

A Meeting of the Meridian City Council was called to order at 6:11 p.m., Tuesday, December 6, 2022, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Bill Parsons, Stacy Hersh, Tracy Basterrechea, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will go ahead and call this meeting to order. For the record it is December 6, 2022, at 6:11 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 will all, please, rise and join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: And for the record Council Woman Perreault is here at 6:11. Next item up is the community invocation, which tonight will be delivered by David Reese of the Church of Jesus Christ of Latter-Day Saints. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. David, nice to see you.

Reese: Our Heavenly Father, we are grateful at this season for the opportunity we have to focus on friends, family, and loved ones. We are grateful for the spirit of giving that this season brings. We are grateful for the many giving programs that are in effect in this valley and we pray for success for them, that the needs of many may be met. We are grateful for the opportunity to meet in Council this night. Grateful for those who work for the benefit of the city, for the Mayor, the Council, for their staff and especially for our first responders. We ask thy blessings upon them and also upon their families. Now we ask thy blessings upon this proceeding that all who participate may do so in a spirit -- a spirit of fairness and equity and perspective and good judgment. We ask these blessings in the name of him who we celebrate at this season, even Jesus Christ, amen.

ADOPTION OF AGENDA

Simison: Thank you. Next up is the adoption of the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: We have no changes for this evening's agenda, so I move adoption the agenda as published.

Borton: Second.

Simison: I have a motion and a second to adopt 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 adopted.

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, did we have anybody sign up under public forum?

Johnson: Mr. Mayor, we had none.

ACTION ITEMS

- 1. Public Hearing for S. Black Marlin Lane Vacation (H-2022-0078) by Damon Beard, Arch PLLC, generally located just South of I-84 on the northwest corner of S. Meridian Rd. and W. Overland Rd.**

- A. Request: to vacate the remainder of S. Black Marlin Ln., located within Lots 10 - 18, Block 1 of Interstate Center Subdivision.

Simison: Okay. Then with that we will move right into our Action Items this evening. First up is Item 1, public hearing for South Black Marlin Lane Vacation, H-2022-0078. We will open this public hearing with staff comments from Stacy.

Hersh: Good evening, Mayor and City Council. The applicant has submitted a vacation application for South Black Marlin Lane. It's for the remainder of the private road and utility easements. The site consists of approximately ten acres of land, zoned C-G, generally located in the south of 84 in the northwest corner of South Meridian Road and West Overland. It is the Roaring Springs Wahoo's property and the applicant proposes to vacate the remainder of the private road and public utility easements for South Black Marlin Way and a portion of West King Salmon Lane on Lots 10 through 18, Block 1, of Interstate Subdivision. Interstate Subdivision -- sorry. Interstate Center Subdivision was

originally platted to be a business park with individual lots having access served by a private loop road. Since, then, the subdivision has been developed into a single recreation facility, which is the Wahoo's, Roaring Springs. The -- in 2006 the owner recorded a document that eliminated the need for South Black Marlin Lane and West King Salmon Lane. However, the city's process was not completed to formally vacate the private road and applicable utility easements and in 2021 the applicant approached us with his future expansion plans to Roaring Springs Water Park, which included new pools, attractions, site work and operations buildings, mechanical building, additional cabanas, food and beverage building and a new parking lot and upon further review it was determined the roadway and the utility easements needed to be vacated to allow expansion and the project was conditioned to complete this process prior to occupancy of the first certificate of occupancy of the building. The applicant has submitted letters from all potential easement holders who have all provided written consent agreeing to vacate the easements. There was no written testimony and staff recommends approval of the vacation of the private road and utility easements request as the applicant has proposed and I stand for any questions.

Simison: Thank you, Stacy. Council, any questions for staff? Okay. Is the applicant here? Are they online?

Johnson: Mr. Mayor, they are. My apologies.

Simison: Okay.

Johnson: Mr. -- Mr. Callahan, you should be able to unmute.

Callahan: Can you hear me now?

Simison: Yes, we can.

Callahan: Got all the right buttons.

Simison: If you could state your name and address for the record, please.

Callahan: Craig Callahan. Quadrant Consulting. 1904 West Overland, Boise, Idaho. And Stacy's done a great job of putting all this together and, basically, it's just cleaning up stuff that was planned 25 years ago and isn't needed anymore. So, it's kind of a paperwork process. Any questions about that?

Simison: All right. Thank you. Council, any questions for the applicant? No questions? Thank you very much. Mr. Clerk, do we have anyone who has signed up to provide testimony on this item?

Johnson: Mr. Mayor, there were none.

Simison: Okay. Is there anybody present that would like to provide testimony on this item? If so come forward at this time or use the raise your hand feature. Seeing nobody, would the applicant like to make any final comments?

Callahan: This would be great to get cleaned up so we can finish building Roaring Springs as a great added feature to the City of Meridian.

Simison: All right. Thank you very much.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Move that we close the public hearing.

Hoaglund: Second the motion.

Simison: I have a motion and a 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.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve Item No. H-2022-0078.

Perreault: Second.

Simison: I have a motion and a second to approve Item H-2022-0078. Is there discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

- 2. Public Hearing for Lost Rapids West (SHP-2022-0014) by KM Engineering, generally located on the south side of W. Chinden Blvd., 1/4 mile west of N. Ten Mile Rd.**

- A. Request: to re-subdivide one (1) building lot (Lot 4 and a portion of Lot 5, Block 1, Lost Rapids Subdivision) into two (2) building lots on 1.628 acres of land in the C-G zoning district.

Simison: Next item up is Item 2, which is a public hearing for Lost Rapids West, SHP-2022-0014. We will open this public hearing with staff comments from Mr. Parsons.

Parsons: Thank you, Mr. Mayor, Members of the Council. I should have let Stacy do the next couple items she did such a good job on the first one. Next item on your agenda is the Lost Rapids West short plat. If you recall, this was scheduled for a November hearing and during that hearing it was -- right before the hearing I noticed that there was an issue with the noticing and so we bounced this or renoticed this for this particular hearing this evening. So, the short plat before you, again, consists of 1.63 acres of land. It's currently zoned C-G in the city and it's actually a recorded lot and block subdivision in the Lost Rapids Subdivision that was subdivided in 2021, if I remember right. The -- the graphic on the right-hand side is the short plat. Recently a property boundary adjustment was approved and so this particular short plat is basically subdividing all of Lot 4, Block 1, and a portion of Lot 5, Block 1, which includes the added acreage and that was a discrepancy that I noted in front of Council a couple weeks ago. I would also mention to you that all the landscaping was installed with the Lost Rapids Subdivision, so there are no additional landscape requirements for this particular project. Access is -- to this site is from -- from a shared drive aisle that runs along the south boundary, but there is an access point that was approved with the subdivision to Chinden in this general location. So, staff is recommending that the lots take access from this driveway on the south and not have any additional curb cuts or access into the driveway that comes off of Chinden Boulevard. I did receive a written confirmation from the applicant that they are in agreement with the conditions in the staff report and with that I will conclude my presentation and stand for any questions you may have.

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

Hopkins: Good evening. Thank you, Mr. Mayor, Members of Council. Stephanie Hopkins with KM Engineering. 5725 North Discovery Way in Boise. I'm in agreement with the staff report and the conditions of approval. Bill did a wonderful job of summarizing our request. Don't have anything to add. So, I don't think I need the presentation either, but I will stand for questions if you have any.

Simison: Okay. Council, any questions for the applicant? All right. Thank you very much.

Hopkins: Thank you.

Simison: Mr. Clerk, do we have anybody signed up on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody present or online who would like to provide testimony on this item at this time? If so if you would like to come forward or use the raise your hand feature. We only have Kristy from ACHD. So, I don't expect to have too many raising the hands online. All right. Would the applicant like to make any final comments? If not, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we close the public hearing for File No. HP-2022-0014.

Strader: Second.

Simison: I 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.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that -- I move that we approve the short plat request with the conditions in the staff report for SHP-2022-0014.

Strader: Second.

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

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you very much, Stephanie. Nice to see you.

MOTION CARRIED: ALL AYES.

3. Public Hearing for Ledges Business Center (SHP-2022-0015) by Kent Brown Planning, located at 4120 N. Linder Rd.

- A. Request: Short Plat to subdivide an existing commercial office lot into two (2) building lots on approximately 2.28 acres of land in the L-O zoning district for ownership purposes.

Simison: Next item up is Item 3, public hearing for Ledges Business Center, SH-2022-0015. Open this public hearing with staff comments.

Parsons: Thank you, Mayor, Members of the Council. Next item on the agenda is the Ledges Business Center short plat. The site consists of 2.2 acres of land and currently zoned L-O in the city and is located at 4121 -- excuse me -- 4120 North Linder Road. There is history on this particular parcel. In 2006 it was annexed in with an L-O zoning designation. Even though the Comprehensive Plan designates this for medium density residential, at the time that it annexed in with the L-O designation they took advantage of that provision in the Comprehensive Plan that allows for applicants to request an office designation when they did an arterial roadway and meet a certain acreage count and so that's why Council at the time granted the L-O zoning designation. As part of that annexation request there was a subdivision that accompanied the L-O project, but the applicant failed to process a final plat and record that final plat. So, therefore, we have, essentially, office zoning with a development agreement on the subject property. So, right now I'm -- we have worked with the applicant. There was one administrative approval and I will share that with you. So, the graphic here on the right is an office lot that -- or excuse me -- is a CZC that we processed in our office to approve the construction of a two-story 20,000 square foot office building on Lot 1, Block 1, which is the central lot here. Since that time the applicant met with us and decided that they wanted to create the second parcel and build a future office building on the site. I would mention to the Council that there is an existing metal storage building on Lot 2, Block 1. Typically we don't allow accessory structures to remain on a parcel without a primary use, but in this case in working with the applicant and talking with the applicant, it is their intended use to at least convert that at some point in the future and in the interim the office building that is on Lot -- Lot 1, Block 1, will utilize that building for storage. So, in -- in our minds -- or at least in -- in looking at the code we still feel that that meets the intent of the code and it is an accessory building to the primary office building on Lot 1, Block 1. As I mentioned to you at some point it will be either converted or removed from the property when a second building is proposed for the site. The only condition of approval that we added as part of the short plat process was we wanted to make sure -- you can see this hashed out area on the short plat. That's really the easement that shows cross-access between the two lots. But we also wanted the applicant to amend the plat note -- just make mention that there is also shared parking within the development. This site does have limited access, because it fronts on an arterial. So, where you see the shared property line is the one and only approved access point and this other northern access you see here was only emergency access only. So, this will serve as the primary access to the development as I mentioned to you. So, it's critical that we have a cross-access shared parking agreement and that will be noted on the plat. I did receive comments from the applicant. They are in agreement with all conditions of approval for the short plat. With that I will conclude my presentation and stand for any questions you may have.

Simison: Thank you, Bill. Council, any questions for staff? Okay. Then ask the applicant to come forward.

Brown: I like recently I was told to be brief. I will be brief. For the record Kent Brown. 3161 East Springwood. We are in agreement with the conditions of approval. The office building is built. The paving is done. Landscaping is done. It's just not subdivided yet. So, we are looking for your approval. Stand for any question.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just real quick, Kent. Not an issue with the short plat, that sort of thing, but there has been some complaints with neighbors about lighting from the existing facility and I know planning is working on that, so I didn't know if you were aware of that or not.

Brown: No, I was not. Okay. I will talk to my clients.

Hoaglund: Okay.

Simison: Council, any other questions for the applicant? Or comments? All right. Thank you very much. Mr. Clerk, anybody signed up on this item?

Johnson: Mr. Mayor, there were no sign-ups.

Simison: Okay. Is there anybody present that would like to provide testimony on this item? Kent, can I assume you waive your additional comments? Okay. Then with that do I have a motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It feels fairly straightforward and that we are processing the administrative details behind decisions that were already made. With that in mind, after considering all staff, applicant, and public testimony I move to approve File No. SHP-2022-0015 as presented in the staff report for today's hearing date.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve Item 3. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

4. Public Hearing for Alden Ridge Subdivision (H-2022-0059) by Dave Yorgason, Tall Timber Consulting, located at 6870 N. Pollard Ln. and three (3) parcels to the north and east, directly east of State Highway 16 and south of the Phyllis Canal at the northern edge of the Meridian Area City Impact

- A. Request: Annexation and Zoning of approximately 24.8 acres of land with a request for the R-4 (20.35 acres) and R-8 (4.45 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 65 building lots and 10 common lots on approximately 21.7 acres of land in the requested zoning districts.

Simison: Thank you, Kent. And, Council, I really like the way we are kind of mixing up taking turns tonight. This is really great. All right. Next item up is Item 4, public hearing for Alden Ridge Subdivision, H-2022-0059. We will open this public hearing with staff comments.

Parsons: Thank you, Mayor, Members of the Council. Next item is Alden Ridge Subdivision. It's applications for -- annexation and preliminary plat. Let's try that again. So, where was -- where was I at? So, we will go on to size and -- and property, existing zoning and location. So, the site consists of 21.7 acres of land, currently zoned RUT and R-1 in -- in Ada county and it's directly located east of State Highway 16, north of Chinden Boulevard. So, you can see here in the graphics that they are right on -- right on the fringe of our area of city impact, which is unique. You can see the adjacent zoning to the south we have annexed property that's currently R-8 and that was known as the Pollard Subdivision and the reason why I bring that up because it comes into play on providing access and utilities to this particular project. So, the applicant is here tonight to discuss

with you annexation of 24 -- 24.8 acres of land with the R-4 and R-8 zoning district. The R-4 area consists of 20.35 acres of land and the R-8 portion is 4.45 acres. The plat consists of 65 building lots and ten common lots on approximately 21.7 acres and gross density as 2.97 dwelling units to the acre. So, as I mentioned to you this is a low density residential development where we anticipate densities less than three acres -- unit -- three units -- dwelling units to the acre, where the applicant is right at the -- essentially the maximum allowed in that land use designation. The reason for the split zoning is, one, to provide a -- a -- a buffer and a transition to the R-8 to the south, as I mentioned to you. So, you can see here the R-8 portion of the development is located primarily along the southern boundary and the remainder will be the R-4 portion. And, again, the applicant is also providing a 30 foot wide landscape buffer along that southern boundary as well, and not only as an amenity to the development, but also to add to that transition as you move farther to the north. The applicant is proposing to develop this subdivision in two phases and this is -- you can see that -- if you can follow my cursor here, there is the phasing line. So, this would be phase two and majority of it would come online with -- with phase one. So, 45 lots with phase one -- or 40 plus lots with phase one. I think 17 or -- I think it's 19 lots with phase two if I remember correctly. If you had a chance to look at the aerial, there are three existing homes on the property -- or four, I believe. There is four county lots and three existing homes. One home will remain on this larger lot and I think the other ones will be removed as part of the development. Also mention to you along the southern boundary here is an existing private street that was platted with the -- the original county subdivision. The applicant will be required to maintain that access to those properties until such time as there is another public street access provided or the Pollard Subdivision to the south subdivides and that's been noted in the staff report as well. So, here is the proposed landscape plan for you this evening. I can tell you that the applicant is proposing 3.18 acres of open space, which exceeds the UDC requirements. Amenities include a picnic area, pathways, dog waste stations and a swimming pool and you can see that located here central to the -- the development. The applicant also received approval for an alternative compliance request. So, typically, when we have developments that abut a state highway we -- we get a 35 foot landscape buffer outside of the right of way. But because the applicant is proposing to keep the existing residence and wants to maintain some of the character and some of the mature trees on the site, they have requested alternative compliance. So, the director has approved that, so, essentially, we are allowing them to plat a common lot of 20 foot wide -- 20 feet wide and then remain -- landscape the remaining excess right of way along State Highway 16. We had in the record -- and the applicant has confirmed that ITD -- ITD is amenable to that happening and they will enter into an agreement with ITD -- an encroachment agreement with ITD to -- to make those improvements per staff's recommendation. As I mentioned to you, the reason why I brought up the Pollard Subdivision -- this is a schematic that was in the staff report to show you what's actually occurring in the area. So, Council has, essentially, approved the Pollard Subdivision, which is south of this particular project. What hasn't occurred is no construction has occurred on the site yet and in order for this area to be served there has to be, one, an interim lift station to be built and, two, these areas that are in the right-of-way needs to be constructed, so that this has public street frontage. Currently the only access to the development is the private -- is this portion of the private street, but this portion that goes across the Pollard Subdivision is not public

right of way, it's just basically an easement to this gentleman here and so both staff and ACHD have conditioned the applicant that we will not approve or -- a final plat until such time as this portion of the road is constructed and a private street connection is provided, including the interim lift station. I would mention to Council that the plans are into the city for approval, just construction hasn't commenced yet. So, again, that is a condition in the DA and a condition of ACHD staff as well. As far as the home elevations for this particular development, they -- this applicant is a custom home builder, so it's going to be semi-custom homes and custom homes based on the needs of their clients. You can see there it's modern style farm -- farmhouse style and, again, the -- the DA requires the applicant to comply with the submitted home elevations. I would let the Council know that the Planning and Zoning Commission did recommend approval of this project at the November 3rd, 2022, hearing. Testifying in favor was the applicant and John Peterson. No one testified in opposition. And there was no written testimony submitted on this application. Because the -- the Commission was actually complimentary of having R-4 development in such a -- having a plan that met the goals of the Comprehensive Plan, that there really wasn't any topics of discussion discussed by the Commission either and there were no conditions of approval that were modified -- modified by the Commission. So, really, for Council tonight it's a pretty straightforward application, except for some of the access issues that I mentioned, but I think we have that covered, not only by ACHD, but also in the development agreement. So, I will go ahead and conclude my presentation and stand for any questions you may have.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Bill, one thing that really stuck out to me -- normally we like to have city services available next to the property and you guys are conditioning it on the final plat. How typical is that? When have we done that before? Because I can think of several developments where we have said we don't have services available here yet and we have held off, but just trying to think of how many times we have had another project that we think is in process and so we have used that as the final plat as a condition to provide those services.

Parsons: Yeah. Yeah. Mayor, Members of the Council, It's -- it's not a -- it's not uncommon. That's typically what we see here. In this particular case if a lot of these plans weren't moving forward you would probably have a little bit -- you would probably have more reservation from staff to support it, but because we know the applicant has -- has submitted plans and there -- they have been approved, just haven't started construction and we have known that this applicant has worked closely with Brighton to make sure -- to understand their timing, we felt confident that although it's -- we like to have things available, we feel confident that by the time you get all the engineering done and Brighton does the construction -- by the time they are ready to develop anything on the site more than likely those things would be in place and that's why we recommend

approval -- approval, along with the -- the Commission. But if things weren't -- like you said, if they were ten or 20 years -- five, six years out we probably wouldn't be supporting this application. The other unique thing about this is that it's not city water, it's actually Veolia. So, the only utility we provide over here is going to be -- is the sewer and I know -- again, I know the applicant is working with Public Works and have plans approved for that -- that to occur. So, I hope that answers your question.

Strader: That's helpful. Thanks.

Simison: Council, any additional questions for the -- for staff? Okay. Then would the applicant like to come forward? Dave, I know it's been awhile, so have you state your name and address for the record.

Yorgason: I will. Bill, do you mind loading up our presentation for me? Good evening, Mr. Mayor, Members of Council. My name is Dave Yorgason and I'm here as part of the development team for Adler Ridge -- Alden Ridge. Sorry, Kyle. And my -- my address for the record is 14254 West Battenberg Drive, Boise. We have a short presentation, but the intent tonight is to not have a long presentation. Staff's really done a great job of highlighting our -- our -- our -- the points -- the -- the application and what we are presenting to you today. See if Bill's got it here and I will get through it. While he's loading it up I will say it's nice to see Council Member Cavener virtually.

Cavener: Well, thanks, Dave, and it is -- to the Mayor's point it's nice to have you back in this Chamber in a little bit different capacity. We always enjoy your perspective and feedback and appreciate having you be here tonight.

Yorgason: Thanks. I won't add more than that. But, anyways, I know you have been struggling, so it's good to see you tonight.

Cavener: Thank you, sir.

Yorgason: Thanks for pulling that up, Bill. So, again, I'm part of the development team of the Alden Ridge Subdivision. My presentation will cover the following points. Just a quick introduction to the site. Go over the application details and highlight the staff report. So, the staff has said -- as Bill has said, the site is just over 20 -- about 22 acres in size, located at the northeast corner of Highway 16 and just north of Chinden. We do have frontage on Highway 16. We are contiguous to city limits. The comp plan is low density residential as you said. We are not exceeding the allowed amount of density. We are not even rounding up. We are just meeting the allowed -- and -- and the goals of the comp plan for the density, with the intent of trying to match or -- or better in the transition of the densities that are already planned for future development to the south and also to the east. Both staff and the Planning and Zoning Commission did recommend approval. So, the Alden Ridge Subdivision is a total of 65 residential units. They are all single family detached homes, as Bill has said. The plan is for two phases. Along the south and west area will be the first phase and the northeast will be the second phase and we -- we are providing a greater amount of open space and quality amenities for the development. As

you said, we have just over three acres of open space, which is 14.4 percent of qualified open space, which exceeds the required amount. We have nine amenity points, which is quite a bit more than the required four for this site and, as mentioned, we have a swimming pool, picnic area, the pathway network, dog waste stations in strategic areas and also usable open space park area just behind the pool in case you want to throw the Frisbee or -- or toss a football or run around or whatever there. As mentioned, there is quality homes with a variety of architecture being planned. We have modern farm Craftsman style homes, as well as some -- some other just modern style -- broader variety. We anticipate for this development that they will be custom, semi-custom type homes. And these are the different additional samples, Bill, that we have provided to you as requested from Planning and Zoning for the -- for the patio type. This is the smaller homes with two car garage, but still a variety in architecture. As we go through the development processes -- I know it's really important to get neighbor feedback and have discussions with them. We had two on-site meetings with adjacent neighbors, plus a lot of one-on-one discussions and the discussions really were quite supportive and neutral through the process. They liked the -- they appreciate the density, the transition of lot sizes, the quality of homes and the amenities we are proposing. Really the only question or concern was raised was water and the reason for that is there is a development just to the south and west and existing commercial site -- Franklin Sensors is the building owner and they have one building. They want to build another one. They are expanding the facility. They have two different locations, a smaller and a larger, and they cannot build the larger building until they have more fire suppression capacity for the fire sprinkler system. So, we are working with the water company Veolia, formerly Suez, and we are providing a well site to this area. So, it wasn't a question of we don't like what you do, is more of can you hurry up, please, as we are working with and providing that well site through the water company, so that they can, then, expand their business. As we look at the staff report we agree with all the conditions in the staff report. A lot of times we come to the city and say, you know, we like everything, but just one or two little things. Can you just help us a little bit and that's not the case tonight. We agree with all the conditions of approval as presented by staff. I will highlight and, then, address the questions about traffic and access that was raised here tonight and the timing of Brighton's development to the south of us and also the alternative compliance for the buffer on Highway 16. So, again, regarding traffic, ACHD provided a staff report. We agree with all of the conditions of approval of the ACHD staff report. The street that Bill was talking about -- staff was talking about is Waverton Street -- is not yet built. We have been talking with Brighton quite a bit through this entire process. They, too, are looking forward to the well site for their larger commercial buildings. It would be nice to have the added fire suppression for them. They have now cut the streets in. They have approved plans and I have a -- letter or an e-mail -- if you want I can give it to you tonight, but Jon Wardle and I have been texting back and forth and -- and they plan on starting construction with utility -- wet and dry utilities here in just a few weeks. The street's already cut. The plans are now approved by ACHD and City of Meridian, so they are moving forward. The reality is that they will be finished long before us. It takes us months to draw up construction plans. Many more months to get plans approved. And so we are not even worried about -- this sewer and all the street will be built long before -- their final plat will be built and -- and recorded long before we actually are under construction. So, we are not worried about

the condition of final plat approval necessary prior to. Additionally, the request was from the fire department -- can you provide a secondary access? You have more than 30 homes, which as we understand a standard requirement. This illustration you see here in this exhibit is actually from Brighton they gave us to follow and so if they have not yet built this -- I'm going to follow my cursor here. If they have not yet built this they have given us permission to build that section of road, so we could have that secondary access. The main, obviously, access -- Pollard is built and Waverton is built, so we have the access into the development, but we are looking forward to this as being more or less a main entrance. So, we look forward to having that built into our community, which will be done in conjunction with Brighton. Lastly, on alternative compliance, that frontage was discussed. Staff has mentioned it's already been approved by the director, but our goal is to not minimize, but, actually, do a little bit better with the landscape buffer along Highway 16. We are preserving the existing trees adjacent to the home along the northwest corner of the site. Franklin Sensors has, frankly, little to no landscaping along their buffer. We are pretty limited on how much frontage we have and I have also had discussions with ITD for their future final build out of Highway 16 and the corridor intersection with 20-26. They have tapering and widening and taking all that into consideration there is excess land area, so we will be installing some additional landscaping. So, the cars that drive by will actually see more, not less landscaping than what would be required for this site. We agree with the staff's approval in our conditions approval for that. So, in conclusion, this is really -- I would say it this way. It's a quality development with developers and neighbors working together. We have Brighton and Franklin Sensors and all of us working together to bring this community forward. It really could have been a phase three of development from Brighton, but it's not that way, it's just a different owner coming forward, but we are enabling the expansion of the water to help Franklin Sensors out in their future development and building expansion. Closely collaborating with Brighton with their sewer and water utilities and access and Franklin Sensors, too. We agree with the staff report and the conditional of approval. Planning and Zoning Commission recommended approval with no additional conditions and our ask tonight is that you approve us as presented tonight. I would stand for any questions.

Simison: Thank you, Dave. Council, questions for staff -- or for the applicant?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Mr. Yorgason, for being here. If you could just walk us through -- you -- you alluded to this will take you a while. The road will be built. The sewer will be there. What is your anticipated schedule?

Yorgason: So, Mr. Mayor and Council Member Strader, my experience with -- I will say ACHD is the slowest. Cities aren't far behind. But I will just say that ACHD is taking a long time and so after tonight we will be moving forward with drafting the construction plans. We may have kind of started, but really can't do a whole lot of heavy lift until we know the final decisions here and so there is probably three months, maybe two months

of drawing of construction plans before we can submit. ACHD currently is about three to four months of -- of a backlog before they will give first comments to construction plans. That's minimum six months right there before we would get first comments. Maybe it's seven to eight months before we get final approval and, then, it takes maybe four months to build. So, that's a one year mark from today. So, if we are lucky we have it paved if we have good winter weather. If not we are paving it the following spring, to answer your question.

Strader: Thank you.

Yorgason: But I -- I would hope we can pave it by Thanksgiving next year, but that's -- that's just hopeful. That would be best case for us.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A comment and a question. I like it. It's a very thoughtful design. The road -- the roadway on the northern portion, I think that's just really well done.

Yorgason: Thank you.

Borton: But I had a mechanical question on the -- on the -- the buffer and ITD right of way. Educate me on how that works. I -- we just don't see it a lot and I don't recall the mechanics of -- does the HOA have a -- have a -- a license right in perpetuity to go upon it and maintain it and plant on it, et cetera? How does that work?

Yorgason: Mr. Mayor and Councilman Borton, as an attorney I'm sure you will appreciate the process and the requirements. Whether it's grass or short shrubs, there is actually a little bit of distance requirement. They won't -- they won't want tall trees and really it's about safety; right? So, they -- they have two factors. One is you don't want tall trees up against the cars and, secondly, they want to maintain the drainage off the highway and so there is some standard requirements we have to meet to -- before we can landscape we have to make sure they approve the landscape plan to those standards and, then, secondly would be maintenance of that landscaping and the -- yes, the HOA, whether it's grass or -- or sprinklers or shallow rooted shrubs, all the above would be HOA responsibility and that's all through a license agreement. ITD has done that several times. I'm not sure I have done it a lot here in the City of Meridian, but in the city of Eagle the Castlebury berm, you might be a little familiar with that one on Chinden, there is -- any grass that cheats across the right of way is -- is the burden and responsibility of the HOA to maintain.

Borton: Okay. Thanks.

Yorgason: Sure.

Simison: Council, any additional questions?

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

Simison: Council Woman Strader.

Strader: Just a little detour really quick, but I wouldn't go far. A question for Deputy Chief Bongiorno. Outside of the five minute response time, with the construction of a new fire station I assume that will help, what is the response time currently and what's the anticipated timing?

Bongiorno: Mr. Mayor, Council Woman Strader, I can't give you what the time is -- excuse me -- to that area. That green blob map that we had -- this is outside of that area, but we are -- we are revamping and working on true response times at this time. Right now the -- the -- Chief is working with our GIS people to fix and look at those maps in reality of what the times are. So, I don't have that information at this time. I do know that in my report that I put the closest truck company is roughly 16 minutes away and NFPA standards usually shoot for 12 minutes, so -- and, actually, the Eagle fire station is closest to this position than ours is. Unfortunately, Station 8 -- there is no direct route from here to there. Station 5 is going to be the -- the straight shot for this particular development because of Highway 16. So, they are blocking off McDermott. So, McDermott will no longer be viable for us, so they are literally going to have to go around the mile to get to this location. So, Station 5 is still going to be the fastest and closest station there.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That's a little scary. So, no green blob map. Sorry to hear that.

Bongiorno: Yeah. My understanding is it's a -- it's going to be a brown blob map.

Strader: Okay. Whatever color of blob is --

Bongiorno: Yes.

Strader: -- usually going to work for us, but -- so -- but can you take a swag at it? I mean are -- are we talking like this is it a ten minute drive, this is a -- I mean even if it's like a Google Maps thing, you got to give me some kind of an idea --

Bongiorno: Sure. It's 3.3 miles. So, if I was to take a swag it's probably seven minutes. Let me look real quick. I can tell you.

Strader: Okay. And maybe, Mr. Mayor?

Simison: Council Woman Strader.

Strader: If you don't mind while you are researching that, Mr. Yorgason, what mitigate -- what mitigants are you going to put in this development considering it's not going to be served within our five minute response time? Which that's the standard that we try to set for the whole city. Not a standard that we meet unfortunately today, but we are trying. So, what can you guys do on your end to make it so these homes are safer? I mean help me think about how you are approaching this.

Yorgason: Mr. Mayor and Council Member Strader, I would say two things. One is we have had some good discussions with Joe -- with the fire department and when we get started on the development we always try to think, okay, we think of streets, we think of emergency services, we think of everybody and his answer was -- and I will let him speak for himself -- was I'm not concerned. So, I don't see a need for mitigation when he expressed I'm not concerned. Having said that, I also know the City of Meridian has approved this Brighton subdivision, which is a very large commercial facility, so I don't know what -- what's changed, because you all approved it not that long ago. Like a little over a year ago and we are just on the edge of it. It's not that many -- like seconds more. So, I don't know the -- I would defer to the fire chief, I'm not going to have -- to be able to answer that question very well, but we -- we don't see a concern from our end and we have -- we have -- we appreciate the support and the comments from the fire chief.

Bongiorno: Mr. Mayor?

Simison: Deputy chief.

Bongiorno: Council Woman Strader, so your nonscientific -- again it's 3.3 miles. Right now it's six minutes. Obviously right now with all the construction they are doing on Highway 16 it takes longer to get through that intersection. I see heads nodding as -- as we all know. I mean I have concerns, because that's -- that's the only station that can get there within that five minutes. As we all know, with a structure fire it's three, one and one. So, you are going to have three engines, a truck, and the battalion chief. So, you have got 35. You are going to have probably 43 down Linder. You are probably going to get 32 and, then, the truck company is coming from up here and, again, that's -- and it's not even the closest one. The closest one is in -- is in Eagle. For us we are getting -- you know, we have another one on order, but I'm not sure where the ops chief has it planned to be stationed. So, I mean I have concerns. Dave, sorry, but I do it. It is just -- it's just -- we got one station that's close by and that's it. And, then, they are -- they are going to have to wait because of the three -- two in, two out rule for fighting a structure fire. I mean we just -- we just have to wait until that second engine arrives on scene to -- to allow them the time to go in and fight a fire. Excuse me.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Don't we already have a fully functioning truck that's available to use right now that you can put at Station 8 in the meantime?

Bongiorno: I can't answer that question. I'm not sure. We -- we have a second one, yes. I just don't know what the status is of it.

Simison: I think -- I think that should -- before this would ever be in operation, obviously, Station 8 would be open, you know, so -- from that standpoint. And I -- I don't want to get into how people are going to drive there, but will Highway 16 be a faster route to get onto at Ustick and, then, get off here? I don't know. I mean those -- those -- I mean --

Bongiorno: Yeah.

Simison: I can see that being a more direct route, you know, faster route than going other ways, so -- but --

Bongiorno: Around the mile.

Simison: -- we don't know yet.

Yorgason: Mr. Mayor, if I could add one more thing. I know that Brighton is planning on building a light at the entrance of the site on Chinden, which also in some ways helps with the in-out access. May or may not help with response times. That's, you know, for -- for Joe to cite. But this is first we have heard about mitigation, because I have never heard of that in the one year of working on this project of a need. It's -- I'm not aware of a need.

Bongiorno: Mr. Mayor and since -- and Dave mentioned the light and that reminded me. We also have that subdivision that's going to be to the north of The Oaks. North of the Oaks North -- what is that? Prescott?

Yorgason: Yeah. Yes.

Bongiorno: Bill is -- yeah. So, Prescott. So, we will have Rustic Oak that will go through. So, we have -- we have got a cut through to get to Chinden for Station 8 and that's probably going to be the quickest route really is that cut through down Rustic Oak, because that will get you from Ustick to Chinden the quickest route.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. This is more along the lines of what I was wanting to hear, which was I assumed that eight would serve this -- we are just saying that because Highway 16 hasn't been flushed out and this road -- it's a little bit of a tenuous link, but, yeah, I mean it will be completed; right? What is the exact timing of when that station will be --

Bongiorno: Station 8? I'm sorry.

Strader: Yeah.

Bongiorno: Right now I think we are late summer of 2023.

Simison: October is what we are --

Bongiorno: October'ish now? Okay. Haven't heard.

Simison: We are -- where we are. We are on time. On schedule.

Bongiorno: Yeah.

Strader: Perfect. So, well in advance of this project being delivered.

Bongiorno: Yeah.

Strader: Yeah. Okay. Thank you.

Bongiorno: And really for -- for -- sorry. For -- Mr. Mayor and Council Woman Strader, for us I mean, obviously, we can -- we can talk to Dave about -- we have talked emergent situations in the past, you know, in your clubhouse put -- put in an AED and a first aid kit. I mean that helps a ton and, then, obviously, they can't start building until they have water anyway, because you have to have water to be able to -- to go vertical. So, you know, the -- the safety features will be there, it's just a matter of -- like the Mayor was saying, what's -- what's it going to look like for us to get there and -- and we really don't know yet, because they are still doing a -- making -- making a giant mess out there.

Strader: Thanks.

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

Yorgason: Thank you.

Simison: Mr. Clerk, anyone signed up on this item?

Johnson: Mr. Mayor, three people signed in, only the applicant marked they wanted to speak.

Simison: Okay. If there is anybody that would like to provide testimony, please, come forward at this time. And if you can state your name and address for the record and be recognized for three minutes.

Peterson: My name is John Peterson and I live at 6786 North Pira Lane and I live in the subdivision that is adjacent to this subdivision that's being proposed and I am in support of this subdivision, because it's really nice. They are not going for like a really high density. They are not trying to put 200 townhomes on 20 acres. It's actually a really really nice subdivision. It has lot sizes that are congruent with the rest of the subdivisions that are in that area where I live. They are actually putting in like nice amenities, like a swimming

pool and walking paths and really nice landscaping and so it's just like a really nice subdivision, you know, and I'm really glad that they are not trying to just throw in at the maximum density that they could possibly get, you know what I mean, and they are just putting in something nice in the area and Maddyn Homes also builds -- builds really nice homes. So, it will keep the values of the homes in the surrounding areas high, which is good. That's all.

Simison: Thank you. Council, any questions? Thank you very much. Is there anybody else present that would like to provide testimony on this item? See if anyone's come on online. Just have ACHD online so -- at this time. So, seeing no one else coming forward, would the applicant like to come forward for any final comments?

Yorgason: Again, good evening. Dave Yorgason for the record. Sorry I didn't know mitigation was going to be a question tonight. We have had a lot of good discussion with all the agencies along the way. We are providing a well site and working with the water company to meet the needs of the water suppression system in the area. This week, frankly. So, we -- we think we are doing our part. In fact, more than our part and -- and so with that we -- I will stand for any other questions you have, but we ask for your approval tonight as presented.

Simison: Thank you. Dave, just out of curiosity, when do they think they will build a well there and what's their time frame for that?

Yorgason: Mr. Mayor, appreciate you are saying that. So, we have a tentative agreement with the water company, but, of course, nothing signed until we are done tonight and it's going to take some -- some time to -- to drill the well through the water resources process. I don't know if that's a year. I mean that's going to be some long time. So, to your point these other infrastructure things are easily built. When I said a year from now that's very optimistic and so I don't have a hard date for you, but I know that it's not in this fiscal year. It would be the following fiscal year when -- when they would have the -- the finances allocated. Their fiscal year. Allocated to -- to construct it. So, I don't know if it's a 12 months or 18 months. It's -- it's not five years. They are ready to go. I know Brighton is pushing pretty hard to get theirs done, because without our well lot they cannot move forward and so we are all neighbors working together out there to make this happen.

Simison: Thank you.

Yorgason: You're welcome.

Simison: Okay. I think you are off the hook for now.

Yorgason: Bring me back if you need.

Simison: Okay.

Yorgason: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

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

Borton: Second.

Simison: I 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.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think it's a straightforward application. I can appreciate I think what is -- it's good that our Council is concerned about the future and making sure that we are able to serve our residents well. These projects, too, that involve I think other outside agencies, a different watering company, to me are always -- they are always hard for me and I think we have got another one later on tonight that deals with another agency, so I expect a little more robust debate on that particular one, but I think this is a good addition to our community and I'm happy to make a motion if I may, Mr. Mayor.

Simison: You may, Councilman Cavener.

Cavener: After considering all staff, applicant, and public testimony I move to approve File No. H-2022-0059 as presented in the staff report on tonight, December 6th, and to approve that as presented.

Perreault: Second.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a brief discussion. I think anytime we are considering an annexation that is on the outer boundaries of our area of impact, it's important for us to look at our response time as one of our components. We ran into an issue where we had to build two fire stations at the same time and a big part of what created that situation, besides the fantastic growth that we have enjoyed, which is a good problem to have, is that we did a lot of annexation in south Meridian, some areas of which took over ten minutes to

reach -- even sometimes 12 minutes and so I just think it's important that we keep an eye on that. I think the fact that we have gone through Station 8's ability to reach it a couple different directions and that it's a six minute response time gives me comfort around that, not being the same situation in this case. Just wanted to provide that context.

Simison: Thank you. Any other comments?

Borton: Yeah, Mr. Mayor?

Simison: Councilman Borton.

Borton: Just to dovetail on that, I think -- and good applicants want to make sure that response time is addressed by us as well. I like this project. Just to highlight some of the elements that I thought is worth noting. I mentioned the design. I think it's a very thoughtful design. I think we love seeing some R-4 blended with this R-8 transition to the south. I think the amenities -- it's just really a well laid out project and I appreciate the alternate compliance along Highway 16 and kind of the -- the collaborative approach to solving that actually provides even a little more buffer than what would otherwise be provided, which I thought was nice to see and the inertia from the -- with the project to the south gives additional comfort. This is the end of the road, so to speak, at that edge of the city, so for all of those reasons I think it's really well designed and done and I'm glad to support it.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You know, I -- I really do believe that this project checks all the boxes in my opinion. I think it's well laid out. I think it's well thought out. Whoever gets that corner lot in the -- in the -- in the -- that would be the -- the -- the -- the -- that one big one right there and it -- it's just going to turn out that one. So, that would be -- yeah. It's just a pretty -- it's a pretty layout. It's a pretty subdivision. I love the renderings from the houses. Congratulations to the -- the -- the development team. I really like this subdivision quite a bit.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I just like the fact that a neighbor adjacent to a development is in support, so that's always good to see. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Well, it's nice to have a development that's staying within our future land use map designation. Been having a lot of those conversations about requests to change that and so it's very nice not to have that request. I also appreciate the access that this is going to have to Highway 16, such that services can be accessed really in three different cities pretty quickly. That's one of the things that we have been paying a lot of attention to is where our service -- what -- what's going to service the projects that are on the outlying areas or in our area of impact and, of course, our hope is that some -- some of those residents on our west side of the city will be using that Highway 16 to alleviate some of our traffic on Ten Mile and -- and so I appreciate that part of this project as well, that I think it will be a really good location for those residents to have access to multiple services around the valley.

Simison: Anybody else? I think that's the most conversation we have ever had after a motion has been made on a project most everyone agrees with. Then with that we will ask the Clerk to call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Good luck in getting water, roads and other things soon.

MOTION CARRIED: ALL AYES.

5. Public Hearing for Hadler Neighborhood (H-2022-0064) by Laren Bailey, Conger Group, located at 7200 S. Locust Grove Rd., approximately 1/2 mile south of the Locust Grove and Lake Hazel intersection on the east side of Locust Grove Rd.

- A. Request: Annexation and Zoning of approximately 20.5 acres of land from RUT to the R-15 zoning district.
- B. Request: Preliminary Plat consisting of 145 building lots (52 single-family attached lots & 93 detached single-family lots) and 11 common lots on approximately 20 acres of land in the requested R-15 zoning district.

Simison: All right. With that, Council, we will move on to our last item of the evening, a public hearing for Hadler Neighborhood, H-2022-0064. We will open this public hearing with staff comments.

Parsons: Thank you, Mayor, Members of the Council. The last item on the agenda this evening is the Hadler Neighborhood. The subject property consists of 20 acres of land currently zoned RUT in Ada county and is located at 7200 South Locust Road. You can see here on the exhibit on the left-hand side the future land use map designates this property as medium density residential, which means we anticipate densities between

three and eight dwelling units to the acre. Currently there is an existing residence on the project and some outbuildings and those will be removed upon development of the site. Also if you look at the zoning map here you will note the existing zoning designations that surround this particular property as well. So, you can see here it's going back to Council Woman Strader's comments, we have annexed some properties in south Meridian and this one touch -- is bound on at least the -- the west side and the north side and it's eligible for annexation and some of it's developable and some of it isn't at this time because of utilities. So, the applicant is here tonight to discuss with you a request to annex the 20.5 acres of land from RUT to R-15 zoning district and, then, plat the property with 145 building lots, which will consist of 52 single family attached lots and 93 single family detached lots and 11 common lots, at a gross density of 7.25 dwelling units to the acre, which is at the -- the upper end of the spectrum allowed by the designation. Again, the applicant -- like the -- the previous application, the applicant is proposing two development phases with this application and I will go to that quickly. You can see their phasing plan here. Phase two is basically east half and, then, the west half is their -- the majority of their -- is their first phase. Average lot size is approximately 3,600 square feet, which exceeds the minimum 2,000 square feet in the R-15 district and staff finds that the -- the plat complies with UDC standards and generally complies with the Comprehensive Plan. This one's a little unique. Similar to the -- the last project. This site does abut Locust Grove and because it's an arterial roadway we try to minimize access points to that roadway. If I can jump back here, you can see here that Brighton recently had a project approved north of this site and as part of that project they are building a majority of the collector road that runs along the north boundary of this site. So, the applicant is going to build the remaining portion and, then, have their access that ties into that collector roadway. So, that's something that's going to happen. And, then, there is two additional stub streets, one to the east here and, then, one to the south as well. Originally staff had recommended an additional stub street in this location. As we got to Planning and Zoning Commission we worked with the applicant and decided to make this a larger open space lot and provide a pedestrian connection to that -- that property to try to enhance connectivity in the area. One unique thing about this particular project is that this is the first project that is in the Kuna School -- School District boundary and so at the -- the public -- at the Planning and Zoning Commission we had Robbie Reno from the Kuna School District testify. He is here tonight to answer any questions you may have as part of this project and there is -- all his comments are also part of the public record. Other concerns that were brought up by Planning and Zoning Commission was parking and the applicant, as we went -- worked with the applicant they were -- shared a parking plan. Primary concerns by the Commission for the -- the parking concerns were just the narrowness of the lots and, then, also because this is a reduced street section or a slimmer -- a smaller street section, but it meets ACHD's policies. It does limit parking on certain sides of the road and so that's something that the Commission felt caused some concerns as well. So, they brought that up and -- but I just wanted to mention regardless of the on-street parking, the applicant is going to have to meet UDC parking requirements for single family residence. So, they are going to have to provide off-street parking in accordance with the UDC requirements. The applicant is proposing approximately 3.49 acres of qualified open space, which is approximately 17.45 percent. So, this does exceed the minimum of code. And amenities include picnic area, a playground, water

feature and, then, multi-use pathways along the collector road and also Locust Grove frontage, so that, again, they do exceed UDC standards and I would also mention to Council -- I know you are probably aware of this, but they are in pretty close proximity to a pretty amazing regional park as well. So, that's -- that's always a good benefit to a development in this area. So, Planning and Zoning Commission, however, did recommend denial at their -- at their hearing on -- at 11/3. Testifying in favor we had Laren Bailey and Hethe Clark, the applicants, and, then, commenting on the application was Robbie Reno, again with Kuna School District. Looking at the public record again for the Planning and Zoning Commission for tonight's hearing there was none -- no additional public testimony. Key issues of discussion by the Commission at the hearing included school capacity, the proposed density of this project, and, then, on-street parking as I mentioned. So, basically, there are really no -- the -- the recommendation from Planning and Zoning Commission is denial, so, essentially, we -- we have struck all the conditions of approval because of that recommendation and the Commission did cite their reasons for -- for denial was based on, again, school capacity, lack of commercial services to serve the development. The density and character of the development were not consistent with the existing and approved developments in the area. That was the finding that they made. So, other than the denial, there really are no other outstanding issues for you this evening and staff will stand for any questions you may have.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Thank you, Bill, for that presentation. Did I hear you say that the streets are more narrow than the standard public street width?

Parsons: Mayor, Members of the Council, Council Woman Perreault, no. ACHD has certain standards and you can have a -- a wider road or you can have a narrow road and in this particular case they took the options of going with a narrow road, which is allowed per ACHD policy. That's -- that's all I was trying to convey is that they meet ACHD's policies and they -- they -- they are building roadways to ACHD's templates. But with the narrow road comes -- comes with less parking. So, you can have parking on one side of the street and not the other when you take advantage of that -- that specific street section.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, am I hearing correctly that -- that the parking plan that we see up here is -- is not viable, because they are showing parking on two sides of the street? Is that -- am I understanding you correctly?

Parsons: Mayor, Members of the Council, no. This was just the exhibit that the applicant showed where you could get on-street parking, which -- which side of the street can be parked and which can't be. So, essentially, where you see these red areas, that's where they envision additional on-street parking and so ACHD, if I remember correctly, required the applicant to build this to a wider street standard in this location and this is why you see double parking and, then, the reduced street sections are located along the looped roads here along the west, south and as you head north or east and that's why you see only red on one side of the street, not on both sides.

Perreault: Thank you. That's helpful.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: First time we have had a Kuna School District thing come up, so that's really interesting. What is the cutoff of where -- I'm just curious like going forward is there a -- what is the -- where -- where -- where is the boundary of the Kuna School District? What can we expect going forward? Anything that's south of -- you know, it looks like half of a mile south of Lake Hazel or where -- what's the cutoff?

Parsons: Mayor, Council Woman Strader, I don't know exactly the -- the cut off, but I can tell you it starts here where we are at tonight and, then, Skybreak, which was approved recently, was stated -- was just right on the cusp of their boundary, but going south from Skybreak it starts bleeding into their school district as well. So, it's -- it's -- it's upon us. It's happening very quickly or could potentially happen.

Strader: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Bill, is there pedestrian access from this to Discovery Park? Is there going to be any kind of southern pedestrian access? All the applications we have had so far have all been on the north -- northwest side of the park, so I don't know that I have ever seen any information about that on the south side.

Parsons: Yeah. Mayor, Council Woman Strader, essentially, you can see their entire frontage. So, there will be a collector road that's built into their entire boundary and as part of that road work -- road project they will be constructing a ten foot multi-use pathway that runs along their entire boundary and we did talk with the applicant about working on a safe crossing to get into the park across the -- that collector roadway. So, yes, we do envision that happening and that's why you see this micro path location here to tie into the pathway and, then, ultimately head east and head into the park.

Simison: Seeing no more questions for staff, would the applicant like to come forward?

Clark: Hi, everybody. Hethe Clark. 251 East Front Street in Boise, representing the applicant. As Dave mentioned, it's really good to see Council Member Cavener. You know, appreciate -- hope you are feeling better and I needed to make one more visit here before Council Member Bernt left, so -- we are here to talk about the Hadler Subdivision and I just want to talk a little bit about a project that's very similar to ones that you guys have seen that we have brought forward within the -- within the city over the past few years. It serves an important need. So, let's talk first -- let's see here. There we go. A little bit about the annexation route and how this fits in within the city. The project is just south of Lake Hazel, east of Locust Grove. It borders Discovery Park. It's on the south of Brighton's Pinnacle Subdivision. It's an area where the -- where the city has invested and has indicated that it intends to grow. The pink areas are all annexed. Many of those were part of the large 2016 annexation that was undertaken by the city if you -- with -- I think it was like 1,300 acres, if I remember correctly. A little bit more about that. I know you are all familiar with the corridor. It's been very active with the development of Discovery Park. Gem Prep. There has been significant -- significant residential development over the past few years. Lavender Heights. Pinnacle as I mentioned. The Keep. Sky Mesa. Diamond. All of these other projects that have come in around the city's new park and also the city's new south Fire Station No. 4. That will be online next year as I understand it and as you drive by you can see that the walls are already well under construction. In addition to that, I would just point out that there is a -- a wall of city annexed property to our west. So, this is well within the areas that the city has already grown into. With regard to the Comprehensive Plan and the planning, as Bill mentioned, this is medium density residential, which does permit between three to eight units per the acre and, then, zooming out a bit, I thought I would emphasize that this is in addition near one of the neighborhood centers that the city has planned for. You know, city services are all available and none of the emergency service providers or utility providers have indicated any objections. I would also point out that there are upcoming Eagle Road and Lake Hazel Road improvements that are planned for the area and Lake Hazel, which runs just north of us, is planned to be the new Chinden. It's -- as you all know, it's going to be a five lane eventually. So, this is an area that -- that the city has planned for a lot of activity and that activity is coming in the near future. This is our site plan. We are proposing 144 homes, not 145. We took out one lot in response to the comments with -- with staff, so that one right -- let's see if I can get this to work here. This lot -- we took out a lot in order to increase the open space right here where the pathway is located. The overall density is 7.2 units per acre, which is within the -- the planning for the Comprehensive Plan standard and we also have a 17.5 percent open space, which includes the large central park area. As in our other projects that are similar to this, so that would be like Movado, Verado, Solterra, these are high quality homes with a smaller footprint. We are talking about homes that are between 13 -- about 1,300 and 1,800 square feet. It's a very amenitized project. I will mention it again here in a second, but there is 11 amenity points for this one, which is super high compared to four, which is the requirement. Again, we have done five similar projects in Meridian, along with another project in Boise. They have all been very successful, because they cater to an underserved portion of the market. The folks who buy in these projects are looking for a

smaller home with lower maintenance, but high quality. You know, they -- we study our buyers. We know who they are. They are empty nesters often who are downsizing. They are young professionals who want to lock and leave it type solution and sometimes they are a divorced parent that's looking to keep the -- the kids in the same -- in the same school district. The product's been in high demand since we developed it ten years ago and it contributes to the diversity of housing stock in the -- in Meridian. It serves an important need. And, again, it is consistent with the comprehensive planning between two and eight dwelling units per acre and this is a screenshot from the Comprehensive Plan. But there are other Comprehensive Plan policies that are promoted here. For example, we want to encourage a variety of housing types in the area, avoid the concentration of one type of housing. This brings in a housing type with an appropriate level of density right within -- next to the city's new park and the fire station. We have considered the area in our design. We have provided open space in the center of the project that -- that's really just a -- a frisbee throw away from Discovery Park. That open space will also connect, as we understand it, to our neighbor to the south, which is planning for open space in that location. And to Council Member Perreault's question, we are extending the -- the regional pathways, which will help allow for a pedestrian access to the -- to the park. So, particularly now where we have a housing recession that's looming, we have interest rates spiking, you know, we need a variety of housing types in the city in order to keep the housing market healthy and so we think that this is an appropriate use here. With regard to pedestrian connectivity, we have our typical five foot sidewalks along all the roads. We have our internal pathways and the regional pathways to Discovery Park. That's about a half mile of new regional pathway that's going to be constructed with this project. And I think while I have got this up I will maybe address Council Member Perreault's question about the roads and the parking. So, we have -- as with every application we have conversations with ACHD about road widths and road standards. If you go in front of ACHD, particularly Commissioner Hansen and several of the Commissioners, though, they are very much pushing for 27 foot road sections and the reasoning for that is obvious, for maintenance reasons and because it also still provides a safe product. So, that they will push you for 27 as your default and with a 27 foot road section you have parking on one side. Now this area along the north heading out to the stub to the east, that is a 33 foot road section at ACHD's request and so that is why we show parking on both sides there and so the -- the parking exhibit that I -- that we provided is accurate. As I mentioned, we exceed the project amenities requirements with 11. I -- I won't belabor that, but there is the two acre central park and we think that that's a great connection with the -- with Discovery Park. Again 17.5 percent open space that exceeds the -- the minimums. And we have two types of homes in the project. Single story is the area -- is what we show in yellow and, then, two story that's shown in pink in the center.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Real quick, Hethe. Go back to that slide. I think you have got a really good decision to remove that one lot. A lot of these slides all still show it.

Clark: Yes.

Borton: So, clearly a good call to remove that one.

Clark: Thank you.

Borton: You had made a reference to one of the amenities in this slide prior. I was just curious. I hadn't heard it as an amenity. Attractive landscaping. I don't know what that means. Is that -- is that an amenity?

Clark: I think it is. You know, I think having a --

Borton: Rather than points for it, like it's a -- it's a way station or it's a gazebo or it's -- I just have never heard anyone reference attractive landscaping as a standalone amenity.

Clark: Mr. Mayor, Council Member Borton -- I -- you know, I think it's -- what we are trying to say is that it's thoughtful landscaping, trying to make sure that the project hangs together. I don't know that there is a specific amenity point that's associated with that.

Borton: Okay. Thanks.

Clark: So, we have also provided elevations with the application materials to show what the project will look like. And again -- and you can see here, if you look closely, you can see that the homes are arranged between 1,300 to 1,800 square feet. And so with that in mind and the size of the home kind of still sitting here on the -- on the screen, I want to talk about the agency responses and so other than Kuna School District, the agencies have not indicated any concerns and while we respect and appreciate the district, we have some concerns with the approach that has been undertaken here and we would like to discuss that with you tonight. So, Kuna School District has provided a letter dated November 2nd, 2022. The letter shows that there is currently capacity at all the schools that would serve this project. In fact, this is information that was provided to us in October. There is capacity across the district. You can see that there is currently 570 vacant seats with capacity at every elementary school. We also know how fast the district is growing based on information that they posted on their website. Their growth rate has ranged from negative three to positive five over the past six years for an average of 1.33 percent. So, the -- based on the data and the information that we have, the question is not whether there is current capacity and, actually, this question is the same question that we have -- I and this Council have had several times over the past several years with regard to West Ada projects and that's a question of how the capacity will be used, when the district will have to start taking steps to ensure that there is capacity for growth. We have been through this question before. The Council -- as I said we have been talking about this for several years. We know the drill. You know, West Ada follows your planning. When the capacity is used up they stretch it, they do busing, they modify boundaries, they bring in portables and, then, eventually they bring in -- they -- they bond. But because they are doing their best to be -- the -- the best stewards of those tax dollars as they possibly can they are not going to run the bond until the capacity is used up and the -- and until they

know that the facility is going to be used on a long-term basis. So, as I understand it, this is the first application before this Council that's in the Kuna School District. We have spoken with Kuna School District and they have informed us that they would inform this Council that they can't serve our project unless we make a cash payment per lot of 3,720 dollars for all 144 residential lots or nearly half a million dollars. You know, we, obviously, have significant concerns about that. This is from the agreement that was proposed to us. So, the first concern is where does the number come from? We have done these projects before. We know what numbers of students come from these projects. For example, you see Verado on your screen. It's a very similar project. It has the same housing type and size. We reached out to West Ada. We asked them for the actual student generation from Verado, just to know how -- how that's functioning. West Ada informed us that it's .124 students per lot, which makes sense given, again, that these are 1,300 to 1,800 square foot homes, largely owned by retirees and empty nesters, with a few exceptions. Here is another way of looking at it. The Kuna School District is telling us that Hadler will generate 102 students based on their generation rate of .7. That's nearly twice West Ada's rate of .43 and it's significantly higher than the actual generation rate that we have -- excuse me -- that we have experienced, you know. So, we think the numbers are way higher than what would actually be generated out of a -- out of a project like this with an older demographic and, in fact, given what we have experienced this is likely to add to the tax base, rather than take up significant student resources. So, we have concerns about where the numbers are coming from, but we also have concerns about the money they use -- what the money would be used for. Kuna School District has told us they will only support the project if we make a donation. There is no control on the use of those funds once the donation is made. But we have been told what the money is likely to be used for. This is based on the district's needs assessment, which they provided to us, and a significant number of those projects are, quote, deferred maintenance. They include kitchen remodels at a couple of the middle schools. ADA upgrades. With regard to Kuna High School there is money for the field turf at 1.2 million. A hundred thousand for a performing arts center. Upgrades for football turf, baseball fields, tennis courts and the track. And you can see that very little of this has anything to do with capacity to serve new students that would be generated per our product -- by our project. So, they have asked for a donation, but we don't know what it would be used for. The majority of the funds they have identified are not capacity related. There is no control on how the funds will be spent, where they would be spent and there is no way to confirm that we would be paying our proportionate share and that's a problem for a lot of reasons and, one, is under Idaho state law any fee established to mitigate the -- the financial impacts of development has to comply with the Development Impact Fee Act. That's Title 67, Chapter 82. Now, of course, there is no such thing as a -- as a school impact fee. But even if there were this doesn't meet the standards for an impact fee. With impact fees you know they have to be paid out within eight years. With impact fees you know that they can only be used for certain types of facilities that are related to the impacts of growth. There is no capital improvement plan here that says that it's going to be used for addressing growth and there is no way to request a proportionate share analysis. In short, there is just no way to ensure that the funds will be used to increase capacity. So, you know, more fundamentally, you know, the district saying that they can only provide services if we make a voluntary donation. You know, we have concerns about that,

obviously. You know, the payments they have asked for do not satisfy the requirements of the Impact Fee Act, which is mandatory if the fee were to be imposed. In other words, they are asking us to agree to something voluntarily that would be illegal under state code and even if we do it there is just no way to ensure it's going to actually address the needs of our students. So, you know, we just -- excuse me. We are asking to just follow the rules in the way that we have experienced that with -- with other school districts in other jurisdictions. The city -- this city has been through this already. We know that the answer is that we have to get behind the district's efforts to support a bond. That's how we have handled it for a hundred years in this state and these ad hoc impact fees aren't the answer. So, with that I think my time is up and I will just -- I would just mention one thing, Mr. Mayor, is that if we are fortunate enough to get an approval tonight, I think the one housekeeping item that we would have to go back to is in the red lined conditions of approval in the staff report. In order to make the change that Bill mentioned we would just need to modify condition 2.A as I have noted on the screen. So, that was a lot.

Simison: Thank you, Hethe.

Clark: Thank you.

Simison: Council, questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: You mentioned the -- the demographic in Verado and I'm familiar with all of -- all of the neighborhoods that you had -- had mentioned that are -- you anticipate modeling this after. Do you think that given that location that you are going to have the same demographic as Verado with the park, with the -- the YMCA down the street -- swimming pool there? Do you really anticipate there being an older demographic in this equivalent to Verado?

Clark: Mr. Mayor, Council Member Perreault, absolutely. Remember these are 1,300 to 1,800 square foot homes. The size of the home is what drives it more than the -- the location. The location is great, because we should be wanting to have lots of different housing types all around Discovery Park, so that all types of people get to -- to use it at all different, you know, areas -- areas of their life. You know, I can definitely picture the empty nester wanting to take their dogs out and going to the dog park up there, because, you know, that's the type of person that really likes to use a dog park. So, no, we don't expect it to be any different.

Perreault: Mr. Mayor, follow up?

Simison: Council Woman Perreault.

Perreault: I think we are going to see more families purchasing. I assume these are -- if it's the same model these are going to be for sale. I think we will see more families purchasing these types of -- especially townhomes. Well -- well, the two stories for sure, but the townhomes as well, because -- well, it just depends what happens with rates; right? Housing prices were keeping families from purchasing single family residences. They were moving into townhome style, patio homestyle and duplexes and I think that we are going to see that come into play even more for a variety of reasons. So, if these are modeled after this -- this -- other neighborhoods, there is going to be some two-bedroom units, as well as some three bedroom. Do -- do you think this particular product, if it's similar, is going to -- is going to accommodate -- I respectfully, being in this industry, I disagree with you. I think we will see more families in this than we have their other products, because of its location and because of what's happening in the market. So, just -- I want to put that out there and just understand that -- to that end that's the reason I'm asking the questions about access to the park. And in regard to the amenities -- never thought I would say this, but I actually don't think a playground is necessary in this, which is -- I never said that before. I had to say that before. So, in that regard are there any other amenities that were discussed besides having a playground, since the park is so close that might, then, meet -- if you are saying that you think it's going to be more seniors and more singles than families, why have the playground here and, then, have a playground in the park next door.

Clark: Too many slides here. Maybe it will get there. So, yeah, the -- the idea is not to duplicate anything that is at Discovery Park. The idea is to have the types of -- you know, a playground that would be complementary and so this applicant in the past has done things like climbing boulders and those -- those sorts of -- of playground amenities that would be a little different maybe than what's over at -- at Discovery Park. So, I don't know that there has been a specific design that's been concluded there and I would ask -- is there anything else that you would add to that? Mr. Mayor, just conferred with my client. One of the thought processes that went into -- with the idea of maybe having some of the more focused younger child amenities there is just that it -- it is a little bit of a walk for a little kid to be able to get all the way up to the Discovery Park, so -- so this would allow for some things that are a little bit closer if they were to cater to the younger demographic there.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I didn't mean for that ominous sound to have a --

Clark: Is that a record scratch that I just heard?

Strader: It sounded like it. If you could pull up the -- the renderings -- okay. So, I had a question which was -- and this is -- it looks like you have got your detached here. But if you kind of go through the attached and detached, I was trying to figure out what the

dimensions are of the street frontage. Like can you actually fit a car that's not blocking a driveway in between these homes?

Clark: Yeah. I think it's -- it's between 32 and 38 feet of street frontage on most of the lots.

Strader: Okay. Just so I'm clear on that -- okay. So, you are saying there are -- there is 32 to 38 feet of street frontage on average in your entire development. So, that's exclusive of the driveway.

Clark: Yeah. Council Member Strader, maybe I can clarify one thing. So, the -- the way that we have designed and the way the parking exhibit works is that there is room to park between the driveways on the attached product and, then, with the other product we typically put that on the other side of the street, so that -- if that makes sense. Let me see if I can pull up the --

Strader: If you could pull that up, just so I -- because I'm not totally following.

Clark: I think I have the -- I think I have the drawing that Bill showed earlier.

Strader: Or if we have to I'm sure Bill could bring it up if we need to, but --

Clark: Just -- it moves through very slowly.

Strader: There we go.

Clark: So, I -- I think -- if I could -- let's see. So, we have the seven here. We have the single story product up here. Nine. Only counting on the one side of the street. And, then, on these we have two sides of the street, because it's 33 foot product. Or 33 foot road section. And, then, down here we have only used the one side of the street, because it's the 27 foot road section.

Strader: Okay. So, if I take -- let's just take an example. Let's take the row of -- now I'm getting your attached and detached mixed up. But let's just take the row across from the nine. So -- okay. So, you are saying like for this whole section -- like the whole -- you know, let's call it upper left-hand quadrant, besides the driveways there are nine -- there is enough space for nine parking spaces on the street. You have got a row of like 15 homes. I'm assuming another ten right below it. I guess I'm a little concerned about your -- just -- are you going to have enough parking? It's not super obvious that you will from looking at this.

Clark: Mr. Mayor, Council Member Strader, I -- so the -- the -- there is not currently an on-street parking requirement in code. So, we -- we meet the code standard and, then, in addition to the code standard we have 82 parking spaces and, you know, this is a little similar to the conversation that we had with Commissioner Seal at -- at Planning and Zoning --

Strader: Yeah.

Clark: -- and he had asked the question about, okay, what are you going to do on the big Super Bowl party or whatever and, you know, my response is is that, well, these are 1,300 to 1,800 square foot homes. We are not going to have 40 people there for the Super Bowl party. But we also -- we don't design restaurants' parking lots for the New Year's Eve party and we don't design residential neighborhoods for the Super Bowl Party. You know, we designed them to make sure that they are functional and we have -- and this one has been designed to code, plus 82 additional legitimate on-street parking spaces.

Strader: Uh-huh.

Simison: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just to clarify, each lot that's on the perimeter, which is the attached, represents two residences; correct?

Clark: No. Each -- so, on the -- some of those are going to be attached. So, it's -- it's a lot -- or excuse me. A residence on one straddling the lot line and, then, attached on the other side. Is that -- did that answer your question?

Perreault: So, with the homes that are all on the north and the west side, each lot represents one residence --

Clark: Correct.

Perreault: -- the attached -- of the attached product.

Clark: Correct. And Council Member Strader, I may -- one thing I would note, too, is that when this has come up in the past we have done studies of the parking in some of the other projects and we presented them at prior application hearings. We have done drone studies where it -- you know, various times of day, various times of night, to look at, you know, whether there was on-street parking at all. That's always shown very little on-street. If there is a concern here we would be happy to -- to show you how that's functioned in the other projects. But, again, we are code compliant with it as it exists, plus 82 on-street parking spaces.

Strader: So, Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just so we are clear, when you say there is an average street frontage of 32 to 38 feet per -- per residence, it's really not 32 to 38 feet of eligible parking frontage; right?

Because you have only got one side of the street available to a pretty large degree. Okay. Let me chew on it a little bit. Think about it. Thanks.

Borton: Mr. Mayor?

Simison: Oh, he is deferring to age. Okay. And looks. Okay. Councilman Borton.

Borton: Hethe, you have done projects of all different types and sizes and I had the same parking concern, but in some of the -- the solution it seemed to be in this particular development the size and you referenced it a little bit, the size of the -- of the property attached or detached, is -- is so small that it really doesn't lend itself to the family that -- that has the, you know, mom, dad car and the three kids each have -- in the five car family and kids on the streets that sometimes you see worse parking problems with larger lots. The garage is full of stuff and you got three or four cars. It seems like this wouldn't lend itself to the three or four car family. Is that the design element?

Clark: Mr. Mayor, Council Member Borton, that's correct. Yeah. These -- it's 1,300 to 1,800 square foot homes. So, you know, if it's -- if there is a young family that's in it, it's a starter home. Before there is five kids they are typically out of this. You know, they are not -- they are not going to be in -- in this type of a home. And, again, it's two spaces in the garage, plus 20 foot driveways, you know, that -- so, you have got plenty of room for parking, even if you had a little bit of storage in the garage.

Borton: Okay. Thanks.

Bernt: Mr. Mayor?

Simison: Councilman Borton -- Councilman Bernt.

Clark: Already forgetting his name.

Bernt: Same haircut I guess. That's funny. So -- so, in a previous slide you had mentioned similar subdivisions and I'm not sure if the same builder builds in all of this. I -- I don't know. But would this subdivision be like a Movado or a Stapleton? Those are two very different subdivisions.

Clark: No. This would be more like Movado, but the -- but the -- the smaller product type portion of Novato -- Movado. Excuse me. So, the -- the example that I provided you of Verado is probably the closest one.

Simison: Hethe, one thing that I'm -- I'm assuming the mail pickup locations are those little brown boxes? Am I close to where those, in theory, would be on either end of the linear pathway? Where you have -- my -- I guess, you know, I only have what's near my home for another subdivision I drive by and we have cars parked on the right-hand side and, then, people are pulling up on the left-hand side, there is still room for us to get through because of the wider streets, but when these are smaller streets, I -- I don't know

if you -- can you reserve a place for people to stop in? I don't know how busy it's going to be if it is a smaller area, but just worried about people being able to access when you are trying to get people to stop in an area.

Clark: Yeah. I -- Mr. Mayor, we anticipate that the -- the mail kiosk -- can't think of the correct word right now -- will be near the pathways. So, they would be in locations kind of like around here or around here, where you are not going to have as much of a confluence of home and driveway, you are going to have actually more room to pull out if you need to to be able to do it.

Simison: Those are areas where you currently have parking slated. I'm just -- do you -- even if something was like parking for -- no parking except for picking up mail -- because you have a smaller street, that's my concern, is that cars may be parked there and other cars are pulling up to get their mail and, then they are -- you don't have room for other traffic to get by. Small thing. Minor thing. Just a noticeable thing that I'm seeing as -- even in the very small subdivision behind my subdivision nobody walks to the mailbox. They all drive up at 5:00 o'clock when they get home or 5:15 to -- to check their mail.

Clark: Absolutely. Yeah. The -- so, with the 27 foot road sections, they are signed -- there will be signage on the other side saying no parking. So, there would only be parking on the one side. But that's actually a great note and we will take that into account.

Simison: And, then, I won't give you my comments on the school district. I will save that for the school district.

Clark: Okay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will ask a question, because it's an interesting part of the staff report. So, Mr. Parsons can -- can see if your answer suffices, but it references -- and it may be academic, because you have got the park to the north, but the allocation of open space qualified one half of the arterial street and I don't recall ever seeing a staff report reference to the new UDC requirements and -- and some uncertainty as to whether or not it meets those. So, Mr. Clark, can you present evidence that these buffers are enhanced beyond the pathways, trees and grasses?

Clark: Yeah. I'm sorry I'm laughing, because I remember -- when was it, a year and a half ago or 'ish when we redid the landscaping ordinance and I came and provided comments and one of the comments was I don't know what the heck these things mean on those standards. It's -- I -- it's just kind of funny that -- to -- to be back here. So, the questions are -- well, you know, whether this aligns with the quote, unquote, enhanced amenities with social interaction characteristics and the enhanced context with the surroundings. I think those are the two factors that staff mentioned that they weren't sure

if it satisfied. So, I -- I think it's pretty straightforward the landscape buffer includes the regional pathway and the regional pathway is where you go to walk, where you go to interact with your neighbors, where you take your dog to go up to the Discovery Park Dog Park. So, I think it's pretty clear that there are social interaction characteristics that are associated with that pathway. In addition, the regional pathway also connects to Discovery Park. So, it's a way of being conscious of the surroundings and the overall design and so from that perspective we see that as satisfying both. So, I hope that answers the question, Council Member Borton.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just have one more question. So, the sewer services and everything are dependent on Apex phase three. So, what's the timing of your project?

Clark: Yeah. Council Member Strader, the -- the timing of the project is -- I think given where we are in the year and where we are likely to be in the construction cycle next year, I don't think we will have paving in '23, it will probably be '24. And so that means that we -- we fully expect that those services will be there by the time we are ready to -- to go forward.

Simison: Anything else from Council for the applicant? All right.

Clark: Thanks, everyone.

Simison: Thank you very much. Council, do you want to take a break before we get into public testimony? We got a yes. So, we will go ahead and take a break and reconvene at five after? Ten after? Five after. 8:05.

Recess: (7:55 p.m. to 8:05 p.m.)

Simison: All right. We will go ahead and come back from our recess. And, Mr. Clerk, do we have anybody signed up provide testimony on this item?

Johnson: Mr. Mayor, we did. We have one in person and online with their hand raised. First is Robbie Reno with Kuna School District.

Simison: Robbie, welcome. If you would like to state your name and address for the record, please.

Reno: Robbie Reno. Kuna School District. 711 East Porter Street, Kuna, Idaho. We are your neighbor to the south and like the staff said, this is our first property that involves your -- your great city. First, Mayor -- Mayor and Honorable Members of the Council, it's interesting times in the city of Kuna and our -- and our school district boundaries. The applicant -- the reason that we are here coming to -- not only your Council and our City

Council expressing concerns on growth is because of the unprecedented growth that's happened in Kuna. Currently right now there is 5,000 homes that are up -- that are annexed, plotted and approved to be built on top of the Hadler Subdivision that has not been approved or annexed and so because of that and the growth that we have had, yes, Mr. Clark showed our growth patterns. Well, we have had COVID in the middle of that. We have had a decline. We have had increase. But even if we take the 1.33 at 5,800 kids, that's still over 700 kids in one year. That's enough for an elementary. We try to push for 600 kids for an elementary as the size. So, if every year we are getting 600 kids every year, that's a lot of kids and we have -- we had a capital plan. We have had to scratch that and we took a year process with our constituents and with our community to create a ten year plan that was -- that finally got adopted on -- the first phase of it last month at our board meeting. But in that -- in that plan -- in that ten year plan that we -- we are going to need six elementaries, two more middle schools and in addition to the current partial high school that has been built and so we have a lot of growth that is coming our way that is approved. So, our board is having to take action and so that's kind of the back story of why -- why I'm here as an agent of the board. Our board has recognized this and wants to take action on those. Mr. Clark mentioned Idaho Code that schools do not get mitigation fees or, sorry, impact fees and he's correct, but there is an Idaho Code Section 67-6513 that is the subdivision ordinance that you, as Council, are -- sorry. Not Council, but it includes school districts in that, that a developer or subdivision, which this is a subdivision, can have mitigation and that's what we have asked for them for that, to help with the mitigation, so it's not passed on all hundred percent to the current residents of the city of Kuna. The client referenced that he doesn't know where the money is going. We have been collaborative and we work with them that we put it in a discretionary fund -- sorry, not discretionary fund -- a capital -- a capital improvement fund. We gave him that list, so that he could choose which projects and which things his -- he would want to put his name on to help promote his subdivision for those things. We are collaborative in this process. We want to work with developers and we want to do this.

Simison: If you can wrap up.

Reno: And -- and so we -- we -- we want to work with the developers to come to a conclusion to help, so that we -- if we don't, so that we can mitigate those -- those capital projects, so we don't have -- so, that we can build schools. For example, we have gotten over 60 acres donated at that cost of -- or sorry -- over 160 acres donated that has saved us -- our district 27 million dollars. Well, currently that's the cost of one elementary to build. So, we don't have to bond for 54 million dollars to build one elementary. We only have to bond for 27 million. So, that as a mitigation has helped -- helped our school district and our board be responsible for this and all we are asking is -- this -- this is a simple annexation and that we just -- we can't serve without collaboration with that developer.

Simison: Thank you. Council, questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. And I -- you know, I realize we gave Mr. Reno three minutes. I kind of look at him as a representative of a group and so I guess I just was going to ask if he needed more time to kind of explain his basis, maybe that we consider that. If -- if not I -- I do have some questions for him.

Simison: Do you need more time to --

Reno: I will just -- I will take the questions, because I think that's more important. It will save you guys time and I can go on and on, but I know you guys have specific questions.

Cavener: Thank you, then, Mr. Reno.

Reno: Thank you, though for the opportunity. Yes.

Cavener: So, if I understand correctly, you are both a high school principal, but also an acting agent of the board?

Reno: Correct.

Cavener: Can you kind of walk the City Council through what -- what that role is?

Reno: So, we joke in the -- as the admin team in the -- in the Kuna School District that you are not just an admin, you wear multiple hats, because we run a tight budget and we run very efficiently that we have multiple positions within our position. So, I'm lucky enough to be the principal of Swan Falls High School, our newest high school. That's not quite a high school. So, I have some -- some -- some time in my day to -- to take on this additional task. Another administrator is our district safety coordinator on top of being a principal. Our other -- another administrator is our district title. I mean we just have multiple roles and so got it. As -- as the board has designated me and another person in the district, because it's been a priority of our board to help figure out this situation that we are in, that's been a priority for the board. So, our superintendent designates those positions to help the board achieve their goals.

Cavener: Well -- and kudos to -- to you and your team for being small, but mighty and trying to -- you know, everybody is rolling up their sleeves to serve the students. My -- I guess maybe my first kind of overall question is what was the basis of determining the fee amount? Has -- has the district conducted a cost recovery analysis or a fee impact analysis against your ten year plan? Where did the dollar amount come from?

Reno: So, the dollar amount -- so, we had TischlerBise do a study, how much -- what would it take to -- for impact fees to cover the cost of schools. They came up with a rough number, about 30 -- 30 -- 34,200 -- 32,700 dollars per door to help with -- to -- as an impact fee to cover the cost of schools and the growth. So, we took that number as -- the board took that number and said, okay, if developers can take ten percent, 3,270 dollars,

and that be the mitigation -- that we are not asking our current residents to burden a hundred percent of -- of the burden, that we are only asking for 90 percent to help pass our bonds, to help that and to be more efficient with those. That's where that -- that -- that number came from.

Cavener: Mr. Mayor, a couple of follow-ups if I may.

Simison: Councilman Cavener.

Cavener: Yeah. So, Mr. Reno, how -- how many units in the Kuna School District history has this fee been attached to?

Reno: Current -- so, this is new in our process. You know, when you start something new you don't know what you are doing and so currently we -- we -- through land donation -- we don't say straight -- straight money. We want to be collaborative. Are there capital projects? Are there other things -- land, other capital expenditures that you can do to help offset the cost of using bond monies to pay for schools and so currently we have one, two -- four -- four developers for sure that have agreed to -- to -- close to previous amounts before we got the TischlerBise study and, then, we have had two land donation sites that are equivalent to the 3,270 per home.

Cavener: Okay. So, Mr. Mayor, maybe -- maybe I didn't ask the question the right way. So, since you -- the district completed this TischlerBise report -- and, frankly, I -- I would hope that it's something the district would share with the City of Meridian -- how much have you collected -- how much have you assessed -- how much does -- I guess the city of Kuna assessed on your behalf and collected?

Reno: So, the city cannot collect it. We have to collect it and so --

Cavener: Okay.

Reno: -- currently --

Cavener: So, how much is that? How -- how much have you assessed from development where you have said we need 3,200 dollars per door -- how many doors have you collected money for?

Reno: Current -- well, we put it on -- we -- we -- we help -- we work with the developer. We put it on -- okay. The building permit or the occupancy permit and that's something we worked collaboratively with this developer, said, okay, when it's an occupancy, you know, that's when it would -- to help the developers sell their property and ensure that the product doesn't incur debt on them. Currently we have not -- we have only collected land donations, because other projects have not commenced.

Cavener: Okay.

Reno: They are in the pipeline, because there is a sewer problem in the city of Kuna.

Cavener: So, if -- if -- if -- if I were to say that you have collected zero dollars as a result of this assessment fee I would be -- I would be correct?

Reno: Correct. We have --

Cavener: Okay.

Reno: -- we have gotten land and we have agreements with other developers.

Cavener: Okay.

Reno: But they have not broken ground on their projects yet.

Cavener: Mr. Reno, I would love to see a copy of that report that you guys have -- have conducted. I think that's helpful for us.

Reno: Yeah.

Cavener: This is not going to be the -- the last time that we will have an application for an annexation in front of us in Kuna.

Reno: Correct.

Cavener: And understanding the consistency of your approach -- and certainly we see in Meridian all the time -- developers see a benefit to their development to include extra green space or land for schools and we certainly applaud that. There is a difference of that being a competitive element to incentivize their neighborhood as a place for families, as opposed to -- to requiring them and I think one of the things that this Council has been really supportive of is that we want to make sure that we are addressing the impacts of schools holistically, but I'm -- I just want to be real frank with you, I'm -- I'm -- I'm very hesitant for the -- an annexation within the City of Meridian to be the very first one to either ask or condition or anything like that, some type of -- of a fee for us. So, it's just -- it just seems a little out of sorts for me to -- to hear from the district to say this is -- this is where you guys are and maybe a good message to go back to your school board is that we have a very strong collaborative relationship with the West Ada School Board and we would love to be able to hear from Kuna School District members as well.

Reno: Absolutely. Absolutely. And do I just provide that to Mr. -- the city clerk?

Cavener: Yeah. That would be great.

Reno: Great.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: To that point, Mr. Reno, what -- what has the school district done with the Kuna City Council in terms of -- of informing them, having meetings, trying to work through this -- this situation and what's been the outcome if they have had these meetings?

Reno: We meet once a month with the Mayor and his legal team and our legal team. We -- we do that. We have done joint meetings with the school district and their city council -- and the city council -- city council. Very involved with them and being collaborative with them.

Hoaglund: Follow up, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Are they stopping development or are they -- have they done it -- we have looked into moratoriums at one point with our West Ada. I mean where -- where are they in that process? What -- what -- what's the outcome of those meetings?

Reno: So, like I said, it's been mixed; right? Once that developers have supported us we have been in support of them and they have passed and ones that haven't -- some haven't and some have. But we are -- we are getting that to a much better process with our city and so --

Hoaglund: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. It's really interesting. So, just to recap, make sure I'm following. So, it sounds like you have had -- since you have adopted this approach you have had seven developments that have either donated land or paid this mitigation fee --

Reno: Or other mitigation.

Strader: Or other mitigation. Okay.

Reno: A developer donated a bus.

Strader: Okay.

Reno: Other -- other things to help with that.

Strader: Got it. And, then, the approach with your city council has been you are -- you are providing your opinion on each development and you are asking developers to provide this fee --

Reno: Or mitigation.

Strader: Or mitigation. Okay. And so I -- yeah, I mean because one -- I -- I think the biggest issue I would have is consistency; right? And -- and I think this is going to be a much bigger issue than just this development.

Reno: Correct.

Strader: And we are aligned in the sense that I personally feel it is very unfortunate that we don't have a way to build new schools efficiently and effectively in the state of Idaho. We deal with that with West Ada all the time, too. This is just a different approach, certainly, than West Ada has taken, but I appreciate -- you know, you are giving a very clear answer as to whether you can support these students. So, is the math behind -- you have got -- so, you have got a limited amount of capacity. You have 5,000 units coming. You are also -- you also have kids graduating every year and so is that based on a projection of the delivery of those units over time? Like how -- what kind of went into the -- if you don't mind -- you don't have to give me like the ins and outs, but --

Reno: I will give you a simple -- a simple answer. There is capacity and working capacity. Like this room --

Strader: Right.

Reno: -- the occupancy of 440. But we know we could fit 600 people in here. An elementary school has ten classrooms, but by that -- you know, by an architect's definition, ten classrooms, 30 kids per class, you -- you have -- that's enough for 300 kids for that elementary. Well, we have to have a special ed room. You can't have more than ten, 15 kids in that room. Kindergarten class you don't want 30 kids in that class, you want 20, 25. And so when you do that workable capacity, that -- that architectural capacity of 300 kids per that -- for that school of ten classrooms is not really 300, it's more like 225. So, yes, we -- one thing this process has done is made us get better at our data, because it's getting attacked. I mean -- and so we need to get better at our data as far as -- because currently we publish our architectural capacity, not the workable, teachable occupancy.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I very much understand, because we went through with West Ada and they eventually, because of our non-stop pestering, created a projection model that differentiated between physical occupancy and, you know, they -- they have attempted to do something similar around what their actual serviceable capacity is. I don't know if it

ever really arrived at the same level. But in terms of the concern about the amount that is approved -- so, you have 5,000 units approved. Is that delivery in the next five years, ten years, 20 years?

Reno: So, we have a projection in the next ten years --

Strader: Okay.

Reno: -- that will be about 4,000 kids without a seat -- if we don't -- if we don't build those six elementaries, build those two middle schools and finish another 5-A high school.

Strader: Yeah. Okay. That's really helpful and I just want to appreciate you for coming and being very frank about that. We face the same challenges, but we have had a little bit of a different approach so far from our district. But this is helpful.

Reno: We tend to be the first -- we -- we did all day kindergarten as the first district in the state and so we -- we like innovation.

Strader: Fantastic.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Also, like my fellow Council Members, trying to wrap my head around how this model will work. So, my understanding the intention, then, is with this collection of fees that the district would use cash to -- to build and move forward. So -- or is this going to be some sort of down payment or cash that leveraging -- and the reason I'm asking is because the assumption is that all of these homes close and upon occupancy you receive funds. But the economy doesn't work like that. You are going to have ups and downs in the next decade and so if you are planning on delivering these schools over a ten year period and you don't have the cash to build the first one, because enough homes haven't -- haven't closed, how is that a stable model of funding and then -- and you kind of made this promise to developers at the front end, but, then, you can't deliver an elementary school in two or three years, because other developments haven't -- it just -- it's -- it's creating a designation of one developer dependent on others closing their developments as well and I -- I guess I'm just not understanding how that is something they can rely on.

Reno: Correct. But if we don't pass a bond we will -- we have -- we can't support them anyway and so it's not a -- it's not going to -- it's not going to fix the system, it's just to help our constituents, our patrons see that developers are helping and so we can sell a bond to the people and that's -- it's to -- it's to help make up that difference, because right when you build a house and you buy it in November, those tax rolls don't go to our levy rate until that next year and so there is a gap there and so we are -- that's another way to look at it, too, is we are trying to fill that gap as far as that component. But, like I said, it would go into a restricted fund where we can't -- you know, I'm not going to get a half a million

dollar raise because I got this money. No. It's going to go to capital -- it's going to go to a restricted fund to build off of those -- those -- the -- the capital projects over the ten year plan.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Has the city of Kuna officially passed a policy that they are going to require this for new developments within city limits?

Reno: One thing that they have done is they have made Kuna School District a critical agency. Currently, you know, fire, police and sewer and -- those are critical agencies. We are now considered a critical agency under the city of Kuna code. So, they can deny under a request of a critical agency.

Perreault: Okay.

Reno: I don't know if West Ada is a critical agency in -- in your city.

Borton: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Councilman Borton. Council Woman Perreault.

Perreault: Sorry. One -- one more thing I have. So -- so, I don't know if you are familiar with what Mr. Clark was presenting in terms of West Ada's plan for when a school -- when schools are over capacity, they kind of have a, you know, priority list to how they handle that. Do you have something similar before you get to the point of constructing new a building?

Reno: Correct. Currently we bus Reed Elementary. We bus kids to Indian Creek and Ross, because -- and that's one thing we are getting better at our data. We want to look at our district, because we are still condensed, we are not spread out. This -- this development and other developments will help spread us out. But right now we are pretty condensed, centralized, so we can bus kids to elementaries, we can add portables, but, then, again, you know, we can do those things as -- as we -- as we need. But, yeah, the -- we -- we shift elementary schools, we shift between our two middle schools, and we -- we only have one high school and the annex of the high school. We move programs if we need to. We can redo boundaries. We have -- we have done that before. So, for example, in our last ten year plan, the plan was to take 6th grade that was in the elementary schools, take the bond money that was passed, so we could only bond for 40 million -- we don't have the tax base that Meridian does. Eighty-eight percent of our tax base is -- is residential and 12 percent is commercial. You guys are way better at commercial, which is awesome for you and takes the burden off our -- off home owners.

But what we can do is we can -- we can redraw lines and -- and -- and do those things, too.

Simison: Mr. Borton, did you have any questions? Okay. Mr. Reno, I had a privilege of seeing Swan Falls, a beautiful facility, and should be very proud of while you are there and Senator Bernt is -- definitely will -- is a big advocate of the CT programs and if you haven't been down there you may want to go check it out as well in the future. As an agent of the board -- these are not directed towards you, but I will ask the question --

Reno: Yes.

Simison: -- as it was inferred. Would Kuna School District be supportive of this project if they had received a financial contribution from the developer?

Reno: Yes.

Simison: So, that is the policy of the board that if you pay them money they will advocate in support of residential growth and development.

Reno: Or mitigation.

Simison: Or mitigation.

Reno: And so yes. As the board -- that's the direction the board is taking.

Simison: Okay. So, it really has nothing to do with your ability to serve now or in the future, it's -- you pay, you're approved, in Kuna.

Reno: Sorry, Mayor. The hope is that as we collect these it will help bridge that gap, so that we can pass those bonds from -- from our constituents.

Simison: Okay. Yeah. Personally I'm just going to give my two cents. I have -- I have spoke out against ITD having a very similar policy of voluntary payments for Highway mitigation when they don't have an impact fee statute. I understand there is a need, but I -- you know, I'm not the attorney up here, we have two others, but I highly encourage this Council not to consider these type of things in the deliberations. This voluntary or not exaction -- I'm going to use those words. Not their legal team. But it just -- it doesn't feel right. You know, if -- if there are state laws that need to be changed, we will go help you try to -- and we do. That's what we work with. But I don't think this is good public policy when it comes down to a financial -- to get an agency to agree based upon a financial contribution and if you don't do that, then, they are not going to be supportive. That's my two cents, so -- just had to say it on the record. And I know it's not you, it's your board's policy.

Reno: Yeah. Yes. Yes. No. I know. And that's one thing that we all got to remember is I'm an agent of the board.

Simison: Yep.

Reno: It's not me that's doing this.

Simison: Absolutely. So --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I know we are not here to make a determination on Kuna's board policy. I agree with our Mayor, but I just want to say I don't -- I don't think it's a feasible financial model. That's my primary concern. That being said, if the city were to agree to annex this property, how will -- and -- and not -- not encourage the applicant to make that contribution, we can't -- we can't condition it, how is -- how is the city and the -- well, you can't speak for the city. How is the school board going to treat the applicant? Are they going to still allow the -- I mean, obviously, you have to allow their students to attend schools, but is -- is this going to create a challenge for them in any other way?

Reno: As far as -- so, if you -- I mean, yeah, this is -- this is developments on our northern boundary. The closest elementary -- because we don't have a school on the east side of Meridian Road, as far as like that -- that area, they would have to be shipped all the way to Ten Mile is that -- the zoning for that school district is on Ten Mile and -- I forget. It's not Ardell. Mason Creek. So, it's a -- I think it's 7.1 miles from that subdivision to the closest elementary. 7.1 miles. Yeah.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I -- I -- just some feedback. You guys are doing it the way you want to do it and I get that. As a decision maker who wants to support making sure we treat schools as an essential service in our community, I -- I personally think a moratorium -- or a more principled approach would -- would -- would make more sense, because if you had come up here and said in the next ten years, you know, we can't serve -- you know, we are going to have 4,000 kids without seats and that's the decision making point for us and it wasn't about this fee, then, I would be behind you a hundred percent. But it's that there is this tradeoff, which you have -- yourself said outright that you would support the development if the fee was paid. I'm -- I'm having a really hard time with that. Unfortunately, I think I would have to sort of exclude that from my decision making tonight for that reason. It's not personal. I -- I get it. You are here as one -- a representative. You know. But I -- I -- I do want to say I hope that we can work together in the future closely to try to come up with an approach and, you know, the -- this impact fee issue is a huge issue. I don't know. I think we are all stronger together trying to figure it out together. So, thanks for coming.

Reno: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I just want to quickly say thank you very much for being here. I have learned a lot. I know it's hard to have these conversations. We are all sitting up here and making very candid -- sharing our candid thoughts. So, thank you for being here this evening and spending your time doing this with us.

Reno: Absolutely.

Simison: Sorry about the game.

Reno: It's okay.

Simison: All right. Thank you very much.

Reno: Thank you.

Johnson: Mr. Mayor, next is Julie Edwards. And, Julie, you can unmute yourself.

Edwards: Hello. Can you hear me?

Simison: Yes, we can.

Edwards: My name is Julie Edwards. I live at 1310 East Mary Lane in south Meridian and I just wanted to say that I appreciate the Kuna School District coming forward with their honesty and concern for accommodating their new students. I sometimes feel like I wish West Ada would do the same. I just wanted to say, too, that I feel like the -- it's easy for the developer to say, well, it's just -- it's just another hundred kids. That's all. But in the bigger picture, just south on Locust Grove -- I believe it's Locust Grove and Hubbard and to the south, there are hearing signs there for 536 homes going in. So, beyond the -- you know, the 5,000 that are planned there is 536 just to the south of this project. Another thing is the housing. I think a variety of housing is great. I would still love our wide open pastures, but I understand that's disappearing. So, a variety of housing for a variety of people is great. However -- but we also like space to breathe; right? People want to walk outside. I agree with -- I can't remember which Councilman said it, but getting rid of -- if, at all possible, the playground and even minimizing the green space to whatever the requirement is. I think 13 percent or something. Because of the school -- or I'm sorry. Because of Discovery Park just to the east. Common driveways -- I'm always going to kind of -- I'm not a fan of the common -- common driveways and on the on-street parking map, the bottom right section there is a common driveway and, then, there is one, two, three, four -- about 15 houses -- 14 houses where there is no parking on either side of the road. So, you have no parking -- extra parking for the common driveway and about

14 houses in a stretch there. So, less green space, because there is a whole bunch of it at the park, and slightly larger lots, so, then, if somebody does have smaller kids and they wanted that small little playground, they could just get -- put a play structure in their backyard. And as far as variety of houses, too, I don't know if there is a variety of housing prices. For example, Lavender Heights just to the north of Discovery Park, I stopped and looked at one of their flyers last year and they had two-bedroom, two baths homes, about 1,100 square feet for a half a million dollars and it is four houses sharing one driveway. So, I'm pretty sure there aren't people out there who are so excited to spend a half a million dollars and share a driveway with three other homes.

Simison: Thank you, Julie.

Edwards: Thank you.

Simison: Council, any questions? All right. Thank you very much. Do we have anyone else signed up, Mr. Clerk?

Johnson: Mr. Mayor, that was everybody.

Simison: Okay. Is there anybody present that would like to come forward and provide testimony on this item? If you would like to come forward.

Yorgason: Good evening. For the record Dave Yorgason. 14254 West Battenberg Drive, Boise. I do not live near this place, but my son does. My son would be a potential buyer, an occupant for this community. My son is a newly married -- in fact, I was texting him during the evening here. He is -- he is studying for his CPA exam. He is trying to be -- he does tax work here in the City of Meridian. He is a resident of Meridian and he rents. He would love to buy. Interest rates are awful. We could have discussions all day long. We are not. But we could talk about how tough the housing market is because of what interest rates have been doing. It might be a little bit short term. I think in the summer we could see a little bit of relief, but until we do it's really tough. So, I would just like to say that my son, who is newly married with a six month old child, might be a potential buyer for this community. I'm not going to say I'm supporting or against. That's not my role here tonight. I would also like to say I appreciate the discussion about schools tonight. This is a tough thing and leave it at that. And stand for any questions.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Dave, just -- you do development out in the Kuna area and what -- what -- I guess you could speak for yourself. I'm just curious to what developers think about this approach that the school district has taken? I mean that's -- it -- it's -- it seems interesting and I know that developers do -- oftentimes will donate land for a school site and whatnot,

but I don't know what you want to share or give me your thoughts on -- on that arrangement and if there should be something more formal. I'm just -- it is an issue. We -- we talked to West Ada about this, trying to figure things out. Hopefully, they figure things out. But it does have an impact on cost of homes, so --

Yorgason: Mr. Mayor and Council Member Hoaglund, consistency is really important and predictability is really important in the development process and when you get surprised with a big fee and there is no line item for it, it doesn't quite work very well. So, it's -- it's difficult. I know of many out-of-state developers who are not experiencing -- well, I will just say they are considering suing the city of Kuna. I'm not aware of a lawsuit filed yet, but I heard of one today that's debating it today. With a pending application, by the way, because they got this notice from the city -- from Kuna School District. I sympathize with Kuna School District. They are in a tough spot and I always try to work with schools the best I can. I really do. I grew up in Meridian, West Ada School District. Graduated Meridian High School. I get it. This is not -- this is a tough situation. But consistency and predictability are -- are important in the process. Hope that's a vague enough answer to help answer the question.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Yorgason: You're asking for my son's referral?

Perreault: No.

Yorgason: Sorry. You should ask the question.

Perreault: No, I hadn't thought about that, but thank you. No. I -- I would just like to pick your brain while you are here, because we don't get you very much.

Yorgason: Oh, sorry.

Perreault: What -- what are your thoughts or perhaps -- you know, I know you can't speak as a representative of the SB, but the ratio of townhomes and patio homes is -- you know, we -- we talk about diversity of housing and -- and we have had discussions about Meridian encouraging or -- or desiring additional units that meet that need, because that does help offset some -- some of the cost really -- you know, cost issues, maintenance issues, for -- for residents that -- that maybe now -- now cannot afford a single family home in a larger community. Would -- what -- what do you think of where our ratios are currently and -- and whether that's something that would be beneficial to the city to consider -- I mean we -- we can't require it, obviously, but, you know, it's -- it's something we have had discussions on.

Yorgason: Mr. Mayor, Council Member Perreault, I will speak in vague terms and not support or pick apart this development, other than to say it's been interesting watching

Meridian evolve and mature, following the footsteps of Boise, where Boise has gone through -- continues to go through this evolution. I see Boise today denying applications because there is not enough density and/or encouraging the developer to come back -- will you bring back a few more units, because we need more housing in our city of Boise. That happens -- I don't know if I can say more than not, but it happens quite a bit. Meridian is headed that direction probably. I don't know if you are there today, but I could see Meridian being there in the future someday. As far as your mix of housing product type, really depends on location, in my opinion. You saw an application I had before you tonight out on the rim. You need less density. You know, bigger lots or whatever. But when you are next to urban infrastructure, like parks or other facilities, I think higher density is more appropriate. I'm not going to speak to this project. That's not my intent tonight. But that -- I do think that's where your densities belong as a city is next to public infrastructure. Happy to sit down with you afterwards if you like. Any one of you.

Simison: Treg's buying tacos across the street afterwards, so --

Yorgason: I have not had dinner yet. Thank you, Mayor.

Simison: Thank you, Dave.

Yorgason: You are welcome. Thank you for your time.

Nary: Mr. Mayor? Mr. Mayor?

Simison: Mr. Nary.

Nary: So, Mr. Mayor, I -- I think you and -- and the Council sort of understand the dilemma here and understand the -- the problem and I guess if it's okay I would like to at least for the record -- because the public understands the dilemma you face, because they have raised the issue about mitigation in the statute and there -- and the word is in there and the -- and the word is defined by you as to what that mitigation means. But the statute also goes on to say that mitigation, if it's based on fees, the fees have to be created through the impact fee process and these weren't. These are created by a similar process or a like process to impact fees, but they don't follow the impact fee process, because the impact fee process doesn't contemplate school fees. So, therefore, to apply the mitigation standard under the subdivision of Idaho Code Title 67 is problematic when you want to apply a fee that wasn't promulgated properly under the statute. So, therefore, you can't do that. So, that's -- that's problematic one. Under our ordinance you also have to be able to find that services can be made available and that the concern they have here is that they are saying services may not be available. All school districts are constitutionally required to provide education for the children in the district. So, they constitutionally have to provide it. How they provide it is up to them. Whether it's contracting with other districts, whether it's changing shifts, whatever the tools and levers that they use that all school districts have to address are all available to them, just like the West Ada School District as they have told you previously. But the serviceability of it is really problematic when their mitigation factor they are using isn't supported by statute. So, then, it's up to

you as the Council to decide is their methodology of trying to enforce that and, then, wanting you to apply our code to saying it's not serviceable based on this one methodology they have chosen, which isn't supported by statute, is that reasonable? Does that gain enough weight by this Council to want to deny a project simply on that one lone condition. So, those are problematic issues for decision makers to face, but I really wanted the public to understand, because, again, I -- I understand. I have sat here a long time as well and I understand the dilemma and the concern that exists out there from all school districts with growth and this Council has wrestled with this for many years with growth. So, I understand the concern. I understand the why. But the method here really is problematic in statute and ordinance to be supportive of -- of that, because there isn't the underpinning of that for you to defend this. And, again, if we were to apply it and the opposite -- as we have stated in the past -- the parties don't have the ability necessarily to appeal the failing to annex the property, but they can make a takings findings -- a request for a takings analysis for a finding if the denial is going to be based on something that is not based in statute. So, now we, then, have to provide an analysis that we aren't taking your property improperly by forcing you to do that. So, those are things I think for the public perspective. I know this is probably very legalese and nobody else is going to care much about it, probably, but I think it's important to at least put on the record that although those are really compelling reasons of what their concerns are, I think the support for it just isn't there.

Simison: Thank you, Mr. Nary. Anybody else that would like to provide testimony on this item? If not, ask the applicant to come forward to close.

Clark: Members of the Council, Hethe Clark, 251 East Front Street in Boise. Thanks for the conversation. A couple just quick thoughts. You know, I think what Dave said is exactly spot on. You know, what you need to have in all of this in solving this tough nut is consistency. You know, the 67-6513 has these requirements related to impact fee -- the impact fee statute in order to provide for that consistency. So, people know that if they pay those fees that there is something that's being provided and as part of the outcome. You know, I worry that some of this actually makes getting the bonds passed more difficult, but I will leave that for tacos at some other point -- some other time. I -- I would also note that a 1.33 percent growth rate is actually 66 students per year, not 660 students per year, but it -- it is a concern that, you know, we are going to try to be supportive of and, you know, it -- just the same way we are with West Ada. We are a small user of public services. We know our product. You know, we have studied it. Black Rock Homes has done all of these projects. They study every inch. They do follow-up polls with their users. They -- they know these folks. They are relatively small users of public services and so we think that because of that and because it provides really a needed housing type and because we have jumped through all the other hoops, we would ask for your approval tonight and appreciate your time.

Simison: Thank you. Hethe, quick question for you. You alluded to earlier that the reason the street widths may be what they are is because of a preference of ACHD. Which -- would you prefer if you had your choice to have these streets wider, so that there was more parking throughout the development?

Clark: Mr. Mayor, I think -- and this is -- this is planning by Hethe, probably not more than -- than speaking for the applicant. But, you know, in general I -- I think a narrower road section is a good thing. A narrower road section leads to slower driving. It's usually more safe. It also has less public maintenance cost associated with it and they -- and they function great. You know, we have -- we have -- you know, we -- we see them all throughout the valley. This is actually becoming more of the norm than not is a 27 foot street section and so from that perspective I -- I think we -- I think we are good with the 27.

Simison: Okay. Council, other questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: You guys have consistency -- consistency down. All of your houses look the same. I'm wondering if -- intended to be a joke. Anyway. I'm wondering if -- if the -- no. Truly, though, I -- I -- that's the only thing that I have to -- to say that is a negative from what I can see is that they do look so much the same. So, are the renderings that are in here -- is there going to be more stonework? Is there going to be more variety than what you have done in your past projects?

Clark: So, the -- the renderings are all example and, of course, you know, Meridian doesn't have single family design standards, so it -- it will be -- you know, it will be up to the applicant to identify what is marketable. So, we will make sure that it is marketable. Is that -- is that a -- a good enough answer for you, Council Woman Perreault?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: No. I know it's something we can't condition. I'm kind of just joking around with you. But I really do -- I would encourage you and the applicant to give some more variety, just -- just because this is a purchased product. If -- if it's a -- if it's a leased product it's different; right? Folks don't have as much investment in it. But for the sake of future value -- try to make it a little more interesting.

Clark: Okay. Thank you.

Simison: Okay. I guess you can take a seat in the front row. Off the hook.

Clark: Okay. Thank you.

Simison: Actually, Hethe, I did have one more question. I don't even know if it's -- that's really for you or not, since we are talking about schools. There will be a charter school that will be built half a mile away. Are they precluded from attending -- the students here

are they precluded for any reason? I'm not exactly sure how the charter school boundaries work or don't work.

Clark: Mr. Mayor, I -- I don't know the answer to that, but as far as I'm aware there is nothing that would preclude it. In that -- I think you are referring to Gem Prep, which is -- which I mentioned during the presentation and is just within a few hundred yards.

Simison: Okay. Thanks.

Clark: Yeah. That's a good point. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe I can at least scratch a little bit of the itch of your question, because it's one that I had as well and, then, maybe some deliberation before we close the public hearing. As -- as I recall -- I -- as many of you know I coparent my oldest and he lives in one school district with his mom and another school district when he's with us. He's been a big chunk of time attending a charter school and he was eligible to go to that school in part because when he lives with his mom he was living in that particular district and most charter schools follow a tier and if they are over -- if they are under capacity, then, they can open it up to students that are outside of that district. So, it really ultimately depends on what enrollment at that Gem Prep school would be, is if students from this particular development would be able to attend or not. Just for what it's worth.

Simison: Thank you.

Cavener: Mr. Mayor, maybe some deliberation on this, in keeping the public hearing open. I came into this particular item with a lot of uncertainty. In part because I think decisions here tonight could have some impact on future decisions for our Council down the way. To me there -- there -- there were two questions and can -- I think we are kind of -- the two questions that came up are should -- should this be developed -- and certainly I think it meets the intention of the Comprehensive Plan. I appreciate the -- the testimony that we heard from Julie about always concerned about density and I think from a dense product that our Comprehensive Plan calls for, this is a -- a unique type of density and a good type of density, that it's not one that's going to drive a lot of traffic on our roadways. I think this particular model has really scratched the itch for the need in our community, which is why I applaud that we are seeing something higher density -- of a higher density in Meridian before some of the lower density comes in first. So, then, it really comes to is -- is now the right time and the feedback from the school district has really -- really weighed on me and, Mayor, I want to commend you. I thought your question of the district representative was -- was spot on, is that this -- this feels like coerced donations and I really struggle with that particular piece. I would hope that we, as a Council, have the opportunity to engage with the Kuna School District and get a better sense as to their needs to be a better partner. But I -- I'm not seeing anything tonight that would cause me

to be -- to press pause or to delay approving this annexation. So, I'm in support. I think it's a good fit to support some of the other land uses that are in the surrounding area. I know that we as a Council are kind of moving into this new district area and this was within my district and so I have taken a hard look as to how this fits within District 6 and I think this is a -- a good addition to our community.

Simison: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: A question for staff. Bill, this -- the -- the applicant has asked for a modification of that condition 2.A with removal of one lot. It looked like there was a request for two lots and it looks like the removal of the one lot accomplishes what the Planning and Zoning Commission was asking for. Is -- is that acceptable from your perspective?

Parsons: Yeah. Mayor, Members of the Council, that is correct. Right now, as I mentioned to you in my presentation, there are no conditions of approval, but if the Council does decide to overturn the Planning and Zoning Commission's recommendation, then, this condition would need to be modified based on what the applicant was showing you tonight.

Hoaglund: Thank you, Bill.

Parsons: To align with the revised plat that was shared with Planning and Zoning Commission.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Just a few comments. I -- normally I think this far out into our area of impact I wouldn't like to have a huge amount of density, but I do agree that considering it borders a public park that that sort of changes the dynamic. I think it's great that it would have access to that park so directly and it does provide a needed housing type and we have talked a lot about that kind of missing middle housing type and this does feel like what that is. I do think Julie has an interesting point, which is, you know, we are -- we are seeing this type of housing product, but are we really going to see a more affordable price point? I think that's a question that only the market will end up determining. Markets change, things change and evolve, so that as long as we keep supplying it -- oh, hopefully everything's all right over there. I think as long as we keep supplying it we are doing our end to keep the market healthy and -- and provide that housing. The parking for me has been a concern. I'm a little bit hanging my hat on the analysis they have done on the demographics and the users of this type of product. I'm really hoping that we are not going to see multiple cars per household. I -- I feel like the narrow streets and the -- the

parking are sort of a setup for a bad situation to the extent that we do end up with larger families at all that -- that come in here because of affordability issues. That's my only real lingering concern. I am very moved by the situation that the Kuna School District is in. I just -- I -- I don't feel like I can rely on -- on their rationale, unfortunately, as we already discussed. So, I think I'm okay with this one, providing that -- that housing type. But I -- I -- I don't really want to see super narrow streets in general. We have real parking concerns and I also hate common driveways and this doesn't have a ton, but it -- it does have some. So, it's a little bit of a mixed bag. I really came into this thinking based on the Kuna School District capacity, I would be an absolute no, but I just -- I -- I feel it would be illegal to rely on their analysis, unfortunately.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I agree with my -- my fellow Council Members' statements and just have one more thing to add about -- you know, I under -- the consistency element. I understand from a developer standpoint how sometimes we look at what would seem to be a really similar development in one location and say, hey, we think this works and move it to a different location and say, hey, we think it doesn't, but it's -- but it's similar. So, I'm going to be clear about why I think this works in this location and that is Discovery Park is one element, but Lake Hazel is going to be widened here. Eagle is going to be improved. Locust Grove is not. It -- it -- it's a -- it's a little rough up until you get to Overland. But it's a -- it's a nice overpass. They are not over capacity on Locust Grove. So, because this is in the location that it's in I think this makes it appealing, in addition to agreeing -- agreeing with Council Woman Strader, this is -- this is very much a needed product in our community and I also don't -- you know, don't typically like these types of projects this far south, but because of how that road network is going to develop and its proximity to other recreational and services that we know are now finally coming into the south side of Meridian, I think this will work for this area.

Simison: Council, further comments, questions, or motions?

Borton: Mr. Mayor?

Cavener: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move we close the public hearing on H-2022-0064.

Perreault: Second.

Cavener: Second.

Simison: I 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 and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton. Going five for five for different motions. I like it.

Borton: Fellow Council Members have described the -- the reasons that this project should be supported. One of the additional ones is we talk about consistency. It is -- you know, our comp plan is where it all starts as a guiding document and -- and medium density is what was intended to be here. So, being consistent with that long-term planning, this does just that. So, for that and all the other reasons expressed, I move that we approve H-2022-0064 as presented in the staff report of December 6th, 2022, and with the modified condition and understanding the actual conditions of approval would probably be brought back next week is that realistic or -- or does it need to be done separately procedurally?

Nary: Mr. Mayor, Members of the Council, I think our intention was to try to bring them back next week --

Borton: Okay.

Nary: -- for findings. But, yeah, we could approve it tonight subsequent to the findings coming back for approval.

Borton: So moved.

Perreault: Second.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: One comment and it's on behalf of the Kuna School District -- take aside all of the efforts -- thank you as an educator. You are -- you are spending your night -- you don't get a lot of them. My wife's an educator and administrator. And you work your tail off. So, we appreciate you coming out to Meridian and sharing your thoughts on behalf of your school board, collaborating with our city. Come as often as you can, but, please, know that we appreciate you and the time and sacrifice you make in the classroom and -- and running your school. Okay? Very very very much appreciate that.

Simison: Is there further discussion on the motion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

Simison: Anything under our future meeting topics? Or a motion to adjourn.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Move we adjourn.

Simison: Motion 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 9:04 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT E. SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK