

Public Hearing continued from May 21, 2026 for Butte Fence (H-2025-0060) by Engineering Solutions, LLP, located at 5233 W. Franklin Rd.

- A. Request: Annexation of 9.14 acres of land with the I-L zoning district for the purpose of complying with the terms outlined in the consent to annex agreement for the existing fencing business in operation at the subject property.

Lorcher: All right. Thank you. Okay. The first application on the agenda is Item No. 2025-0060 for Butte Fence to annex 9.14 acres adjacent to their business on Franklin Road and we will begin with the staff report.

Napoli: Good evening, Madam Chair, Members of the Commission. Next item on the agenda is the annexation for Butte Fence. So, the applicant is requesting annexation of 9.14 acres of land with the I-L zoning district for the purpose of complying with the terms outlined in the consent to annex agreement for the existing fencing business in operation at the subject property. The site is located at 5233 West Franklin Road and the future land use designation is mixed employment and the future zoning is M-1 or -- and the current zoning is M-1 in Ada county. The subject property was approved for a 14,000 square foot manufacturing facility with accessory office space, product fabrication, assembly, outdoor storage and retail sales in Ada county in 2019. However, since -- since it is annexing into the city it will be considered a contractor's yard with ancillary retail sales as the uses within the city. So, during the entitlement process with Ada county in 2019 the applicant entered into an agreement with the city that they are required to annex into the city once contiguous to city limits and they did a property boundary adjustment in 2023 I want to say to -- for the southern portion of the site to make them contiguous to the south. There also was a recently approved development just to the east that also would make them contiguous. So -- so, currently approximately 5.966 acres of the 9.14 acres of land is developed or uses outdoor storage. The remaining 3.17 acres are undeveloped. As a part of future expansion the applicant will be required to subdivide the property and construct an east-west collector roadway in alignment with the future stub road that is to the east -- or that will be to the east. Staff would like to note that there are several nonconformities with the site that do not meet the UDC requirements, because it was developed in Ada county. This includes vegetation coverage requirements, architectural standards for the existing building and a multi-use pathway along Franklin Road. Staff is not requiring for these to be brought into compliance at this time. However, with future expansion staff will require the nonconformities to be remedied or the applicant has the option of seeking a conditional use permit to keep the nonconforming status. So, since the publication of the staff report -- here is the annexation exhibit for it and this was the site plan that was approved in 2019 by Ada county for the existing 14,000 square foot building and outdoor storage. This is their newest updated site plan. Since the -- this building right here is actually under construction. They did pull a building permit in Ada county -- that it is currently being -- in the process of being finished. The property -- or the building that is in the red X has not been -- was also another permit that was pulled in the county. However, it has not been constructed and now that it will be annexed they will be required to come through the city. There is one provision that staff is asking for

you guys to amend in the staff report after some conversations with the applicant. That would be Provision C of the staff report. This provides the applicant a little bit more flexibility than the two-year requirement that we were requiring at first. So, we have not received any public comments at this time and I will stand for any questions that you have.

Lorcher: Would the applicant like to come forward?

McKay: Thank you, Madam Chair, Members of the Commission. I'm Becky McKay with Engineering Solutions. Business address 1029 North Rosario in Meridian. I'm here representing Butte Fence. As Nick indicated, the subject property -- kind of how this came about -- give you a little back history. With the improvements -- ACHD improvements on Franklin Road back in -- I think it was 2019 or '18, the City of Meridian extended their sewer and water west in Franklin and stubbed to this property. However, this property was not at the time contiguous with the city limits. So, on Butte Fences' behalf I submitted a waiver to the City Council to request central water and central service -- sewer service from Meridian for the site, even though it was outside city limits. So, the City Council did approve that and we entered into a formal agreement with the city that they would provide service and they set forth conditions and this was in 2018. That at such time as the property became contiguous to the city limits, Meridian would notify us that we had 90 days to submit an application for annexation. Because you -- as you well know, the UDC requires that -- that any properties utilizing Meridian central services be within the city limits, unless a waiver is granted. So, we did receive notification from the city that we needed to submit annexation requests prior to -- I think it was December 31st. So, we did meet with the staff, do our neighborhood meeting, get our application submitted. We did meet those deadlines and submit it for annexation. My client has been traveling a lot, because he sources a lot of his fencing materials outside the United States and so every time we had a hearing scheduled he was going to be out of town. So, that is the purpose for the continuous deferrals, which I apologize for. We did receive the staff report. Staff had a condition in their Provision C that had some statement that within two years we had to subdivide and construct a collector roadway. The property that my client has is a legal buildable parcel. The Butte Fence headquarters is on it. They have multiple shops where they do fabrication and assembly and they had -- they -- we took it through Ada county. We got all of their approvals for the facility. The building permit was issued through Ada county. We got ACHD approval for the approaches. So, what kind of threw the monkey wrench into the picture was when my client acquired some additional property south of his site, it just happened that there is a collector roadway on the east side of Black Cat that had been approved in a CBH development. So, based on the master street map my client anticipated that the collector roadway would be on his south boundary of -- of his property and due to the fact that they had already approved a CBH collector on the east side of Black Cat, that moved the collector north, which, then, means that the property he acquired that he assumed would be a -- you know, a future expansion area for Butte Fence now is being bisected by a future collector. So, we have had multiple meetings with your staff to try to figure out -- okay, at what point would this collector roadway be required to be built and dedicated? At what point would my client need -- because, technically, the road would -- would require him to subdivide his property. So, initially the staff had like a two year time frame and -- and my comment to the staff was, you know, I

-- I -- I have never in 36 years had an application before any municipality that if I had a legal parcel of record they required that I subdivide and build a collector roadway within ten years. So, the -- the staff did work with us and I appreciate their time, their effort and Nick and Bill worked on an alternative condition of approval that set -- set forth some parameters of what constitutes development on the property that would be a trigger point for, obviously, constructing the collector roadway and subdividing the property. My client and his attorney have gone back and forth with the staff and myself and we are kind of at a point where we are like this close, but not all the way there. So, I guess, you know, the best -- my recommendation to my client this evening was, you know, the -- the -- the staff has -- the definition of development is in the UDC. That, obviously, can't be changed and the staff is willing to provide some language in there that if he were to expand his existing headquarters building by ten percent that would not constitute a development and trigger the plat and trigger the collector roadway, because all of his traffic, his approaches are on Franklin Road. So, really, technically, that collector or backage road does not do him -- is no benefit to the Butte Fence facility. In fact, now it's a hindrance, because it has segregated the southern parcel for -- that he planned for future development. So, we have a little bit of work to do on this condition and so I guess what I would like to do is I really don't want to burden you with trying to, you know, figure out what -- what is -- because this is kind of a gray area. I have never encountered this. My -- the attorney for my client hasn't encountered this. I guess -- you know, I think our best option is to get past this point this evening and -- and you guys approve -- my -- my client did -- his attorney did provide alternative language to staff. Staff has had a few issues with some of the verbiage, so I guess we -- we need to probably move forward with what staff is recommending and, then, try to work with staff between now and the City Council to work the bug -- the little bugs we have and, then, have, obviously, the City Council, who is, you know, that -- they are the final determination on what they feel is an appropriate condition. So, that's kind of where -- where I am. I -- I don't want to put a burden on you where we -- we are rehashing this and discussing it and, you know, for an hour and a half and -- and you still, you know, come back to what the staff is recommending, because I know you rely on your staff a lot. So, I ask that you send the project forward with the recommendation for approval for annexation in compliance with this 2018 agreement with, obviously, what -- what the staff currently has as this revised DA provision, noting that we -- we, obviously, have concerns with it. We will work with staff. Hopefully we can have it resolved before we go to the Council and if not, then, obviously, the Council in their best judgment and wisdom will determine what is the appropriate condition. But I don't want to waste your time and effort this evening.

Lorcher: So -- so, the -- so, the applicant is open to eventually subdividing the property at the recommendation of -- of the planners and be responsible for his portion of the collector road; correct?

McKay: Yes, ma'am.

Lorcher: It's -- it's a matter of timing?

McKay: It's a matter of timing and so the -- the -- the quandary was what constituted development. So, my client's question to me, which I did send to Nick -- so, my client says if I do a tenant improvement in my existing building does that constitute development and, then, trigger that I need to subdivide and build this collector or what if I do an addition to my existing headquarters, does that trigger? So, staff came back and said a TI improvement, obviously, would not -- would not fall under the definition of development based on the UDC. We would consider allowing up to a ten percent addition to your existing building and that not constituting a develop -- or new development. So, we are just trying to figure out what is a trigger point, because, obviously, on the Ten Mile Specific Area Plan it has a designated collector that goes east and west from Black Cat and there is a project that has been approved by the City Council on our eastern boundary, which would stub the collector to the subject property. So, my client is extremely concerned because of, obviously, the excessive -- excessive cost of putting sewer, water, building a collector that he doesn't need for his particular use. So, that's kind of where the rub's been trying to figure out -- you know, he doesn't want to, obviously, commit to, you know, a million dollar improvement or, you know, that's just -- I'm throwing that number out --

Lorcher: Right.

McKay: -- and hitting him at, you know, this point and, oh, you know, he has a business to run. Obviously, he has significant employees. He bought that site. Butte Fence has been in Meridian for many many years. It used to be south of Fairview on a little parcel. They basically outgrew it. He spent two years finding this property that would accommodate his -- his facility and fabrication and showroom and offices and so the -- the City Council, when I came before them asking for that waiver to use sewer -- city sewer and water, was, obviously, wanting Butte Fence to stay within the city limits of Meridian.

Lorcher: Right.

McKay: You know, we want -- we don't want them -- because, you know, his comment was, you know, this is kind of my last gasp of finding a parcel that will work for me that I can afford and if I can't do it here I'm going to have to go to Caldwell or Nampa, which I do not want to do. So, the Council was very generous. The Mayor. They all said we will work with you. The Public Works, the city engineer recommended approval of the waiver. So, everything -- everything has fallen into place and so we just kind of have this -- this little hurdle on at what point in time does it trigger that we need to subdivide and build the collector. So, that's -- that's the whole issue.

Lorcher: Okay.

McKay: And I -- I really don't want to put that burden on you, because I mean this is a discussion we could have for quite a long time and he is not here this evening and -- and so I -- my recommendation is let's just move forward, we will work with staff and, then, hopefully, when we get to the Council everything's tied up in a nice beautiful bow.

Lorcher: Commissioners, do we have any questions for Becky?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I do have one question. So, you stated that your client is more concerned about timing than necessarily constructing, you know, the improvements themselves. I'm a little bit concerned about the incentives; right? And I guess maybe if you could assuage some of those concerns of being overly -- you know, I tried looking it up really quickly, but I think in -- you know, there -- there is some city that said, hey, beyond I think a single parcel of nine units or more you need an architect to come in and review. You saw a rise of eight unit developments -- eight parcel properties and so I'm a little bit concerned about maybe if we set too clear a definition or too -- you know, not that clarity is the enemy, but too rigid a definition that we are incentivizing consistently just staying just a little bit under that definition of what constitutes ten percent of development or what constitutes this and one of my concerns is making sure that that collector gets constructed. So, could you just speak to -- I guess that balance of, you know, timing versus incentivizing certain behaviors or certain development approaches to stay under that? Because at the end of the day we want to make sure that gets developed. So, I guess that's just my -- that's the -- kind of thing that perks my ears up a little bit.

McKay: Madam Chair, Commissioner Smith, so in the City of Meridian in -- and in other cities it's pretty consistent that -- that a developer controls the timing of his improvements. We have multi-phased projects and there are times where the phases may stop and kind of be put on hold before it brings utilities and a collector roadway to the adjoining property. Obviously that is a tactical, you know, business determination, you know, because it's competitive and I have asked the City of Meridian -- in fact, I had a meeting with Warren Stewart and Clint Dolsby just a week ago -- and it's out by -- just north of Lake Hazel and east of Locust Grove and it's a Brighton project and I said, well, so the collector is within Brighton, so -- so is the sewer and the central water and my client's project is split between two sewer sheds and so part of the property has to sewer to the northwest. So, my question to them is is the city putting any timeline or requirements for Brighton to bring the collector and the utilities to my client's property and the answer to me was, no, we do not have that authority. We do not have that authority to dictate when that street or when that sewer and water is stubbed to your client's property and I have -- I have fallen into this trap multiple times over the past 36 years and I have had clients look at properties and, then, I meet with public works and they're like, well, the sewer is up in this development and I'm like, well, you know, can you -- can you get them to extend sewer? Could we go pick up the sewer, bring it to our -- nope. It's solely on the property owner at their determination. So, in my opinion legally we have never ever -- and there is nothing in the codes, nothing in the comp plan that says that there is any timeline in which a particular developer or development has to have a street or a sewer or water stubbed to an adjoining property within a specific timeline. Never. They don't have that authority. And Warren Stewart told me that just two weeks ago.

Mr. Smith: Thank you. Madam Chair?

Lorcher: Commissioner Smith.

Smith: I have a question for staff and I know the applicant's language came in this afternoon, so no pressure. I mean no is an acceptable answer, but I'm curious if you have any insight into -- I mean it seems like there is maybe a larger question at play here and so I'm trying to understand -- if this truly is hammering out some nuts and bolts and getting our ducks in a row, I'm okay with getting it onto City Council, but -- and while I appreciate the applicant not wanting to, you know, use up a bunch of our time, that's kind of why we are here to do that on behalf of City Council. So, if there is an issue, I'm curious if you have any insight to whether there is an issue, that it might be prudent for Planning and Zoning to take a look at in the future or if this is something that, hey, it really is small minutia that we can give to City Council and hash out in the -- in between.

Napoli: Yeah. Madam Chair, Commissioner Smith, so as you -- as you heard timing is really the big concern here from staff from -- we went through internally about it quite a bit before we even published the staff report. Timing of that collector roadway really is a concern now that we are really starting to see development spur in that area. One thing that I guess is important to note and -- is at the western boundary of Butte Fence is a different sewer shed. So, with the property to the west of them there might be some ability for the northern portion of that property to be sewerred, but likely it's all going to have to come from a sewer that's going to have to come down McDermott. So, essentially, development will stop until that sewer comes down McDermott from other development - - from pretty -- it's going to be at Ustick, so that needs to go to Cherry and, then, it, obviously, needs to get to Franklin at some point and that could be a lot sooner than we think. It could be ten years, it could be 20 years. I doubt it will be 20. I doubt it will be ten. It will probably be sooner than that. But there is time to where that western property won't redevelop, but there is still a concern about that timing, because limiting access points onto Franklin is going to be crucial in this area. It really is. Obviously Butte Fence -- they are already existing. They have their curb cut. I don't expect that to go anywhere, because their business probably wouldn't be able to operate without that curb cut, without, you know, a new road going through their outdoor storage. So, my -- the answer to your question is if the Commission has significant concerns about the timing and what staff and the applicant have worked through, then, I think, yes, you know, you guys should make a decision on that. If you guys think that staff and the applicant work through it, which I think we can find, you know, some common ground. We already have found some. I think that there just needs to be some additional conversations, then, I would -- I'm comfortable with it going forward to City Council and for them to make that determination. Correct.

Perreault: Madam Chair?

Gelsomino: Madam Chair? Go ahead.

Lorcher: Commissioner Perreault.

Perreault: Thank you. So, there weren't any maps in the -- in the file of this collector road and so is this the same collector that's -- that's running down into the large industrial development that connects, then, to Black Cat?

Napoli: Madam Chair, Commissioner Perreault, so it's actually a northern collector. It's north of the Grand Mogul collector, which you are probably thinking of, through the district, which would be the existing road that's about right here on the map as you can -- this one would be actually up here and it runs right through here to a north-south collector that will have an intersection right here on Franklin. So, it is a second collector road that runs through other industrial projects. Correct. Not -- not the larger industrial project that was done in 2022 I want to say. So --

Perreault: Thank you. It's all coming back to me now.

Gelsomino: Madam Chair?

Lorcher: Commissioner Gelsomino.

Gelsomino: I have a question for staff and, then, I do have a question for the applicant. Nick, has the city ever invoked DA default procedures against a timeline-specific infrastructure condition -- not a use restriction, but a deadline to construct a road in any comparable annexation? If not, what is the realistic enforcement path if the two year deadline passes without subdivision and construction beginning?

Napoli: Yeah. Madam -- Madam Chair, Commissioner Gelsomino, it -- good question. So, typically timing of things is addressed in the phasing plan. Typically staff and the fire department have quite a bit of say in that when it does come to the phasing plan. So, when you guys see phasing plans for subdivisions typically it's pretty important, because that's when extension of road and sewers is going to happen. Secondary access, you know, which is some fire and health safety things. As far as it being NADA, we normally set thresholds or trigger points for that and typically not in the realm of years, it typically is in square footage or number of homes. Those type of trigger points. You know, like Becky said, this is a unique area in the fact that we have, you know, a lot of development being spurred and we have a collector roadway that's going to be crucial in this area. So, for us the two years was really -- and I went back and forth with Bill on the timing of two years versus five years versus what really is in the best interest of the city and what is going to work and, you know, ultimately, we landed on the two years. I understand the applicant's perspective on that and that's why we were willing to work with them, but it is really that collector roadway to that north-south collector in the future is crucial for this area to function effectively, so -- but if they didn't fulfill the two years we would probably send a letter -- a notice letter that they didn't, you know, fulfill the agreement and legal might have a better understanding of what we would do at that point. I have not seen that in my time at the city, but there would probably be some additional steps that would be on the legal side.

Parsons: Yeah. Madam Chair, I'm happy to elaborate a little bit on that. No, we -- we have never done that to my knowledge and Becky's been doing it for a long time, too. So, I know she would say the same thing. More than likely the remedy would be come back and amend your development agreement and ask for more time. That is probably how we would guide the applicant to proceed. The reason why we proposed two years was - - at least from staff's perspective was the fact that we did just approve the annexation of the property just to the east boundary of this site and they are required as part of their DA to subdivide the property and construct that road with the first phase. They are not even going to phase their development. We have already pre-apped with them, they are already putting their preliminary plat application. So, we thought two years made sense, because the road would more likely be there and stub to them in two years and that's where we landed on it. So, wasn't trying to -- to do something that was inappropriate for this property, just trying to make it clear that the road is important, because the last thing that we want to have happen -- and I have seen this in my time as well -- is where we have two roads across from each other, but they never connect and we don't want that either, so -- and I know the applicant understands that, because she's done a thousand subdivisions in the Treasure Valley so she gets -- you hear some of her challenges she's facing in today's world as well and so although Public Works may not have the ability to require certain things, we do, meaning planning, through a development agreement we can't control phasing and timing of those things and we have done that pretty consistently, although unintended consequences do happen on occasion where you think you are getting the right things with the first phase and, then, the next property comes in and you realize, oh, that phasing didn't quite work out the way we anticipate and, like you said, the city doesn't control -- every two years you come in with a phase, we just say your next phase has this many lots or this -- and these amenities and this open space. We don't put a timing on it. So, that's -- I think that's where we are at odds with the -- the applicant a little bit is -- is really the timing. No. And I don't have any doubt that this road is -- won't get built. It's going to get built, because it's going to be a requirement of this property to get built. But the applicant is correct, the -- the alignment of that road has shifted from when she came through in 2019 until now. It was -- I have seen it going through the middle of the current property -- her client's property. I have seen it going along the south boundary of their property and we have gone as far as -- we had an approval -- Nick was working on the -- the property off Black Cat and we thought it was going to go on the south boundary and ACHD is, no, we got to flip the whole site plan and they moved the road to the north side of their property and so, then, we are -- all of a sudden we are scrambling at the last minute to have the road realigned then. So, a lot of moving parts here. So, again, I'm -- I'm somewhat sympathetic to the applicant. I would like to move this forward and, then, just continue to work on this and hopefully get a resolution before City Council takes action on it.

Gelsomino: Thank you. And, Becky -- Madam Chair, Becky, my question to you, then, is has your client initiated any pre-application contact with ACHD regarding this collect -- collector road alignment -- alignment. Excuse me.

McKay: Madam Chair, Commissioner --

Gelsomino: Gelsomino.

McKay: Gelsomino. A long one. Yes, I did -- I did consult with Mindy Wallace over at Ada County Highway District and I said, you know, your master -- your ACHD master street map still shows the collector in its original location, which is on my client's southern boundary, which parallels an existing drain. She said, yes, I know, we haven't change it, but, then, we had this CBH project on the east side of Black Cat and they had the collector further north, so that's where we required the project that's to the east of you to match that alignment and which has, therefore, changed the collector. I guess, you know, the difference between this project and other projects is -- is typically I'm coming before the Planning and Zoning Commission with a completely new development, you know, that -- that we have bare ground and we are doing a subdivision and we are doing an annexation and, you know, in -- in this situation this business already pre-exists and so, you know, my -- my client -- obviously, his fear is that -- that if there was some two years I got to spend a million dollars, I mean that's very frightening, you know, if you are a small business owner. I'm a small business owner and if Meridian came to me and said, you know, hey, in two years you got to spend a million dollars, we want a collector on the back of your office, you know, that would be a significant burden and -- and there is no history, there is no precedent of that. You know, we are -- we are, obviously, not debating that there is a collector that is proposed to go through this property at some point in time. What we are debating is that there needs to be some type of reasonable trigger that if the property redevelops or he sells off the southern property for whatever purposes, then, that would be a trigger. But to have a hard timeline would be completely unfair to his business and -- and -- and would be totally unprecedented in the City of Meridian and in talking with his attorney Justin Cranney at Hawley Troxell, he said, you know, that -- that is basically overreach. That -- you know, he said I -- I would have a good case -- legal case for judicial review that this condition is not appropriate, because whatever exactions are stipulated on this annexation must be consistent with the impact of the project and the impact of my project isn't changing. It's the same. We are a low traffic generator. Butte Fence. You see what I'm saying? So, you know, there has to be -- you know, based on U.S. Supreme Court cases that, you know, there has to be a proportionality they call it on what you impose on a development versus what -- what it is imposing on the community or the transportation system. In this situation there is absolute -- my -- my client's existing development does not warrant, nor need this backage road at all. So, it doesn't meet that test of proportionality.

Lorcher: I want to play devil's advocate here for a second, because everybody is friends until there is money involved; right? And we are talking about a lot of money to build a collector road.

McKay: Yes.

Lorcher: And the City of Meridian needs the connectivity to be able to continue to make our city work well. Regardless of the time frame -- we -- we don't have a crystal ball. He may subdivide and say, well, I don't need the southern portion, I'm going to sell it to a sprinkler guy who -- you know. And, then, he has got his own business and right now you

might not need the southern road to move your trucks, but, you know, it might be nice to have a secondary access, so you can get bigger trucks in where Franklin Road might not be able to accommodate that. So, question for staff -- and I -- I understand where planners are coming from is that once the annexation is granted and Butte Fence, you know, is in the city and it has the property, there is not a lot of mechanisms for the city to come back and say, okay, it's now time, here is the trigger, for you to build the road and the client -- and Butte Fence says, well, I still can't afford it, you know, and so, then, we have got this disconnect between the east and the west property. So for staff, as far as a mechanism -- I'm just asking this because it just came to me. Can we revoke the occupancy license if they choose not to build the fence or is there no mechanism once the annexation is granted and he has the property and chooses not to build it for whatever reason, we are going to use good faith that, you know, it will happen. But, like I said, everybody's friends until there is money involved and it might come to a point where people aren't getting vinyl fences and -- and he can't afford it. Is there any mechanism that the city can require him at the time where the triggers here and now that they have to go forward?

Napoli: Madam Chair, Members of the Commission, so if I'm understanding the question correctly, now is the time to get those triggers in place and those mechanisms in place with the development agreement. If at the time -- let's say they do an expansion and it exceeds the ten percent and he is in -- not -- he violates the development agreement, at that point, yes, there is probably some mechanisms that we can do and would I -- are we going to go, you know, red tag his building and --

Lorcher: Right.

Napoli: -- get the occupancy out of there? I don't know if we would say we would go that far. But, yes, that's when we would start the conversations with them and say, hey, this - - you have exceeded your ten percent or you have developed on the southern portion south of the collector, now is your time you have to build a collector. That's correct. So, there would be letters sent and there would be notices, meetings had and we would -- it would have to happen at that point; that is correct. That is the -- now is the time to get those mechanisms with that development agreement.

McKay: So, Madam Chair, I -- I believe what staff has prepared is protecting the city, because it is defining what constitutes development.

Lorcher: Okay.

McKay: So, if he -- if he decides he wants to build a 20,000 square foot fabric -- new fabrication building that would trigger --

Lorcher: Right.

McKay: -- the subdivision and the road improvement, so -- so, staff is protecting the city. They are protecting the Ten Mile specific area plan and providing provisions that -- that will trigger those improvements.

Lorcher: And you're arguing that the two year timeline is restrictive?

McKay: Right. And staff has agreed and they have taken that out of that condition.

Lorcher: Okay.

McKay: They have revised -- I believe -- I believe Nick has revised that condition and, then, he has defined what is development, what would trigger that he -- we need to subdivide the property, build the -- the collector --

Lorcher: Got You.

McKay: -- and so that's where we are now.

Lorcher: Okay.

McKay: So, you know, as far as -- is my -- is my client completely comfortable with this condition? The answer is no. However, I would like -- like I said to get past this point. Staff is comfortable with this. It does have the same goal -- -

Lorcher: Right.

McKay: -- and, then, if my client and his attorney can work with staff and the city attorney and, you know, refine this to protect the city, to protect my client. I think that's all they are looking for, is that everybody is protected --

Lorcher: Got you.

McKay: -- and -- and that, you know, that -- that this doesn't reach a point where we are at odds.

Lorcher: Commissioners, do we have any other questions for Becky before we open it to public testimony?

McKay: Thank you.

Lorcher: All right. Thank you very much. I appreciate your patience with us. Madam Clerk, do we have anybody signed up to testify?

Lomeli: Thank you, Madam Chair. I have Mark Jang that signed up online. They are in the room or online. Can you raise your hand? Okay. So, that might have been an error. Other than that name no one else has signed up.

Lorcher: Is there anybody in Chambers that would like to speak on this -- on this application? Becky, do you have any other final words? Are you good? Can I get a motion to close the public hearing?

Smith: So moved.

Gelsomino: Seconded.

Lorcher: It's been moved and second to close the public hearing on application 2025-0060, Butte Fence. All those in favor say aye. Any nays? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Lorcher: I -- you know, things change and it will change again and it will continue to change, because this is a growth area. This was originally approved by Ada county and their rules of engagement are a little bit different than the City of Meridian's and it's unfortunate that, you know, one development to the east has kind of changed the trajectory of the street, but, you know, makes this road bisecting his property, as opposed to skimming the outside of it, but I also understand from the city's perspective that if we don't put mechanisms in place to be able to get the road, then, you are on -- you are on pavement and, then, dirt and nothing connects. So, I think we need to trust the process and the good faith of the -- the applicant and the -- the company Butte Fence has been in Meridian for a long time and I don't see them going away anytime soon and -- and we will need to -- at least from my perspective trust the fact that they will honor their agreement with this. We can add this DA provision to go forward to City Council.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. As much as the -- I guess I'm a Georgist at heart. As -- as much as that part of me kind of bristles at maybe disincentivizing making -- incentivizing dormant land a little bit, I trust staff and their discretion and it seems like they are comfortable with sorting this out.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: So, I'm not super familiar with the details of the -- the project to the east, but I am somewhat disappointed that there wasn't, you know, really involved conversation with this property owner on that change to the collector roadway and this is where we always are encouraging applicants to go to their neighbors and talk to the neighboring property owners, so that we don't run into this kind of issue in the future. So, I'm sorry that this property owners kind of had to go through that and not really potentially had, you know,

as much of a voice in -- in that -- in where that collector roadway is going to go. It -- it -- it takes everybody. But regarding the revised DA provision, I think that I have no concerns about changes to the language in it. So, I think -- yeah, I think we should move forward.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2025-0060 as presented in the staff report with a modification to amend Provision C to align with the language provided by staff on the slide presented to us and in our briefing materials for this evening.

Gelsomino: Seconded.

Lorcher: It's been moved and second to send Butte Fence on to City Council. All those in favor say aye. Any opposed? Motion carries. Thanks, Becky, for your patience.

MOTION CARRIED: FOUR AYES. TWO ABSENT.