

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, March 9, 2021, by Mayor Robert Simison.

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

Members Absent: Luke Cavener.

Also present: Chris Johnson, Bill Nary, Sonya Allen, Joe Dodson, Jeff Brown, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglun	<input checked="" type="checkbox"/> Treg Bernt
<input checked="" type="checkbox"/> Jessica Perreault	<input type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record It is March 9th, 2021, at 6:00 p.m. We will begin this evening's regular meeting agenda with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: The beauty of time delay from that standpoint. Next up will be our community invocation. It will be offered tonight by Pastor Mark Bryan of Harvest Church. If you would like to come forward. Absolutely. And if you all would join us in the community invocation or take this as a moment of silence and reflection. Pastor Bryan, thanks for being here.

Bryan: Our Gracious Heavenly Father, we thank you for the opportunity to be alive and to work together for the common good of our city and our state and our nation and this day that we live we pray for our Mayor and the Council, Lord, with all the issues that are before them. We pray for health. We pray for safety. We pray for peace in a troubling time. We pray for that wisdom that is from above, that is pure and gentle and wise in dealings and we pray that you would give them wisdom to order the events that are before them with discretion and honesty and the integrity of -- of the rule well. May we have peace and safety in our city and health and strength. We pray these things in the mighty name of Jesus, amen.

ADOPTION OF AGENDA

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

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: There are no changes to the agenda this evening, so I make a motion to adopt the agenda as published.

Hoaglund: Second the motion, Mr. Mayor.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, did anyone sign up under the public forum?

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

PROCLAMATIONS [Action Item]

1. Multiple Sclerosis Awareness Week: March 7, 2021 through March 13, 2021

Simison: Okay. With that, then, we will go ahead and do our first item, which is a proclamation for Multiple Sclerosis Week. If I could have Katie, Rex and Ashley join me at the podium. Yes. Thank you. Just so people can see. So, we are here today to do a proclamation and people are not here to hear me talk about this, but I will go into the proclamation and, then, turn it over to whoever would like to make a few words. But, Council, just for the record, I am joined this evening at the podium by Katie Martin, who is the MS Society Development Manager. Rex Parker, who is with the board of trustees for the MS Society for Idaho-Utah-Nevada Chapter, and Ashley Ferguson, who is the Walk MS presenting sponsor and also the owner of The Griddle Restaurant. So, with that I will go ahead and read the Proclamation. Whereas multiple sclerosis -- multiple sclerosis -- I have a problem with my -- with my S's. MS is a neurological disease of the central nervous system affecting 2.5 million people worldwide. One million people in the US and the National MS Society has been committed for 75 years to a world free of MS, highlighting public knowledge about and insight into the disease and whereas in Idaho it is estimated that nearly 5,000 people are living with MS and the disease generally strikes people in the prime of life, between ages 20 through 50, and whereas the cause of course of MS remains unknown and no cure currently exists, even though more than 1.06 billion

to date in ground base research has occurred to pursue prevention, treatments and a cure and whereas the Treasure Valley MS Walk brings together the community and raises funds to change the world for everyone affected by multiple sclerosis and this year's walk will be held on demand online at walkms.org on and after April 24th, 2021, and this year the walk plans to raise more than 100,000 for those with MS and whereas stopping MS in its tracks, destroying what has been lost, and ending MS forever is the mission of the National Multiple Sclerosis Society and one which all Americans and Idaho should support. Therefore, I, Mayor Robert E. Simison, do hereby proclaim March 17th through 13th, 2021, as MS Awareness Week in the City of Meridian and urge all the community members to become informed and involved in the fight, so we can imagine a world without multiple sclerosis. Dated today March 2021. So, thank you for being here today. I would invite any of you who would like to make a comment to do so and, then, we will do some pictures afterwards.

Parker: Just quickly I would like to thank the City of Meridian for joining us in the fight against MS. We have enjoyed the support of the City of Meridian over the years. You may know that we moved our flagship event Walk MS, the in-person event out to Julius Kleiner Park a few years ago and we had two wonderful events there before the pandemic and we are looking very much forward to coming back out to Julius Kleiner Park -- hopefully next year. And there is several ways you can support Walk MS. As was mentioned, go to walkms.org. The event is on April 24th this year and we have several different virtual experiences. You can walk your way with family around the block, through a park, take a hike, where ever you would like to walk is great. Also a wonderful way to support Walk MS is to eat at The Griddle this month. The staff has come together to help support the MS Society with -- by collecting donations and a portion of the tips I believe. So, that's probably the funnest way to support the MS Society this month. And thank you, Ashley, and thank you, Kalee.

Ferguson: As Rick said, my name is Ashley Ferguson. I own The Griddle restaurant with my husband, but the reason we became involved in MS and the MS Society is because I am impacted by the disease. I was diagnosed with it in 2009 and started doing Walk in 2011. It's my tenth year this year and I want a cure. I want a cure for those like myself and I want a cure for the people that come behind me. It's really really important. Living with a chronic disease is pretty tough and it has been hard with it being virtual, because one of the best things for me about Walk is that those people are in your shoes and they may need a hug or you may need a hug. You can have the greatest support system in the world, but not being able to see people that are in your same shoes can be kind of difficult. I do want to piggyback off one thing that Rex said. The times we have had it at Kleiner Park I just want to let the city know that your staff has been so awesome to us and so helpful and -- I don't want to name names, but way better than where we had it before.

Martin: I wanted to say thank you to the Mayor and the City of Meridian for welcoming us and having us here tonight. This cause is very near and dear to me as well. My mom has it and she was diagnosed when I was seven, so I don't really know my mom without MS. So, I am just really grateful that the nearly million people with MS still have a

community around them to gather -- whether it's in person or online, I'm very grateful to the Society and the opportunity that we get to have on this podium to just spread awareness. So, thank you very much for this opportunity.

ACTION ITEMS

2. Final Plat Modification for Baraya Subdivision No. 5 (MFP-2021-0003) by Matt Schultz, Generally Located South of W. Franklin Rd. and East of S. Black Cat Rd

Simison: Thank you, Council. Next item on our agenda is the final plat modification for Baraya Subdivision No. 5, MFP-2021-0003. I will turn this over to Sonya.

Allen: Thank you, Mr. Mayor, Members of the Council. Do you see my presentation? Alrighty. The first application before you is a request for a final plat modification. This site is located south of West Franklin Road and east of South Black Cat Road. The landscape plan approved with the preliminary plat as shown there for this site depicts a wrought iron fence between the multi-use pathway and the Purdam Drain in accord with UDC standards 11-3A-6C3, which requires fencing along waterways, such as this, to deter access. The only exception to this requirement is if it can be demonstrated by the applicant to the satisfaction of the director that said drain or waterway serves as or will be improved as part of the development to be a water amenity as defined in UDC 11-1A-1. The landscape plan submitted with the final plat application did not depict fencing along the waterway as required, nor was the drain proposed to be improved as a water amenity as an alternative to fencing. Therefore, staff included a condition of approval for fencing to be constructed between the pathway and the waterway in accord with UDC standards for public safety. The applicant does not wish to construct fencing along the drain and requests removal of that condition. The applicant believes the landscape architect erred by depicting the fence -- the fence on the plan originally and that the code in effect at the time may not have required the fence. Staff has verified that the same code was in effect at that time. Previous phases, one and three, did not show the fencing on the plans, nor were conditions requiring such included in the staff report. Staff missed it. No excuse. Therefore, fencing wasn't constructed along the drain in those phases. This is the last phase of development in Baraya that includes a pathway along the drain and would be the only portion of this development with fencing between the pathway and the drain and there is some site photos of phases one and five. A letter was submitted from Nampa-Meridian Irrigation District stating that they do not have parallel fences put at the top of a bank on drains and the approved license agreement for this phase does not include a fence. Therefore, a fence is not allowed. No written testimony has been received on this application. Staff is recommending denial, because the drain has not been improved per the required UDC standards to qualify as a water amenity for a waiver and this section of code is not eligible for alternative compliance or a variance. Staff will stand for any questions.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Sonya, in most of these phases there is already subdivision fencing, is that right, and backyard fencing that -- that backs up to these drains. In general the residents aren't putting gates out to the back of their properties? Do you have any idea by chance if people are actually accessing that area very often?

Allen: Mr. Mayor, Council Woman Perreault, these areas are accessed from common areas. I'm not sure if individual lot owners put gates in their fences or not. Some may. These -- these areas are common areas.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: A question, Sonya. What would it take for the drain to be improved as a water amenity? What -- what would they have to do to make that qualified?

Allen: There is a -- there is a standard for the slope of the drain. I believe it's a four to one. I would have to look at code. Just a moment.

Hoaglund: Mr. Mayor -- yeah. Sonya, I think there was a slope issue. I know on some of them they have to -- some put in rock down between the pathway to the water amenity. I have seen various things, but I wasn't sure what -- if we had a standard for that other than -- than slope.

Allen: Yeah. So, the -- the -- I'm sorry here. The water amenity is defined as any body of water, either natural or manmade, which either exists or is proposed to be improved as part of a development, in which its banks in all places adjacent to and located on said development are no steeper than one foot vertical per every four feet horizontally and which has a depth and velocity in all places adjacent to and located on said development, such that the product of the maximum depth, feet multiplied by the peak velocity and feet per second, does not exceed four and they do have to submit drawings from an engineer to meet these standards. To my understanding, though, the applicant isn't interested in doing that. I already explored that option with them.

Hoaglund: Mr. Mayor, follow up --

Simison: Councilman Hoaglund.

Hoaglund: -- on this -- and Nampa-Meridian Irrigation District for this situation they do not allow fencing. That was the letter I think that they submitted. Is that correct? Or e-mail.

Allen: Yes. Council -- Councilman Hoaglund.

Hoaglund: Okay. Thank you.

Simison: Council, any further questions for staff?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess I'm curious if -- if a situation like this has happened in the past, do we have the ability to follow up with the irrigation district? It feels like there is a safety issue and they don't want it and it is sort of -- this is like stuck in the middle. So, just curious if we have succeeded in -- in convincing them to allow a fence before.

Allen: Mr. Mayor, Council Woman Strader, to my knowledge it hasn't been an issue in the past and I'm not sure if it's just an issue because a license agreement has already been done for this phase or this subdivision, if that's why, or -- or if we have a conflict in our code that needs to be addressed. Our code is -- our code is a little funky on this. Creeks our code does not want fenced. We are not -- if we have a creek we don't want fencing to prohibit access to the creek, but all other waterways the code does require fencing.

Simison: And I think there is always that question mark between whose definition of what, is it a lateral, is it a creek.

Allen: Right. Right, Mr. Mayor. And we go off of our -- our mapping system and the labels there. The names.

Simison: Yeah. Because this doesn't look any different than what I have in Tuscany and there is no fence on it.

Allen: Yeah. And the applicant submitted some photos to that point in Warrick Subdivision and to Tuscany and Wells. They do look very similar. I'm not sure if there is any difference in the -- in the slope or not.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It's hard for me to tell from the photos, but how deep is it? I guess like worst case scenario how deep is it? Maybe that's a question for the applicant.

Allen: Yeah. I think you should direct that to the applicant.

Strader: Okay.

Simison: Council, any further questions for staff?

Borton: No.

Simison: Okay. I know we do have the applicant on as well. This is not a public hearing, so we will see if the applicant has any -- any information that they would like to provide at this time. Mr. Schultz, if you are there you are welcome to --

Schultz: I think I'm here.

Simison: There you are. We hear you and see you now.

Schultz: You see me.

Simison: As long as you are not driving.

Schultz: I'm in my mobile office and I'm stopped. I pulled off, so I didn't freak you out, so I am stopped. Matt Schultz. 8421 South Ten Mile here on behalf of Challenger Development on a project we have been working on now for 16 years now. I think this issue should have been addressed 16 years ago with the preliminary plat. I can't really remember back that far, although I was involved, as to how and why that got on there. It's probably one of those issues that -- you know, to Sonya's point, after going back and looking, sure enough there is a code that -- that lumps drains -- and this is called a drain on maps -- in with canals and laterals and other facilities that we certainly do fence off with parallel fencing for the pathway. We do fence off the Ridenbaugh Canal with corridor fencing. The Ridenbaugh Canal is very -- very deep and hard to get out of if you fall in and both Nampa-Meridian and developers and the city all want that fenced and we have fenced it. This particular stretch -- or this particular drain -- and I'm not saying all drains are created equal. It's a little bit of a vague term in my opinion, but this particular drain Nampa-Meridian considers a creek in terms of its characteristics. It's very -- it's -- it's -- it would be over my head in terms of the depth of the ditch if I was at the bottom, but the water itself varies from a few inches to a couple feet. Aquatic plants, cattails, ducks -- it's -- it's more of a creek and Nampa-Meridian looks at it as a creek in terms of -- they would like those open. They are interested in public safety, like we are interested in public safety, and I wouldn't want my toddler down in the bottom of this or a creek, you know what I mean. I -- you know, we -- all these things are dangerous to a point, but they draw the line that we put fences up against canals. We don't put fences up against creeks or this -- this drain and most drains is how Nampa-Meridian looked at it. So, we are kind of caught in the middle. In fact, we are really caught in the middle, because it's not the money. It's not the -- it's not anything other than it's what Nampa-Meridian wants and we are trying to walk the line here between the two agencies and we have built 1,500 feet of pathway to date. There is fence at the back of the adjoining lots. One side of the ditch has an access road. The other side of the ditch has a -- a ten foot paved pathway with some landscaping. Homeowners have not put gates in. You can still access it from either side from the public road and whether you put a fence up around it or not you still could get in there. So, we are not looking for violating the public safety. We think code may -- I don't know if it needs any tweaking or maybe it's one of those issues like -- like laterals that Council could grant waivers if it's over 36 inches if you fence it off and if it's -- this is

one of those cases where if the Council could grant a waiver if it's shown to be very similar to say the Ten Mile Creek. In my experience in Meridian in the last 15 years has either been on the Ten Mile Creek or the Purdam Drain and I have always thought of them as the same in terms of how we treat them with no -- no parallel fencing and certainly the Ridenbaugh Canal or any other dangerous facility we would put parallel fencing. So, I hope this is -- I hope that clears it up somewhat why we are here. We -- we asked Nampa-Meridian would -- would you care if fencing went in and they are like, well, we really don't want it, but we haven't really went back and said are you sure, you know, but -- so if Meridian said, hey, we absolutely need it, we absolutely want it, I can certainly go back to Nampa-Meridian and say, hey, they really want it. Like I said, it's not a cost issue for us, I think it's more of a -- a standard of the industry in the area and I think if we can get our arms around the safety issues, I think it enhances the pathway experience to have it open myself. So, with that we ask for the -- the grant of a waiver, for the final plat conditions of approval and we are looking forward to finishing up the Baraya Subdivision that I have been working on for 16 years now and this year, with the exception of -- there is an elementary school site that's still planned just west of this -- this phase that's coming up in the next few years, I believe. So, with that I will stand for any questions and ask for your approval of this removal of the condition. Thank you.

Simison: Council, any question for the applicant?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a question. You just alluded to the school site. Just remind me how close is that school site to the -- I guess this -- the little creek, whatever we are calling it.

Schultz: Yeah. It's probably -- is it a thousand feet? Is it 800? You know, it's in that range. It's a whole half of the site away. Probably, you know, 1,200 feet over toward Black Cat. It's a -- it will have some Black Cat frontage and it's about a quarter mile back to phase six. So, yeah, there is -- there is quite a distance. This isn't anywhere close really.

Strader: Thanks.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: To confirm, Matt, and/or staff or whoever, the other phases of the subdivision has not had this fencing that we are talking about?

Schultz: No. Mayor and Councilman Bernt, we did phase one and did phase four like Nampa-Meridian wanted, like the pathway. Parks Department agreed. We didn't even -- this issue never came up. We didn't think about it. We just kind of were -- you know,

2016 is when we did phase one. This thing, man, had several time extensions after the downturn to get going again. But nobody's ever -- now, I have never driven by and gone, man, that looks really unsafe, we should have fenced that, you know, or nobody's pointed it out, anybody looked and said you should have fenced that. It's just -- it just looks like the Tuscany Creek. That's the one that came to mind, because I have done a couple nearby and it's very similar depth, similar size flow, similar -- similar function for the -- for the Nampa-Meridian Irrigation District in that it takes seasonal runoff from fields and they both look like a -- they both look like a creek, but one is called a drain on a map and one is called a creek and the drain is subject to a different standard than -- than from the creek and so that's where -- why we are where we are.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: But what I'm asking, Matt, in other phases of this subdivision this fence we are talking about tonight is not in those phases; right? This would be the only phase that would have the fence that we are talking about; is that correct?

Schultz: It would, but on the principal of it, if you turn this thing down, I would probably go put a fence on the previous phases, too. You know what I mean? If it was something you strongly said we needed and said no, then, we would -- we wouldn't, you know, thumb our fingers at you and say, well, you didn't catch it on phase one and phase four, we would -- you know, it's -- it's one of those things. You just do whatever you think's right.

Bernt: Thanks, Matt.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Matt, that type of remark is one of the reasons you are a really really good land planner in this valley and you are -- you are very well respected and to dovetail on what you said, I will give you my two cents on this and -- and I don't fault you for the ask, but I -- I think the way our code is set up trying to make it, you know, objective and consistent in the application of these types of rules, so it's not a case-by-case and inconsistent application, that's really hard to do, so I saw that -- that UDC provision. This is a drain. Requires it to be fenced. The plat had it and required to be fenced. Staff has acknowledged we missed it on a couple of others and I appreciate your remarks on fixing it, but, then, if our code doesn't allow it, there is not a provision for variances or waivers, we don't have that authority. I, quite frankly, can't even recall a modified final plat application like this, it's very unique, and we don't have the authority to do it and the code states that it was required and the pre-plat said it was to be installed and to your credit and the applicant's credit they are willing to go back to Nampa-Meridian, our code needs it, you may be stuck asking to -- to amend that license agreement to provide it and if you go back and do it to the other phases, hats off to you, that's -- that's really a good

community neighbor participant, but I didn't see that we had the discretion to do it, quite frankly. I don't know if it would be appropriate to kind of wing it -- it even mentions here, so I wasn't supportive of the request, I just understood it and appreciate your perspective and at least making the ask I understand, but I don't think we can get there in my eyes.

Schultz: Well, I appreciate it, Councilman Borton and Mayor and the rest of the Council Members. We want to always do what's right and I guess thinking what you are doing is right and doing what's right are two different things. However, having said all that, the first thing we are going to do is go back and look at that subset of your code where it talks about depth and velocity and see if we can't meet that. The reason we can't meet the side slopes is, A, Nampa-Meridian doesn't want you going in and messing with their drains typically and flattening them out and changing grades. It's a long ways away, like it may be, you know, 160 feet wide instead of -- instead of a hundred feet wide, you know, an easement. So, I just -- the typography and everything just gets way blown up when you start talking about four to one and that. So, there is a conflict in your code with what Nampa-Meridian will allow within their exclusive easement. We put a pathway in there at their discretion. They have an easement that goes back to the beginning of time on that -- on that -- on that ditch and you guys worked out an agreement to -- we will let you put a pathway in there if you do this and you don't do that and so we are kind of at a little bit of a conflict. It is what it is now. All we can do is go back and ask them to put it in or meet your code or come back and ask to revise your code. I can't -- I don't know if that would go anywhere. And to me it's probably not worth -- we are not talking about a super duper expensive fence. I mean it's not a million dollars. It's probably about -- for phase five, 500 feet, it's probably 10,000. You know, there is another 1,500 feet that we have already put in, so that would be 2,000. The same standards we are talking about a 40,000 dollar fence to do -- to do the whole thing. And it's not small change, but it's not -- it's not earth shattering either. So, it's just something that Nampa-Meridian wants to know -- they wanted you to do what along the drain? Because they -- they -- they think it's a creek, we think it's a creek, but it says drain on a map and so there is some -- some semantics involved there. It's unfortunate for our situation, so --

Simison: Mr. Nary, can you just address Councilman Borton's comments. Is there no mechanism to really address this in our current process?

Nary: So, Mr. Mayor, Members of the Council, I mean Council Member Borton is correct, because we didn't create a waiver of this particular section of the code. So, he is correct in that regard. Here is -- here is what I believe. And, again, we don't have enough information really -- I mean, obviously, there is a -- there is a discussion on creeks versus drain and whether or not having the same standards apply to them. Now, in my experience in the -- in the Planning and Zoning arena, creeks are considered aesthetic most of the time. So, they tend to be left open because they are considered something you want to look at. Drains aren't something you intend to want to look at, because they look like that, and they have a tendency to look a little weedier and a little less -- a little less aesthetic value to it. So, fencing them off is pretty common. But -- but, again, drains are like Mr. Schultz said, they tend to be fairly shallow, they are just for runoff, they aren't for delivery, so, therefore, again, they don't move very fast. So, from a functionality

purpose they are pretty similar to creeks. Creeks have a tendency to be deeper in a lot of places, too, like Nine Mile Creek and Ten Mile Creek can be a lot deeper. So, I don't think we have enough information on whether or not we should change our standard yet. I think that's a question that maybe this Council may want to consider as we move forward, but we would want more data on whether or not we would like to do that before making a decision. Now, we haven't required it anywhere else a lot or we haven't enforced this requirement anywhere else along this, otherwise, you wouldn't have this conversation. So, I can't in good conscience, as Mr. Borton said, simply advise you to just ignore it. I can't do that now that it's been brought to your attention. I don't know what timing Mr. Schultz has to complete that and whether or not we could consider an alternative to the code in the interim. In the past we have allowed, in situations where there was not language to allow for a waiver or for a variance, we have granted them in the anticipation that we were going to change the code and we were in the actual processing of doing it. Here we are not that far along. So, I don't know when Mr. -- you know, I think you are going to probably have neighbors calling saying how come you are fencing this off now? I have been living here for five years and now there is a fence. It's going to look a little bit odd. So, I don't know -- really have a really good answer on whether or not to require it or not to require it. I don't know when you have to actually construct it. I appreciate, as Council Member Borton says, that Mr. Schultz is willing to just fence the whole thing. If he can make it match and look consistent I think that's wise, but it's not there now. I don't know we -- I know he probably wants this phase to get started, but this would probably have to be done by the end of the phase and if we have some opportunity in the interim to look at this issue and see whether or not the Council's directive is to the change that standard, then, he may come back and ask. He also could go to the irrigation district and they could say, no, we won't allow it and if they won't allow it we can't require it from them, so I don't have a really great answer, but I think there is still a lot of questions.

Schultz: If I may jump back in here, Mayor, and thank you Ex-councilman Nary. I remember those days. We will go back to Nampa-Meridian and say, hey, look, we want to put this fence in, they really really want it, how bad do you not want it and I'm not going to lead them. Like I said, this -- it's a very clinical -- this is a very clinical exercise for me. It may look weird, but it is what it is. It is what it is and I'm going to do my best to see what they say and if they say, heck, no, we don't want it, because of this, this and this, and I will report back and maybe I will be back in front of you guys again. So, where we are at in the process is we are getting ready here with the weather changing, if it is curb and gutter, ready to pave here in the next month or two, we will bond -- we will bond for the fence to fill out the plat to move forward and, essentially, all of those items -- whether it be landscaping or fencing that you got, will have to be completed, have to signed off on and inspected before we can occupy any houses, if they are bonded for. So, that's where we are at and so that will probably be, you know, middle of summer, you know, June, July. So, looking at my crystal ball we will probably be putting it in, but let me go ask Nampa-Meridian because if I get caught in the middle and they want to go to war over it and, then, I'm going to go back ask for some relief. But if there is -- if they say, well, we really don't want it, we will allow it, okay, we are going to put it in. So, that's where we are at. I appreciate it.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I might weigh in on this a little bit, just to give us hopefully some -- some understanding of the differences here. My father-in-law's former property in his dairy farm had -- all three had -- had Five Mile Creek, has a lateral and has a drain and -- well, they used to have that. Five Mile Creek -- that earlier picture that showed phase five is very steep sided, deep, weedy, has a few trees, but about that width and looks very very similar. The lateral -- lateral and canals, when -- in the offseason, in the non-irrigation season, those things are empty. Creeks and drains have water in them year round. A drain is what it does is it drains groundwater -- naturally occurring groundwater. There will be a little more water during the irrigation year, because there is more runoff and groundwater seepage, but a drain does have water year around and I'm completely blanking on the name of -- of the drain that was in the back of his property, because we go out there in the evening and jump ducks. We were up high like that and you could sneak up on them and up they popped and off you pop, so it worked out pretty well. But in our subdivision now, BridgeTower, where this is, the -- they did lower it a little bit in that picture that's in the lower left corner. It's about that -- it's more like the width of the one in the upper right, but the lower left the height is about down to there now and, then, they have a pathway and they put in rock and it's well used, well traveled. It's a nice water amenity year around and so we use that to walk and -- but I notice when you cross Ten Mile, when you go to BridgeTower West, it looks more like the one on the lower right. It's weedy, it's narrow, it's -- it's -- it's done a little differently, but the pathway continues and there is no fence and, again, this is a drain. So, I don't think we are being consistent necessarily in our -- in our standards, but yet it's an amenity, people walk on it, it's used all the time and it's very nice. Being that they are open water amenities, I mean we are in a semi-arid climate, I do like the fact that we have open water year around that we can traverse on. So, I think it's worth the discussion to say if it's a year around water supply, maybe we do look at it and to Matt's point, if Nampa-Meridian comes in and says, well, if you put up a fence and -- and drains, they do go in there and they dig them out from time to time. It's not every year, it's not every other year, but maybe every ten years, 15 years they will come in there and they can deepen them and make the water flow better. So, that -- that is one of the things about a drain that's different than the creek that I'm aware of. I know they cut trees along the creek. They have done that on Five Mile before, but it is year around water supply and something I think we ought to take a look at. Do we want to have that amenity year around and, like I said, the photo on the upper right with the steep banks, that's -- that's Five Mile Creek there at Ustick between Linder and Ten Mile. You -- you can slide down to the bottom. Dogs can run down. Kids are down there playing. But it is -- it is steep and no different than that. So, when we compare those types of things, I'm thinking maybe we ought to have a discussion about how we treat drains and creeks, maybe treat them the same, and as opposed to laterals and canals. So, that's just my thinking on that. But see what Council wants to do. I completely understand Councilman Borton's position that, hey, if we -- if we don't have a waiver we can't go down that route. So, if this is something we want to look at and kind of put this off and maybe that's -- that's an option.

Simison: Thank you, Councilman Hoaglun, and -- and, yeah, I didn't realize that there was this many differences and I live in an area where we have got a canal, a creek, and a drain. The only one that's actually fenced off is the Ridenbaugh Canal. Everything else is open and accessible. So, that's why I'm confused either by our code, by our application of the code, or our desired results from the code and really, you know, from -- from my perspective personally, not from code, is our relationship with Nampa-Meridian is important and we need to -- in my opinion what has worked well is we have worked with them and deferred to their wishes on these, because that -- that is going to protect the long-term value that we have for these drains and waterways in our community is working with them for their needs, so their needs can be met, so that we can also get the needs that we want to have met and so I would much rather have us work with them in this case and make sure that our code lines up with our agreement with them and they are not in conflict with one another.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: On that point is there any reason why -- it doesn't sound like we would need to take action right now. If there is a conversation and some cooperation that might be occurring, Matt might work his magic, create great progress and if this comes back in mid April to us, you know, it's well before any occupancy issues and we may know more on our side, as well as his, if he can get -- get them on board, then, maybe the issue solves itself. But in lieu of needing to debate and decide, might this just move 30 days to let him do that?

Schultz: That would be great.

Simison: And I'm going to -- to follow up, make sure that our code meets our agreement with Nampa-Meridian, so that they are in alignment.

Borton: Yep.

Simison: And if we need to change our code because they are not for what we want to have, then, we at least have that conversation with Council appropriately. So, with that I don't think we have ever seen a final plat take this long that I'm aware of. Do we need a motion officially to continue this conversation for 30 days?

Bernt: Mr. Mayor, yes, that looks like what we are needing to do. Is there a date, Matt? Do you have a date in mind? Do we have a date in mind that -- that works best?

Schultz: Whatever is convenient -- whatever is convenient for you guys. Thirty days sounds great.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will make a motion that we -- that we continue 2021-0003 to the 3rd Tuesday in April. The number escapes me, but our esteemed Council President might have that in front of him.

Bernt: That would be the 20th, Mr. Borton.

Borton: To April 20th and in making the motion, Mr. Mayor, again, I -- if we are stuck procedurally we are stuck. If the waiver is not an option, I make the motion hoping that Matt's able to -- to persuade Nampa-Meridian to make the request for this modification to actually go away. I would hope that's what can happen. Still allowing us the time to make sure there is clarification in our code, if necessary, but we will continue it, but, again, I am hoping that it goes away, so with that I move that we continue it to that date.

Hoaglund: Second the motion, Mr. Mayor.

Simison: I have a motion and a second. Is there any discussion? If not, all in favor signify by -- oh, do I need a roll call, Mr. Nary?

Nary: Voice is fine.

Simison: All in favor signify by saying aye. Opposed nay. And we will continue it until the 20th.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Thank you, Matt.

Schultz: Thank you.

3. Public Hearing for Shafer View Terrace (H-2020-0117) by Breckon Land Design, Located on the East Side of S. Meridian Rd./SH 69, Midway Between E. Amity Rd. and E. Lake Hazel Rd.

- A. Request: Annexation of a total of 40.48 acres of land with R-2 (10.66 acres) and R-4 (29.82 acres) zoning districts.
- B. Request: A Preliminary Plat consisting of 50 buildable lots and 10 common lots on 39.01 acres of land in the R-2 and R-4 zoning districts

Simison: Our next item on the agenda is a public hearing for Shafer View Terrace, H-2020-0117. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you

is request for annexation and zoning and a preliminary plat. This site consists of 39.01 acres of land. It's zoned RUT in Ada county and is located on the east side of South Meridian Road and State Highway 69, midway between East Amity Road and East Lake Hazel Road. This property is part of Shafer View Estates Subdivision to the south recorded in 2002. It was deed restricted and was only allowed to be used for open space for a period of not less than 15 years from the date of recording of the plat. That time period has since lapsed and it is now eligible for development. The Comprehensive Plan future land use map designation is low density residential, which is three or fewer units per acre. The proposed annexation is 40.48 acres of land with R-2 zoning, which consists of 10.66 acres and R-4 zoning, which consists of 29.82 acres, which includes adjacent right of way to the section line of South Meridian Road and State Highway 69 and to the centerline of East -- East Quartz Creek Street along the northern boundary of the site. A total of 50 residential dwelling units are proposed to develop on the site at an overall gross density of 1.76 units per acre, consistent with the associated low density residential future land use map designation for this site. Although the proposed density is more consistent with an R-2 low density residential zoning district, the applicant is requesting R-4 in order to provide a transition in lot sizes between the existing rural residential subdivision to the south, Shafer View Estates, and the future urban residential subdivision approved to the north Prevail Subdivision, zoned R-8. Larger lots are proposed along the southern boundary adjacent to rural residential lots that gradually transition to smaller lots to the north. A common lot that contains a 41 foot wide easement for the McBurney Lateral separates the proposed lots from the existing rural lots. If you can see the -- this little line through the -- horizontally through the middle of the project, that is the McBurney Lateral. The proposed plat is shown as a resubdivision of Lot 4, Block 1, Shafer View Estates, and is proposed to consist of 50 buildable lots and ten common lots on 39.01 acres of land and should be developed in three phases as shown. The third phase is under separate ownership and consists of one 10.66 acre lot that is proposed to develop separately with the Apex development to the east. Two accesses are proposed via East Quartz Creek Street, a planned collector street along the northern boundary of the site. Direct access via East Shafer View Drive, an existing local street along the southern boundary of the site, is proposed for the lots south of the McBurney Lateral. An emergency only access is proposed between the cul-de-sac and East Shafer View Drive. Access to the R-2 zoned portion of the site is anticipated to be provided from the east with the Apex development and that is the Brighton development that was recently before you. Direct lot access via South Meridian Road and State Highway 69 is prohibited. The proposed street sections accommodate on-street parking on both sides of the street, which should be sufficient to serve guests in addition to driveway parking on each lot. There are no improvements planned to the CIP or the five year work plan for Meridian Road or nearby intersections in the next five years. Development of the subdivision is required to comply with the subdivision design and improvement standards in UDC 11-6C-3, which includes block face standards. The face of Block 3 exceeds the maximum block length allowed and does not provide a pedestrian connection, other than the emergency access drive, which may serve as a pedestrian connection between the proposed subdivision and East Shafer View Estates to the south and that is this area, if you can see my cursor right here. The applicant is requesting Council approval of a waiver to allow Block 3 to exceed 1,200 feet due to the existing site constraints that

include the following: Number one. The narrow configuration of the subject property. Two. The location of the McBurney Lateral, a large waterway and irrigation facility that runs along the southern boundary and through the western portion of the proposed subdivision and, three, the existing Shafer View Subdivision that abuts the site to the south, south of the lateral, which does not include any pedestrian pathways or stub streets to this property. If not approved the plat should be reconfigured to comply with this standard and just a note it's the -- this is Block 3 right here and it's measured from this center section right here -- basically right here to the cul-de-sac.

Perreault: Sonya, I'm not seeing your cursor.

Allen: I'm sorry. I have got two screens in front of me and it was -- it's a little unclear what you guys are looking at. Can you see it now?

Simison: Yes.

Allen: Okay. Sorry about that. So, it's measured from right here and it's the whole face of this block right here. A emergency access road for the Fire Department is -- is proposed between the end of the cul-de-sac and East Shafer View Road, but it is not a public access and that is this location right here. A ten foot wide detached multi-use pathway is proposed along South Meridian Road and State Highway 69 within the street buffer as required in the pathways master plan. A detached sidewalk is proposed along East Quartz Creek Street. A combination of attached and detached sidewalks with parkways is proposed within the development. A 35 foot wide street buffer is required along South Meridian Road, an entryway corridor, and a 20 foot wide street buffer is required along Quartz Creek, a collector street. Noise abatement is required to be provided for residential uses adjacent to State Highway 69. A four foot tall berm and six foot tall SimTek wall is proposed as noise abatement in accord with UDC standards. A minimum of ten percent qualified open space or 3.9 acres and one site amenity is required to be provided with the subdivision. A total of 4.05 acres or 14.27 percent is proposed, along with four site amenities consisting of a multi-sport court, tot lot, gazebo shade structure and a segment of the city's multi-use pathway system in excess of UDC standards. A mix of six foot tall wrought iron and six foot tall solid vinyl fencing is proposed adjacent to common areas. Wrought iron fencing is proposed along the McBurney Lateral. Two waterways cross this site. As I mentioned, the McBurney Lateral, a large open waterway within a 41 foot wide easement along the southern boundary of the site and through the western portion of the site and, again, that's this area right here, and a 30 foot -- 38 foot wide slough and drain on the eastern portion of the site that the applicant has confirmed with the Boise Project Board of Control is not within an easement and that is this area right here. The UDC allows waterways to remain open when improved as a water amenity, as defined, or linear open space. The Council may waive this requirement if it finds the public purpose requiring such will not be served and public safety can be preserved. The applicant is not proposing to improve the McBurney Lateral as required in order for it to remain open and request a waiver from Council to allow it to remain open and not be piped. A six -- six foot tall wrought iron fence is proposed along both sides of the waterway to deter access to the waterway and to ensure public safety. Conceptual

elevations were submitted as shown that represent the style and construction of homes proposed within the development. The Commission recommended approval of the proposed project with conditions in the staff report. And I will just go through a summary of the Commission hearing. Jon Breckon, Breckon Land Design, the applicant's representative, testified in favor. No one testified in opposition. Marvin Ward and Gayle Ward commented on the application and Mary Wall, Breckon Land Design, the applicant's representative, submitted written testimony. The key issues of discussion were as follows: Concern pertaining to safety of access to Lots 2 through 5, Block 6, accessed via Shafer View Drive, with the configuration of East Shafer View Drive and change in grade in that area and that is these lots right here. Preference for one acre lots to be provided on the south side of the McBurney Lateral consistent with adjacent existing one acre lots in Shafer View Estates and, again, those are these lots right here. The applicant testified they are willing to add more landscaping at the entry to the development near the South Meridian Road and State Highway 69 and East Shafer View Drive intersection. Key issues of discussion by the Commission were as follows: They were in favor of the provision of additional landscaping at the entrance of the subdivision at the intersection of South Meridian Road and State Highway 69 and East Shafer View Drive as offered by the applicant. Possibility of reducing the number of homes in the area south of the McBurney Lateral, Lots 2 through 6, Block 6, to enhance safety in that area and just to note, the applicant did submit a revised plat and landscape plan and plans that did reduce the number of lots in this area by one from four to three. They did have concern pertaining to lack of comments from the Idaho Transportation Department and we have since received those and I will go into those in just a bit. They would prefer a better transition in lot sizes to the south, specifically Lots 15 through 17, Block 3, and maybe lose a lot and that's what I just referenced. They did lose a lot. Discussion regarding the proposed amenities. Opinion that the style and size of the homes should be compatible with adjacent homes in Shafer View Estates. The Commission made the following changes to the staff recommendation. At staff's request they included a condition for the 38 foot wide slough and drain on the eastern portion of the site to be contained entirely within common lots, with fencing required on both sides of the drain consistent with UDC standards. At staff's request they included a condition requiring the common lots containing the slough and drain to have vegetative ground cover to prevent fire hazard and unsightliness if the waterway is piped. At staff's request they modified condition nine to allow the option for the waterways on the site to be improved as a water amenity as an alternative to being piped, as allowed by the UDC, with submittal of construction drawings and relevant calculations prepared by a qualified licensed professional registered in the state of Idaho that demonstrates compliance with the requirements for water amenities as defined in the UDC. They included a condition for the entrance to the subdivision at the intersection of Meridian Road and Shafer View Drive to be improved with additional landscaping as offered by the applicant and the applicant did submit a revised landscape plan showing that. They included a condition for one buildable lot to be removed in the area of Lots 2 through 5, Block 6, south of the McBurney Lateral and that is this area right here. And I actually misspoke just a moment ago. They -- they did discuss removing a lot north of the McBurney Lateral in this area as well and the applicant did not remove a lot in that area. Outstanding issues for Council tonight are as follows: The Commission requested an Idaho Transportation Department review of the project and comments prior

to the Council hearing. Comments from ITD are included in the staff report and I will just read through those a little bit real quick. Give the highlights. The letter states a northbound right turn lane is warranted with the additional trips generated by this development to ensure turning traffic can exit through lanes and turn safely onto Quartz Creek Street. ITD can't require the developer to install a northbound turn lane, as Quartz Creek Street is a public road and instead request proportionate shared contributions to address the need for a right turn lane. All future developments adding northbound right turn lanes to this intersection will be requested to contribute proportionate share as well. Should the developer not be required to contribute their proportionate share, which amounts to approximately 59,358 dollars or 1.01 percent, ITD recommends the city require the developer to install the northbound right turn lane to ensure the safety of the traffic -- traveling public and citizens in and Shafer View Terrace and Prevail Subdivisions. If Council determines one of these options should be a requirement for this development, a provision should be included as such in the development agreement. Written testimony has been received since the Commission hearing as follows: Two letters, one from Charles Boyd, in opposition to the lot sizes of the four parcels accessed via Shafer View Drive. Would like lot sizes at least one acre in size comparable to the one to 1.24 acre lot sizes in Shafer View Estates. And as I mentioned earlier, the applicant did reduce the number of lots in that area from four to three. They have safety concerns pertaining to driveways so close to Meridian Road and the topography in that area, which creates poor visibility. There is an immediate incline for Meridian Road. He requests that the number of lots be reduced from four to two in that area to ensure no driveways are placed near the top of the hill. Written testimony has also been received from Deborah Boyd and she does have a lot of the same concerns as Charles Boyd and these letters are both in the public record for your review. Staff will stand for any questions Council may have.

Simison: Thank you, Sonya. Council, any questions for staff? Okay. With that ask the applicant to, please, come forward and I assume that they are in the waiting room, Mr. Clerk.

Breckon: I'm online, Mr. Mayor.

Simison: Okay. If you could state your name and address for the record and you will be recognized for 15 minutes.

Breckon: Jon Breckon. Breckon Land Design. 6661 Glenwood Street, Garden City. Am I able to share my screen, Sonya?

Allen: Yes. You should be able to share your screen, Mr. Breckon. Thank you.

Breckon: Okay. Sorry. I have a brief presentation here on PowerPoint. Much of it is somewhat redundant to what Sonya already presented. Anyway, I will move forward here. Shafer View Estates. Here is a small exhibit of the site location and its relation to adjacent developments. Apex to the east. Prevail to the north. Existing Shafer View Estates to the south. Part of our request is to annex into the city and here is just an adjacency map depicting the existing city limits and how we are adjacent to that. This is a zoning map

for reference. You can see the existing Shafer View Estates, which are the large one acre lots to the south and how we are attempting to transition in between those lots and the R-8, which has the 8,000 square foot lots to the north. We are presenting R-4 for the majority of this site and, then, R-2 to the east. For reference, these are the schools that would service the subdivision. Mary Mac Elementary on Amity. Victory Middle School. We are here to the northwest. And Mountain View High School relatively close by. Also for reference emergency services, Fire Station No. 6 on Overland is within the response time, as well as Meridian Police Station. Here is more graphic depiction of the site. This is a good example. It shows the differential on lot sizes and these three lots here, which are the closest are on the south side of McBurney Lateral and closest to the one acre lots are about 30,000 square feet. So, very close to an acre in size. And, then, these lots on the north side of the McBurney are -- are also pretty good size, varying from, oh, about 14,000 to 19,000 square feet and, then, we have the smaller lots closer on the north side. I also add that, you know, part of the challenge of this site is the layout of it, kind of odd size, the lateral kind of weaving through and there is also substantial grade change as the grade slopes off down to the east and it also slopes off to the northwest. There is about, oh, 13 feet -- between 15 feet of fall through here and that was also one of the challenges in laying out the property. The graphic depicts the open space, both qualified open space, as well as common open space and here is -- here is -- this is a good depiction of where that transitional network that we are -- that we are trying to achieve. You can see the larger one acre lots here. We have the 14 to 18 thousand. Actually, these -- these go up to about 30,000 square feet and, then, these ones are the ten to 12 and, of course, Prevail is that R-8 with about eight -- eight thousand square foot lots. This is a graphic of the highway frontage. So, currently ITD right of way and, then, the landscape treatment, as well as the pathway that's proposed. Meridian Road, a borrow ditch, and we have got some -- a very nice landscape treatment that provides a four foot berm, as well as six foot solid wall of this product style here, this SimTek fence. This is very similar to what is being installed to the north along the Prevail Subdivision. Amenities. We exceeded that. There is only requirement for one amenity. However, you know, we would like to -- we would like this to fit in and provide multi-use pathway, a tot lot, multi-sport court and, then, we have got also a seating area. Here are some examples of the housing style you expected in line with what is existing at Shafer View Estates and this is just a brief summation of waivers and exceptions. So, as Sonya mentioned, the street access waiver, two access points on Quartz Creek Street, just due to the challenges of connecting. The piping of the McBurney Lateral. I guess I could add to that in that did meet on site with the Boise Project Board of Control with Tom Ritthaler and discussed what options would be there. His words were that he would prefer no improvements of the lateral and -- and as such we were actually -- we were hoping that we could put a pathway and some landscaping and -- and beautify it, but he said the Boise Project does not allow those sorts of improvements. So, we are attempting to comply with the code and that we are providing wrought iron fence all the way around it. Then the block length waiver was the other waiver that we are requesting, just due to the geometry here, trying to make the site work. I would stand for questions.

Simison: Thank you. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just a quick question, Jon, on that last comment with the -- the open vision fencing. I'm looking at page 12 of the staff report and getting myself a little sideways. Is the request that the lateral remain open and -- but the fencing will be placed -- is the fence outside the easement so the Boise Project Board of Control wouldn't be subject to messing around with it?

Breckon: Mr. Mayor, Councilman Borton, yes, it is -- it would be placed along the property lines at the -- at the edge of the easement and so there would not be a conflict with the irrigation district. I did not bring any photos of McBurney Lateral, but I guess I could also share a little bit more on in that, you know, dimensionally the easement is 41 feet, the ditch itself is about seven to ten feet wide. It's rather broad. It's not super deep. You know, it's -- it's -- it's -- it's -- it's wider, just to -- you know, effects of time I suppose. Probably maybe four -- four feet deep, five feet deep. The other thing I guess, you know, some of the site challenges only go into detail on and some of the constraints that we had to deal with on the east side in particular is that McBurney is piped across actually this gentleman's lot and it comes to some structures in this location and goes to -- there where it splits and a portion of it is utilized by the pressurized irrigation system and pump station for Shafer View Estates and, then, it is piped further to the south and, then, the remainder is distributed or goes to the McBurney Lateral and off of that we have a headgate that would be utilized for a pressurized irrigation system for this proposed -- proposed development, part of which we are also -- we were recommended by Boise Project to provide an irrigation pump pond and, then, there is also a couple of headgates in this vicinity that were used for surface watering fields and one actually provides water to the Prevail Subdivision and their pressurized irrigation system. The remainder of it goes to the west and to the last user on the line on the other side of the highway. So, just some details there for consideration.

Borton: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I think one thing that would be helpful for me is just to get your perspective on the safety issues around Shafer that we heard from in some of the public testimony and how -- how you can try to address that.

Breckon: Yes. Mr. Mayor and Council Woman Strader, the majority of the safety concerns had to do with the connection to the highway. If you have driven this there is a rather abrupt grade change from the highway and, then, you go up on Shafer View Drive. This first straight stretch and, you know, part of the concern there is this is also a bus stop for the schools. In addition to that -- that grade change, there is some landscaping and

signage on the south side and some landscaping on the north side that I assume were installed as part of Shafer View Estates and a good portion of that is -- you know, it's -- it's -- it's been a while since that was installed. Many of the trees are much larger than they originally installed. Evergreen trees somewhat overgrown and they are not helping with the views as you -- as you drive out to turn either right or left onto the highway. The highway here -- I believe the speed limit is 55, so people are zipping by there pretty good and, then, you know, with that grade change, if you can picture it, there is -- you know, it's almost like a terrace that sticks out. So, there is -- there is a substantial slope directly adjacent to the road that slopes down from -- from the -- the hillside there down to the Shafer View Road and so, you know, we would definitely like to address that and that was a part of the discussion and what we are depicting on the landscape plan to minimize any concerns there, you know, they are probably -- expect there needs to be some regrading, as well as redo the landscaping on both sides and, then, we will see the other concerns -- well, I think that was the main -- the main concern there. The -- let's see. Was there anything else? Well, there was -- originally we had -- we had four lots along this frontage here and that was part of that discussion that there would be four access points on this stretch of road that's, you know, already a bit of a challenge and that it would potentially be unsafe for families with children that have access onto Shafer View Drive and so, you know, we have accommodated that and went from three blocks to four, which was the request. Originally the lots came over and touched -- well, almost touched on this side much closer. There was just a very skinny landscape strip in between. So, we would broaden that out and provide more separation for these folks here. Beg your pardon?

Strader: I'm sorry, I didn't mean to interrupt you.

Breckon: Oh, no. No. I was just going to add that there is an existing drainage swale in this location and, then, you know, to address -- but there is also an existing drainage swale down here in the corner that would need to be reworked as part of these improvements. Of course we would need to bring utilities over and provide curb, gutter and sidewalk along the frontage.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, just so I can understand, is that street pretty sloped, then, and the concern is that cars won't see the kids walking and, then, I guess if you could also address if there will be a sidewalk along there and where the kids would, then, be waiting for the bus.

Breckon: Mr. Mayor and Council Member Strader, yes, there -- there would be a sidewalk along the frontage. It would tie into the pathway along the highway. The -- the big -- the majority of the -- the grade change is really just right in this entry-exit throat and -- and just, you know, as you pull down, come down the hill and there is a bit sharper drop off at the end and due to that drop off, you know, you really can't see down the highway either way until you really nose out. I mean you got to get to the end. So, if there were -- for example, if there were cars stacked here, you know, if you had two or three cars, the first

car would be fine, they would be up and ready and queued and you can see just fine, but the second car would be in a position that they would not be able to really see down the road either way and so that's -- that's -- that's a big concern there is the visibility. Anyway, we have a little hesitation about proposing modifications here. I mean we would like to make it better, but we would like to get some feedback from ITD. We wouldn't want to propose something and, then, ITD comes back and, you know, wants to do something else. So, we were hoping to get a little bit more direction in the ITD staff report, but it's -- it's a little bit vague. As I understand they are conducting a study right now on how far to widen Meridian Road and so, you know, we are kind of waiting on that.

Strader: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Breckon, I just wanted to know your thoughts on the proportionate share on Quartz Creek Street. Are you willing to participate in that right turn lane?

Breckon: Yes, Mr. Mayor, Councilman Hoaglund, yes, we are willing to share that.

Hoaglund: Thank you.

Simison: Council, any further questions for the applicant? Okay. Thank you very much. This is a public hearing. Mr. Clerk, do we have anyone who has signed up to testify on this item?

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

Simison: Okay. Well, if there is anybody in the audience who would like to provide testimony on this item, if you come forward and state your name and address for the record or if there is anybody online who would like to provide testimony, please, use the raise your hand feature and to indicate and we will bring you in for testifying. Sir, if you would like to come forward and state your name and address for the record.

Ward: Marvin Ward. 152 East Shafer View. First house in the subdivision of Shafer View Estates. I testified at the Planning and Zoning, concerns about --

Strader: I'm sorry, we can't hear you online.

Ward: Okay. My fault. Talked about the safety that -- the raised elevation of the road, as that elevation raises and it makes a hard right and a hard left within 50 yards or so like that, it's -- it's a sight problem. Entering the subdivision you are coming off of Meridian Road, you know, fairly fast to get across the traffic. Putting houses there has been a concern of the neighborhood and also for myself and with all this development going around us, increased traffic on Meridian Road is, obviously, going to impact that as far as

ingress and egress of the subdivision. Of course, another concern that kind of came to light in our home a week ago is emergency services. How fast can we get emergency services to this area based on traffic patterns that are coming and the development that's going around there, it's -- it's a concern. I know that the developer has talked about five to eight minutes. I don't know that that is accurate. Based on our experience with emergency services it's closer to ten. You know, heart attack or not breathing or stuff like that is tough, so -- of course, the biggest concern is losing the country feel that we have out there with smaller homes around us and we are concerned about that. But these -- these three lots that are going in facing to Shafer View are definitely an access concern, a safety concern for those people that are moving into those houses with that coming in there. Most of the people in the subdivisions will not let the children stand there waiting for the bus, just because of the safety concern. They usually sit in the car and wait for the bus to show up, because people are coming and going and the speeds that are there, so -- and, of course, with the highway district stuff coming along we don't know what that's going to do, how that's going to impact the -- that intersection and that are along there, so just, you know, concerned about those things and wanted to share my thoughts and opinions on the safety and the development of that particular corner and making that work for us, so I appreciate your time, Mayor and Council, and hopefully we can work through this and make it work. So, thank you.

Simison: Council, any questions? Thank you. Is there anybody else in the audience that would like to provide testimony? Mr. Clerk, do we have anybody raise their hand online?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Would the applicant like to make any final comments?

Breckon: Yes, Mr. Mayor. I -- to address Mr. Ward's concerns. I think you -- to reiterate some of the points already made. You know, the access point there, we fully intend to make appropriate modifications to improve the access and the visibility into the property. I might note that, you know, currently Shafer View Estates there is 15 homes, so a relatively small cross-section as far as traffic flow and we have addressed, you know, previous concerns, you know, making these lots larger -- substantially larger, close to one acre in size, so that they will fit in with the existing development. Response time. You know, did look that up based on the city's data for emergency services. It is three to five minutes and I will stand for any further questions.

Hoaglun: Mr. Mayor?

Simison: Thank you. Councilman Hoaglun.

Hoaglun: Mr. Mayor, to Mr. Ward's point, Mr. Breckon, I'm assuming that because of the size of these three lots that people would not be backing out of their driveway onto Shafer View, they would be pulling out front say, is that a safe assumption?

Breckon: Mr. Mayor, Councilman Hoaglun, yes, I fully agree. If we were to pull up an

aerial view of the existing Shafer View Estates, you know, one acre lots are -- are very large by today's standards and fully expecting that these three lots that we are proposing will be of a similar nature and architectural design, as well as site design, and, yeah, here if you look at the -- oops, it went away. If there was the color plan that we had you can see the aerial photo of these one acre lots and these -- these are substantial homes, you know, with -- most of them have drive-through driveways, as well as auxiliary buildings or guest homes adjacent, swimming pools, and, you know, water features and they are -- they are very nice and -- and they all have substantial accommodations for multiple vehicles, guest parking, and, you know, on-site circulation I guess is what I'm trying to explain.

Hoaglund: Mr. Mayor?

Breckon: So, yeah, I expect that -- you know, and that's the intent of these -- these lot sizes, that these will fit in with these folks here and, you know, be able to build a similar type of home and have similar amenities and, you know, have your drive-through driveway or, you know, whatever they would like and be able to turn around on site in any case.

Hoaglund: Mr. Mayor, follow up.

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, Mr. Breckon, is there a way that those driveways -- and I know we don't have the site plans or where the house is going to be, but can the driveway be configured safely that it has view of -- it does sound like -- and that's the one thing we don't have much experience in Meridian is dealing with hills, that's just not something we have many of. So, is there a way to locate those driveways to maximize visibility?

Breckon: Mr. Mayor and Councilman Hoaglund, yes, sir, I absolutely agree that that's fully possible. One of our niche services that we provide to the public at my firm is hillside development within the city of Boise and Ada county and so we routinely design homes -- nice estate homes, large estate homes in the hillside and have to address those types of concerns and while we have some grade change here, you know, we are talking five or six feet, this is easily mitigated with the space that we have available here on these sites. There is -- you know, I -- I don't see any issue, you know, with laying these out in a way that can accommodate those sorts of improvements. There is -- there is plenty of space to accommodate it.

Simison: Deputy Chief, I see you probably want to address the time response that you are -- with reference or maybe something else.

Bongiorno: No. Yes, please, Mr. Mayor and Council, if I can share my screen. Sonya, if you want to share or -- awesome. I was frantically trying to pull up data while you guys were finishing up and I didn't -- I didn't catch it in time before you got to Mr. Breckon. To address Mr. Ward's information, we did recently go on a medical call out in that area and

that particular call was an eight minute response to that location. As it stands, this subdivision, just like many of our other ones, just sits on the edge of our five minute response to goal. Again, if we build the -- if we have the opportunity to build the fire station around the corner, this is what that area will look like once the south station is built. So, with that we are super close, but the response we had the other day was eight minutes to that location.

Simison: Thank you, Deputy Chief.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think that it's important also to note that -- and I'm glad we are having this -- this discussion this evening. Appreciate the presentation and such. I did want to make sure that the applicant is aware of -- of the statement that was made at our Council a couple of weeks ago in regard to the property tax legislation that's currently being discussed at the -- at the Capitol. Just wanted to make sure that the applicant was aware of that statement.

Breckon: Mr. Mayor, Councilman Bernt, yes, we were -- we were made aware of that by staff.

Simison: Council, just in light of that comment, that I think also at least from a practical standpoint where we -- my concern regarding ITD's even letter and approach -- and I really would encourage us to not just wait for the property tax, but also have a further conversation about ITD. What we have seen on Chinden, which is we have a -- an area of Black Cat that didn't get a right-hand turn lane built that is experiencing concerns out in that area that we are trying to work through. You know, getting access off of these interstates is going to be a challenge. Now, I'm not a traffic engineer and I don't live in the subdivision, but, honestly, I don't know the value of a right-hand turn lane -- I would assume that most people are not coming from Kuna, but I could be wrong, you know, so -- so even from a practical standpoint about the access issues or access expectations, but the ITD has had this conversation about proportional share costs encouragement. They don't have a -- they don't have a way to require it. I'm not even sure what the expectations would be when they would ever build it. Would they build it only after they get 99 percent more of contributions from other people to -- to do that? But when you already have other areas -- others in that area developing, who really becomes the additional contributors to that right-hand turn lane and I think that's an important question. If a right-hand turn lane is desired by Council or in some sort of access, you know, what is the best mechanism by which to achieve that and when and whether it's further clarification from about when that would or should occur from a proportional cost share from this developer or anybody else, that -- that to me is a big question mark, because if it's -- if it's warranted, well, when is it warranted and if we are waiting for ITD to do it, well, we see what happens when we wait for ITD to do anything in our community. It may not happen for a decade or more. So, I think that that's an issue that Council -- I would

encourage Council to really consider when looking at that element and do we have enough data even to talk about this tonight.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. You know, I think it's a good point. I -- I am concerned when the traffic situation is bad enough that folks don't want kids to wait for the bus. We are hearing a lot of feedback and the letter wasn't -- really didn't provide a lot of guidance. So, maybe this is an opportunity for the applicant as well, just to really -- maybe city staff could -- could also try to do what we can, but maybe we can get more clarity from ITD on those -- those aspects. I -- I tend to agree. I -- yeah, I think it's a concern. I appreciate the information about the driveways, though. That did make me a little more comfortable.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to hear the applicant's thoughts on what Chief Bongiorno shared and, then, any other -- hopefully they will share any other comments they have about what -- the concern that you had just stated. Is that -- is this an appropriate time to have them do that?

Simison: Yeah. I will let the applicant determine if they think it's appropriate. Yes.

Breckon: Mr. Mayor, Council Woman Perreault, I'm sorry, I didn't -- I didn't quite understand the question.

Perreault: If you had any thoughts or comments to share about Chief Bongiorno's presentation regarding the response time from the Fire Department and also anything you might have to add about the Mayor's comments regarding ITD.

Breckon: Yes. So, regarding the Chief Bongiorno's comment, yeah, I mean I guess that stands, if they had a direct response to eight minutes, we are surrounded by city limits, so I would hope that the new fire station will go in on Lake Hazel very soon, so that we can keep our response time down below five minutes. As far as ITD, yeah, I was -- I was greatly disappointed that we did not receive more direction from them in their staff report and, you know, unfortunately, we didn't get it, we only got it just in the last few days and so that didn't really give us time to contact ITD and maybe press them for more clarification or direction. So, you know, there is -- there is some comments in there -- I mean there is a potential that they would require additional right of way dedication, which, you know, could substantially impact the frontage design. You know, the school bus drop off is an existing condition. We would like to address and make appropriate modifications to this access, but, you know, we can -- and we can -- we can suggest options. In the end that design will need to go in front of ITD for their review and comment and we fully expect to work with them in compliance to make this a safer access. ACHD will also

weigh in on the design. This is an ACHD roadway, as, you know, all the roadways would be designed to ACHD standards as public roads and so, yeah, we are willing to -- to work with these agencies to -- to make this a better access, not just for our three lots, but for the -- for the existing neighbors. You know, just a point of clarification, this is about 400 feet, this frontage here, just for reference.

Simison: Council, any further questions, comments, observations, actions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: There is a lot fantastic with this project. I really think it's a good looking project and I -- and among a lot of things that I like about it I appreciate it's larger lots and its R-2 zoning request I think is spot on. The elephant in the room remains some of the assumptions which these types of projects are built upon, understandably so, and that is the funding stream that we have necessary to serve them. So -- and Council President Bernt brought it up that one of the challenges, Jon, is -- is for the hopefully brief future we have a -- a potential generational change in -- in funding available to the city. So, when we talk response times, for example, or even a location of a fire station, for example, all of those plans have been premised from years and years over a funding stream that is now in grave jeopardy with the legislature and a particular bill that's -- well, while they are in session it remains. So, the concern that existed a week ago I think continues today. It's something that makes me only comfortable with a continuance, because there could be -- if legislation is passed that's proposed, there could be seven figure reductions annualized that grow exponentially and that jeopardize our ability to maintain those various levels of service that -- that we are trying to hit for a project like this and it would impact this project and -- and elsewhere around the city. So, it's such a drastic funding concern that I couldn't proceed on anything other than continuing to -- you know, it's mid late April, hopefully, everything's completed by then. This legislation hopefully fails and we can continue as we planned for years and years and years. Long term, very fiscally conservative responsible planning. It's the very reason that we can rely on and applicants like you can rely on response times and -- and our commitments to locate fire stations and have adequate police service, among all of the other services that are necessary to make Meridian as great as it is. We are in great jeopardy of losing that. So, to act on one application impacts all of them and -- and everyone already in the city. So, it's just a long way to try and give some context, Jon, hopefully to help you understand the challenge that Meridian's in -- frankly every city is in this challenge, but this is a big big deal and I don't think we can proceed at all until that issue is resolved, at least not responsibly, and I wouldn't -- I wouldn't suggest, Mr. Mayor, that we necessarily close the public hearing. If it -- if it were to be continued -- and in fairness to the public and the applicant, I think we are still forced to be on a prudent pause.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Mr. Borton nailed it on the head. He was very eloquent in his description and nothing further to add to his comments. Just -- I just wanted to say, Jon, you know, setting the concerns about access aside, unfortunately, our hands are tight on this one. So, I'm glad that you were made aware prior to this public hearing from staff. So, that is what I wanted to make sure in my previous comment. Thank you.

Perreault: Mr. Mayor?

Breckon: Councilman Bernt, is it -- I guess I'm a little unsure as to how we proceed. Should I request a continuance at this time or what is appropriate?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Jon, it's totally up to you. That's something that you need to decide for yourself and for your -- for the folks that you represent.

Breckon: Mr. Mayor, Councilman Bernt, I mean if we don't ask for a continuance, then, the expectation is denial at this point; is that correct?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You know, I -- I would never speculate. All I can say is that what Mr. Borton stated is fact, unfortunately, and -- and so I believe -- just going on precedent and what happened, you know, two -- two weeks ago when we heard an application in a different type -- you know, a different part of town, I think that you would probably see similar action. But, again, I -- I would leave that up to you and the folks that are present to -- to make that decision.

Hoaglund: Mr. Mayor?

Breckon: Mr. Mayor, with Councilman Bernt, I would, then, at this time request for a continuance.

Bernt: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, I was just going to say that if a continuance is requested I think -- I would hope the applicant would really try to get some answers out of ITD and along with our city staff, so when it comes back before us, if that's the direction of the Council, then, we can have -- hopefully have some answers regarding their plans.

Simison: Councilman Bernt.

Bernt: Hey, Jon, is there is a -- there a date that you would like this to be continued to that not next Tuesday?

Breckon: Well, Mr. Mayor, Councilman Bernt, yes, beyond next Tuesday -- I'm not clear of when the next meeting might -- might be or when our next opportunity would be to have this resolved. I'm assuming maybe two weeks out at a minimum. I'm open to suggestions from staff.

Borton: Mr. Mayor?

Simison: I would be recommending probably minimum six weeks.

Bernt: Right. Mr. Mayor, I believe that we continued the -- the application from two weeks ago until the 13th. I don't know what the 13th looks like. Maybe the clerk can shed some light on what that date looks like. I certainly don't want to continue all of the applications for the same evening, it could make for a long evening, so I would say minimum the 13th, most likely maybe the 20th, depending on what the clerk says.

Johnson: Mr. Mayor? Mr. Mayor, Councilman Bernt, the 13th or the 20th, either one is open at this point.

Simison: Council Member, I think either one of those, the 13th or the 20th, would work. I don't think we have seen the work out of P&Z yet that would hit those dates, so there are likely -- they will be close, but I think that we don't know yet what else might come, but --

Bernt: Mr. Mayor. And I also feel like we need to be accommodating to these folks as well. So, I will leave that up to Jon and what he feels what he wants, but the minimum would be the 13th of April, Jon.

Breckon: Mr. Mayor, Councilman Bernt, I would request continuance to the 13th, please.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue this item H-2020-0117 to April 13th.

Hoaglund: Mr. Mayor, second it.

Strader: Second.

Simison: I have a motion and a second. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and this item will be continued. Thank you to the applicant and Council for that conversation that will hopefully

will allow them to get the answers, let us get the answers, and continue this -- get the needed information so we can enter into these decisions appropriately.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Allen: Mr. Mayor, this is Sonya. Can I, please, have clarification as to what the Council -- what information the Council would like from ITD on this. What I understood was they would like more information in regard to when the turn lane would be constructed, if funds are allocated for the improvement. Was -- was there other items as well?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And, Sonya, yeah, it's -- it's just a matter of what -- what are their future plans, what are the widening plans, what is the time frame this is going to take place. What they are going to do with the funds, as Mayor Simmons had mentioned, you know, how much money needs to be collected for a right turn lane. Is it -- is it 99 percent? When do they proceed with construction at one point. So, there is just a lot of information that's -- that's needed to make that ingress and egress safe. What does that look like? That just helps us and the applicant and the residents who are currently there know what -- what the plan is to -- to make this work and for us to decide do we move forward with that or not. So, it's -- it's just one of those things. The more information they give us the better it helps us. So, as much as you can get, Sonya.

Allen: Thank you, Councilman.

Simison: And hopefully my city attorney doesn't look down on me for how I'm going to phrase this, but, in essence, this process that ITD is trying to go through is an extraction through people to the public through to the development process, so is the rest of the 99 percent going to have to come from actions this Council approves through the development process before that can actually occur, because they don't have any other mechanism by which to collect the other 98.7 percent of the funds for this, unless people voluntarily give it to them or you require it through your actions. To my knowledge.

Allen: Thank you, Mr. Mayor.

Simison: Okay. I didn't get in too much trouble, so -- thank you very much. Council, do we want to take a five minute break?

Perreault: Ten.

Simison: Ten minute break. We will reconvene at 8:05.

(Recess: 7:53 p.m. to 8:07 p.m.)

4. Public Hearing for Chewie Subdivision (H-2020-0120) by Kent Brown

Planning, Located at 2490 W. Franklin Road and the Lot Directly North

- A. Request: Preliminary Plat for six (6) industrial lots on 43.87 acres of land in the I-L zoning district.

Simison: Okay. Council, we will go ahead and resume from our recess. Next item on our agenda this evening is public hearing for Chewie Subdivision, H-2020-0120. We will open this public hearing with staff comments and I will turn this over to Joe.

Dodson: Thank you, Mr. Mayor, Members of the Council. The application before you consists of 43.87 acres of land, currently zoned I-L and located generally at 2490 West Franklin Road. To the north is railroad property. North of that is residential uses in R-8 and R-15 zoning. To the east is the West Ada bus barn and the Republic Services transfer station and also I-L zoning. To the south is Franklin Road and south of that is undeveloped C-C zoning within the Ten Mile area. West of the site is I-L zoning and the new FedEx distribution center. The future land use designations on the site as noted on the screen -- the picture on the left is both mixed employment and high density residential. The application before you is a request for a preliminary plat to subdivide the property into six industrial lots for ownership purposes. This property right here is not a part of the plat and is an existing home. The property is zoned I-L and has been so for decades. The zoning entitlement vastly predates both the Ten Mile plan and the Comprehensive Plan designations. In addition, Lot 1 of the subdivision, the largest lot, approximately 30 acres, has already received administrative level approval of a large e-commerce delivery station that is to be operated by Amazon. Therefore, this project and its site design -- the Amazon project and site design is not up for review at this public hearing. Only the submitted preliminary plat. Because of the existing zoning and entitlements, strict adherence to the Comprehensive Plan is not feasible. The existing industrial zoning and approved delivery station align with the mixed employment future land use on the site. Also because of the existing entitlements and zoning, staff believes placing a high density residential project on this site would not be in the best interest of the city. The city should be getting the site density residential further to the west as part of the Gateway at Ten Mile, which is located on this parcel and was approved late last year. Despite not being able to strictly adhere to the Ten Mile plan, staff believes the proposed project generally complies with the Comprehensive Plan and those applicable policies were outlined within the staff report. All proposed lots meet the dimensional standards for the I-L zoning district and access is proposed via a new collector street from Franklin Road shown as North New Market Avenue. New Market is proposed to continue into the site and, then, head east and west as an extension of West Fred Smith Street, which is already constructed along the front of FedEx to the west. As discussed previously, the applicant has received CZC and design review approval for the new 141,000 square foot e-commerce delivery station on Lot 1 of the subdivision. That administrative application triggered the TIS and this plat, therefore, does not include a TIS. However, because the road extension and overall circulation element of this area are the main issues of the project, staff has included the main points of the GIS and ACHD's -- ACHD's comments, as well as analysis on the existing access points. The new collector street required to be constructed with the delivery station will have access to Franklin in two places in the future. The New Market

Avenue connection noted here -- sorry, I lost my place. And one offsite connection to the west noted here as Wayfinder Avenue. This offsite connection is not yet constructed and the timetable for when it will be current -- it will be constructed is currently unknown, as adjacent projects, both FedEx and Gateway at Ten Mile, do not include and do not own the parcels directly adjacent to Franklin Road, which would be these two parcels here. And because of that they cannot construct the right of way at this time. The TIS did not include estimated traffic from the additional industrial lots along Franklin and so future development should be monitored to ensure the allowed trip count on one access, meaning the New Market Avenue access, does not exceed 3,000 daily trips without constructing the additional access at Wayfinder. This may limit future development until such time that Wayfinder is connected and constructed to Franklin. In addition to the traffic volumes produced by the new delivery station, the applicant's TIS did include the traffic from the West Ada School District bus barn and Republic Services transfer station that are both located directly west of the project. These volumes were included, because the new east-west collector street and new signal at the intersection of Franklin should also serve these sites when constructed. The existing private road, which is noted here -- and I stole this from ACHD, because they did such a good job with this little picture here. The existing private road for West Ada and Republic Services that is restricted to an exit only access cannot be closed with this application, because it is not part of this property. In addition, the city cannot force West Ada and Republic Services to use this new collector road once it is constructed, because they already have their entitlements and zoning and their access to Franklin. However, this applicant and representatives from both the school district and Republic Services have worked out an agreement to close this existing only private drive and utilize the new collector street. Staff is appreciative of this work being done by the applicant and these outside agencies. To help ensure this access can occur for all parties involved, ACHD recommends constructing the segment east of the New Market Avenue, this segment here of West Fred Smith Street, as a private street, instead of a public street. This recommendation is being made because this segment of the collector roadway is over 150 feet in length and would require to be terminated in a temporary, more likely permanent cul-de-sac at its -- at the eastern property line. Staff agrees with this recommendation to construct it as a private street, instead of a public street for the reasons stated and because this collector roadway is not expected to continue further east due to existing industrial development that may never redevelop. In addition to the private street, the applicant and West Ada and Republic Services should enter into a cross-access agreement for this segment of the private street to ensure continued access to the collector roadway and the signal at Franklin. Since the Commission meeting staff has confirmation that this agreement has been agreed to by all parties and a private street will be constructed by this applicant with West Ada and Republic Services participating in a cross-access and shared maintenance agreement for this segment of the roadway. Other than the road extension and access points discussed within the TIS, the submitted plat and landscape plan -- sorry -- they show existing accesses to Franklin remaining, which does not align with code and they will -- because they will have a lesser classified street, the new collector roadway for access. In addition, there is a lot that the preliminary plat surrounds as noted and contains an existing home that is legal nonconforming within the I-L zoning district. Currently this home also takes the access from Franklin. The applicant should provide a curb cut for this property along

the extended West Fred Smith Street, so that when this out-parcel does redevelop in the future it will have access to the collector street instead of to Franklin, an arterial. The submitted plans do not show an access as being provided and this should be corrected prior to final plat submittal. Planning and Zoning Commission recommended approval of this application with no modifications to the staff report and there was no written testimony then and there has been none since the Commission hearing. The key issues of discussion by the Commission were the road layout and, then, the additional -- the estimated additional vehicle trips per day as noted within the traffic impact study regarding the additional industrial lots along Franklin. After that I will stand for any questions.

Simison: Thank you. Council, any questions for staff? Okay. With that I will ask the applicant to be recognized for 15 minutes. If you would state your name and address for the record, Mr. Brown.

Brown: Can you hear me?

Simison: Yep.

Borton: Yes.

Brown: So, for the record my name is Kent Brown. 3161 East Springwood, Meridian, Idaho. And grateful to be here tonight and discuss this application. It is pretty straightforward. We are already annexed and zoned, as staff has talked about for many years. With this industrial zoning we are moving forward with an industrial subdivision. I do have questions and mostly it was from attending tonight's meeting with regards to Matt talking about something that was required during a preliminary plat. Condition one states that prior to submittal of the final plat we revise some items and I don't know if that's -- I initially took that to be that we would revise the final plat to show these items, but Item A talks about us closing the entrances to Franklin and I understand that we are going to show -- not show them there, but actually closing them -- physically closing them we would prefer to have that at the end of the process and maybe some clarification from staff. I know this isn't something I talked to Joe initially, but it was something that I thought of as -- waiting for our hearing to start when this specifically says revise the plat, the preliminary plat, I would say it's -- they are asking me to provide them with a perfect preliminary plat with the closure of those roads to -- to Franklin and we acknowledge we are going to close them, I just don't want to physically have to go haul the concrete out and close them prior to me submitting the final plat. I would like to be back to the city in a couple of weeks with the final plat. So, I will stand for any questions that you may have.

Simison: Okay. First, any response to that comment?

Dodson: Mr. Mayor. I'm trying to look up the ACHD staff report to see what their language usually is. I understand Ken's point. The applicant's point there. Sorry. Just give me a couple seconds. Yeah. Time frame wise. I would agree with Kent -- or the applicant, I don't necessarily think that with the final submittal they need to physically be closed, but the plat itself should show the closure and so if we -- if he requires that the condition be

modified to say that, that -- I guess at prior to final plat signature I think it is appropriate, that these accesses be closed, because the road improvements and everything should be done and constructed at that point, too. That makes sense.

Borton: Mr. Mayor?

Simison: Mr. Borton.

Borton: I read that different. I saw that A-1-A only to require the preliminary -- preliminary plat revision to occur, but not the actual work. I thought that you just were trying to have that designation on the plat changed before the final plat submittal, not the -- which wouldn't have been a problem, but --

Brown: That was the question that I had was whether it was asking me to create a perfect preliminary plat or if I was just to adopt those items and put them on my final.

Borton: Oh.

Brown: Asking for a clarification there. If it wants me to not show it on my final plat, I just need clarification, which -- which way I need to go with that. But when it says close, it's hard to tell is that just asking for it to be drawn that way or -- so if that's clarified, which Joe has, then, that's fine, too.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Real briefly, I think we can just -- you might have clarified it with your comments, Kent, and your commitment to do that, we just want to make sure that we don't have a pre-plat that looks one way and, then, the final plat has to be substantially compliant with it and if it -- if the preliminary plat doesn't show it and the final plat doesn't show it, that's not what we are intending, which, obviously, you have picked up on.

Simison: Mr. Brown, I just want to -- I know your clients are out listening as well. I don't know if they intend to provide comments or not, but I just want to take a quick moment and whether I need to disclose or not, I did have conversations with the applicant sometime before this moved into the process, but I want to applaud them working with Republic and with Ada School District to help address this traffic issue and, hopefully, solve a larger issue as this -- as Amazon comes on and FedEx comes on and the school district expands and more buses, I really appreciate you guys working together to help address this issue and get a solid access point for everybody there on Franklin.

Brown: Thank you. Council, any further questions for the applicant? Okay. This is a public hearing. Do we have anyone signed up to testify on this item, Mr. Clerk?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody who would like to provide testimony online? If so, use the raise your hand feature and we will add you in. I'm seeing nobody raise their hand at this point in time. So, Mr. Brown, would you like to make any final comments?

Brown: No. I think we have covered everything.

Simison: Okay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A quick question for -- for Legal. Bill, what's the mechanism, if any, to ensure that conditions are complied with? There is not a DA that's part of this. It's already annexed, so could you provide just a brief comment on what -- what ensures these things all occur, all these conditions?

Nary: Mr. Mayor, Members of the Council, Council Member Borton, so that's going to be part of Joe's findings; right? They will be part of the order. So, then, the reflection -- and, then, they will, then, verify it against the final plat. So, I think there is sufficient safeguards in the process to make sure that happens.

Borton: Okay. Thanks.

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

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Just wanted to super clarify on the condition A-1-A that Kent was referring to, that I can understand the little confusion there, because it was written a little more definitive than some of the other ones where it says show on the plat, but that is what the intention is. I just want to make that clear. And with the final plat submittal the final plat should show those corrections.

Brown: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I see this one a little bit different with the issues we have been dealing with. Because it's already annexed this -- this property is a part of our community -- it has been for a long time and it has zoning, it has existing entitlements. A different situation than an

annexation application seeking to grow our city and -- and compound our service obligations. So, these are relatively rare when these long-term existing annex properties finally come in for a plat, so I think this one is unique and we have already committed -- brought it into the Meridian family decades ago, so I don't have the fiscal concern that comes with a new annexation.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I was going to comment to that and I think Joe -- Joe nailed it. This is long standing, been part of the community, just looking for the right time to develop and it's here and -- and being industrial, too, it doesn't have the same -- quite the same impact as some of our other things, but there is no annexation involved in this, so I think this can move forward if the Council desires.

Simison: Agree.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If there is no other comment, I will go ahead and make a motion to close the public hearing on item 2020-0120 for Chewie Subdivision.

Simison: Could I have a second?

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

Simison: I have a motion and a second to close the public hearing. Any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Borton: Mr. Mayor, if there is --

Simison: Councilman Borton.

Borton: -- not yet any -- any additional discussion on this one, at least yet, I will make a motion to approve 2020-0120 for Chewie Subdivision, to include all of staff comment's set forth in the March 9th staff report as clarified by the applicants and planning staff at today's hearing with regards to the -- the conditions in this preliminary plat and what's going to be included in the final plat once it's submitted, so --

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

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

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

Simison: All ayes. Motion carries and it is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

5. Public Hearing for Aviator Subdivision (H-2020-0111) by The Land Group, Inc., Located Near the Northeast Corner of N. Black Cat Rd. and W. Franklin Rd.

- A. A Comprehensive Plan Map Amendment to return the subject site back to the future land use designation of Medium-High Density Residential (MHDR) for the purpose of developing the site with residential instead of a school site as previously approved.
- B. A Rezone of a total of 9.8 acres of land from the M-E zoning district to the R-15 zoning district to align with the proposed map amendment.
- C. A Modification to the Existing Development Agreement (Inst. #2018-079763) for the purpose of removing the subject property from the boundaries and terms of the previous agreement and enter into a new one, consistent with the proposed residential concept plan.

Simison: Thank you. Next item on our agenda is a public hearing for Aviator Subdivision H-2020-0111. We will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor, Members of the Council. The application before you for Aviator Subdivision is not a subdivision yet, but consists of 9.8 acres of land, currently zoned to ME, which is mixed employment, located at -- well, near I should say the northeast corner of Black Cat and Franklin. It is directly north of the Compass Charter School and east of Hensley Station and is along the rail -- railroad corridor within the Ten Mile interchange specific area plan. It did receive -- or I should say it was -- well, I will get into that later. Summary of the request -- it is threefold. First and foremost is the Comprehensive Plan map amendment to return the subject site back to the future land use designation of medium high density residential for the purpose of developing the site with residential, instead of a school site -- or part of a school site as previously approved. A rezone to total the 9.8 acres of land and change it from ME zoning to R-15 zoning to align with the proposed map amendment and, thirdly, a modification to the existing development agreement for the purpose of removing the subject property from the boundaries in terms of that agreement and -- and to enter into a new one consistent with the proposed residential concept plan. In short, if the map amendment is not approved the associated rezone and MDA are not applicable, because they are contingent upon

the future land use changing back to the residential designation. The applicant is requesting to modify the Comprehensive Plan map for the subject parcel in order to allow for residential zoning and uses, instead of mixed employment or other light industrial uses. The current future land use is mixed employment, which encourages research and development, office, light industrial, information and other ancillary -- ancillary commercial uses. Instead, the applicant is requesting to return the property to its original future land use of medium high density residential. This designation allows for a mix of dwelling types, including townhomes, townhouses, condominiums and apartments. Subject 9.8 acres were annexed into the City of Meridian in 2018 with a Compass Charter School application and received map amendment approval back then to change the underlying land use for medium high density residential to mixed employment. The 2018 request and subsequent approval to change the future land use was so the new school could be constructed and an adjacent county landscaping business could be annexed into the city and still comply with code. At the time it was determined that the map change was applicable, because the subject parcel was conceptually shown with the sports field, track, and stadium and was the school's avenue for annexation into the City of Meridian in 2018. However, in 2020 Compass Charter received approval to modify their concept plan and development agreement to move their sports field to a more adjacent parcel to this -- to the new school directly to the east of their existing site. Therefore, this 9.8 acre parcel is no longer part of the long term plan for Compass Charter School and was subsequently sold to its current owners. Because the applicant is proposing to return the parcel back to its original future land use designation and becoming more compatible land use to his neighbors, staff supports the map amendment. Thus, the subsequent MDA is to modify the concept plan and incorporate new provisions based on the new plan. The same can be said for the rezoning request of R-15, which would allow for future development of the property with a residential use in line with the proposed concept plan. To be clear, the applicant is not proposing a plat with these applications and the future development will be driven by the DA and its provisions and this associated concept plan. Specifically it is important to discuss access for this project in a separate section within the staff report regardless of the fact no preliminary plat is currently being proposed. Access is proposed via extension of a collector street, an existing one, West Aviator, and subsequent local street off of said collector. West Aviator currently provides one of the accesses to Compass Charter School and will provide access to Hensley Station directly west of the subject site. Due to the pattern of development Aviator will only be extended to the east boundary of the subject site and not connect to any other road until such time that more parcels developed to the south and east of the subject site. This is one reason -- one more reason why the applicant is not choosing to submit a plat at this time. Because of this it is imperative -- it is imperative that the concept plan and conceptual layout of Aviator is well thought out and shown in a place that allows for fair and convenient access in the future and convenient extension. Staff shared these concerns with the applicant and they revised the concept plan to show a more appropriate extension of Aviator. Staff is appreciative of the applicant's ability to work with staff and revise the layout for the above reasons. The revised concept plan shows Aviator heading northeast into the parcel from its terminus in front of the Compass Charter School expansion, crossing the drain once and, then, stubbing to the east property line north of the irrigation pump station in the southeast corner of the site. The new configuration allows for the

future extension of Aviator to occur without a need to cross the drain again and not require this applicant to acquire land from two county parcels to the south. This new layout generally depicts the same internal layout with some shifting of the site to the east to accommodate easements and some loss of internal green space that is replaced with other green space. With the future plan staff will analyze the open space more thoroughly for the subject property. Commission recommended approval with a desire for the applicant to review the open space and number of units shown off in common drives when they come back through the process for a plat in the future, should Council approve the map amendment, rezone, and MDA. There was one item of written testimony prior to the Commission meeting from one of the county parcels to the south, Mrs. Bowery, and she had issues with the road being shown on her property and no agreements being made. The applicant clarified some of the intentions of the -- of the application and the road with her and she was satisfied with those answers. The key issues of discussion by the Commission were the location of the drain on the property and whether it is intended to be relocated, piped, or both. Second to that was the willingness of Nampa-Meridian to allow any section of the drain to be piped. The applicant has had preliminary discussions with the irrigation district and they are in support of piping this segment of the drain. And, lastly, there was some concern of the future plat and its layout in regards to open space and the common drive shown, which was noted in the recommendation to Council. There have been no additional comments -- written testimony I should say since the Commission meeting. I did note in my recommendations that there was an outstanding issue regarding the legal descriptions. The applicant had made a mistake and thought that they submitted those. Soon after the Commission meeting that they did not, so I have received the revised legal descriptions and, therefore, there is no longer any outstanding issues. After that I will stand for any questions from Council. Thank you.

Simison: Thank you, Joe. Council, any questions? Okay. With that ask the applicant to come forward and state your name and address for the record and you will be recognized for 15 minutes.

McNeill: My name is Kristen McNeill, with The Land Group, located at 462 East Shore Drive in Eagle. 83616. And let me share my screen here. Are you seeing the full screen version or the --

Dodson: No.

McNeill: You are seeing the -- okay. Okay. How about now?

Dodson: Yes, ma'am.

McNeill: Thank you. So, as I said, I'm Kristen McNeill with The Land Group. I'm representing the developers in this application. This application, as Joe mentioned -- thank you, Joe. That was a very thorough review of our presentation of our application. It includes restoring the pre-2018 Comprehensive Plan land use designation of medium high density, the rezone, and the modification of the existing development agreement and as Joe mentioned we are not proposing a preliminary plat at this time. Okay. So, we

have received support from staff and recommendation for approval from the Planning and Zoning Commission and there were some comments that -- as Joe mentioned that were made for revisions from the Planning and Zoning Commission. So, we are going to talk through those as we walk through, even though they weren't necessary for part of this application, we still wanted to look into what they -- those concerns and discuss those here. So, one of those is the common drive recommendations, the number of homes served by the common drive. The connection between the open space concept and the plan. So, we have done some graphics to show that and also just discussion of the Compass charter relocation of their open fields, which -- which Joe mentioned. They have relocated those. And, then, also just reviewing parking. This graphic shows the planned alignment of Aviator Street through the site, as well as a general open space plan, blocking for residential areas and open space and as Joe mentioned we originally envisioned Aviator to continue straight through -- straight through here, but now it's -- we have routed it to go through the site to alleviate any concerns with the drain that's located in the corner, as well as if the road were to continue straight it would be partially on the parcels to the south here. This is a new graphic that we -- that we created to -- in response to -- to questions about the open space on this site. As you can see it's kind of a unique site with the way that Aviator comes through the development. We have this open space over here, as well as the Purdam Gulch Drain that runs diagonally across and this storm drain swale over in this area with an irrigation drainage easement. So, it definitely is a site that offers unique opportunities and unique challenges as well. So, this graphic is also showing the medium high density residential along here and as we -- over in this corner we have reduced the number of -- up in this corner we have reduced the number of lots that are accessed on that common drive. In addition, Planning and Zoning had questions about parking and this concept plan offers 18 percent more parking than required by code, including 144 garage and pad spaces and 25 on-street spots, for a total of 169 spots. So, again, this is -- this is not a preliminary plat, so this graphic is here just for conceptual purposes and, again, these -- this is here for conceptual purposes. Part of what the -- the developers have looked into is different types of conceptual design elements to go along with that and with the intent to create a premier Meridian neighborhood that supports the Ten Mile interchange specific plan. The area plan envisions residential lots that feature walkable neighborhoods and a community feel with the intent to complement existing and plan near nearby developments. In addition, the important part of showing some varied facades along there as well. With the site constraints that were mentioned earlier, this site also offers unique and exciting opportunities to create a dynamic and original open space plan that will be unlike others in the area. Three distinct open space areas are highlighted in this concept plan. On the west side here we envision utilizing the storm drain swale and irrigation easement area for natural walking paths and possibly nature play or exploration area. This central green space would offer areas of opportunity to integrate pathways with areas for sitting, gathering, connecting with other residents and the green space to the southeast is -- provides a space to link the neighborhood with the surrounding areas, with the goal of creating a neighborhood that seeks to integrate with the greater Ten Mile plan. We anticipate further exploration of integrating amenities in each of these areas to maximize open space and provide opportunities for unique walking and gathering spaces involving natural play or sport areas, all to encourage an interconnected community. So, to review,

the application includes the Comprehensive Plan map, the amendment to the medium high density residential, the rezone to R-15, a development agreement modification that goes along with that and, as I mentioned, based on Planning and Zoning comments we reduced the number of homes on the common drive. We revised the drawings to better represent the green space and reviewed how the concept plan exceeds the parking code requirements. So, with that we respectfully request your approval tonight and will stand for questions. Thank you.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Kristen. Would you run us through the time frame of -- first of all, the -- the purpose of requesting a Comprehensive Plan amendment if there isn't any intention of a preliminary plat application in the near future? And I will share with you in just a second where I'm going with this. And it seems like that -- for there not being an intention of doing a preliminary plat in the near future, there has been a lot of thought put into the concept design. So, I'm asking this, because we have had several developments in this area and Black Cat and Aviator really are not set up for additional residential. Excuse me. That -- that street -- I pass by it numerous times a day, numerous times a week. Aviator is -- is backed up during the school hours, which would be the same time as rush hour for all of those homeowners and it's really, in my opinion, not -- not functioning as a collector, even though it's intended to be a collector it's not going to be one until there is a way to head east. So, could you give us some background on why -- why request the comp plan amendment now if there isn't an intention of doing a preliminary plat in the near future?

McNeill: It's not specifically near future, it just is not with this application. It's being considered right now and, obviously, as you can see there has been quite a bit of thought that's gone into that. But the effort -- to put the effort forth without -- they wanted to start here and make sure that we could -- they could make the moves and have clarity on the rezone before they commit to the specific set of pre-plats. And in addition to -- in terms of the -- any of the comments related to transportation, travel along that road, it is anticipated in the future that that road will be extended. Obviously, that's not a part of this application. The developers don't have -- they don't have the parcels to the east of this, but we will comply with all required ACHD improvements and this is a part of -- of the master plan that goes along with that.

Simison: Council, any additional questions for the applicant? Okay. Thank you. Mr. Clerk, do we have anyone signed up to testify on this item?

Johnson: Mr. Mayor, we had no one sign up in advance. We do have a couple people online.

Simison: Okay. If there is anybody online who would like to provide testimony on this item, if you can use the raise your hand feature -- it looks like we have at least one person.
Johnson: Mr. Mayor, Jane Byam.

Simison: Okay. Jane, if you can unmute yourself and state your name and address for the record and you will be recognized for three minutes. Jane, I see you unmuted yourself.

Byam: Yes. Sorry. My computer -- when I raise my hand it kicks me out for a minute. I don't know why it happens that way, but thank you. Thank you, Mayor and City Council Members. My name is Jane Byam. I live at 6050 El Gato Lane, Meridian, Idaho. And I have a couple concerns about this development. First and foremost, maybe a minor thing, but the sign -- the notice -- you know, the white signs that the city puts up about changes was not out on Black Cat, but was at the end of Aviator, which is, essentially, to most people, unless they are driving into the school or going to go out -- and I feel as though that sign should have been put out where the majority of the people that live in the area could see it and be aware of what was going on. Another concern for me is that several years ago -- and Compass Charter School approached the city about the rezoning and land use change to be able to put the school there. It has been mentioned that property was originally designated as medium high density. We were concerned about the school and increased traffic, but in talking with several neighbors people pointed --

Simison: Jane, we --

Perreault: She cut out. I can't hear her.

Simison: Jane, we just lost you.

Byam: Can you hear me now?

Simison: Yes.

Byam: Okay. Where -- where was I at?

Simison: You were -- you were referencing the element about the change in zoning and the school.

Byam: Yes. Yeah. So, at the time when the school requested having that change, people in the -- in -- in our neighborhood and discussing that, we felt that a school there would definitely be better than medium high density or high density apartments and -- and so did not oppose the school going there, with the understanding that that property was going to be for the school and the sports complex. Now it's been sold and they are asking to put it back to the medium high density after now -- now other homes are being built and the new development that's going to be up at the end of Pine and as Ms. -- I don't know if I will say your name right -- Perreault mentioned, the traffic on Black Cat is a nightmare. People can't get off of our street. People have trouble getting off of Pine even heading

north to Cherry. And another concern -- and probably my biggest concern is the continual deviation from the future land use map, which was studied and researched. People were interviewed, neighborhood meetings were conducted, and that was voted on and approved by the City of Meridian, but a developer can come into the area and just petition the city to change it, how are people that live here going to know what to expect for property -- vacant land that's around them. Let's say somebody is going to put their home up for sale, they could use the future land use map to tell, you know, potential buyers this is what the city has in mind for the land behind us should it be annexed, but when -- when a developer can approach the city and have such great deviations from what the future land use map has, what's the point in having a future land use map if we are -- if we are not going to follow it and stick to it. Meridian is growing so fast --

Simison: Jane, if you could, please, conclude your comments.

Byam: I'm -- so Meridian is growing very fast. The roads can't handle it and -- and I'm not seeing the -- a mixed use in the neighborhoods. We are not seeing a variety of homes in this part of Meridian in the southwest quadrant north of the freeway. It seems to be all apartments and medium or medium high density homes, rather than a mix of home types and so thank you, Mayor and City Council Members, for letting me share my thoughts.

Simison: Council, any questions for Jane?

Borton: No. Thank you.

Simison: Thank you very much. Mr. Clerk, anybody else raise their hand to provide testimony?

Johnson: Mr. Mayor, I see no other hands at this time.

Simison: Okay. With that would the applicant like to make closing remarks?

McNeill: Mr. Mayor, thank you. Yes, I would just like to address a couple of comments from Ms. Byam. The -- regarding the posting, we did post as -- the signs as required by code and did run the locations past staff before the signs were posted. So, just wanted to clarify that. And in terms of the future land use map, I also just wanted to clarify, again, that we are bringing this back to the original future land use map designation. So, there was at -- what the application that Compass had done did change that future land use map, but we are going back to that original, which is medium high density residential and so just wanted to clarify those two points and also that we agree with the staff report and -- and we -- and also, you know, are glad to have received support from the Planning and Zoning Commission. So, thank you very much and if you have any other questions for me -- thank you.

Simison: Thank you. Council, any further questions?

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

Simison: Council Woman Strader.

Strader: What other types of development could happen under this designation? If you could give us some examples.

Dodson: Mr. Mayor, Council Woman Strader, are you talking under the current ME or under the medium high density?

Strader: Yes. ME.

Dodson: ME. Yes, ma'am. ME would be more in line with the commercial uses. Within this zoning it has a bit more of an employment destination -- designation, which as I did note in my staff report is a little odd when everything surrounding this to the east and southeast is -- and directly to the west is medium high density residential. It -- you are -- you would likely see more ancillary -- anci -- I cannot say that word. Ancillary commercial uses, office uses, some maybe even flex space, those types of uses. That's going to be what -- what you would see on ME designation. Granted, because this is removed from the arterials and this is tucked away a little bit, I don't know if you would see any larger users there.

Strader: Thank you.

Dodson: You are welcome.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Joe. And to that point, I happened to take Black Cat one afternoon, I had to go home for an appointment and thought, oh, I will just take the back way home, I live in northwest Meridian and -- and shoot down Black Cat to Ustick and it was about 3:15 or there -- thereabouts and I was shocked, the traffic backed up, as Council Woman Perreault, has noted, it was -- I didn't realize it was that -- that backed up. But whether it's mixed employment or high density, you are still going to have some times with the school there that we are going to have some issues and I think part of the -- the solution and my question to you is do we need to have that expansion of Black Cat at some point to make all of this work or is this going to require Aviator to be extended, even though, you know, these folks don't own the property, what -- what -- what is the -- the answer to the -- to the traffic issues or has that been discussed by -- by staff at all?

Dodson: Councilman Hoaglund, that's a great question and has a -- definitely a larger conversation. Chris, could you let me share my screen? Ignore this section of the thing, because it's still for whatever reason -- picked up the Compass Charter School site. But part of your question was regarding Black Cat. Black Cat is not -- well, it was currently slated in the 2031 CIP to be widened, which, obviously, that's a ways away. The next round for revision to the CIP, from my understanding, is in 2024 and it is based on the

traffic use here. I would assume that -- I would hope Meridian would push to get Black Cat widened before then -- before 2031. So, there is bigger discussions to be had above my paygrade for that segment, but when it comes to Aviator and the extension of that, this site and site to the east are picking up in interest and I -- I think Aviator will get extended and connected to Franklin prior to Black Cat being widened, which is one avenue to alleviate some of the traffic as well, not just leaving Aviator onto Black Cat, but coming and going in general from the school will be drastically improved with that connection. Unfortunately, the applicant doesn't maintain those parcels, but part of what, you know, we pushed for so hard was to get Aviator constructed with this -- or shown on the concept plan in a better location, so it can be extended sooner and easier for the future. Overall with the conversation of transportation, that is one of the main reasons why they are not going forward with a plat now. They might have -- prior to Kristen joining The Land Group I was working with the applicant with -- on this site and we have met multiple times officially and unofficially about this site and the access issues and they don't have a secondary access as required by Fire, so they would have to sprinkler all the homes. Again, one reason why they are not doing a plat right now. But they do want to set the basis for that up and return it back to the future land use of medium high, which is what this, from my understanding, had been part of the comp plan for quite some time. Changing it to ME was, frankly, not -- didn't have a lot of long term view, it -- and the school could have been annexed in under the medium high, but with the adjacent landscaping business that would not have worked and we can't create nonconformity, so having it changed back then in 2018 to what it is now was a little weird. I do think that changing it back to medium high fits with the area better. It does have those issues with transportation, but that's why they are not doing a plat right now. They are just trying to set it up for the future development, so that they can later, when some of these transportation -- transportation issues are corrected or improved, then, they can come forward with a plat.

Hoaglun: Mr. Mayor, Joe, thank you for that.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Joe, you do such a great job in your explanation, it helps us out quite a bit, but I just have one question to -- just to clarify. So, what you are saying is tonight is approval for just the -- the rezoning, it has nothing to do with any future projects that may come. Those will be a -- just to -- just to clarify, those will be a separate discussion in a separate public hearing or CUP, maybe. I don't know.

Dodson: Councilman Bernt, there is two facets. If they did multi-family they would have to do a development agreement modification, because this is tied to a concept plan that is showing lot lines. So, I would say that -- and generally with the me the analysis is single family attached. So, if they were going to do multi-family, DA mod, and CUP. If they stick with the single family concept as shown, then, they would come with a pre-plat, which will come before Council for sure and it will be tied to this DA and make sure that it's

significantly consistent and all of those things, you know, and road layouts are part of that. So, they couldn't turn around and completely reroute Aviator without doing a DA modification as well. But it will come before Council again.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Can we get clarification on -- when we talked about what was spotted -- or, excuse me, when we talked about the Comprehensive Plan future land use in 2018, is that -- was that from the last comp plan or what is -- is the medium high from -- was there a conversation done when we approved the new comp plan that -- what was it set out at that time? Was it ME? Because that application had already been approved with the school? Am I being clear on my question?

Dodson: Council Woman Perreault, I'm not entirely clear on your question. The ME -- prior to it being ME it was medium high density residential and that was --

Perreault: But that was -- oh, sorry.

Dodson: No worries. The -- it was part of the comp plan -- my understanding is that it had been changed on staff's perspective, but it had not been formally approved. But it is the comp plan that had this -- had Compass Charter not coming through it would have been medium high density residential now.

Simison: I think that -- the question I'm hearing, Joe, is what was this in the 2019 approved comp plan. Did this -- what was it at that time and did it change in that process or is it basically a carry forward from the previous comp plan that -- do you know?

Dodson: Thank you, Mr. Mayor, for clarifying. It -- the 2019 approved comp plan has it as ME, because Compass Charter came in and changed it from the previous one -- from medium high to ME. To clarify that. It kind of --

Simison: Did that help answer your questions on time and elements?

Perreault: Mr. Mayor, thank you. Yes, it does. That's what I -- that was what I was not so eloquently asking, because it's 9:00 p.m. and I am exhausted. But thank you for clarifying. Yes, that's what I was asking, because, you know, even though that -- that property might have been intended for a particular use, you know, our entire comp plan was reviewed by committees and decisions were made about what the uses were all over the city. So, I don't want to discount that as part of this decision either. You know, when that -- when that use came in with the school I was actually pretty excited, because that is such a unique small acreage and it's hard to do something with it and I knew it would be because of geography and because of what's around it and so, yeah, I just -- I thought that would have been a good use of the time, but it's -- it's not -- it's neither here nor there now. So, I did just pull up the cut sheets for ME. I don't know if that would help, Joe, to

bring one of those onto the screen that shows exactly what the other uses could be, just for visual. Council Woman Strader had asked that and I think the visual was helpful for me. So, I just -- I -- we take these comp plan amendments so seriously and we have decided that we are only going to do them every six months and so I want to make sure that we are a hundred percent comfortable with the decision.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe a couple comments. I wasn't sure if staff might pull something up or not. But, you know, I -- so, it's surrounded by medium high residential; right? So, I would think if there was a comp plan amendment exception like this would be the one. That being said, I am of the mindset that this should be done at a set time during the year when we should hear all of them at once. I don't like making an exception for one property. I think we need some rigor around how we do comp plan amendments. In previous years I think the public may have had a level of mistrust because of how frequently they happened and I just want to make sure that we are being really careful around that. I think this one would warrant an exception. It's pretty easy to see to me that it -- it can't be a sports field anymore. They already have one. I get it that that should probably happen. But I think these should all happen together at a set time during the year. So, I don't know. That's just two cents. And -- and just to give feedback to the applicant, I realize there is no plat at this point, but I have concerns about your concept plan. So, I just want to voice those. I hate common drives and I think a lot of people probably share that view. I also think the open space is really got to be looked at. I would expect for something this dense to have real central open space. So, those are just some initial comments. But I just want to be, you know, as early with those comments as possible as you are taking all that into account. So, those are just some initial thoughts.

Simison: Mr. Nary, just for clarification -- to my knowledge it was not actually approved or anything that requires that only allows the comp plan to be amended every six months. I know it's something I support as well, but I don't -- can you provide any clarity? Do you know? Or Joe?

Nary: Yeah. Mr. Mayor, Members of the Council, it's not in the code currently. It was -- it's been a discussion and certainly the Council has not really had a further discussion as Council Woman Strader has mentioned about process or preference, other than the desire to not amend the comp plan. She is correct that, you know, that was one of the issues that came out during the public hearings through the last comp plan approval with the concern from the public that it gets done too often, that it feels like there is really no place.

Simison: Okay.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: If I remember that conversation correctly, we did -- I thought -- at least put forward a resolution, but -- that that was our intention. So, it's not that there isn't anything in writing, but I just would be curious to -- to double check that. And, Joe, would you mind pulling up the sheets from the website that has -- actually have like the drawings of the different potential uses. It's under long range -- yeah. There you go. Under long range planning.

Dodson: Council Woman Perreault, that is the one that I pulled up. You may have pulled up the one from the not Ten Mile plan. But that is the one that I pulled up. It has the sample uses here.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, there is a person from -- Kristy Inselman is on from ACHD, but I know Joe mentioned the potential of seek to advance this widening of Black Cat and I know there is a railroad crossing there that always has a huge challenge on widening because of the interplay with the feds on the railroad. So, I don't know how realistic that -- that desire -- I mean the desire may be there, the ability may not. So, I don't know if you want to explore that further, if that's what are your thought process.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Talk about that further. And I thought Joe had -- had a good answer. I appreciated the insight into the thinking, because recognition that the traffic flow in this area isn't working well and -- and to get that to a point where it can function better, are we going to need to do something here to allow the next domino to fall to be developed -- or plan for development to extend the road, to come out, to connect to -- to Franklin Road and create a better -- better situation in this -- this case. And -- and to Councilman Council -- Council Woman Strader's point, that, you know, do we wait and do these all together. You know. And I struggle with a bit -- when you go back to the original designation of what it -- what the designation was in the future land use map, is that really a change. The change was made from what it was going to be or what it was, future land use map medium high density, to an ME and now we are going back to that, it's a change, but it's not a complete change from what it was, because it's going back to what it was. So, I kind of struggle with that a little bit. I get it. But at the same time it's like, well, is that a real change. I don't know. Even if we were to leave it mixed employment and looking at those on the sheet Joe brought up, do we -- you are going to still have traffic and the issues are -- are going to be there. So, does a residential spur development of through streets quicker than an ME that's just going to sit there and never be utilized, which, you know, that -- someone cheer that one on, you know. So, it's kind of a -- bit of a conundrum

here as we try to determine. The good news is, though, as Councilman Bernt brought out with his questions, was the fact that we will have another bite at this apple down the road and be able to address some of the major issues that are concerning us with traffic and densities and those types of things. So, it's -- it's a little less of a concern to me that we tackle all that now, because we can't and that we are just dealing with these -- well, one issue and that's do we return it back to the future land use designation of medium high density residential and, then, the next two will -- will fall into place if -- if we do that, so -- my thoughts.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think Councilman Hoaglun made some good points. He has won me over. I think I'm tracking with his thinking on this one, but I might offer some future meeting topics to address some underlying issues if we decide, you know, to have those discussions at a future date. So, I think for this one it -- it makes sense. It's pretty obvious that it should be residential to me at least. So, yeah, I feel convinced that changing the designation now would be okay. We will get another bite at a future plat later. But I do think we have some underlying -- some underlying issues that might mention a couple ideas for future topics.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Candidly I don't think that the future is all that far away if this applicant has put this much effort into this. I think we are going to be sitting and having this conversation in not the far future and so in my opinion as much work as they put into this, even though we aren't making that decision this evening, it's not going to be far out that we are making the decision about -- so, no, they are not one and the same, but in -- I don't think that we are all that far out in having this conversation with them or else they would not have put this much effort into this and so it's not that I'm -- I don't think that this should be residential use. I don't want to give the impression that that is what I'm implying. I actually don't think that either one of these comp plan uses are really the ideal scenario for this parcel, but that's not what we are here to determine, so -- but I just -- I am not in agreement in that we are going to be able to have that conversation really far down the road. I think this application for the pre-plat will probably come shortly thereafter based on the applicant's statement herself about the -- those conversations have been had and the plans have been made.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Sort of in response to that and to the bigger theme of having a plat or no plat

here, I -- I can't speculate or state my position of future applications, but with these noted and important discussion points and issues not being corrected in the near future, I would be hard pressed for the applicant to make a smart choice and not apply in the near future, because I don't see how this -- I don't know how they would get a recommendation of approval, let alone an approval from our City Council. I think they understand that, which is why they are not doing a plat with this application.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Since we have not closed the public hearing I would like to hear the thoughts from the applicant on some of our discussions, if she wouldn't mind. Kristen, would you like to speak to some of the discussion that we have been having, since we haven't closed the public hearing?

McNeill: Yes. Thank you. I do have one -- if I could share my screen. I just want to comment about -- let me see.

Dodson: You should be able to share it now, Kristen.

McNeill: Are you seeing -- are you seeing -- oh, there we go. Are you seeing a map there?

Borton: No.

McNeill: Double screen makes it very difficult. Okay. Are you seeing -- are you seeing a map now?

Borton: Yes.

McNeill: Now? Okay. Great. Okay. So, I wanted to show this just in regards to this -- this map shows the thoughts about future roads going through there. So, you can see the parcel. The subject parcel is right -- right here. So, I did want to just kind of -- I thought this might be helpful. Obviously, we don't have our -- our clients don't have control over any of the parcels that are to the east. The only things developed -- or approved or developed are in this side over towards Black Cat. But I did want to just show that -- this map here to see if that was helpful for any of the discussion. But other than that is there -- what are the specific questions that -- that you would like me to review?

Simison: Councilman Hoaglun.

Hoaglun: Thanks, Mr. Mayor. Kristen, just -- you have heard the concern about the time frames and making sure -- you know, traffic is one of the major issues that we deal with not only here, but in many locations around the community. Just wanted to kind of find out if you can be part of the solution pushing for those things. We know you don't control

some of those things, but if we go back to the future land use designation medium high density residential for this, what does that do for the parcels to the east, if anything? And if you have a crystal ball certainly love to hear your thoughts on that.

McNeill: I think I'm unmuted. Mr. Mayor, Councilman Hoaglun, so we definitely agree that traffic is a concern in all of Meridian and we -- we know that it's kind of one of -- the way that I think about it is anytime you have undeveloped parcels you need to plan for them to be developed in the future. However, you -- they are not developed, so, you know, what we can do is look off of what these sorts of plans are -- these future plans are and try to do the best that we can as we talked about looking at some of those within our -- within our parcel routing -- you know, as Joe mentioned as well, routing that road up through the parcel to help with the future development to the east to do the best that we can to support that. But, again, not being able to control any of that other development, that's -- that's all we can do is kind of look -- look to these -- this framework that's -- that's put forth by previous commissions and groups, Planning and Zoning Commissions and Council, you know, to try to see how we can -- we can kind of work within that framework. And regarding the mixed employment, we -- we do feel these -- these parcels over here also, as you can see here, they are the same -- they are residential as well. So, medium high density residential. So, we do feel like it fits in with that and we can -- the hope is in terms of connecting it back is -- is to -- to find a way to make this not just a -- just a parcel that's floating in there and everything has to be the roadways, so if there is any sort of -- some of those walking paths connecting back to Aviator could do that. In terms of timeline, I couldn't speak to when -- when our clients are looking -- you know, when -- when there would be any future pre-plat application. I -- I couldn't speak to that at this point. But as you can see we have done -- we have done some research and they are interested in making -- you know, supporting Meridian and making -- making the best moves to -- to make it a premier community.

Hoaglun: Mr. Mayor and Kristen, thank you for that. That was a bit of an unfair question. I apologize. But you did your best and it does help seeing and thank you for this map to show kind of the planning that's going on and connecting, you know, similar neighborhoods together and -- and trying to make the traffic situation work better. So, appreciate that.

Simison: Council, further discussion, questions, or motions? The one good thing I will say, to my knowledge this might be our first Comprehensive Plan amendment since we did approve it. So, we have definitely gone beyond the six months, so we haven't had to -- you know, even though we haven't officially had that policy in place, at least that's a positive to our process tonight.

Hoaglun: Well, Mr. Mayor, with that encouraging bit of news, I would move that we close the public hearing for H-2020-0111.

Bernt: Mr. Mayor, second that.

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.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglund: Well, Mr. Mayor, there has -- there has been a lot of good discussion --

Simison: Councilman Hoaglund.

Hoaglund: -- good discussion about this and -- and there are concerns and issues and I think to Councilwoman Perreault's point that if this were to come back right away I don't know how far it would get. But we are not to that point and this is to kind of back to the future if you will to -- to a medium high density residential. I did check with our -- our legal counsel and I will be making a series of motions dealing with each one one by one to go through that and the first one is kind of the first domino, so we will see -- we will see where it goes. So, Mr. Mayor, I move to approve file number H-2020-0111, to include all staff, applicant, and public testimony as presented in the staff report for the hearing date of March 9th, 2021, as it regards to a Comprehensive Plan amendment to return the subject site back to medium high density residential.

Bernt: Mr. Mayor, I second that motion.

Simison: I have a motion and a second. Do I have any discussion? All right. Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: After considering all staff, applicant, and public testimony, I move to approve file number H-2020-0111 as presented in this report for the hearing date March 9th, 2021, and for a rezone of a total of 9.8 acres of land from ME zoning district to the R-15 zoning district to align with the proposed map amendment.

Bernt: Mr. Mayor, I second that motion.

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

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

yea.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: After considering all staff, applicant, and public testimony, I move to approve file number H-2020-0111 as presented in the staff report for the hearing date of March 9th, 2021, and that a modification to the existing development agreement, instrument number 2018-079763 for the purpose of removing the subject property from the boundaries and terms of the previous agreement and enter to a new one consistent with the proposed residential concept plan.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I will second that motion.

Simison: I have a motion and a second to a motion that was very long. Do I have discussion on the motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: The reason why I'm -- I'm in favor of these motions this evening is just for the mere purpose that it's just a rezone back to what it originally was. I take solace in the fact that any type of future development that will happen on this property will have to come back to City Council through Planning and Zoning for future discussion and I think it's pretty clear that we have mentioned this evening that a little bit of work needs to be done in the traffic and -- and I'm sure this Council will take that in regard when we make those future decisions.

Simison: Thank you, Councilman Bernt. Are there any further discussions on the motion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: Thank you very much. Like you say, Councilman Bernt, a lot of work still to be done for this part of our community. With that we move to future meeting topics. Any item in our future meeting topics?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have two suggestions for possible future meeting topics. One would be maybe we could have a future discussion about reserving two times during the year when we consider, you know, comp plan amendments is one idea. I think that that's worthy of discussion. Give a lot of clarity to people in the public. And, then, the second idea would be -- I at least would be interested in receiving an update from the Planning Department on the amount of residential development that's been approved in this area of Meridian and a projection of the absorption of that inventory that's already been approved and just kind of an update. It feels like we have approved a lot. What are we looking at in the next five years. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- this question isn't for discussion purposes, obviously, but just clarification on Ms. Strader's comment and are you wanting information just in this particular locale in our city? Am I understanding you correctly?

Strader: Yes. This area around Black Cat. This neighborhood.

Bernt: Perfect.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm not sure the appropriate method to go about the discussions, but it sounds like we need to also have one about the waterways in our community as well. So, I don't know if that's something that needs to go through Planning and that's the code-related issue and not for us to discuss -- I don't know what the appropriate method is.

Simison: Are you talking about fencing on the waterways --

Bernt: Of waterways. I got it.

Perreault: Yes. Yes. Correct. About -- about the distinction between the types of

waterways and how we can clarify that further for the public, for the -- and for the applicants.

Simison: Yeah. That was on my note. I mean, obviously, based upon the conversation, but I can think back to three separate fencing conversations along the waterways over the last -- I want to say four months and I have no idea what our consistency is in those conversations.

Bernt: Good points. Good points.

Simison: Okay. Anything else, Council?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Hoaglund: Second the motion, Mr. Mayor.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 9:27 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK