

Meridian Planning and Zoning Meeting

June 2, 2021.

Meeting of the Meridian Planning and Zoning Commission of June 2, 2022, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Steven Yearsley, Commissioner Patrick Grace, Commissioner Maria Lorcher, Commissioner Nate Wheeler and Commissioner Mandi Stoddard.

Members Absent: Commissioner Nick Grove.

Others Present: Chris Johnson, Joy Hall, Kurt Starman, Caleb Hood, Alan Tiefenbach and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Mandi Stoddard	<input type="checkbox"/> Nick Grove
<input checked="" type="checkbox"/> Steven Yearsley	<input checked="" type="checkbox"/> Patrick Grace
<input checked="" type="checkbox"/> Andrew Seal - Chairman	

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for the -- June 2nd, 2022. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall. We also have staff from the city attorney and clerk's office, as well as City Planning Department. If you have any process questions during the meeting, please, e-mail cityclerk@meridiacity.org and they will provide a reply as quickly as possible. It's online here -- so, with that we will begin with a roll call. Is it Mr. -- Mr. Clerk tonight?

ADOPTION OF AGENDA

Seal: Thank you. First item on the agenda is the adoption of the agenda. Ten Mile Public Storage, which is file number H-2022-0016 will be opened for the sole purpose of continuing to a regular -- regularly scheduled meeting. It will be open for only that purpose. So, if there is anybody here to testify on that tonight we will not be taking any testimony on it this evening. Can I get a motion to adopt the agenda as amended?

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

CONSENT AGENDA [Action Item]

1. **Approve Minutes of the May 18, 2022 Planning and Zoning Commission Meeting**
2. **Findings of Fact, Conclusions of Law for Amina's Daycare (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.**
3. **Findings of Fact, Conclusions of Law for Black Rock Coffee (H-2022-0019) by Tamara Thompson of The Land Group, Inc., Located at 3300 S. Eagle Road.**
4. **Findings of Fact, Conclusions of Law for Peak at Sawtooth Village (H-2022-0026) by JGT Architecture, Located at 4752 N. Linder Road.**

Seal: Next item on the agenda is the Consent Agenda and we have four items on the Consent Agenda. First item is to approve the minutes of the May 18th, 2022, Planning and Zoning Commission meeting. We also have Findings of Fact, Conclusions of Law for Amina's Daycare, file number H-2022-0012. We also have Findings of Fact, Conclusions of Law for Black Rock Coffee, H-2022-019. And Findings of Fact, Conclusions of Law for Peak at Sawtooth Village, H-2022-0026. Can I get a motion to accept the Consent Agenda as presented?

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to adopt this Consent Agenda. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: Okay. At this time I will explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made their presentation, the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The clerk will call the names individually of those who have signed up on our website in advance. You will, then, be unmuted in Zoom or you can come to the microphones in Chambers. You will need to state your name and address for the record and you will have three minutes to address the Commission. If

you have previously sent pictures or presentation for the meeting, it will be displayed on the screen and you or the clerk will run the presentation. If you have established that you are speaking on behalf of a larger group, like an HOA where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all those who have signed up in advance have spoken, we will invite any others who may wish to testify. If you wish to speak on the topic, you can come forward in Chambers. When you are finished, if the Commission does not have any questions for you, you will return to your seat in Chambers and, please, remember you will not have -- be called on a second time. After all testimony has been heard, the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns, we will close the public hearing and the Commissioners will have the opportunity to discuss and hopefully be able to make final decisions or recommendations to City Council as needed.

ACTION ITEMS

5. Public Hearing for Ten Mile Public Storage (H-2022-0016) by Kimley-Horn and Associates, Inc., Located at 4065 N. Ten Mile Road.

- A. Request: Annexation consisting of 5.037 acres of land with the I-L zoning district and a request for reduction in width of the required 25ft. residential landscape buffer to allow two self-storage buildings.

Seal: So, at this time I would like to open public hearing item number H-2022-0016, Ten Mile Public Storage for continuance.

Johnson: Commissioner Seal, I apologize. We have no sound out, so I'm going to reboot the system.

Seal: Okay.

Johnson: There is nobody in Zoom, but it will take a couple minutes to reboot and I think you are okay to do the continuance, but I want to get a reboot. Your screens may flicker. You may get kicked out momentarily. But that's what's going on.

Seal: Okay. So, we can go ahead and continue for this part of it in Chamber? Okay. Good deal. The applicant is requesting July 7th for the continuance, but right now that is during the -- the holiday week of Fourth of July and it would be the only thing on the agenda, so we are recommending the 21st. So, if anybody would like to take a stab at that.

Grace: I will take a stab at it.

Seal: Go ahead.

Grace: So, I -- I -- Mr. Chairman, I would make the motion to move this agenda Item No. 5, H-2022-0016, to our regularly scheduled meeting on July 21st.

Yearsley: Second.

Seal: It has been moved and seconded to continue File No. H-2022-0016 for Ten Mile Public Storage to the hearing date of July 21st, 2022. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

6. Public Hearing for Jump Creek South (H-2022-0006) by Kent Brown Planning Services, Located at Parcel #S0428449595 at the northwest corner of N. Black Cat Road. and W. McMillan Road.

- A. Request: Preliminary Plat consisting of 20 single-family residential lots and 4 common lots on 3.57 acres of land in the R-8 zoning district.

Seal: All right. With that we will move on to File No. H-2022-0006 for Jump Creek South and we will begin with the staff report.

Tiefenbach: There we go. Everybody hear me? Just one second. Okay. Good evening, Planning Commission. Alan Tiefenbach, associate planner with the City of Meridian. Good evening. Okay. This is a proposal for the Jump Creek South preliminary plat. I'm going to go through this quickly. This is pretty much more of an administrative process. So, the property is three and a half acres in area. It's zoned R-8. It's located at the northwest corner of West McMillan and North Black Cat. The Comprehensive Plan recommends this property for medium density residential, which is three to eight dwelling units per acre. So, a bit of history on this property. There was an annexation, a preliminary plat and a development agreement that was approved in 2014 for what was the Jump Creek Subdivision and this was part of the property. What you are seeing on the left is the vicinity map that was done for the 2014 annexation. What you are seeing on the right here is the original preliminary plat as it was approved. This preliminary plat included the 80 -- about 86 acres and it was 300 single family lots and two multi-family lots. So, you see all these single family here. If you look up here on the northeast corner here, that is one multi-family lot here. There is another multi-family lot down here in the southeast corner. Again -- so, this was 218 lots and two multi-family lots. Now, since that time there has been six final plats that have been completed and that's totaling 308 total lots. That includes the first multi-family project, which is up here, again, at the northeast corner and this was seven multi-family lots. The Planning Commission may remember -- there was at least a few of you that were on Planning Commission at this time. In 2021 there was a conditional use permit for the first seven fourplexes. Those are -- fourplexes are required under conditional use and that, again, was for this multi-family lot here. During the review of this project it was discovered that Jump Creek No. 4, which was a plat that was intended for the fourplexes, was platted as individual lots for each

fourplex, whereas, if you look at this preliminary plat here, all of those fourplexes are shown in one lot and I have sort of outlined that here to make this less confusing. So, on the left was the original preliminary plat where you can see the fourplexes on one lot. That's what I have put here in red. The plat on the right is what was actually platted. This was an error. This shouldn't have been done, but this was platted out as seven lots. The intent was to have each fourplex on an individual lot. Staff caught this mistake, brought this back to the applicant and the applicant conveyed to staff that this is what they wanted to do and when the next multi-family quadrant, which is what you see here, when that one is subsequently platted and they are going to want to do the same thing with that. It's going to be 12 fourplex units. Small error. The problem is is that what this does is although the number of units and the number of houses don't change, it has brought the number of lots over what was the approved 320. So, 318 single family and two multi-family lots. It would take them an additional 20 lots over. The solution to this was -- staff talked to the applicant and the solution was to plat out a new preliminary plat for the -- for the final phase of the additional 20 lots. So, again, the ones -- the ones you see here on the top, this was the approved preliminary plat for Jump Creek. What you see on the bottom here is what's being proposed, which is the new preliminary plat for what is being called Jump Creek South. Exact same number of lots, exact same number of open space, nothing has changed. Sorry. Exact number of -- yeah. Same -- same number of units, same configuration of lots, same configure -- configuration of open space. The only thing that has really changed is that all of the fourplexes are now being platted on individual lots instead of one. It's important to note that under our present code, because this -- this parcel is only three and a half acres in size they would not be required to provide the common open space. However, the Jump Creek development agreement, the one that was originally approved for this, has this in it and all of the open space -- are all included as one package. So, even though this is now a new separate preliminary plat to account for that plat error, everything else would be governed by the same development agreement. With that I would stand for any questions and -- or -- I have finished my presentation.

Seal: All right. Would the applicant like to come forward?

Brown: For the record Kent Brown. 3161 East Springwood. And Alan's done a great job presenting it and understanding what's taking place. The same number of units, if you will, because when you have multi-family those fourplexes were accounted for in that original design. The only thing is -- that's taking place is that instead of those multi-family fourplexes being located on a lot, now they are on individual lots and so we -- we had to be somewhat creative with how we did that. The final plat that is spoke of in your staff report has a lot that matches the configuration of this preliminary plat. So, the services and everything else are being installed with that lot. There is -- there is no right of way as a part of this, it's just a resubdivision of whatever that lot number was in phase six and putting these lots in. I will stand for any questions you might have.

Seal: Okay. Thank you. Does anybody have any questions for the applicant or staff? Thank you seeing none -- thank you. Is there anybody signed up to testify?

Johnson: Mr. Chair, there were none.

Seal: Anybody in the audience like to come up and testify? I don't think we have anybody online that I'm aware of. Okay. Seeing none, no further testimony from the applicant? Okay. Pretty straightforward. Unless anybody has any other questions, I will take a motion to close the public hearing for Item No. H-2022-0006.

Grace: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2022-0006. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Who would like to go first? Don't everybody get in there all at once now. I mean if -- if everybody's kind of in consensus this is pretty straightforward, more administrative, then, I will certainly take a motion.

Wheeler: Any big discussions? Okay. After considering all staff and applicant and public testimony, I move to recommend approval to the City Council of File No. H-2022-0006 as presented in the staff report for the hearing date of June 2nd, 2022, with no modifications.

Seal: Do I have a second?

Lorcher: Second.

Seal: It has been moved and seconded to approve Item No. H-2022-0006, Jump Creek South, with no modifications. All in favor please say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: SIX AYES. ONE ABSENT.

COMMISSION TRAINING

7. Pathways System Overview

Seal: And, then, for the training, do we want to close the -- do we want to go ahead and adjourn for this evening and, then, do the training or do we want to go ahead and make this part of the public record as well?

Starman: Mr. Chairman, the -- the training is listed on your agenda, so I would just keep the meeting in place. We will adjourn at the end of the training sessions.

Seal: Sounds good. So, tonight we have training sessions and the first one is going to be our pathway systems overview.

Warren: Good evening, Commissioners. I appreciate the opportunity to be here and give an overview of pathways. I know you have probably seen pathway conditions come in, so you, obviously, have an idea of how that dovetails into the development approvals process, so I'm just here to -- I'm not sure how much I thought of it as a training, but just provide a broader context and a little bit more information about the pathway system. My name is Kim Warren. I am a licensed landscape architect. Now, I'm kind of all about pavement and planning. I'm with Parks and Recreation upstairs and, actually, work as much with Community Development staff as -- as my colleagues up there. So, in terms of an overview of pathways, a quick -- speak quickly to this picture is new pathway out -- out at Owyhee High School. I did have the opportunity to meet Andy on our recent pathways tour. I should say Commissioner Seal.

Seal: That's okay.

Warren: But I appreciated you attending. Every -- once a year in lieu of a spring Park Commission meeting we take to our bikes and look at new pathways that have been built and do some arm waving, new developments, new opportunities. It's been really fun the last couple of years, because our system has gotten a lot bigger, so we can actually ride bikes the whole time. We don't need a pickup and transport to some other part of the system. So, we are going on long rides and it's been fun. So, we started at Owyhee High School this year. But back to the overview. Give you a bit of history and, then, just talk about the general framework and how the pathways system is organized. In lieu of our aging master plan we tend to use GIS to as -- as our plan for pathways. So, I will give some information on that and also our process for keeping that current and, then, growth has been a big driver of pathway development, which is -- it's a plus that I try to remember when growth can feel challenging. So, we will talk about some of that impact and, then, a few city projects and -- and kind of what our mission is in terms of in-house projects for pathways. So, in terms of history and evolution, we would not have a pathway system if we didn't have a master agreement with the Nampa and Meridian Irrigation District. Irrigation districts historically have been difficult to work with and this agreement predated my time at the city, but it's been a really valuable tool and they have been a great partner once we got them to not say no. We worked out this agreement back in 2000 to establish some basic rules for how we might share their facilities to build pathways and the value of this agreement is that we kind of agree once, it's a bit of an umbrella, and, then, any other pathway that gets permission to be built on their easements just kind of plugs into that master agreement, so we don't have to renegotiate it every time. I have also found that Boise, with their new pathways master plan, and some other cities called a lot in the last year to say how -- how are you working with the district. So, it was fun to learn that Meridian was a bit of a leader and -- so, that agreement with the irrigation district, you know, it covers access and we tend to get permission as to, you know, where we actually do build those pathways. Their concerns were largely based on safety, so we followed the rules. You know, if -- if they need a fence in a certain scenario, we will require a fence. We, through this agreement, wanted to put all the responsibility on us for pathways, so

we take it and, then, we, in the process of getting easements or permission to build pathways, we pass some of that maintenance and responsibility through to developers and homeowners associations and I will speak a little bit more about why later. Yeah. And the various things like within the easements we can't plant trees, anything that gets in the way of their operations. So, we try to respect their mission while still carrying out ours and it's -- it's worked pretty well. It also protects the district. There is a mention of recreational easement. It was a state law that was -- the scope of which was enhanced. I won't try to speak to it, as I'm sure Mr. Starman could do a better job. There is some protection for owners who allow recreational facilities to pass through their properties, but this agreement just helped the district to feel even more reassured. So, I just like this quote. It's a bit puny. Necessity is the mother of connection. And I think it's really true of Meridian. We worked so hard to get the agreement that enabled the pathways, because we don't have a river and a greenbelt and we don't have foothills, which are more natural open areas. What we had were linear open spaces along canals. So, we try to be really mindful and I do try to thank them for Meridian and just remind people that like that is the spine of our system and so some of our best pathways are natural linear open areas. So, after the agreement, before I got to the city, there was an original master plan document done. It was -- it was just a hard copy. It was updated. When -- I happened to be a consultant on the Parks master plan update for the entire system back in 2015 where we wrote a pathways chapter. Main goal of that I think in terms of sharing some responsibility for maintenance with those HOAs is we determined that, you know, we were going to be up to 130 some miles in the system and for the city to own and maintain all those pathways in perpetuity it was an incredible amount of labor and money and payment -- or pavement and we really weren't equipped to do that. So, the plan itself has a few details we still refer to. I consulted the bulk of -- of what I work from as a planning tool and what I reference is the GIS plan itself. So, the framework originally identified by that master plan have this basic connectivity concept. I think of it -- I like it because it sort of sticks. It stays in your head. It looks to me sort of like running circle with a yellow belt of Rail With Trail, but the idea is a big loop of connectivity through the city. It's a little bit more of an urban setting and, then, these canal pathways along the Ten Mile Creek and the Five Mile, that -- that intersect and with that basic framework is the idea that for many neighborhoods people would -- we are working toward having safe roads or micro paths or ways to get on that system and have some overall connectivity at the north part of the loop. So, I guess I was saying in 2015 there had been a history of -- of paving pathways kind of where ever we could build them and had permissions and for a while they called it the spaghetti plan, because it was a little bit chaotic and so as a part of the 2015 effort it was decided to really try to focus pathway resources on just a few pathways with the aim of let's get some continuous miles, so it -- it starts to feel more like a system that takes you somewhere. So, the Five Mile and the Ten Mile pathways, sometimes they are known as the Ten Mile Creek pathways or Five Mile Creek and also the Rail With Trail, were identified as priorities. Rail With Trail is a really long game. It's a wonderful idea. I will speak to that later if you like, but that's a bigger effort sort of valleywide. And, then, we did identify these connections north to Eagle, Eagle Island State Park, the river, and the Greenbelt and once we get there we have a lot of opportunity to go far east-west in the valley. So, we are working on getting north. So, this is a map. It's -- it's the north part of our working pathways map that highlights the loops and you

can kind of see how they lay in a little bit more, actually, within the city. So, the pink -- well, I guess to back up a little bit, the -- and this will show on your maps. The symbology is just a little different, but the solid red lines are existing pathways. The dashed line -- orange lines here -- and I think they might be dashed green on your handouts. Those are proposed pathways. And, then, the routes are highlighted. The -- the loop in the pink color, the Five Mile pathway, which has -- currently it has about five continuous miles sort of starting from about Ten Mile to the southeast. So, that's our biggest run. And, then, in the aqua blue color, the Ten Mile Creek pathway, which also has parts that continue further to the southeast. And, then, we use GIS, as every department does, such a great tool for planning and it allows us to keep things a bit more current. So, we haven't adopted pathways layer and that really kind of functions as our plan. It's available online. During the pandemic I know many things became much more interactive online and this was something that we did at -- it's -- you can get to -- through the Parks tab on the website and just parks and pathways and if you -- I think I have a pointer -- anyway. The -- the map over on the right side of the screen is interactive. You can -- you can pan through that and it will give you -- you are able to get more detailed information. There are some links where you can print the pathways map, more like what you have in front of you and, then, you can also get to those resources through the Community Development website, through transportation and bicycle and pedestrian resources. So, the adopted plan -- it's law, essentially, that's incorporated into the development code. That's what we absolutely have the ability to condition to developers. But recently, in terms of keeping the plan more current and processes for updating, GIS worked with me. They have been great to create an editable map, but it's really only the pathways layer. I'm -- I wish I knew more about GIS. I know enough to know what a powerful tool it is. But this is kind of isolated, so that I can make some minor changes and not mess anything up, you know, further into the system. So because the adopted pathways layer is part of the code, of course, I can't just go in and make edits and change it as I will without process and public input. But we have added a layer to my map that's a working layer. So, I can go in and if a pathway was proposed and it's now existing, that's an easy change. It's not essentially changing the plan, so that's something that we will write to the final document more quickly and just so the map stays a little bit more current overtime and it also is really nice, because we are just growing so quickly and out on the edges of the area of impact with -- you know, when there are development agreements and annexations, we can ask for pathways, but it really helps to have them drawn in, even just like we want a pathway on the half mile, we are going to go along this waterway, so it helps me kind of think about those connections and, then, every 18 months to two years -- in fact, we are due. I'm going to wait until after the budget hearings kind of wrap and -- and get finalized in August. We will present a summary. We present all the information to the Park Commission and usually do a workshop in advance of that and kind of talk about some of the bigger changes to the map and ask if any new changes are needed and ask for their recommendation to Council and, then, we also present this information to Council, so that the new updated layer can be adopted and it's more enforceable. It sounds like a strong word, but, yeah, it has some tooth to it. I know that as the pathway system has grown, people -- I -- you know, I actually get calls from individuals saying when is the pathway in my neighborhood going to be built? So, I think there is some momentum to it and I think that holds true of the development community. They see the value and there -- there are

times when we can say this is on our working layer. We can't require you to build this pathway, but we would like it and -- and so it gives us some latitude to do that, even if we can't insist. It's been a good tool and it's updated every couple of years. Private development really has constructed the bulk of the pathways. I did put together some numbers for the Mayor's office prior to the State of the City and I think my estimate was four to five miles of new pathway built with development in the past couple of years. That's a -- just an estimate. But, yeah, that is a big engine to get things built and I mentioned that part of -- part of that agreement is to have the pathway zoned and maintained by the HOAs and these tend to be in new areas of town, obviously, where development is occurring and it's happened quickly, which has been kind of fun. We do not charge impact fees for pathways. I believe because it -- it's -- it's -- we have been -- it seems like a double dip, I guess, to, so you have to build this and, then, to charge an impact fee also. So, to date we condition the pathways. There has been some discussion about a change, but for now that's the story. The pathway showing is along the Jackson Drain and there have been discussions here, maybe it was a Council discussion about landscape and how that open kind of creek could be part of this development north of Pine. So, city pathway projects are part of my responsibility as the pathways project manager. There is an ongoing effort -- I think we are trying to enhance connectivity and to a great extent lately we are filling in missing gaps. Sometimes we call them missing teeth. And so we are working under certain criteria and those tend to be -- is it a part of town where development occurred before we had these plans or the policy in place for -- for parks to be on the review committees to request pathways. Is the ownership of the property we want to cross relatively simple? So, is it one owner? Is it an agency that we know we can work with? Sometimes we are in a situation where we would need to get 17 easements across that many properties to do a pathway and that's really hard to make happen. So, we tend to not put those into motion, they just don't happen. And also we look at stretches that really don't have any chance of being constructed through development and we have had opportunities in the past to use like on this Fairview Avenue. Again, it -- sometimes they are a bit unglamorous, but I love this ten foot stretch of sidewalk on Fairview. At the left of the photo the Five Mile pathway comes in, it runs along the creek and it -- it hits Fairview and it used to just kind of dead end there and nobody really knew if it continued. So, now we have this section of sidewalk and the stripe on the Five Mile pathway is a new thing to where we -- just to give it a little bit more visibility. This is a pathway or make people wonder what it is. I know one person didn't like it at all, but for the most part we think it gives continuity to the -- to the system itself and it helps provide a cue to people, yes, this goes on and -- and you can kind of see where, so they don't always have to be on a device. So, we started out of -- the last couple of years we have been focused on these in-fill projects and originally we started with a dozen and we kind of windowed it down to the more realistic ones that kind of fit our criteria. So, I have got the projects keyed out and I have mentioned a couple of times that we are really working to head north at -- at Linder and Locust Grove. So, these are all projects within that are -- have been designed -- nearly designed. Some are out to bid and awarded. Some are just in the process of being awarded, but they are all going and headed into construction this season and I think one of the more -- so, we are heading north. We have got a small connection number four, just north of 8th Street Park, again, aiming to get neighborhoods down to the Five Mile pathway. Number five in that circle is

a -- it's a mile that really hasn't had any pathway in it and the wastewater treatment plant is there. There is a little bit of pathway and, then, there has been nothing west to Black Cat and they were just arrows that had on farms and been there a long time, but suddenly that's changing. Quartet is being developed and we have a pathway project that we are actually partnering with -- partnering with the developer to build a bridge over the Five Mile Creek and we are connecting, essentially, the -- the neighborhood segment with the existing segment near Ustick and Ten Mile and that's a mile that's just been no person land for a long time. So, that will connect maybe three miles to the west of Black Cat with another five miles to the southeast and -- and it will be a really beautiful long run of pathway. These were also numbers I compiled just in advance of kind of looking at data for the State of the City. So, even the privately owned and maintained pathways are part of the public system and I think you know that to get credit for qualified open space a pathway is a good way to do it, but it's a public pathway, but you can see the relative, you know, 35 miles of city owned to maintain pathways, which is more like 15, and the city pathways would include ten foot loops within parks and also the Five Mile pathway, that's one that we -- it's such a major spine of our system and it ties into safe routes to school and so that is one we maintain as a city. So, around 50 miles and some of these are the wide sidewalks, some are asphalt pathways along irrigation features and, then, another proposed 130 miles. So, we have got a lot kind of out at the edges that could be done. There is more here than I think people realize and perhaps not you all, but I -- I think people who aren't familiar with Meridian. So, we are working to just create a little more visibility and awareness. This is just a graphic I really loved from the strategic -- I think this is a city strategic plan. I went to one of the workshops and people -- people love pathways. I love pathways. I feel honored to do this work. I know I have a lot of support from my colleagues in Community Development. They have really got my back in terms of review. Obviously, I try to -- to catch all the requirements, but they are very active in terms of connectivity and pathways and I appreciate the support that I'm sure I get from all of you, too. So, I'm not sure if that covered information according to expectation or if you even had expectations, but I would stand for any questions and we can double back or just if you -- if there are any other things you want to know, I would call that complete. Thanks.

Seal: All right. Thanks, Kim. Really appreciate the presentation and I did -- I loved going on the -- on the bike tour and everything. That was really eye opening and gave me a lot more information to look at, especially as far as everything is mapped out and coordinated. So, it's -- it was really -- really unique. Very nice.

Warren: So glad you came. It feels so different to be out there. I mean so much of my life is spent on the map and so I think that might be something we will -- you know, we might cast a slightly wider net and, then, you know, invite -- we can't really have 50 people on this bike ride or it feels more like a race or event and it's hard to communicate. But I think it would be fun to include, you know, other Commission members. I know we had some Public Works people join us this year. So, do reach out -- I could also do -- you know, I -- I'm going to tell our Commission next week in the follow up, just that I would be happy to do kind of a makeup tour, because some of them missed. So, if there is ever an interest -- I know we have a few bikes here at City Hall and no pressure, but I would

be happy to either propose a route or, you know, some ideas for where would be good to ride or -- or lead another impromptu tour. It's fun to -- to have to do that. Anyone else?

Seal: Anybody have some questions, comments?

Grace: Yeah. Mr. Chairman. Thank you, Kim. That was really eye opening to me. I'm -- I'm -- I'm on an HOA and I didn't even know that these went through our subdivision and just looking at them it makes sense. I kind of go, oh, that's why that's all -- that's wider and that's different than -- so, thank you for that. But a question as far as the -- for the Commission is concerned. Is it fair to say, though, that we should be cognizant of, you know, when we get projects brought before us of any -- certainly direct effects. I -- I would assume they cannot impede any of these, but even indirect negative possible effects of -- of anything that might, you know, be detrimental to these pathways, is that sort of a fair statement we should be watching out for?

Warren: Yes, Commissioner. I think one thing that I'm very careful of is the irrigation district and I try to be very explicit with development applicants that, you know, we can only condition things on the private property. The subject property. We can't require anything to be built within those easements. Someone may get permission to do that and that is acceptable.

Seal: Oh. It looks -- looks like we had somebody fall. Are we okay, Chris? All right. All right.

Warren: Back to your question, Commissioner Grace. I guess I do try to watch out for the requirements of the irrigation district. We don't want to miss these. I mean this is our chance to get through and it can be incredibly -- not so much with the HOAs, but we don't want to miss that chance, because it's easy at the time of development, someone's going to need to build a seven foot sidewalk anyway, that may as well be ten and, then, there is an opportunity for them to build it even off their property. We just -- we just can't require that. There are sometimes conflicts or discrepancies between what the code will require landscape wise and what the irrigation district will allow. I think a lot of that has been worked out, but I know sometimes there are -- and I probably don't know the planning terminology. Maybe you need to seek an alternative compliance, because you would say plant trees along the pathway and the district would say, no, you can't plant trees in our easement, so there are issues like that where sometimes it has to be finessed and that landscape can happen elsewhere, but I consider myself the -- yeah, I try to uphold the rules of our agreement just because it is so key to the system. We have a good partner. I would like to keep his life as simple as possible. But I generally feel really supported in this job. I'm sure you are all a part of it. Are there anymore specific questions? Did that answer your question?

Grace: No. Thank you. That did. I just --

Warren: Okay.

Grace: -- just awareness on our part.

Warren: Yeah. Anyone else?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: You alluded to a possible Rails and Trails program. Is that something that's currently being discussed or something for the future?

Warren: It has been discussed for a while. In Meridian locally we have a Rail With Trail project just west of City Hall that we have been working on getting right of way for, so it would be the mile -- it's only alongside the corridor and that's as close as we have gotten to date. But it's the mile between Meridian Road and Linder I think is the next. So, that's a new term. When development occurs next to the corridor --- and the -- the Rail With Trail shows up on our pathways map, but it's outside of the irrigation right of way, because we -- we haven't had those talks or negotiations. There was a Rail With Trail work group that, you know, laid out a route, hired a consultant to do some -- like a crossing study several years ago and, then, some -- some cost estimates and next steps and there -- as part of now COMPASS's active transportation work group Rail With Trail is -- is part of that. So, there is talk and it's a goal and it's just -- it's been done in other places. There is a fair amount of rail traffic -- you probably noticed if you are in downtown Meridian when those trains come through and there are a few rail spurs. Like the irrigation district, the railroads and their clients are really worried about conflicts. So, I think it's going to take a while, but, ultimately, the vision is for that pathway to go from -- you know, share a portion of the corridor and go from Nampa to -- out to Micron. So, it would be really a huge commuter asset. But I think just a long game. There are active things going on, but not a lot of momentum until we can kind of engage more fully with the railroads.

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: Hello, Kim. Just a quick question here. Or I have got several here that you kind of spurred my thoughts on this one was -- one was are there any federal funds that come through in order to help out within these pathways? Because I know that they are interested in also supporting like alternatives to -- to just normal vehicular transportation, so I didn't know if we were able to tap into that?

Warren: Yes, Commissioner. In fact, we -- on the rail alongside trail that I was just talking about west of City Hall, we -- we do have some federal funding. I think -- boy, Caleb would probably know better -- L tech or H -- some federal funds for pathways and we have been -- we kind of had those on hold and we just heard that we are going to be able to do a land trade to complete that right of way out to 3rd Street. So, yes, we are scrambling now to use some of that federal funding that was approved years ago on half of that Rail With Trail, again, alongside trail from Meridian Road to about 8th Street. So, yes, we -- we do that sometimes. It can be -- there are more requirements to meet with

the federal funds, obviously, but we have kind of -- we have geared up to do that. We are -- we are smarter about some of those than we were a few years ago when we ran into -- well, yeah. What else?

Wheeler: I just remembered when I lived in Sacramento they had a pathway there and that went from old town Sacramento clear out to Beals Point. That was 32 and a half miles and you could ride your bike the whole way and they actually used federal funds in order to do that, because it was a green pathway on it. So, it was just kind of like, oh, maybe we could tap in and use some of that, too, for it, so that's great. Another question I had was -- are there any sort of like -- I think you kind of addressed this a little bit, but like jurisdiction or tension issues between like HOAs and the Nampa-Meridian Irrigation District when it comes down to some of the maintenance requirements that they are asking for or what do we know about that? I mean I understand that we hand it off; right? The city hands it off and, then, it's out of our hands, but sometimes we might hear some things on the back end of that. Are -- are we hearing anything on that where we are hearing some tensions?

Warren: Well, Commissioner, I think -- I mean I do get calls and try to kind of step in when I can. We know that Greg Curtis at the irrigation district also gets calls. People worry if they are cutting vegetation and sometimes it's our job to say, well, they have a mission to do and these are their properties and if they need to get vegetation out of the way they can do that. I do know that they will wait for some of the baby birds to kind of fly the nest before they do. I mean there is some thought given to that. The -- I know we just had a case with an HOA in south Meridian where they wanted to do repairs. They were aware that that was their responsibility and they do need to check in with the irrigation district and get a -- a license agreement to do that work and to be doing work within the easement. So, I do some fielding of calls and kind of explaining of rules. I -- yeah. I think it -- it works pretty well. I think there are going to be cases with maintenance later on where there will be a lot more pathways new now, relatively, that need to be maintained and we will see if this policy works for the city if we need to.

Wheeler: Okay. Okay. The -- the width on the pathway does vary; correct? On that? Can be up to ten feet, 12 feet, whatever, and it can be down to seven, it just kind of depends. It can be asphalt, it can be concrete and go back and forth on that; right? Or even gravel at this point or dirt?

Warren: We don't have any provisions for gravel pathways.

Wheeler: Okay.

Warren: As a runner I love the gravel pathway, but it's more -- it requires more in terms of ongoing maintenance. So, we allow asphalt and concrete. We do like them paved a minimum width. We usually ask for a 14 foot easement, so it's a ten foot pathway with two -- two foot shoulders. That can vary if it's up against a roadway or a right of way, but, yeah, that is our minimum to count like as an amenity is that ten foot for the multi-use

pathway. There may be a couple of spots where it necks down, but that's kind of unofficial. It's not our standard.

Wheeler: Got you. And, then, the last one here -- a question I have is some of these pathways go through some pretty major intersections too; right? Like I'm looking here at Eagle and Overland. That's -- if I'm on -- if I'm on a joyride or walk with a stroller -- you know, strollers or whatever with my kids or whatever the case is -- which none of my kids are in strollers, so I don't even know why I brought that up, but -- you know, I was having a flashback. Sorry. But if I was to go through there with some -- with a group or something like that, that intersection would be pretty tough to go and, then, to see how that would cross over the Interstate I-84 with the cloverleaf and all these kinds of things. So, I'm wondering are there -- what do we do with the safety side on the pathways? What do we do with things that maybe there is alternatives for these kinds of pathways to where people can just kind of get on these things and just enjoy without the -- the busyness around them.

Warren: Yeah, Commissioner, I absolutely hear you. Big roads here, lots of traffic, it moves quickly and even a signaled intersection feels -- you feel a little vulnerable. Up in the northwest I know where Linder Road is extending along the river into Eagle we are working on getting a pedestrian underpass at the Five -- I think it's just the greenbelt there. So, we are talking about a vertical separation where ever there is a possibility. There will be an opportunity to do that at the Five Mile Creek and State Highway 16. So, State Highway 16 goes north, just -- it's just offset from McDermott. It's kind of out by the new high school. So, there -- we will have a chance there for a pathway. It will need to cross McDermott, but I believe it will be sort of a frontage road at that point and that will be a relatively long run. We look for those opportunities -- when we do cross over the interstate on a vehicle bridge, you know, we usually try to get that ten foot or maybe even a little wider pathway. It's -- and I know that with -- we have moved also with -- alongside arterial roadways rather than a bike lane, which is what ACHD tends to do in Boise, we have moved to a preference to get the facilities up off the roadway and be fully detached, just so that pedestrian feel -- pedestrians feel easier and -- and a bit safer and more removed. Commuters don't always like those as well, so it's an interesting balance, but -- but that is kind of Meridian, it's the challenge of how do you -- we looked at an underpass potentially to go under a future bridge at Star Road, but that right of way was 130 feet wide and it was just such a long tunnel that it felt it was -- it turned out to be quite expensive and it just didn't feel friendly for -- especially for the cost. So, we do have our challenges here I think in that the terrain is basically flat and it's hard to get that separation from the roadways. We have mid mile crossings of some of the -- but the -- the highways can be especially daunting. So, I hear you and we are -- we are mindful that we work with ACHD to get pedestrian dedicated crossings where we can understand.

Wheeler: Yeah. I understand. I mean to go ahead and make up your own bridge that's going to span 130 feet in its own causeway system, that doesn't make any sense. Or to tunnel underneath a, you know, six lane interstate, that doesn't make -- and two off ramps, I mean that -- that's cost prohibitive and borderline insane to do that, you know. So, I -- I get that aspect, too, and you have these normal impediments that just these nice

pathways that you have with it. So, I appreciate it. I like it. I like the way that it connects. I know that Commissioner Seal constantly, you know, when we have these things with pathways -- I like the pathways. Let's see what we can do and stuff. And so I have kind of jumped on board with it, too, and just kind of like -- this is great. I love seeing these kinds of things like that one. One bit of suggestion I would -- I would have is on maybe some of these longer ones that are straight or some of these ones that have like some distance that's between -- before they end or whatever, maybe just have some fun and have some -- some markers on the -- on the pathway itself, whether it be every tenth of a mile, every mile; right? Because, then, people could go and run these things and know exactly where these markers are at or ride their bikes on these things or, hey, every tenth of a mile I'm going to do so many push-ups or -- just things like this, just for markers for the people that ride them, too.

Warren: That's an excellent suggestion and I know we have -- it's definitely in the thought mill. In the summer we are having the Urban Land Institute visit. I don't know if you have heard of this organization, but we got connected with them and we are sponsoring a panel. So, these real estate and design professionals will visit and do some problem solving for us on our pathway system and placemaking and wayfinding is part of that. I know when we were on the tour it's easy to get lost on this big grid, you know, with -- it -- it's a mile long grid, but sometimes you will -- you will come up to a street and think now is this Black Cat or is this Ten Mile and -- and that sounds odd, but -- but I have the idea that maybe as you come up you actually identify the street right there on the pathway. Maybe it's paint. Maybe you have intermittent markings. It's -- yeah. That's definitely a great idea and I think people are able to navigate via their phones, but they don't want to be on their phones when they are out there. So, what is a good way to help with wayfinding and marking, things like that? So, that's a great suggestion. We are -- we are also working on versions of that.

Wheeler: Keep up the great work. ULI is a great -- great group.

Warren: Oh, thanks. Yeah. I'm really excited. It's -- it's a good opportunity.

Seal: On the marking parts of it, the -- for the greenbelt work, but -- several Boy Scouts that were doing their Eagle project -- mark a lot of that down there with, essentially, different markings, so they could call in if there was an emergency or something like that, they can say I'm at mile marker whatever it is in the blue part of the Boise Greenbelt and they will instantly know where that's at, so --

Warren: Yeah. That's a good point and I think things like safety and being able to locate people quickly are of more concern as -- as we grow. I have also seen great examples of art or, you know, things painted on pathways. So, I think that could be integrated, you know, just with the placemaking component of it, so --

Seal: Yeah. Absolutely. Anybody else? No? Well, thank you very much. We really appreciate you coming in and educating us on the pathway system and we hope to see it grow and continue growing, so -- surprisingly fast right now, but that's okay.

Warren: It is. Thank you so much. I really enjoyed being here. Let me know if you have additional questions. I'm happy to attend a meeting or come back in a year or so. Don't hesitate to reach out.

Seal: Okay.

Warren: Thank you.

8. Planning and Zoning Commission Best Practices

Seal: Thank you very much. Caleb, are you ready?

Hood: Mr. Chair, I'm ready. Are -- are you guys okay if I stay here? I'm pretty comfortable here in this seat, so -- all right. So, Commissioners, thank you for this opportunity to address you tonight. Kind of like -- like Kim, I don't know if this is a training necessarily, but I appreciate the opportunity to address you this evening and have a discussion anyways. There are some things I would like to -- to talk about with you and, hopefully, it helps your meetings run more efficiently and you become more and more comfortable as a commissioner. Thank you for your service by the way and volunteering your Thursday evenings twice a month. Last -- last month we had -- so, if you don't know, we have a staff meeting prior to these meetings and kind of just run through the agenda, any last minute things that may come up regarding the agenda and our last meeting talked to the chair and vice-chair about looking for opportunities to potentially do something like this maybe quarterly and invite guests from time to time, like the Ada County Highway District. Maybe it's an irrigation district. The school district. Understand a little more about their processes and procedures and codes, again, to make you more well rounded -- not inferring you are not well rounded now, but just to, you know, put some more of the puzzle together with some -- maybe some pieces that you would like to have and I think that's part of my -- the conversation we are going to have tonight is you don't know what you don't know, but are there some things that you would like to know more about. Are there some folks we should invite that you are like, you know what, this one I still don't understand. Maybe I could address it. Maybe we invite a special guest at a workshop and, again, what we are thinking is maybe doing something like this roughly quarterly and having either city staff or our agency partners or others come and -- and have some of this discussion with you all. I have a list started, but, please, feel free to e-mail myself, Bill Parsons, if there are topics -- they don't even have to be -- kind of like you will see tonight, I'm going to kind of be all over the place with some things. It's not -- it's not very organized or -- I will be talking about subdivisions and, then, we will talk about agriculture or something. You know, it's -- it's not -- there is not one theme tonight, so any -- anything -- any questions you have, please, shoot them my way and -- and we will add that to a list and, then, again, work with the chair on workshops. Maybe just by quick head nod. Generally that sounds okay to maybe do some -- some training, a discussion, roughly quarterly? Okay. The other one I -- what may be your next one -- is meeting with the City Council and so that -- to me that's kind of a joint purpose. More so you can get to know them a little bit better as people and your elected officials, but also maybe do a joint training, again, with our legal staff and just a way to, again, kind of connect with them,

make sure things are going smoothly and -- and just to get -- to get to know them a little bit better. So, that's in process and, hopefully, we can -- the stars can align and -- and that can happen before the end of the year. Certainly, again, if not maybe even later this summer or fall. So, we will -- I will be in contact soon to kind of check calendars and see if there is something like that where we can get a majority, if not all of you and Council to attend on something like that. I also wanted to just let you know as I found out last week that there was an opportunity to do this. I did reach out to some of my contacts that we have historically leaned on to do some of this training. Other planners, some folks that deal with the Association of Idaho Cities and Idaho counties to say, hey, is there anything in -- in Idaho that does some training for Commissioners, because this is a universal thing and throughout the state. I just heard back actually today that there is some momentum afoot to put together some training modules online. I got a draft list of the -- the topics that they are considering, so as early as this October they hope to have the first couple of modules available. So, five to eight minute video sessions on different topics, just for fun -- and some of them are pretty basic and some of them are more advanced and that's kind of how it will start. I just want to read some of the subtopics to you. I think this will -- this will be great. If there is other things you want them to address, though, again, please, feel free to shoot me an e-mail, I can let you know if they are already on their list of videos to make. If not we can look at it. But keys to successful planning and local jurisdictions. Roles and responsibilities of a P&Z commission member. Lawful conditions for decisions. Findings of fact and conclusions of law and quasi-judicial decision making. Some of it sounds pretty dry, but I think it would be useful. Steps to building a better commission. Actions that implement your comp plan. Zoning variances and nonconformities. There is probably about 40 or 50 that they already have kind of list, but those ones seem kind of interesting and I think there, again, could be some value in that going forward. Like I said, I'm going to jump into kind of my -- the presentation. Kurt also has something at the end. I think we are okay on time hopefully. I'm not trying to belabor this, draw this out longer or keep you longer than you need to be, but Kurt I think would like five or ten minutes. I will need some time, too, at the end for Q and A. But, again, a discussion, feel free to interrupt, you know, if I move on too fast, you want to follow up on any of the things I'm about to hit you with, feel free to just jump in, so --

Seal: Thanks, Caleb.

Hood: Okay. So, I wanted to kind of start -- it's a refresher, but sort of at the beginning and my role with the city is largely on the long range planning side. I do a lot with transportation as well, but the Comprehensive Plan is kind of near and dear to my heart and what I deal with most of the time. I also live in the world of codes and standards in the UDC, but I am not charged with implementing those so often. I do interpret that, but I -- I am not daily in the UDC, but the Comprehensive Plan -- I just want to reinforce what it is and -- and how we use it and ask that you do as well. And, again, I'm not trying to talk down to you. I know you all generally understand this, but just to reinforce that that Comprehensive Plan is a guide for our community that has a lot of goals and policies of who we want to be into the future. It isn't code, so there is interpretation to that. A lot of the -- the policy statements you can interpret one way or the other and that's largely why you are here. You get to decide does this policy even apply in this situation, and, if so,

how do I think we are going to move towards applying that policy. So, it is different than, again, the UDC and the codes and the standards that we have for development. But the comp plan does -- even guide our code a lot of times. We will have policies about implementing the pathways master plan that Kim just talked about. The standards are ten feet wide, two foot shoulders, five foot landscaping on each side. That's -- that's the standard. That's the law. How it can kind of go that's more of a comp plan thing. Yeah, we need to get from A to B, but there is a little bit of wiggle room in that. The other thing I guess it's -- I will just -- I will say it this way. It's sort of a de facto requirement. Is the -- the density ranges for residential. So, we did address this with the 2019 Comprehensive Plan, that the low, you know, zero to three, and we -- we clarify that it's a rounding. So, you can go up to 3.49 and still be in low. Once you get to 3.5 that's -- we consider that four and you are up into the medium and so that is something where if we -- if -- if a project is submitted to planning staff and they have a medium density residential designation in the comp plan on the future land use map -- so three to eight dwelling units per acre and they have 2.4, they need to do a comp plan amendment to go to low or if they have 8.5 they need to do a comp plan amendment and go to medium high. So, that one is -- we -- we are pretty particular, but, again, it's a range in there. It's not a hit it right on the head, but they have to be within that range to be consistent with the Comprehensive Plan. I haven't noticed that. I don't think that's been an issue for this Commission. But I -- that one is pretty hard and fast as far as comp plan things go where a project has to fit within that. There is an expectation from our community and we spend a lot of hours with community members saying if I see this shade of yellow I expect to see that density and so when -- again, when a project is proposed it doesn't meet that. That is the process to do a future land use map amendment. I -- I have the table and I don't expect you to memorize it. I don't have it memorized. As you know, some of your projects you are the decision making body. Sometimes you make a recommendation to Council. Sometimes you are not even officially part of that review process. A variance is a good example. Variance or an access to an arterial roadway or a highway. By our code you are in that process of review. You don't make a recommendation to the Council on that, you aren't approved -- you aren't part of the process to approve that. That said it is part of the overall application. Is a companion application that we don't expect you to just pretend like it doesn't exist; right? I mean if they need an access to a highway to make their project work and you are like, well, I don't like this project if you don't have that access, you don't have to like the project; right? We aren't asking you to say approve or deny the variance, but if your consistency with the comp plan and whether you believe that that project is in the best interest of the community or not is predicated on them getting an access, you don't have to approve the project. So, there is kind of a -- again, it's -- it's a relationship. It's all intertwined. So, your motion doesn't have to be we are denying the variance or approving the variance, but, again, you can certainly talk about it and the merits of an access point, again, in this scenario or any other thing that just goes to the Council. They need a development agreement modification; right? That's pretty standard. You see development agreement modifications. So, feel free to have those converse -- that conversation amongst yourselves, even though you are not officially or technically part of that review approval recommendation process. So, staff recommendations are largely based on the comp plan and UDC compliance. The other piece of that I guess that we aren't privy to a lot of times -- certainly we check the record and can see who has written

a letter, but, you know, the public testimony that is verbal, we aren't privy to. It hasn't happened yet. So, when we write a staff report a lot of the things you are reading about we didn't have these perspectives, but it's -- certainly part of your job is to consider whatever you are hearing -- hearing from the people that are present and -- and providing that testimony. I just want to provide you some assurance -- and I'm not encouraging you to do this necessarily, but don't be afraid either. If you -- if you don't agree with staff's recommendation it is -- it is okay and appropriate and we will sleep at night most of the times if you disagree with staff's analysis and recommendation. It is okay. Again, the comp plan has some -- there is some gray area in there and that's why you get paid the big bucks is to figure out, yeah, this is -- this -- this is Meridian or, no, it's not and depending -- either way. Staff recommended denial you can recommend approval or vice-versa. So, be confident in that. If you have questions on that we can even help you with some of those findings to get there. Sometimes staff has written a staff report for denial. There aren't going to be conditions of approval, so you will likely have to continue that back to staff so we can draft up some conditions for approval if that's what you want to do. I will say I'm proud of my staff, they do a good job of analyzing projects and providing you that information, but we are not right all the time and, again, you have -- there is other elements for you to consider in your -- while you do your job. So, my -- my kind of follow up to that point is we do spend a lot of time writing staff reports and I would just request that you -- don't have to read every word, but become familiar with them, understand them, and if you don't feel free to give us a call. I don't know how much of this Kurt's going to talk about, but this isn't ex-parte communications. We are, essentially, on the -- we are on the same team and, essentially, one. You can call us and, hey, you know what, I read this, I didn't understand this, Sonya, can you tell me what this means on page three or how this works or your thought process or -- or whatever, so -- and a lot of times that may be a question that the rest of the Commission has and we can -- we can share that with everybody on Thursday night, but if you are reading this over the weekend and you got a question, shoot us an e-mail, call us on Monday or Tuesday, whatever that looks like. So, we are here to help you in that process. So, feel free to reach out. I think that's pretty much what I wanted to cover. There, again, transitioning. These transitions are a little rough. I want to provide you an update on the UDC update. So, for those of you that don't know, we have a standing committee, what we lovingly refer to as the UDC focus group. It is a wide range of developers, engineers, architects, citizens, staff from various departments, other agencies, and they are kind of on call and roughly twice a year we go through this process. We keep a running list of things in code that are either not clear or could change just because our society changes, our community is changing and we vet these and discuss them through this UDC focus group. We have had I think three or four meetings already with this round of UDC focus group. We have got one more. We just sent out what we thought was going to be maybe the rough final draft, got a request to have -- sit down one more time and discuss that. So, we are hopeful here by the end of the month we will wrap that up, submit an application. So, probably July or August you will hear -- you will see a UDC text amendment proposed. Some of the headliners on that -- we are looking at the parking standards for multi-family and vertically integrated projects, so that, again, is a topic most of the time, probably, when you have a multi-family project. We are looking at changing those standards. So, you will see that. I can mention multi-use pathways. For those of you that don't know, ACHD

is going away from the bike lanes for the arterial roadways and going to curb height multi-use pathway. So, ten foot wide multi-use pathway on their capital projects. So, when they widen the roadway you are going to see not the bike lanes with the -- you know, the bike -- not sharrows, but the -- I can't think of the -- the symbol anyways that there is a bike lane there, to, again, a -- a joint multi-use pathway above the curb. So, we are addressing that in our code, that detached sidewalks are largely going away and there is going to be this ten foot facility instead of sidewalks. Live-work units and vertically integrated, I know you have had some discussions with some recent projects and, oh, look, there is a little bit of nonresidential right there. This is vertically integrated or this is live-work, so we are -- we are tightening up those definitions and what qualifies as live-work and vertically integrated and making sure that it's clear the difference there. So, just a few of the things that I know you have had conversations about over the last several months and we are looking to clarify some of those things. I want to spend just a couple of minutes, too, on roadways and transportation. So, again, that's kind of -- that's one of the things I'm -- I'm pretty heavily involved with and I just want to make sure you are up to speed, as -- as someone that serves on a city commission, you may get asked these types of questions and so I want to arm you with -- with as much information as you may need. There is -- I'm certainly not going to be able to cover all of it in the next few minutes, but I wanted to highlight some of the things that -- that may come up. So, our number one priority for the city right now is a Linder Road overpass as far as transportation projects go. This is an overpass of the interstate at Linder Road, so the entire project would actually go from Overland to Franklin, but the headliner there, again, is an overpass that looked like Cloverdale or even Locust Grove. Real similar as far as a bridge over the -- just last week the interagency agreement between the city and Ada County Highway District was approved and ACHD is working with Keller and Associates here in downtown Meridian to do that design work. The city has pledged up to two and a half million dollars to do that design. It should take about 18 months to -- to complete that work. We do not have the construction dollars, which is roughly -- and who knows what construction is going to look like in two, three, four years when it's time to construct, but roughly 22 million dollars right now. Again, cost of labor and materials who knows what that looks like. But we don't have that funding source for the construction identified. So, the Mayor has stood up a -- a task force that meets as needed, but roughly every other month to discuss design elements that we want to see happen with this project and, then, we strategize about shaking trees and finding the money and -- and different programs. Federal programs, whether it's federal dollars, local funds, matching, how do we -- how do we get this thing to happen? So, anyways, just want to let you know that there is some things going on there, largely behind the scenes, but we are trying to advance that -- that project. US 20-26. What ITD calls Chinden West. So, a lot of the construction has occurred. There is still more happening over the next several years. I want to walk you through that. Again, there is multiple phases. There is websites that ITD has that are pretty good, actually, with these next two projects I'm going to talk to you about, 20-26 and State Highway 16. So, if you just Google search those, like ITD, Chinden West or State Highway 16, it will be one of the first two things that pop up there and you can go there and learn more about it. But 20-26, four lanes in the interim. It will eventually be a six lane facility in Meridian, but they are going through the corridor, widening it to four lanes first and, then, basically, going to hop back and expand it to six and -- and upgrade some of the intersections. I'm

going to kind of walk you through that west to east, so -- and I'm actually going to start in Canyon County, because that's where they start. At Middleton Road. So, that's about five miles outside of Meridian. But that first segment they have is Middleton to Star. So, again, that's about six miles. They just had a public involvement meeting last week on this -- on that segment. I don't know how it went. Jacobs Engineering is working for ITD on that one. They do plan on constructing that -- again, it's broken up, but over -- construction in 2024 and '25 and, then, working from Star to State Highway 16 that construction is planned for next year 2023. And, then, going from Idaho 16 to Linder Road, that's done, again, as far as the four lanes is concerned that's complete. And, then, Linder Road to Locust Grove. That's the bottleneck area that we have right now. That actually should be going into construction here this summer as well. So, that developer is moving forward to get that done. And, then, Locust Grove to Eagle was done -- I think it's been done for about 18 months now or so. So, that -- that kind of completes the corridor in Meridian. So, it's a little bit hopscotch with the construction stuff, but here in the next few years the entire thing should be four lanes wide. So, to get more details on that the Chinden West Corridor website is pretty good. And, then, State Highway 16, again, I want to kind of walk you through that a little bit. So, originally -- maybe a little bit of history on this. Originally the -- the construction was supposed to go all the way from Idaho -- from, excuse me, Interstate 84 all the way up to 44, but the state had to take it off in chunks and so it is what you have now, between 20-26 and 44 is the section that we have had now for, what, a decade or so and not a whole lot has been happening with design and -- and right of way acquisition has been occurring, but not a whole lot any new construction in that corridor. Well, just this spring ITD has let the first -- first two phases out of three, so now that they have taken phase two, which would be I-84 to Chinden and broken that into three segments. The first segment is going to go from Interstate 84 to Franklin, so not very far. That's only like three-quarters of a mile. And, then, the second phase is from Chinden to Ustick. So, two miles. And, then, the middle phase goes from Franklin to Ustick, if that makes sense. So, that's -- they have let these two -- the -- the northern and the southern phases -- subphases have -- have been put out on the street for construction and will likely go into construction I think later this year, but let me read my notes. Yeah. Summer of 2022 is when -- when they anticipate doing that. The bid package for the -- the middle segment, so Ustick to Franklin, has not yet been let, but probably later this summer. So, construction will lag a little bit behind with that. But things are happening over there, so that's really what I wanted you to know, if you hadn't heard already, that things are progressing certainly more quickly than I would have thought, but the state's in a pretty good position and got some funds from the legislature to move some transportation projects forward and -- and that was one of them that benefited from the surplus. So, that's moving forward. Okay. I'm almost done. State Highway 69. This one will be pretty quick. So, this is something that ITD has hired Six Mile Engineers to study, Kuna Mora to Overland Road and look at the -- the future of State Highway 69. Likely where that's -- where that's playing out, it will be a six lane wide State Highway 16 -- 69, Meridian Road. They are still evaluating some of the to-through movements and the intersection alignments and drainage and things like that, but I anticipate to have a draft report here probably like later this summer and I can share that with you all as well. But, again, for Meridian over time it will be -- they are trying to stay within the existing right of way, which is about a hundred feet, but they think that they

can get three lanes in each direction overtime in that hundred feet. Okay. Those are the things I wanted to just share with you. I will also follow up with an e-mail. I got a couple of other documents I just want to -- so you can have. One of them I think is really cool and I don't want to gloss over this, but it's called the land use report. Brian McClure in my office spends quite a bit of time putting this together, but it's got all kinds of cool charts and graphs and stats and it has -- for your purposes I think the ones you will find most interesting is overall area of impact and how much we have annexed and in what zones and how many lots and -- and so it's just -- it has a lot of good information about our zoning and how we are building out and developing in the community. So, look for that and if you have any questions you can follow up with myself or Brian. And, then, I'm also going to share with you -- in February the Council heard from West Ada School District staff on some of their projections for enrollment and future school facilities and so you -- you don't have to watch that video. It's probably about 45 minutes long or so. But I'm going to send you a link to the YouTube video where you can watch it and just listen to Marcy Horner's presentation to our Council on their rationale and their methodology. You know, COVID behind, kind of, sort of, what does that look like with all these prep academies and people home schooling and you can just kind of hear from them, their thought process and what they think the next decade or so looks like and how they are accounting for the continued growth that we are experiencing and what they are doing for school sites and -- and building new facilities. So, I would pause, but I'm looking at Kurt, so I don't know if you want to jump in -- if you have questions now I could certainly entertain some, but --

Starman: Mr. Chairman, I recommend if the Commissioners have questions for Caleb, that might be the -- the next logical step and, then, if time permits and if you are interested, I can wrap it up with about a ten minute presentation on my subject, but probably should stick with Caleb's subjects and see if there is any questions.

Seal: Okay. That sounds good. And there is a couple things I will throw in there. Caleb said, you know, call, e-mail or whatever. Something I have learned in the past personally is when you do that, do it on an individual basis. I'm -- I'm a reply to all kind of guy when it comes to e-mail and that ends up turning into conversations that we are having via e-mail, which we shouldn't be having, so -- and staff has been good about when calls come in individually or e-mails come in individually, if it's information that needs to be shared, you know, with a group or on -- you know, as part of public record, then, that does get entered in as part of the public record. If there is a mistake somewhere, if there is something like that going on, so -- one of the questions I had real quick was on the roads, like McMillan that are not currently meeting the level of service, is there -- and what are we doing about those? Because that seems to be -- there is a lot of contention over that. Things like that right now.

Hood: So -- Mr. Chair, Commissioners, McMillan is an interesting corridor. As you know, I mean with -- especially with the canal and those large power poles for a good chunk of it, that roadway and capacity issues on McMillan in particular -- over time McMillan is not going to be a five lane roadway. ACHD has made that decision that it's going to be -- it's a constrained corridor and it won't be five lanes wide. It's just not -- the cost benefit of

doing some of those does not make sense. There is a level of service map that they share with us annually as we get into the prioritization process, so they have -- without getting into all these details, because I will invite them to give you a little bit more in depth of how they choose what projects they do -- there is a cost benefit that they assign to everything and safety is factored in -- again, cost, obviously, is part of the cost benefit analysis, but that's how they come up with their priority. Crashes, capacity enhancements -- there is a spreadsheet that they have and -- and an associated level of service map. There are quite a few red areas on that map, meaning level service F. They don't have enough resources to plug all of those holes and I'm afraid McMillan is going to be one of those where it's going to be red, because it's not great, doesn't function well, but there is just not a good solution to it, so they are addressing things like Ustick -- the Ustick corridor, you know, as a parallel route with what's happening with ITD and through the STARS program to make some of the improvements on 20-26 I just talked about. There is hope that that can relieve some of that pressure a little bit on nearby corridors to address some of that. ACHD does have priority corridors that they would like to finish. Ten Mile is one where they are really trying to get Ten Mile all the way widened and there is still work going on towards Kuna, but that's a major corridor. So, some east-west, some north-south, but rather than a mile here and go over a mile and do a mile there, they are trying to do seven to ten miles and -- and give a good quarter that way. Probably to fully answer your question, if you have other examples -- McMillan I just know it's going to be tough, yeah, because the five lanes -- you just can't -- can't fit in there without some serious relocation.

Seal: Yeah. The question was kind of more towards what we can do as a city as we look at the Comprehensive Plan, the zoning that's out there as far as, you know, instead of an R-8 or especially an R-15, we might want to lean towards more of an R-2, R-4 redistricting out there, just to make sure that if it's already of -- you know, a level of service of F, for instance, in areas like that and we have come across that with, you know, subdivisions trying to go in that have quite a bit of density, you know, to kind of eliminate some of the contention is to maybe look at those a little bit more, especially if they have been rated that way for quite a while and there doesn't seem to be a solution in sight, so --

Hood: It's a good point. I -- I will say you have a couple of opportunities and by state code you have a lot of authority in the Comprehensive Plan. In fact, the LUPA talks about planning commissions more than it does a city council. So, it really does rely heavily on -- on things like that. If that's something you want us to bring up, Mr. Chair -- you know our -- our current Comprehensive Plan isn't that old. It was adopted late 2019. We spent two years -- two and a half years getting to that point. Off the top of my head I don't know all the land uses along McMillan, but we could certainly look at that a little bit closer and scrutinize that a little bit more. So, that is within your purview. So, things like that. Let me know. We can have a workshop about that and -- and talk about that. Obviously, we are going to daylight it more than just, you know, a couple staff members and no one from the public, but, yeah, things like that, shoot me an e-mail or, again, Bill and we will -- we will add that to our list of topics.

Seal: Okay. Great. Anybody else got anything for Caleb? Oh. Go ahead.

Grace: So -- thank you, Mr. Chairman. I -- I will fully concede that I'm probably just speaking for myself, because I'm rather new, but when I heard about the possibility of some training for us, I really was excited, because I remember the -- the first time I walked into the back room there and you -- and you guys were there and you trained -- gave us a -- a binder of PowerPoint slides and trained us up and it was great. Now after having done this for three months -- and maybe this goes more toward the e-mail you would rather get than discuss it right now, but I would love for someone to just stand up and go through an agenda item and explain to me everything that I'm looking at in terms of -- you know, intuitively I can kind of figure it out, but -- but getting into the -- I will be honest with you, Caleb, I probably just a lot of times jump to the staff recommendations, because that's -- you guys are the subject matter experts. If you find something that I'm -- you know until I come up to speed a little more, who am I to disagree with you? So, again, this might just be -- the way I preface this is this might just be a Patrick Grace issue, but I would personally love for someone to go here is what you are looking at, here is what planning and zoning has said. Here is what the -- you know, I can hit the links, I can go to those things, but sometimes I don't always know and so I -- maybe you guys have been here a while and already feel like you understand that piece. I don't know, Mandy, if you feel the way I do, but, anyway, that's -- that's where I'm coming from. But I will admit I kind of maybe overanalyze things too much. Can I just -- well, I will ask that offline. I guess that was it.

Hood: Well, Mr. Chair, can I just -- sorry to interrupt.

Seal: Yeah. Sorry, Caleb.

Hood: Maybe just to that point. So, first of all, I would say, you know, don't sell yourself short, give yourself some credit. I think -- I think you are doing fine and I guess part of that I think -- when staff gives the presentation about a project, hopefully, it is -- it's not going to be comprehensive; right? It's not going to cover every comp plan policy and every T crossed and I dotted, but we should be doing a good job, because you have got public members here that likely don't really understand the stuff either; right? You are going to be several steps ahead of most people that are in the audience. So, if some of that feedback is -- and that's what I'm trying to process as you are talking. We need to be able in five minutes or so to explain a project, what's on the table, what we are looking at, any issues, and maybe potential solutions or changes to that. So, I'm -- I'm trying to understand what that training -- if -- if we are going to call it training -- should be. I mean we can get into annexation and zoning, what that means, but it -- it's kind of in the name. They want to come into the city; right? And we -- I know I'm a creature of acronym habits and short, you know, can get a little -- use some of our shorthand stuff and -- and maybe we gloss over some things that really are foundational that maybe we assume everybody knows, but they don't.

Grace: And, please, don't think I was making any -- that comment reflects on -- on the quality of what -- they do a great job of explaining it to us. I guess I'm just looking at the -- the actual -- what's in this packet and what am I -- what am I looking at?

Hood: Okay. So, maybe just -- and maybe we can have this meeting offline, but you are talking more about the actual staff report itself and the packet and the different sections of that and what it means or --

Grace: Yeah. And it -- it's sort of like when you said -- you -- maybe. I think you said it. About, you know, not knowing what you don't know and I generally come into these looking at your recommendations and going, well, if -- if they think it's probably a good project, then, so do I. I don't know the criteria upon which I would say, well, that's not really what we want. I mean the comp -- comp plan for sure. So, again, this -- this might just be a me issue.

Hood: I appreciate this and -- and this is part of, again, dialogue and I think this is good for all Commissioners. Don't feel pressured to know all the ins and out of state code with LUPA and what you can and can't talk about or -- or anything like that. Ask questions if you have questions. Really, you are here, though, because you are part of the community -- and, again, not to be derogatory in any way, but lay people. You -- you are -- you are just looking at a project going does that fit? Put the code aside, put the comp plan aside, just -- is that what we want in our community? And, yes, it should be -- it needs to be when you get to a motion and the findings it needs to be based on the plan that was adopted in the processes that we have. A lot of what we are looking for is -- is fresh eyes that are just trying to evaluate the sniff test of a project, for lack of a better way to explain it. So, you should be subject matter experts, but, really, you are here because you are part of the community and a valued member of our community that can evaluate, yes, this project is right for our community or, no, it's not and we can train you up as much as you want, but that's why we kind of put you up there with very little training to say you are an individual, share your thoughts and opinions on this. Don't get too caught up in the codes and the shalls and -- and shall nots, but at the end of the day, yes, we got to do that stuff still, but it really is your opinion based in -- in some plans and facts. So, we can talk some more if you would like, but, again, I would say this to everyone, I appreciate your -- your time and your effort and just -- if you are not comfortable doing it we definitely want to get you there, but don't feel pressured to, again, have all of 6765 of Idaho Code memorized or the comp plan page -- you know, Section 3.14 it says this. So, do rely on staff. We try to paraphrase it for you.

Grace: Yeah. And I can -- I mean I'm the fourth chair in three years, so, you know, things happen pretty fast, but -- and I had some really good people to learn from and for the first year, probably, I mean I didn't really make -- outside of an easy motion. I didn't really make a motion. So, it took quite a while I mean for me to get comfortable interjecting and throwing in my own opinions and, you know, things like I never want to see a shared driveway. Why isn't there more open space or pathways? I mean it took me a while to get comfortable in just, you know, iterating that in a public forum, because, you know, you -- you don't know what -- how people are going to react. You don't know the work that went into it. And the -- I mean the staff reports and -- and the agency reports and stuff like that, that's kind of the roadway that we are going down. Between Bill and -- and Kurt, there are guardrails, you know. They are going to let you know if we are kind of getting outside of the -- you know, of -- of where we should be going with -- with different stuff

and -- and, you know, staff does a pretty good job of that as well. So, I mean it's nice -- and I made, you know, a comment earlier that I like -- sometimes Sonya is very -- she is very blunt about how she can present something. Yes or no. And I -- I like that. You know, I mean it's -- it's not everybody's cup of tea, but I just -- I generally do like that. She is very black and white about some things, so -- you know. And that -- that all takes a while to get those relationships dialed in and to understand if people -- you know, different people's personalities, what's important to different people as they look at stuff and what's important to you, you know, as far as what you are trying to represent when you are up here as part of your community, you know, and -- and the input that you get from community. So, I mean it took me a year and a half to be comfortable in telling people that I was on Planning and Zoning, so -- and to be perfectly honest, I mean nobody that I worked with even knew until recently that I was even on Planning and Zoning. So, you know, once that happens, look out, because, you know, you are going to get a lot of -- a lot of questions coming in and through, so -- and Kurt -- Kurt will cover how to -- how to handle some of those questions I'm sure, but it's -- it's a learning process and these training sessions to me are valuable, because -- I mean I remember when I first came through everything and -- and some of the early meetings that we had and just feeling completely out of place for the most part. So, it gets -- it does get more comfortable. It does -- it does happen over time. It does take time in order to get there. I mean I can tell you that from experience for sure, so -- and, again, you know, fourth chair in three years, so it happens faster than you think in a lot of regards as well, so -- anyway, that's --

Hood: Mr. Chair, can I just add one -- one thing before -- just to your point?

Seal: Uh-huh.

Hood: If that's okay. This training session -- again, it was done on pretty short notice, holiday week, so don't think that this is how -- I mean the conversation back and forth I -- I love, but it will be a little more structured going forward and it will be -- hopefully, again, the idea is to get you all more comfortable. It is -- you are a pretty young commission. Mr. Yearsley, you have -- I have been working with him for -- he left the room, so I don't know -- 12, 14 years, 16 years -- a while he's been around. But for the most part this is the greenest Commission we have had in -- since I have been here and that's not just why we are doing the training, but there is some thought to that, too. Like, hey, we -- you know, we -- we do lose a lot of that -- that knowledge base and -- and on-the-job training, because everyone's learning at the same time. So, anyways, just wanted to somewhat apologize for this one not being a little more structured and covering a lot of meat, it's a little more -- but some things that I hope you find anyways that were -- were helpful.

Seal: Absolutely. Thank you. Yeah. Really appreciate the -- the time to put -- you know, to come out and talk and just start planning things out and, you know, get some -- get some communication happening as far as what's important, what we feel we need to learn and kind of start putting that on. So, it will be good. Thank you. See, when you come up there I feel like I need to ask you your name and address for the record, but --

Starman: I will start by going off script immediately, but I thought that last five or ten minute discussion was super valuable, so I appreciate that question from Commissioner Grace and I really appreciated that interaction, so I think that's -- that's really valuable and one thought I had -- this may or may not be a good idea, but you mentioned Commissioner Yearsley having extensive experience. Or I guess Caleb did. I think it would be for a Commissioner or two, maybe the Chairman and Commissioner Yearsley, to kind of take on that topic of saying, you know, hey, we have been doing this for a while and when I get a packet this is how I approach it. You know, this is how I prioritize and I look at -- you know, I'm looking for this, I'm looking for that. I think that would be really valuable, if not as part of a presentation, at least maybe a cup of coffee or, you know, a lunch or something like that. So, I think that's a -- that was a wonderful question and I really appreciate that dialogue amongst the group. I think that was really valuable. So, my topic is a little more dry. In fact, Caleb -- I'm sure he did not intend to offend me, but he actually specifically referred to this as a -- as a dry topic. So, I'm going to talk about -- when he was talking about sort of statewide topics and potential videos and he mentioned quasi-judicial proceedings and related topics, so that's our -- our last topic for today and I will try to keep it brief. But it's something you -- you heard about when you first came on to the Commission and every now and again -- it came up a couple -- a couple times tonight actually as well. That -- that term comes up and another term that goes -- fits closely with that quasi-judicial proceeding is due process. So, you -- you heard about that when you first came on the Commission. You hear about that every now and again out of my mouth or from a planner or others, but I thought it would be good for us to just spend maybe five to ten minutes just to kind of cover that again, so that I want to start I guess by saying that in terms of this body, but the City Council and other governing bodies that deal with these kind of issues, courts kind of look at that as you have sort of two -- you fall in the -- the -- the topics you work on fall into two kind of basic buckets so to speak. So, bucket one, which I'm not going to spend a lot of time on, is often referred to as legislative action. So, that -- when you are dealing with topics that have broad implications for the community that are not site specific that are dealing with, you know, issues that have -- that impact, you know, many people, many parcels and so forth, that's often going to fall in that legislative action bucket. So, examples of that would be -- we talked about two of these things tonight that I just took note of. One is the Comprehensive Plan. Now, you are a recommending body to the City Council on the -- but that's a -- the plan, that's -- that's a plan that impacts the community as a whole typically, particularly when we are updating the plan or doing a plan for the first time. But these -- these are policies that impact the community as a whole, not necessarily a particular Parcel A or Parcel B or Developer A or Property Owner C. So, those fall into a different category and we have more latitude, both in terms of how the Commission deals with those issues, how you take in information, how you talk to people. You have quite a bit of flexibility on legislative issues. The other bucket the courts talk about that we have less flexibility -- so I'm going to spend my time talking about that tonight are -- is that term I referred to earlier about quasi-judicial proceedings. So, quasi-judicial proceedings are kind of a way -- the way to think about that is sort of court like or, you know, something of that nature. So, essentially -- so, the word quasi meaning similar to. So, it's similar to judicial or court proceedings and you all -- I'm not sure if you thought about yourself in this way, but in some ways you are sitting as judges on these applications and you are making decisions that are impacting people's

property rights. Because of that -- so, these are decisions that are site specific and they are individual specific and they are -- they are impacting, potentially, people's back pockets; right? Their -- their bottom line. So, that triggers constitutional concerns that we all need to be aware of and that's where those concerns about due process and these types of quasi-judicial proceedings come into play. So, under both the United States Constitution and Idaho Constitution, there are protections against -- against the deprivation of property rights and property value and so what the courts have said is that these types of proceedings that you all deal with, conditional use permits and related decisions that you make, these fall -- all those kind of decisions fall into that category of protection under the Constitution that people that are before you have a right to due process and I will describe that a little bit in a moment, so -- put some more meat on the bones for you. But, essentially, for constitutional reasons -- so, it doesn't matter what state law says, what other laws might come into play, like conflict of interest laws, or open meeting laws and things of that nature, those all are applicable as well. We might talk about those at a future of training, but today the issue is notwithstanding all these specific laws that may be on the book -- on the books, we have the U.S. Constitution and the Idaho Constitution and the U.S. Constitution in particular is going to trump everything else; right? So, we have to adhere to the due process provisions of the 14th Amendment and by extension the 5th Amendment. So, that's the importance of quasi-judicial proceedings is that you all have special obligations to make sure we have fair processes, that people have a say in what happens and that we treat everybody equally and that everybody has an opportunity to participate and have their voice heard. When I talk about due process, the courts typically focus on kind of three areas or subtopics under that -- pardon me -- umbrella of due process. The first is notice. So, people have to be aware that you are making a decision that might impact them. They have the applicant, which is some of his -- that's the reason the topic's before you, but adjoining property owners, members of the community, whoever -- whomever may have an interest in that topic all have a right to notice about what is happening and how that might impact them. So, that's part of that due process discussion. The next is the opportunity to be heard in a meaningful way, so that they have an opportunity to share their views. They may -- in the case of an application -- you may agree with an applicant, you may disagree, may have supplemental information and want to see some tweaks or changes, but people have to have a meaningful opportunity to participate and to be heard and, then, lastly -- and this is what's really critical for each of you as Commissioners -- is that they have a Constitutional right to have a neutral -- a neutral decision maker. It means you have to come to a meeting with an open mind and you have to listen to all sides and take in all information and be fair about that and, then, you know, arrive at a reasoned decision that's fair to all, that takes all that into consideration. So, those are important things. Notice, an opportunity for individuals, concerned parties to be heard and importantly for you all sitting as quasi-judges is that you are neutral decision makers that are making judgments based upon the facts before you. And I will elaborate on that in a moment as well. So, three particular topics I want to talk to you about tonight under that umbrella of neutrality I guess would be neutral decision makers and so I'm going to talk about -- I will list them and I will dive a little deeper into each, but one is bias. A second is ex-parte communications, which Caleb touched upon a few minutes ago. We just mentioned. And, then, lastly site visits and other independent research and how that comes into play

as well. So, with regard to bias, we have laws in the book that deal with financial conflicts and other types of conflicts and you all have had a little bit of an overview of that as you -- on your -- as part of your onboarding process. In this context for due process what courts have basically said -- again, as I mentioned earlier, that, you know, applicants and other stakeholders -- others that have an interest have -- have a constitutional right to a neutral decision maker. So, you need to come to a meeting with an open mind and be able to take information in. There are court cases where, you know, commissioners or city council members or other government officials, for example, have made comments -- say before a meeting, maybe -- a good example, actually, is where, like a council member shows up at a planning and zoning commission meeting, makes negative comments -- actually testifies or some other -- other ways comments on an application before the planning and zoning commission, makes it -- maybe, you know, opposed to the project. Then that issue comes before the City Council later for action. You know, courts have said, you know, that council member cannot participate. You have already poisoned the well, you have tainted the well, because you have already indicated you have a bias. You know, you have statements that indicate that you are opposed to the project. How can you be a neutral decision maker? So, it's important, you know, that we come to a meeting with, you know, open minds and taking the information, make the best decisions we can. So, fair process, no preconceived views or prejudices. It is okay -- courts have said it's okay for you to rely upon your experience and your common sense and as Caleb said in a different context, that's really a big role that you play is you are members of the community and you bring a community perspective to the discussion and ultimately to the decision. So, you don't have to put aside your experiences or your -- what you know about your community and as an -- as an involved community member, so the courts have never said you have to go that far. They don't expect that type of impartiality, that you can bring your experience and your -- those types of issues to the table, but you need to come, you know, again, with an open mind and being willing to listen. I'm going to transition into ex-parte communications. So, ex-parte communication essentially is -- you know, we have -- we use planning and zoning commission as our example. You know, as one or more commissioners you have individuals, applicants, community stakeholders, other property owners that have an interest in a topic and the idea is we want to have everybody here and deal with the information at the same time. So, it's a fair and level playing field. Ex-parte communications happens when say, you know, the applicant has a discussion with one or more of you, but others are not there to hear the benefit of that conversation and, importantly, they are not there to rebut or to provide other context and so that creates a due process issue in that you, as a decision maker, are hearing one side of the story, not the full story and also these individuals that aren't part of that ex-parte communication, they don't -- they didn't have notice of that discussion, they didn't have an opportunity to be heard to, you know, put their view -- to have their view expressed to you as a commissioner as a decision maker and so ex-parte communications, you know, really ought to be avoided there. There are some cures for that. The reality is it happens and sometimes it happens before you know it. You are already into a conversation and, you know, it dawns on you halfway through or maybe it's not clear until halfway through that this might be a potential problem. So, my first advice to you is best practice avoid ex-parte communications, just as Commissioner Seal was talking about when meeting with some of his coworkers and colleagues, you know, avoid those discussions. That's the

best practice. But from a legal perspective it can be cured, so if you -- if that -- if something does occur it can be cured, but the cure is a bit awkward and the awkwardness is basically as you -- as a commissioner you need to disclose that ex-parte communication. So, now the issue is before the commission as a whole. You need to -- in order to cure that problem and to cure the due process concern you need to disclose that ex -- that ex-parte communication and you need to provide a meaningful description of what happened, what was discussed. So, you don't have to give the blow by blow, you don't need to have a transcript or a recording, but you have to give other stakeholders a good sense of what transpired and the reason for that is that -- so those individuals, others, have a chance to get their voice heard and to rebut perhaps what was said during those ex-parte communications. So, in summary, you know, my advice is avoid those situations whenever possible. That's the best practice. In those instances where something happens inadvertently or just, you know, that's just how life works sometimes, it's important that you get on the record as soon as practicable and, you know, disclose that, describe the content of what occurred and get that out there and that from a legal perspective does cure the issue from a -- in terms of future legal challenges, but it's a -- it's an awkward-type process, so best to avoid it altogether.

Yearsley: Mr. Chair?

Seal: Yes.

Yearsley: Can you -- with that what is considered an ex-parte communication? You know, is it like your neighbor comes and asks about the project that's happening across the street. Is that considered an ex-parte communication? Help us understand, because I think there is a lot of individuals -- just not quite sure what -- what -- what consists of that, so --

Starman: Thank you. Thank you, Mr. Chairman, Commissioner Yearsley. So, I would -- and I -- I'm going to sort of preface my comment that I tend to be more conservative maybe than others, so I will just preface my comments that way, but particularly the way you describe that scenario, we have a neighbor and there is a project across the street. I think you said something to the effect.

Yearsley: Yeah.

Starman: Clearly that neighbor has an interest in what is happening there. Obviously, that's ex-parte communication and I would try to avoid that discussion and just explain your situation. I think it's -- I think most people can appreciate if you just take about one minute to say, you know, I'm a member of the Planning and Zoning Commission, this is going to be before shortly and in order to be fair to all and to comply with the law, I really can't talk about that. I apologize. But, you know, would you, please -- you know, you can give your comments in writing. Please show up at the meetings. I would like to hear from you. I'm -- I'm interested in what you have to say. But everybody has to hear it at the same time. So, does that make sense?

Seal: It does and that's how I have handled it is just to let people know that there is a public hearing process. Given them the links to, you know, where they can find that information at and -- and where the public record is as well, because a lot of people don't -- and they want to talk to an individual, because they don't understand that process. They don't know where that information lives. So, that's been incredibly helpful to me in -- in situations like that and --

Starman: I think that's a great approach and I like the thought that came up earlier, is in addition to all that feel free to -- I think, you know, best -- you know, kind of a first step was, you know, here is where you can access resources. Please come to the meeting. We want to hear from you. But also if you have additional questions there are, you know, professional planning staff that work for our community that -- that know the details and can talk to you and are willing to answer questions you might have. So, that's certainly appropriate to say. I want to reinforce something Caleb mentioned earlier as well is that for you as Commissioners you are always welcome to contact city staff. That's not ex-parte communication, because city staff -- we are not -- we are not interested parties in the sense that we have, you know, property ownership or property values or an interest that would be impacted by your decision. We are here to help you. We are here to support you. So, you are always welcome to contact the planning staff and we are always willing to -- to help you out on that score.

Hood: Mr. Chair and Kurt, can I -- I just add one more thing real quick?

Seal: Go ahead.

Hood: And I -- I was going to say that, yes, send them to -- your neighbor or whatever -- planning staff. Absolutely. I also just say there -- it is -- don't get intimidated by some of what Kurt is saying and I think just simply -- the one I like is your best practice is to avoid ex-parte. That's -- that's the best practice. But if you are like, oh, I think I may have just had a conversation that may -- when in doubt, contact Kurt and he can -- you can tell him what happened and he can advise you. Hey, yep, I think you need to cure this on the record or, no, that's not a concern, we are -- we are good to go. He's got your best interest, as well as the city's best interest in mind. So, feel free to just run that scenario by him or just, you know, even in retrospect, you know, I talked to my neighbor and that -- I didn't even know that was on the agenda when I talked to him. Do I need to tell -- do I need to disclose that on the record, Kurt? Just ask him, he will tell you, yep, this is -- you are good or, no, you are -- we need to cure this, so --

Starman: That's great advice. I'm -- I'm happy to have those discussions. So, feel free to stop by, call, e-mail and I'm easily available. So, I'm happy to have that discussion. The other thing I will say is that in terms of ex-parte communications, we are talking about substantive topics, not procedural type things. So, you know, if a neighbor wants to know when is that Commission meeting or, you know, what's the e-mail address to send a comment in, that's all fair game. So, procedural issues, that's not -- that's a different topic and you are not -- there is no preclusion in terms of -- you are not precluded from discussing those type of topics. It's the substantive nature of the application or the issue

that's going to be before you. So, my last topic area, then, is site visits or sometimes what the courts have referred to as views or on-site views and this is changing with technology, so I'm going to kind of talk about what the courts have done first and, then, there is an evolving area of law that dealing with kind of the logical extension of what we have seen in the past. But I will say -- I will start with in terms of -- there is just -- it's human nature -- I'm guilty of this and I suspect others may be. Certainly there is lots of cases that would demonstrate that's true -- that you feel like you want to go kick the tires; right? You read a staff report or you are hearing about a project and I just really want to go look at it. I want to go out to the site and I want to go kick the tires a little bit. Very understandable. I would advise you not to do so, however, and it's back to -- there is a cure for this as well, but I think a best practice is, you know, you are -- your really role -- what the courts have said is you really -- you are a judicial type or quasi-judicial type body. You really need to rely upon the record that is before you. You need to rely upon what the applicant submits, what you hear from the community, what you hear from the staff, questions that you ask, responses that you receive, any information that you get on the record. But, really, your role is to look at the record that is before you and make a decision. So, you really need to kind of fight that human instinct to go do your independent research and go -- you know, go out and kick the tires at the site and so forth. The courts have -- have essentially said that -- that's a due process violation, because, you know, particularly when it's more than one commissioner, but I think an argument is there even if it's a single commissioner, but definitely if it's a body or a -- a subgroup of the commission, if you are going to that site -- so, we are missing -- we are missing a couple steps in our due process procedure; right? So, the applicant or neighbors or other interested parties, they don't have notice, so they don't know they are and they may want to know about it, number one, and they -- importantly, they don't have an opportunity to be heard; right? So, you are at the site and you are kicking the tires, but those that have an interest in the topic they would like to be there, because they want to give you their two cents; right? This is what you ought to be looking at and this is why it hasn't looked the way it ought to look, but they don't have the opportunity, so they -- they don't have notice. They don't have an opportunity to be heard. So, my advice to you is to refrain from on-site visits and I'm going to expand on that thought in a moment and really rely upon the records before you and it's perfectly fine -- the planning staff and the city in general -- if you need more information, you want more material, you have additional questions, we are very happy to accommodate that. So, just ask and we are happy to do so, but try to refrain from visiting sites directly and now I'm going to transition -- transition that discussion to today's modern world where we all have, you know, a zillion resources in our pocket with our smartphone and Google Maps and internet searches about different applicants and companies and what they do and what they did elsewhere and what does the Costco look like in Colorado and all these kind of -- we -- actually, that's -- if time permits I'm going to give you a war story about Costco, because that was part of our litigation on Costco. That -- that came back to bite us. We prevailed on the bigger picture, but that was a problem. So, my -- for all the same reasons that I -- I would recommend you not go to the site and kick the tires. You really need to rely upon the records before you and so I would really encourage you to not do independent research, either before meeting or definitely on the dais in terms of Google Map searches, internet searches, you know, I want to know more about this company, this applicant, this person that is speaking, I want to know what that person's LinkedIn

material says -- refrain from doing that. If you -- that would be my recommendation to you. But if you want to know any of that type of stuff -- like I had -- I really -- I would really like to see the Google Map or an aerial photography or aerial photo where I want to, you know, see X or Y, staff is almost always able to accommodate that. So, feel free to do that. You say I would like to take a look at an aerial map of this area and be able to -- to understand how this all connects and so forth. That's all very much fair game. But it gets more dicey when individuals -- individual commissioners start doing independent research, because really, again, you are sitting as a judge in many ways and your job is to look at the record before you that others are presenting to you. You are not -- your task is not to go create the evidence, you are to evaluate the evidence that is being presented to you. Does that makes sense? All right. Well, that's my preaching for tonight. So, I'm going to leave it at that, but, you know, in -- in summary, I think just -- you know, just use your good judgment on that type of thing. I think follow best practices. If -- if there is a question definitely give me a call, as Caleb suggested, talk with the planning staff and we are always willing to, you know, provide additional information or help you answer questions that you might have, just -- let's just -- the best practice is just do it all in the public forum where everybody sees it, hears it, has a chance to rebut and there is no questions about due -- about due process violations. It's nice and clean. I will tell you the Costco story real quick, because it didn't kill us, but, you know, one of the issues we had that I won't name council members to protect the innocent or guilty, but we had a council member during that -- during the Costco project that, you know, was looking up things on the internet during that -- that hearing and was -- made a few comments on the record about what I'm looking at a Costco in Colorado that has this architecture. I'm looking at a Costco in California that has that architecture. Ultimately, the individuals that challenged the city's decision on that, that's one of the things they latched on to is this is a due process violation is that, you know, there is extraneous information that's being considered here that we weren't privy to and that became one of the litigation topics that we had to deal with as we were, you know, making our case before a judge. So, it does come back to -- to bite us sometimes in the real world. That one had a happy ending. The city ultimately prevailed, but it's just -- it was an issue that we had to defend that would have been nicer not to have to deal with it.

Wheeler: Mr. Chair?

Seal: Go ahead.

Wheeler: Thanks again for the -- for the training. I really appreciate that. I have a question when it comes down to what we can look at on our screens. So, can I go to the file folder and pull up things like the application request, elevations, geotech, legal, things like that during the hearing?

Starman: Thank you, Mr. Chairman, Commissioner Wheeler. Great question. And that's a hundred percent fair game. So, that's all information that's -- that's in the file, in the record. That's material that's available to you, but it's also available to the applicant, to stakeholders, adjacent property owners -- everybody has access to it and so that's all fair game. You are welcome to -- you know. So, I know over time we have had some

commissioners that like to print off staff reports and background material. Other commissioners have a preference for using the computer and doing it electronically. Both ways work and you are very much welcome to access all those records during your deliberations.

Grace: Mr. Chairman?

Seal: Go right ahead.

Grace: Kurt, is there a -- is there a line of demarcation in terms of when we know we are going to get something before us? For example, I think there is an In & Out Burger coming at some point.

Starman: Sure.

Grace: Because there is stories in the newspaper about it, but there is nothing substantive before us or -- but eventually there will probably will be. I mean is there a -- is there a line of demarcation as to when this would check in?

Starman: That is a -- Mr. Chairman and Commissioner Grace, excellent question. So, the line that is clear -- and I'm going to expand on my thought, but the line that is clear is once -- once an application has been submitted, once it's in queue, that is definitely a bright line and so once that -- that occurs clearly everything we just talked about comes into play. The part that is less clear is, you know, that -- just as the example you are talking about, you know, what happens prior to the submission of an application. In Idaho there is no good case law on that topic, so it is yet to be decided. My advice would be if you are aware that a project is -- is forthcoming, but you are not sure that an application has been submitted yet or maybe it hasn't been submitted, but you are confident that it will be, I think a best practice would be to use caution in that -- and you apply all the same rules. If you do choose to meet with somebody in advance, you know, take records of what -- of what was discussed, you know, the date and time of the discussion and a brief summary, so that if it does ultimately come before you as a commissioner in a hearing context, you can at least cure the record by disclosing that. I met with this developer on this date and we had a brief conversation about X and Y and Z. Now, I will say -- I will -- in that part of the discussion, just like I started, there is no Idaho case law on that. Other states have kind of come to that conclusion, but Idaho is -- that's not been litigated yet, But clearly the -- the bright line is once the application is submitted, anything from that point going forward is -- you know, definitely apply the rules we just talked about.

Hood: Mr. Chair? Caleb again.

Seal: Go ahead.

Hood: Can I just expand on that a little bit -- and not to be a broken record, but, again, you can contact staff -- and as an example In & Out, you won't hear. That's a principally permitted use. We can talk about it. They have got their certificate of zoning compliance.

You guys will not have to see that one. So, if you are concerned about that or even just curious about it, you can contact staff and we can likely answer your question. In the past, Mr. Nary -- you know, if the project's imminent probably shouldn't talk about it. From time to time -- it hasn't happened for several years that I can recall. Certainly not the Planning and Zoning Commission anyways. We will get someone that is speculating on some property and goes, you know what, I have heard that commissioner has a problem with the amount of open space and from time to time we may say, you know, before they have acquired the property they are just trying to kind of do some due diligence, you can go talk with them, that's okay, it's an imminent application. They are trying to understand the risks and if they should go forward. So, there isn't a bright line there, but if it's an imminent -- if they have pre-app'd with us and they are getting towards -- and it's the day before they intend to submit and now they are polling you all, try to avoid those types. And, then, you don't know that that's their intention, but a lot of times you can -- or getting comments like, hey, have you met with these folks? Do you know who this is? Sometimes we have, sometimes we haven't, but we can even maybe make that line a little bit brighter for you or share what we know anyways and say, yep, they are pretty serious. We anticipate an application in the next couple weeks or, no, I -- you know, they -- we -- we told him to talk to you, because we knew you had concerns about that and so we directed them to -- we don't do that -- again. We don't do that very often. You would probably hear from us. If we say, hey, we are sending them your way, because we know you have a problem with parking for multi-family, so we said go talk to the Commission about it. Again very, very rare. Anyway, just -- yeah.

Seal: There are -- there are times in lives where your other roles in the community will come into play as well. So, for me personally I had some interactions with Jon Wardle on basically building a bike park or making bike extensions in parts of subdivisions that they were -- you know, that they had going. So, that -- those conversations are things that if -- if anything about those were ever to come before the commission, then, I would -- you know, had to disclose those conversations, because I was the president of the Idaho BMX Association at that point in time. So, that's part of my job is to have those conversations with people like that, knowing that this could be in conflict with, you know, what we hear up here. So, luckily nothing like that ever -- you know, those two paths never really crossed, but it can happen and it's -- and it can legitimately happen. So, just something to be aware of.

Lorcher: Mr. Chair?

Seal: Go ahead.

Lorcher: It also doesn't help that our news publication and our news outlets are -- provide provocative headlines. Like today the Statesman said, you know, this -- this piece of dirt next to The Village is going to have, you know, 10,000 new people or something to that effect. Or the articles about In & Outs coming, you know, it's -- it's in our -- as -- like you said, as -- as citizens it's going to be in front of us and if they know that we are commissioners they are like, oh, well, what do you -- what do you think type of thing. And

I was like, well, provide public testimony and -- but -- but reading the newspapers or listening to the radio, it's going to be part of our everyday life as citizens as well, so --

Starman: Yeah. I think that's a fair comment. So, a couple thoughts that -- that sparked for me. So, you know, one is you are -- you know, all residents of the community, you -- and you are active and engaged residents and so, yeah, you are expected to read the newspaper, listen to the -- you know, the news and that type of thing and we would encourage you to do so. That's not a problem at all. You know, the issue is more -- so no -- no problem in that regard. You know, the issue really is -- is more substantive conversations with a particular individual that might be in front of you, you know, as part of an application approval process. So, those are the -- those are the issues that we need to be mindful of. So, that's kind of the gist -- you know, again, I appreciate Caleb's comment. If you ever have a question about -- that's one of the things you can talk about in the abstract, but, you know, until you actually kind of deal with the real issue it's -- it doesn't become -- it becomes more concrete when you have a real issue. So, you know, if and when that day comes for you, feel free to -- to reach out. I'm happy to chat with you about that. Caleb, other planning staff. So, we are -- we are always happy to assist, but I just want to sort of take the opportunity tonight to kind of re-cover some of those -- to re-cover that topic I guess in the sense of the importance of that term of quasi-judicial proceedings and why it's important, because we have Constitutional provisions that trump everything else and can become topics in litigation and have for Meridian in particular. We have had issues like that that have become, you know, one of many different arguments during litigation. So, we try to be -- you know, play by the rules and we try to -- to nip the things in the bud before they become a problem. All right. Thank you.

Seal: Thank you very much. Appreciate it. All right. I think that was the end of what we are providing here for training tonight, so I will take one more motion.

Grace: Mr. Chairman, I would move we adjourn.

Yearsley: Second.

Seal: It's been moved we adjourn. All in favor say aye. Any opposed? All right. Thank you very much.

MEETING ADJOURNED AT 8:11 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

ATTEST:

_____|_____|_____
DATE APPROVED

CHRIS JOHNSON - CITY CLERK