you might have nine to ten units per acre for R-15?

Conger: Mr. Mayor, Council Member Bernt, if there is a surge of townhomes, which we haven't seen yet, and I'm not saying it's coming, so I said that wrong if I said it that way. What R-15 has done is -- is just a smaller lot by a little bit from an R-8. I said your code allows those to be attached and -- and I haven't done one and we haven't seen one come through, but you -- in that Ten Mile area I have heard there is some townhomes that might be coming. I haven't seen it. In that case they are going to get around nine homes per acre. We just know that what the product type of townhome produces. So, possibly at some point R-15 -- we are saying R-15 and R-8 in a detached environment is super similar on the number of homes and what needs to be programmed for open space. If there was appropriate -- and Jon Wardle and I had beat this up at nauseum over the phone over the last four days. R-15 at some point might need an open space number if you attach for townhomes and it would need to be a couple percent higher than the R-15 detached. Now, we also do two attached homes. I'm talking townhomes, which are three, four and up, because R-8 attached homes is the same density as detached it's no more and not anymore. So, I think answering that question we -- why the BCA and all of us and even the committee kept R-8 and R-15 is the densities are extremely similar -- similar. The livability is extremely similar. A lot of the R-15 is used just for the three foot side yard setbacks and I have got a couple more questions to ask, Mr. Mayor, if that's okay. The ponds. Ponds seem scary in a storm drainage environment, because we are used to the old standards where you are seeing these sand ponds. If you have seen ponds in the new subdivisions -- you don't see very many of them, because ACHD standards have gotten a little bit tougher. You -- you have that cute little forebay, which Dave indicated you might count or not count. I think you ought to count it. That takes the two year storm and all the nuisance water. It's the size of maybe four of the --

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Can you -- Dave -- or sorry. Mr. Conger, can you -- can you clarify what a forebay is for me?

Conger: Yes. I'm sorry. So, you have a drainage pond and, then, you have a forebay. So, the forebay takes the two year. So, the two year rain event and any nuisance water from all our unfortunate sprinklers on all this open space, goes into the forebay. That has a sand bottom and needs to perk on a daily basis. Now, it's still designed like any ACHD function of new subdivisions, they have to drain in less than a 24 hour period. So, these old pawns that stand water and such that aren't designed to stand water, that doesn't happen in the new world or there is a flaw and there is a two year warranty and that will be fixed. So, this forebay is the size of about four or five of these podiums per a typical pond and it is steep, it's kind of fun, wildlife likes it, I think they are fine. It's a small square

footage area. You are not going to back it out of your open space. The pond area is no longer sand, it is turf. It's -- it takes the -- anything greater than a two year event all the way to the 100 year event and it is designed to flow or to be drained in a 24 hour period. So, counting these new ponds as open space would be totally applicable and totally usable. It's not the old ponds that you are used to seeing. And you don't see as many, only in your high groundwater areas that Dave alluded to, and because of ACHD's stringent requirements on ponds, you are seeing more of those pervious pavers in some of those neighborhoods. They are doing that instead of a pond, because the ponds are harder to -- to -- they take up real estate and you don't get to do homes. So, it's not because they are more expensive to build. But 90 percent of Meridian you have the underground -- underground drain beds, which are very typical. So, ponds are not the ponds of the old -- and we are not even talking wet ponds, because there is very few of those.

Simison: If you can wrap up, please.

Conger: Yep. I'm wrapping. I'm going to wrap up -- wrapping up is we are the canary in the coal mine. We have to manage these HOAs -- you know, Blackrock Homes, my number one build I sell to, these builders don't manage them, the developer manages these to the end. We know them inside and out. We have to leave them economically healthy, viable and going to survive when we are done, you know, and I'm the one -- and my office has to deal with these budgets. Increasing these budgets by 50 percent isn't sustainable and isn't in -- you know, some neighborhoods it's great, some neighborhoods aren't. If we don't want any middle income neighborhoods, then, I think we should go to 20 percent, but I don't think that's the intent that we would like to see. So, we are here on behalf of -- they are not going to function in the long run or some of them have the opportunity to not functioning and I believe buffer should count, because when I'm driving by some neighborhoods that I don't particularly like, two story homes on arterials, we don't do two story homes on arterials in our developments on purpose and I wished that were a code requirement, but it's not.

Simison: Thank you.

Conger: Buffers should be landscaped. We will call it good right there.

Simison: Questions from Council?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Jim. Appreciate you being here. What's your opinion about the minimum and maximum baseline for multi-family? I'm looking at a spreadsheet. It's got five examples. Every single example has -- it looks like over 20 percent qualified open space. Do you think those are appropriate, considering the R-15 proposal was 15 percent?

Conger: Yep. Mr. Mayor and Council Member Strader, I do only because I have an unfair advantage. We -- you know, Jon Wardle and I -- and they put it out for a little subcommittee to sit and go through this. This is why in the Planning and Zoning Commission there really wasn't much talk on it. It went through pretty fast. The focus was on the single family. There were only several of us -- two of us developers that had any interest and -- and we had one, if not two separate meetings to get those percentages right and in that one we actually did go and pull past projects. Two of them are Brighton's, I think one was mine, and I think we did one that wasn't any of ours. So, Jon Wardle and I worked through those. That is a tricky balance as well. You need enough, but you just can't have too much, and I don't know if you spend a bunch of time in apartments going around, I mean -- and the same with our open areas. I mean you can go on any day of the week and find one person in these open spaces. So, we think they are super important. We think those numbers are correct. We went through those and I -- in -- in a subcommittee environment, so I'm a little able to talk on that one a little more, but I can stop there as well.

Simison: Council Woman Strader.

Strader: Yeah. I guess I'm -- I'm just -- I'm trying to follow the logic; right? So, it seems like the logic up until this point has been that if we put more people in one place together with more density, we need to give those folks some more open space to share; right? And so I -- I guess I'm just -- I'm struggling with the maximum baseline being set basically a cap at 15 percent when all these projects far exceed -- all the examples I have seen far exceed 15 percent. They all exceed 20 percent by a longshot. Some of them are at 30 -- you know, over 30 percent. I mean if that requirement was 20 percent would you lose sleep at night? I mean do you think that would really be detrimental to your business or others businesses?

Conger: Mr. Mayor, Council Woman Strader, you are jogging my memory and why I was so passionate to get on the subcommittee. So, what percentage of open space in multi-family does is all you are doing is getting rid of the two story garden apartment, which I'm a big fan of, or the townhomes that you guys just approved for me in Movado, if you go to a greater open space you are three and four stories tall and that's all you are going to be able to do. So, when you are trying to nestle in next to a neighborhood like my Movado, I was trying to get along. In fact, I went single level for one road to get along, because they were my own neighbors -- than to two story and I didn't go to three. I would be in front of you with three and four story product on that, because of the 20 percent makes your footprint smaller. So, ironically enough, that becomes a penalty and you will no longer have two story garden style apartments in Meridian, because you would need the 20 percent, your footprint is too small and it's not possible. So, we -- that was what formed the subcommittee is -- that's where staff was going, too, was that it's actually the wrong -- and I think per unit you don't have the same number of people in an apartment that you do on a home, so it's a little bit of apples and oranges of -- of -- if you count units.

Strader: Thanks. That's helpful context I think. It's a little bit different, but -- yeah, I guess that's a little bit of a struggle; right? In some areas of Meridian we do want density and

that would be appropriate. Yeah. I know we talked about in-fill areas, you know, it's not as important; right? And when you get to the outskirts of the city it is. So, appreciate your -- your comments.

Simison: Council, any additional questions?

Conger: Thank you.

Simison: Is there anybody else that would like to provide testimony on this item at this time? I know we have a couple of people who are watching online. If you are on Zoom if you would like to provide testimony use the raise your hand feature. Otherwise, Council, what I have proposed is maybe a ten minute break while we gather ourselves and come back and see where we want to go. I'm not seeing anybody online raise their hand. So, let's go ahead and take a ten minute recess and, then, we will come back and go from there.

(Recess: 8:47 p.m. to 9:04 p.m.)

Simison: All right. Council, we will go ahead and come back from recess. When we concluded we had taken all the testimony from those in the room on the items. So, I guess where we are is open for conversation and dialogue, but maybe since open space is what we would focus on, if -- if I could at least get Council to talk about are you happy with what's drafted or would you like to consider something else regarding qualified or not qualified as your delineators? Let's go right to the big question of the night and, then, work our way from there and see where we are going to go.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: So, to kind of frame that a little bit --

Simison: Yes, please. Frame it for me.

Borton: Well, I just -- this is step, you know, 97 in the process for all six of these exhibits and all of the changes. So, I think Dave's comments with regards to the process that got us here is really important to remember. Whether we start with Exhibit 3, which is what you are talking about -- we can do the first one, but it might be constructive for us to address each exhibit and perhaps take a motion on each as may be amended. Some may be fine. I know three is kind of the biggie. We can start with this one, but --

Simison: And I think why I went with three is kind of based on last time -- not entirely. I mean maybe -- we weren't in a position, because of the public hearing, where we were -- we were going to be breaking them up, because once we kind of closed the public hearing and I think that's kind of where knowing if we feel like we are comfortable to maybe move forward on the big ones, will help maybe determine the timing of the other

ones, with the closing of the public hearing, or if we say, no, we are ready to move forward on the other five and this one we are not and we close the public hearing and we restart this process, that's really where -- I didn't -- don't want to get to that point in time in closing the public hearing and start in making motions if this point -- if this one is not going to be able to be closed and reopened or we have to renote and redo. Make sense? As clear as mud.

Borton: I think so. I'm with you.

Simison: Okay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: This is great input. I just like to listen to the discussion and the debates and pros and cons of the pieces. I thought coming from the committee, the work that kept the qualified open space in and from Planning staff, which all incorporate and continued that existing concept that we have had for a long time made sense. I think some of the discussion and even up to today's discussion, some of the BCA comments, provide some opportunities to tweak it a little bit. So, I think, from my perspective, keeping it in, although there is some pretty good adjustments suggested to the concept of qualified open space, seems to be the most prudent way to go and consistent with the work of the committee, which kept it as well. And, Mr. Mayor, just to -- to put some teeth to that, I think the suggestion -- based upon all of the discussion and basis for it, the discussion of reducing the open space in R-2 make sense. There is -- there is several positive reasons to do so. I think that eight percent versus ten -- I hope that made sense. I thought the 2-A removal of the open grassy areas that are crooked and jagged, I thought that made sense. I think the earlier part of that paragraph still captures the intent. You know, shall demonstrate the open space has been integrated into -- and I think it's --

Bernt: What about that part?

Borton: I think the whole sentence can go out. Maybe if you meet the top part of the paragraph, that captures it, and to -- to Hethe's comment, to some degree we like certainty, we also like to encourage some creativity and flexibility and I think that seemed to be a fair compromise from the discussion that we have heard today and removal of that. So, those are the -- those are the two that jumped out at me as far as a refinement. But otherwise keeps the qualified open space concept.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Thoughts on the centrally located within the development. What are -- what are your thoughts on that -- our thoughts on that?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will jump on that, because I thought that tied into the -- we have lots of consistent themes in different sections, which is -- it's good, it's helpful, but the centrally located isn't as critical as -- to me as the earlier sentence in the earlier paragraph, that it's integrated into the development as a priority and not for use of the land after all other elements have been designed. I think that sentence in A is such a strong principle --

Bernt: Right.

Borton: -- that truly captures what we are looking for with open space and what I hear the development community and -- and the committee making sure we reinforce. So, the fact that it's -- and we have approved a couple that didn't necessarily have -- centrally located, but it was still really well done, so --

Bernt: Agreed.

Borton: -- I think the striking of that phrase in B doesn't negate the power of A. That's another good example to refine it.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Next talking point was with regard to B-1-A with regard to 50 -- the 50 percent number. Thoughts on that?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. That's one I had some struggle with as I was looking at that with the front yard and understand it's, you know, to create a sense of community and place and it's just -- it's just -- it's going to change developments quite a bit and it benefits those people in particular that have those houses to the front, but I'm a person who lives in my backyard and that's where -- to me if I were to buy a home and I had open space behind my house, I would choose that over a place that had open space in the front of the house. But that's how I -- that's how I live. So, it may be different for different people, but it's just hard for me to wrap my mind around that, that that's how we would, you know, have 50 percent of the perimeter and I think one of the developers had a letter that talked about how none of their developments met that standard, it was a very high bar, and I think you had to go down to -- 30 percent would be the most they could have -- would have met, which, you know, that -- that's an option, I guess, if Council wanted to do that. But that was just an odd concept for me. I just drove by yesterday through our -- our subdivision

and the big open space area and a family has a gate out their back and they are having a birthday party and had the big blow up tent in the open area -- common area, because that was, you know, extension of their backyard and to me, again, that's just me, that's my living area. So, that's where I go. Not -- not my front yard. I -- I make that to look pretty for people to look at. At least for my wife to make it look pretty, so -- I just mow it.

Simison: Council -- Council Woman Strader.

Strader: Yeah. Mr. Mayor, if we are just taking feedback, I can comment on all of those points. So, to me if we throw the qualified open space concept out the door, I think it requires us to really rethink everything. I don't think it's consistent with our past practice. Like my bias is similar. It's to try to allow for more creativity in meeting what good quality -- you know, good qualified open space looks like. So, I'm okay, I just think if we wanted to throw out that concept, we would have to really redo and rethink all this. I don't think it's as simple as translating it into a new percentage. The only minimum open space requirement that I was really open to changing without delineating between attached and detached R-15 was the R-2. I could see lowering that slightly. I agree under 2-A I don't care so much about prescribing a certain shape for open grassy areas. I do think the concept that if a space is disconnected or isolated is helpful language. However, I am not tied to space being centrally located. I agree with Councilman Borton that the other provision covers us there. I don't -- I think we get a lot with the frontage on 50 percent. I don't think we need that. And, then, more my kind of overall concern is actually the multi-family section. I think the 15 percent cap just seems really low relative to all the projects you have seen and I actually think that our Comprehensive Plan provisions on appropriate transition would cover concerns about having appropriate numbers of stories of multi-family next to single family. But that -- that's my only feedback there. I guess it is still a minimum. So, we could certainly hold people to a higher standard. But given that all the examples I have seen far exceed even 20 percent qualified, it seems like it's a bit low. Maybe something like 17 percent cap, 20 percent cap, just seems more logically consistent with the principle that more density should require more open space to me. But that's my feedback so far.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Any other feedback up until now from Council?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To that point, is this a -- in Exhibit 3 as a whole, considering -- kind of close the door on Exhibit 3, once we do we can move onto another one.

Simison: I think the question becomes -- just like other things, if you are going to make a motion and do all the edits and effectuate them this evening and then -- then I think we do it all, but if you want to leave the public hearing open --

Borton: Right.

Simison: -- then you can either give staff direction and see what they can do and come back and -- but we can touch on any others if there is any other changes that people want to propose to the point of -- I don't think that there was any others from previous ones that I can recall.

Borton: Pretty much.

Simison: Yeah. Exactly. So -- but --

Parsons: Mayor and Council, for -- for clarification it's actually Exhibit 4.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Would you prefer that we go exhibit to exhibit even making motions or does the motion have to include all of the exhibits with all of the -- because that could be a long --

Simison: We said we were going to go exhibit by exhibit when the time got there. Just the question of whether you are going to close the public hearing before you start making your motions and are we at a point where we can get through Exhibit 4 tonight or not with a motion. I think that's the question for you all to -- that's why I was trying to start there is can you get through Exhibit 4 with a motion or were we sending it back for further edits and refinement before that were to occur? And that's why I started with the big hairy question about if we wanted to change the concepts before we got into individual elements of it. I have heard from two Council Members at least that they like -- they don't want to change the concept. They want to keep the qualified versus unqualified concept, which is what this is written as. I didn't hear over here if that's where this side of the room was, qualified versus unqualified, or yourself, but I think that probably sets the direction for the rest of the night is at least wiping that -- knowing which direction we are going on that bigger issue and, then, we can work through how far you think you can accomplish. Does the side of the room want to say that they are happy with qualified versus unqualified or if they want to reconsider that? Or if they would -- would prefer to reconsider that?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would say that I am -- I'm really very much in favor with nearly -- literally every red line that was presented by the BCA, but I would like to keep in the qualified open

space, because I -- I think it's just -- it gives that guideline to our staff. I think that's where I'm really struggling is if we don't -- what does our staff use to help an applicant that comes in if there really truly is not a set of qualifications. I think that's the piece that I'm kind of struggling with. We are taking away qualified versus unqualified, even with the -- even with what we have already proposed here. So, if -- if staff and/or the Mayor doesn't think that that's an issue, I would like to hear that as well. But that's kind of my -- my concern about whether we could stick with qualified or unqualified and I completely understand the developers' and the public's concern about the complication that it creates, but I think that there has been an excellent job done of the line -- of lining through the problematic issues of, you know, what is ran into when we are trying to qualify. So, I think that we have -- that there has been a sufficient job done, that if we still keep it as qualified, that we have made enough changes to the code to -- to minimize some of those -- the challenges that have been created in the past. So, what I would say for myself is I would prefer to keep even qualified open space requirements. I'm okay with the percentages, with the exception of I would like to see there be a distinction between attached and detached in R-15 and one at 12 and one at 15 or 18. I don't know how easy or difficult that is for us to do. I would have to ask staff if that is too complicated, but I would like to see a percentage increase in attached. With the R-15 so many of the applications that have come before us in recent memory -- it's not because there is higher density, it's some other element of the R-15 category that they are -- that they are looking for, whether it's a change in -- in, you know, setbacks or it's -- a lot of what we have been seeing isn't -- isn't for density sake, it's for some other element of the R-15 category; right? But I think it would be a good idea to distinguish, because they do anticipate -- I agree, I anticipate we are going to -- we are going to be seeing some more dense projects within the R-15 category. So, that's the only change I have to make to the table. Everything else I agree with the red lines that we have seen be presented by the BCA, with the exception of the open -- open water ponds. I would like to -- I would like to increase the percentage that we -- that we count towards those, but I don't want to -- I don't agree with it being at a hundred percent, because of the type of amenity that it is. More of a -- it's not really a usable amenity, it's just something nice to look at. I consider the amenities that are usable as -- in a different category in my opinion. Other than that I agree with everything else that has a red line in what was proposed by the BCA. I hope that -- I'm making my thoughts clear enough.

Simison: So, we have clear guidance from a majority of Council, qualified versus unqualified, so now it's just the elements you all want to put into a motion for changes.

Hoaglun: Mr. Mayor?

Simison: Your opinion doesn't count. I mean -- yes.

Hoaglun: I know. I -- you know, I can count, you know, okay, there is five -- okay. No. It's just interesting. There is that -- that market person in me who goes our system is built on competition and if you want to have a development that attracts people you are going to put in an amenity. So, if there is that competitive element and we remove qualifiers and just say there is a percentage, go for it, it would be interesting to see what -- what --

what would happen from that. But, again, there are sections, though, that I -- we are -- we are Meridian and we do have standards that we want to have and maintain a quality development and -- and, really, for -- for the most part that happens and every now and then we get a bad apple, but they don't last long around this market. So, they get driven out by competition. So, that's a good thing. So, yeah, it's -- it's one of those things that I think if we walk through and -- and the fact that with the -- if we are to go to open space and don't qualify anything, I think I would really have to do an analysis on the numbers. So, that's -- and that kind of goes away from the committee process and everything, so I -- you know, to stay, you know, within -- within the boundaries of what they talked about, I'm fine with going to qualified open space and working through those numbers and, yeah, I think there is a lot of good things that were brought up that there is some redundancies and other things that we can -- we can take out. Council Woman Perreault, I kind of -- I think upping the percentages for like open water ponds and whatnot, we have one in our development that's very nice. It's not an active place, but it's nice to walk past, nice to have the fountain going and whatnot. So, I think having that ability to increase that some more -- yeah, I think there was some -- some good recommendations throughout that I could live with, it's just a matter of -- I think, Council Woman Strader, you had mentioned about R-15 attached, you know, is something -- something that we need to look at. Does that change the dynamic? Because our goal has been -- especially as we have gone through the pandemic in 2020, the fact with more people at home for longer periods of time, it kind of opened our eyes to, okay, what -- what type of space do people have to stay close to home, but still be able to be out. In smaller yards there is less opportunity. So, how can you -- of course, kids, you know, are not supposed to be playing together during the height of that, but -- anyway. So, I'm -- I'm good with moving in that direction, Mr. Mayor. How is that for the short answer?

Simison: That's -- that's awesome. Just since we are talking about it, you know, when -- when it comes to -- I just looked at the -- you know, I read the minimum open space quality requirements A, B, and C that are there and I try to apply that principle towards ponds or water ponds and I don't see how it doesn't qualify when I read through it. I mean if you look at the -- if you take A, B, and C in conjunction -- now, maybe it doesn't mean number D and 2-A -- you could argue maybe it doesn't have fish in it. If it's got fish in, you bet. But it meets C. You know, passive, gathering, real relaxation. So, we -- at least from my perspective -- and I think it's -- it's important to like look at our definitions and determine why it would not. The ponds and -- Mr. Conger got me on the -- at least personally on the changes that ACHD has made to retention ponds and their values. If it truly is, the retention pond is now a very small space, and the rest of it is a grassed up open area, then, how are they -- that, again, makes sense to apply -- to make that available if that is true. I just don't know who can verify what Conger said this evening.

Parsons: Mayor, Members of the Council, I certainly could support Jim on that comment, because our -- Brian McClure in our office has worked diligently with ACHD to make sure that they upped their standards for those retention ponds, because we have seen this over the years -- and our code, again, allows them to be counted, but we want to make sure that they are integrated and done tastefully and enhanced as part of the development. One of the most recent examples was Jump Creek that Corey Barton did

over there on Black Cat, it's the -- actually, northwest corner of Black Cat and McMillan. That was one of the successful projects I worked on where we had them integrate all of that open space and we had pathways next to it and making it part of that interconnectivity through the entire subdivision and we actually got very attractive ponds with boulders, ornamental grasses, not a lot of sand in the bottom of it and it works very well. So, yes, those standards have changed tremendously over the years and what we typically do if we question it, we have the applicant provide us a detail of that with their final plat, so we can make sure that they do meet the standards of the code.

Simison: Thank you for that. The last one I just want to point out is going back to the 50 -- 50 percent and I know it was Brighton that said 30 percent. To me I think that's really a design element that is best looked at without a percentage requirement one way or the other, in my personal opinion. You know, I -- we all know what we see and Renaissance Park in my subdivision doesn't have anything back in it -- or except for a few over on a little skinny stretch, which isn't really even part of the park. In all the open fence -- with everyone opens up and streets that are around it, I don't know that 30 percent, whatever, would have improved that park if that was the case. I would have turned some houses on another street to look a different way, so now you are conflicting between an arterial -- or a collector road that we don't want to have houses fronted on anyways, that's what your requirements become. So, at least from my perspective I don't know why -- why percentage should be included at all. I'm not just talking to reduce it. That's a quality design element in my opinion. But you at least have my thoughts. The rest of them I generally agree with what has been stated.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, would you be open to applying the open space requirements A through C to the open water ponds and, then, giving a higher percentage that meets those qualifications or how would you envision applying that?

Simison: Personally I would count it the same as every other open space number as part of your overall number personally. You know, whether or not you put a fishing dock on it, does that become an amenity then? Maybe. I think there is a -- if you -- if you said you are going to put some fish in that when you first turn it over -- I mean that's -- I mean that does make it an amenity -- or make it more recreational, but is the HOA going to continue that when they take it over, stocking the pond? That's my opinion. That's my viewpoint.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think I'm in the camp of if it looks good and it meets those requirements that we apply I think staff's judgment to it, whether it's meeting those requirements, I'm --

I think I'm actually of a similar viewpoint, like if something can be done well I'm okay with them.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: If one of the staff can -- can expand on 2-A and Item C, the Crime Prevention Through Environmental Design Standards. We talked -- we touched a little bit on at the last hearing, but some of the public testimony we received -- I think even from some of the individuals in this room -- were to remove that and I want to understand more about it, how it got to be in there in the first place and what -- what its necessity is.

Simison: Mr. Parsons, is that you or do I need to turn it over to the police department? Who is the best person to talk about CPTED as it relates to open space?

Parsons: Mayor, Members of the Council, it's a collaborative effort. Let's say that. It's a team effort. Whenever we design projects we want to make sure they are safe and that's why -- not only in this section of code, but in many other sections of our UDC there is other requirements where we keep shrubbery to a certain heights, we require drive-throughs to be oriented towards the street. It just makes the community safer and that's really the goal. If you have people tucked away behind -- open space tucked away behind homes without adequate fencing and too much landscaping, you create situations for maybe mischievous behavior and that's -- that's really what CPTED is is designing things so everyone is responsible and all eyes -- public safety is being met. So, it is -- it is a critical element to land planning in our -- in our opinion. I don't know --

Simison: For example, an amphitheater behind a house that's completely sunken and no one can see into it would not qualify as open space. It may not be prohibited in the development, but it would not qualify as open space if it didn't meet CPTED. That's how that would be interpreted?

Parsons: Right. We -- these are things we talk about all the time at pre-application meetings as well. If we see open space that dead ends and really doesn't connect anywhere, we are like why are you doing that. We don't know when that's going to happen. Or we have them redesign it to have outlets on each end of the street, so that you can see access from both ends and that's why you see a lot of the definitions for linear open space where it's open on each end, because we want to make sure ultimately that you can get down there and get access to it. It's also public safety. If someone gets hurt on the pathway or something, fire has to get down there and get somebody or EMS has to get somebody, too. So, those are a lot of things that come into play when we are talking with applicants. It's -- it's more than just where to place it, but it's also how to place it and how to design it, so that does -- it functions well and it's safe.

Strader: Mr. Mayor, I have a question for staff.

Simison: Council Woman Strader.

Strader: You know, Hethe brought up an interesting point about the grassy areas and certainly grassy areas that are usable are interesting; right? But if we have big grassy areas that are not usable I don't think we want a ton of those. We have plenty of drought tolerant landscaping provisions. I just wanted to make sure that under the open space qualifiers that we felt like at least under E there was an option for open space areas that would not be grassy necessarily, if we felt like that there was an alternative that would work for that.

Parsons: Yeah. Mayor, Members of Council, absolutely. I think you see some of those examples in this exhibit where we -- you can have hardscape. We actually have a multi-family development that is behind Trader Joe's that we did where all of those units front on a courtyard inside of there, but you don't see the raised decking and -- and the rock and the trees. I mean you can still do that, it's just how you design it, if you design it that way, and also point out to the Council that we also have in our -- in Section 11-3B we allow for waterwise landscaping. So, that's something the applicant could work with us on and do something different. That's where that alternative compliance may come in to try to eliminate turf and come up with something -- a fountain or something that could create that.

Simison: Council Woman Strader.

Strader: Mr. Mayor, yeah, thank you. I appreciate you saying that, because I think that, you know, there is opportunity for creativity there. It looks a little bit different than things that we have seen that -- I appreciate hearing that there is an alternative there.

Simison: So, following up on your comment, then, are you suggesting, then, that the open space qualifier to remove the word grassy in B-1-A?

Strader: Mr. Mayor, I actually think -- because it says including, but not limited to, and there are multiple options, that the other options could contain nongrassy areas based on the comments I just heard from staff, unless I am looking for a nod that I have interpreted those comments correctly.

Simison: Okay. Going back to something else in this area, the 50 by 100, does the shape matter much to Council as the 5,000 square feet, which that equates to?

Perreault: Mr. Mayor?

Simison: You don't like -- you like the 5,000 or you don't like the 5,000? I like the square footage, because as you look at the design of these, to me it makes sense that if you are going to have a crooked or jagged shaped area of your development, which we are going to more frequently see the smaller applications that come through, that those can be usable as grassy areas and so if we limit it to a rectangular shape then we are limiting an area that could really be a nice, usable -- I mean do you choose your open grassy areas

based on whether it's square or rectangular or round or -- I mean I don't. I don't know if the average public does. But I think it will give them more flexibility for those crooked, jagged, irregular sections of the development to be used as to -- to really have a great use. So, I understand -- now they are not limited; right? They are currently not limited from using those areas as -- as grassy open space. It's just that if it's over 5,000 square feet and irregular shaped, then, this would allow them to do that. If we say it's 50 by 100, now we have assigned a shape to that and now we have limited it, so -- if that makes sense.

Simison: Yeah. Right now it says 50 by 100. Do you like it saying 50 by 100 or would you prefer it to be a square foot number?

Perreault: I prefer the square foot.

Simison: Okay.

Perreault: Yeah.

Strader: Mr. Mayor, same.

Simison: Okay. There is two for that -- for that ratio from Council.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A procedural question for -- for Mr. Nary. For us to start taking action on these we will close the public hearing on the whole application and, then, we can at least start making motions; is that correct?

Nary: Yes, sir.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move we close the public hearing on ZOA-2021-0002.

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

Simison: I have a motion and a second to close the public hearing. All those in favor signify by --

Borton: Mr. Mayor, just -- just a quick discussion I guess why. I think we will -- we will craft these in our discussions in a motion. It may die, it may go nowhere, we can reopen if need be, but let's get us to the stage where we can start taking some action.

Simison: Okay. Not that -- I don't think it matters, because this is -- do we need to give Bill the last word? Because our public hearing -- technically, no?

Nary: So, yeah, Mr. Mayor, not really. I think -- I mean I think -- I think it's fine this direction. Close the public hearing, give some direction. Obviously, staff has to craft the ordinance, so you are going to have to look at it again and comment on it. What you are basically just saying is we have -- we have received enough public comment to move forward with directions to staff in crafting it.

Simison: I just didn't want to -- I want to make sure we at least gave the applicant the last word --

Nary: Oh.

Simison: -- if we felt we needed to do that we close the public --

Nary: Yeah. I don't -- I think we are fine.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm going to jump in with a motion and this is with regards to Exhibit 4 that we have all been discussing, addressing 11-3G. So, I'm going to move that we approve the proposed changes by staff after consideration of the applicant slash staff's comments, as well as those from the public, and through today's discussion, that we approve the proposed changes to 11-3G, Exhibit 4, as presented by the committee and staff for today's hearing, with the following red line changes and I'm going to be utilizing the BCA exhibit to -- it seems to have been the focus -- it's on the screen. That's the focus of a lot of our discussion. So, the changes -- the red line changes that we would incorporate into this approval would be switching the open space percentage for R-2 from ten percent to eight percent. That the proposed redline deletion in 2-A where open grassy areas that are crooked or jagged in shape be removed, as that in 2-B, the phrase centrally located within the development be removed. That in B-1-A that it be amended to read open grassy area of at least 5,000 square feet in area. Period. That in the stormwater detention facility, that it -- the stormwater -- excuse me -- the period would be -- I guess the red line would come out -- of this chapter may count. Everything from then on gets removed. So, the stormwater detention facility would become a potential qualified open space. That's six. With regards to open water ponds, that the 25 percent cap be removed. That 11-3G-4B2 be removed and I think the reason for that removal -- there is some good description and

direction already existing in code as to what we would like to see in a lot of those elements that's further down in this section and, last, 11-3G-5. Oh, excuse me. That -- I think that's it. That would be it. The reason I'm not asking the 11-3G-5A1 to be removed is because it utilizes the phrase whenever feasible and I think to Council Woman Perreault's comments earlier that when there is chances to provide some direction as to what we would like to see, I think this phrase can remain in or should remain in, because the phrase where ever feasible doesn't make it a mandatory, it just tries to provide helpful direction. So -- so, that's the motion with regards to Exhibit 4, 11-3G. I think we could split hairs a thousand ways on each section, but I think the committee did good work. I think we had great input from the development community, from staff, and I think this UDC is a living document and as soon as we approve changes we are going to continue the work to -- to make it better going forward. So, that's the motion.

Strader: Mr. Mayor?

Simison: Do I have a second?

Strader: I will second the motion.

Simison: I have a second. Do I have discussion on the motion?

Bernt: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I thought -- I thought for sure we put like a ten point max on pickleball courts. Thought for sure that was going to be in the motion. Let's stay away from that one?

Perreault: Mr. Mayor?

Simison: Councilman Perreault.

Perreault: I just want to clarify with Councilman Borton. Did -- did you intend to include both the open water ponds and the stormwater detention facilities, five and six, in the changes to the percentages? It sounded like from the motion that you were removing the 25 percent cap on number five, but I didn't hear a removal of that 25 percent cap on number six.

Borton: We did.

Hoaglund: Under 11-3G-4 for the word maximum had been stricken on the site amenities in point value chart. I don't know if that's important, but --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: That is a good point. I think the word maximum comes out because you have also removed the scale, so that -- that word maximum would come out as well.

Bernt: Okay. Good point.

Strader: Second agrees.

Simison: The modification with the second agreeing and I must be a bit confused. The 50 percent, is that in a different section? Okay. Thank you. I was like where -- it was already taken out, Bill? Is that what you said?

Parsons: We took it out.

Simison: In what -- what section was that? Oh. Okay. Thank you. I was looking for a number. I wasn't reading words.

Hoaglund: Mr. Mayor, I was just curious, you know, we went with -- under B-1-A, you know, removing that dimension 50 by 100. So, it's 5,000 square feet and allows some creativity, but I think, you know, five foot by 200 foot may not be something that flies; is that right? Okay.

Perreault: Get extra amenity points for that creativity right there. Five by 200 foot space.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: General comment. I feel like this is a great outcome for a long process and I think it balances the needs of the community really well. I don't think -- that's a sign of a good negotiation, if everyone -- if anyone comes away feeling like they got everything they wanted. I feel like there is a lot of good compromise. Hopefully, we have given the development community more flexibility in meeting what great qualified open space could look like, but we have also set a very high bar for the community.

Simison: And I hope that this does produce some R-2 options in the community, personally.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Question about the motion. Was there clarification on the table of whether we are separating out attached and detached on the R-15 or was there -- as part of the motion to leave it at 12 percent as it states?

Simison: There was no clarification and it's leaving at 15 -- at ten percent. The R-2 was the only one that was changed to eight percent. So, everything else remains 15. Or those two remain 15.

Perreault: And R-4 would stay at ten? Or would stay at 12?

Simison: Yeah.

Perreault: Okay.

Simison: Okay. Is there anything further? Since this is not the final version we can probably do a voice vote. So, all those in favor of the motion signify by saying aye. Opposed nay. The ayes have it. Item 4 is blessed for ordinance consideration.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: All right. Who wants to go take a crack at the other exhibits? You wouldn't like my motions, so I will let you guys make it.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: So, for clarity, what you have on the screen is the next set, the Exhibit 1 proposed changes coming from the committee. Are there any unresolved options in Exhibit 1 that we haven't already addressed?

Parsons: Mayor, Members of the Council, if you recall, we had outreach after -- prior to the previous meeting and really got that feedback from the community. So, really, I didn't hear any -- any discussion from the Council to make any modification, so we are just -- myself and Lacy are just asking for you to make a motion on it.

Hoaglund: Mr. Mayor, question for Bill or Lacy.

Simison: Councilman Hoaglund.

Hoaglund: It was my -- my understanding that you want to clarify HOA regulations are enforced -- they can enforce their regulations for their development per their HOA rules; is that correct? When it comes to these issues of vehicles and --

Parsons: Yes. That's -- that's correct. They can -- they will have to manage that moving forward or amend their CC&Rs.

Hoaglund: Okay. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, was, again, today reading through the public testimony -- public testimony and just a lot of concerns about the street yard and where vehicles are being parked and I think that staff's done a good job of trying to define what a street yard is, but I wonder if just a few more specific definitions of what would qualify as a street yard that could be used to park a recreational vehicle would be helpful, because in general I'm in favor of the concept of allowing those to be parked in front of the home, but I think that there should be some -- some more limitations than what is drafted here. So, one of the comments -- so, for example, one of the comments that we heard is what if there are, you know, propane tanks or hitches or whatnot that are out into the site -- that are hanging out into the sidewalk that's a safety issue. So, something along the lines of there needs to be X amount of space from that vehicle to the public sidewalk on either side or between -- between that vehicle in the home or something like that, so that, you know, we don't have a vehicle that's -- that's 15 feet in a 15 and a half foot street yard.

Simison: That's --

Perreault: So -- what's that?

Simison: That's covered.

Perreault: That's --

Simison: It's in the -- it's covered. 2-A-2 at the bottom. Vehicles parked in the street shall not encroach upon any sidewalk or public right of way.

Perreault: But I'm saying we needed to find what encroachment means.

Simison: Is it defined, Lacy, in --

Ooi: So, it's not defined. It's going to say that it's going to be encroaching upon, which would be crossing over. Again, we would have a problem if we were to try to measure anything on private property. So, if we were to go from public sidewalk and require something off that distance between public and private, we wouldn't really have the ability to do that investigation to prove what that distance is. You can enter a property to knock on their door for contact, but we can't enter a property for the purpose of investigation to prove that a violation is occurring. Is that correct, Bill?

Nary: So, Mr. Mayor, Members of the Council, Council Member Perreault, a court will use what is the common -- or dictionary definition of encroach and encroach means crossing into a space that's not yours. So, that's -- that's not an issue of -- from a definitional standpoint. Encroach is -- is a common legal term we use all the time.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, then, from a code enforcement standpoint, if you have to nitch the thing into a public sidewalk an inch, are -- I mean this is -- I'm just trying to understand enforceability versus what our public understands versus what -- I mean like how technical are we getting with this, you know, and -- because these are the questions that are being asked by -- in the public testimony truly. I mean I'm not trying to get into the weeds just for the sake of it, because -- but I think those are -- these are going to be the technicalities that people are going to bring up as soon as we start allowing this to happen, if we start allowing this to happen now, we are going to have all these specifics that people are going to be asking questions about, because they want to fit, they want to cram -- cram the RV into that space if they can and -- and, then, before you respond to that I have one more thought on that -- is -- was there any discussion as to whether or not we -- we allow this -- only allow the street yards to be adjacent to a driveway or a garage? So, is the driveway -- is a driveway considered a street yard if it's in front of a garage space or -- because when I think of a street yard I think of a property that is -- or a space that is adjacent to the driveway, not in the driveway. So, that's kind of in my mind's eye when I think of RV parking. If you are going to ask somebody what is RV parking, it's not on the driveway. It's a space that's separate from the driveway.

Ooi: I think that Bill is pulling up the definition of what a street yard is, but my belief is that it's from property line to property line. So, if they made the improvements of the four inch gravel, concrete or asphalt, they can make improvements from their entire parcel, from property line to property line, from the front of the house to the street is the definition of street yard.

Perreault: Mr. Mayor, a clarification.

Simison: Council Woman Perreault.

Perreault: So, feasibly, somebody could improve their entire driveway and have three RVs, parked right in front of the garage?

Ooi: They could improve their parking area -- improved parking on the property from parcel the parcel, but because of this restriction we are only allowing them to have one RV or vessel. They could park standard vehicles, automobiles or motorcycles, on that stretch.

Perreault: To that end do we -- so, just thinking down all the different possibilities. So, let's say you have a two car garage, you have turned a section of your driveway into street yard and now you are no longer parking in your garage, because you want to make sure that you have that RV. There is no -- you are parking your vehicle on the street. How have we alleviated our problem?

Ooi: So, I will go back to that being current definition and current code already that's not being changed. So, it's already allowed and people could get that creative at this point

and that's not part of what's this -- this -- these changes won't change that concept. If your concern is that they can, then, pave more areas that allow them more space to park an RV that's not encroaching on a sidewalk, then, they could do that. They could add the pad or they can add additional links, but they would only be allowed that one. Do you want me to answer the encroachment stuff now, too? Okay. So, we already have that problem with enforcement of that, because on the parking regulation side, so not the UDC side, the parking regulation for blocking a sidewalk just says on a sidewalk. It doesn't say on a sidewalk over eight inches or if the hitch is on a sidewalk or blocking a sidewalk, it just says on a sidewalk. So, we have to make that determination based on what really we say does the stroller, does the wheelchair have to get off of the sidewalk to get around it and so we are using a lot of just common sense about what that would mean to block it to be on it, because a hitch is never going to be on a sidewalk and that's what we use to cite it and if someone wanted to argue that we would go to court on that citation. So, the UDC would only be in addition to something that we could cite for. So, we might be able to educate them and tell them, hey, can you park it at an angle? That's what we do a lot at this point is we say can you come -- if you are going to have this here, get it in on angle. Trucks right now, a lot of them -- or there is a lot of areas like Powder River -- what subdivision is that down there? Victory Road and Locust Grove. Anyway, there are a lot of them that the sidewalks are actually part of the property parcel and they don't have enough width to put a standard car in their driveway, because the CC&Rs don't want them parking in their driveway, they want them using their garage, but because the sidewalk's included and it's part of their private parcel, we have no enforcement on those sidewalks. So, we sometimes work with people and say could you -- or just in that case when they have a long vehicle it's move them in at an angle -- kind of park them in at an angle and try to move around that. So, encroachment and adding that addition into the UDC will just give us more ability to ask them to maneuver, but it won't change the fact that we could still cite for it if they are over a distance that we are going to consider them as obstructing the sidewalk.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, just summarize my position on the various vehicle issues and if -- I don't know if there is a motion that does them separately I can vote maybe separately -- softly vote. I don't -- even know -- a verbal vote that we are reviewing, but I'm a yes on dismantled vehicles, 11-1-A1 and junkyards. I am a no on 11-3C-4A2, the section that we are talking about now. I don't believe it improves public safety and I don't think it solves our enforcement issues and I am -- I think there was one other section. Surface of off-street parking areas. I think I was comfortable with that. If there are some common sense modifications I think Council Woman Perreault had some commentary and questions about the actual surface of those areas. Just sort of summarizes where I'm at.

Simison: Council, further questions, comments, motions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm not sure where it's headed, but to the question on whether we break it up, if there is some disagreement -- I think there is maybe three main sections here. You go to the top. Where ever the first proposed changes up top, we can make a motion as to a particular UDC section and narrow the focus on those that -- there may be one or two there is disagreement, but -- so 11-1A-1 is the first apparently.

Strader: Mr. Mayor, I was good with that one.

Simison: Yeah. I think just -- pretty much everyone's good with everything, if one person is not good with one thing. So, it's however you want to take them --

Strader: Totally.

Simison: I don't think the separating now motions is really going to change anything, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: However you guys want to roll with this that's fine with me.

Simison: Again --

Strader: If you want to lump them together it's cool. I get overruled constantly, especially when Treg is really -- no, I'm kidding.

Simison: The real -- the real place where this is going to happen is in the ordinance and people will have to make a decision when the ordinance comes. That's the rule, though. So, this is just getting to that point.

Borton: It makes sense, Mr. Mayor, if we can refine the ordinance now, so we know it has the support when it gets there, rather than just push all this into the ordinance and deal with it then. We can deal with it now. If there is a particular provision in this Exhibit 1 that the majority of us disagree with as presented, let's flush it out now and not make that change and approve everything else. Or at least put it all in the ordinance.

Simison: From what I understand you all agree with everything, except for one thing, which is 11-3C-4A2 and I don't think that you are going to not put that in the ordinance from where the rest of the Council sits. To my knowledge. Unless people have changed their mind recently, but based upon the previous conversation that was -- we are at least four Council Members were supportive of 11-3C-4A2.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Sorry. Can you run that by me again? Run that past again. What did you say about that section?

Simison: When this was last discussed a minimum of four Council Members were supportive of these changes. So, if that's still the case, really, whatever you move forward tonight will not have any bearing -- it's -- yeah, people will have to make a decision later about what's in this entire package, whether or not they support these elements or not, but tonight I don't think you will be making modifications that's going to bring people on board. It's really just -- do you want to move them forward for the ordinance.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: This is one of the things -- those things were my -- I'm really weighing my thoughts on how this will play out with what I read in the public testimony and struggling, because I really don't -- did not get a sense that -- we had a significant amount of public testimony and I didn't get a sense that there was support for the street yard concept at all and I don't remember really reading any testimony that said -- maybe -- maybe one or two letters I read that said, absolutely, I think it would be good idea to allow RV parking in the front of the -- of the property. While personally I completely understand code enforcement's request, why the safety element of it, I'm really trying to weigh that with what we have heard from our public. In addition to that, I am not in favor of having any vehicles in an unscreened side yard. I would much rather have anything that sits to the side be screened, because you don't -- you aren't putting any kind of requirement -- if I read this correctly, there is not a requirement on what -- on the improvements that are to be made, it's not -- there is not supposed to be a -- there does not have to be a compacted gravel base on a side yard. So, it would make sense that there would, but I prefer not to have an unscreened side yard. So, in my opinion I don't think we have support from the public for 11-3C-4A2A, and probably 2B, but I'm curious what my fellow Council Members think about what they read in public testimony and whether they agree or disagree.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I have no idea. I mean Mr. Borton and I were just talk -- I mean I -- I see pros and cons of both. I understand why folks would be in favor of it. I understand why folks would be against and -- and we all know, we have been doing this for a while, I mean we understand that most of the people that you -- that write in letters or provide testimony, the vast majority are -- are against. Rarely do you get people excited about something that's -- or someone that's for something. I wish their -- their -- their voices would be stronger, because, you know, the -- the -- the loudest dog gets the bone and, unfortunately, with public testimony that's how it works most of the time. So, with not

knowing whether or not this will solve problems, I have to punt to staff, because I'm not the one that's out writing tickets, I'm not the one that's out talking to the people, I'm not the one that's out managing this and so there has to be a time in what we do where we have to trust staff and so there is a re -- I mean Lacy is not doing this because she is bored. You know, she is like, hey, let's -- let's put together some -- you know, that don't -- you know, I have nothing to do, so let's create some more code. That's not how it works. And so there has to be a time when we -- we -- we trust those that work here in this building and -- and that's the reason why I'm in favor of it, because I honestly don't know. I don't know. And I don't know if there is anyone that is sitting up on this dais that truly knows whether or not this is going to solve a problem. But I'm going to punt to Lacy, because she's put a lot of time on it and she's on the front lines discussing this with homeowners every day and her our team and so there has to be a reason for it. If we blew it, all right, then, we will change it. But I'm going to punt to Lacy. Truly that's the only reason why, because I trust you. This is the right choice.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Give a different viewpoint. Lacy, I do trust you. I think you are a professional. I think you are doing a great job. However, I am not convinced, from what I have seen, that this improves public safety at all. I think it will encourage neighbors to park their automobiles in ways that do not conform with their HOA. I think it would require a significant education campaign to be effective. I don't think it solves our enforcement issues and I don't think that trusting staff or not trusting staff is what this is about. I -- personally, unless I am convinced that this improves the safety issue, my default would be not -- not to create, you know, more regulations or to change code.

Bernt: And, Mr. Mayor, I'm not saying that those --

Simison: Councilman Brent.

Bernt: Sorry. And I'm not saying that those who are in disagreement with me don't trust staff, because that's certainly not the case and I apologize if I inferred that. It's just that I'm literally in the middle on this. Like I don't know. And because I'm in the middle and I don't have a strong opinion either way, then, I guess that's the reason why I punt to staff. It's not because that -- I guess that's my reasoning. I certainly did not -- I don't -- I didn't mean to -- we are good? Okay.

Hoaglund: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Let's go to Council Hoaglund.

Hoaglund: Mr. Mayor, question for Bill or Lacy. When the survey was done -- and I thought I had it with me and I couldn't find it. There was no mention in that survey that this HOA -- their CC&Rs would cover -- those are still enforceable -- those are things they have to do. If they don't want those vehicles or campers, whatever, parked in the side yard or in their street yard, they can enforce that and take action. So, I think to Council Woman Perreault's mention about all the comments were for people saying, hey, you know, we want -- our HOA doesn't allow this. We want them to, you know, not do that, because it -- it lowers our values, et cetera, et cetera. So, it was not clear in that survey that that does not change their CC&Rs. They can still enforce those. So, when you take those out of the equation, then, it's -- it's really some of these areas of the city that don't have CC&Rs and how are they trying to enforce this and make this workable for everybody, so -- and those neighborhoods -- the CC&Rs are going to be followed, they have to be or -- unless you want to pay a fine. But, anyway, that's -- that's how I saw that and when I started going through and -- going through and taking out the people who were talking about their HOAs, okay, they -- they -- we didn't make it clear to them, so -- at that time, so --

Simison: Council Woman Perreault.

Perreault: Thank you. I appreciate that. Yes, I noticed there was a lot of public testimony from folks that live in neighborhoods that have covenants that were already regulated. However, there isn't anything that prohibits the neighbors of the -- of the -- of the neighborhoods that don't have HOAs from creating their own covenants and -- and that being managed privately instead of publicly. So, I'm kind of trying to weigh that as well. If there are neighborhoods that are really so burdened by this problem, why aren't they -- why aren't they creating some covenants themselves? There is nothing that prohibits them from doing that. There is a cost to them to do it for sure. So, that's kind of the other thing is like is this something that -- like how specific do we as a city -- what obligation do we as a city feel to get this detailed on this versus the public going ahead and taking their own action towards it I guess. So, that's kind of one of the things that I have thought about. And another question -- well, I had a question for Councilman Bernt. How is the pizza?

Bernt: Good. It's good.

Perreault: Good. And I was curious, is there any information -- because I agree with you, I'm in the middle on this and I'm struggling with this. Is there any information that we could gather that we don't have that would help --

Bernt: I mean I just don't know.

Perreault: Mr. Mayor --

Bernt: One second. Mr. Mayor. I just don't know -- I just -- I see pros and cons with both. I see why you want it. I see why you want the status quo. I see why you want to change

it to what it is. I have read this 30 times. I have talked to my wife about it. I -- I -- I don't -- I don't know. That's a good question. I don't -- I don't have an answer to that question.

Simison: Lacy, do you want to answer that question from your perspective?

Ooi: So, can I drift a little bit personal instead of just work? Is that cool? So, this survey was done and I did talk about the survey and the question and I can see where a lot of confusion came from the way that the question was asked and they asked me to review it before it went out, but I read it with the knowledge that I have, not by just what I was reading, so I read it the way I needed to hear it. I do think, like most of my complaints on these, come from these subdivisions that aren't included in the survey. So, at one point I sent out notices over in Chateau Meadows for trailers. Someone had done the finger pointing. One trailer -- there was actually a guy who was repairing jet skis, like 20 of them in his front yard, and that's why we added into the UTV, ATV thing, so we had some restriction on that, because, otherwise, it's a personal vehicle -- or personal property and I have to define it differently and prove it differently. So, I had sent out this notice and it got like 12 other people -- or 19 other letters that I had to send out, because the one calls on the other one and the one calls on the other one, so I went out and I sent those out. My name is Lacy Ooi. O-o-i. There is one of me in the whole U.S. There is one more in Malaysia. So, when I sent those notices out someone posted it on their Facebook page and within three hours there were over 400 people talking about anti-government and how I wasn't supposed to be stepping over boundaries and how I had no right to be on the property and let's get together and how are we going to solve this and people that were angry at me and my name is now Lacy Stockton on Facebook, because it was hateful and it was angry and I know those people are out there that don't like the way that the code is written and I'm writing this code to attempt to resolve a problem and I think you are correct, it's not the answer to everything, but what I'm hoping is that it comes up as a compromise and it's somewhere in between. We have tried to see if we could cite them for infractions and it wasn't going to work and if we have to notify as the UDC requires us, then, we play this cat-mouse game over and over again for -- well, coming on 12 years next month. I -- there is literally a guy when he gets my letter he calls me and says I will put it in my stack and I will move a half an hour beforehand. So, the resolution is that we are not doing anything that's effective with the code that's written and we have tried doing it differently with the courts. So, it may not resolve the problem, but it's my best attempt on how I can think about something that's in between. We are still giving restrictions and we are doing some regulations in areas that we skipped or that were loopholes before and trying to be able to moderate somewhere in between. That's -- that's the only hope, is that I'm trying to see if it solves some of it and comes in in between, making some people a little less angry and maybe some people a little bit more angry. I'm not sure which way it will go more, just to be honest. We are doing the best that we can.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I have to say that sounds like being on City Council quite a bit of the time, so -- and I think trying to improve the situation, making it better, is why I support it. You know, that's what you are trying to do -- it needs improvement. So, let's try this and you are coming to that balancing act that we have to do, so --

Bongiorno: Mr. Mayor?

Simison: Yes, Joe.

Bongiorno: I -- you know, we are partners in public safety and to Council Woman Strader's questions, a lot of times up until this point a lot of times Lacy will call me, because they have those certain instances where they can't do anything about it and so they are like, okay, well, you are a code official, what's in your code that you can help us with with this project as well and a lot of it is where we have private streets that have four dilapidated -- I can't say that word -- four broken down vehicles on it and it one hundred percent blocks the road for fire apparatus to get in there. So, that -- that's a no brainer for me. So, again, to support Lacy in what she's doing, I -- this -- this will benefit her, as well as Fire, because I have -- there are certain things, again, when I became the fire marshal five or six years ago, whenever it was, I became the parking police and so that's where a lot of -- we work together on a lot of issues and so in my opinion this -- this will help with a lot of the public safety problems that we have, where we are getting blocked roads, we are getting blocked areas where Fire, Police, EMS can't get to them, because of they are parking all their dilapidated -- I can't say that word -- broken down vehicles in the roadways and they are blocking access. So, it is a public safety thing and we are trying to address it together. Just my two cents worth. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I make a motion that we approve the proposed changes to the UDC as presented in the staff report in today's hearing. I guess I will reference it as Exhibit 1 -- the changes within Exhibit 1.

Hoaglun: Second the motion.

Simison: Motion and second. Any discussion?

Bernt: Just want to make sure, Council Woman Strader and I are okay.

Strader: Yep.

Bernt: Okay.

Simison: You don't care about me? Figures. All in favor signify by saying aye.

Strader: No.

Simison: All those opposed no. That was no for you, Council Woman Strader?

Strader: Yep. Yes. That was a no.

Simison: On this -- okay.

MOTION CARRIED: FOUR AYES. ONE NAY. ONE ABSENT.

Simison: Do we have a two? Would anybody like to speak on the record?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: With regards to Exhibit 2, which is on the screen, I think Bill referenced the one change is that 11-5A-6G, changing the shall in the last sentence to may. I think that was it.

Simison: Do I have a motion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move we approve the proposed changes to the UDC as presented an Exhibit 2, inclusive of the change of the word shall to may that we just discussed.

Bernt: Second.

Simison: Motion and a second. Is there any discussion? If not, all favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Exhibit 3. Yes, please, remove that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: My issue -- the only issue I had in this section was removing -- I think we all agree to actually, from our previous discussion, was removing number seven, the fee in lieu concept. I don't think we are ready for that.

Bernt: I second that.

Simison: Was that a motion to approve by removing Item 7?

Strader: My apologies. Yes, that's a motion to approve by removing number seven from this section in Exhibit 3.

Simison: And that's 11-3B-10-7?

Strader: 10-C-7. Thank you.

Bernt: Second.

Simison: Motion and a second. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it. The item is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Exhibit 5.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I don't know if we should push through on the multi-family section at this point, but my main hang up in this section was I don't think that the cap on the -- I think the minimum open space concept of ten percent made sense for certain properties, but I don't think that the cap at 15 percent made sense to me, especially relative to the other percentages we have at different densities. That's just me. I would be supportive of something -- maybe discussing further with staff or getting their -- their opinion, but based on all of the examples we saw, they far exceeded the standard, so I actually feel like in a way we are not setting an adequate standard of 15 percent.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I agree with Council Woman Strader. I -- perhaps I'm just not understanding the purpose of having the maximum. I mean if -- if an applicant wants to put in 25 percent, go for it, you know. I mean, obviously, if the -- if the application comes before us and it's four stories and we don't think that that fits that area, we are going to have that conversation as well, but I don't -- if we are going to put a cap on it, I agree, I think at least 20 percent, if not higher, so I say -- I guess maybe -- maybe if staff would like to -- to further explain the purpose of that maximum. Perhaps I'm not understanding it. But I just -- I think it seems low.

Parsons: Yeah. Mayor, Members of the Council, it's not a maximum, it says -- it should be a minimum of 15 percent and, then, more will be required, so -- I see I have the wrong exhibit up, so I'm trying to find that language, so you can see the exact wording on it. Give me a moment here. But the idea of the 15 percent was to align with the R-15 in the open space --

Strader: Mr. Mayor?

Parsons: -- that you just approved an Exhibit 4. So, we are trying, again, going back to that consistent word that we used the whole night, is if we are going to do 15 percent for single family, let's carry that over to 15 percent for the multi-family, too.

Strader: Mr. -- Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, the concept I recall seeing -- I have actually seen two different versions. I saw a version that went before Planning and Zoning and, then, I saw a different version. So, I -- and it's getting late, so maybe we need to get to -- but from what I recall there was a minimum concept, because you could have certain shaped parcels that could -- we can meet that minimum, but there was the capped minimum, because we had a unit based concept. So, the more density you got it goes above that smaller threshold, but it can never exceed a certain amount. Okay. So, now we -- now we are on a different -- go ahead. Sorry.

Parsons: That's -- that's number eight there.

Hoaglund: And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Bill. And as you put up there, that is the minimum shall -- equal or may exceed 15 percent and, then, there is that in addition to the baseline open space requirement, then, we get into square footage based on size of the -- of the unit; correct? So, that will be added above that 15 percent?

Parsons: Well, let me try to explain what the rationale was behind that. So, your -- Council Woman Strader is correct. When I went to P&Z the wording was off. It read a maximum and Commission is like that's not what you wanted; right? And I said, no, that's not what I wanted. I meant to say 15 is going to be the minimum, but if you want to do more than that we are going to look at that through the public hearing process or staff is going to say this is too many units, you don't have enough open space, we are going to recommend more and, then, go to hearing with that and either Commission is going to side with us or not or Council is going to side with us or not, but we are going to go in with the charge that at least we are going to be looking at 15 percent and probably require more is where we are going to be at. But what I'm trying to do with this particular -- and that was kind of

that deal we brokered at that subcommittee meeting that we had with the smaller group to try to vet this out and -- and come to a consensus and that -- that's where we landed. So, essentially, what we are going to do -- any development five acres or larger, you can have baseline ten percent and, then, you are going to have the amount of open space per unit, which is currently in code, and, then, if that total is 15 percent and at a minimum you are going to have to have 15 percent, but if it is higher than that, more than likely we are going to say you need to provide the higher number, because we are going to want more open space. So, that's what we were trying to get at to try to appease the group. It wasn't to get a maximum of 15 percent, it was going to say at a minimum you are going to have to do 15 percent. Now, if that other number is higher, you are probably going to get hit up with a hearing to require what you are showing, is what the intent was. It wasn't ever to put a maximum that no more than 15 percent.

Strader: Mr. Mayor?

Parsons: That's why I said that exercise was --

Simison: Council Woman Strader.

Parsons: -- that you could see that it was more than the 15 percent.

Strader: Mr. Mayor, I think maybe where the disconnect is for me is it -- to me it shows a ten percent baseline and, then, there could be a 15 percent minimum and this is a minimum. So, sure, we could require more, but to me I'm reading it that 15 percent becomes the new minimum for denser developments and I think based on the examples that we saw it just seems like multi-family could support a qualified open space minimum of 20 percent. Maybe that would simplify things.

Simison: And I'm with you in the stance of simplifying -- simplifying expectations is what I would describe it and, you know, the -- the conversation, you know, again, from staff's perspective -- I don't know how much you want to be into the negotiating business with people to determine why you need to justify more or less based on the project and I don't know that they -- the development community wants to be in -- in those. I think that they would like to have a set standard, a knowledge base. Personally I was thinking 18 percent minimum as a -- how that plays into the rest of the conversation. But, yeah, I think we saw from the examples that were given 20 plus was pretty standard for a multi-family and that a minimum of 18. Here, again, you are sticking with what we have done throughout the process of generally escalating. But leaving it what we did for an R-8 doesn't seem to be appropriate as a minimum, because someone could hit the minimum and -- and is a multi-family and an R-8 the same? I will ask Council that viewpoint.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, Bill, was the -- was the staff trying to, essentially, create the same -- the same idea as what we did with the single family, which is to say there is these number of units or this size of project and we could potentially go down to ten percent. The larger the project, the higher the percentage of -- is that what the minimum to maximum baseline -- I guess I'm struggling with this concept. I'm looking at the examples that were done that were provided to us and I'm still just trying to really get -- like, okay, so the minimum has to be between ten and 15 based on the size of the number of units, is that how that -- am I understanding that was -- that that was the intention when you did this? Because the -- the question I'm thinking of is, well, then, if we set just one number at 18 percent, for example, now, if we have a really small project is it going to be prohibitive to them to meet that?

Parsons: Well, what -- what the group -- so, I pulled up -- hopefully, you are -- well, the spreadsheet isn't showing up here. I thought it was going to pull up. Let me share this spreadsheet with you real quick and I know we are getting to the finish line here, so I do appreciate you giving me some latitude here. So, this is one of the examples that we had as -- so, you can see here there is the acreage of the project, the number of units. So, here is how we calculate open space for the units and this is in code. It always has been. Nothing's changing to this section. So, you can -- you can see here based on the amount of units, 1.38 acres of open space is required for the unit and because this is over five acres, they were required to provide ten percent. So, they had to provide another .81. So, you take that .81 and you add it to the 1.38 and that's what code currently requires. So, if you really want -- rather than have an 18 percent, just leave -- just strike that out of the -- you can just strike that out and say, no, the baseline is ten percent and -- and by de facto you are going to get your 18 to 20 percent every time. So, that's -- that's the other way you can do it, too. You don't have to put a minimum 18 percent you can just say, no, we don't like that 15 percent cap, if you want to use that terminology, but a minimum 15 percent baseline, because if you look at the -- and they call it a max baseline, but if you look at that max baseline you are only getting 1.22. So, you are actually getting less than what you would per unit count. So, that's why -- that's what I was saying in my opening presentation tonight, that if you don't have that baseline, you will -- you are going to end up getting less open space, with a standard -- just a baseline number. If you say provide 18 percent, you are going to end up getting less open space than what you anticipated. So, really, if it's your intent to increase the dense -- you know, get that open space, then, you want to keep it in the baseline at ten percent or 15 percent, you can increase that number, too. That will drive up the open space, but, really, the best -- the best ratio for multi-family is really to put that baseline on, plus the per unit open space. That's where you get that. Again, in this particular case, they provided -- you are going to get almost 20 percent open space every time.

Strader: Mr. Mayor?

Parsons: And it's proven time and time when you look at every one of these.

Simison: Council Woman Strader.

Strader: Yeah. And I think the thing about this section of code that I struggle with is that it's -- I think people had called it double dipping before; right? So, you are mixing concepts in a way. So, you have an acreage based minimum and, then, you have units based minimum that is additive. And I guess where I will be going with it would be and I think -- I think maybe we just need to take a look at this again. But the way that I read it, the unit base open space requirement is capped. That's how I read it, the way that it's written. So, I don't view that as an unlimited amount in addition to the baseline, I view that as a cap. I think it would make more sense for the cap to be higher as one -- as one way to do it. If we -- if we want to change all the concepts in here and like do surgery on the whole -- if we want to just change the max baseline to -- you know, whether it's 18 percent or 20 percent, that might make sense. Or, yeah, maybe we can just take a look at this whole section, but I just don't -- I don't feel like it's there the way it's written to me currently.

Parsons: So, Mayor, Members of the Council, just put a finer point on that, so right now the way the code is written is multi-family developments in residential zones -- so, the R-15 or R-40 zones, if they are greater than five acres they are getting that doubled, plus the per unit. So, what we are really doing with this code, minus the 15 percent cap that I added -- is really just removing it from 11-3G and putting it where it should be in the multi-family standard. So, again, it's more just shifting the code requirement and putting it to where it should be. It's not adding anything new. The ten percent is currently in code today.

Simison: So, my question -- why -- why do the ten plus that versus just say 18 or 20 as a number? Well, what is the value that we gained by tying it to number of units in the development? Why shouldn't we put -- tie open space to the number of bedrooms, combined in a subdivision and -- is that -- I mean that's, essentially, kind of what we are doing is we are getting to a number based person equation.

Parsons: Well, Mayor, Members of the Council, I think -- at least from my standpoint is you have to think of these -- these smaller in-fills. You know, you may have an Old Town property here, we can get a couple four-plexes on and you provide 18 percent for -- again, we have alternative compliance, but it -- that 18, for these smaller numbers, is just going to skew everything. So, that's why that per unit -- that's where you have a four-plex, you can -- and it's a 500 square foot unit, you times five times 150, pretty simple math. You get a little bit open space with that in-fill project. That's why you need some kind of multiplier for the units. You just do a base 18 percent, 18 -- of course, we would have to ground truth that a little bit and see what the open -- you might end up with more open space per the unit count versus just for the 18 percent on a one acre lot, it's going to be pretty minimal open space. You are not going to get a lot of real usable open space at that point if you go that route, Mayor. So, I think that's where we are at here. It's -- it's whether or not those numbers work.

Simison: And I guess maybe that's a policy question for Council.

Parsons: It is.

Simison: Do you view a four-plex on two acres the same as you do a ten building, 240 unit -- I don't. I mean that -- personally. I mean I guess that's why I look at it and say is that even an appropriate comparison to be doing it in that fashion. We don't require ten percent open space on a single family parcel and, look, a duplex doesn't seem that different than that personally, but how do you apply it in policy or code?

Parsons: So, Mayor, I did a quick count on a one acre, four unit subdivision. So, if you did -- we used 18 percent and you are getting 700 -- 7,840 square feet will be open space and if you did the per unit you are getting a thousand. So, it really comes down to a big difference in numbers on what that open space is for an in-fill versus just having a blanket 18 percent. Now, you might want to say 18 percent for developments five acres or greater and, then, leave that unit count where it is, so that you do capture those -- those in-fills, because that's really where you get that multiplier is when you get to that five acres or greater.

Hoaglund: Mr. Mayor?

Parsons: Something for you to deliberate or -- or strike it and move forward and keep the code the way it is.

Simison: Councilman Hoaglund.

Hoaglund: Yeah, that's -- Bill, that's what I was wondering was do we change that, you know, total baseline showing where it exceed -- instead of ten percent. Is it 12 percent and plus the unit? You know, where does that unit -- that number, that baseline number, and, then, keep the per unit and, then, we might be able to get rid of that, you know, minimum of 15 percent, because it's going to exceed that every time. I think you had said that earlier. So, I don't know what that magic number is to get us to push it up to 18, 20 percent. Is it 12 percent for the baseline? Is it 13 percent? And, then, depending on the units and they move from there. That might be something we just need to do calculations on and -- but I don't trust my math at this time of night.

Simison: Council, direction? Flavor?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: My two cents I think we should come back to this.

Bernt: Amen.

Strader: Or it's just me. I think we should -- maybe we should do some more discussions and thinking it through and -- it's getting -- we are getting there. It's 10:40. My math is not great right now. It's just me. I think we should come back to this one.

Bernt: Mr. Mayor, I agree.

Simison: What does come back entail from your perspective? The public hearing is closed. Only having another discussion here with Bill in the future? Put him back into a -- staff to rework and bring it back to P&Z? To City Council?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe it's -- if staff wants to take a look -- if there is just one flat minimum for properties greater than five acres and just look at our examples that we have. Is that workable? And maybe another alternative, closer to this formulation, but something that -- we are just ensuring that we get to a higher percentage than the ten percent minimum in certain circumstances and I guess I'm -- I am concerned about the other alternative, which is removing the cap concept -- the cap baseline concept, because it -- I'm just talking out loud now, but let's say you have a huge unit count, does that formula, then, with the higher minimum and the unit count concept on top of it, create a situation where you have, you know, big buildings that have 50 percent open space and that's not economically viable. So, I feel like there is like three different -- maybe we need to see some examples to work through those three different concepts. I'm open to whatever you guys --

Simison: A ten story apartment building --

Strader: Unlikely, but --

Simison: Someday it's going to happen. But, yeah, what would that be?

Strader: What would it be?

Simison: And what would that impact and how would that pencil.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess I would refer Bill and team, what their -- is it -- you have heard some feedback. Would it be better to -- like think through what the extreme examples are of how those things can be applied and, then, show us examples and we can think it through. Does that take a couple weeks? Does it take months? What -- I don't think we should just stick to a change based on our gut feel tonight, because we will be living with this for a while.

Parsons: Yeah. Mayor, Council, I -- again, I want to put all this to bed if possible, just because we have been -- we have been spending so much time on this particular topic.

To me adding the ten percent baseline isn't really changing code. Again, it's just shifting it to a different location. So, I think you have your answer. We have -- we have looked at past projects, we have applied the ten percent, we have applied the per unit, and you can -- you saw the numbers show that it comes in at 18 to 20 -- 22 percent. Again, if you aren't married to that number eight, I'm fine with striking it and just leaving it the way code is. Really -- you are not really -- the only significant change here is that we have added some amenities and, then, rarely said you are going to have to have a minimum -- one of those open space areas has to be -- there is that 50 by 100 again. And, again, that was -- that number was put in there to be consistent with other sections of the code. So, to me, I'm pretty confident that if you take out that number eight, you are going to get what you want. You are going to get your 18 percent every time. Or more. Because that's why we had that subcommittee meeting, because everyone used that term double dipping and felt that it was -- we were -- we were requiring too much open space.

Strader: Mr. Mayor?

Parsons: But, again, time and time again you have seen that that's -- it sounds like that's what this body wants. The Council wants more open space and that's what you are getting, 18 to 20 percent. We are there.

Simison: Council Woman Strader.

Strader: Maybe just to -- maybe we can put it to bed. Let's try it. So, let's use an example. Let's say we have a ten acre project and it's a future version of Meridian and we have the hugest unit count you can possibly conceive of on that one property, how would the formula work? So, you have a ten percent baseline. Let's put a certain number of units on it and tell me what the minimum would be under this code and maybe it -- maybe it still works.

Parsons: Minus the cap I presume?

Strader: Right. I -- so that's the question. So, I don't think the cap makes sense, but I think some cap might need to make sense, because I'm afraid if we have a huge number of units, then, it creates an economically unviable situation where the minimum requirement is too high.

Parsons: Yeah. I'm trying to think of our largest multi-family development and I think we are upwards of, you know, 500 or 600 units.

Strader: Okay.

Simison: I think if you use the -- yeah. Right across the street as an example.

Parsons: That's not a great example, because that's vertically integrated, doesn't have open space requirements.

Simison: It does from a -- from a --

Parsons: It's still 396 units -- or six acres -- six, seven acres. Yeah.

Simison: Yeah.

Parsons: So, I can do that very quickly for you.

Simison: Yeah.

Strader: Okay.

Parsons: And I will say roughly there are 200 -- between 500 and 1,200 square feet, to make the math easy. And we will guesstimate that about eight acres, to be fair. Or seven acres.

Hoaglund: Mr. Mayor, while he's doing the calculations, what I find interesting on these units is thinking of the -- the 10s that we just approved on -- on Ten Mile, that identity portion. I think there are, what, 389 units total on that. But, you know, when you start adding the parking requirements for that many units, where are you going to find -- you know, they are going to have to increase the land acquisition exponentially. So, there is that balancing act, to Council Woman Strader's point that -- where is the tipping point for that.

Parsons: So, if that's a seven acre site, we put 370 units on it, and we apply the regulations, 3.92 -- excuse me. 2.92 acres would have to be open space.

Simison: Under 15, about 44 --

Parsons: 2.92.

Strader: Mr. Mayor, that is -- it's a 30 -- if my calculator is right, 36.5 percent minimum open space under that formula.

Parsons: Pretty close. Yeah.

Strader: That seems high. That that's my -- I think they are -- I think you need a cap.

Parsons: Oh. But keep in mind that there is alternative compliance for a situation like this where it just doesn't make sense and that's -- if you would look at the -- it says right here alternative compliance is available for these standards. If a project has a unique targeted demographic, utilizes other placemaking design elements in Old Town, or mixed use future land use designations with collectively integrated and shared open spaces. So, the intent is the multi-family would be integrated with a mixed use development, where there the commercial and the multi-family are sharing amenities, almost like that 10 at Meridian project where you had some of that integration happening. So, again, there is

-- do I see us -- I'm giving you a worst case scenario that I can get 30 percent of somebody's property. Is that -- I think that's why we said 15 percent seems to be that number aligning with single family to say, hey, there might be a point where it's too much is too much.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I feel like you have to pick extreme examples to see where there could be a breakdown and how the approach works. So, based off that feedback, intuitively, I don't like -- think making decisions intuitively makes sense, but my intuition would be there should be a minimum of 15 percent, because we require 15 percent for very similar densities and, then, the second cap requirement should be higher. I mean I would have a hard time choosing what that should be tonight, but at least 20 percent I would think.

Simison: Yeah. And kind of going to the conversation that Bill was talking about earlier where we have people talking about double dipping and we are over 20 percent currently, I would actually go the opposite direction and say minimum of 18, because that actually doesn't -- well, you don't double dip and it allows them to go lower than what they are currently required under code. I don't know if that's our outcome that we are asking is to reduce what we are, but what I seem to have heard is the calculation process is creating -- it creates its own problems, especially when you start putting into these equations, as people are also viewing them. So, why not go back to an expectation of minimum percentage or alternative compliance if the site is not -- it's not feasible or an acreage restriction or something. That at least from my perspective still accomplishes the goal of more density. Get a good amount of qualified open space, but don't require -- don't formally require them to push them out beyond, but -- yeah. Can you solve this now? I don't know.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Procedural question for legal. Between now and the ordinance and perhaps all three reads of this particular one, is it possible to advance a section such as this, have it come forward in an ordinance and a first or even a second read after maybe some more noodling has come through that particular number within the ordinance, you know, of 15 percent, can change to 18 percent as part of a read. Do we have that part of the process still able to change the number.

Nary: Mr. Mayor, Members of the Council, Council Member Borton, yes, you can still do that as part of the reading process.

Borton: Okay.

Simison: To clarify, though, based upon a conversation what I thought I heard Bill say is we are not changing other parts of the ordinance that would -- we would have to go back -- if we want to go to a straight percentage we would have to go do other changes as well, not just change to the percentage here. Did I hear you correctly, Bill?

Parsons: Madam Mayor, Members of the Council, no. It's -- it's only this section. Because that's why we did it, we took it out of other sections to put it in this section, so that we only have to worry about this area. It used to be in 3G, but you have approved those changes. So, now we have to -- at least want to do something here, because we want to make it clear that we want more open space, because we have taken it out of the 3G that you have already approved tonight. We want to make sure we get adequate open space captured in the multi-family standards.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The thought I was trying to do is there might be some refinement and some examples that we might see that support a particular change and, hey, this is a legislative matter, nothing prevents us from visiting with Bill offline and running scenarios and he brings -- share something at a first read and it's that or try and craft it right now.

Nary: Yeah. And, Mr. Mayor, Members of Council, Council Member Borton, I think really all that Bill needs is some general idea of what is he preparing for you to, then, review. You know, is it as it's presented? Is it without section eight? I mean, basically, what's the draft you would like to see next? Again -- and nothing's final until you vote. Nothing is final until after that process. So, there is plenty of opportunity now and then to have those conversations amongst yourself or with staff. So, I think it's just really trying to give Bill some direction on here is what they want you to present us and, then, again, whether -- what four of you agree on ultimately at the minimum is -- is really a decision down the road.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Ideally, personally, what I would like was along the lines of what you were thinking, which was instead of a ten percent minimum, I would much rather have an 18 percent or a 20 -- I can live with that. Or a 20 percent minimum and see where that takes us and, then, have planning take a look at -- if we could, then, eliminate -- you know, maybe that's for properties of five acres or more. Hopefully that solves that issue for smaller properties and, then, does that get us into hot water if we, then, take out that second concept of the density based minimum -- the second minimum. Basically just have one minimum -- higher minimum. Simplify life. That's my instinct personally.

Simison: Council, do you like the simplified instincts version? Would you like staff to explore that option?

Hoaglund: Mr. Mayor, I just have a question -- clarifying question.

Simison: Councilman Hoaglund.

Hoaglund: Bill, under site amenities, you had stricken open grassy area and at least 50 by 100 as an amenity, but it's on page two under 3-2, minimum size of common grassy area. Was it just stricken from amenities? Because since it's required it -- it can't be counted as an amenity, because it's required? Okay.

Parsons: Correct. Yeah. You can't count it twice.

Hoaglund: Okay. Good. Thanks.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I would be supportive of what Council Woman Strader is proposing. If that were a motion I would support it as well. I think it moves the ball in the direction I hear the discussion going and it's not the last time we are talking about it. But the concept certainly has support.

Simison: And I assume that you would all be in favor of the 5,000 square feet, just like the other --

Borton: Yes.

Simison: -- changes?

Perreault: Mr. Mayor?

Perreault: Council Woman Perreault.

Perreault: Yes. Definitely. And I wanted to make one other comment about the site development amenities under D-1. We had had a discussion -- a short conversation with one of the members of the public about storage units that are -- to add them as a site amenity. Not garages, but units where individuals can store personal belongings, as adding that to the list. I'm curious what my Council Members think about that. It also will help to address -- potentially address parking issues of individuals that are storing items in their -- in their garages and, then, parking on the streets.

Simison: You didn't ask me, but, you know, I think a bike storage facility is generally counted. So, if bike storage counts, I don't know why you wouldn't have other types of

storage facilities, because it's really the same concept. Whether you want to store a bike, whether you want to store a kayak, whether you want to store a -- pick and choose.

Parsons: Yeah. We -- Mayor, Members of Council, we have had that in other developments. The Selway Apartments, they actually built a structure where it had a -- the central hallway and, then, off of it were storage -- storage that you can -- you could actually rent out to the unit -- the property owners. So, that -- that's feasible. That's something someone can do under this and still count it as an amenity.

Hoaglund: Mr. Mayor. Bill, in here and under number five it says no recreational vehicle, snowmobiles, boats, or personal recreation vehicles shall be stored on the site, unless provided for in a separate designated and screened area. So, that is addressed. And, then, it -- number six, parking requirements shall meet the requirements set forth in Chapter 3, regulations applying to all districts of this title. So, I suppose that goes into all the -- what the other things look like for parking. Is --

Parsons: You got it correct. Yep. Absolutely.

Hoaglund: I was -- Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I was just going to say I don't know, I could agree with an 18 percent if we get there somehow. I think we are close to that. Did I say that earlier tonight? I think we are close? Maybe I did.

Simison: Yeah. About three hours ago.

Hoaglund: So, you know, if we want to continue down that track and get it done, maybe we get it done. If we don't feel comfortable with that and want more, we can -- we can do that. I think Councilman Burton, you know, asked some good questions about the process, so if we want to make changes to that we could, so --

Simison: So, with that do I have a motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm going to make a really poorly crafted motion. All right. I move that we approve Exhibit 5 with staff to make some changes to the sections as necessary. So, that we have a minimum open space requirement for multi-family developments, five acres or more, of 18 percent. Eliminating the second measurement that is currently in code that adds additional requirements based on density. Changing the minimum size of common grassy area to 5,000 square feet and adding to the amenities a concept of storage in general. Did I -- did I catch it all?

Simison: Do I have a second to that awesome motion?

Borton: Second.

Simison: I have a motion and a second. Is there any discussion? If not, all in favor signify by saying aye? Opposed nay. The ayes have it. The item is agreed to and, Bill, you have your direction.

Parsons: Well, can I have a clarification?

Simison: Yes.

Parsons: I guess were you asking that we take out the per unit number. Was that -- was that your --

Strader: Yes, Bill. But that the minimum is 18 percent now.

Parsons: For all developments of five acres or more or just for every development?

Strader: All developments five acres or more.

Parsons: All right. And, then, how do you want open space assessed, if you take out the per unit number?

Simison: Eighteen percent.

Strader: Yeah. Eighteen percent.

Parsons: So, it can't be five acre minimum. It's 18 percent period? Correct? So, basically, you want every multi-family development in Meridian to provide 18 percent regardless of acreage?

Strader: For five acres or more.

Parsons: Yeah.

Strader: And I think if we need an additional requirement for less than five acres, it should be ten percent. Sorry. I just did that one on the fly.

Simison: Does the second agree?

Borton: Yes.

Simison: Second agrees to that modification. We already voted once, we are going to vote again. All those in favor signify by saying aye. Opposed nay. The ayes have it and that modification is incorporated -- or it will be incorporated.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: All right. Thank you. We will see you back next week, Bill.

Bernt: Kidding.

Hoaglun: National Night Out, Mr. Mayor.

Simison: It was my joke. Come on, don't I get nothing?

Hoaglun: It's 11:00 o'clock.

Bernt: Terrible joke.

ORDINANCES [Action Item]

- 4. Ordinance No. 21-1936: An Ordinance Amending Title 1, Chapter 6, Section 5 of the Meridian City Code Providing for Mayor's Compensation and Providing for Market Adjustments; and Providing for a Summary; Providing for a Waiver of the Second and Third Reading Rules; and Providing an Effective Date**

Simison: All right. Well, with that let's go into ordinance -- next item on our agenda. Number 4, Ordinance No. 21-1936. Ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance amending Title 1, Chapter 6, Section 6 of the Meridian City Code providing for Mayor's compensation and providing for market adjustments; and providing for a summary; providing for a waiver of the second and third reading rules; and providing an effective date.

Simison: Council, you have heard this ordinance read by title. We did say we would take any public testimony on these items, if there was anybody interested. There is -- we do have one person in the audience. They are not interested. We have nobody showing online on Zoom. So, we will consider that complied with and see if there is a motion.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1936 with the suspension of rules.

Hoaglun: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

5. Ordinance No. 21-1937: An Ordinance Amending Title 1, Chapter 7, Section 9 of the Meridian City Code Providing for City Councilmembers Compensation and Providing for Market Adjustments; and Providing for a Summary; Providing for a Waiver of the Second and Third Reading Rules and Providing an Effective Date

Simison: Next item is Ordinance No. 21-1937. Ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance amending Title 1, Chapter 7, Section 9, in the Meridian City Code providing for City Councilmembers compensation and providing for market adjustments; and providing for a summary; providing for a waiver of the second and third reading rules and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody in the audience that would like to make comment on this ordinance this evening? Seeing nobody and nobody online, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1937 with the suspension of rules.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve Ordinance No. 21-1937. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the ordinance is agree to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics? Okay. If not, do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Hoaglund: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 11:03 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK