

A Meeting of the Meridian City Council was called to order at 6:01 p.m. Tuesday, March 21, 2023, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Bill Parsons, Sonya Allen, Berle Stokes, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call the meeting to order. For the record it is March 21st, 2023. It's 6:01 p.m. We will begin this City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next up will be the community invocation, which tonight will be delivered by Doug Connelly of Stonehill Church. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection.

Conley: Thank you for allowing me to do this tonight. Dear God, we thank you, we love you and we are so thankful for all that you have given to us, whether it be our life and our breath. Lord, we thank you for a country we get to live in where we have the freedom to worship you and we have the freedom of -- of speech and so many other freedoms and we also thank you for the community that we live in. We thank you that we live in Meridian and truly blessed with the city, with so many great things, but most importantly so many great people. We thank you for the leaders of this community and -- and all that they do to serve it both day in and day out as they do their best to see the City of Meridian continue to be a great place. So, I pray for them. Lord, I lift them up tonight. I lift up the Mayor, God, that you would give him the strength and wisdom to lead in the way that you want him to lead. God, give him the strength and what we think of the City Council Members as well and, God, thank you for them and their service and

their willingness to -- to do this. Lord, we just pray that you would continue to guide them and give them wisdom and clarity in all things, Lord. We lift up the city staff and other city officials and -- and workers and first responders, Lord -- God, as they -- as they work hard and as they serve this community, God, would you bless them as they serve our -- our people on a daily basis and give them what they need. And, then, finally, Lord, I pray for the residents of our community and just help us, Lord, help us to do the things that we need to do to step up and to serve our community, Lord, whether it's the service or voting or -- or whatever it would be, God, that we would -- we would add to this -- this place and -- and help us, Lord, to be what we need to be. God, would you be in this City Council meeting tonight in all of the decisions they have to make would you guide them, God, give them direction and wisdom and clarity, Lord, and -- on the things that, Lord, you want them to do and -- and how to handle those decisions, Lord, and just help it to go smoothly tonight. So, we thank you, we love you, and we thank you for this opportunity, in Jesus' name, amen. Thank you.

ADOPTION OF AGENDA

Simison: Thank you. Council, next up is adoption of the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: We do have one change in tonight's agenda. We have an Executive Session at the end of our meeting, but we want to make sure we do it the right way and that is we are just doing a little bit alphabet shuffle. Instead of (a) we are going to go into Executive Session per Idaho Code 74-206(d). So, that is the only change I move to adopt the agenda. So, with that, Mr. Mayor, I move approval of the agenda as amended.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Settlers Park Subdivision Sanitary Sewer and Water Main Easement No. 1**
- 2. Findings of Fact, Conclusions of Law for Sagecreek Subdivision (SHP-2023-0001) by Mason and Associates, located at 1554 S. Labrador Way**

3. **Approval of Sole Source purchase of Allen Bradley Products from Consolidated Electric**
4. **Agreement for Use of Kleiner Park for Capital Church Community Egg Hunt**
5. **Memorandum of Agreement between the Idaho Transportation Department and the City of Meridian for Meridian Police Department's Use of Department of Motor Vehicles Motor Vehicle Registration Information**
6. **Resolution No. 23-2378: A Resolution of the Mayor and the City Council of the City of Meridian Approving City Council President's Appointments of Meridian's Representatives to Community Planning Association of Southwest Idaho and its Executive Board; Providing an Effective Date; and Affirming Other Appointments**

Simison: Next item up is the Consent Agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move approval of the Consent Agenda and for the Mayor to sign and Clerk to attest.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Simison: There were no items moved from the Consent Agenda.

PUBLIC FORUM – Future Meeting Topics

Simison: So, the next item up is Public Forum. Mr. Clerk.

Johnson: Mr. Mayor, we just have one. Sally Reynolds.

Simison: Good evening, Sally.

Reynolds: Good evening, Mr. Mayor, Members of the City Council. I'm happy to see you all here tonight and in the best spirit possible I'm glad that Council Member Strader is not here and I hope that she is either had or will have a happy family occasion very soon. Oh, no. Wait. Wait. What am I looking at?

Simison: She's on the -- she's on the --

Reynolds: Oh. You're there. Oh, I'm sorry. You are there.

Strader: I'm still here, Sally.

Reynolds: Well, bless you, Council Member Strader, for being so dedicated to your city. Thank you so so much.

Strader: You got it.

Reynolds: Stuck in olden times. I forget we have Zoom. Anyway, I just -- you can raise your hand -- I know I am not totally up to date on all of what the Council is considering. So, if this is already under consideration just stop me, but with the growth of Meridian city I would love to see our Planning Department expand a little bit. So, if you would be willing to take into consideration an additional hire in the Planning Department and budget for that, I will watch when the budget comes up, I would be happy to come testify to that for our budget. I just think that with Meridian's growth and everything that they need to do that that could use some more for buttressing. Yes, it's already under consideration? Oh. Oh. Okay. I thought it was -- I just -- one of the things I will just tell you, I was preparing my remarks tonight and I saw one of the things had been uploaded last night at 10:30 p.m. and, number one, no one should be doing their job 10:30 p.m. at night and number -- so, it shows the dedication of our staff. And, number two, it would just -- to have everything there and everything complete would really give the residents and the Council ample opportunity to review those and I know that sometimes when public testimony comes up and it can maybe seem or come off as the public as, you know, complaining or not, but I think that if we can have that information, then, we can really prepare factual remarks that can speak to the applications having them in a timely manner. So, thank you.

ACTION ITEMS

- 7. Public Hearing for Proposed Summer 2023 Fee Schedule of the Meridian Parks and Recreation Department**
- 8. Resolution No. 23-2377: A Resolution Adopting the Summer 2023 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date**

Simison: Thank you, Sally. With that we will move on to our Action Items this evening. First item up is public hearing for a proposed summer 2023 fee schedule of the Meridian Parks and Recreation Department. We will open this public hearing with a brief statement from staff.

White: Mr. Mayor, Members of Council, thank you for having me tonight. Like Mr. Mayor just mentioned, these are the fees proposed for the summer activity guide. With that I will stand for questions.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, we have a -- to meet noticing requirements we are going to have to continue this. So, Garrett has opened the public hearing and so we are going to continue the public hearing to March 28th, so we can meet those noticing requirements. So, I would move, Mr. Mayor, that we continue the public hearing for proposed summer 2023 fee schedule and Resolution No. 23-2377 to March 28th.

Cavener: Second.

Simison: Have a motion and a second to continue Item 7 to March 28th. Is there any discussion? Do you want to do them both at the same time? Does the second agree to also include Item 8, which is Resolution No. 23-2377? Okay. Is there further discussion? If not, all those in favor signify by saying aye. Opposed nay? The ayes have it and we will continue it to next week.

MOTION CARRIED: ALL AYES.

9. Public Hearing continued from February 14, 2023 for Sagarra (H-2022-0027) by Accomplice, located on the south side of W. Orchard Park Dr., west of N. Fox Run Way and east of N. Linder Rd

- A. Request: Planned Unit Development for a residential community containing a mix of single-family detached, single-family attached, townhome and multifamily units with a reduction to the setback requirements in UDC Table 11-2A6; and two private streets.
- B. Request: Preliminary Plat consisting of 114 building lots and 16 common lots (including 3 private street lots) on 17.49 acres in the R-8 and C-C zoning districts.

Simison: Next item up is Item 9, a public hearing continued from February 14, 2023, for Sagarra, H-2022-0027. We will continue this public hearing with comments from staff.

Allen: Thank you, Mr. Mayor, Members of the Council. So, since the last hearing the applicant has submitted revised plans, a preliminary plat, a landscape plan, open space exhibit, site amenity plan, parking diagram, setback diagram and concept elevations for the single family residential units to address items of discussion from the previous hearing and I will just go through those real quick. And just a side note, I did put in a copy of the approved concept plan that's included in the development agreement for this project for the future development area -- future residential development. It's hard to see, but it did show some very light lot lines on these. But, anyway, just wanted to include that for review if you are interested. And this is a copy of the previous preliminary plat and this is the revised plan and I'm just going to run through them quickly. I imagine the applicant has a presentation that they will go into more detail with you on the changes. This is the landscape plan. Proposed reductions to the R-8 setbacks. Staff did prepare a table that you received in an e-mail and is also here before you and I can scroll back to that when we are -- we are done here. The common open space exhibit and site amenity exhibit and parking diagram and, then, the new concept elevations for the single family homes and I can go back to any of those at anytime if you would like to review them in more detail. And I just go through the changes to the plans. The changes include two common lots that have been added, three building lots -- or, excuse me, three buildings with nine multi-family units have been removed and two single family attached units have been added for an overall reduction of seven units, resulting in a decrease in density from 8.35 to 7.95 units per acre. Removal of on-street parking where the road curves and updated elevations for the single family homes that represent a better architectural quality. The reduction of units increase the qualified open space by .11 of an acre. With the reduction of seven units and reconfiguration of parking, a total of 25 extra off-street vehicle parking spaces are proposed and with the removal of on-street parking spaces on the curves, a total of 76 on-street spaces are available. The updated setbacks diagram depicts the portions of buildings that are nearest the property line where reductions to setbacks are requested through the PUD application and the standard R-8 setbacks required by the UDC. Overall the proposed project exceeds the minimum parking open space and site amenity standards and is consistent with the density desired in the medium density residential and mixed-use community future land use map designations and with the minimum density required in the development agreement of six units per acre. In summary, staff is supportive of the proposed changes to the plan and overall planned unit development, as staff believes it is -- provides an opportunity for exemplary site development that allows for innovative design that meets the purpose and findings required for a planned unit development as noted in the staff report and the applicant is here to provide a more in-depth -- a narrative of the proposed changes and overall development. Thank you.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Sonya. That's -- that summary was very helpful. One quick question about the parking. Where is their parking -- parking that was removed from the curved public road, was there additional parking added, then, to the other public portions to the south and the east?

Allen: The -- the previous plan, as Mayor and -- Mayor and Council, Council Woman Perreault, the previous plan is shown there on the left. The revised plan is on your right there. The parking that I noted that was removed was on the curves. I believe all the other parking remains the same that was shown on the plan previously.

Perreault: Okay. Mr. Mayor, I have one more question.

Simison: Council Woman Perreault.

Perreault: Somewhat significant changes in -- that were made. Did any of these changes cause the conditions of approval to change in the staff report that would be of note for us to know this evening? I saw the recommendations made by the Commission, but is there anything else that you wanted to point out to us specifically?

Allen: Nothing else -- no. Nothing else. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Sonya. I -- you know, I recall we have a rule that we need all of the changes and materials in -- I think it's at least two weeks before the hearing. I just want to make sure we received everything with an adequate amount of time for you to review and feel comfortable and for the public to review and feel comfortable. This one feels like a little bit of -- a little bit of a scramble. I'm amazed that you pulled it off getting all this information together and these setback tables, et cetera. But I just -- I don't like feeling like we are rushing through something when it feels like it's respectful of everyone's time to have enough time to sort of review staff's analysis of the changes. So, if you just want to comment on that.

Allen: Yeah. Mr. Mayor, Council Woman Strader, Council, admittedly staff is a bit stretched these days as you know being short staffed and just the amount of applications and the applicant did turn in I believe all of the revised plans the 15 days prior to the hearing as required. The one plan that I was waiting on was the -- the one that you noted specifically that you would like to have, the comparison between the standard R-8 dimensional standards and what was proposed. That was the plan we were waiting on. It came in Friday afternoon and it -- it didn't quite detail what I know you were asking for, so that was the kind of mad scramble on staff's part before the hearing today to try to get that side by side for you and, you know, we -- we always like to have more time, but I -- I do feel confident that we are there on this project and that the applicant is complying and actually exceeding our -- our minimum standards. So,

staff is okay with it if -- if Council and the public is okay with it. Having said that, the most time possible is always desired. But thank you for your patience on that. It is appreciated.

Parsons: Mayor, Council, if I may just piggyback on some -- some of Sonya's comments for you real quick. So, I -- I want to just let the -- this body know that I actually did meet with the applicant on February 27th after the public hearing and we went through a lot of these changes that you are seeing tonight. So, although they didn't technically meet the -- giving us the revised plans within that 15 day window, we felt that what they were proposing was adequate for us to make a recommendation to share that with you this evening. Now, I know as part of that discussion with the applicant on the 27th they were -- they had informed me that they were also going to meet with Sally to talk about some of these changes, too. So, I'm hoping that some of that has occurred and they can share that information with you tonight as well. But I just at least wanted to give you that background information that they -- they are trying to meet what you asked them to do a month or so ago when you wanted to see the revision. So, hopefully, that adds to some of the discussion tonight.

Simison: Council, any additional questions or comments for staff? Okay. Then I will invite the applicant to, please, come forward.

Tsang: Tony Tsang. 6518 North Fairborn Avenue. I represent Sagarra in this application. So, if we can -- do we have the presentation? And I will start off by talking about that we -- we do have that slide. We do have that side. I know that we had -- we didn't have that slide -- staff didn't have time to prepare that slide, but we prepared one also. Hopefully they -- they should jive completely. All the -- all the forms that we did want to submit for our application we did -- we did get done in time in the 15 days. The one slide that -- that staff so kindly did produce we were planning on producing for you, so we can just put them side by side. So, they should reflect the exact same counts. A couple things I want to address before we go too far is parking. I think parking was a question. After our last Council meeting Sally -- Sally and I actually went down to ACHD -- they had a -- we were able -- we were planning on speaking in front of them and luckily their head -- head lead counsel was there and I happen to know him through golf and he pulled me aside and said, hey, I don't see you on the docket. So, we spoke to them about the parking on the curves and I said, hey, we don't want this parking, we want to speak in front of ACHD to get the parking removed and he said, well, it's not our decision, it's a decision of the city and both Sally and I -- we said what? So, I grabbed Sally -- I said, Sally, come here, you got to hear this, because if I tell you this you are not going to believe me. So, he told me it's a city's decision as long as the neighbors and the developers agree that there should be no parking, they are responsible for putting up the signs and we said, well, what's the next -- well, Sally said what's the next step? He said we will have to reach out to you and we will give you the process of asking for them to be no parking and the ACHD will, in fact, put the signs up. So, that was kind of a surprise to me. I always thought it was ACHD's decision. They informed us that it was the city's decision. So, I stand a little confused. I don't know if it is the city's decision -- whose decision it is, but the process has been started. Sally was there.

She can, hopefully, testify to the fact that that's exactly what happened. But we don't want the parking there. We removed it from our diagrams. We don't need the parking. All the street parking was extra anyways. We are self parked. And the earlier question was has the parking counts changed and the ratios have gotten better because we remove some units. We did remove some parking stalls, but because of the number of units we removed the parking ratios got better. So, we actually created more parking on a ratio basis, but we reduced the parking, because we lost seven units. So, I just want to make sure that's clear is that ratios got better, actual parking counts went down. We are still overparked on site and none of the parking on the street was a requirement anyways and that's -- I wish that that process was done now, but it wasn't done yet. We are in the process of getting ACHD to put in no parking signs and originally it was going to be in the two curves, but, then, during our meeting with Sally and the neighbors they mentioned another, Director, they wanted the two spots taken out, so we removed those. Then I notice on the north side -- northeast side there is another curve and we took those out also. So, hopefully, that settles some of the parking questions. So, just wanted to clear those two things up. Staff did a great job talking about what we have changed. I know -- I'm sure everyone was hoping for a bigger change. We went through our plans. We got rid of seven units. It was related to us that, hey, get the -- get the density under eight. You guys are playing games doing 8.35. Let's get under eight. I know it's 7.9 and change, but we lost seven units, got under -- got under eight. We did meet with the neighborhood again. Nick Grove, director of the Meridian City Library, was kind enough to open the library to us and serendipitously he was there to answer some questions. So, it was kind of a really cool format. We met at the library. We were able to present what we had and we didn't expect them to love it, because I -- I know that everyone was probably hoping for a bigger change. This is all we can -- I can't say all -- this is all we can do on our pro forma and this is what we can do and we presented. Neighbors were nice. And, then, they met on their own with Nick there. Nick was sucked into it and they were able to ask Nick some -- you know, have his opinion and he's, obviously, you know, pretty nonpartisan. So, he was able to answer all of their questions. We were involved in a portion of that meeting. The neighbors themselves spoke. Unfortunately we had to cut the meeting short, about an hour and a half, hour and 45 minutes. I had a previous meeting -- engagement we had to run to. But we did present our new plan. We asked them not for necessarily their support, we asked them to be agnostic. We asked them to say, look, we are trying our best. I think we -- we put our best foot forward. I -- I really do like it. I know that it's not for everybody, like we said before, but let me go through some of the slides. So, a lot of this is going to be redundant, because I think staff did a good job of talking about reducing the density. We have the ACHD solution for the parking. We updated some of those elevations. That was my fault that we put in there that -- that example. Where -- you know, a lot of this is taking a big step back at what we are trying to do. The site does have some limitations. I know we talked about the PUD process and why we are using PUD and I will go through all the points. I think Councilman -- Council Woman Strader asked why are you using PUD -- PUD. So, we listed all the reasons why we are using it and we will go through those slides. And this site does have one issue that makes it a little hard to develop, because on the south side we did have the irrigation ditch and there is a 40 foot easement. So, as you can see the shape of that -- the

shape of the parcel on the -- on the west side is a little narrow. Now, you take away 40 feet from us it gets really really narrow and then -- so, for us to, A, agree to do single family homes as they border Paramount, not agree, but comply. So, we are doing the single family homes. It leaves us so little space because of that 40 foot easement. So, that just caused some challenges. Part of the reason why we pursued the PUD process is because we want to feather single family to townhomes to multi-family, because as you approach the commercial space we just felt that having single family homes right abutting to commercial space didn't really make a ton of sense to us. So, that's part of our reason why we did it. Now, here are the reasons a PUD exists is that it allows us to do some building -- building clusters. Okay. Here is what the PUD allows for. We have smaller lot sizes. So, as all of you probably -- I'm sure you know with R-8 zoning 4,000 square feet is a minimum lot size. By using a PUD it lets us have certain lots -- have lots that are under 4,000 square feet and -- and the idea of -- the bigger idea of the PUD was to cluster some of the homes a little tighter, so we can create bigger and more usable gathering spaces and open spaces. You know, I was looking at the Paramount Subdivision, which is awesome, and, you know, they have almost a square mile of land, 640 acres. They have one clubhouse, which is a great clubhouse, with a pool, some walking paths and a park. We have 17 acres to work with, which is a -- percentage wise, what, three or four percent and I would love to go through our amenity package, too. Because what we want to do is create an environment with more amenities, but to do that you have to need more contiguous open space and so our amenity package I think is really nice. We have that tool shed. We have the -- we have our clubhouse with a really nice pool. We have here -- I think we -- I can show you. Michael knows the amenity package a little better. But -- and we will go into that a little bit. So, smaller lot sizes, zero lot lines, back to clustering. We allowed for the multi-family use for us to feather up to the commercial and private drives and staff can probably comment on that. That's what we caught of what does not -- and, then, Council Woman Strader asked give us a list of everything you -- you are using this PUD for that deviates from the R-8. So, we go to bad, this is what we are doing. The setbacks, here is our -- sorry. Here is our presentation there to staff. You know, did the proposed and what we are deviating from, so you guy can compare them side by side. I'm sure that they should be pretty exact, because all we did was pull the code of what needs to be done and, then, use our numbers of what we are proposing. And, Michael, if you can come up and talk about the amenity package that would be appreciated.

Slavin: Michael Slavin helping present. Live at 424 East Thurman Mill Street, Garden City, Idaho. Thank you. So, I will jump if you need a little bit more. And what -- the point Tony was trying to drive home is when you have 17 acres versus let's say 500 acres and you are trying to produce the same amount of amenities, some of which were required, like a community clubhouse, I believe that between the tool shed, a multi-family clubhouse, and -- and the clubhouse next to pool, we actually have three on the site. So, we are cramming a lot of amenity uses in a much smaller space and that that's one of the advantages of a PUD and that's why we are working hard to create an exemplary site plan where you are -- by clustering homes you have a lot more community space. Besides that -- and we actually putting that would want to emphasize as well is that these are actually plans we have -- we commit to. By submitting this, you

know, to planning staff we have to build these things. These aren't ideas. These are -- and that's why they are somewhat granular. But we thought it was somewhat of a disservice to the bigger plan of the site. So, there are some drill downs on the site, so -- and walk through these fairly quickly. You can see on the western portion of the site we actually have, you know, community garden space with actually raised bed planters. Here, you know, nice pocket parks on this side, which are pretty comparable to larger subdivisions, even though we are working with less space. The other requirement of a PUD is a lot of connectivity. You can see here that we do have the multi-use pathway. We do have interstitial pathways in between a lot of the homes, which are -- you know, create that -- that great walkable environment. You see bike parking spaces here. You can see another pocket park here, which they can, you know, jointly enjoy -- I think that one of the things that's underappreciated, but you can see more here at scale. This is in the very center of the development connecting to Orchard Park to the north and this is actually we intend to -- to put a crosswalk in across Orchard Park Drive -- is we actually have enough space here for a place to throw footballs and -- and hang out and play spike ball, things like that. But we also have fire pits. You see these little groupings of chairs is actually, you know, hanging out amenity space next to a clubhouse. It's actually in this multi-family structure. I mean you can see here -- this is, actually, a shared amenity space. A tool -- tool, library, et cetera. People are living in smaller spaces. They don't have the luxury of a huge garage. But they also want a place to go work on their -- their bikes or, you know, skateboards, what -- what have you. So, we feel that's a great amenity in a living environment like this. Moving down -- of course we have another pocket park here. We are not including a -- what .7 acres to the east, because it's kind of out of the way. I think a lot of people actually enjoy walking their dogs there. But it's not contiguous space in our view, so we are not trying to overinflate what we are doing. And then -- sorry. Here is -- here is the last space. This is in the large triangle. The triangle is actually just over an acre and we do have a couple of these bolder homes sitting within it, but for the most part this acre is fairly open with -- with quite a few opportunities for people to hang out and grab a picnic or do what they want to do and, then, of course, we have enough room for a soccer field right next to the -- the pool and community clubhouse here. So, you can see -- when you think on -- on an amenity level I would say that less than -- less than, you know, ten percent of any subdivision in the country has this many amenities, you know, per -- per the rooftops involved in a subdivision. So, we just -- we are pretty proud of it and put a lot of work into it and feel that we meet the standard that -- thank you. Bill is saying that we did. So, I think that's it.

Tsang: We can stand for any questions.

Simison: Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: You can always count on me to have questions. I have about three questions for you. First, you referenced the parking question that I had for staff and I want to clarify what my question actually was. The question was did you move some anticipated street parking from those curved areas to the straight sections of public road on the south side or are they the same -- the -- the two side by side photos -- again, it's hard to see on the small screen, but it looked like maybe there was more parking in the street sections of public road on the south side than there was prior.

Tsang: No. We -- all we did was -- everything -- every parking space on public -- public road was just a removal. We didn't add any extra parking spaces.

Perreault: My concern about having -- so, you said you were overparked and that those spaces are not needed, but because it's a public road of course folks are permitted to use that as parking. My concern about those long straight sections of road where you have cars parked on both sides -- there is a lot of opportunity for pedestrian accidents, from people walking out from behind cars, you know, soccer balls running out into the street and when you have it double parked on both sides I think that creates for more issues with safety problems on a -- on a straight stretch of road and that's a pretty long straight stretch of road. You have a stop sign in between those two stretches, but that's a pretty long stretch and people tend to speed up on those; right?

Tsang: Yes.

Perreault: So, I'm wondering if there might be -- if you considered the possibility of just doing the parking on one side or the other or -- it doesn't sound like you are going to put signage on that -- those stretches at all, it's just going to be seen as a parking street.

Tsang: I mean we were open to it. I mean we don't -- because we don't need it it's whatever the community -- back to what we were informed. Again, I don't know if that information is correct. If the -- if the city wants it and the community wants it. You know, we are open to any of -- the parking issue for us -- we meet our parking standards. So, if the community says, hey, we want single loaded streets for parking and that makes sense for everyone and, again, based on some clarification if it's a city's decision, we will work with the city. I mean we -- we -- we feel that with the -- the crosswalks that we want to put in it should be decently safe. Maybe what we do is -- as a -- as an idea is maybe move some parking spaces away from the crosswalk, so there is more visibility around the crosswalks, so when people do want to cross it's not like a -- a car, a crosswalk, and a car. Maybe remove some of those. I think having some extra parking in the street -- streets are -- is a benefit. But, again, open to work with the city. Absolutely.

Perreault: Thank you. I appreciate that. Obviously, it's not something that we are going to condition, because you met the standard, but I would appreciate considering the safety elements of having it parked on both sides and how close the lot -- the -- the spots are to each other.

Tsang: Yeah. And I think if you guys -- if everyone likes the idea -- I mean it's coming off the top of my head, but creating a gap where the crosswalks are might -- if that's sufficient, if everyone agrees with that, I would prefer that. But if it's a, hey, it's got to be single loaded, we can talk about that, too. Just love to have an open forum about that.

Perreault: Thank you. I will -- I will -- I'm sure my other Council Members can share their thoughts on that. That's just my thought on it. Secondly, the section that has the curve right in the middle where there is a green space on -- on the northwest side and there is the tool shed -- is that what you called it -- kind of in the southeast --

Tsang: Yeah. Yes.

Perreault: -- section?

Tsang: Off of Bergman.

Perreault: Can you pull up that --

Tsang: Sure. Michael.

Perreault: -- that zoom in -- and just as you are doing that I want to -- I want to just share some feedback for future applications for you. These documents were really hard to read.

Tsang: I know.

Perreault: There was a ton of zooming in, zooming out, zooming in, zooming out and I struggled. Okay. So, what -- have you made any consideration -- again, not a condition, just a question. Have made any consideration of maybe putting some brick or a different pavement product between -- across the street from those two areas, so that it kind of identifies, hey, you are in a public use area. It would encourage people to slow down as they were coming upon a different design and, then, also maybe tie those two common areas more together.

Tsang: Yeah. I --

Slavin: That's a great comment. What we are able to do is do stamped concrete, use ACHD is like brick. But just so you know, if you see stamped concrete that would be why.

Tsang: And there is a certain part of the engineering -- once we get our construction plans -- I have done a couple of developments here in Meridian -- there is a good chance we have to put pavers in anyways for stormwater retention -- for storm -- the stormwater mitigation. So, if -- if we are -- there is a good chance we have to put some pavers in, too. So, whether we like it or not I think we might have to.

Perreault: I'm guessing that will be an area where a lot of folks will cross.

Tsang: Yeah.

Perreault: Okay. Thank you. Just one more quick question on the amenities. What -- what was the original reason for wanting to create such an amenity heavy development? It -- it -- it kind of sounds like that's almost burdening you to some extent in how you are designing this.

Tsang: And I think we have addressed this last Council meeting is that, you know, I'm -- I'm going to be an empty nester next year. Michael is a single guy lives in a townhome community with no front yards, no backyards. And I'm coming from a larger property and I -- maybe because I'm lazy, I just don't want a big yard maintenance. I want to lock and go. But I still want to work on my bike and still want to go to the pool and have some open space and sometimes we shoot ourselves in the foot by designing communities that we want, but we have to make sure other people want it, because we have to sell homes. But I think there is a demographic here and there is a lot of people moving in here that are empty nesters and want less. So, our motivation was to have a little different product. Not the usual, you know, R-4, big yard, you have your gardens, your dogs. You still have your dogs, because we have plenty of places to walk your dogs and exercise and get out and after we sat down -- when we designed this community with Pivot North, our big thing was a walkable -- almost -- and because we are part of Orchard Park we know that there is going to be so many amenities that there -- I picture myself living there, because I can -- not have to attend a yard. I have a place to work on my stuff. I have an open space and I can go across and get coffee. Now, I don't think I'm representative of everyone or most people, but I think there is a -- we only have 140 some units. I think there is enough people that might want to live that way, but we are betting on it.

Simison: Council, additional questions for the applicant?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Tony, I -- I was appreciative of the application last time and I think you both have made it certainly better. I love the PUD concept. I wish we would see more. I think it -- it allows you to do what you are doing here. It provides more innovative and unique layout and design and product. So, I just appreciate everything you both have done on this. I think it's really well done.

Tsang: Thank you.

Borton: And I don't make -- I'm going to get your reaction to this, because when you remove seven units, that's a big deal.

Tsang: Yeah.

Borton: From the amenities. It's a small project and the amenities you are providing -- I want you to react briefly to that -- that impact on your development with -- I mean your hard costs don't change. Your infrastructure costs don't change. And -- and sometimes a change in unit count doesn't get highlighted as much. That's a big deal and it's a big impact on your ability to deliver. So, I just want to get your brief reaction on that. It's a big concession, which is appreciated, but we also understand and don't highlight enough the economic reality of -- of your project being liable when that -- when that happens.

Tsang: Yeah. Of course, we had to work that pro -- pro forma a few times and that's kind of where we -- we got to with the -- the community. You know, we went in there with -- I know that it doesn't feel like much when it comes to 146 units down to 139. It's -- I know on the surface it doesn't feel like a lot, but it's a lot to us. When you hit a -- that was the disappointing part. I mean I think we had a great community. The neighbors -- the neighbors came out and I think they were just looking for more and I just -- and I finally said, honestly, this is all we got. If we have to do any more it doesn't make sense for us to do this anymore and it wasn't a threat. I know some people took it as a threat. It's just the reality of development and as -- we all know, we live in Meridian, we live in -- our -- the prices are coming down and interest rates are higher. So, it's a double whammy; right? You know, construction costs are still decently high. Values are going down. We are losing units. But we still love this development and we have the -- we have the advantage -- I keep saying the advantage of Orchard Park. You know, this is -- if we were just developers and we had bought this land and we want to build them to sell them and make a profit, I will tell you guys, seven units, I would have told Michael it's not worth the risk, you know. We have the bigger picture. We need to -- we want this part of Orchard Park to be as beautiful as possible and control the environment and have high-end renters, because we want -- we want the commerce at Orchard Park. I will be honest. It's all economically placed. I'm not going to sit here and tell you it's because I'm -- it's -- we need this to be beautiful to insure that the development at Orchard Park is successful also, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a few questions. Can you go to the original plans and just start by highlighting which units were removed?

Tsang: Sure. We -- Sonya, do you mind pulling up the original, because we didn't -- we didn't have the original in our presentation. Yeah. Just -- yes, please. If you go down -- I know -- I can control it here I think; right? It's I think the third slide down. Not that one. One more. Number seven. Okay. I know if we can zoom in or not, but the -- we did it -- we did some alterations. We had some really good advice about -- we had a bolder unit -- a multi-family unit here on the south; right? Oh, this mouse. Here. That we

converted into a townhome. We got rid of this bolder unit on the corner here. We got rid of this bolder unit on the corner here. So, it was -- those were three unit -- multi-family units. So, that's three there. Three in the top northeast corner, and this three unit down here in the southeast corner became a two unit townhome versus a three unit multi-family.

Strader: Got it. So, you lost some garden -- were they kind of garden style -- how many units were in them? I don't remember.

Slavin: They were three units each. So, there are three units --

Strader: Okay. They were triplexes?

Slavin: Technically they are -- yes. They are -- they are -- they are multi-family. They are vertically aligned.

Strader: Okay. Got it. Okay. So, you lost those three and, then, you added two single family attached. So, where are those?

Slavin: Yeah. Sorry. We -- we replaced one of the locations that -- both are -- and this mouse tracks a little funny. It's in the -- the lower -- here we go. This corner. Can you see the circle I'm highlighting. Not really highlighting, but circling.

Strader: Yeah. Okay. So, you are saying you put two single family there instead?

Slavin: That's correct.

Strader: Got it. And, then, the other two you just lost and they became open space.

Slavin: That -- that's correct. Yes.

Strader: And, then, can you guys go -- sorry to have you jump around. Can you guys go to the slide that has the comparison with R-8 and all the different setbacks? Yeah. I just want a minute to take a look at this. So, I guess my feedback would be -- it sounds like these changes are really positive. I -- I think what concerns me at this point is that the materials we had to review -- basically we didn't, in my opinion, have a lot of time to -- to review. I think it may be more our issue than your issue, but I am concerned also to hear from the neighbors, obviously, whether they feel they have had time. But just looking at this -- I mean just for comparison purposes, you know, if you were under the R-8 setbacks, how many units would you be able to fit in this development? That was one of the questions that I had.

Tsang: If you are asking based on the current design -- we haven't ever -- we, as a -- the developing team have never looked at it as an R-8 design. If we had the time to go redesign it we can give you a number, but we just haven't gone through that exercise of doing the normal R-8 yet.

Strader: But you couldn't even -- with sort of like the lot size and the amount of developable land, you couldn't even like take a swag at it?

Tsang: We -- we could. I mean we just haven't. We would be --

Strader: It kind of surprises me that you --

Tsang: Well, because -- and it's -- not trying to be cute, but we designed this from day one as this. This has been our vision since day one. It's -- we never had a Plan B. So we could. I mean the pure math is -- you know, I guess we can do some quick math of how many acres the streets take up and using 4,000 square foot lots and the setbacks -- I mean we could -- you just --

Strader: That's kind of where I was going. Yeah. Just back of the envelope understanding that that wouldn't really be totally correct; right? But at least it would be a -- a swag. And part of the reason I'm asking is I -- I have not been convinced that this merits a PUD. So, that's part of the reason for me asking that question.

Tsang: Yeah. I don't know how to respond to that in the sense of -- I think -- I think the word merits a PUD confuses me a little bit, because I don't think there is -- there is qualification to be a PUD and, you know, we were hoping that we demonstrated some of the qualifications. Michael could speak on that point a little bit.

Slavin: Yeah. It's -- excuse me. And -- and it's somewhat related to never performing an exercise for a typical R-8 lot. Looking at -- they said the constraints, we did give away -- Orchard Park Drive is a condition of the original development agreement -- was quite a bit of land as well and the way it was shaped connecting, essentially, in front of the Firehouse to Fox Run created a technical condition that was pretty tough and so how many of these developments go is we go into the planning staff for a pre-app meeting and we talk about what's possible and knowing that we had a minimum standard -- at least R-6 to hit, we thought it would be much wiser just to actually pursue a PUD. So, we worked quite a bit with planning staff that are, you know, pretty sophisticated in this. This is their passion to go to school to do and work a lot with them hand in hand from a guidance perspective and -- and producing these plans it costs a tremendous amount of time and effort and energy and resources and -- and capital and so we rely a lot on that guidance, to be honest. And so when we, you know, get a level of comfort that we qualify for a PUD based on the amenities that we are offering, you know, the level of design we are offering, we get a lot of conviction and go forward with it and so, hopefully, that helps provide more context in why we -- we pursued a PUD and -- and as well didn't really spend much time looking at R-8 standard lot development.

Strader: It does. It -- it just -- frankly, it does not satisfy my question, which is I believe when we use a PUD we should have an accurate comparison between what we are getting and what we would have had under the traditional zoning. But, you know, if you guys can get a chance to sort of do that back of the envelope, I think that's helpful. It

doesn't mean -- by the way, it's not like that's the decision point, it's not like that -- less units is better, but it's like I just think dancing around it is silly. I think we should be able to -- as a City Council look at what we would have under the traditional process and, then, compare it, you know, accurately with the PUD. All right. Well, I will -- I will quiet down now, Mr. Mayor, and -- and maybe we will hear from others.

Simison: Council, any additional questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Could you go to the next slide where it shows the comparison of setbacks in the R-8 zone? There is another one that had -- that was provided. Keep going. I think --

Slavin: Excuse me. That would have been our presentation.

Tsang: Is that -- the one with the graphic on it?

Perreault: Yes.

Tsang: Oh, yeah, it's on ours.

Perreault: So, was that staff's presentation we were looking at?

Tsang: Yeah.

Perreault: Okay. Sorry. Yes. In your presentation. That -- that is a document I would have really liked to have had. I don't know -- I didn't see it in the file. I just wanted you to leave it up for a few moments so I can review it, because you went through it really fast.

Tsang: Yeah. No problem.

Perreault: I didn't have a specific question related to that. Thank you.

Simison: Would you like to hear from other people while you look at that? I think you guys can sit there and we will go to testimony from the public. So, with that, Mr. Clerk, did we have anybody sign up to provide testimony on this item?

Johnson: Mr. Mayor, we do. First is Sally Reynolds.

Simison: Okay. Good evening, Sally, again.

Reynolds: Good evening, Mr. Mayor, Members of City Council. Sally Reynolds. 1166 West Bacall Street, Meridian, Idaho. First just wanted to thank you all for listening so closely to the feedback from the public last time and for hearing that. I am really pleased to see a number of things have been explained or changed and in particular that PUD qualification a little bit more. With regard to the parking, just want to back up what Tony said. The ACHD lawyer told us Meridian city is the parking authority on residential streets. So, if you could put that in your motion as a condition of approval that Meridian city does not approve parking on Arliss, Bergman, or Director and that the applicant should -- the applicant should work with ACHD to get whatever studies or signage is necessary to make that happen that would be great. I think the developers have tried hard to give us a pleasing development in this fluctuating real estate market that will meet Meridian's changing demographics. I have no objection to the development as it has been presented tonight. I believe the applicant has been transparent and communicative with the public. They have made an effort to reduce units. While it's not close to 120 units I would like, any other developer could come in here and put about the same number of units under R-8 standards is what I personally think I would have loved to have, but like Council Member Strader said as comparison, but by my best guess, using the PUD maybe they would have had 15 more units and so by losing seven I feel like they kind of met us in the middle. They are trying to make them blend with the commercial area and they are feathering density in a small area. They are doing that well. And they are the developer who has the most vested interest in making this community a quality place to live, which they are doing through the amenities. I still don't love the condominium units here. I would have preferred to see those built in a zoning area where they truly fit the zoning, but they are not overrunning the development or making a huge difference in the total number of units, so I am not opposed to this application. However, I would like it stated on the record why Council believes this development meets the requirements of a PUD, so there is a very narrow window other applications can reference to justify zero foot setbacks on certain lot lines and around the perimeter of the plat. PUDs are handled on a case-by-case basis and as long as you are on the Council you will know how an application compares to this one, but future council members may not unless it's stated. My take away from this application is that from the optics point of public sometimes it seems like staff is giving coaching on how to use loopholes in the city code to be creative and get around things and I understand that when a developer comes to city staff and says this is what you want to do it's city staff's job to say here are the options we have available to you, here are some of the things that we can do, and that's great and they can explore those options. But, then, when those suggestions are taken and presented by city staff by recommendation, it seems there is not a -- I guess ranking on how strong that recommendation is if they have used those tools properly given our city code. So, one last -- and I will just -- a suggestion for that, for example, with this application, since they were applying for a PUD it would have been awesome if in the staff report it had the PUD from the city code, that section of code in the staff report saying this is what a PUD is. It's just a great refresher and you would have had it right there to read at your fingertips. Thank you. Any questions?

Simison: Thank you, Sally. Council, any questions? I think you are good. Thank you. And if there is anybody online and you would like to testify on this item as well, please, use the raise your hand feature, so we can put you in the queue. Up next, Mr. Clerk?

Johnson: Next is Kelly Carpenter.

Simison: Good evening, Kelly.

Carpenter: Good evening, Mr. Mayor and Members of the City Council Member -- Members. Kelly Carpenter. 5991 North Arliss Avenue in Meridian. Tonight I'm coming to you exhausted. I'm exhausted by my daily life and attending yet another Sagarra meeting where I feel that developers haven't truly listened. Yes, they have reduced the number of units, but does this number of units they have still really make sense? There is no reason this development should be granted PUD. The developers were the decision makers in how to divide the land in the first place. We all love our community of Meridian and that is why we are here today. Per our last neighborhood meeting we made suggestions to lower the building height, change multi-family units into a larger community center or a clubhouse, but, no, they are not willing to budge. Unfortunately, our time together ended the same as the previous two meetings. Michael and Tony showed their plan, listened to our feedback, then, left with a, well, this is it, take it leave it attitude. Orchard Park has not been what it was promised -- promoted to be thus far and this residential section I feel will not be either. These units will be shoved right up to the sidewalk and road. Nightly I am witness to people drag racing down Orchard Park Drive. I can't imagine when one of those cars slams into a residential building and takes a life, because the buildings do not have the proper setbacks. I would love to have the developer start building on their land immediately. I'm tired of the rodents and the weeds that are constantly infiltrating my home. This development needs to be right for the community. My suggestions would be to eliminate the multi-family units that backup to the park and the intersection of Bergman and Orchard Park Drive. Not only are these units out of place, they do not have the proper parking. These units that were removed are on the east side of the development and the two multi-family units are on the west side. So, the parking spots added by reducing the seven units does not help that situation. Additionally, I would ask that the developer would need to follow the -- the standard setbacks. I appreciate your time. Any questions?

Simison: Thank you. Council, any questions?

Hoaglund: Kelly?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. Kelly, just a question. I mean there is going to be houses here.

Carpenter: Absolutely.

Hoaglund: And it's just a matter of what kind and what that looks like. I mean one of the options truly is if they sell and it goes to -- someone comes from out of state and they just slap up, they increase the lot size a bit, but the homes are not quality, I -- I don't think that benefits Paramount at all. Paramount is a beautiful subdivision. So, what we are trying to attract here is a quality development befitting to be beside Paramount and, then, feather into that as -- as they use the term development, because it is hard to have really nice homes and that's why you see multi-family up closer to commercial properties. I mean that's the other option is -- is, you know, you got a bird in the hand here or do you -- do you go to Option B and we don't know what that is and it could be worse. Your advice, please.

Carpenter: Council Member Hoaglund, thank you. I agree. I love many components of this development. I do believe the developers have worked hard. Again, I feel that they have had these meetings with us, but it has been this is what it is and we, too, want a quality development and I feel per what fellow Council Members have stated tonight that there needs to be a little bit more thought, a little bit more documentation, a little bit more time put into this. I wish it was built tomorrow. Like I said, I'm truly tired of living next to a field with dust and rodents and weeds. Tired of listening to the drag racers at night. I'm sure if there were homes there, then, I wouldn't hear it, as well as there are probably be more police out there policing the road. And so, yes, I truly do want Tony and Michael to build. I think this will be great. But I think that the small pieces that they are focusing on, the tool shed, that dog washing, good -- that's good community, let's get more, bigger, why couldn't we take away one of the multi-family units at a minimum and put in a bigger community center. I have been in this community for over ten years. I am a mom of three. I'm a homeschooler. My kids -- I have two other kids that go to brick and mortar schools. I have constantly talked to moms who want gathering community to be together and I know that they are speaking about young professionals that want to lock up and go, but that's not going to be the only people that purchase these. There will be young families with one child just starting off that can't afford a home. Maybe they can afford a nice condo, though, or a nice townhome. You know, they are going to want that -- and I know they keep talking about these bits and pieces of little green space. I just feel like it's not enough. It needs to be just a little bit more and if that means eliminating even one of the multi-families, what they are calling the Turtle Head and the Turtle Tail, why can't we eliminate one of those?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Follow-up, Kelly. I appreciate those comments. Helpful and -- but they have removed three multi-family. One of them was replaced with two -- I believe they are townhomes. But I mean that -- that is, from our understanding and knowing how the developers work and, you know, how some of the costs are, that -- that was a big concession. Understand that, so -- and I -- I do believe -- I did hear that there is a community center there of some sort?

Carpenter: Uh-huh.

Hoaglund: So, I mean they have the tool shed, yes, but there is a community center. If you guys could make sure that -- I heard it correctly, so -- yeah. Because we definitely look at those things as what are the amenities, especially places that are -- where it is more compact, so -- but your comments are greatly appreciated, because we do want things to be quality, especially over where you live. It's -- it's a very nice. I have friends who live there and it's -- it's a -- it's a great neighborhood.

Carpenter: Uh-huh. Absolutely. Yeah. Thank you so much.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Quick follow up question. Sally's comments and your comments and, then, Council Member Hoaglund's questions, do you look at it and do you provide comment from the perspective of whether or not as presented it would be popular and in demand for that future customer and you are concerned that without these changes it might not be as attractive for the individual who is going to reside here or is it not that and, instead, just from the perspective of, you know, an adjacent property owner, a member of Paramount, who is concerned that even -- even if it's in high demand as presented, we think it should have some adjustments to it.

Carpenter: Right. Thank you, Council Member Borton. I honestly come to it from both sides. Again, I am a member of the community. I love our community. This is an amazing community. My husband and I chose to raise our children here. I want to be able to befriend these people and if they are, you know, young professionals or they are families or maybe they are retired people. I just want a good community and, absolutely, adjacent neighbor -- I mean do I want a four story -- you know, I'm not saying that this is, but like -- you know, do I want a huge building? Of course I don't want that, you know. But I just -- again, the concern is like just the amount of units, the crowding and the pushing. You know, I go, honestly, anywhere in Meridian there is -- there is so many little shopping centers popping up and not Orchard Park specifically, but the parking is a problem. Specifically Linder and McMillan across the street from Walgreens where the Mike's Subs is at, there is Loose Screw Brewing, there is a workout place in there, there is an Italian place and there is a huge dirt lot and it is chock full of cars. What's going to happen when they build there? And I just think in general as the City of Meridian, as a community, we can focus on more planful and better parking. So, that's, again, a concern. I know they are saying that they have enough. I have gone through and counted and those multi-family units, I personally don't feel like they have enough parking. So, again, it's not my job. Just a personal kind of gut look at the numbers, know who moves into multi-family units, not typically two people with two cars, it's typically more than that. So, just kind of my feeling on that and doing well for the community. Yeah. Yeah.

Simison: Council, any additional questions? All right.

Carpenter: Okay. Thank you so much for your time.

Johnson: Mr. Mayor, there is no one -- those were the only people that marked they wanted to speak.

Simison: Okay. Is there anybody else present that would like to come forward and provide testimony on this item? If so come forward now or if you are online, please, use the raise your hand feature. Seeing no one coming forward or raising their hand, if the applicant would like to come forward to close.

Parsons: Mayor, this is Bill. If -- if the Council would like me to indulge the audience on what a PUD is and how that all works, I'm happy to do that. I think there are -- just looking at the last hearing and tonight's hearing, I think there is some -- I don't think everyone really understands what it -- what it is and what we do as staff when we -- we work with the applicant and -- and guide them through the code. So, again, if you want me to do that I'm happy to -- to go through that exercise and share kind of our feedback and our review of how we analyze this project when we prepare our recommendations.

Borton: Mr. Mayor?

Simison: Councilman Borton?

Borton: I think that's helpful. I think the Title 1175 findings, which are part of the analysis that -- that we should discuss openly, I think that's helpful for all of us for sure, as well as the public.

Parsons: Thank you. So, first of all, I just want to give you some context that Sonya and I have been working with this applicant well over a year and what we do when we meet with an applicant is we go through their previous approvals and make sure that they are meeting their requirements of their contract. In this particular case the applicant had a bubble concept plan that Sonya shared with you this evening and there was a requirement for a minimum amount of density on this R-8 piece. The DA says you have to have a minimum of six dwelling units to the acre on this site. The comp plan calls for three to eight dwelling units to the acre. The applicant came in and met with us and said we want to -- we want to develop this consistent with the MDR designation. We don't want to go through a Comprehensive Plan map amendment, we don't want to rezone this, what can we do in order to get -- develop this three to eight dwelling units to the acre and still meet the spirit of this development and that's where we started the dialogue of a planned unit development. In looking at the site, in looking at the development agreement for this particular project, it was very clear that this was to be part of this development and integrated into this development. As part of that the applicant was required to build an entire backage road as part of phase one. They were not to have a direct connection into Paramount, which resulted in the S-curve of that road that tied into the collector road that they were required to build and they were

required to work with Brighton Development to the east to provide a connection to Fox Run, so that we can get people out to the light. So, when you put all of that into context in tonight's discussion you are left with this irregular shaped piece of property that is -- meets the eligibility requirements of a PUD. You put into context that there is actually a 40 foot wide irrigation easement along the south and east boundary that had to be piped and relocated at the expense of the applicant and the fact that they were able to work with the irrigation district to landscape that to make it an attractive amenity for the community and tie in with Linder Village bodes well it's a PUD. Now, according to the -- the applicant or some of the testimony that you have heard on this, a lot of the neighbors are -- keep speaking to the setbacks along the periphery. The applicant is keeping with that spirit. In the staff report we made a finding that because of that irrigation facility these lots don't necessarily back up to Paramount. That 40 foot setback is -- or that landscape buffer along that perimeter -- it's the transition. We often talk about that at public hearings is when we have smaller lots against county residents we always often talk about a transition and the comp plan contemplates that. In this particular case that is a great transition, not only for this community, but also for the Paramount community. The applicant is also working with the neighbors to address the fencing on that southbound. So, there is another attribute to the applicant working with them. Now, when you get into the PUD findings, when you look at Chapter 2 of the code, it's -- it's -- we know this is R-8 zoning. That's what they were annexed in with. The -- Chapter 2 of the code says you can have multi-family in an R-8 zone if you go through the PUD process. So, when we start that conversation with the applicant we do go through the code with them and say you have to make these findings and you have to meet these standards and so quickly I will run through that. So, here is what we do to check the boxes for you -- and we provide that analysis in the staff report, as well as the findings at the end of the staff report. So, here is one of the general standards for PUDs. Deviations from the underlying district requirements. It says they are allowed as long as it's not along the perimeter. The periphery. Well, the applicant -- Sonya and I looked at the plat -- sorry. Excuse me. Staff has looked at the revised plat. All of the lots up along Paramount are over 4,000 minimum lot sizes. So, they don't necessarily need to do that, but they have done that and the only deviation from their setbacks are the rear setbacks where they are asking for a ten foot setback, instead of a 12 foot setback. Staff found that was appropriate. When you look at the landscape buffer along the collector roadway that has been installed with the development of the property. That's a 20 foot buffer. The conditions of approval in the staff report says you are going to enhance that buffer and make it even nicer as part of this development. The applicant has agreed to that. So, in context when we are really talking about a PUD and how this relates, it's really that internal portion that you see here and when you actually have a 40 foot landscape buffer that narrows that portion of the site and so to Council Woman Strader's comments, why didn't you do a typical R-8 development. Well, if you would have you probably would have got half a -- half the density of four dwelling units to the acre, you would have got a cookie cutter development, and you would have never met the requirements of the DA and that's where staff and I -- or Sonya and I met with the applicant and said let's try to keep with the intent of what it was intended for from their -- from the onset when it was in front of you. The other one is allowed uses. Applicants may request specific conditional accessory uses allowed in

the district -- be allowed as principally permitted uses. Again, multi-family. Interconnected uses. Again, this is integrating not only with Paramount, but also the commercial to the north with interconnected pathways. The applicant shared that with you in their presentation tonight and they showed you how that was going to be accomplished. They brought up building clusters. You cluster the buildings -- in this particular case central into the development so that you can have greater amenities and more open space. They have done that. Private open space. Their condition that each one of these units has to have 80 square feet of private open space. That will be verified when they come in for building permits. That's a requirement. And, then, it says in-fill development -- it says this is -- again, it's in-fill, but not necessarily five acres or less. So, that one's not applicable. But it goes on to say that you need to comply with -- maintain the density of the underlying district or the Comprehensive Plan and they are. They have not asked for density -- density bonus as part of this project. Technically they could have, because if you look at the overall development they had a library, they had public spaces as part of that approval. Technically they could have asked for higher density for you to consider as part of this application, but they -- again, they wanted to meet the spirit of the development agreement and their original approval and meet with the neighbors and work with them to get something that was closer to that eight dwelling units to the acre and that's what they have tried to do tonight. So, in looking at all of that and looking at the standards of the code, that's where staff has landed and we found that it was consistent with the PUD standards and it did meet the required standards and that's how we got in front of you tonight. So, happy to elaborate anymore on some of those standards, but in our minds this is -- this is a planned unit development. It does meet the requirements of the code.

Simison: Council Woman Strader.

Strader: I think it's really important to go through the eligibility requirements. Can you, please, discuss those in terms of it being an irregular piece of property and what that bar is under code?

Parsons: Mayor, Members of the Council, Council Woman Strader, are you -- are you referring to the applicability section or are you referring to the standards?

Strader: The applicability. The eligibility for a PUD.

Parsons: It says the planned unit development can be developed -- developed in any district. It shall be unlawful and a violation of Unified Development Code for any person use, construct, real -- so, basically, it says it's -- it's allowed and you have to follow the rules.

Strader: Okay. But what I'm getting at is the piece where we talk about how we would not give this to just any property, it needs to be an irregular piece of property. And the reason I'm bringing that up is that the other examples I can think of for a PUD have been -- where we have -- especially where we have changed setbacks so dramatically -- have been a piece of property where we had like a state highway coming through it or

something pretty major and maybe that's where my disconnect is. But if you can just help me understand why it makes sense here and the other properties where I have seen something similar where we are changing setbacks to this extent have been like major obstacles.

Parsons: Mayor, Members of the Council, Council Woman Strader, just right to the east of this development is Paramount Director, which went through the PUD process, and it's right along Chinden. So, Brighton has done three of those developments as part of the PUD process to deviate from our dimensional standards. And, again, you see here that -- if you compared this develop -- this development in front of you is 196 units at 5.5 dwelling units to the acre and that was a PUD. So, again --

Strader: Okay. And so --

Parsons: -- the idea is -- the purpose statement says preserve natural scenic historic features of major importance. Well, I can tell you not a lot of those properties exist in Meridian. Number two. Allow for innovative design that creates visually -- visually pleasing and cohesive patterns of development, including, but not limited to residential development at great -- densities greater than eight dwelling to the acre where design guidelines are in place for development and where garage doors are generally not fronting on the street. So, in this particular case, because the requirement for keeping the periphery consistent with the adjacent development, they have to be garage dominated per the PUD standards. But when you get to the internal portion of the development, they are all fronting on the street and all the parking is internal onto private streets or shared driveways, which is, again, meeting the purpose statement of the PUD and it's -- and it's -- it is not the intent in the PUD process to be used solely for the purpose of deviation from the dimensional standards.

Strader: Right. That's -- that's where I'm getting hung up.

Parsons: And it's not. So, in our -- in our -- and I think from staff's perspective when you look at the amount of open space that they are providing in excess of code, they are still meeting the parking, they are having a higher amenity package than what you see with your typical R-8 development. We are making that finding that this is an exemplary design. It is trying to keep with the spirit of the law of their development agreement and meeting the requirements for a PUD and that's -- that's how we look at that. It's -- it's a whole -- looking at the whole PUD code section comprehensively, not just a portion of it, and saying this applies, it doesn't apply. It really -- you have to look at everything comprehensively and, then, make that determination and that's where staff landed on recommending approval of this project with what you are seeing tonight.

Strader: So, if someone asks me what -- what the bar is for future development to warrant a PUD, so far what I'm hearing the answer is is if you have more open space and the periphery of your project meets our requirements -- and that's the bar. Am I missing anything else in terms of what -- what someone would take away from an approval on this?

Parsons: Council Woman Strader, it's exemplary design -- so, again, you have to look at the design of the units, the fact that there is going to be private open space associated with that. You have to note that there are higher --

Strader: Amenities.

Parsons: -- amenities -- yes. Amenities have increased above what code requires and there is a mix of residential product types. I think that's the -- the whole -- it's all of those factors that come into it, so -- to say that it's a PUD. It's not just one thing.

Strader: Okay. Thanks for the feedback.

Parsons: Yeah. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Bill. I would like you to touch on the mix of residential product types. I don't know that I have ever seen one before us with six different residential types and -- and I -- that is one of the larger parts of this that I'm struggling with. It -- it doesn't -- it feels very divided and not cohesive. So, maybe that's just because I'm looking at a two-dimensional drawing that's small and I don't have, you know, something to give me more context. But was that something you discussed with the applicant to maybe not do so many product types or is that a benefit from the staff's perspective?

Parsons: Yeah. Mayor, Members of the Council, Council Woman Perreault, a lot of the language you are seeing tonight is marketing by the applicant. In our -- and when -- when staff analyzes this project we look at our definition of our code and we are like what are these units. So, the single family units along -- Paramount they are just that. They are single family detached in our code. The duplex units -- they are single -- we call them single family attached units. So, there is your second product type. And, then, the third product is the multi-family. So, in this particular case you have single family attached. You could -- you have some townhomes, which are the three units and, then, you have -- so, you actually have four product types and you are not six. They have -- they have labeled it as six, but in the context of our code and how we define them there is actually a total of four as part of this development, which, again, meets the standard of the PUD and it's allowed in an R-8 district.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To close the loop on that, whenever -- I think that explanation -- you walking through that should be part of the initial presentation for PUDs, because they are great questions and that very site specific context is really an important part of the story and --

and as I understand PUDs -- and as outlined in our code is they are intentionally not set out with a specific box parameter. There are -- they are purposely flexible and the standards have some mush to them intentionally to invite creativity. It makes it difficult perhaps to draw a line what's -- what makes one sufficient and another one insufficient. Very very fact specific and subjective. One of the elements that comes up in these PUD discussions of setbacks -- the way the code uses the word solely to me is important. It can't be solely for the purpose of -- of eliminating some or all setback requirements. That's always going to be a component in every PUD. But it has to have all those other elements. Some -- some context to it that the initial purpose elements that you described. So, it's one of the explanation reasons to Sally's question that's articulated on the record. That is sufficient in my eyes. But it's really helpful to explain it and -- and talk through that in detail like you did. So, I appreciate that.

Parsons: Mayor, Council, I will also let you know -- as you -- as you are aware we -- we try to amend the code throughout -- every year and PUD standards are definitely one of those items that we want to review this year and make it a little more clear as how they -- how they function and when they are -- they are applicable. Or at least define that a little bit better. So, just wanted to go on the record and share that with you as well. We are working with the UDC focus group on that.

Simison: Council, anymore questions for staff at least on that information? Okay. Before we ask the applicant to come up and close I will see if there is anybody else in the community who would like to come forward and provide additional testimony based on the stuff that was heard. We have one person that would like to come back up who mentioned this in her statements. Sally, if you would like to come back up.

Reynolds: Thank you, Mr. Mayor, Members of City Council. Sally Reynolds again. 1166 West Bacall Street. I appreciate you giving me an opportunity to come back and address you. I thought that Bill's explanation would be part of the staff report. So, I appreciate the opportunity to -- I guess respond to that a little bit. And I do think I -- I will just back him up and agree -- I agree with solely for setbacks is kind of where I got hung up on this application the very first time and the amount of amenities that they are providing I could, then, see kind of why it was a PUD, especially with the DA agreement trying to say you have to have absolutely R-6. Where -- I mean -- and it is -- I guess the periphery that I -- the periphery one that I do struggle with a little bit that I take a little issue is not the one on my side. It's the north end. And I know it's zero percent setbacks -- zero feet setbacks only at certain points. But, then, what it's kind of counting on is the buffer from that point out to the street, which that's okay. If the Council finds that that's okay and they can use that even though it's not part of their plat -- in their plat as using it as a buffer to satisfy that requirement, then, please, state that, so that other developers don't come in and say we have a zero percent setback and there is nothing there, you know what I mean? And, then, as far as -- what was the other one? Just refresh my memory. Yeah. And, then, the -- the multi -- the multi-family units. The only thing that I will have to say about that is R-8 does allow for the single family and single family attached -- well, detached and attached and townhomes. And so looking at the periphery there is 32 along the periphery of single family detached; right? So, if those

became attached or if they all became townhomes or if they all became -- I think that we would kind of be looking at the same number of units, but I do agree that adding those extra diversity types makes it feel a little bit hodgepodge and that's where -- are they used in the PUD just to do that or to really be innovative and so I would just encourage you to say that in your findings, so that future PUDs that come before you can take that into consideration. And, then, also just -- I wouldn't have brought up the PUD if I felt like those were really addressed in the staff report. They were there, but, then, I felt like as a resident I had to go through the code and find out it's solely not for setbacks and that's where the optics didn't look good is that I had to bring that to Council's attention that it wasn't there in the staff report. And, then, there were suggestions of how to get -- or not -- there were suggestions on -- originally they wanted to waive the 80 -- 80 square foot of private space open for every unit and one of the suggestions was, well, if -- if you apply for an urban label, then, you can. Okay. Well, that's a great suggestion. But if that -- if they are going to actually do that, then, I feel like somewhere in the staff report the term urban needs to be defined and why they actually met that. Does that make sense? That's -- that's where I'm at with the PUD. That's why I came before you one time saying this doesn't qualify as a PUD and now I'm not necessarily opposed, because there has been a little bit more explanation and that's been on the record now, so I feel more comfortable with that. But I'm not comfortable when there is suggestions from staff with no meat behind it, that makes the residents feel we have to go dig into the city code ourselves to find out if this is really substantiated.

Simison: Thank you, Sally. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Can -- as to your first point on the setbacks on the north -- I don't know if Sonya or Bill can comment on it. You were asking for some clarity in the discussion or findings. But I don't -- I apologize, I might not have been tracking what you were looking for.

Reynolds: No. That's okay. As I understand in the staff report, Bill, there is only -- on that northern side there is only a few points where they are asking for zero -- zero foot setbacks and it is on the periphery. So, technically, in the code it says that when you have a PUD there is no changes in setbacks along the periphery, which that would be a zero percent -- you know, technically it's part of the plat. That other 20 feet of space to the sidewalk and to the road isn't part of their plat. I mean through no fault -- no fault of their own they had to do that collector road and I understand that. But it's just -- I feel like that kind of is walking a fine line.

Sonya: Mr. Mayor, if I could respond to one thing. This project is a little unique in that the subdivision plat was approved a while back and it was under a different code. It has been amended since then to allow the 20 foot wide street buffer along the collector street to be in an easement, rather than a common lot. Our old code required it to be in a common lot. So, then, setbacks are measured off of the -- the lot lines. So, if it -- if

this were reviewed under the current code today, then, there wouldn't be any need for a deviation to that setback. So, just to -- you know, kind of explanation on the old code, that this was kind of -- kind of falls under the old and the new, but there are existing lot lines that required, then, that kind of do affect -- affect developments today on this and -- and I appreciate your comments, Sally, on the staff report. It's always good to hear feedback on what -- you know, what the public and -- and the Council likes to hear it's always a fine line that staff walks as to how lengthy to make the staff reports and how much of city code to regurgitate, you know, in the staff reports and it's -- you know, nobody wants the la, la, la, la, you know -- an extremely long staff report and -- anyway, I appreciate your comments and -- and Council's comments as well on this.

Reynolds: And, Mr. Mayor, Council Members, and -- and city staff. Thank you. I appreciate that explanation. It really does help and I think that you explaining that on the record will hopefully be there also for future applications. So, I appreciate that very much.

Simison: Thank you. Would the applicant like to come forward?

Slavin: Mr. Mayor, Council. Excuse me. I -- it's -- I love this type of process and when there is a lot of tension usually that's spurned becomes of creativity and -- and thank you so much. I wish I could speak as eloquently as Bill about the application of a PUD. For the record this is my -- what, my third in the valley. Two of which are in Garden City. And I know it's somewhat of a new living style. The waterfront district that everybody probably knows about -- is the first I was involved in, what, 13 years ago. It's now the coolest neighborhood in Garden City and nobody wanted to be -- nobody wanted to actually admit they lived in Garden City 13 years ago. So, it was pretty edgy for its time. But what it's done is it's brought a community together. I still live in that community by choice. I love living there. I'm not going anywhere else. And, then, we actually have another PUD just up the street and they are a little bit confusing. It's not trying to be tricky, we are really being innovative. And, again, I think the waterfront district is -- is a perfect testament of how this works out in time with several different living styles right next to each other and how you can build a fantastic community out of it and -- and that's our hopes for this project. I -- I think that -- the only other question that came up is parking. I know that parking is a big concern and this is more speaking specifically to Orchard Park and -- and -- and there is certain standards that we need to -- to adhere to for code compliance, essentially, for -- for what we are building. But I will say that we are going through a stringent process with our co-declarant being Winco on the site, that we are actually offering you ten spaces per thousand square feet for the restaurants. So, we are actually very confident that we are offering a lot of parking holistically on the site. And the last thing I would like to point out is just a testament to our conviction is that when you look at other branch libraries throughout the valley typically they are in strip malls and we have spent a tremendous amount of money and resources to provide a fantastic facility for the Meridian library district that, you know, it wasn't an obligation of ours, it was something we really wanted to do. So, I just hope that that stands as a concrete testament to our conviction to do nice projects.

Tsang: I have nothing else to add. Just that I -- I hope everyone understands that, you know, it -- it somewhat was depicted that we just kind of said take it or leave it. We worked really hard on this and I know that's part of our jobs, you know, we -- and Sally's been awesome to work with. She's educated me on certain things and I have met with her. I feel like I have gotten to know her really well, because two, three hour meetings, four or five times with the community, I really enjoyed that part of it, honestly. It's -- it's -- it's interesting hearing the feedback and you also realize that you can't please everyone. But I hope that you guys feel that we have done a good enough job, that we have tried hard, you know, so you guys can approve this project.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: A question. Can you comment about your community center, your -- your --

Slavin: Yeah. Sure.

Hoaglund: -- whatever you call that.

Slavin: Certainly. Yeah. And -- and, you know, funny enough, because of the multi-family requirement we -- we have two clubhouses. There -- there is one in -- what is known as the Turtle Head. It's adjacent to this nice seating area and -- and, you know, common walkway actually up to Orchard Park. So, it's kind of this little pink object. There's a clubhouse in -- oops. Oh. We need a little laugh. It's good. So, there is actually a clubhouse in here. But, then, we also have another clubhouse. The pool isn't depicted. Yeah. We can actually go to a much larger detail.

Tsang: Actually, it's on our presentation.

Slavin: That's okay. You kind of see it here.

Tsang: Yeah.

Slavin: It's really small. I'm sorry, Council Woman Perreault. This is really small. There is -- you can see there is a pool back in the clubhouse here and what's interesting is, you know, even one of these clubhouses -- Paramount has one clubhouse for 500 acres and, you know, on this site we actually have two and a tool shed -- tool library, dog washing stations and it's pretty highly amenitized. We are pretty excited about it.

Simison: Anything else? Council, any questions? Okay. Thank you.

Tsang: Thank you.

Slavin: Thank you.

Simison: While you all ponder I could go through my little -- you know, my life is a song sometimes and this reminds me of the great facts of life song from the day, you know, where you taking -- whether she takes the old, you take the new, you put them together and there you have the PUD today. I mean -- and that's what -- really what this comes down to in a lot of ways. You know, you are taking a lot from different concepts and trying to put them together and there is pluses and there is minuses and it doesn't look like you would like it to look with those things all considered. Kind of like buying a car sometimes, too.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: We will get some -- just some comment before we close the public hearing. But -- but I appreciate the work that's gone into this and the discussion between the applicant, staff and the public. I do see it with the -- the flexibility that it's intended to have, but I look at -- not only the prior approvals and the -- the entitlements on this property, but also the -- the Title 11, Chapter 7, not the purpose and the findings of a PUD and plat application that's before us and in this one I think it's -- it's met and it's -- it's pretty clearly met for me. Don't really see -- I see bad. I see more -- more -- the phrase I would use is tradeoffs -- that by having some adjustments in some of these standards that would otherwise apply it opens the application up to be unique and creative, something that we don't see as often and, then, all of the reasons that -- that the staff report articulates that this application presents, from robust amenities to unique site design and layout, all to me clearly warrants approval. I think it's going to be a beautiful project and it's not in a vacuum, on an island, it is a part of this integrated region and -- and we can be pretty sure that a lot of these folks will be pedestrian accessing libraries and shopping centers directly to the north. So, that's exactly what we had hoped would happen. I think a PUD serves its purpose -- specific purpose in code is met here. So, it's an application as updated by the applicant with today's application I'm wholly supportive of.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: You know, when they first came through I read all the neighbors' comments and read through everything you guys have done and I -- first thing I realized is what a -- not horrible, but really a tough piece of ground you guys were trying to develop and to meet all the standards that were being brought forth and to meet all the requests that were being put upon you. But as we sit here today and I look at what you brought forward and I look at the fact that you met with the neighbors again and did a follow-up meeting, my biggest area of concern at the very beginning was the transportation part. It was the parking. It was the parking on the curbs. It was the concern of several of the neighbors. And you eliminated that. I think you have done a fantastic job on giving as far as you can and still keeping this to be the high quality project that you presented

when we first heard it. I think it's going to be a great buffer between Paramount and the whole complex, the library and all the restaurants. I'm -- I'm totally impressed with what you are doing on this piece of ground. I support it very much and I would just say it and I say this a few time now is -- if we didn't approve this what would we end up with in this spot and I think at least what we are looking at right now -- I know we are looking at high quality and I know we are looking at innovative design and I think you have done a very good job on trying to bridge that gap between those two. I would like to add one other comment for staff, because this is the first time I have ever seen a PUD and I -- because they have almost some different amount of flexibility built into them, different from a lot of applications, I would sure like to see a lot of that explanation of the PUD brought into those future staff reports, so we can look at that and get a better understanding each time we deal with one. This time you did a fantastic job and -- and my hat's off to -- to staff, applicant, and the neighbors, especially Sally, thank you so much for everything you have done. It's -- this is the culmination of a lot of hard work and I will be in support.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yeah. Happy to -- to chime in. That's why I love public hearings. I walked into our meeting tonight, frankly, not supportive of this project. I think in our last meeting I asked a question -- I didn't get a satisfactory answer -- is how does our community benefit from this project. Because that's -- that's the threshold for me. And I think like Council Member Perreault, I -- I saw too many types of housing projects. Like, oh, we are just trying to fit so many different things here to maximize every square inch. I -- I didn't see it necessarily as benefiting our community and I think it's something that Meridian has really been faced with is a lot of diversity of housing and our community responds in many different ways about diverse housing. Some people love it. Others who have lived here our whole lives we struggle with it; right? And I have definitely fallen into that latter. But I appreciate, frankly, staff's, you know, overview of the PUD process. To Council Member Overton's comments, I think -- I have been on the Council ten years. I think this is the third one that we have seen and each one has been uniquely different. So, while I agree with the recommendations about greater information in the -- in the staff reports around these PUDs, I also -- Mr. Mayor did some forecasting when he talked about future meeting topics. At the end of tonight's meeting I'm going to ask for a workshop with maybe a -- a further presentation from staff about PUDs and things that Council should consider, because I think we need to be better equipped to handle these types of requests, because I think we are going to see more of them. Back to the -- the application itself. I -- I think I have -- I have changed my opinion, because I -- you are investing your dollars on this and so you believe this diversity of housing -- this mix will work really well. It's a micro community is really how I'm looking at it. And I -- I think with a challenging piece of dirt it would be easy just to do the same mold that we have seen all over the place and so the fact that you think that this could be successful for our community and you have invested the time and the feedback from our -- our neighbors, who I hold their opinion in high regard, seem to, for the most part, appreciate what you are trying to accomplish. I think I'm going to be

supportive tonight and just want to commend you and the neighbors for working as collaborative as you can. You know, it's -- if it was easy it would just always be the way. It takes time and challenge and effort and I appreciate you and the neighbors putting the effort to bring this forth to us.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm going to probably fall outside of the group on this one. You know, for me the -- the bar just wasn't met. I needed a lot more leg work done here to get comfortable. You know, I had requested several times a comparison with the R-8 standard. I feel it took a long time to get that and I kind of view Councilman Borton's point -- I do view it as a trade off. I view it that there is a trade off between innovative design and a deviation from our dimensional standards and I don't feel that the design was sufficiently innovative to justify the extreme deviations I believe from our normal dimensional standards. So, that's one piece for me. And without I think a lot more work in terms of the design and, frankly, even additional updated elevations -- like I appreciate getting the update on the single family elevations, but I took issue with many of the elevations and didn't see any updates and for me the bar was just not met in terms of knowing that we are leaving kind of R-8 land and giving a PUD and that we are going to get truly innovative beautiful design at the end of the day. I didn't feel that that legwork was met to prove that and so for me I -- in the absence of that defaults to assuming that the purpose of the PUD is to increase the density and I feel that that was the primary purpose, so it doesn't mean I couldn't have gotten there, but I just -- for me on these going forward, I'm going to need, you know, those comparison charts up front and -- and a lot more of that leg work done to meet the bar for me to grant a PUD.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Usually by this point I have really good clarity on my thoughts on this, but, you know, we have a couple layers now of conditions to consider and in addition to that, of course, we are going to talk about what's most important for our -- and most beneficial to our community, as well as what we want to be here for a very long time and I really lean more towards sharing the same concerns as Council Woman Strader and I -- I'm not going to reiterate all of those, because I think you have -- have understanding of -- of what the concerns are. But, specifically, I -- I have had a really hard time -- if you -- if -- if you are presenting a unique development to our community, giving us a vision is a really important part of it and I -- I -- I just struggled with getting that vision from you that was -- obviously, you know, we -- we are -- we would be approving a plat and potentially a concept plan with the DA, but, you know, you are not obligated to provide elevations to us, you are not obligated to show us what you will specifically use, but it certainly does help us as we get questions from the public about what we saw when we said okay to a project that was really super unique. So, I don't know where I -- I want to

leave that in terms of whether -- at this point I'm not sure I a hundred percent would -- would encourage asking for more information and continuing this, so that we can put it into something that is different. If -- if my fellow -- if there is enough support from my fellow Council, then, I'm glad for your success. At this point in time I -- I can't be in agreement with this particular application.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I appreciate all the conversation that we are having and insight and inputs. It's always valuable. I appreciate the work of -- of the community members who put so much time and effort and -- and, Sally, Ms. Carpenter left and probably three generations, but tell her, you know, it's not a win-loss type of situation that we are in and the key take away is you made a difference. All the people who are here at the hearing a couple weeks ago, the people who went to the meetings there, you made a difference and that's what we want to have. We want to make things better. Where ever possible let's make them better and I -- I think that's -- that's the good thing about it. So, this site does have its challenges. It -- it had some certain things baked into this particular piece of property that we had to deal with that work around and it makes sense that a PUD was used here. You know, is it perfect? Do we like everything about it? No. But it's -- it's workable. I love the fact that there is a transition and how you feathered -- your term feathered out that. You know, we get a lot of places where we have the neighbors come and it's not a one to one lot line match necessarily and you get three houses up against one and people are upset. You guys put some effort into that to what -- plus the easement that was there, which, you know, we kind of take for granted, but to reroute that and that is a waterway that impacts the development. It really limits and modifies what you can do up against it and I think you used it well, though, to make it work. So, I -- I appreciate the effort that's gone into that and -- and one other thing, Mr. Mayor, I want to -- I want to mention and this might be taken political, but, you know, you use the library. Brand new library there. Right there at that Orchard Park. You know, libraries are more than about books. They are about community and how we can use them and everyone benefits from them. So, there I said it. I support our libraries but it's -- it's something that -- that's what they are there for and I really appreciate Nick in opening that up and having you guys able to have those meetings and whatnot. So, that's -- that's a good thing. So, anyway, Mr. Mayor, I -- I'm supportive of this. I think a lot of folks put a lot of time and effort into it and I think we have a project that we can say is quality and I'm excited to see how it develops. Mr. Mayor?

Simison: Councilman Borton.

Borton: Move we close the public hearing on Item 9, H-2022-0027.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: In light of the -- the discussion amongst my colleagues here, I will make a motion to approve H-2022-0027 with the updated elevations and adjustments as presented and addressed in the staff report of March 21, 2023.

Hoaglund: Mr. Mayor, second the motion and discussion -- for discussion.

Simison: Have a motion and a second. Discussion? Councilman Hoaglund.

Hoaglund: Yes. Mr. Mayor, I support the motion, but I just wanted to follow up for -- to the maker of the motion about the no parking request on Bergman and Director and having the no parking as it was designated on curves of the applicant's presentation. I didn't know if you wanted to include that in your motion.

Borton: Include both of those.

Hoaglund: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would recommend you include Arliss as well. Up to you.

Allen: Mr. Mayor, if I may. There is a condition of approval currently, number eight, that states the applicant should coordinate with ACHD on installing no parking signs on the public streets where the S or 90 degree curves are located, i.e., Bergman Avenue, North Arctic Fox Way and North Arliss Avenue. Thank you.

Simison: Thank you. Okay. Is there discussion on the motion? If not, Clerk will call the role.

Roll Call: Hoaglund, yea; Borton, yea; Cavener, yea; Perreault, nay; Strader, nay; Overton, yea.

Simison: Four ayes. Two nays. And the motion is agreed to.

MOTION CARRIED: FOUR AYES. TWO NAYS.

Simison: Council, let's go ahead and take a ten minute break and try to resume at 8:00 o'clock. So, technically a 12 minute break.

(Recess: 7:47 p.m. to 8:00 p.m.)

10. Public Hearing for Meridian OZ Apartments (H-2022-0073) by Realm Venture Group, located at 1475 E. Franklin Rd.

- A. Request: Development Agreement Modification to the existing Development Agreement (Inst.#99121334 AZ-99-005 Cobblestone Village) to remove the subject property from the agreement and enter into a new agreement for the proposed multi-family development.
- B. Request: Conditional Use Permit for a multi-family development consisting of 60 dwelling units on 2.39 acres of land in the R-40 zoning district.

Simison: All right. Council, we will go ahead and make our way back from our recess. Our next item up this evening is Item 10, public hearing for Meridian OZ Apartments. OZ Apartments I assume. H-2022-0073. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. Getting my presentation up here. The next application before you tonight is a request for a development agreement modification and a conditional use permit. Oh, still not on the right slides. Just a moment. There we go. This site consists of 2.39 acres of land. It's zoned R-40 and is located at 1475 East Franklin Road, off the southwest corner of Franklin and Locust Grove Roads. A little history on this property. It was annexed with an R-4 -- R-40 zoning district back in 1999 with a development agreement that includes a concept plan for a 96 unit multi-family residential development on the subject property and the adjoining property to the east. It's now owned by ACHD containing a drainage facility. A conditional use permit was also approved for a multi-family development, which has since expired and this is the concept plan that I just referenced on the left here. And, then, this is the proposed plan on the right. The Comprehensive Plan future land use map designation for this property is mixed-use community. A modification to the existing development agreement for Cobblestone Village is proposed to remove the subject property from the agreement and enter into a new agreement for the proposed development. This is being done because the abutting property now owned by ACHD is not part of the development plan. The applicant proposes to update the concept plan in the agreement consistent with the development plan proposed with the concurrent conditional use permit application. Staff recommends the provisions pertaining to outside lighting, perimeter fencing and drainage be carried over to the new agreement. New provisions are recommended requiring a future development to be generally

consistent with the development plans proposed with this application and vehicular and pedestrian connectivity to be provided to the property to the south for future interconnectivity. A conditional use permit is proposed for a 60 unit multi-family residential development on 2.39 acres of land in the R-40 zoning district at a gross density of 25 units per acre. Five 12-plex structures are proposed with a mix of one bedroom, 30 of those, and two bedroom, again, 30 of those units. Access is proposed via South Locust Grove Road. No access is proposed or allowed via East Franklin Road. Because this property and the property to the south is designated mixed-use community and no local street access exists to this site or the adjacent property, staff recommends a cross-access ingress-egress easement and driveway with a pedestrian walkway is provided to the property to the south for future interconnectivity. Off-street parking is proposed in accord with UDC standards with three extra spaces. Compliance with the specific use standards for multi-family residential developments is required, which includes standard for open space, private and common, and site amenities. A minimum of 80 square feet of private open space is proposed for each unit as required. A minimum of 13,500 square feet or .31 of an acre of qualified open space is required to be provided. A total of 14,416 square feet or remove .33 acres is proposed, exceeding the minimum standards by 916 square feet. Based on the number of units a minimum of three qualified site amenities are required from each category. The quality of life, open space and recreation. The applicant proposes enclosed bike storage, a community garden, and a children's playground from each category. A pathway along the perimeter of the development was originally proposed, but was removed due to site constraints. Conceptual building elevations and perspectives were submitted as shown for the proposed three story structures. Building materials consist of fiber cement panels between the windows, stucco and synthetic wood cladding in neutral colors. Final design of all structures is required to comply with the design standards in the architectural standards manual. The Commission recommended approval of the proposed conditional used permit. I will go through a summary of the Commission public hearing. Jorre Delgado, the applicant's representative, testified in favor. Ann Witherell and Lynzey Uechi -- I apologize if I misspelled -- or mispronounced your name -- commented on the application and written representing was received was Travis Perrin, representing Intermountain Wood Products. He is in opposition to the application. Key issues of discussion -- discussion by the Commission are as follows: Intermountain Wood Products that exist three parcels to the south has safety concerns due to the proximity of their proposed access via Locust Grove to the Locust Grove-Franklin Road intersection and conflicts between the residential traffic from the proposed development and their tractor-trailers and trucks that come and go from their distribution center multiple times per day and concerns with safety and trespassing from future residents on their property. Relocating the trash enclosure from the southwest corner of the development. Privacy fencing along the southern boundary. Public safety concerns with this development surrounding an ACHD drainage facility. And limited access from Locust Grove Road. The Commission made the following changes to the staff's recommendation and they modified the DA provision 1-A to encourage Council to determine if the proposed density was appropriate for this property. The Commission modified DA provision 1-D to have the applicant explore other fencing options along the west boundary and the ACHD drainage facility to mitigate impacts from the industrial

uses and the existing barbed wire fence around the ACHD property. Commission modified Condition 8-N to relocate the trash enclosure in the southwest corner to a more appropriate location as determined by Republic Services. There are no outstanding issues for Council tonight on this application. Written testimony has been received from Jorre Delgado, the applicant's representative, and she is in agreement with the conditions in the staff report. Staff will stand for any questions. Oh, one thing I would like to add. I kind of touched on this, but this property is entitled with R-40 zoning and a development agreement for, like I said, more units than they are proposing. So, I did just want to touch on that and Bill Nary can answer any questions you may have on that. Thank you.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Sonya, I will -- I will start with you and, then, I may -- may pivot to Mr. Nary. So, one, talking about the history -- and this may be my first time I get to say it. This thing was annexed when I was in high school. So, that's kind of unique for me. Maybe the first of many times we will hear that over the next couple of years. So, help me understand. They annex in and, then, the highway district builds a drain while still having the residential annexation. That was the process back then or that -- they were eligible to do that? Help me understand how a property owner annexing in and, then, the highway district built to drain and now they want to come back and do residential. I'm just -- I'm missing pieces in this game of --

Allen: Well, Mr. Mayor, Councilman Cavener, Council, I'm not sure if I'm stating the obvious or missing the point of your question, but they were -- they were entitled with multi-family development. They let their conditional use permit expire. After that time ACHD came in and bought a large corner of that property, left them with an L-shape and that's all they have left and it's a pretty constrained site to develop now. But they are entitled with the zoning -- you know, they already have that entitled and with the development agreement with the concept plan. Granted, the -- the proposed development is not consistent with their -- their concept plan, but that is why they are proposing a modification and there is no way feasibly for the applicant to develop consistent with their concept plan. So, anyway, did I answer your question or not? Or did I just state the obvious?

Cavener: You answered one question that I asked and, then, you answered the next question I was going to.

Allen: Oh, good.

Cavener: I appreciate you for anticipating.

Allen: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I just want to say I was pretty impressed with that response, because she was in grade school when this was annexed, so --

Simison: Council, any additional questions for staff? Okay. Is the applicant online or --

Delgado: Good evening. My name is Jorre Delgado. I'm with Realm Venture Group. 1109 West Main Street, Boise, Idaho. I think that Sonya did a really good job with the staff report and as she mentioned, after reviewing all the conditions that were placed on this application, we are in agreement with all of the conditions that are in place. One thing I would like to know about the fencing around the ACHD drainage facility -- it did come up by the neighbors at the last Planning and Zoning hearing that there was some safety concerns about the type of fence that is currently there, which is just a chain link fence, six feet high, with barbed wire around the top of it. We do intend to change that and we have actually changed that to an eight foot fence and we are going to do an eight foot vinyl fence, so it's fully enclosed. Vinyl fences, obviously, are not as easy to climb as chain link fences, so I think that it kind of addresses some of those safety issues that the neighbors might have had and we are also going to continue that vinyl fencing around the rest of the property to -- just to match that. But outside of those safety concerns for the fence from that neighbor, I also just want to touch on Intermountain -- their issue, potentially, of the traffic coming in and out of the subdivision. There -- again, there is -- we are kind of constrained with this piece of property. There is not a lot of ways that we can come in and out and I know that we tried an entrance in and out on Franklin, we tried keeping them both open, and it's just -- there is not really -- like this -- this just happened to be the best option for us and we do have plans to put -- to make this a forced right turn. So, we will have a concrete barrier in here that forces that right turn, so that people aren't trying to go across all four of those lanes or into the center divider. So, we are going to do what we can to force that right turn and stripe it and put signage. But, again, that's -- that's all we can do to address that safety issue. Other than that I don't have any new comments. So, I'm open for questions.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yes. Ms. Delgado, so ACHD would not even allow a right-in, right-out on Franklin Road?

Delgado: So, we were told no entrance or exit on that and we tried it, but it did come back that we were not allowed to use Franklin at all. So, we are now putting a berm on that side, so that it's going to be fully landscaped and look more presentable from that side of the road, so people know that they can enter and exit on that side and we will be removing that curb cut on that side that's currently there.

Hoaglund: Okay. Thank you.

Strader: Mr. Mayor?

Allen: Mr. Mayor?

Simison: Yes, Sonya.

Allen: Excuse me. I would just like to clarify with the applicant on the record. She mentioned that an eight foot tall vinyl fence was proposed. Our city code restricts the fencing height in the residential districts to six feet. So, they would either need to provide a six foot fence or they could request alternative compliance. I'm not sure that we would have any issue with alternative compliance given the drainage facility, you know, that way, but Mr. Overton might have some comments on that from a police background if he would feel that would be appropriate or not. But, anyway, just wanted to mention that in the record. Thank you.

Simison: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Could you just walk us through the distribution of the parking on the site?

Delgado: Yes. So, we have parking spaces in between for each of the buildings on this side, as well as a row of parking in front of each building and all of the parking spaces along the front are all covered parking spaces. I believe we have 61 covered parking spaces total and the reasoning for pushing all of our additional parking over here, which would essentially be our guest parking, is that it was hard for us to have parking right up here along the front of Locust Grove when this is going to be our in and out. So, we -- and after trying to lay out the buildings in numerous different ways just because of the constraints of the shape of this property, the parking kind of felt best back here, but, again, these are all self parked for the actual buildings in front of them. So, these residents won't have to be walking back here, they will have a dedicated spot with their unit numbers on them and a designated additional space if possible and, then, this will just be an overflow and if we could we would put some parking up here and maybe shift the buildings a little bit, but I don't feel that parking right along there is -- is best.

Strader: Okay. So, it's all self parked around the buildings and, then, it's really -- this is you are saying overflow. So, will people have to pay extra for that dedicated space or you are confirming that you will dedicate a space to every unit?

Delgado: Every unit will have a dedicated space. Since we aren't providing actual garages, these are going to be covered carports that will have their unit number associated with it when they sign a rental agreement.

Strader: Got you. And, then, I assume there is no parking along this little kind of drive aisle.

Delgado: This -- I'm not sure if you are able to see my mouse, but there is not any parking. All the parking is along the buildings.

Strader: Okay. Got it.

Delgado: So, it is all landscape buffer.

Strader: Okay.

Delgado: And, then, on the bottom portion of the property to the south, that's where we are going to be putting the easement for a future connectivity that was noted in the conditions for any future developments that happen to go there, so that we could share the driveway and that's our main reasoning for putting the buildings on that side of the property. I know it's not ideal to have them next to the ACHD drainage facility, but that works out well if there is -- happens to be a property developed next to us and, then, we can share a drive aisle.

Strader: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: It was difficult to tell from the drawings if there is a dedicated walkway from the building farthest from the grassy area on the north to that common area. Would folks be walking through the parking lot to get there or is there some sort of pathway on the north and east sides of the buildings where you see all the landscaping?

Delgado: So, we do have a pathway along the front of the buildings. So, between the front of the building and the parking there is a sidewalk there. Our drawings are hard to see that and I was hoping that we could have some better renderings of that prior to this, but I wasn't able to get them. We did have to remove our walkway along the ACHD drainage facility along the back. So, we are using the front walkway of the building as the access to that common area from all the buildings. And it is a little bit hard to see,

but these back units do have a small walkway back there that does allow them to get to their set of stairs.

Simison: Council, additional questions for the applicant? Okay. Thank you very much. Mr. Clerk, do we have anybody signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did. First is Ann Witherell.

Simison: Good evening, Ann. If you could state your name and address for the record.

Witherell: Good evening, Mr. Mayor, City Council. I'm Ann Witherell. 215 South Locust Grove Road. I don't know where to begin with this one. I'm -- I'm -- I would have loved to have taken my concern to the developer, but I went to both of the neighborhood meetings. I was the only one that showed up, other than a representative from the pumice factory across the road. I was the only one there. I understand that city staff -- sorry. I'm a little nervous. City staff was told that the neighbors didn't show up. It was kind of disrespectful. I was hoping to -- to meet with her -- to see her tonight. She's not here. I'd like to meet this person. Or developer. To have some of my concerns addressed by the developer. It hasn't happened. I do appreciate that there will be a vinyl fence around this wonderful drainage thing. Around the front a 13 year old with a bolt cutter can get in. It would be 13 year olds with bolt cutters they. There are bolt cutters. There are 13 year olds in the neighborhood. Not all of them are well behaved. Most are. But it is still a drowning hazard. It is a hazard to children on that road. There is nowhere for them to go. You can't fence them off. And who lives in one and two bedroom apartments? Not families with mature children. Small children. Section eight possibly. I don't think the police will be happy with that. Again, I would like to take some of my concerns to the developer, but I only have you. The location of three story apartment buildings. It sticks out like a sore thumb on that -- that corner, whereas, industrial type development or the -- the one that is behind and like the -- the wholesale wood people. They would fit in. But if you put a three story -- tiny apartments crammed in there -- I mean I just -- the only thing missing is to shoehorn. That -- now -- I'm sorry, I -- it just gives me nightmares thinking about it. Not to mention how many are going to be coming along the -- what's supposed to be a 20 foot easement between the residential and the industrial -- light industrial. Not 20, but still -- they can get on there. They can just kind of walk right into my property from behind. There is no security there. I have lived there for 45 years. I mean I really don't want to put bars on my doors and windows at night. That's not Meridian. That's not the Meridian I know. Not the Meridian I moved to. It may have to be the Meridian I move -- move from. I would hate for that to happen. I have got some great neighbors to the north of me. The -- the wood wholesalers are great neighbors, which is something not everyone can say. But my concerns, gentlemen, I just will leave with you, because if I go on and on we will be here all night.

Simison: Thank you. Council, do you have any questions?

Cavener: Mr. Mayor?

Overton: Mr. Mayor? Sorry.

Simison: Councilman Cavener.

Cavener: Yes. I have got a couple of questions if I may. And I appreciate you coming and giving us your testimony tonight and no need to be nervous, we are -- we are all neighbors here and it's not a big deal.

Witherell: Well, this isn't my first rodeo either.

Cavener: Fair enough. So, here is the second rodeos and beyond. My -- my question for you is -- you had mentioned that you went to the neighborhood meetings --

Witherell: Yes.

Cavener: -- but that the applicant told staff that nobody showed.

Witherell: Yes.

Cavener: But, then, you also said that you wish that you had a chance to voice your concerns to the applicant.

Witherell: Right.

Cavener: Did you not feel that you had the opportunity to do that at the two neighborhood meetings or you --

Witherell: There was no -- I was the only one there. I'm standing here in front of a backhoe and a vacant building and I looked. Nobody is there. Just me.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: So, what I'm -- what I'm hearing is you -- you -- what you are saying is you went to two neighborhood meetings and from your opinion the -- the applicant wasn't there.

Witherell: Right.

Cavener: That's why you didn't have anyone to talk to. So, the applicant did say anybody was there and you didn't see the applicant and so, therefore, you weren't able to convey your feelings.

Witherell: Right. So, it's kind of like --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: It feels a little bit like that, that you -- it sounds -- and, again, we will hear -- I'm sure we will hear from the applicant on this. I just want to get some clarity about why you didn't feel you had the opportunity to convey your concerns to the applicant and the reason you weren't able to do that is because they weren't there.

Witherell: That's -- right.

Cavener: Got it. Thank you very much. I appreciate that.

Witherell: Thanks.

Simison: Councilman Overton.

Witherell: Anybody else?

Overton: Mr. Mayor, that was the exact same question I was going to ask.

Hoaglund: Mr. Mayor?

Witherell: It reads like a Monty Python.

Simison: Councilman Hoaglund.

Hoaglund: Yes. Ma'am? Ma'am? I have -- I have a softball question for you. Okay.

Simison: Just get in front of the microphones, please. There you go.

Hoaglund: So, you have lived there 45 years?

Witherell: Yes.

Hoaglund: Do you know Gene and Bernadine Presley?

Witherell: Yes.

Hoaglund: Okay. They are -- they are still around, so just wanted you to know.

Witherell: Well, tell them hello for me.

Hoaglund: I will. Thank you.

Cavener: That's a better question.

Simison: Anyone else sign up?

Johnson: Yes, Mr. Mayor. And I apologize if I mispronounce this as well. But Lynzey Uechi.

Simison: Good evening. You need to state your name and address for the record, please.

Uechi: My name is Lynzey Uechi. I live at 1376 West Whitehall Drive.

Simison: So Council Woman Strader can hear for certain.

Uechi: Okay. First and foremost, thank you to the Planning Department for the ease of access and transparency on the ongoing developments in our city and to Mayor Simison and the City Council for providing the opportunity to voice concerns about proposed developments. The proposed development Meridian OZ Apartments does not meet -- barely meets and misrepresented meeting several of the standards put forth by Meridian officials, who intended to develop a premier community. The current development does not meet the standards for open space and buffering. It is not compliant with sidewalk requirements. It is not compliant with setback requirements. A representative was not present at any of the three rescheduled neighborhood meetings. The applicant misrepresented having no input from neighboring landowners. The submitted record of survey dated October 22nd marks a house which was demolished three months prior. Standards set by our city officials have been consistently disregarded entirely or met at an extreme minimum. In addition to the disregard for standards, I would also like to address the industrial buffer on the western edge of the development. There is no physical barrier on the southern edge of the landscape buffer. The treeline zone will allow unimpeded access to the new 180 northern neighborhoods into the backyards of the single family homes. Of larger impact I urge the Council to be open minded when considering the safety and well being of the proposed renters, who will have only one way to access their homes, moving into a parking area, which has merely three spots above the minimum requirement. The residents will further have no option for street parking within a quarter mile. Should any one of the 60 proposed households have three guests, a resident will not be able to park within a reasonable distance of his or her home. Should a vehicle accident or an emergency vehicle be parked near the sole entrance and exit, there will be no access out of the development. What would be the impact in the event of a fire or serious crime. The single right-in, right-out onto Locust Grove creates enormous traffic and safety concern. If a law abiding citizen is intending to travel east towards Eagle Road, the only legal path would require one to one and a half miles of additional travel. I would ask the Council to consider realistically if this will be regularly abided by and, if not, consider the road conditions created by motorist attempting an illegal left-hand turn out of the complex and into a small section of a turning lane, which is also being used by northbound traffic to turn into the apartments. Is this a reasonable risk that you can stand by allowing at a major arterial intersection? The mission, vision and values put forth by the City of Meridian states a dedication to a more vibrant, livable and connected

city. Does this development create more vibrance? Does it create a higher standard of livability? Does it create more connectivity for the residents, landowners and business owners of Meridian? Before you make up your mind I urge you, please, follow your gut feeling. I acknowledge that this is a difficult parcel to develop, but there is a better way than allowing five three story apartment buildings to be wedged behind a barbed wire fence surrounding a drainage pond with only one way out. I sincerely appreciate Mayor Simison and the Council's valuable time and very strong consideration to upholding the standards which protect Meridian.

Simison: Thank you, Lynzey. Council, any questions?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Lynzey, did you say there were three meetings that were rescheduled and the applicant -- or the applicant was never there?

Uechi: It was rescheduled twice. So, there was a total of three meetings and the applicant was never present.

Overton: At any other meetings?

Uechi: Correct.

Overton: Okay. And I didn't catch where you -- do you live close and --

Uechi: I own the property directly south. 185 South Locust Grove.

Overton: Okay. Are you familiar with the traffic as it flows currently out of the apartments across the street, the Shadow Creek Apartments?

Uechi: Yes.

Overton: Okay. I will talk about that later.

Simison: Counsel, any additional questions? Okay. Thank you. That's everyone who signed up. Is there anybody else who would like to come forward and present testimony on this item? Or if you are online use the raise your hand feature.

Borton: Mr. Mayor?

Simison: Seeing no one -- Councilman Borton.

Borton: Several things don't make sense in this application. But one is how does ACHD acquire a portion of this property without a DA modification to allow it to put the

drainage in? I mean there has got to be prior public hearing context where the things we are wrestling with right now would come up as part of approving a modified -- modification to a 1999 DA, that wouldn't also address this remnant parcel, because we would have said in '99 what in the heck are we going to do with the remnant parcel? So, what did we say back then that gave Council comfort that we are missing today?

Allen: Mr. Mayor, Councilman Borton, Council, I'm not sure that the city was ever asked. I -- it may have been, but I have a feeling it was possibly a taking here. Just a purchase of some land and --

Borton: But --

Allen: I'm not aware of anything with the city if there was.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Am I incorrect that procedurally they should have -- they should have applied to modify a DA to do what they did and that would have brought all this to light? I mean how do they -- how do they acquire -- how do they even split off that parcel to, then, put a -- without city approval? And I'm not trying to put you on the spot.

Allen: More of a legal question, Joe, for Bill. I'm really not sure if they are held --

Borton: Yeah.

Allen: -- to that same -- I mean it would seem it's a legal agreement between the city and the applicant that this is how the property is going to develop and it's not. We agree.

Borton: You can't -- yeah. You can't put -- you can't put stormwater drainage facilities in R-40.

Allen: Yeah. It is public -- public infrastructure -- infrastructure improvements, which may fall outside of that. I'm not sure.

Borton: Okay. Thanks.

Simison: Well, we have three attorneys in the room and land use -- I'm sure that that's at least a 3,000 dollar question after we debate it. Sorry.

Borton: I don't have an answer. I just have a question.

Simison: Yeah. Council, further --

Parsons: Also, Mayor and Council, if I can just speak to that point a little bit. Don't have a -- I don't know the specifics. It was before -- before my time, obviously, but, typically, ACHD, when they are doing road projects, they do coordinate with the city as you were and I don't know who was the planner at the time that -- that coordinated on that intersection improvement. But there is a couple of things to keep in mind here. I know -- I wish Kyle was here tonight, because he has a lot of input on the Five Mile Creek and this -- I think if you look at the statics of the area you can see that it does almost look like a wetland or tries to look more natural than a majority of their stormwater retention facilities, minus the chain link fence with barbed wire. But I think that was the intent here is that we were trying to get something attractive and we were trying to make it part of an integrated open space along that creek. So, that's probably one component of it. But the second part of that is typically when ACHD acquires a property, if they don't deem that they necessarily need all the property, they will do a record or survey and they will grab the portion that they want to purchase and, then, they leave the remnant piece out. But to your point, the DA doesn't go away. It does run with the land and as soon as they assume that -- presumably you would say, yes, you are in -- you should have come back to the city. So, I don't know if ACHD worked with city staff when they acquired that to make those improvements, so that it could enhance the creek area. I wish I had more information on that for you. But that's speculation on my part.

Allen: Mr. Mayor? I was just made aware that Kyle from Public Works is online. So, he may have some answers to that question.

Simison: Well -- and we also have another phone a friend with this Ms. Inselman from ACHD on the line, who may have -- be able to shed some light on their normal process when they come on these issues.

Borton: Mr. Mayor, while we see who pops up, the reason for that question is in the -- in the normal sense the applicant could take this concept plan and go pull a permit and they have got zoning and entitlements and go try and get it built. But they never could have, even if they wanted to, so --

Simison: Mr. Radek, you -- he is there with his hand raised. Go ahead.

Radek: I'm sorry. I didn't mean to raise my hand. I -- can you hear me?

Borton: You're up now.

Radek: Okay. Well, Mr. Mayor, my only knowledge of the -- of the pond project is -- I believe it was done in conjunction with the Franklin Road ACHD project and that was done in 2004 and that's before I started working here. So, I really don't have any knowledge of what happened there.

Simison: Okay. Christy.

Inselman: Mr. Mayor, this is Christy Inselman with Ada County Highway District. I don't have any additional information on this corner. I know it's fairly typical -- we have to accommodate the drainage from the roadway when we do the roadway expansion projects and we do -- we do have some that we do on the corner. As far as the process, similar to Kyle, it was pre my time. So, I'm not really sure what process was included to develop that.

Simison: Christy, do you have a process that you would normally -- say this was to be done tomorrow, do you know how ACHD would go about implementing this in this situation?

Inselman: My -- my best guess, Mr. Mayor, would be coordination with the city staff. I don't -- I'm long range planning, I don't work on the development of the individual projects, but I do know that city staff and ACHD work together closely on all of our projects and they sit on all of our project teams. So, they would -- all would be heavily involved into what process would need to occur to -- to landscape and to acquire land for drainage facilities.

Simison: Okay. Thank you, Christy.

Inselman: You are welcome.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Punt to legal with the question being -- in, again, a more traditional sense, a council may elect to deny a DA modification, because the original existing concept plan is preferred. So, build what you are already allowed to build and on we go. In this case are we somehow hamstrung to act on a DA when the original concept plan itself is already not viable?

Nary: So, Mr. Mayor, Members of the Council, no, you are -- you are still -- you still have discretion on -- on not granting this development agreement modification. Yeah. I -- I couldn't tell you -- and I don't recall a conversation regarding this parcel, but in looking at the staff report -- and I just want to make sure with Bill and Sonya, the ACHD parcel is a separately owned parcel that's not part of this development agreement any longer. Is that correct?

Allen: Mr. Mayor, Mr. Nary, yes, that is correct.

Nary: Okay. So, the conflict you have that I think is the concern here is that remnant -- that parcel -- that's the remnant parcel. So, that was taken out and that was separated out of this -- out of the original DA, but nobody altered the original DA, so the R-40 zoning, because it was supposed to incorporate that entire parcel, never got changed. That's why the 96 units are still listed as the viable -- or as the DA allowed development.

But because clearly things have changed and the property size and location and the access and all those things have changed, the Council doesn't have to agree to this particular one and I agree with you, it is slightly different, because normally, you are correct, the reason this Council doesn't agree with the DA is they want them to build what they had already been provided. Here they can't build what was provided in the existing DA, nor can they -- nor do they -- can you -- you have to agree that they can build this. They could build something different. You know, again, there are other issues that were raised. But certainly you don't -- you do have the discretion to still say no -- even if what you are proposing isn't adequate for this based on safety and some of the other concerns you have heard.

Borton: Thank you.

Simison: Thank you. Are we ready to hear from the applicant for final comments?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a comment. I'm sure that the applicant understands how important, but just to underscore how important it is for the applicant in their final comments to address that the neighbors feel that the developer has not met with them, which is one of our requirements and extremely important for us.

Simison: I would agree. Thank you, Council Woman Strader. Ms. Delgado?

Delgado: I would like to address the two neighbors that spoke about the neighborhood meetings. This came up during the Planning and Zoning as well. We did have multiple neighborhood meetings and I waited probably over an hour for anybody to show up. Granted, there is not a long neighborhood list that needed to be sent out, so I knew I was only waiting for a few people. So, I made sure that I waited an extended period of time for those individuals to show up. The first meeting was actually when the tenants of the house still lived there. So, I do know that they were there for that meeting, too, as was I. So, I -- I'm not sure -- I don't know if it was a passing where we missed or if they came after the meeting was ending, but I can say that I was there for at least an hour each time and I can try to pull -- if Sonya doesn't have those in her file -- the dates and times of the beginning of the meeting and the end of them and send those in to you guys and the list of people that was -- that it was sent to each time. But other than that that's the only way that I could address their comments on that. And, then, as far as the safety for that ACHD drainage facility, we are open for any suggestions around that. We do want it to be as safe as possible for the residents there and proposing the larger fence was what our first and -- our first instinct was, just so that people weren't able to climb over it and there wasn't easy access into it, but other than that we are open for suggestions on safety measures to take -- to keep people out of that.

Simison: Thank you. Council, additional questions, comments, follow up with the applicant?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. So, your -- your comments said that this also came up at the Planning and Zoning Commission. Is that correct? That -- the concern about the neighbors not being in communication with you? Is that -- was that accurate?

Delgado: Correct.

Cavener: Mr. Mayor, follow up?

Simison: Councilman Cavener.

Cavener: In light of that did -- did you make any effort after the Planning and Zoning Commission to, then, connect with those residents to hear their concerns?

Delgado: I did not. But I do -- I have spoken with Lynzey prior and I know that she noted that -- I noted that I hadn't spoken with her, which I have spoken to her prior to the Planning and Zoning meeting. I had not spoken with Ann. I -- I didn't know prior to that that she had any -- any concerns regarding this project. I had only heard from Lynzey. But, again, I'm open to hearing all of her safety concerns for that ACHD drainage facility that she does have and I understand those and, like I said, we are open for any suggestions to help meet her comments and concerns about that.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. So, I appreciate that you -- you heard from neighbors that they were concerned and -- and, again, it sounds like that you heard that they were frustrated that they hadn't been able to connect with you and so, again, I guess a real simple question is, then, why did you choose to not reach out to them?

Delgado: I figured that by the time we came back to City Council that I would be able to address some of these issues better. But, again, a lot of it has to do with ACHD --

Cavener: Okay. Thank you.

Delgado: -- drainage.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You know, we run into this occasionally and thankfully not that much where it's kind of a he said she said on neighborhood meetings taking place, not taking place. But it's not just one person, it's two people that say they haven't had that meeting and that's just really unacceptable and I wonder, you know, is this a situation where we need to have like planning staff or the city clerk organize a meeting at City Hall to make sure that the process happens correctly and everyone can agree on a date and show up? But I just don't -- I -- it's -- I'm like having an allergic reaction to even considering moving forward on an application where the neighborhood meetings have not taken place or possibly have not taken place and so, yeah, I just want -- I'm just talking out loud, but I'm -- you know, I'm sort of struggling here. Maybe miscommunication. Maybe things happen. But I want to make sure that that process happens.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I would like to absolutely back up everything Council Woman Strader just said. I agree. It seems pretty unacceptable in this date and time that we are having those type of issues and when there are -- the opportunity is presented at the Planning and Zoning meeting it still doesn't happen and here we sit tonight and the neighbors still haven't had a chance to have that talk. Secondly, I live fairly close to this and currently you have the Shadow -- or Shallow Creek Apartments across the street. One way in, one way out. Exactly what this is going to be. Probably almost similar densities. Every day traffic stacks coming out of that one way in and because ACHD runs a traffic barrier back, we have vehicles -- because I have had their headlights head on on my lane -- they can only turn right, right-in, right-out, but they turn left and drive in opposing traffic lanes until they can get far enough over to get onto Locust Grove. That one, combined with what this would do, would be extremely terrible traffic congestion that close to that intersection, because you got two of them, high density, coming right before that intersection and Locust Grove is getting busier and busier as we continue to grow. I don't think this is a good location for that. I think the one way in is -- is not acceptable. This just looks like it's a hazard and I try to remember when this might have been built and I do think I do know when this ACHD property was built. It's when Locust Grove was rebuilt and regraded before the overpass was completed. That's when it was put in. Because I lived by that and watched it happen and the fence went up, because the deer were in there. So, I have a little history with how that all happened. But I would not be supportive of moving forward on this application. There is just too many red flags right now.

Hoaglund: And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. And Mr. Overton was in college at the time. But, anyway, I digress. Mr. Mayor, a couple of paths we could take on this and like people to weigh in. You know, one is, obviously, I think there has to be a cure to the neighborhood meetings not being -- being held in some form or fashion, that -- we have to have people talking. But the other one is -- I think there is a lot of unease about this project and the access. I'm surprised -- it's probably because it's very close to the intersection, but a right-in, right-out just to -- to have people be able to go north. But, anyway, be that as it may, you know, I don't want to waste people's time by -- we delay it and have another meeting in April after they meet or do we talk about this and have suggestions for the applicant on -- of alternatives for the -- for this site? So, I guess that's -- that's kind of where I'm struggling is what direction to go with something like this right now.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I was thinking about the exact same question as Council President Hoaglund and I think it would be beneficial if we continue the discussion about other elements of the application to give the applicant direction, so that when they come back we can answer all potential questions. Unless -- well, you know, unless we hear a motion for denial or something along those lines, so -- thank you.

Simison: Yeah. One of the questions I was going to ask staff -- throw out the zoning, what would you recommend for this location -- or throw out the existing entitlements, but with the changes of how -- what would make sense here in this location from your standpoint now with where the city is are going in size?

Allen: Mr. Mayor, Council, the -- the site is designated mixed use community. Office uses I think would be a nice use in this location. Personal services maybe. Professional services.

Parsons: Mayor, Council, if I can add. I have -- Sonya inherited this project from some -- from other planners that actually pre-app'd with it. So, I want to step in a little bit, because I have been part of other conversations that she hasn't been privy to. So, as you recall, Intermountain Wood Products went through the comp plan change and did industrial. As part of that process we did some analysis that said by us approving this industrial we are carving -- we are reducing the mixed use community designation in this area, which will make it harder for those properties to develop as such with the three land use types that we envision as part of the Comprehensive Plan. So, when we have met with applicants we have -- we have felt it should really go industrial. I mean that's kind of the -- that's what you have to the west of the project and that seems to be the -- the natural progression to do that. But, of course, in order to change the plan and work with that, typically we like to work with the neighbors. So, when I have worked -- when I have -- when -- and during the other pre-application meetings we told them we may be able to support multi-family if you were to acquire more property to the south, so that you can get cross-access, so you can get farther away from that intersection, so

you can have -- spread that density across a greater area, so you can get a more attractive site plan. One of the struggles that Planning and Zoning Commission had with this site was the fact of density and that's why it ended up in your lap tonight, because if you look at the original approval and its the concept plan that's on the left here, that's 15 dwelling units to the acre and the reason why -- you know, it's because there was more acreage. Well, ACHD came in and did a record survey, converted that pond to right of way, they own the property and now we are left with a development where they want 25 dwelling units to the acre and the applicant was asked at the Planning and Zoning Commission can you do two story? Can you go down to 15 dwelling units to the acre and be consistent with the MUC designation? And if I'm not mistaken, I believe she testified, no, they needed to get this density. So, long story short, in the long term -- right now we have an entitlement, but to Mayor's point, if I were to take all that aside and someone wants to come to me and ask me what -- what we would think would be appropriate here, to Sonya's point, I think office can work or a commercial component or potentially doing a Comprehensive Plan map amendment changing that to industrial and finishing out that -- that corner consistent with other developments in the area. At least what's happened to the west side. I think this -- this Council is aware that we need more industrial land and here is an opportunity to do that. But, anyways, just giving you some feedback on some of the previous conversations that I have had.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I have a question for staff. So, it's been a while since I have driven by and really closely paid attention to that corner of the intersection. Is there not some geographic -- geographical -- geographic -- what is the right word? Geographical. It's 9:00 o'clock. Limitations on that site as well? Doesn't it slope down because of the drainage and is that going to limit what goes there?

Parsons: Mayor, Members of the Council, you are correct, there is some -- some topography on the site, but the area that's able to develop could still be developed. It's not impacted by the topography. But your -- to your point it -- and to what the resident said, the pond is down and the three story apartments are going to be elevated above the pond site. So, it is going to contribute to the height in the area for sure because of that elevation change.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I don't know how I could move forward on this application. It sounds like the best long-term solution -- in short term it -- it's difficult, but maybe appropriate to deny the -- the CUP and the DA modification in light of these unique circumstances and invite and encourage the applicant to, you know, submit a rezone and -- and try and use this

parcel in the way that it's unique design will allow. You touched on some of those components and it's just not an R-40 parcel now and I know it is technically, but, you know, it never would get that zoning if it was presented today. It's just a very difficult situation. So, I don't know how you go forward without -- quite frankly, if they can't do what's originally approved, which I don't think they can, they should be encouraged to rezone it and have a different use there. Just being blunt and honest, so nobody wastes time.

Simison: And even going a step further, I'm not saying, you know, the access unless there is -- dependent -- you know, unless the access is somehow resolved to working with the neighbors to the south or back with ACHD for additional places, it just does not seem to be able to support a use of this nature and I don't even know personally if putting a dentist office and others is -- talk about commercial viability, right-in, right-out only in this location, is that -- maybe, you know, destination locations, but you still have to figure out how people are going to get in and where they are going to come from and there is -- that's just going to be a challenge.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. You know, when -- talked about that drive aisle on the south, if the property to the south develops and -- well, that drive aisle would be expanded and that's the -- the exit for that development. I mean to Councilman Overton's point in his example of the other side having that, now you have got even more cars doing that. You just compound the problem. So, yeah, for -- for what is being proposed this site just doesn't work for that. I think that there should be other uses, other plans. Maybe if they do acquire more property to the south, then, we can look at something that was similar before. But, again, access is I think always going to be an issue there. But that's just -- this particular one just doesn't -- doesn't work for that particular site. And I feel for the developers. It's what was left over, but at the same time it's -- it is what it is and we want to -- like we said earlier, quality development and something that works, of course, so -- I don't see that here.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I'm kind of an out-of-box thinker, because we are kind of saying something about shutting it down and trying to find an alternative way this can turn into something. Is there any way this could be moved to industrial and have any type of access back to the west, so it does not need Franklin or Locust Grove?

Allen: Mr. Mayor, Councilman Overton, there is currently no access available to this site from the west. There may be some kind of agreement that could be worked out, but there is not an existing access.

Parsons: Mayor, Members of the Council, if -- Bruce scared me, so -- it caught me off guard here as I was formulating a response for you. But, essentially, when that development to the west went in there was a DA provision for that landscape buffer to be put along that buffer. So, to Sonya's point, there would have to be some coordination between that industrial user and the owner of that common lot to allow that access to occur. Just more -- more history for you to digest. There is a lot happening in this area as you know.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will make a motion that we close the public hearing on H-2022-0073.

Cavener: Second.

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

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Good difficult conversation. Difficult site. We all -- we all want to get into what this is or could be, but for today it just seems to be clear what it's not and this application is just what it's not. For the reasons stated by the public and the staff and the staff report and fellow Council Members have all hit on the same concerns that this requested modification and the CUP that goes with it just doesn't work. As presented it's not in the best interest of the city. So, I'm going to make a motion that we deny H-2022-0073.

Cavener: Second.

Simison: Motion and a second with the attorney weighing in.

Nary: I think -- I think there is enough on the record, but, basically, what I heard was the -- if the maker of the motion was basically denying it because, again, the -- the site cannot be developed into this form either, so it wasn't because of the original agreement as we discussed earlier, but because this one doesn't work either for this size of the parcel, the location, the safety, all of that -- is that what I understood?

Borton: It includes --

Nary: That's what the record --

Borton: That's correct.

Nary: Okay.

Borton: Thank you for pointing that out.

Nary: And Mr. Johnson did have to step out, Mr. Mayor, so I don't know if you wanted to call the roll on the motion.

Cavener: Yes, he does.

Simison: I didn't know that was my -- one of my other duties as assigned, as the case may be. I have a motion and a second. Is there further discussion on the motion? If not, I will call the roll.

Roll Call: Hoaglund, yea; Borton, yea; Cavener, yea; Perreault, yea; Strader, yea; Overton, yea.

Simison: So, that is six ayes, zero no's, and the motion to deny is agreed to.

MOTION CARRIED: ALL AYES.

Simison: Okay. Staff, best of luck in working with the owners and neighbors to try to come up with something that makes sense for this area or maybe we can get ACHD to stage a couple of snow plow trucks there with a facility if they need to purchase some more land for that in the community. Be a great location.

11. Public Hearing for Millwood Subdivision (H-2022-0089) by Epic Development, located at 1975 E. Victory Rd.

- A. Request: Annexation of 4.11 acres of land with a R-8 zoning district.
- B. Request: Preliminary Plat consisting of 17 building lots (including 1 for the existing home) and 2 common lots on 4.11 acres of land in the R-8 zoning district.

Simison: Okay. I digress. So, moving on. We will move to Item 11, public hearing for Millwood Subdivision, H-2022-0089. We will open this public hearing with staff comments after Councilman Borton makes a comment.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: This is an application I have not seen, know nothing about, but I know that I am recusing myself from it. Certainly won't be participating in any part. Haven't from day one and will remove myself from it. So, thank you.

Simison: Thank you. With that we will turn it over to Sonya for staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next applications before you are a request for annexation and zoning and a preliminary plat. This site consists of 4.11 acres of land. It's zoned RUT in Ada county and it's generally located south of East Victory Road and east of South Locust Grove Road at 1975 East Victory Road. The Comprehensive Plan future land use map designation is medium density residential, which calls for three to eight dwelling units per acre. Annexation of 4.74 acres of land with an R-8 zoning district for the development of 16 new single family residential detached homes and retention of the existing home at a gross density of 4.14 units per acre consistent with the medium density residential future land use map designation. This property is part of a larger in-fill area surrounded by city annexed land that has not yet redeveloped. The existing home is required to connect to city water and sewer service within 60 days of service becoming available and disconnect from private service in accord with city code. The existing home will also need to be re-addressed, since access will no longer be provided from Victory Road. All access -- excuse me. All accessory structures will be removed from the site. The proposed preliminary plat as shown there on the left consists of 17 building lots and two common lots on 4.11 acres of land and the R-8 zoning district proposed lots range in size from 4,245 square feet, which is .10 acre to 6,799 square feet, .16 of an acre, with a 34,706 square foot or .8 acre lot where the existing home was proposed to remain. The subdivision is proposed to develop in one phase. Access is proposed via an extension of East Richardson Street, a local street, planned to stub to the west boundary of the site with development of Teakwood Subdivision. ACHD is requiring right of way to be dedicated, but the street not constructed for the future extension of Richardson from the east side of Tamayo Court to the east property line with future redevelopment of the property to the east. And that is this road right here. Access for the existing home should be taken solely from Tamayo Court. Access via the easement from Victory should terminate, except for emergency vehicle access only and bollards should be installed across the driveway to prohibit public access. So, just a little more information on that. This property, as you can see here from the maps, does not have any street frontage on Victory Road. They do have an access easement that exists across the neighboring DeChambeau property. Because this site is below five acres in size, UDC standards for common open space and site amenities do not apply. However, the applicant is proposing a total of .55 of an acre or 13.5 percent of common open space for the development consisting of .18 of an acre of common area with a tot lot along the west boundary of the site, with a pathway that stubs to the west boundary and the landscape plan here on the right shows that area right here. And this common lot abuts common area planned in Teakwood Subdivision to the west. Staff is recommending the applicant coordinate with the developer of the adjacent property to not erect a fence in that location, so that the common areas can be joined to form a larger overall area. A

segment of the city's multi- use pathway system is required along the northeast boundary of the site, along the Eight Mile Lateral, consistent with the pathways master plan. The Parks Department recommends the off-site bridge across the lateral is widened or a separate pedestrian bridge is constructed to accommodate the ten foot wide pathway with NMID's consent -- within their easement with their consent. Excuse me. So, the property where the lateral is located along the northeast boundary there is within an easement and it is also owned fee simple by the irrigation district. Six conceptual building elevation photos were submitted as shown that demonstrate what future homes in this development will look like. A mix of single story and two-story homes are proposed with a mix of building materials, including stone veneer accents and architectural elements. The Commission recommended approval of the proposed application and I will go through a summary of the commission hearing. Todd Lakey, the applicant's representative, testified in favor. No one testified in opposition. Specifically Mary DeChambeau did testify on the application. I won't make an opinion whether it was in opposition or commenting. She can speak for herself. She's here tonight. Written testimony was received from Delaine McLafferty. Key issues of discussion were traffic concerns related to the proposed development. The access easement that exists across the DeChambeau property to the east. Objection to the existing home remaining on the property, because it doesn't fit with the surrounding neighborhood. Request for the pathway along the east side of the development to be fenced off from the waterway and the property to the east. The height of the homes along the east boundary of the development don't fit with the rest of the neighborhood and concerns pertaining to light impacts from the development on the property to the east. Key issues of discussion by the Commission. Transitional lot sizes on the west and south boundary. Continued use of the vehicular bridge as a pedestrian bridge. Relocation or elimination of one lot taking access from the common driveway in the southeast corner of the development. Commission changes to the staff recommendation were as follows: At staff's request they included a provision in the development agreement for construction traffic for the redevelopment of this property to access the site via the future extension of Richardson Street from the west. Access via the existing easement from East Victory Road across the DeChambeau property is prohibited. At staff's request include a preliminary plat condition of approval for the final plat to be amended consistent with the lot configurations depicted on the revised common driveway exhibit in the staff report. At the applicant's request the Commission included a development agreement provision to limit the homes on the southern lots to single story only. Commission struck Condition 2-A removing the requirement to lots along the west and south -- southern boundaries as recommended by staff. And they modified Condition 10, which required coordination with the Parks Department to determine if the existing bridge can be used for a pedestrian crossing. There are no outstanding issues for Council tonight. A member of the Parks Department is here tonight -- he was here. Is he still? Maybe online. He might be available online to comment on the -- on the bridge. Thank you. Written testimony has been received since the last hearing from Monty Morgner and Mary DeChambeau. Staff will stand for any questions.

Simison: Thank you. Council, questions for staff?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Given this late hour I apologize to ask -- for asking this, but would you mind going over the key issues of discussion by the Commission and the changes that they recommended using the slides that you referenced and, actually, show us the locations, so I get it in my mind's eye. Because it's just a little more than usual for us to discuss if we choose to discuss these recommendations.

Simison: And, Sonya, before you do that -- Council Woman Strader.

Strader: Thank you, Mr. Mayor. I apologize for interrupting, Councilman Perreault. Mr. Mayor, something has come up and if it's okay with you I would like to be excused from the meeting.

Simison: Please go take care of yourself. Thank you. All right.

Allen: That was the Commission changes to the staff recommendation?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Specifically I would like to have you show me -- I struggle to see where the pedestrian bridge location is and, then, the lot that was recommended to be removed on the south side -- southeast corner. I didn't identify which lot that was. I looked at all of the drawings, but couldn't figure it out. And, then, Commission change number two to the staff report, they -- let's see. They -- they want to include a preliminary plat condition of approval for the final plat to be amended consistent with the lot configurations depicted on the revised common driveway exhibit. So, if you could bring that exhibit up next and show -- show us specifically where that is.

Allen: Yes. This is the common driveway exhibit right here. Bill may need to help me with this. He actually presented to Commission on this. There was -- if I recall, Bill. Correct me if I'm wrong. There was four homes adjacent to the common driveway and those needed to be reconfigured. On the plat I believe. Is that correct? Thank you. And, then, it --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, Sonya, this -- this rendering that we are looking at here for the common driveway exhibit, those four lots are -- there is a suggestion that those do not stay in that configuration. Is that what I'm understanding?

Allen: I apologize. This is the amended drawing that's before you tonight. So, it's been handled. It always gets a little discombobulated sometimes when we tag team on these, so apologies. So, let me back up here. I was just trying to look at my conditions originally. I had requested that they remove a lot from the west boundary and the southern boundary and I was trying to remember if I asked for that to be in a certain location. It doesn't say I did not. So, the intention there was just to provide a little larger lot sizes there to better transition to the existing neighborhood to the south and the neighborhood that has been approved to the west. And, then, the pedestrian bridge. So, there is an existing bridge right here, if you can see my pointer, that provides access from the access easement across the DeChambeau property that I mentioned earlier to the existing home. So, the pedestrian bridge would either be there with the vehicular -- I personally don't think that the bridge is wide enough to accommodate vehicles and pedestrians and I believe that was the opinion of the Parks Department and so they had also said that it could be a separate pedestrian bridge, but they may be available online.

Simison: Garrett's here right now.

Allen: Oh. He's back now. Thank you. So, was -- did I cover everything, Council Woman Perreault, or did I miss something?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Yes, mostly. Just two more quick clarifications. So, that I understand whether you removed the recommendation or the Commission's one recommended -- striking condition. The applicant did not remove a western or southern lot; right?

Allen: This is the original plan.

Perreault: Okay.

Allen: They did not, no.

Perreault: Okay. And, then, the pedestrian bridge existing that you pointed to, that is not on the subject property.

Allen: It is not, Ms. Perreault. It is on -- the adjacent property that I mentioned earlier is owned by the NMID irrigation district, so -- it's kind of funky. You know, there is -- mostly those properties are in an easement, but this is in an easement and a -- and a separate property. So, this -- this requirement for a pathway, I just might mention, is not intended to encourage trespass on the adjacent property and I know that is a big concern and, you know, I would maybe recommend Council add that condition of

approval, that if it's approved tonight that the applicant install a -- you know, this pathway ends here. No trespassing beyond this point sign, something to that effect, might assist in that. It's meant to extend in the future when and if their property redevelops, but won't be for a while. Thank you.

Simison: Council, any additional questions for staff? Then would the applicant like to come forward?

Lakey: Mr. Mayor and, excuse me, Council Members, for the record Todd Lakey. Address 141 East Carlton, Meridian, Idaho. 83642. So, let me make sure I can go up and down here. Okay. Good. Mayor and Council Members, would like to -- I guess just start out by thanking staff for their analysis and their recommendation of approval. We -- Sonya did a good job especially with Council Member Perreault's questions. I'm kind of walking through it all. I will just emphasize a few more things and we do have our engineer here tonight in case you get out of the attorney zone and need to go into the engineers zone on some of the technicalities. We do ask that you concur with the recommendation of the Planning and Zoning Commission. We appreciated their recommendation of approval and their modifications and I will talk a little bit more about that. But the main one being -- with us not being required to utilize open space, we incorporated the 13 plus percent open space into our design and the only response we received from the owners to the south was to not include two story homes on that southern boundary, which we asked to be incorporated into the recommendation as far as conditions. So, that was included. And, then, we have the developer that is just in the process of doing their project to the west and didn't have any objection from them regarding lot size or configuration. So, I think that was the basis for their decision not to require us to remove two lots. Going down. Council Members, the -- the Comprehensive Plan, as was mentioned, calls for medium density in this location and that's three to eight dwelling units per acre. We are proposing 16 new, but 17 total residential lots on 4.11 acres. So, that's 4.16 dwelling units per acre. So, we are at the low end of what the Comprehensive Plan calls for for medium density and I think that was another aspect of the Planning and Zoning Commission's decision not to require us to remove lots, because we already are at the low end of the Comprehensive Plan designation, in addition to the open space and the other things that I mentioned. So, we can -- we can conform with the Comprehensive Plan future land use map. We are also essentially an in-fill project on kind of an odd shaped lot. That -- that is supported as staff analyzed and recommended and your Comprehensive Plan. We are also compatible with the surrounding zoning. We are immediately adjacent to Teakwood, which is R-8. We are proposing R-8 and there is clearly other R-8s and some R-4 in the area. Teakwood is 33 lots on 7.4 acres. So, they are 4.6 dwelling units per acre. So, again, we are just less dense than the Teakwood Subdivision. And we will be connecting, as was mentioned via Richardson Street. Last I looked at the Google Map it looks like their streets are in. I haven't driven out there recently, but those -- those streets I think are ready for connection. And we will be dedicating the additional right of way requested by ACHD for that future development to the east. There I think you can -- but, Council Members, there is that Teakwood Road and, again, this is a little bit older photo from the assessor's office where we will connect and there is the subject property.

We will be – get this to go down. Well, it's not wanting to go down. I will just talk until it makes up its mind. We will be keeping some of the mature landscaping that you can see there from the aerial photo. That existing home that occupies the four plus acres, had some nice mature trees on it and we will be maintaining some of those trees and removing the old outbuildings that don't comply with the setbacks to make sure that it all fits. And if there is any mitigation that's required for our taking some of those trees out on your landscaping plan, we will do that. It's still not going down. Council Member, you saw the – the renderings of our – our homes that we are proposing. They are an example of the quality type design we will be using and, as I mentioned, we won't be having any two-story homes on the southern boundary. Just to mention a couple of things. The – oh, there it goes. So, just to talk a little bit more about that connection. There is Richardson. And get the mouse to go there. Richardson Street, that's the additional dedication. It won't be built to ACHD and we will be utilizing a license agreement if we have any landscaping in that portion of the right of way that's dedicated, but will not be constructed until it's ready to actually be extended. And, then, we have just below that, that dark area, that's the emergency vehicle connection there to be existing access for the larger home. There is the bridge that was discussed. So, that's your access connection. That's another common lot just to the north of that, so we are right next to a common lot as far as the location of that access. That will be a 20 foot wide emergency vehicle access. The bollards will go about 30 feet off of Victory to make sure people aren't using that road regularly, just simple for emergency vehicles. The pathway there along Eight Mile Creek will be the ten foot pathway with five foot landscaping strips on each side. It does stop here at that bridge and that emergency access. The pathway plan doesn't require us to extend it any further, so it's shown here, but that won't actually be pathway. We will have perimeter fencing, four foot open vision along the pathway and, then, six foot closed vision around the perimeter of the remainder of the project. Just to talk a little bit about that bridge. Council Members, that's an existing bridge. It's -- we heard testimony either 19 or 20 feet wide. Our desire not to have to build an another bridge was the fact that -- as was mentioned earlier we don't own that property, it's owned by the irrigation district. They generally aren't fans of folks constructing additional things in their facilities and with that bridge being 20 feet wide, 19 feet wide, and only used for emergency vehicles, it would be really easy for pedestrians to be able to use that. You won't have emergency vehicles coming unless their sirens are going on and the bollards are down. So, it seems like that's something that could be shared. And the – the condition with the Planning and Zoning Commission was to try to work with the parks on that. But there are some unique circumstances to that bridge. It's outside of our area of control in it -- it is pretty wide currently. The common lot space there down on the corner. Sonya mentioned that. We will be aligning that with the common lot space to the west and there is the pathway that goes through there. And, then, just to let you know the driveway for the existing home will be here up at the top portion of that lot for the existing home, about three -- three quarter acre lot. So, with that, Mayor and Council Members, again, we would ask for your approval of the recommendation from the Planning and Zoning Commission. I would be happy to answer questions if you have them.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Good to have you here, Senator Lakey.

Lakey: Mayor and Council Member, just Todd tonight. Or --

Perreault: So, my question is about the relationship with this property and the Teakwood development to the west. Did I hear you say that -- that this is the same developer or same owner? I thought I heard you say there was a connection between the two in some capacity.

Lakey: Mr. Mayor and Council Member Perreault, the connection being a physical one. We are not the same property owner-developer. The connection I was referring to is this -- our common area here will match the common area and connect there -- the staff was asking for an opening in our fencing to connect those two. So, there is kind of a mutual amenity. That's what I was referring to.

Perreault: Mr. Mayor, follow up?

Simison: Council Woman Perreault.

Perreault: Thank you. I apologize. I didn't hear that correctly. So, it's unfortunate, though, that these didn't work together, because it would be nice to not have two cul-de-sacs and two subdivisions side by side and to have had a through street, since it seems like the cul-de-sacs are stopping it right about the same place on the south side of their properties. Did -- was there -- has there been any conversation -- so, Teakwood is not completed -- is not completed yet and there is not an HOA that has been a board that has been signed yet; is that correct?

Lakey: Mr. Mayor and Council Member Perreault, I believe they were -- I think it was final planted in November, but I -- I can't say that they don't have an HOA. I don't -- I don't know.

Perreault: Okay. So, you haven't had a conversation with any of the neighbors about that fencing and whether it's, you know -- it doesn't -- I don't think we can condition it necessarily. So, that's kind of what I'm trying to get at.

Lakey: Mr. Mayor and Council Member Perreault, we were simply agreeable to staff's suggestion to leave an opening in the fence there that would coordinate with the -- the property to the west that has been developed. I don't think there is any homes or anything there at this point. But we are -- we were just trying to be amenable there.

Simison: Council, any additional questions for the application?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Lakey – I struggle with the Todd piece. It's nice having you here. I know this came up at Planning and Zoning. I think some members of the Planning and Zoning Commission -- I'm one of them on the Council that -- I love common drives. I think the -- the juice is often not worth the squeeze there. So, talk to me a little bit about kind of circulation of the sub where you have got kind of the -- the large house on Block 2. Is there any proposed parking mitigation to stop people from parking, accessing -- and a quick look on the Google Map, it looks like that there is some access from that cul-de-sac and I'm just -- I'm trying to understand how this is all built that people are going to park and if there is a Super Bowl party, birthday party, cul-de-sacs I think are great until the whole bunch of people want to get together and they can be really, really problematic.

Lakey: Mr. Mayor and Council Member Cavener, so, again, we -- we are dealing with kind of an odd-shaped site. Thus the -- the common drives. Recognize that, you know, there -- that they are there. That location -- I guess one of the positives about that is the fact that we are locating that home -- that existing home on the portion there -- if I can get the mouse to work. You can see where it is. That existing home there on the east side of Tamayo -- there aren't a lot of additional driveway accesses that if folks needed to park there that they would be blocking and, then, we also have the common area there on the other side of that cul-de-sac, which also wouldn't involve any blockage of driveways or accesses.

Simison: Councilman Cavener.

Cavener: Mr. Lakey, kind of sticking with the theme of cul-de-sacs -- and I have seen in some neighborhoods in south Meridian -- I think of kind of the Bear Creek they have a lot of these very similar common drive, cul-de-sac with maybe some homes that are more packed in. They have actually designed their cul-de-sac to be a little bit larger and create some parking in the middle. Is that anything you and your -- your clients had -- had comprehended as a potential solution or do you feel like you have got enough -- I know you have got parking to meet code and that's there. Sometimes code requires and what is really needed sometimes aren't always the same.

Lakey: Mr. Mayor and Council Member Cavener, I don't know that we have really talked about that. I can ask my client. I think kind of what, you know, I described before where we don't have lots -- a lot of lots abutting the driveway near that -- or abutting the cul-de-sac with driveways, there really does kind of help facilitate additional parking along that side where we just stick, you know, two or three more spaces in the middle of a cul-de-sac. We are kind of getting that with parking beside the road not having driveways accessing there.

Cavener: Okay. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Just -- just to comment on that, because our -- my home and my in-laws home are the same thing, existing homes now in the middle of a subdivision. Although we are not on a cul-de-sac, straight street, our neighbors love it, because they know if they are going to have lots of people over they can park in front of our house, because it's a large property, both of them, and they are not blocking anybody. Our houses are setback, so it's not like they are right in front of our house or anything. So, that -- that definitely is an advantage to have that extra space there, because it -- it allows people to park and you are not interfering with anybody. So, it's just a unique -- unique feature. You are fortunate to have that.

Lakey: Thank you, Mayor. Thank you, Council Member Hoaglun.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: One more, Mr. Lakey, and, then, I won't ask any questions. So, the existing home, does it take access, then, from that -- the bridge or would they take access through -- now the neighborhood and, then, come in and park in their home through that cul-de-sac?

Lakey: Mr. Mayor and Council Member Cavener -- see if I can get the mouse to behave. So, currently it does utilize that access that goes out across the bridge and onto Victory. As part of the approval and the conditions of approval we have to limit that use across the bridge to just emergency only and, then, where the driveway will be located -- if I can get the mouse to cooperate. Essentially it will just go and run along the northern boundary of that larger lot where the home is located. So, it pulls it out of the cul-de-sac and puts it along that northern boundary.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: There were two letters that came in today of public testimony. Just wondering if you had had a chance to review those and, if so, I believe one of the letter writers is here and we will probably hear from her. I'm guessing. But I'm curious if you have any comments on those, because all three of the letters we received were filled with neighbors' questions regarding effects on their specific properties. If you would like to speak to any of those.

Lakey: Mr. Mayor and Council Member Perreault, it might be more appropriate for me to wait. I haven't had a chance to use those. I was familiar with -- I am familiar with some of the comments that were made at the Planning and Zoning Commission from some of the same individuals and a lot of those comments related to historic problems with previous owners of the property and that access, which we no longer will be using. But I'm happy to address them in rebuttal.

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

Lakey: Thank you.

Allen: Mr. Mayor, if I could real quick, please, clarify something that I said to Council Woman Perreault. You asked if they -- my -- my recommendation to remove the two lots were in a specific area. They actually were in a specific area and that is in Condition 2-A on page 19 of the staff report and it was in the areas between Lots 6 and 8 along the southern boundaries between these three lots right here and one lot -- let's see. Between Lots 11 and 14. So, that was this one, this one, and -- sorry. It's kind of between the -- these right here. So, anyway, just wanted to clarify that. Thank you, Mr. Mayor.

Simison: Thank you. Okay. Mr. Clerk.

Johnson: Mr. Mayor, we have two people signed up. First is Monty Morgner online and, Monty, you can unmute.

Morgner: This is Monty Morgner. Can you hear me?

Simison: Yes, we can.

Morgner: So, my name is Monty Morgner. My address is 2015 East Victory Road, Meridian, Idaho. So, I'm one of the owners of the property immediately to the east across the canal and also on that side of the canal and you -- members of the Council and Mayor, have to realize that this property is unique in the fact that Nampa-Meridian owns the property. It's not like most places in -- in Ada county and other places that they -- that they have -- they own that property and this project will be accessing their property and once our property -- our old property comes -- which is near the existing house, we own the property and we own the canal. I mean Nampa already has an easement at that point. So, it's very unique. So, my concerns is, first of all, you say you are going to put in pressurized irrigation, but as existing now it has to cross our property. I'm kind of shocked that this is actually at this stage, because the easement, all these other things have never been addressed with us, even though we have been there for years and years. No one's ever come and talked to us about use of the easement or any other condition. So, one of the things regarding the easement is that the easement cannot adjoin another road. So, you -- you are advocating that the fire department is going to use this easement for access, but under state law they can't do

that. The easement cannot adjoin -- intersect with another road. That's just a condition for easements and this one particularly. Another thing you brought up is this pathway across the canal. So, where is this pathway going to go? Across the canal is either a little bit of Nampa-Meridian's property, which they don't allow anybody on their property and the rest of it's ours. Why would you even propose having pedestrians cross a bridge to come to private property? You say you are not condoning trespassing, but you are -- you are advocating trespassing for this position and so even if the -- the fire department decides that they are going to use this easement, they cannot block the easement. It's our property and there would have to be some kind of agreement with us to make any kind of blockage on that easement, nor can they restrict our use of that easement, because there was something they are proposing -- the bridge could be no parking on that. That can't happen. And, then, you are running into a problem that this bridge -- it doesn't meet their code. Their code says it has to be 20 feet. The bridge is not 20 feet. You know, I know Mr. Lakey is saying that it's 19, 20. Well, it isn't 20 feet and that's required by the City of Meridian fire department to have that much area. The other thing I have a concern with is houses that are two stories along the canal. You are accommodating the people in the subdivision to the south, but you are not accommodating us. It's going to be intrusive onto our property. There is going to be light issues and not only that, the other people in this subdivision are now going to be looking at houses that are two story and it blocks their view and doesn't seem to be a very community friendly thing. And the other thing that concerns me is that this fence, because Mr. Lakey -- or -- if I'm pronouncing it right. Hopefully I'm pronouncing his name right. Says that the fence will end at that road. Well, to me this is one of the most dangerous crises and most likely this subdivision, because it's -- it's -- it's more -- more affordable for people is going to have kids. A bridge. There is a dam there in the canal. It's a very -- and, then, it becomes a cement ditch -- is a very dangerous thing. This whole subdivision needs to be fenced off from the canal for safety reasons. I mean you required it everywhere else. There should be no way for anybody to have access to that canal bank just for safety reasons. And my final problem is that this subdivision and the other subdivision and the one that's already an existing, has, I believe, 77 houses. So, you are going to create what -- per your things that each house can have two cars. You could have 154 cars hitting one exit onto Locust Grove at one time. Technically you could be that good and you also have a new roundabout going in at Locust Grove and Victory, which is going to limit -- there is never going to be a nice stopping the flow of traffic and now you have up to 154 cars hitting one exit. I mean it's -- your -- your planning on this thing is just -- I don't know. It just seems to be like something -- somebody dropped the ball here, you know. Your -- all -- all your conditions are --

Simison: Monty, if you can wrap up, please.

Morgner: Okay. All your conditions are to push all the traffic across to our place. Well, we have no plans on developing and I find it ironic that you are putting pathways and roads and everything into our place without involving us in the planning stages. So, anyway, I appreciate your time. Thank you. I hope you consider what I have talked about.

Simison: Thank you. Council, any questions? Okay. Thank you.

Johnson: Mr. Mayor, next is Mary DeChambeau.

Simison: Good evening.

DeChambeau: Mary DeChambeau. 2015 East Victory Road. I live on the property. Last, but not least. I know you guys are all tired. I'm tired and I'm exhausted. One of the reasons we are so confused -- and, please, forgive me, but we didn't get some of our answers until this morning. 8:00 o'clock. We have been e-mailing quite a bit and I'm surprised at some of the -- our comments have not been included. When he talked about historical problems, the historical problems are still there, because they were some conditions of approval on that easement road that never got completed. Okay? I have been to Planning. I mean Ada county developers over the years, over and over again, asking for the engineer sign off, for the drainage, for the irrigation, because there is a reason there is a weed patch there, like I said before, is because we haven't been able to get any irrigation, because the easement road is blocking our ability to get irrigation water. They never put the street signs up, you know, this kind of thing. So, now they want to use it as a fire lane. They want to put this chain in the -- down by my house 30 feet in from Victory. They also said in the plan that it was used by the Nampa-Meridian Irrigation District. They are not authorized to use that road. They have -- they can use their own canal and what my brother was trying to explain on the other side -- it would be the southwest side of their house, their fence line -- we actually own a little sliver in there. The ditch goes across and the most -- and most of these trees are on my property, they are not on theirs. Okay? And what happens is the Nampa-Meridian property kind of goes at an angle and, then, it comes into our property. So, there is just a little sliver there. One of the reasons they did have the pathway there -- and originally I thought they were supposed to have the pathway within their own property on that corner and, then, connect up to Tuscany and years ago we sold off the corner of our property so they could put a pathway and what did Tuscany do, they built a hole and put a pond back there. Now, they could grade it down there and connect it back in there. I mean if they wanted to put the pathway on their side of the fence, but they would lose more property for a house. I understand that. But it would connect and, then, draw all the people back into Tuscany. So, you might have to do some adjustments on their little pond back there, but the thing that -- you know, the usage of that easement road we found out through the years were never -- it was never legal. They didn't do it correctly. So, we are -- there is an Idaho statute law that says that if you have Parcel A, connects to Parcel B, you cannot piggyback to Parcel C and that's exactly what we have here. So, our property has been burdened all these years with this easement and now they want to run another road and burden our property with another out? Because let me tell you, when Tuscany went in I went and said -- I was complaining about the outs to the south of my property with the rest of my farm and originally it was supposed to be one out. I ended up with three outs in the back of my property. They put an out to Patterson's place down on Locust Grove on the other side of Tuscany and, then, I went in and I said, well, aren't you going to put an out on the back of the Richardson's place? No, he didn't want one is what I was told. So, I don't know. So, the problem is if you --

if they would have put -- like one of you I believe you brought it up. If they had put the road out the back none of these problems would have happened and I brought it to the attention of the Planning and Zoning staff, but, once again, nobody -- they just ignored me. And so sure enough I pulled up an old -- an old map that somebody had thrown on my property and I looked at it before Planning and Zoning last month and, sure enough, they had that bridge going across the Eight Mile and I thought in 2003 and yet Tuscan hadn't even been built yet. So, I think this is not an accident.

Simison: Mary, if you can wrap up.

DeChambeau: I know. I realize. I'm trying to -- it's late at night and you let everybody else talk for a long time.

Simison: I did. I will let you go for a couple more minutes.

DeChambeau: You know, there is a lot of legal issues that these guys have not taken care of and we are going to have to -- I don't know what the DA is going to say. I don't know what the conditions -- because if the fire department -- I don't believe the fire department can use that easement for their purposes, because they all have things like no parking and everything and we use it on a daily basis and we parked on it all the time. So, there is a real problem there and a lot of the comments and things I have been kind of confused about. I have to look up the code. I am -- I am trying to figure out are they referring to which easement? Which access road? Is that ours or is it the one that they are going to put out by the Richardson place going along the canal. Also one last final thing. I have been in talks with Greg from Nampa-Meridian and he doesn't know anything. He says I haven't seen any plans or anything. They haven't reached out to them at all.

Simison: Okay. Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, you said that you are the resident that will -- that will -- that's part of this property that -- that you are -- you would now be on 8/10ths of an acre. Did you say that you are the resident that's on this subject property that we are discussing or that you are a neighbor?

DeChambeau. I'm the one where they are putting the bridge over to. I'm the one that owns the real property of the easement road.

Perreault: On the east side of this development?

DeChambeau: Yes.

Perreault: Okay.

DeChambeau: Yes. And that runs with the property. However, there were prior conditions of approval that were never met.

Perreault: Okay. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Those prior conditions that you believe weren't being followed was through the county, though?

DeChambeau: Yes.

Cavener: And you touched on -- Mr. Mayor, if I may. A couple more. It sounds like that you -- you have tried to bring these concerns to the county and they just -- they haven't been receptive to your concerns or the -- their answers you are not satisfied with. Help me understand that piece. Because I'm -- I know that this is something that's very real to you that you have dealt with on a daily basis and I'm getting a snapshot of it. So, I'm just trying to connect the dots. I think that maybe you are making sense in your head, but I'm not smart enough to follow along.

DeChambeau: No. No. No. It's fine. The actions taken against me in the last six years have been atrocious.

Cavener: I'm sorry.

DeChambeau: It's hard for me to even leave my house. We have gone to court. I have been thrown in jail. I have been beaten. This has gotten way out of hand. And, like I said in Planning and Zoning meeting, that if -- I don't like to talk about it, because that's not what we are here to talk about. But if they would have just put that out in the back -- I have three -- this will make four outs and this road that comes through really doesn't serve our property at all. It's all for the benefit of this property and I have been told that they now want to take the easement that exits out for that little parcel onto Victory. They are going to take that away. That's the plan. The rumors, you know, people indicate, you know. I never thought things would get so crazy. The other thing that I want to -- before I forget, you know, they are suggesting we put signage up. Well, prior and present owners have removed all my signs on that road, because the easement road that goes by my house is 19 to 18 feet away from my bedroom window. It's not like it's clear across. It's right there. And so, you know, I put signs up and professional signs made because of all the strangers that just come in. We are concerned about -- I already have had 657 trespassers on my farm. One drowning and one five year old near miss. If I hadn't been on the Ridenbaugh jumping up and down and a guy looked at the crazy lady, we would have lost a five year old. He was able to nab him. So, I do

know that there is problems with canals. I spend a good share of my time telling kids they can't be there and the problem didn't get better until I, the property owner, was thrown in jail and if you are frowning you should hear the rest of the story. It makes a great John Grisham novel and, you know, it's disturbing. It's -- I mean the whole thing that's happened to me has just been disturbing. Because I used to throw great big parties up there a lot and, you know, I have become sort of an expert on easement law now, but if there is a private road you can only have 19 trips. That means eight cars, you know, that kind of stuff, which is nonsense, but they don't ever abide by it. And another thing the staff has recommended, is they don't use the easement road for their construction equipment, well, they have been using it quite a bit for the last six months. It's hard to tell what is a service person or their construction vehicles. I don't know what else to tell you. I just -- they were not supposed to be given a permit until everything was taken care of before they built that house up there. One of the things that -- you know, there was all these things -- irrigation-drainage water should not be impeded by any construction on site. It was supposed to be verified by the county engineer. It never was. This is the one thing I asked over and over from Ada county development. And when I went in there a month ago they told me, well, Mary, we have to sacrifice one -- one parcel. But here is the deal. They have been enjoying their parcel for all these years and we still haven't even been able to use ours for what we bought it for and, to tell you the truth, we bought it to save the historical oak tree, which is now so damaged and so trimmed, that it will never look pretty again. But it's one of those -- what -- it's a survey tree and if you don't know what an old ancient survey tree is, but they used to put them on the survey lines back in the day and I -- we figured the tree is at least 200 years old. I have had it looked at by Idaho Power and they said it comes from the Appalachian Mountains. Had to go all the way back there to figure and get it identified. And that road runs right on its base.

Simison: You had your -- okay.

DeChambeau: Okay.

Simison: Council, any other questions?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just a clarification so I understand and I'm trying to grasp where your house is in relation. I see the bridge currently that crosses Eight Mile and the road that goes up -- it looks like right next to your house. Who owns the land on the other side of that road?

DeChambeau: I own both sides.

Overton: You own on both sides of that road?

DeChambeau: And I own the land on -- the real property on the east.

Overton: Thank you.

Simison: Council, any additional questions? Thank you, Mary. Mr. Clerk, do we have anybody else signed up?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody else present or online that would like to provide testimony on this item? Okay. Garrett, would you mind coming forward and at least addressing the pathway -- master path plan?

White: Sure, Mr. Mayor, Members of Council. So, the future -- or the master plan for the pathways does depict a proposed pathway to cross the Eight Mile right there on a bridge; right? Whether it be pedestrian or the vehicular bridge. It's Park's, you know opinion that it should be on the pedestrian -- on the vehicular bridge there and just get it widened to where you can have a ten foot path. One reason for that is -- any kind of bridge -- pedestrian bridge that goes across the irrigation district's property we have to own after that. So, we would have to get an agreement with the irrigation district that we would own that bridge at that point. We don't know what the integrity of that bridge is. We haven't researched it. Haven't checked it out, those types of things. I don't know if fire has, if it -- if it's an access there, but that's -- that's kind of the Park's opinion on the -- on the bridge by itself. But it's just a proposed pathway at this point that goes through there as -- per the master plan. So, with that I will stand for questions if need be.

Simison: So, why not stay on the west side and follow it up to Victory and, then, if you need to be on the east side you would cross over at Victory -- I assume you are -- I assume it's going to continue on the path or is it going someplace else that I'm not remembering? Was going into the subdivision on the streets separately?

White: Mr. Mayor. So, if I understand correct, it -- from that -- the vehicle bridge -- I don't know if the mouse is working yet or not, if you can see it. I don't see the mouse. But the proposed future vehicle bridge to the north there, it would go up to Victory.

Simison: Right.

White: From the south it originally looked like it was going to possibly go on the west side of the canal there, Eight Mile, to kind of go down and connect into the lower future connectivity for the lower subdivision. Looking at the space there wasn't enough room for it to get through there. So, it got kind of projected to get -- put more to the east side of that canal with a pedestrian bridge or vehicular bridge there, if that answers your question.

Simison: So, are you -- so, you are saying it's going to go north and south from that bridge. Any particular reason why it can't stay on the west side? Again, I'm -- you are going to -- you are going to hit the -- within ten feet or 20 feet up at Victory if you were to stay on the west side. I'm just -- is that a specific reason?

White: To my understand it was spacing just on that -- on the west side there from the property owners to that -- to the canal.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just looking at this, it looks like that residence along Victory -- along the Eight Mile Canal or lateral, that's their drive -- it becomes their driveway. Is that the issue of not continuing that on the west side of the pathway to Victory. So, when you talk about spacing is that where we are talking about?

Simison: Their driveway is hidden by trees. So, it's not in -- it's not at the canal location. It's to the west 50, 75 feet. It may come close to that house, but it -- we typically -- my point is we typically run our pathways within the easements for Nampa-Meridian, so it should not impact any addition -- any property owner in that regards if it's in the easement per our master agreement with them. I just don't know if that doesn't apply in this case because of the type of facility or not.

White: Mr. Mayor, I honestly don't know that answer. I believe it is supposed to go there and it could go east and kind of south there. That's why they wanted to cross it there and there was already a proposal bridge, so it was just an easier way to get across. If that answers that question.

Simison: It answered a question. You know, I think ultimately my -- my two -- two thoughts on this process is that there is an easement -- is an access to this location. If it's not going to be a planned regular road into this location does it make sense to exist in this easement for the future? Secondary access for the property aside, but that's my -- my two cents. I mean I have -- I assume that the bridge is adequate to put a fire engine over. I'm -- I don't know that for a fact. But as -- but that's why the deputy chief is on if he wants to speak to that point. But it's -- long term I'm going -- again I'm -- I guess I could be in a voting situation tonight, but the long-term access of this to this location to me does not make a lot of sense from an easement, a road or, frankly, even a path. I think there is other ways to handle the crossing in this area where you don't have to even have the bridge there, but I understand it's also part of our pathway master plan, but that's just my two cents of -- Council, additional questions at least for Garrett? He is not going to go far. I know that. He doesn't want to go home. The family might be asleep. Maybe not.

White: They are already asleep.

Simison: All right. Thank you, Garrett. Is there anybody else -- Deputy Chief, do you -- do you want to weigh in on this at all?

Bongiorno: Mr. Mayor, Council, I'm happy to. I -- I have driven that road. I have been across the bridge. I met with the homeowners of that large house in the southeast corner there. We met and we looked at the -- they were concerned about access to their house. And, oh, gosh, this was probably pre-COVID. And so I have -- I have driven back there. I have driven the road. I have driven the bridge. I actually took my tape measure out and measured parts of it. Some of it is not 20 feet wide. I think the narrowest spot was maybe 16. I just had asked them to keep the branches cleared on the trees up at -- at Victory to make sure we could get through there. But other than that I was -- I'm fine with everything. So, you know, I would be comfortable sending an engine across that bridge. Like I said, I have driven it. This is -- again, this is secondary access -- emergency access only. Are we going to need it? Hopefully not. So, you know, in the future when this -- the neighbor's property develops, then, this is going to go away anyway. Happy to answer any other questions.

Simison: And maybe a question for the applicant when they come back up. The standards to which the bridge was built. I'm just curious. You know, is it built to a roadway standard? Is it built to -- you know. Yeah. I mean if there is any information you have on the bridge just for long-term viability, that would be very interesting to hear from my perspective.

Hoaglund: Mr. Mayor, I can help you out on that, having helped my father-in-law over Five Mile building a bridge -- rebuilding a bridge from wood to concrete. It's built to milk truck standards. So, a full milk truck can go over without falling through. So, that's how we built them.

Simison: Fair enough. Okay. Well, would the applicant like to come forward?

Lahey: Mayor, Council Members, again, for the record Todd Lahey. 141 East Carlton Avenue, Meridian, Idaho. 83642. So, I will try to hit some of the points and, then, be happy to -- to answer questions. So, again, in regard to the property history, my clients have owned the property -- purchased the property in the last year, so they have not been part of any of the historical problems with the neighbors. They have been nothing but gentlemen as they have pursued this application and owned the property. Council Members, we are using an easement. There is an easement that exists for access to and from that 4.11 acres. We are actually decreasing the burden on that easement. By eliminating it to emergency vehicle only. The dominant estate still consists of the 4.11 acres. So, I don't see any issue with the easement itself. The pathway -- that's been discussed. Mayor and Council Members, we are trying to comply with your plan and that's not our plan, it's your plan, and that was put together I assume with lots of public input and assistance with your planning staff. So, we are designing the pathway in accordance with your standards and the location you request. It doesn't go any -- it doesn't connect to anything right now. As far as further to the north there isn't a pathway. We are building it for the future for the city's benefit. We have been accommodating, as I said, to the property owners to the south. That was the comment

that they requested, that we not have two story homes. The property owners that testified don't represent those folks. That was our discussions with them. As far as the bridge itself, it looks like -- we can't -- I'm not sure exactly when it was built. It's not ancient. Perhaps when the home was built, maybe in the '90s, 2000s, would be our guess from our engineer. But, again, I would rely on the -- the Fire Department in looking at that. Also the Meridian – Nampa-Meridian Irrigation District knowing that was for vehicular access wouldn't have allowed something substandard that might create liability for them and their property. Council Members, I -- as I said, I can't really comment on the lady's comments about the interactions with law enforcement and -- and her perspective on her history there. I don't know any of it. We weren't involved in any of it. Didn't initiate any of those arrests or anything like that. The pressurized irrigation, we don't need to do anything with the property to the east. Our pressurized irrigation is going to come through Teakwood. So, we don't need any permission, any access, we don't need anything from the properties to the east and we are staying out of Nampa-Meridian's irrigation easement and respecting that in accordance with their requests. Mayor and Council Members, I think we are going the extra mile in regards to the emergency access. It was utilized for that existing home. If the bollards need to be moved because they utilize it, that's -- that's fine. We can accommodate that where ever the most appropriate location is for those bollards. I think they were initially requested to be put out on Victory to keep people off the road and so we are -- we are happy to put those where ever the city deems most appropriate. The development agreement will include the conditions of approval. Our challenge we are trying to do our best with the bridge. Our challenge is, as we described before, it's over Nampa-Meridian's property. We don't control that and it is limited to emergency access. So, we hope that it can be used for both. But we are a little concerned about having to build something off our property for a plan and it's something that we don't control, particularly if it needs to be owned by the city in the future. With that, Mayor and Council Members, I would just refer back to the Planning and Zoning Commission decision and staff's analysis. We meet the requirements for approval of this application based on its Comprehensive Plan designation, the proposed zoning, the design of the project we meet all the city standards. We would ask for your approval. I would be happy to answer questions if you have them.

Simison: Thank you, Mr. Lakey. Question -- I don't know if this is for you or for Deputy Chief as well. There is an existing secondary emergency access off a Victory that comes in off of Arno in the -- essentially where the other subdivision ends and the one that's Teakwood is under construction. Is that accurate, Deputy Chief?

Bongiorno: Mr. Mayor, Council, yes, that is.

Simison: So, is this other emergency access necessary under code?

Bongiorno: Mr. Mayor, Council, it -- it is, because the problem is once you get past that point we are past 30 lots and, basically, fire code says you -- if you are past 30 -- if you are past 30 lots. Sorry. Brain is still a little fuzzy from COVID. If you're past 30 lots, then, you have to have secondary access. So, the other way around this is we would

have to condition that the entire subdivision be fire sprinkler -- all the homes have fire sprinklers in them.

Simison: So, essentially, the Teakwood access -- secondary access you can't have more than 30 after that secondary access? Am I interpreting what you are saying?

Bongiorno: Correct. Yes, that is correct.

Simison: And how many are in Teakwood; do you know -- anybody off the top of their head?

Bongiorno: Let me look. I thought it was like 22. I can't remember. That was in --

Lakey: Teakwood? Let me go grab my notes. I think it's 33.

Bongiorno: Yeah. Maybe -- I thought it was 22, but I could -- I could be wrong.

Simison: Well, if it's 33, then, what you said to me doesn't seem like it would meet code.

Bongiorno: Yeah. In that secondary access -- again, because we -- I knew that there was more coming and so I wasn't too concerned with it at the time, Mr. Mayor. I mean a couple houses isn't going to make or break us.

Lakey: Mayor, I do have -- in my notes anyway 33 lots in the Teakwood --

Bongiorno: Okay.

Lake: -- project.

Bongiorno: I'm not sure if all those are homes, though, because I don't count empty lots. The common lots.

Lakey: There, again, we are -- we are happy to make that easement available for emergency vehicle access and, as was stated, you know, once that property to the east, which is opened, develops, then, it --

Simison: And I'm hoping to go the opposite way, to see if there is a way that you can vacate -- if the property owners were to vacate the access altogether. In order to -- not need it from that standpoint. That's what I was trying to see if there was already a secondary access in the area. And so that's -- that's my mental thinking is annexation give up access --

Lakey: Sure.

Simison: -- in the area. That's -- so that's -- that's my mental thinking is annexation, give up access to that and it doesn't sound like and it doesn't sound like it's something

that your -- the development needs, you know, if the fire department feels like it would be otherwise compliant, but I'm also curious, Mr. Nary, if we can -- you know, I know -- what is it 30 -- is it 30? Is that the hard number? Does he have -- does Deputy Chief have the ability to waive the number or is it -- are there 30 residential lots and three common lots that equals the 33? Do you have any idea?

Nary: Mr. Mayor, Members of the Council, I believe it's 30 residential lots. So, it is the residential lots that count.

Simison: That's the number. Nothing else in this case that would trigger it. Okay.

Bongiorno: Mr. Mayor and Council, I -- I do have in the county over off Sandy Court a whole subdivision that was added and what we did there was we conditioned -- or the county conditioned that said that any new construction had to have fire sprinklers put in them and the builder was amenable to that and they -- they built all of the houses with fire sprinklers in them. So, that -- that could be an option here. We could put fire sprinklers on all the homes, less the existing home and, then, do away with that easement and I would be okay with that.

Simison: Thank you.

Lakey: Mr. Mayor, if I might respond there. I think our preference is certainly just to be able to utilize that easement. I -- I have certainly had mixed reactions I guess from clients on sprinkler systems and whether they are usable and maintainable and things in the future. Certainly that would drive up the cost, which would be passed on, but it -- anyway, we would simply prefer to be able to use the access easement.

Nary: Mr. Mayor, I have the face sheet of the staff report from Teakwood up and it shows on the final plat -- this is back from April 13th of 2021, it says final plat consists of 22 building lots and four common lots. So, I don't know where that 33 number comes from.

Bongiorno: I thought it was 22.

Nary: It says 22 building lots and four common lots according to this staff report from planning.

Lakey: If we can avoid the secondary access that would be great. Not to do the sprinklers.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Looking at Google Earth I counted 35, but maybe those houses up there don't count. But I don't understand from Deputy Chief Bongiorno -- you know, if we have a

secondary access -- let's say whatever it is -- 33 lots on this one and we have an access off of Victory that comes in at the point you were referring to and, then, takes in the new property, so there is -- if the access on Locust Grove is blocked off, they can come in off of Victory, I don't -- because all -- all we are doing is moving it further west, as opposed to come -- having the secondary off of -- between the property of Ms. DeChambeau to come across there, so I'm not -- I'm a little lost on why that is an inadequate secondary access. Chief, do you have any thoughts on that? Are we on the same page of where we are looking at for that secondary access?

Bongiorno: So, Mr. Mayor and Councilman, the -- the way I look at secondary access is the problem is that if you go all the way back to Locust Grove, that initial subdivision that's out on the corner has more than 30 lots in it and it did not have secondary access. So, that was pre me and probably pre Chief Palmer. So, that particular subdivision, if you pull up your Google Map and go all the way back to the corner, that additional lot -- yeah. That initial sub has more than 30 in it. So, when Teakwood came along that access was there, but nobody ever finished it. So, as part of Teakwood's approval I said, okay, well, we need to -- we need a secondary access out to Victory and so the problem is I use the crashed airplane scenario. If you crash the airplane right there at that emergency access that goes right out to Victory from -- let me pull up the map here. From Arno, if you plot -- if you crashed their plane right there you need that access to the west that we are proposing for this subdivision to get in. Accesses have to be half the diagonal of the property apart -- you know, they have to be separated and so if the plane crashes at Arno and, then, emergency access, we have no way to get to these subdivisions if grandma is having a heart attack or if one of these buildings is on fire, the only way we are going to be able to get to it is via this access that I have requested stay open for the subdivision. Are you following me now?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Deputy Chief Bongiorno. Yes, I am.

Bongiorno: Okay.

Hoaglun: So, you need that access off of the DeChambeau easement we will call it that comes up --

Bongiorno: Correct.

Hoaglun: -- to that area, so -- okay. I see what you are talking about now.

Bongiorno: We need that -- we need that eastern most access to get us in the back door so to call it --

Hoaglun: Okay.

Bongiorno: -- because that one access kind of sits right in the middle of everything.

Hoaglun: Okay. Thanks for clarifying, chief, Mr. Mayor.

Bongiorno: Certainly.

Simison: Now, Deputy Chief, I just have one -- one additional question. I know -- if the code says 30 the code says 30. Is that intended from a distance standpoint as a typical rationale that you are an R-4 and 30 homes and it's going to be -- take you so far in -- and I say this because 22 -- this could -- this piece of property that we are talking about -- me personally I have got a -- when I look at this I'm like I'm baffled at how many units are being proposed for this space because it seems so tight with the existing home. That's just a mental picture. But this is -- this is like one of the smallest drive aisles that I have seen to surround so many homes. You know, we have got a couple homes off of common drives. One giant home. Does distance make -- that's my point. Does distance make a difference or is it just this pure residential number that is the most -- the more important factor in your mind?

Bongiorno: For me it's -- it's a number. The number is, because that's what code says. Code says 30 residential lots. And, then, the exception -- the number one exception under that is --

Simison: Sprinklers.

Bongiorno: Excuse me. If -- unless they are sprinklered.

Simison: Yep. Okay. All right. I'm -- I'm off my soapbox, but thank you.

Bongiorno: Sure.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just thinking through conditions and emotion at some point. So, I want a clarification from you. The Commission changes that were -- the Commission changes that were recommended to staff, the first one being that there is a sign regarding construction traffic. I just want clarification that you -- the applicant will be amenable to that. Or if you don't feel it's necessary why -- why not?

Lakey: Mr. Mayor and Council Member Perreault, we are happy to put up whatever sign you would like.

Perreault: Okay. I imagine you discussed that with them, but I just like to always make sure I get it on the record before we finalize things. And, then, are you comfortable

working with the Parks Department on a potential new location for the pathway potentially on the west side, as the Mayor mentioned, prior to final plat recording? The staff report says east side. Perhaps that's something that there is a discussion with staff about. I don't -- I don't -- I want to be able to specify that condition this evening, but I also don't want to keep it the way it is in the staff report. So, I think we need to get clarification on that tonight before we were to make a motion.

Lakey: Council Member Perreault, I'm not sure -- I mean I -- the path is located on the west side of the canal, the east side of the subdivision. Here where the mouse is.

Perreault: Uh-huh.

Lakey: So, I'm not sure what we are referring to.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I just pulled up the staff report and if I'm reading it correctly, the condition is to have that pathway along the east side of the -- of the lateral. Staff can clarify if I'm not understanding.

Allen: Mr. Mayor, Council Woman Perreault, I was just trying to find the exact condition. Yeah. The -- the master pathways plan does depict the pathway along the west side of the lateral -- if you can see my pointer here -- up until this point and, then, it is planned to crossover with redevelopment of the property to the east, if and when it redevelops and, then, continue on to the south on the east side of the lateral. I'm just double checking my condition right now.

Perreault: My apologies. I had a different screen up. Can you go -- can you show me that again with your pointer?

Allen: Yes. So, this is the lateral here. This is the subject property. The pathway will be on the west side of the lateral here and, then, it will cross over in the approximate location of the bridge, either at the bridge or another pedestrian bridge and, then, it will -- with redevelopment of the property to the east, if and when it redevelops, then, the property -- or, excuse me, pathway will continue on to the south on the east side of the lateral.

Perreault: Mr. Mayor?

Simison: That makes more sense. Thank you.

Perreault: Okay. Then -- so, I misunderstood the Mayor's comments, then, regarding the -- a suggested new location for the pathway with -- with the --

Simison: That's because it was implied that it was going to be on the other side. So, it's on the right side in my opinion, because this is where the development is occurring now --

Perreault: Okay.

Simison: -- if that explains -- that explanation. So, we were both not clear.

Perreault: Okay. So, we are good. Awesome. Great.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just some clarification -- and this may be staff, fire chief, and the applicant. Is it common that we have an emergency access that we, the city, don't have any control over that runs through the middle of a county parcel?

Allen: Mr. Mayor, Councilman Overton, Council, I wouldn't say it's common. I -- it's not a desired thing for sure. I did talk to Ms. DeChambeau about it and I did ask for a copy of the easement. I don't believe she was able to provide that to me. And the only reason -- it's not my business to review it necessarily. I just -- I wanted to have our legal take a look at it to see what that easement entitled them -- you know, if -- if it allowed emergency vehicles, if it was specific to that resident or -- or what. But I don't have that information to answer that.

Overton: Mr. Mayor, follow up.

Simison: Councilman Overton.

Overton: If we don't have a legal decision on where that easement stands, are we in a position we could face where we approve this with an easement that legally we could find out we don't have it and now we have put these houses in violation of Deputy Fire Chief's 30 house rule and now we don't have that secondary access, because we would never did the homework and got the legal finding on the easement. Is that a concern, Mr. Nary?

Nary: Well, Mr. Mayor, Members of the Council, Council Member Overton, it's a little bit of a concern, because without us knowing -- obviously, we are not the benefactors of that easement. It's the -- it's the property owner to the -- that's the existing house; right? That's their -- that's essentially their roadway easement through that road to Victory across that bridge. So, without us being the benefactor of it, then, technically, we can't just use it to use it for a firetruck, even if it's usable. But Deputy Chief Bongiorno -- he should probably weigh in -- said there are -- there could be other alternatives that could work if we can't use that road, but that -- that would be more in line for him. But, yeah, I would agree with you, Councilman Overton, without us being the benefactor of it and us

knowing what the specifics of that easement are, yeah, I wouldn't be comfortable and say just use it, so --

Overton: Thank you.

Bongiorno: So Mr. Mayor?

Simison: Deputy Chief.

Bongiorno: Mr. Mayor and Council, and, I'm -- I'm not a property rights person. That's more in Mr. Nary's logs, but I do know that typically -- to answer your first question, any easements that we have for emergency access do go through an easement process and, you know, they are signed off by, you know, all the appropriate people, because I do approve easements for emergency access. I -- in this particular case I also have not -- I don't know anything about the easement. But, yeah, it would probably behoove somebody to find out exactly what this easement says to see if we are legally able to use it and if we can't, Bill Nary -- or Mr. Nary had talked about other access -- I mean the only other option would be to utilize the canal road and typically -- not always, but most of the time the ditch company frowns upon 80,000 pound fire engines running up and down the side of their ditches. So, that would be the other option. And, then, it just goes back to, you know, the houses have to be fire sprinklered period.

Nary: Mr. Mayor? Mr. Mayor, I was just going to add one thing and I don't know if Mr. Lakey knows more about this, but my assumption is is that although we -- we aren't a party to this easement. That is our only way to get to the existing house. So, if that house is on fire that's the only way we can get there currently, because that's the only road that goes to the house that I can see. So, there may be something in the easement that gives some right to access from the emergency, because, otherwise, police and fire couldn't get there.

Lakey: Mr. Mayor, what I might suggest is either condition us being able to use that easement and providing that and demonstrating that to the city that it is usable or, if not, the fire sprinklers option. So, you could do it either way.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Lakey, is that something you can -- do you need some time to look at? Can we just continue this hearing to allow some research and --

Lakey: Mr. Mayor and Council Member Hoaglund, I'm -- I'm fine with an alternative condition worded in that way.

Hoaglund: So, Mr. Lakey, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And – and those conditions, again, if -- the alternative condition -- one is utilizing that easement as a secondary access or –

Lahey: And demonstrating the city's ability to use it.

Hoaglund: Okay.

Lahey: Or complying with fire code requirements for sprinklers.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just to clarify, Council President Hoaglund, the -- utilizing the easement as a secondary access -- wasn't that already a condition in the report and so that's not an alternative; correct?

Hoaglund: Mr. Mayor, Council Woman Perreault, yes, it's something that was already approved and we are going to utilize, but now this gives us -- okay, what if, you know, we can -- then if that is truly not the case, which I think the property owner has had this easement from '90s to 2000, there should be evidence or legal process there that shows that. Now, I don't know if splitting the property now creates any other dynamics for that, but if there does, then, we -- they can demonstrate to us the city's ability to use, that is an issue, or the final alternative would be to put in sprinklers, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Don't want to beat a dead horse here, but I'm just trying to understand why a copy of the legal description for that easement wouldn't have been included in the application materials to staff. It runs with the property. It's -- it's of record I assume.

Lahey: Mr. Mayor and Council Member Perreault, I -- I assume as well that it's part of the title package. I don't know that that was submitted as part of the application. Obviously, it wasn't if the city was still looking for it. So, we will find it, we will get it to the city and we will go from there.

Allen: Mr. Mayor?

Simison: Yes, Sonya.

Allen: May I make a suggestion, please, regarding the access easement. There is a condition number seven in the staff report for access for the existing home to be provided solely from internal local streets. The existing driveway via Victory Road shall

be used solely for emergency purposes or emergency access. I would suggest you just maybe add to that condition. You know, if there is a legitimate access easement there, otherwise, the property should be -- or the property should be sprinklered. Thank you.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: To be clear, if they have to sprinkler the homes, Mr. Lakey, the existing home has to get sprinklered, too, because all of them in the subdivision have to be, then, sprinklered. So, is that what your client's willing to do?

Lakey: If it's over the 30, yep. I mean if it's over the number it's over the number. So, yeah, we have to comply.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: In that case, then, would number seven be removed from the staff report and replaced by the requirement to sprinkle -- to sprinkler properties, so, then, we are no longer discussing secondary emergency access?

Allen: Mr. Mayor, I would like to retract my comment. Sorry. I'm really tired. I was looking at that condition and it doesn't really apply to this, so it doesn't make any --

Perreault: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: So, as I understand it then -- seven. Access for the existing home shall be provided solely from internal local streets. The existing driveway via East Victory Road shall be used solely for emergency access. If that becomes -- is no longer available through documentation -- that the applicant will demonstrate the ability -- or the -- if there is an issue -- I'm trying to think how to get this right.

Lakey: As -- if applicable at the end of that condition.

Hoaglund: Yeah. Access for the -- shall be solely used for emergency access if applicable. And, then, we would require to demonstrate that ability to use if it's not applicable -- applicable or sprinklers would be -- would be used.

Lakey: Correct.

Hoaglund: Okay.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. So, to clarify, Council President Hoaglund, you are recommending a -- to proceed with staff's recommendation unless there -- unless there is findings that once we have the legal description -- staff has legal description of the -- of the access -- or recording of the current easement they find an issue with access, then, the applicant has an alternative method that they can choose to go forward and not necessarily make it either/or in the conditions?

Hoaglund: Mr. Mayor and Council Woman Perreault, yes. Correct.

Perreault: Okay.

Hoaglund: That gives them the option to still move forward in the next -- in the next steps.

Simison: And can I throw another wrench into it? We had testimony from an applicant -- from one of the property owners that basically -- even if you feel like you have the right, then, maybe there -- if there is a legal challenge -- because under our understanding of state law that says you cannot do A to B to C, so you may look at the easement and say we have it and have a -- if there was a legal challenge to come forward what would happen then. Is there an expectation that if you are legally challenged and you lost the access because it's no longer set up the way it was, that we would, then, also expect sprinkling to be done and what if that comes six years from now? Because the courts aren't going fast.

Lahey: Sure. Mr. Mayor, I think my -- my wording was demonstrate to the city the city's ability to use it. So, I guess it would have to meet Mr. Nary's approval that the city legally can use it. I suppose anybody can challenge anything anytime, but --

Simison: Yeah. Because I'm just saying it's demonstrated, but, then, the court says, no, now it's been undemonstrated from us and you have got ten homes built or 16 homes built -- and that's where I'm just trying to -- you know, how do we -- how do we get to a point in time where we all feel comfortable if Ms. DeChambeau's interpretation of the law were to be found correct down the road. That's -- down the easement with --

Overton: Mr. Mayor?

Nary: Mr. Mayor, I -- I'm sorry. Mr. Mayor, Members of the Council, I think what would likely happen six years from now if somehow it was challenged, somehow that was upheld, somehow the access went away and we didn't have it, we would not issue a building permit to exceed that number. So, they couldn't build another house, because they would have been building houses -- I see where you are going. They are going to

build houses and they are not going to put sprinklers on them and five years from now somebody says that access is gone. We wouldn't let them build anymore houses.

Simison: But they would all be built -- at that point in time we just eat it if that's what's been --

Nary: Potentially.

Simison: I want -- just want that to be on the record, Deputy Chief, everyone --

Nary: Yeah. I would say, Mr. Mayor, Members of the Council, that's probably true. Probably the same rationale we lived with the fact that corner parcels only had one access for many years.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: What would make me most comfortable is for the applicant to find any recorded documents related to the easement -- legal descriptions related to the easement. Have that conversation with staff and just continue this until we have that. I just think that to me it makes sense. It shouldn't be comp -- if it's recorded this shouldn't be that complicated. Unless I'm missing something. If there isn't -- if the easement is not -- has not been recorded and has been being used in that capacity all this time then -- then there is different regulations regarding that that we don't need to discuss here. But if we really want to solve this problem, we continue it, we give a couple weeks, let them go find the document -- the documentation associated and, then, we move forward. And that might save our applicant a significant amount of cost. So, just -- just - the applicant can comment on whether that's an option they are interested in.

Parsons: Mayor, Council -- let you get your thoughts out and, then, I had a suggestion as well.

Simison: Councilman Overton.

Overton: My -- my biggest concern is I believe this variance to this property existed prior to these -- the applicants being owners and we don't know how long and how old that variance is and if it had a clause in it that said if at any time you subdivide your property your variance is no longer any good. I mean there is all sorts of stipulations that could be in that document. If the applicant wants to just say, well, if it doesn't happen I have -- here is Plan B, I want to sprinkler all the houses, I'm okay with that. It's a Plan B, but we have to know that before I can proceed.

Parsons: Mayor and Council, if I can just interject a couple of technicalities here and I don't want to -- appreciate the dialogue. I'm sure we are all looking out for the best interest of the community. But to your point, Councilman Overton, that's some of the

concerns we have is when some gets further developed and that easement is no longer in effect, so we need to see that language. Two, this is annexation and right now if I'm the planner and Sonya and I here -- I would recommend that you lean towards you shall sprinkler the homes unless you can demonstrate the easement, because, then, you have got it in place. There is -- if he doesn't have the easement, then, you at least know you got the sprinkler component done. You have that -- you have that right there. If it doesn't happen it's there and conditioned. The other part of is there is only 22 houses to the west. So, technically, the applicant would only have to sprinkler, what, eight -- eight of the homes to get constructed before sprinklers were required. I don't want to make that a technicality here, but that would be our preference that it would be put in the DA that you shall sprinkler the homes unless you can demonstrate to the city -- and if they can come back and do a DA mod and we have another conversation. At least we get another bite at the apple with a DA modification and not have a plat condition, because once the plat gets recorded it's going to be tough to unravel that condition.

Overton: Mr. Mayor, follow up.

Simison: Councilman Overton.

Overton: That's not a very good point and if the Deputy Chief is still on --

Simison: He is.

Overton: -- can we -- can we work the math that way? If there is only 22 homes in the other development, are we only looking at everything over 30 once we get to this one?

Simison: Well, that's where I was trying to go earlier with my comments even about common driveways. Can we count them as one? Because it's really -- but that's a different issue. Deputy Chief, I will let you weigh in, since you have unmuted.

Bongiorno: Thanks. Mr. Mayor, excuse me, and Council, it -- I would hate to play the numbers game saying, well, okay, who gets to pick who gets sprinklers or not. I would just make the whole subdivision be sprinklered. It's easier that way. That way when the water lines are run they will run the appropriate lines to each property and, honestly, it's extremely expensive to retrofit houses for sprinklers. So, I would be okay with that existing home not being sprinklered, but the rest of them -- anything new would be sprinklered.

Lakey: Mr. Mayor, if I might respond. Appreciate that comment. We certainly would be happy with that and I think staff's phrasing is a little more artful. We are okay with that. If you say shall be sprinkled unless, we are okay with that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: So you switched up on me. So, we are going to keep condition seven. Existing -- access for the existing home shall be provided solely from internal local streets. The existing drive to East Victory Road shall be used solely for emergency access and -- and utilize -- and if applicable -- or the applicant will demonstrate their ability to use the existing drive for emergency access or the subdivision shall be sprinklered. We had removed that shall be sprinklered -- or that phrase earlier, so -- so, I think -- are we just doing utilize if applicable or sprinkler?

Lahey: Mr. Mayor and Council Member Hoaglund, I think if applicable period. And, then, I think the way staff worded it was the -- the subdivision will be sprinkled unless applicant demonstrates the city's ability to utilize the easement for emergency vehicle access.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: To use that easement in perpetuity or some sort of statement that it's -- that it can be used permanently. I don't know if we need that clarification. I think it would make sense to -- unless there is just an assumption in every one of these conditions that that's the case. But because it's possible, I assume, that there could be a legal challenge to take that access away -- that secondary access away from the subject property, we probably should make sure to clarify that in the condition.

Parsons: So, Mr. Mayor, Members of the Council, I appreciate you trying to wordsmith that, Councilman Hoaglund, but you really need to add a new DA provision that says the home shall be sprinklered, except for the existing residence, and then -- or the applicant shall demonstrate they have the right to use that easement.

Lahey: That's what I was trying to --

Parsons: In perpetuity.

Lahey: -- get to in condition seven. Where ever you want to put it is fine.

Parsons: We want it in the development agreement. We certainly don't want it as a plat condition. It's going to be easier for us -- we can -- if something happens in the future and we need to reconvene the body and talk about this issue, then, the best method is to do a development agreement modification and bring it up.

Nary: Mr. Mayor? To respond to the Council Woman Perreault's comment. I think -- I think the easement has to remain as long as it's necessary, because as that DeChambeau property may develop at some point in the future, there may be different accesses into this property. So, it just needs to be able to remain as long as it's needed, so --

Lakey: Correct. There may be a secondary access when the property owner sells their property and someone else's designed --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: If I could propose this. I think -- I think we are close. I think we need a five minute recess to put some heads together and come up with that language to make sure we are all on the same page and not try to do a motion and start and restart and come back and try and fix it again. So, if you wouldn't mind, Mr. Mayor, is that acceptable?

Simison: Yes. We will take a five minute recess.

Hoaglund: Okay. Thank you.

(Recess: 10:43 p.m. to 10:49 p.m.)

Simison: All right. We will come back from recess.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I would like to give this a try for this application. After considering all staff, applicant --

Simison: We close the public hearing.

Hoaglund: Oh, yes. Let's close the public hearing first, shall we?

Overton: Second.

Hoaglund: Excited. Move we close the public hearing.

Perreault: Second.

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

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 No. H-2022-0089 as presented in the staff report for the hearing date of March 21, 2023, with the addition of a DA provision, Item E, which reads: The applicant shall fire sprinkle all new residences or demonstrate that the existing access can be utilized for emergency access only with the final plat application.

Overton: Second.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't know if the staff updated the report after the Commission hearing, but it looks like we need to make sure that Condition 2-A was struck and clarify if Condition No. 10 was already modified by staff or if that also needs to be addressed.

Hoaglund: Mr. Mayor, I see 2-A as being struck and Item 10 -- it does have the addition the applicant shall coordinate with the Parks to determine if the existing bridge can be used as a pedestrian crossing, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Council President Hoaglund. Also staff requested that there be a provision in the DA regarding construction traffic signs. Does that need to be added as an additional condition?

Allen: Mr. Mayor, Council Woman Perreault, it's already in there.

Simison: All right.

Cavener: Call the question.

Simison: The question has been called. Clerk will call the roll.

Roll Call: Hoaglund, yea; Borton, yea; Cavener, yea; Perreault, yea; Strader, absent; Overton, yea.

Simison: All ayes. Zero nays. Motion is agreed to and the item is approved. Thank you very much. Have a good evening.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: Councilman Cavener, anything under future meeting topics?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Be great if you and the Council President can work to find a future workshop day for a presentation from staff on PUDs. Thank you.

Simison: Duly noted. Anything else under future meeting topics?

EXECUTIVE SESSION 12. Per Idaho Code 74-206 (d) To consider records that are exempt from disclosure as provided in Chapter 1, Title 74, Idaho Code

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: We are not done yet. I move we go into Executive Session per Idaho Code 74-205(d).

Cavener: Second.

Simison: Motion and second to go into Executive Session. Is there any discussion? If not, Clerk will call the roll.

Roll Call: Hoaglund, yea; Borton, yea; Cavener, yea; Perreault, yea; Strader, absent; Overton, yea.

Simison: All ayes. Motion carried and we will go into Executive Session.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

EXECUTIVE SESSION: (10:52 p.m. to 10:58 p.m.)

Hoaglund: Move we come out of Executive Session.

Cavener: Second.

Simison: Motion and second to come out of Executive Session. All in favor?
All ayes. Motion carried.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglund: Move we adjourn.

Simison: Motion to adjourn. All in favor? We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 10:58 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT E. SIMISON	_____ DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK