

A Meeting of the Meridian City Council was called to order at 6:15 p.m. Tuesday, September 22, 2026, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Liz Strader, John Overton, Doug Taylor, Anne Little Roberts and Brian Whitlock.

Other Present: Tina Lomeli, Bill Nary, Nick Napoli, Laurelei Bakken, Mark Ford and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Brian Whitlock
☒ Anne Little Roberts	☒ John Overton
☒ Doug Taylor	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is Tuesday, September 22, 2026, at 6:15 p.m. We will begin tonight's regular city council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Okay. We had no one sign up for the community invocation.

ADOPTION OF AGENDA

Simison: So, with that we will go -- move on to adoption of the agenda.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: There are no changes to tonight's agenda. I move that we approve the agenda as published.

Little Roberts: Second.

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

MOTION CARRIED: ALL AYES.

PROCLAMATIONS

1. Ovarian Cancer Awareness Month

Simison: First item up is a proclamation for Ovarian Cancer Awareness Month. If I could have Tiffany Mecham and anyone that came with her join me at the podium. I will go ahead and read the proclamation, then, turn it over to you for any additional comments or related, so -- whereas ovarian cancer rates sits in cancer deaths -- deaths among women accounting for more deaths than any other cancer of the female reproductive system and whereas in the United States a woman's lifetime risk of being diagnosed with ovarian cancer is about one in 78 and whereas the American Cancer Society estimates 21,010 cases of ovarian cancer will be newly diagnosed in 2026 and 12,450 individuals will die from the disease nationwide, including 120 new cases and 70 deaths in Idaho. Whereas, the five-year survival rate for ovarian cancer is 50 percent as survival rates, very greatly depend upon the stage of diagnosis and whereas National Ovarian Cancer Awareness Month is proclaimed annually in September to raise public awareness, honor survivors and support research. Therefore, I, Mayor Robert E. Simison, hereby proclaim September 2026 as Ovarian Cancer Awareness Month in the City of Meridian and encourage all citizens to come alongside the women and their families fighting against ovarian cancer by increasing awareness, expanding research and empowering women to reduce the risk of the diagnosis, dated this 22nd day of September 2026. On behalf of myself and the Meridian City Council we would like to present you with this proclamation and invite you to say any words.

Mecham: Thank you so much for declaring September as Ovarian Cancer Awareness Month again. We appreciate the continued support from you guys. It's been -- it's always an honor to come back every year. I have had the opportunity to advocate in D.C. and it's always extra special when we get to bring it home, not only at the state level, but also at the city levels. My mom passed away from ovarian cancer at the age of 54 and my great grandmother passed away at 33. I do this every time. So, it's very important to me to be here and, oh, goll. Education and awareness is the most important thing, because as you read -- heard in the statistics that it's caught very late stages and so -- oh, my gosh. Thank you. Ultimately awareness is our best fight against this, so -- because there is no good screening tools and I'm excited to also have my co-advocate leader here with the Ovarian Cancer Research Alliance Camille and I will let her say a few words, because she has a different story than I do. So, I will hand it over to her. But I want to thank you again.

Oldenburg: Thank you. I -- my story is a little different. I was diagnosed five and a half years ago and I have beaten that 50 percent statistic. But my statistic is a little different,

because I wasn't -- most ovarian cancer patients are not diagnosed until they are stage three or stage four, because there are no preliminary signs that are indicative of ovarian cancer. So, that was true for me, too. So, by the time I got it I was nearly a stage four. What has really made a difference in my life -- and I'm currently going through the fourth recurrence right now, but what has made a difference in my life is that research has really made a remarkable difference in five and a half years for treatments. There is still no cure, but there are treatments. So, five and a half years ago if -- if I had started earlier I might not have been here, but I am today and that's why I feel passionate about the need to keep the word out and I'm passionate about doing what we can for everybody here as well. I need to turn around. Just to acknowledge that this is a disease that's not really well known. So, again, everything you are doing is really appreciated and thank you. And teal, by the way, is the color of ovarian cancer. So, I just want to -- if you see it you will know what it represents. But, again, thank you all very very much.

Simison: Should I leave these down here? Are we going to make anybody --

Strader: Honestly, we should keep one down there. It happens.

ANNOUNCEMENTS AND RECOGNITION

Simison: Council, anything under announcements and recognition this evening?

PUBLIC FORUM

Simison: Madam Clerk, anyone signed up under public forum?

Lomeli: Thank you, Mr. Mayor. No one has signed up.

PUBLIC HEARINGS [Action Item]

2. Public Hearing for Proposed Fiscal Year 2027 Solid Waste Fee Updates

Simison: Okay. Well, then, with that we will move on to our action items for the evening. First item up is a public hearing for the proposed fiscal year 2027 solid waste fee update. We will open this public hearing with staff comments. Good evening, Laurelie.

Bakken: Good evening. Thank you, Mayor and Council. I have a quick short presentation, but I wanted to give you guys an update on the proposal and resolution that you see in front of you tonight, because it's a little bit different than the one that you saw a couple of weeks ago. So, as we get this presentation up I did want to remind everybody that there is a couple important elements of our Republic -- our franchise contract with Republic Services that kind of go into the annual rates every year. So, the first one is that per our contract they are annually -- they are allowed to request up to 90

percent of CPI annually, which is what you will see in their request. The other piece that I thought was important to just make sure that everyone was aware is that once Republic picks up the trash they retain ownership of it and I will cover why that matters. We have been working with the Ada County Landfill, Republic Services and other local cities since probably April of this year and navigating what that landscape looks like once the Sawtooth Landfill opened. So, Republic Services did not have to participate in those conversations, but they were there as a partner. They are one of the -- the biggest customers of the Ada County Landfill, so they had vested interest in helping us with those conversations. Ultimately, however, they are able to offer significant savings by utilizing the Sawtooth Landfill, as well as the Ada County landfill. This not only helps with rates, but also should extend the lifespan of the Ada County Landfill, which is really important. So, the reason you saw the higher disposal value in the last presentation was that we were still in discussions with Ada County up until just a week ago. We knew we needed to get the rate process started and have it -- it needed to go to SWAC and Council, two weeks of public hearing notices, to make sure that our rates are effective October 1. So, we knew we could go down, but not up. Just similar to what we do with our budget process. So, we posted at the higher value and continued the process. But between last time and this time we are pleased to be able to present a lower disposal rate to council with the continued partnership with Republic. So, what you will see -- this is the updated proposal from Republic Services. The only change that's different from the previous proposal that you saw is a shift in utilizing their landfill more extensively. So, this shift saves the average Meridian resident 43 cents per month. So, with that savings and disposal cost and tied in with the items that are eligible for the 90 percent CPI, Republic discussed last time what the VTEC credit was -- that's a federal incentive that was coming off this year's rate increase, the average Meridian resident will only see a 1.9 percent increase, which equates to about a 50 percent increase on their monthly bill. Based on the last presentation we also thought it was important to take a look at how we compared to neighboring cities. While it's a little bit challenging to directly compare trash and recycling rates and really that's three primary reasons, there is different service providers, there is different hauling distance and proximity to landfills and there is different services that are offered in each of these cities, but if you compare just kind of straight across the board you will see that we are - I believe we are still receiving a fair value and additionally we are seeing one of the lowest percent increases across our neighboring cities. So, with that I can stand for any questions. Republic Services is also here if you have any specific technical questions. But we are excited to bring forward a lower rate than originally was proposed and look for your adoption of that resolution if that is acceptable.

Simison: Thank you, Laurelie. Council, any questions for staff?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It's not a question, but just like feedback. You know, I understand it's always better to under promise and over deliver, so I understand that -- the instinct. But I think

it's really important when we are dealing with something that impacts all of our residents like this that we are just really transparent and that we -- as decision makers understand if there is a possibility for savings or if there are like details of ongoing discussions with the county I think it's important for us as council to understand that when we are having these discussions and I didn't feel like all of that got flushed out in the last discussion that we had and so I just wanted to say that, you know, I think it's important to share all that information and I didn't feel like it was as transparent as it could have been and I was a little disappointed, but I'm not blaming you, Laurelei, specifically for that. I think it was -- it was a decision like made by the team. I think it included, you know, the Mayor and everybody and that's fine, but I just would have appreciated a little bit more transparency around the discussions with the county.

Simison: Any other questions for Laurelei? Comments? Okay. Thank you. All right. This is a public hearing. Do we have anyone signed to provide testimony on this item?

Lomeli: Thank you, Mr. Mayor. No one has signed up.

Simison: Okay. Is there anybody present that would like to provide testimony on this item? You can come forward or if you are online use the raise your hand feature. Seeing no one raising their hand or no one coming forward --

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Seeing, no one coming forward, I would move that we close the public hearing for proposed fiscal year 2027 solid waste fee update.

Overton: Second.

Simison: Have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

3. Resolution 26-2604: A Resolution Adopting the Fiscal Year 2027 Rate Schedule of Solid Waste Collection and Disposal Services; Authorizing the Finance Department to Collect Such Fees; and Providing an Effective Date

Simison: Next item up is Item 3, which is Resolution No. 26-2604.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I would move that we approve Resolution 26-2604, a resolution adopting the fiscal year '27 rate schedule of solid waste collection and disposal services and authorizing the Finance Department to collect such fees and providing an effective date.

Cavener: Second.

Simison: Have a motion and a second to approve Resolution No. 26-2604. Is there discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Mayor, first just want to thank our partners at Republic for being here and for being a part of this process. I know a few weeks ago we had a really enjoyable back and forth with a lot of questions and answers and certainly that was really forged, because council hadn't been given all the complete information at the time. I apologize that some of those questions came across in a manner disappointing to my good Council Member Strader's comments that we weren't fully informed of all of that. So, didn't mean to be -- put you in the cross-examination seat and hopeful in the future our city will be more transparent with their city council when it comes to these decisions.

Simison: Additional questions or comments? If not, clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: All ayes. Motion carries and the item is agreed to. Okay. Thank you very much.

MOTION CARRIED: ALL AYES.

4. Public Hearing for Horse Meadows No. 3 (VAR-2026-0002) by KB Homes, located at 4534 W. Meadowpine Ct.

- A. Request: Variance to the R-8 zoning districts dimensional standards to encroach into the 12-foot rear setback by two (2) feet.

Simison: Next item up is a public hearing for Horse Meadows No. 3, VR-2026-0002. We will open this public hearing with staff comments.

Napoli: Good evening, Mayor, Members of the Council. Next item on the agenda is the variance for Horse Meadows No. 3. The applicant requests a variance for the rear setback in the R-8 zoning district for Lot 15, Block 6. The applicant is requesting to encroach into the 12 foot rear setback by two feet. The site is located at 4534 West

Meadow Pine Court. So, a little bit of background for you guys. So, Horse Meadows was originally entitled as Pivot Point back in 2024 and they did record the plat earlier this year in 2026. Prior to the preliminary plat being approved staff engaged the applicant about the configuration of Lot 15, Block 6, and staff requested that the applicant demonstrate that the home would fit on that lot. At that time they did provide a footprint that would. However, we are here tonight, so the applicant's desire to seek a variance, rather than to design a home specific for this lot and the applicant has indicated that redesigning a custom home plan would add an additional cost for them. However, the lot can accommodate a home on the property with -- with modifications to a building footprint as it currently sits. The area requested for the rear setback to be measured from, which is back there, does not meet the code requirement for a rear setback because of the width. It's only ten feet in width. It doesn't span the full width of the property, so we would not consider that the rear setback based off of how the UDC reads as it currently sits. So, staff is going to be recommending denial of a variance for the rear setback tonight and that's primarily due to that this was accounted for in the preliminary plat phase. Staff noted this as an issue -- potential issue and we did confirm that, you know, it would -- the home would fit on the property. I would like to say, though, that there is a -- the Kennedy Lateral easement does run along this portion. Yeah. You can see my cursor -- perfect. Of the property. So, there is a ten foot easement there, because there is open space that this property does back up to in the subdivision. It does not actually abut another residential lot to where they are requesting the variance, but it does abut the open space. So, as I said, staff is recommending denial as the circumstances present do not demonstrate undue hardship caused by characteristics to the site, which is what -- one of the findings in the code. The lot demonstrated -- the lot configuration was discussed early on in the process and the applicant did provide a home that would fit at the time the preliminary plat was approved. So, I will stand for any questions that you guys have.

Simison: Thank you, Nick. Council, any questions for staff?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Nick, again, you mentioned the Kennedy Lateral and the ten foot easement that's there and, then, to the north and west that's -- that's also open space as well, isn't it?

Napoli: Mr. Mayor, Councilman Whitlock, that's correct. So, this would be open space directly to its west and, then, all of this back here is open space as well and the Kennedy -- and the Kennedy Lateral easement is all open space. That is correct.

Whitlock: And follow up, Mr. Mayor.

Simison: Councilman Whitlock.

Whitlock: And so just, again, to orient me on where the two feet would be.

Napoli: Yeah. Mr. Mayor, Councilman Whitlock, that's correct. The two feet would be right here --

Whitlock: Okay.

Napoli: -- so this furthest dashed line is the actual 12 foot setback and they are showing a two-foot encroachment into that setback. That is correct.

Whitlock: Okay. Thank you.

Simison: Council, additional questions for staff? Okay. Would the applicant like to come forward? Good evening.

Schrief: Good evening, Mayor and Councilman. My name is Wendy Schrief. I work with KB Home and my business address is 2487 Navigator Drive here in Meridian, Idaho. 83642. And I'm going to try to explain why I'm here this evening and, unfortunately, like I wasn't part of the -- the prior staffing at KB when they had done this preliminary plat, I would have dealt with it differently, but we have installed services and we have recorded a final plat. So, let me show you where -- where this project is located. Pivot Point. We are south of Pine and this is phase three and the last phase of Pivot Point Subdivision and I think Nick's exhibit was actually larger, but I -- I wanted to kind of give you an idea of where -- where this project is located or where this lot is located. We are immediately to the north. We have the Kennedy Lateral. We will not be encroaching into that easement. We have walked the property with NMID to make sure that they are okay with the potential location of the home and, then, to the western side we have an open space lot. I will show you that on our landscape plan. We have an -- we have an open space lot. So, where we are requesting the variance and the two feet into the rear setback, we are not impacting any neighbors. We will be encroaching into the setback, but we are immediately adjacent to that net -- to the NMID easement. NMID has no issues. I believe that they issued an e-mail. It was Alex had walked the site with Scott Curtis, our development manager, and they have no issues with our encroachment. We did hold a neighborhood meeting. We had one resident come who was curious and he told me he had no issues, but we have -- we have no letters. No one is here this evening. Unfortunately, this is -- really we are here. It's -- it's -- it's a business decision for us to -- we are a builder who has certain footprints we construct in the Treasure Valley. For us to go and reconfigure and create a new footprint that we do not have the materials here in the Treasure Valley where we do not have construction workers who have constructed that footprint would be exorbitantly expensive for us to go and do a home that we have never built in this valley and to construct a footprint or design of a home which we have not ever constructed out here. So, that's our reason for the request and -- and, really, our hardship -- I know as a planner you have to have a physical constraint as a reason for your variance and really our physical constraint is that lateral and the easement for the lateral, which really hems in our ability to do a property boundary adjustment and to change the configuration of this -- of this lot. Here

is kind of a showing again where -- and we met with staff. We did a pre-app and wanted to look at where can we measure the rear setback. What we are calling the rear setback is actually -- it is the corner of the home and that area is labeled as the rear according to UDC. So, to be in compliance with that we want to ask for that two foot encroachment and, really, it is for that corner of the home. It is not truly the rear of the home. We actually -- if you were to measure to the far property line we are 92 -- a little over 92 feet from that rear property line. So, the only area where we are impacting is, again, the -- the Kennedy Lateral and the open space lot next door. No -- no neighbors are -- are impacted. So, that's our -- the reason for the request and for the variance request this evening. So, I'm here for any questions.

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

Little Roberts: Mr. Mayor?

Simison: Council Woman Roberts.

Little Roberts: Mr. Mayor. And Wendy -- is that correct?

Schrief: Yes.

Little Roberts: So, originally there was a different home plan that they had planned on using, because Nick said that there was a plan that fit the property and now there is not?

Schrief: Mayor, Council Members, this was done several years ago at the preliminary plat stage and from what I understand there was an engineer they were working with who configured something to show that a home would fit. I can tell you is -- when you work for a builder there is a lot of pressure to not lose a lot, which is why I'm here this evening, and I think that possibly was configured incorrectly at the time. I wasn't there. I wasn't a part of that and -- and I wish we had made adjustments back then. So, we are here today with, you know, water and sewer services have -- have been extended to this lot. The plat has been recorded and, really, because of our location next to the Kennedy Lateral our ability to do a lot line adjustment or reconfigure this and not wanting to encroach into the open space that's a part of our approved preliminary plat, we are hemmed in with -- without many options. So, the variance we -- is why -- that's why we are here for a variance this evening.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: So, I'm a little confused. Wendy, when you -- you mentioned if you didn't have the variance you wouldn't -- you don't have the materials or the -- the workers to build the kind of home that -- that you want to put there. It's an odd request to me as a -- someone who probably designs more than one home, because as I'm looking at it it's

just -- it's -- it's not a lot of space. It's just barely meeting the variance just by a couple feet. So, what you are suggesting is there is no ability for your company to redesign the home to fit the lot?

Schrief: So, Mayor, councilman, and let me -- let me clarify. Is it impossible? No. Would it cost about 50,000 dollars? Yes. And we would be constructing -- we would -- we would have about 50,000 dollars in engineering costs for that new footprint and our - - we have teams who -- we have about eight footprints we build here in the Treasure Valley and we would be introducing a ninth, which no one in our crew would have constructed previously, so -- so, that's the complication.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Wendy, I typically don't get -- look very fondly upon variance requests, particularly those that deal with setbacks. I -- I think actually in practical application I think you are fine, but the piece that I'm -- again I'm struggling with is that -- that hardship, because you knew about the lateral when you designed the project and so to me I would look as a hardship as something that was discovered as construction was getting set to occur and not something that was known before you began this process. So, that's my hangup. Help me understand how I can overcome that concern.

Schrief: Okay. Mayor, council members, I -- as a planner I look at -- I look at the Kennedy Lateral and that easement that is existing as -- as a firm constraint. I do not have flexibility to extend into that easement and because we have a certain square footage of open space, which we were required to construct, so -- so, basically on my northern boundary where I am bordering the Kennedy Lateral I have no flexibility with being able to move my lot line and, then, where I'm adjacent to required open -- approved open space I have no flexibility to do a property boundary adjustment and -- and move the house in that direction. So, I am -- I am requesting the two foot encroachment into the rear setback.

Cavener: Thank you.

Schreif: So, I have two fixed points where, otherwise, we would -- we would be doing a property boundary adjustment to go in and do that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I actually have a question for Nick. So, usually, I think about setbacks as serving the purpose of creating good neighbors. In this case the neighbor concern isn't here so much, but help me understand the other reasons for setbacks. If I'm missing anything. And, then, I'm also concerned about just incentivizing bad behavior. Please

don't take that the wrong way. It wasn't your bad behavior personally, but I always worry about doing something and, then, setting a precedent. Waiving setbacks seems like a terrible idea to me just generally. So, help me understand the whole landscape around setbacks.

Napoli: Mayor, Council Member Strader, so good questions. For setbacks, yes, I think setbacks primarily are in place for, one, not only planning code, but fire code, building code. You need separation. In this case, obviously, correct, it is to open space. If there was another home back there, yeah, I think this -- it makes it a little bit easier to -- to say no. Staff's stance on variances in general, especially two dimensional standards such as setbacks is we are not going to support you unless you have a -- a really good undue hardship, which in this case, you know -- I don't know if you guys remember, this was one of -- actually one of my first projects in -- in this role. The first -- there is actually a lot over where the fire pit is and I told them to lose that lot and they gained the lot where this subject lot is being placed and that's why we had them say, hey, where -- how is a house going to fit on there? Obviously, I don't think it was to scale at the time. I -- you know, I had no way to verify that. Unfortunately I don't have their footprint. So, I didn't know -- I took their word for it that it was to scale, you know, and we did explore some other options with them to maybe move this lot to the common lot and, then, switch the common lot here to where you would have a wider footprint to where a home would likely fit on there. But, ultimately, they were far -- too far along in construction. I think the common space has already been constructed, they are in the process of getting CFOs actually in this area, so -- but as far as setbacks and their purpose, primarily it is for one -- each zoning designation is going to have separate -- different setbacks for, you know, different FLUM designations. So, low density residential is going to have larger setbacks to make it feel more rural versus, you know, when we get into higher density the setbacks are going to be tighter to where you are closer living, where there is smaller yards, less maintenance, those type of things. But in this case, like I said, it doesn't back up to another home. It does back up to an open space and the Kennedy Lateral. So, you know, it is I guess a unique -- a unique request in front of you.

Schrief: Mayor, council members, the -- the request is only for this one single lot and Pivot Point Three would not apply to any other homes or lots in the subdivision.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I get that, but as a policymaker I am concerned about the -- the precedent that it sets just generally. I have a question for Bill, Mr. Mayor, if that's okay. Do we have the ability to waive a setback like this under our code? I just want to understand -- I mean that's the request, but is it -- you know, I know our -- our code is pretty like definitive, so help me understand the flexibility there.

Nary: So, Mr. Mayor, Members of Council, Council Member Strader, so she's asked for a variance. So, it does qualify to at least make that request. So, you aren't really

waiving the code. You are granting the variance and it is -- I mean Nick has identified it does -- it does at least give you the authority to grant that variance, even though, again, they are saying it doesn't meet their criteria from their estimation, that's up to this council ultimately on if you think there is a hardship -- you think there is a hardship based on the topography that you would, then, grant this variance. So, yes, you do have the ability to do that.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Maybe a question for Nick a little bit, too. On this lot is there a fence between the home and the open space or is it -- is this -- what kind of a fence?

Napoli: Well, Mr. Mayor, Councilman Taylor, that's correct. There would be a fence and since the open space is visible from public right of way it would be a closed vision fence. That's correct. So, it would be a six foot fence. That is correct. Yes, sir.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Wendy, along those lines, can you just go back one slide and maybe we can see on -- no. Maybe forward one slide. We will make this one work. So, that fence would be on the dotted line to the -- to the north; is that correct?

Schrief: Mayor, council, correct, we would -- we would be on the -- the NMID easement. Probably just to the outside of it. We wouldn't want to be located inside the easement.

Whitlock: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I didn't quite follow that. Is it -- where the fence line is is it that dotted line that says ten feet or is it the furthest dotted line to the north -- or to the outside? That's the fence right there, Nick? Okay.

Napoli: Yes, sir.

Taylor: And can you give me a sense how -- how far it is from that fence line to that corner of the house?

Napoli: Mr. Mayor, Councilman Taylor, it would be ten feet from the fence to the house. That's correct. And there is actually a ten foot public utility easement as well in there. There is a four inch pressurized irrigation line. That's why we typically do wider utility easements on rear lot lines, because they typically hold pressurized irrigation lines and five feet is typically not adequate for a four-inch PI line. That's correct.

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

Schrief: Thank you. And if you have any questions please let me know. I would be happy to compromise if that's needed this evening.

Simison: Madam Clerk, do we have anyone signed up on this item?

Lomeli: Mr. Mayor, no one has signed up.

Simison: Okay. Is there anybody present who would like to provide testimony on this item, either -- and if you are online use your raise your hand feature. Seeing no one coming forward, does the applicant have any final comments or applicant waive? Applicant waives. Council, your conversation.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Some discussion here. This is kind of an interesting one. I think Council Member Cavener kind of suggested in practicality it seems reasonable to allow this variance and I agree with that. I have always taken the position that it -- I want to be as friendly as we can from this position as we try to work with constituents, developers, others in -- in all aspects of it. I don't want our rigidity to be a problem when we can be flexible. So, to me the question is whether or not we want to be consistently -- consistent with everyone who is working with the city in terms of when they are working on their plat. So, I'm -- I was -- I would probably be okay with the variance tonight, given the fact that -- that is the open space. There is ten feet to where the fence line would be. Probably only in -- because I want to not let rigidity for the sake of rigidity stand in the way, but I understand the importance of being consistent with the development community. I do think it's a little bit of poor planning that -- I mean I would think that any -- any home builder that has -- could design a home that could fit there. But I understand it's a business decision and there is a lot more that goes into it than what I'm suggesting. It's not let -- your custom home builder on every lot and looking at every lot has unique features. So, I get that. It's round peg, square hole kind of a situation with the house versus the lot. So, I want to be as accommodating as I can. I think for me the question really is going to be sort of that consistency for everyone who is working with the city and how important that is in terms of, you know, for one -- for one lot. So, kind of open for the discussion with the rest of my colleagues, you know, where I may end up on this tonight, but with some thoughts to kick that discussion off.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I'm kind of in that gray area as well in terms of the fact that -- I mean there is the Kennedy Lateral behind it. There is open space to the west. There is open space to the north and the west. I mean we are encroaching into the setback. We are not encroaching into other people -- other homes, creating fire danger or other issues. But it is a variance and so that's the kind of gray area where I just -- I don't know where -- where I'm going to land tonight. My wife would tell me if -- if I give an inch I would take two feet on this issue and -- and I -- and I might be willing to give that two feet into -- I -- I'm struggling with this one.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Kind of a belated question for the applicant if I can. You made a comment about a number of houses -- I think was it eight different styles of houses you have. Just so I'm clear, is this variance request because a future customer has picked this particular house or will none of the eight houses that you build fit on that lot?

Schrief: Mayor and councilman, correct, we -- we do not have a future homebuyer. None of our homes that are in production currently fit on this lot. This is the smallest home we could possibly fit and we would still need the two feet of encroachment.

Overton: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Appreciate good comments of my colleagues and I will make a note to ask Council Member Whitlock for an inch from time to time. I think for me the -- the largest challenge for this is finding -- coming up with that finding of hardship for me and I think that's the piece that I can't overcome. The dimensions of the lot was known when the applicant moved forward. Recognize it's a different team. Not trying to throw anybody under the bus for that. But to me a hardship would be something that would be discovered after the fact and everything about this lot was known beforehand and so I am -- while I think functionally it makes sense, I -- I am -- I cannot find a -- a finding of a hardship to be able to be supportive of granting a variance tonight. That's I think likely where I will be sitting tonight.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: This might be a question for Nick and, then, Wendy, maybe, if you had some -- some follow up. If a variance isn't granted tonight and the applicant can't build on it, because it's -- it's prohibitively expensive from a business point of view, does that lot sit

vacant? Does -- do you amend the development agreement to make it more open space? What -- what happens to that lot if we don't have the variance and they actually can't build it, because it doesn't make sense?

Napoli: Mayor, Councilman Taylor, I did have that conversation with the applicant. It sounds like that it would likely go to open space. I -- you know, they -- we have had conversations about selling the lot. I know KB Homes isn't typically a -- I'm not going to speak for them, but in our conversation they don't sell lots. Typically they -- they build all the lots that they entitle is -- is typically their model. So, in conversation with them it sounded like -- like there would be a modification to the plat to incorporate it as open space if -- if they could not get a variance tonight maybe that has changed since last time we talked, but -- Wendy, has that changed? Okay. She shook her head no for the record, so -- but, yes, it would be -- it would be open space if -- if the variance was not granted. That's correct.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: My -- I guess my -- my concern is the finding of hardship in the sense that I do think there were some side constraints, but they were known and -- and the hardship I think comes in part from the applicant's business model and I -- I just don't want to be in a position of using an applicant's business model as the basis of a hardship decision and I feel like I would be doing that. If -- if there -- if there was a way to give like -- give one exception and like have KB Homes make a promise that this would like never happen again, you know, I would love that, but, you know, that's just not how things work exactly and, yeah, I'm just -- I'm a little bit struggling with it. I just think it sets a bad precedent. I think -- doing it here the impact wouldn't be terrible, so that -- that gives me pause, but I -- I hate waiving these kinds of requirements. I just think it sends a message to the development community that it's okay to do things in a certain way when it's not. So, that's what I'm struggling with a little bit. And the applicant did mention something about compromising and I -- I did just want to double check. I didn't understand what a compromise could be or would be. If you had something specific in mind I would love to hear you out.

Schrief: Mayor, Council Members, I -- I think as a compromise I think potentially if we could look at where we have our open space adjacent next door, if -- while it's mostly constructed, if it would be possible to move that property line and for us to encroach partially into that approved open space, that potentially would give us a little bit more room for the footprint if we were able to -- and that was something that we did not look at as a possibility was moving that property line if we were to receive only a foot maybe there is a way we could skew the home and -- and use that foot of -- of encroachment and get this to work. I do want to make sure that I'm not required to turn this into open space. We have brought utilities out and it could be -- in several years it would make sense financially to do something different with a lot, but, typically, we will build homes in a phase and then -- and, then, move on and close that -- that phase out. But I want

to just make sure you don't have any condition where this is required to turn into open space in the future.

Strader: And Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to follow, because I think that's -- that's interesting. If were to move the property line would you meet our open space requirements?

Schrief: Yeah, because we -- I believe we would -- we would still meet it, but we would not -- it would not be what was approved at the preliminary plat. Our square footage would be different. So, that was not something we had -- we had explored and that's not the variance I'm here for this evening. But I think that would be another possibility.

Simison: And, you know, maybe -- I wasn't going to speak on this one, but maybe a thought process. I mean what's better for the rest of the residents, one foot of less open space or two feet into the back? I think all the open space should be preserved as much as possible personally, because that has no impact to anybody else. This is really -- I mean -- I can't -- unless you really want to buy a home, I cannot imagine having this backyard to try to function in personally and so it's a stretch all the way around as -- as a good place -- as a quality side yard, backyard. You are limited all the way around. I mean -- but I would hate to take away open space from the rest of the neighbors to try to accommodate this one. But I'm also -- I would rather let them try to market this one in its current with -- with the two feet into the easement to try to make a sale. I'm just not convinced people are going to be like that's the yard I envisioned for my family or my stuff and it may be a market decision ultimately or it may be something that is a price point low enough that people will really want the space. But -- yeah. I struggle with the whole design. But I would hate to give up something else as a compromise.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Question for Nick, too, and -- if we don't grant a variance and -- is there any requirement that this lot is built on in any time frame or could it sit unbuilt until maybe at some future time they would like to build a home or they have a product that fits? Just -- I mean I don't -- I -- I would not ever support something that would require them to leave it as open space, but I'm wondering if letting them have the option as long as they would like it to be there to -- to be an option. I mean I like -- frankly, I like that the whole thing would be open space. I have no problem with that. But if at some future date there is a home that fits and it makes sense, let them have the ability to do it. So, I just want to check if there is any time frames that would prohibit that in terms of a development agreement or any of our other code --

Napoli: Yeah. Mayor, Councilman Taylor, so, no, it's -- it's a recorded plat. This is a buildable lot in that plat. If they do not build on it ever it can -- would still be remain a

buildable lot. I think the challenge that they may run into when we typically see vacant lots is -- especially with kids riding their bikes around all that, might turn into the -- yeah, the community track as far as they build a little dirt track on it or something like that. But, no, it could remain a buildable lot for the foreseeable future. There isn't necessarily a strict timeline that they would need to -- if they did want to convert it to open space that would require a modification and they would go through the process and it would come before you guys again as well. Correct.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just to clarify on that. Is there a way to -- I mean if they wanted to turn it into open space where they wanted to landscape it, would it require modification to the development plan?

Napoli: Mayor, Councilman Taylor, a modification -- so, for plats when you -- when you guys approve a preliminary plat -- typically open space cannot decrease -- or open space cannot decrease and the number of buildable lots actually can decrease. Sometimes typically -- oftentimes they do once they actually get into the engineering of it. So, if they lost a lot to increase the open space that would be something that was allowed. It would just require a modification to the plat, so we can look at what it's going to be landscaped with and make sure that it is no longer considered a buildable lot within the subdivision. That's correct.

Taylor: But Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Sorry. Just to clarify. If you did that could they still revert to a buildable lot down the road or would that option be removed from them?

Napoli: With the modification we would typically include it in one of the common lot plat notes. Could they revert it in a future date because the preliminary plat had it as a buildable lot? Technically it is a possibility, but that's where it would get challenging, especially with once it's turned over to the HOA, maintenance, all of that I think it -- that gets really messy I think pretty quick. Once it's reverted I -- I don't see the city supporting them turning it back into a buildable lot. Staff probably would not be supportive of that request. Correct.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just a question for Nick -- maybe the applicant, but Nick first. I'm just visually looking at this and I can't get past the fact that it looks like that house would have actually fit if we were building it on the current lot that says open space.

Napoli: Mr. Mayor, Councilman Overton, so we -- we did have conversations about that. Me and Bill -- we looked at it and we -- we thought the same. We did have conversations about switching it. I think that, you know, when KB Homes came to us with this issue it was further down in the process than we probably would have liked. If we had caught it earlier it's a possibility we could have swapped those two lots as long as the open space remained the same or even got a little bit larger. It is a possibility we could have swapped the -- where the playground and all of that is with this lot and kind of reoriented the plat. That was a possibility as long as the open space did not decrease. As far as the home fitting on that, I still think -- it's going to be tight, but I think that it's a much -- much wider lot that to where they could probably orient the home, even if it's a side-loaded garage, it could have fit that way. There are options for that. That's correct. But without actually having a scaled plan I can't confirm a hundred percent that it would have fit.

Overton: Thank you.

Schrief: Mayor and Council Members, Nick -- Nick, I believe when we realized we had an issue with -- with lot fit we had already -- we had recorded the plat and that had officially become a common lot. So, it's a -- it's a plat note, which is an arduous process to go through to -- to go in and change it. So, at that point we had -- I think we had ordered playground equipment and had started putting in irrigation and -- and most importantly had recorded that plat with a plat note restricting it.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Wendy, as I look at this, if I go down two houses and over to the right one lot, what is that structure there? Right under the words landscape plan.

Schrief: Mayor, councilor, that is a home and I believe what happened was a landscape architect had -- had whited out a portion of that home, so that their label showed up. So, it's -- it's not a tiny home that would fit, unfortunately.

Whitlock: Dang.

Whitlock: I know.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I also wish you could flip the -- the yellow lot and the open space. I -- I just think it would work better anyway. It sounds like it's a -- an arduous process. I'm not very familiar with the details of what that process involves. Where are you at in terms of your -- you said you have the utilities there. Are the utilities present where the open space is as well? Like how would that -- is that just not even a viable option at this point, because things are just too far -- progressed too far? Besides that, obviously, there is some bureaucracy and like applying to do that.

Schrief: So, Mayor and council, we -- we recorded this plat -- I believe it was last -- like December. It was around Christmas time. So, at -- at -- at that point -- so, we -- services have been extended to every lot in the subdivision. So, water and sewer services have been extended to the -- you know, the lot where I'm requesting the variance. I believe that PI has been extended and sprinklers have been installed for -- for the open space lot and I know we -- about a year ahead of time we will order playground equipment. So, that's been configured and designed for that lot. But to go in and change a plat note, I believe it would be -- it would be a -- it's a replat. I believe it would be an amended plat to go in and change the plat note. It's -- it's something as a planner you really try to avoid ever having to do. If you have an instrument number and it's recorded off the plat you can go change that instrument, but when it is a note specifically on the plat you have to go in and go through a whole public process in order to -- to modify that note and I think we probably would also meet -- I have not looked at the footage, but potentially would be reducing the open space again and it would be a modification of that approval, too. A can of worms. I would be happy to pledge to never come back here with KB and ask for a variance like this. I will solemnly pledge.

Simison: So, just out of curiosity, what's cheaper and -- and more time -- or more time consuming, redesigning a house or redoing everything that you have identified to swap and do all that work? I mean from your perspective I know it's a lot easier on you to redesign the house, because you are not the one redesigning the house.

Schrief: Yes. But I would have to go to corporate and get approval to spend the funds.

Simison: Right.

Schrief: So --

Simison: Are they both going to be 50,000 dollar fixes?

Schrief: I think potentially swapping the open space it would be more expensive with -- with -- with replatting, moving that irrigation -- I think would it be a modified preliminary plat or would we -- we be modifying the final plat?

Napoli: Mayor, it would be modification to the final plat. That's correct.

Schrief: The final plat.

Napoli: That's correct.

Schrief: I think potentially that could be more expensive to go in and do that and I do not have my manager of -- director of land development here, who I think he was -- he was the one when we initially brought this up as a swap he was like absolutely not. I don't have Scott here this evening, Scott Curtis, to weigh in on this unfortunately. I -- if - if everyone is unable to make a decision tonight I can go back with my director of land development and we can look at that and I could -- I could -- be happy to come back in two weeks or come back in a month and look at that if -- if that will be helpful to see if it's an option. I think that ends up being more expensive, because of what we have installed in the open space.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Question for planning staff and, please, don't be offended by my question, but I think it -- it might help me with my decision tonight. Have we ever in recent years seen a similar variance request from KB Homes? Does this particular applicant have any history of this type of variance request or similar issues?

Napoli: Mr. Mayor, Council Woman Strader, to my knowledge, no, we have not had a variance request from KB Homes. Variances -- as you know we -- I try to discourage as many variances as possible. We get a lot of requests for people wanting to apply for them, but we try to discourage them and talk them actually through the findings that I have to make and most of the time there is -- 99 percent of time I cannot make the findings to support it. KB Homes, to my knowledge, has never -- has not requested a variance, especially to setbacks. Not in my time with the city. The only times I think you guys have seen variances in my time here is when the home has already been built and it was built in the wrong location, so --

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Wendy, again, you held a neighborhood meeting on this?

Schrief: Mayor, councilman, yes, we had a neighborhood meeting. We had one resident who lived in -- I think he is still a county resident and he came -- he was just kind of curious. Did not object. And he should be listed on our neighborhood sign-in sheet.

Whitlock: What was he curious about?

Schrief: What -- what were we planning and what was the variance for. And he wanted to make sure -- it doesn't impact him. He lives -- there is kind of that -- that home off of

that dirt road kind of adjacent to it. He -- he was just kind of curious. So, we sat and we -- we chatted, we talked about planning, but he had no concerns.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Well, just to further the discussion, I mean I do think we are in a gray area. Not happy with any of our potential answers, honestly. But I'm kind of leaning toward the variance. I realize that the characteristics of the site, creating a hardship was done previous to Wendy's being there and we don't really know what happened. But somewhere along the way something got messed up and I'm not crazy about it, but I also don't like taking a foot out of open space. I like that answer even less. And so it feels like we need to get to some conclusion that it can be a usable lot and so I guess at this point I do support going ahead with the variants with the like -- do not ever come back with one again, because we don't do them often, but I think at times we might need to be a little bit flexible. So, that's kind of where I am sitting, that I would support it at this point. Not happily, but I would.

Whitlock: Mr. Mayor, I guess --

Simison: Councilman Whitlock.

Whitlock: -- to also chime in, you know, Wendy, you mentioned that you build a phase and, then, you move on and you have got another project somewhere else in town or across the valley and the crews head that direction. I guess my biggest concern is if we do nothing you are left with this lot. If we deny the variance the lot sits there until such time as you find a product or you can sell the lot and I think from a neighbor's standpoint that's -- that's not ideal either. The maintenance of a vacant lot for months or years before you finally find a buildable product there is probably something they would object to more than a two-foot variance on the setback. So, again, I mean I have -- I have told you this is the gray area for me and I'm -- I'm -- I'm struggling, but I, too, don't want to swap lots. I don't want to have you go through the expense and the time and the challenge of trying to make that happen and I'm not even sure that you would fit a product on -- on that lot either, but I'm not an expert at that. So, I'm -- I just don't want that to sit vacant and to the Mayor's point, if we give you two feet does that make a lot that somebody's going to come and buy and build one of your products on? I don't know that either, but at least you have that option to move forward if -- if that variance is granted, so -- that's kind of where I'm leaning right now.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Question for Bill. Is there any other reasoning, besides undue hardship, available to us as decision makers under the UDC? Because that's what I'm struggling

with. I don't feel that that bar has been met. I do feel like it's in the best interest of the city and this development specifically to grant a variance, so that we don't have a blighted -- basically abandoned property in the middle of the neighborhood. Is there any other legal basis that I could use to justify that?

Nary: Mr. Mayor, Members of Council, no. But what -- what defines undue hardship is really within your discretion. I mean if that -- from what you just described if you believe all of those things create the undue hardship that's certainly within your discretion to -- to determine that, so --

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I have changed my mind three or four times tonight. Here is where I think I come -- here is where I'm going to come down. I'm not going to agree to the variance, because I don't think that I'm convinced, you know, that the company pro forma is going to be enough of a hardship to justify us changing and granting it and I say that not to be rude or dismissive to the realities on the ground, but I'm surprised and not convinced that you couldn't find something that you could build there and so to the -- the bar hasn't been met for me in terms of a hardship when I'm just looking at -- what I'm being told is - - really it's a financial decision for the company and that's -- I want to be sympathetic, but that doesn't quite -- I don't -- I want the space to be usable. I want you to build a home on it. Just because you have eight products that don't fit, that's not a justification enough for me to probably grant it. So, again, I changed my mind four times, but I think that's where I'm going to come down tonight.

Simison: Maybe we will go for another one to flop you back. A two-foot variance on four feet of the property. So, therefore, how much do they actually have to justify in your mind? Like an eighth of a reason? I think that -- and I know we don't get into detail. That's what we are talking about. We are talking about two foot variance. I was trying to do the -- I was going to do some geometry and figure out the two foot variance on the corner of the house. It's probably about a four foot of the property line. It's not the full width of the property that the variance -- I mean I know it applies to it; right? Because you can't just do a four feet section that the variance applies to, but that's -- that's what - - that is the section that we are talking about in this case. But take it for whatever it's worth.

Taylor: Thank you, Mr. Mayor, if I may -- and I -- I'm arguing against myself with my rationalization, but it does bother me that a corporation is telling us their financial situation doesn't allow them to build a building there. They get paid to design and create buildings all over the place and they have an odd lot, which is strange and they are telling us that they can't find a way to build a home there that fits? That's an argument that I am not sympathetic to and so that's why I don't feel like it reaches that bar, even though if you could draw a little squiggly line around it to make it work you could and it doesn't encroach on anyone else's property, but that's -- as I hear the arguments it's -- it's a financial decision by the company that's not a hardship in my

mind for the city council to consider. That's why I come down where I do. Which I'm surprised I'm saying that, but at the same time I think that's a real -- that really bothers me.

Simison: Council Member Taylor, you are nothing but full of surprises for us all.

Schrief: So, Mayor and council, I do want to point out -- I mean my -- my official request and -- and reason for the variance is because of the location of the Kennedy Lateral. It is -- I'm explaining the realities behind, you know, the variance, you know, request is -- is because it is -- it is a business and we -- we have a certain number of homes that we build and this would be a new home and there would be a lot of costs associated with it. But my -- if I was in Idaho Falls I would have volcanic rock and it's very easy to do a variance request in Idaho Falls and say volcanic rock. I -- you don't have that. So, my official basis for request is the location of that easement and that we cannot encroach into the NMID easement. So, it gives us -- we don't have as much flexibility for where we could position that home, because that is -- that is a fixed easement. We do not have permission to encroach into it.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just to bolster my colleague at the other end, I agree very strongly with what Councilman Taylor said and I have been struggling with this since we looked at it and I can't help but come back to the basics, which is the city has made no mistakes in this process. Wendy, you weren't present for when this whole process was initially approved and what really bothers me is there is not a person in this room that can answer that question who was there when this decision was made and I would feel a lot better if I had them here. It's unfortunate that you are here and you are new in this process. That's a really bizarre-shaped lot. I think it originally should have been swapped with the open space. I think it would fit and we wouldn't be having this talk. But I have got to side with Councilman Taylor's comments on -- there is a house that will fit on that lot. It isn't one of the eight that you are talking about, but we live in a digital world. Most of the house plans I see are done digitally and are pretty darn easy to modify. Now, I'm simplifying that fact, but we do live in that digital world these days. We have been talking about technology all night. I'm not seeing the hardship here that would push me to approve this variance tonight.

Simison: So, Council, do I have a motion to close the public hearing on this item?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing on Item 4.

Cavener: Second.

Simison: Have a motion and a second to close the public hearing. All in favor signify by saying aye. Opposed nay? The ayes have it. The public hearing is closed.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm happy to make a motion. I think we have discussed it quite a bit. After considering all staff, applicant and public testimony, I move to deny File No. VAR-2026-0002, as presented in today's hearing for the reason that the City Council does not find there was undue hardship as a basis for the variance request.

Cavener: Second.

Simison: Have a motion and second to deny Item 4. Is there discussion on the motion? If not, clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, nay; Taylor, yea; Whitlock, nay.

Simison: Four ayes, two nays, and the motion to deny is agreed to. So, thank you, Wendy.

MOTION CARRIED: FOUR AYES. TWO NAYS.

5. Public Hearing for 2730 E. Franklin (H-2026-0034) by Jason Nienhouse, located at 2730 E. Franklin Rd.

- A. Request: Annexation of 0.675 acres of land with the C-G zoning district for the purpose of complying with the terms outlined in the consent to annex agreement for the existing commercial building that is already connected to City utilities.

Simison: Next item up is Item 5, public hearing for H-2026-0034. We will open this public hearing with staff comments.

Napoli: Mr. Mayor, Members of the Council, next item on the agenda is the annexation for 2730 East Franklin Road. The applicant is requesting annexation of 0.675 acres of land with the C-G zoning district for the purpose of complying with the terms outlined in their consent to annex agreement for the existing commercial building. The site is located at 2730 East Franklin Road. The future land use designation is commercial and the current zoning is C-2 in Ada county. The site currently operates as a commercial

property with three commercial tenants on a site consisting of different professional services. In addition, there is an approved car dealer lot at the rear of the property. The applicant has indicated that they have no intention of redeveloping the property at this time and would like it to remain as is. Staff notes that the site contains several existing nonconformities resulting of development that occurred in Ada county jurisdiction prior to annexation. These nonconformities include deficiencies related to landscape buffer along Franklin Road, parking lot landscaping, drive aisle widths, parking location and unpaved area currently utilized as a car dealership. At this time staff does not recommend bringing all of the existing nonconformities into compliance as a part of this annexation. However, staff is recommending that they remove the ADA parking stall in the front of the building as they already have one that would meet the requirements. Primarily because the drive-out width currently as it sits is about four feet between this parking and -- and the ADA stall. So, removing the ADA stall would provide much better adequate means of ingress and egress for the site. Changing the traffic flow to counterclockwise to improve circulation and restriping the rear parking area to add three additional stalls. So, we have not received any -- or the site access to Franklin Road will remain. However, the applicant is required to stub cross-access to the eastern and western parcels for access points to be consolidated with future redevelopment in this area. We have not received any written testimony and the commission is recommending approval of this application and I will stand for any questions.

Simison: Thank you. Council, any questions for staff? Okay. I see the applicant is online. Would the applicant like to make any comments?

Nienhouse: Yes. I don't have any comments on the matter, unless there is questions for me.

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

Nienhouse: Yep.

Simison: All right. This is a public hearing. Did we have anyone signed up to provide testimony on this item?

Lomeli: Thank you, Mr. Mayor. No one has signed up.

Simison: Okay. Is there anybody present or online that would like to provide any comments? Seeing no one raising their hand and no one coming forward -- Council -- would the applicant like to make any final comments or they waive? Mr. Nienhouse, do you waive any final comments?

Nienhouse: No. Yeah. No -- no -- no further comments. Thank you.

Simison: Okay. No further comments. Council, your direction?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: This looks pretty straightforward to me. I move, if there is no other public comments, we close the public hearing.

Little Roberts: Second.

Simison: Motion and second to close the public hearing. All in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I would like to make the motion after considering all staff, applicant, and public testimony I move to approve File No. H-2026-0034 as presented in the staff report for the hearing date of September 22nd, 2026.

Little Roberts: Second.

Simison: Have a motion and a second to approve Item H-2026-0034. Is there discussion? If not, clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

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

MOTION CARRIED: ALL AYES.

6. Public Hearing for Storm Crest (H-2026-0024) by Bailey Engineering, generally located at the southeast corner of W. Ustick Rd. and N. McDermott Bypass

- A. Request: Annexation of 11.44 acres of land with R-15 zoning district.
- B. Request: Preliminary Plat consisting of 71 buildable lots and 14 common lots.

Simison: Thank you very much, Jason, for going through the process as stated. Appreciate that. Next item up is Item 6, which is a public hearing for Storm Crest, which is H-2026-0024. Open this public hearing with staff comments.

Napoli: Mayor, Members of the Council, next item on the agenda is the annexation and preliminary plat for Storm Crest. The applicant is requesting annexation of 11.438 acres of land, with the R-15 zoning district and a preliminary plat consisting of 71 buildable lots and 14 common lots. The site is currently located near the southeast corner of West Ustick Road and North McDermott bypass. The future land use designation is mixed use community and the current zoning is RUT in Ada county. The applicant's narrative states that with the inclusion of this development the broader MUC mixed-use community area will consist of 44 percent residential uses, which is within the intended ratio of 20 to 50 percent in this designation. In addition, the proposed density of 6.21 dwelling units per acre is also within the allowable density of six to 15 units per acre in the MUC designation. The residential lots in the subdivision also provide a variety of housing types in the form of townhomes, single-family and single-family detached homes. As a result staff finds the proposed development to comply with the comprehensive plan. The applicant is proposing to provide 22.29 percent of qualified open space, which exceeds the UDC standards. In addition, they are proposing five amenity points in the form of picnic shelter, three workout stations and a ten foot multi-use pathway that will connect to a larger system in -- in the Day Spring Subdivision approved to the west. As I just mentioned, it's important to note that the subject development relies on the neighboring subdivision -- and this will maybe paint the picture a little bit for you. The neighboring subdivision Day Spring for both access and utilities. The developer of Day Spring Subdivision entered into agreement with the city for the extension of sewer down McDermott Road to service their subdivision and make it available to other subdivisions. As a result staff is recommending that the subject development not submit their final plat until the first phase of Day Spring Subdivision has been recorded and utilities are readily available. The applicant is proposing -- go back, be a little bit clearer. The applicant is proposing a stub street across the Sky Pilot Drain, which is right here on the northern portion of the site. Orientation is a little messed up. I apologize. The eastern property currently does have a concept plan on it for future development, including a church and commercial uses. This will give you a little bit of zoomed in. It's a little pixelated. Commercial here. This is the church property. And they actually did have some residential that was contemplated in that development agreement for that property back in 2012 I want to say is the correct year. So, with the Day Spring Subdivision to the west and the church property, including this property as well, the mixed-use community is met with the three different types of uses, while also consolidating access points to Ustick Road and having pedestrian connectivity. So, the Planning and Zoning Commission did discuss at the planning -- at the hearing whether one or two crossings of the Sky Pilot Drain was warranted. When the applicant first came in they were proposing two -- two crossings or two bridges I should say across the Sky Pilot. One here and one on the southern portion of the site as well. You know, staff did ask the Planning Zoning Commission to carefully consider whether one or two was adequate. I did have conversations with ACHD as well, they were open to having one instead of two and staff was also amenable to that as well, because -- several different reasons, but based off of the concept plan for the church the access on the north side actually would lead to the commercial section, instead of the residential and an access point directly to commercial would help people get people

to neighborhood-serving uses better than the southern access point and we have not received any written testimony since the commission hearing and the commission and staff are both recommending approval and I will stand for any questions that you guys have.

Simison: Thank you, Nick. Council, any questions for staff? Council Woman Strader.

Strader: Thank you. I -- there was I think maybe some confusion in the staff report about the level of service for some of the arterial roadways that are here. So, I just want to double check that if you don't mind. I'm sorry. And, I apologize, I was actually going to e-mail you about this and I just didn't get to it today.

Napoli: Mr. Mayor, Council Woman Strader, thank you for your patience. So, Ustick Road is the primary arterial roadway that is, obviously, at the north portion of this site, currently is considered better than E and p.m. peak hour traffic count is 293, which the acceptable level of service for a two lane minor arterial is 575 vehicle trips per hour. I guess it is important to note that what you see on here none of it has been built currently and has been recently entitled. That's correct.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sorry, just one more. Do you feel that the planning around the McDermott bypass is far enough along that there is not a concern in terms of that changing at this point? I'm just not familiar enough with where the plans are at with that and I did just want to check that.

Napoli: Yeah. Mayor, Members of Council, Council Woman Strader, to clarify, do you mean the full buildout of the bypass where it currently sits as far as construction or what's been approved and whether the level of service on that bypass will actually --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I agree that we wouldn't know the level of service on it yet. I think it's more just like -- is there a chance that the footprint of the bypass at this stage could change or move just with, you know, all of the construction going on around the extension of the new highway and -- help me understand all that.

Napoli: Mayor, Council Woman Strader, so, yes, as far as the bypass -- no, the bypass is where it will remain where ITD constructed it. It is still currently under ITD ownership. As far as transfer to ACHD ownership, it is anticipated, I just, unfortunately, don't have a -- they don't -- I don't get a clear timeline from them when I ask and I don't think that they know fully when it will be under ACHD ownership. So, it is still currently under ITD

ownership, but where it is constructed is where it will remain and is anticipated to, correct, be there.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. That's really helpful. I didn't -- it's been a while since I have actually been over to this part of where McDermott is. I didn't realize it was fully constructed or at least it sounds like very far. So, that's -- that's helpful. I thought for some reason maybe they were looking at reconfiguring some of this, but maybe I'm wrong. Okay. Thank you.

Simison: Council, any additional questions for staff? Okay. Would the applicant like to come forward? Good evening.

Moosman: For the record my name is Kindi Moosman. I'm with Bailey Engineering and the address is 868 East Riverside Drive. That's Eagle, Idaho. 83616. Nick always does a fabulous job I feel like representing the projects, so I don't want to take too much time repeating what he said, but I'm here to present the Storm Crest Subdivision. Our request includes annexation and zoning to R-15, a preliminary plat for a 71 home -- or 71 buildable lots and an open ditch waiver. The site sits south -- oops. Sorry. Is it just a click? There it goes. As Nick mentioned, the site sits -- I didn't touch it that time. I promise. It's south of Ustick and between McDermott and Black Cat. Sorry. That threw me off when I did that. Okay. As you can see the property is an in-fill site and neighboring properties include Ustick, Commercial, Durango and Spring Day Subdivisions, along with Day Spring Subdivision to the south and west and the Linder Church of Christ and Jaden Village Subdivision to the east. The commercial requirement, as Nick mentioned -- I'm sorry.

Simison: Try the arrow.

Moosman: Thank you. As Nick mentioned, the commercial requirement for the MUC designation already exists on parcels better suited for it. Storm Crest would be providing the residential complement the plan calls for. The site plan shows 71 residential lots and 14 common lots with the Sky Pilot Drain and Pathway corridor along the east edge. The pathway corridor extends to -- extends to and connects to the Day Spring Subdivision, which is a condition we agree with and have modified our plans to show. Our lot makes steps down in density there on the south to match the neighborhoods it borders. By doing that Storm Crest reads as a continuation of what's already going on around it. Prior to our planning and zoning hearing, as Nick mentioned again, the site did include the two crossings over Sky Pilot Drain and at coordination with ACHD, the developer and city staff have all continued to happen and it appears that there is an agreement in place for just the one north crossing. It's my understanding that ACHD has indicated that they are willing to provide a formal memo should -- should council approve our applications tonight. Storm Crest provides two and a half acres of

qualified open space. The 22 percent Nick mentioned. This is well above the 15 percent minimum requirement for R-15. The site utilizes two fencing types. We have six-foot vinyl privacy fencing through most of the site and five-foot open vision iron fencing near Sky Pilot Drain, along with some exercise stations. Previous plans included fencing in Block Four, Lots 2 through 6, and those have been removed per the suggested condition. Amenities include a picnic shelter, three workout stations and the ten foot pathway system. This slide shows you kind of the location of the 48 townhomes, the 13 single-family alley-loaded cottage homes and ten single family homes. Here you can see elevations for each product type. I'm visual. I like pictures. You do, too. We show townhomes on the left, cottages in the middle and our single-family homes on the right side. Our open ditch waiver is requested to enhance the Sky Pilot Drain as a natural amenity that can be enjoyed by residents. We have added an additional open vision black iron fence between the pathway and Sky Pilot as discussed with staff and the Planning and Zoning Commission. This site includes three action fit outdoor fitness stations that sit along the corridor. A shade structure with picnic tables anchors the central common lawn. And this rendering of the entry monument we feel shows the character intended for the neighborhood and we are excited that that's what will be seen as residents head home. We -- we agree with commission's recommendation to approve the application and with the conditions as modified by the commission. We continue to request approval of the waiver to allow the Sky Pilot Drain to remain open. We also support the Commission's modification providing for one future crossing of the drain at North Barnstead Place and the added pathway connection to Day Spring. This project will also comply with all agency and UDC requirements. We respectfully request the council's approval of the -- of the Storm Crest application. Thank you for your time and I'm happy to stand for questions. And before you start talking thank you for your patience. Public speaking is not my strong skill. So, thank you.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You are doing great and don't worry about it. It's unnerving for anybody. My -- yeah. I understand your request. One -- with one access and I get that. My concern is where are the kids going to play? That's my concern. I see a lot of townhomes. I don't think it's realistic that those townhomes will not contain young children and I just look at the amenities. These are great amenities for like active adults and older adults. I'm just worried there is not a play structure. Do you have flexibility around that? Can you put a play structure in here? Where are the kids going to play?

Moosman: I think that's a great question and one that I would consider as a mom as well. I would love to see the kids along the pathway that we have. With that additional fencing I do think it increases safety and while that's not a play structure, I also like the idea of the kids walking, having a place to ride their scooters, their bicycles and kind of

getting in their imagination in the trees. We also do have the open common space with the covered shade. I can see kids wanting to play kickball or soccer and tag and some of the -- the games that are being a little lost today. Hopefully they want to use the exercise stations for those that are old enough, but that may not be their first choice. But I -- as I can't speak for the developer, I would feel fairly comfortable assuming that some type of -- some type of a play structure could be discussed.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think if -- if you would agree to that that would be a huge improvement from my perspective. You have that open space and you have the picnic area. I think some type of a play structure would be lovely and, you know, I mean bridges are -- and road trusts are very expensive and, you know, for eliminating one of those connections maybe that frees up a little bit of economics to throw in a play structure. I know they are not cheap, but they are also not the most expensive thing in the world and I just -- I think the pathway and love the fencing and I agree with you, I think that's going to be great for kids on their bikes. I just want them to have a place to play.

Moosman: I understand. I don't feel like I can agree to that on behalf of the developer at this point, but while you guys discuss it would it be okay if I reached out and got that confirmation?

Cavener: I don't know if there is any other questions, but I would be supportive of that.

Simison: Council, any additional questions for the applicant?

Cavener: Mr. Mayor, sorry --

Simison: Councilman Cavener.

Cavener: Sorry. I think you did a great job of presenting, by the way. Can you just walk us through the amenities one more time? Because I just -- I want to make sure -- it looks like that you are counting kind of the sign as an amenity.

Moosman: Oh, no. That was just to show to you it's pretty.

Cavener: And just for the record I'm -- I'm very much in support of Council Member Strader's recommendation. I think West Ada says 27 kids in this neighborhood. We need to have a place for them to play besides just grass.

Moosman: I completely understand.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Would it be helpful if we took like a quick -- like maybe five minute break?

Moosman: Oh, yes. I would really appreciate that.

Strader: Is that okay with everybody? Mr. Mayor, you are running the meeting. Sorry.

Simison: Yeah. We will take a five minute break and come back hopefully --

Moosman: Thank you. I appreciate that. I know that's a little out of the norm, but that will make me feel so much better.

(Recess: 7:46 p.m. to 7:48 p.m.)

Simison: All right. We will go ahead and come back from a three minute recess. I believe we have an answer.

Moosman: Yes. I will make the mental note to always bring my phone up here, because the second I touched it they were already texting me. So, thank you for taking the recess and allowing me to do that. And, yes, they are happy to do a play structure.

Simison: Okay. Thank you very much.

Moosman: Yeah. You are welcome.

Simison: All right. This is a public hearing. Do we have anybody signed up to provide testimony on this item?

Lomeli: Thank you, Mr. Mayor. No one has signed up.

Simison: Okay. Is there anybody present that would like to provide testimony either in the room or online? Not seeing anybody walking up or no one raising their hand, does the applicant waive any final comments? Okay. The applicant waives final comments. So, Council, unless you have further questions --

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I would move that we close the public hearing on Item No. 6.

Cavener: Second.

Simison: Motion and second to close the public hearing. All in favor signify by saying aye. Opposed nay? The ayes have it. The public hearing is closed.

MOTION CARRIED: ALL AYES.

Whitlock: Mr. Mayor, just a question for Nick --

Simison: Councilman Whitlock.

Whitlock: -- on a motion. Do we need to include any reference to the final plat of Day Spring Subdivision being recorded before they move forward?

Napoli: Mr. Mayor, Councilman Whitlock, that would be -- I did cover that in the DA, so that they are tied down. One thing that I forgot to mention that she did mention in her presentation is they are requesting a waiver for the Sky Pilot Drain to remain open. So, if you guys are open to -- if you are going to approve that, please, include that in the motion as well and if you do have a specific location that you want the play structure -- I don't know if it is in the center open space where the cursor is, but that's Lot 1 of Block 4, if you do want to specify the location of it, rather than leave it open to where they would like to put it.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Nick, a follow-up to that, would it be appropriate in the motion just to include that the applicant works with staff to determine the most appropriate location and the most appropriate type of play structure for the area?

Napoli: Mr. Mayor, Councilman Cavener, correct, yes, that's -- can definitely get that all sorted out with the final plat. That's correct.

Cavener: Thanks.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: After considering all staff, applicant and public testimony, I move to approve File No. H-2026-0024 as presented in the staff report for today's hearing date, September 22nd, 2026, and include in that that the waiver is included for the Sky Pilot Drain to remain open and direct the applicant to work with staff to find an appropriate location for the play structure.

Cavener: Second.

Simison: Have a motion and a second to approve Item H-2026-0024. Is there discussion on the motion? If not, clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

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

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

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

Overton: Mr. Mayor, I move that we adjourn.

Little Roberts: Second.

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

MOTION CARRIED: ALL AYES.

##MEETING ADJOURNED AT 7:52 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT SIMISON	_____ / / DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK