

A Meeting of the Meridian City Council was called to order at 6:03 p.m., Tuesday, December 15, 2020, by Mayor Robert Simison.

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

Members Absent: Liz Strader.

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

**ROLL-CALL ATTENDANCE**

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

Simison: We will go ahead and call tonight's meeting to order. For the record it is December 15th, 2020. It is 6:03 p.m. We will begin tonight's City Council meeting with roll call attendance.

**PLEDGE OF ALLEGIANCE**

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

(Pledge of Allegiance recited.)

**COMMUNITY INVOCATION**

Simison: Our next item on the agenda is the community invocation, which will be given tonight by Pastor Steve Moore of Ten Mile Christian Church. If you would all, please, join us in the invocation or take this as a moment of silence as we reflect on our community. Pastor Moore.

Moore: Anecdotally I would just like to take this opportunity to -- to say thank you to you as leaders of our community, our city, President -- or Chairman -- Mayor Robert and the whole -- the whole Council. I just -- as a citizen I'm just so impressed in this season all the things that's being done in the city to care for people physically, mentally, emotionally and a -- a good example is just the e-mail that I got just -- just today from the new Mayor and thank you for what you expressed. So, I just wanted to thank you as servants of this city. We are blessed to have you. Our Father God in Heaven, I'm so grateful to live in this place and during this time especially when its challenges are -- they are just

seemingly endless and the decisions that have to be made and lives are being affected in ways that we can't calculate. So, I'm grateful for the leadership of this -- this community and for this community, of these that are -- serve as our elected and, then, the scores of folks on our city staff that are doing the same. Grateful for their heart. I pray, God, that tonight the decisions that they will be making, that you will be in the midst of it, that you will be directing them and I know that their motives are -- are the best and I pray, God, you will honor that and use that to make our community even stronger. In this season when we recognize that you sent your son, that you remind us how import love is of community. I pray that we can capture that message for our neighbors and for our city, for ourselves, and for your glory, in the name of Jesus I pray, amen.

## **ADOPTION OF AGENDA**

Simison: Next item up is the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adopt the agenda after we strike Item No. 6 from the agenda, Executive Session. We -- we were able to take care of all of our business in the Executive Session prior to this meeting. So, with that I move that we adopt the agenda as amended.

Hoaglund: Mr. Mayor, second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

## **PUBLIC FORUM – Future Meeting Topics**

Simison: Mr. Clerk, I understand we had one person signed up under public forum, but they were for an agenda item, so --

Johnson: Mr. Mayor, that's correct. One sign up, but it's for a later item.

## **ACTION ITEMS**

- 1. Public Hearing for Goddard Creek Subdivision (H-2020-0092) by Conger Group, Located in the Northwest Corner of W. McMillan Road and N. Goddard Creek Way**

- A. Request: Development Agreement Modification (Inst. #102012598) to allow the development of an age restricted community consisting of thirty-four (34) attached SFR homes instead of offices.
- B. Request: A Rezone of approximately 5 acres of land from the R-4 to the R-15 zoning district.
- C. Request: A Preliminary Plat for 34 residential lots and 8 common lots in the proposed R-15 zoning district.

Simison: All right. Then we will go ahead and skip over the public forum and move right into Action Items. Our first item on the agenda is a public hearing for Goddard Creek Subdivision, H-2020-0092. We will go ahead and open this public hearing with staff comments and I will turn this over to Joe.

Dodson: Thank you, Mr. Mayor. Let me get my screen shared for you and we will get this going. Can everybody see the screen? Okay. Good. Just want to make sure. These things are tricky virtually. All right. Item No. 1. Goddard Creek Subdivision, which is an applicant -- applications for rezone, development agreement modification, preliminary plat and, then, alternative compliance and private street by the director. The site consists of 4.62 acres of land, currently zoned R-4, located at the northwest corner of McMillan and Goddard Creek Way. To the west is existing C-C zoning and a self storage facility. To the north is existing R-4 zoning and Selway Apartments. To the east is Goddard Creek Way, which is a collector street, and east of that is the -- some L-O zoning with a home and a contractor's yard. McMillan abuts the site to the south and south of that is R-4 zoning and detached single family homes. A little brief history, as I'm sure you all are aware, though. The property was granted annexation and preliminary plat approval and the CUP as part of the Lochsa Falls Subdivision in 2002 and has an existing development agreement. These approvals granted office uses within the existing R-4 zoning district. In 2017 the property received a comp plan amendment -- comp plan map amendment approval and -- to switch from office and high density residential to mixed use community. A preliminary plat and final plat were also approved. A concurrent rezone, CUP, and MDA was proposed to develop the property as multi-family. However, that request was withdrawn. A preliminary plat and final plat were also approved in 2017 and 2018 to develop the self storage portion of the development, which is directly to the west. In 2019 an application for 44 attached townhome style single family units was denied by City Council. This application differs from the previous development in that it has ten fewer units and proposes -- proposes all age-restricted attached units. So, before you tonight the applicant is proposing to develop the site with 34 age-restricted single family attached units. This area is primarily developed with single family homes, except for the apartment complex to the north. Other commercial developments are under construction in the area and propose -- and -- sorry, I lost my place. Are under construction in the area, which should complement the proposed residential project and that would be the C-G area to the west, which has a convenience store and fuel facility and a -- some more senior housing. Because the applicant's proposing to provide housing diversity in the area and other land uses are nearby the development, staff

believes the plan is consistent with the mixed use community designation and falls within -- within the target density of six to 15 dwelling units per acre, as the proposed gross density is 7.36 dwelling units per acre. Access to the site is proposed via an existing private street, West Apgar Creek Lane. Access to McMillan Road is prohibited, except for the depicted emergency only access as shown on a plat in the southwest corner of the site and there is also a common driveway. Private streets are not typically intended for single family development, unless designed with a MEW or gated community. The applicant is proposing internal private streets on its own lot for internal access within the development. The proposed private street is 24 feet wide, with five foot attached sidewalk on the internal side of the street -- only on one side of the street. To ensure adequate guest parking is provided, the applicant is proposing 16 parking spaces along the north side of the private street across from Lots 14 through 18. So, these 16 spaces here. Eight additional parallel stalls -- parallel parking stalls are proposal on the south side of West Apgar Creek Lane to address the neighborhood concerns with parking. This is possible, because the applicant is proposing to widen the street by eight feet to accommodate the on-street parking which was discussed in the Commission meeting, they cannot limit that which they are trying to fix a problem that is not a problem that they caused, which staff appreciates. The director has approved alternative compliance request to allow the common drive access as proposed. The applicant is conditioned to submit another alternative compliance application with final plat to incorporate a decorative entry feature at each of the entrances in lieu of gates. Other than the 25 foot wide landscape buffer adjacent to McMillan Road, the UDC does not require the applicant to provide any qualifying open space because the project is less than five acres. Both the landscape buffer to Goddard Creek Way and McMillan is existing. To complement the surrounding developments and provide some open space for these future residents, the applicant is proposing 20 -- approximately 24,000 and a half square feet of open space, which is approximately 12 percent, of which 13,367 square feet, which is six and a half percent, would qualify under the UDC 3G-3 standards. The open space lot within the development, which is here and abuts Goddard Creek Way, includes the proposed amenity, which is a covered picnic shelter. To enhance the walkability in the development staff recommends that the applicant provide a pedestrian circulation plan with their final plat and include extension of the sidewalk from the Selway Apartments project to the north and distinguish -- and distinguish the pedestrian crossings to guide residents to the proposed open space safely. So, that comment is in regards to sidewalk along here that was not shown on the current plan. The proposed elevations include a mix of siding materials with varying hip and gable style roof options. All structures within the development are required to comply with the residential design standards listed within the architectural standards manual and administrative design review application must be submitted to the Planning Division and approved prior to submittal of any building permits, because they are an attached product. The Commission recommended approval of the subject applications. At the Commission hearing the public discussed parking issues that persist with the Selway Apartments and discussed some concern over the proposed elevations that face towards the public right of way, despite them being one story. The key issues of discussion by the Commission were who and how are the proposed private streets to be maintained, the number of units taking access from the common drives, the applicability of having centralized trash receptacle location for the homes on the common

drives and, then, had questions regarding the detail and quality of the proposed amenity and open space. The single condition that the Commission changed is to limit the number of units off the proposed common drives to no more than three units. The applicant did not change any of the plans, because they feel that the existing common -- common drives only have three off of the -- only have three units off of them and that is the end of my presentation. I will stand for questions.

Simison: Thank you, Joe. Council, any questions? Okay. With that I would invite the applicant to present. Mr. Clark, you are recognized for 15 minutes.

Clark: Thank you, Mr. Mayor. And I will get my brief presentation up here. So, Hethe Clark representing the applicant. 251 East Front Street in Boise. So, as Joe mentioned, this is a project that I would describe as having kind of been through the wringer. I'm glad to say that at this point we think we have a project that really checks all of the boxes. So, a little bit more background on where it's located and what the context of the project is. It's on -- just off McMillan between Ten Mile and Linder. As you can see on this picture it's one of the last properties within the square mile to develop. It's down the street from Rocky Mountain High School and it hits what I will call the big box quadruple double. You have got Walmart, Costco, Fred Meyer and Winco all within the -- within a mile of the location. As I mentioned, it has been through the wringer and Joe went through this with you as well, so I won't belabor the point. There has been a couple of prior applications, including an apartment project and, then, an application last year for 44 units and that kind of brings us to this point. As I understand it the -- that last project was denied in part due to parking and traffic concerns and so we think we have addressed that at this point. Highlights of the -- of the proposal -- you know, given that history, the -- the current team is proposed to reduce the number of units from 44 to 34. So, by ten. We took steps to try to address the parking issues. So just to confirm, there is the internal stall -- internal stalls down on West Apgar Creek, so you can see those down at the -- at the bottom of the project and, then, addition -- and additionally there is eight stalls on West Selway Rapids Lane and I do want to emphasize that the applicant is going to widen that lane by eight feet and what that will do is it will address fire concerns and try to make for some additional space there to aid in the -- in the access and the connectivity. As you can see here and as Joe showed you as well, we are going to be using an attached product with each lot paired with a zero lot line neighbor. So, it will be low maintenance. It's going to be attractive to the target market and, as Joe mentioned, this would be a 55 plus restricted community. So, when we got involved we went about attempting to ensure that the concerns of the neighbors were addressed. So, I wanted to just give you a quick summary of what those conversations have been like. Laren Bailey with Conger Management Group held two neighborhood meetings to conduct outreach. Overall the result of those meetings was that the neighbors liked the senior living concept and the reduction in traffic and the added parking. We have worked with staff proactively to try to make sure that any of the staff questions were -- were resolved. As you saw in the report there was a private street that needed to be included, but a gate really wasn't appropriate given the size constraints here and that wouldn't help as well with the neighborhood parking issues. So, we obtained alternative compliance to do the private street and rather than a gate we would be using pillars and faux gates. We are in agreement with the -- regard to the

pedestrian amenities. There will be a sidewalk connection on the northwest from Selway Apartments across Lot 1. We will have internal pedestrian connections as mentioned by staff and so those would be at the -- at the top of the project to connect over to the sidewalks and, then, there will be two more down to get to the shared driveway, which will have a connection out onto McMillan Road and, then, also at the -- at the open space and shared driveway there on the east. The ones on the north would have pedestrian ramps and truncated domes. We expect the ones on the south probably use pavers or stamped concrete or -- to try to provide a visual -- a visual change there. As I mentioned we also worked on the parking situation and just a couple thoughts there. This will be age restricted and age restricted communities, as you are aware, tend to be overparked with general -- generally lighter parking requirements. We are still adding the 15 internal spaces and the eight up top and, then, again, we are widening Selway Lane to help improve the existing layout and circulation. P&Z was a pretty straightforward hearing. One thing that -- the lone condition that was added as a result of the P&Z hearing was to limit the common driveways to three units. We meet that as you can see on this depiction. We are good with the condition as proposed by P&Z. I will just note that city code does allow up to six, but we are within the -- the more restrictive condition that P&Z added. In terms of a staff report, no requested modifications. We are in agreement with what staff has put in there and so with that I would be happy to conclude and answer any questions that the Council might have.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Mr. Clark, thank you for being here this evening and your presentation. If I recall from your narrative with the application correctly, it said something to the effect of there was some research done to determine that office is not necessary in this location and it referenced a few areas in -- on McMillan and Chinden, which, in my opinion, were not really office specific. I don't know that there is a lot of office in that Walmart area. So, would you mind sharing with us what -- like what you did to get to that determination that there was not additional office necessary and maybe you have some information for absorption rates or whatnot. I -- I'm not asking for something like super detailed, but just curious to know the process that you took to get there.

Clark: Thank you, Mr. Mayor, Council Member Perreault. So, there is a couple of things there. There is office that's being proposed over closer to the hard corner at -- to the west of us, but I think really what this comes down to is access and visibility and, as you know, this property doesn't have any direct access onto McMillan. You have to go up Goddard, come around and, then, loop back in in order to get to it. So, in terms of that access, that also really restricts the marketability for office in that location. So, I -- I think I would summarize it as being those two issues, the office coming online, both to the east on the -- on the ends of the square mile block and on the west and, then, also that issue of just the visibility and accessibility for purposes of office.

Perreault: Mr. Mayor, a follow up if I may.

Simison: Council Woman Perreault.

Perreault: Thank you for that. Remind me. Is Goddard -- there has been a lot of conversations about Goddard -- you know, obviously, there has been more than one application on this property and, then, when we had discussions regarding the -- the storage units and whatnot and the discussions have revolved around parking, of course, but also how much it backs there during peak hours on that street. So, a little concern there about getting in and out of Apgar Creek anyway. But is that -- is that at the mid mile? Is there ever going to be an option for a light at that location?

Clark: Mr. Mayor, Council Woman Perreault, so there is a couple of things going on there. One is that there is an offset between Goddard and the access to the south. If you look at the -- at the map they don't line up. So, to -- a light there I think would be unlikely as a result of that and also as a result of the ACHD review of it and it just -- it did not find that intersection improvements were warranted at this point. So, I can see some challenges to getting a light there and the -- the warrant just isn't there at this point.

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

Johnson: Mr. Mayor, no one has signed up in advance for this.

Simison: Okay. Well, we do have several people in the audience and online for this evening's meeting. If you would -- if you are interested in testifying in this item, if you are on Zoom, please, use the raise your hand feature at the bottom of your screen and our clerk can see that and bring you in or if there is anyone in the audience that would like to provide testimony, if you would like to come forward now.

Johnson: Mr. Mayor, we have one person online. The name is Fisher. And they should be able to unmute themselves now.

Simison: Okay. If you could state your name and address for the record that would be great. We see you are unmuted, but we do not hear you.

Johnson: Mr. Mayor, I'm going to try one other possibility here, see if this works.

Simison: If you can unmute yourself. Try again. We are not able to hear. Do we want to try doing the call-in number?

Johnson: Mr. Mayor, we can do that. If you can hear me, if you can call area code 669-900-6833 and enter the webinar ID that's found on the agenda. That is area code 669-900-6833. If you can wave at the camera if you had trouble finding the webinar ID. If you

will wave when you have connection I can identify your phone number and -- there you are. See if this is you.

Simison: Okay. We see you are unmuted.

Fisher: Are you able to hear me now?

Simison: Yes, we are. Can you state your name and address for the record and just to make -- if you can mute your computer there, so we don't hear the feedback.

Fisher: Yes. I just did.

Simison: Perfect.

Fisher: My name is Penny Fisher. I live at 2382 West Apgar Creek Drive, directly kitty-corner from this application. I would like to speak today just on the -- we have met with the applicant -- applicant quite a few number of times and at this time we do feel that they have met all of the requests and requirements that we have requested. The only thing I was wondering about on those eight additional parking spaces, they had added those to help with the parking on Apgar Creek, which does affect right in front of our home. I am wondering if there is a way that -- if they ever would put up a sign that says for our residents and residents visits only, because that was added we were told to help with the parking and if they put up a sign on that outside parking from Selway would not -- it would still spill over. So, I just wanted to ask what would be addressed or if there was a -- where requirement would not be that a sign. The private parking should be only for the inside and not on the outside and I was wondering if that was a possibility.

Simison: Thank you. I'm going to ask Mr. Nary or our police chief, because it's a public -- I don't know if that's a public road at that location versus a private road and if that matters -- I assume it's okay on a private road to do it, but I don't know if you can do it on a public road.

Nary: Mr. Mayor, Members of the Council, yeah, if it's a public roadway ACHD would have to consent to putting that type of -- and they generally do not allow restricted parking on a public road like that. So, it would be difficult. If it's a private drive you are correct, Mr. Mayor, that -- that's perfectly fine to do that.

Bongiorno: Mr. Mayor?

Simison: Deputy Chief.

Bongiorno: So, Selway Rapids right there in front of this area is a private road.

Simison: And -- and I guess maybe this is a little -- with the -- with making it wider does that change it from public to private? Is that the intention? I don't -- it's not the intention portrayed -- is the intention to remain private?



Bongiorno: I believe the intention was to remain private. I will let Joe talk a little more about that. But I know when we first met on this whole thing that was one of the things that they wanted to do was to widen the roadway in front of this -- the apartment building, because people were parking over in the subdivision, so they were going to create some more parking in front of this subdivision for spillover from the apartment complex. That was my understanding the last time this came to Council.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Yes. Apgar Creek Lane will be maintained as a private street. Again, that's not a private street that is owned and maintained by this applicant, so they would have to go through the apartment complex in order to put up any signage, because they are the ones who own that road and maintain that. Secondly, to Chief Bongiorno's point yes. And as I noted before, they -- they don't have to widen the road and create these eight extra spaces. They are doing that knowing full well that they are -- they may very well not be used by residents within this subdivision. But it is eight additional spaces for the apartments or anybody -- possibly people here, but anybody trying to fix a problem that they did not create.

Simison: Council, any questions or further comments for -- I'm sorry, I didn't -- I missed your first name, so --

Fisher: It's Penny.

Simison: Okay. Any further questions or comments? Okay. Thank you very much. We will -- I'm sure the applicant will address your comments in their final remarks.

Fisher: All right. Thank you.

Simison: Thank you. Mr. Clerk, do we have anyone else to raise their hand to testify?

Johnson: Mr. Mayor, that was the only hand raised.

Simison: Okay. Then with that we will go ahead and turn it over to the applicant for any final remarks.

Clark: Thank you, Mr. Mayor. Hethe Clark. 251 East Front Street. With regard to the question about the parking up top, I think Joe Dodson hit that nail on the head. The -- it's not -- it's not within our control to do that, but we are -- we think aiding in a situation that already exists -- would exist independent of this and so I think it's a very good thing that the applicant's willing to do the widening and add the eight parking stalls. I think that's what should be expected of the applicant in this case in -- you know, to be able to

administer that. It's just not something that is within our power. With that, if there are follow-up questions I'm happy to answer.

Simison: Okay. Thank you very much. Council, any additional comments or questions for the applicant? Or I'm happy to entertain motions if that's the desire of Council.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will just make comment before a motion to close and see where this thing goes. I think Hethe and the applicant have done a great job in making this -- this property, which has been a little challenging, much better. The -- the proposal does seem to fit the mixed use community in relation to what is also around. The reduction in units that is referenced is -- makes it better. The expanded roadway in the north makes it better. The different housing product that's available, that diversity makes it better. The improved -- the expanded roadway to the north that helps and assists with fire access makes it better. So, Hethe, I think you have done a good job in trying to make a successful project and make all those improvements and have me supportive of this application.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we close the public hearing.

Borton: Mayor, we can't hear Councilman Bernt.

Bernt: Can you hear me now?

Borton: Way better.

Bernt: I got to really -- Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move for the third time that we close the public hearing.

Hoaglund: I second the motion.

Simison: I have a motion and a second to close the public hearing. Is there any discussion on the motion? If not, all in favor signify by saying aye.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve item H-2020-0092, Goddard Creek Subdivision.

Hoaglund: Mr. Mayor, I second the motion.

Simison: I have a motion and a second to approve H-2020-0092. Is there any discussion on the motion? If not, ask the clerk to call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Thank, Mr. Clark and Joe for your work on that project.

Dodson: Thank you, Mr. Mayor. Have a good night, everybody.

**2. Public Hearing for Ada County Coroner (H-2020-0085) by Lombard Conrad Architects, Located at 173 N. Touchmark Way**

- A. Request: Rezone of 1.77 acres of land from the I-L to the C-G zoning district.

Simison: Item No. 2 on the agenda is a public hearing for Ada County Coroner, H-2020-0085. I'm going to -- we will open this public hearing with staff comments and I will turn this over to Sonya.

Allen: Thank you, Mr. Mayor, Members of the Council. Can you all see my screen? Great. Thank you. The next application before you is a request for a rezone. This site consists of 1.34 acres of land. It's zoned I-L, light industrial, and is located at 173 North Touchmark Way. This property was rezoned to I-L in 2009 with the requirement of a development agreement. The Comprehensive Plan future land use map designation is industrial. The abutting property to the south is designated commercial. The applicant is requesting a rezone of 1.77 acres of land, including land to the centerline of adjacent streets from the I-L to the C-G zoning district to match that to the south. Because the adjacent future land use map designation and zoning to the south is commercial and is public, quasi-public use, i.e., Ada County Coroner's Office is proposed to develop on the combined properties, staff deems it appropriate to apply the future land use map designation of the adjacent property to this property, because such designations are not parcel specific. Rezoning the subject property to C-G consistent with that of the adjacent property to the south will create uniform zoning for the overall property. Although the UDC doesn't prohibit multiple zones on a single parcel, split zoning does make it problematic

to decipher which are the two standards, industrial versus commercial, to enforce. The rezone to C-G will ensure that the development meets the dimensional standards at one district versus two. A conceptual development plan was submitted as shown on the right that depicts a 35,000 square foot, two story building oriented north-south on the side, with the entry fronting on South Touchmark Way. One entry and exit and one exit only is proposed via North Touchmark Way and one entry only is proposed by East Lanark Street along the northern boundary. Both classified as industrial collector streets. No access is proposed or approved via East Franklin Road, an entryway corridor and arterial street. Per the recorded development agreement direct lot access of Franklin Road is prohibited. Staff is supportive of the access points depicted on the submitted concept plan. Off-street parking is proposed in excess of UDC standards. A minimum of 70 parking spaces are required, 117 public parking spaces, and 51 secured employee parking spaces, for a total of 168 spaces are proposed. A 35 foot wide landscape street buffer is required along Franklin Road, an entryway corridor. The staff report states a 20 foot wide buffer is required along Touchmark Way and Lanark Street. However, when the final plat was recorded these streets were designated as local, instead of collector streets. For this reason staff will amend the analysis in the report to reflect a ten foot wide buffer requirement with future development along Touchmark and Lanark. Conceptual building elevations and perspectives of the proposed building were submitted as shown. The Commission recommended approval of the application and I will go through a summary of the public hearing. Brenda Brosa, Lombard Conrad Architects, is the applicant's representative and she testified in favor of the application. No one testified in opposition or commented on the application. Written testimony was received from Deborah Phillips, Ada county, in agreement with the staff report and there were no issues of public testimony. Key issues of discussion by the Commission. There was only one and they were in favor of the proposed design of the building. The Commission did not make any changes to the staff recommendation and there are no outstanding issues for Council tonight. Written testimony has not been submitted since the Commission hearing from anyone. Staff will stand for any questions.

Simison: Thank you. Council, any questions? Okay. Well, with that I will turn this over to the applicant. I don't know who is going to be presenting, but if you will state your name and address for the record.

Brosa: Yes. This is Brenda Brosa from Lombard Conrad. Can you hear me?

Simison: Yes, we can.

Brosa: Okay. Our company address is 1221 Shoreline Lane, Boise, Idaho. 83702. And as you mentioned I'm one of the architects that's working with Ada county in the development of their new coroner's facility. Ada county purchased two adjacent parcels of land on the corner of Franklin Road and Touchmark Way, as Sonya mentioned. These two parcels are immediately to the east of DeMeyer Furniture and Mattress. The county's plan was to combine these two parcels to develop the site for the coroner's facility. As she mentioned, the southern parcel along Franklin Road is currently zoned General Commercial. The rest is zoned industrial. Rather than combine these two as a mixed

zone parcel, the Planning and Zoning staff requested that we go through this rezone process, so that both parcels have the same zoning before we combine them and given the frontage on Franklin Road and the proposed use as a public, quasi-public facility, it was preferred to have both parcels within the general commercial zoning category. So, this application is to request the zoning of the northern parcel changed from the light industrial to the general commercial. I know like -- on the site plan when it was pulled up -- if you could see, the way that we have laid out the site we have attempted to respect the uses of the adjacent streets at both ends. The administrative and public use functions of the building are located towards Franklin Road, whereas the medical and back of house functions are located towards the industrial parcels to the north. It looks like -- yeah. There you go. And given this arrangement, the proposed layout is compatible with the existing land use map, even with the rezone. And as you also saw from the conceptual elevations and views that we had in the agenda packet that Sonya showed a little bit ago, we have really worked on shaping this building up to be an attractive piece of architecture, knowing that it's right along one of Meridian's entryway corridors there on -- on Franklin. So, we are trying to put a nice piece of architecture in where it's going to be seen as an entryway point. So, with that I would be happy to answer any questions that the Council has.

Simison: Thank you. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just -- just a brief comment. Brenda, that design is fantastic. To show that level of attention to what you describe correctly is that -- that entryway corridor. That's just a beautiful building. So, we appreciate the good work to make that happen.

Brosa: Thank you.

Simison: I would concur. It's a beautiful building. I hope I never have to see one way or the other.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Comment, too. Certainly the architectural detail that has been paid attention to is appreciated and also, you know, the -- understanding that, you know, changing industrial property to commercial -- I mean I look at that very carefully, because once the industrial has gone it never changes back. But in this instance it does make sense to have it under one, make it commercial, allow that property to be designated for that use. I think it works well and appreciate everyone's involvement -- staff's involvement on making this -- making this happen.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to just say that I'm really proud of -- of our city that we have -- that the county has chosen to put a really important building in -- in the City of Meridian and I think that's -- I -- given the use of the building, you know, that -- that's a weird thing to say, but -- but, you know, there could be a lot of other locations that the county could have chose. So, we are happy to have the county here.

Simison: Thank you. Council, any further questions for the applicant before we see if we have anyone else that would like to provide testimony? Okay. Mr. Clerk, do we have anyone signed up to testify on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Does anybody in the audience like to provide testimony or anybody online that would like to provide testimony? If so, please, use the raise your hand feature at the bottom of the Zoom platform. Seeing no one raise their hand or come forward in the audience, would the applicant like to make any final comments?

Brosa: I think we are good. Didn't actually have any questions raised. So, I appreciate your time. Thank you.

Simison: Okay. Thank you very much. Council, what's your pleasure?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we close the public hearing for H-2020-0085.

Bernt: Mr. Mayor, I second the motion.

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

**MOTION CARRIED: FIVE AYES. ONE ABSENT.**

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move we approve H-2020-0085 as presented by staff and the applicant.

Bernt: Mr. Mayor, second the motion.

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

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**3. Public Hearing for Landing South (H-2020-0005) by Jim Jewett, Located at 660 S. Linder Rd.**

- A. Request: A Preliminary Plat consisting of 8 building lots and 2 common lots on 2.27 acres of land in the R-4 zoning district.

Simison: Next item is a public hearing for Landing South, H-2020-0005. I will open this public hearing with staff comments and turn this over to Sonya.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you is a request for a preliminary plat. This site consists of 2.27 acres of land. It's zoned R-4 and is located at 660 South Linder Road. The Comprehensive Plan future land use map designation is medium density residential, which calls for three to eight dwelling units per acre. This property was annexed in 1994 without the requirement of a development agreement. This application, along with the rezone application to R-8 was previously heard by the Council with the recommendation of denial from the Commission based on their belief the development plan wasn't consistent with the Comprehensive Plan due to issues with the proposed turnarounds and access driveways.

Simison: Sonya?

Allen: Shown before you are the previous versions of this plat.

Simison: Sonya, I don't think we are --

Allen: The Council --

Simison: I don't think we are seeing your screen.

Allen: Oh. Hang on. Sorry about that. Thank you, Mr. Mayor.

Simison: All right. We are good to go.

Allen: Alrighty.

Simison: Well, not -- we are not on the right one, but we at least can see your screen.

Allen: We will try this again. All right. So, these are the previous versions of the plat that I mentioned. The Council remanded the plat back to the Commission for review of a revised plat meeting the R-4 dimensional standards. So, these are the previous versions and, then, this is the revised plan that was submitted by the applicant and reviewed by the Commission. The proposed revised plat consists of eight building lots and two common lots on 2.27 acres of land in the R-4 zoning district for the development of single family residential detached homes. The minimum lot size proposed is 8,018 square feet, with an average lot size of 8,199 square feet. Access is proposed via the extension of an existing stub street, South Spoonbill Avenue, from Joshua Street from the north boundary of the site, which ends in a cul-de-sac. No access is proposed or approved via Linder Road. An emergency only access exists off site to the north via Linder. Off-street parking is provided in accord with UDC standards. On-street parking spaces are available in front of the two northern lots, but parking is not allowed within the cul-de-sac. Staff is concerned there may not be adequate on-street parking for guests. However, the UDC does not have standards for on-street parking. The Kennedy Lateral runs along the northern boundary of this site and has been piped. The pathways master plan depicts a ten foot wide multi-use pathway along the frontage of this site adjacent to Linder Road. However, because there is an existing sidewalk that is in good condition in this area, the Parks Department is not requiring it to be reconstructed and is only requiring an easement for a future pathway. A 25 foot wide landscape street buffer is required along Linder Road. Because the site is below five acres in size the qualified open space and site amenity standards in the UDC do not apply. An open space exhibit was submitted that depicts a -- excuse me -- .32 of an acre of common open space, consisting of the street buffer along Linder Road and the area along the northern boundary where the Kennedy Lateral lies. No amenities are proposed. Wrought iron fencing is proposed to be construct at the back edge of the street buffer along Linder Road and along the Kennedy Lateral easement. Conceptual building elevations for single family residential detached homes were submitted as shown to be constructed in this development. The Commission recommended approval of the revised plat. Jim Jewett, the applicant, testified in favor. No one testified in opposition or commented on the application. There was no new testimony submitted since submittal of the revised plat. Previous written testimony was received from Chris and Candice Johnson, Jeff Bolen, Kenneth Scott Grapatin and Josh Beach, the applicant's representative. Key issues of discussion by the Commission are as follows: They were in favor of the redesign -- revised design of the in-fill property and they had concerns pertaining to adequate -- adequacy of on-street parking available to accommodate guest parking. Commission made the following revision in the staff report to condition A-3B and A-3C in Section 8 to require 17, instead of 67 caliper inches of trees for mitigation as requested by the applicant based on the city arborist inspection. There are no outstanding issues for Council tonight. Written testimony has been received from Jim Jewett, the applicant. He is in agreement with the Commission's recommendation. Staff will stand for any questions.

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



Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Sonya, can you go back to the slide? I just didn't follow -- you talked about an emergency only access via Linder Road. Can you point that out to me?

Allen: Yes. If you can see my pointer, it's right here where that driveway is shown.

Hoaglun: Okay. Thank you. Thank you, Mr. Mayor.

Simison: Council, any further questions? Okay. Then with that we will turn this over to the applicant for 15 minutes and, Mr. Beach, if you are going to be the one presenting, state your name and address for the record and you will be recognized for 15 minutes.

Beach: Jim, did you want to go ahead?

Jewett: No. You go ahead, Josh. I will just listen.

Beach: Perfect. Josh Beach with Sawtooth Land Surveying. Address is 2030 South Washington Avenue in Emmett. So, as Sonya stated, it was a lot of work to get this plat where we are. We feel like this is an improvement of what we have -- we have heard and, obviously, the Planning and Zoning Commission was in favor. This is going to fit I think a lot better with the surrounding neighborhood and I don't really have much else to add. I think that you have all seen this a number of times and probably appreciated that Jim specifically and Sawtooth has put a lot of work into getting this -- the layout and the design of the subdivision to where it is and, obviously, there are some concerns with -- with -- with parking, but because the majority of the site -- the lots are -- the majority of the lots are accessed by -- from a cul-de-sac, that there is limited ability to provide on-street parking. Now, differentiating this from what we presented previously, the density is significantly reduced, which will reduce the parking and as you all know the -- the standards for single family homes are two parking stalls and a garage and two on a -- two on a parking pad out front. So, that should -- should do a lot better in terms of reducing the on-street parking and the congestion in the neighborhood. I did meet with the city arborist a few months ago, talking about, you know, there is -- the trees on site and determined that we would be providing sufficient -- he gave us a number to provide for -- for sufficient tree mitigation. We are happy to comply with that. I will stand for any questions you have.

Simison: Thank you. Mr. Jewett, do you have anything else you would like to add during the applicant's time?

Jewett: No. I would -- Jim Jewett. 776 East Riverside Drive, Suite 200, Eagle, Idaho. No. I would just be available for any questions that you may have that Josh may not be able to answer.

Simison: Okay. Council, any questions for the applicant? Okay. Mr. Clerk, did we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody in the audience who you would like to provide testimony or anybody online that would like to come forward? Indicate by raising your hand on the Zoom platform at the bottom. Seeing no one wishing to testify, would the applicant like to make any final comments?

Beach: I do not.

Simison: Okay. Then with that, Council, I will turn this over to you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I appreciate the applicant working on this site. It did pose some challenges and I think fitting to the -- how the neighborhood is and with the constraints of the site, I think this works out much -- much better and so that is greatly appreciated. I move that we close the public hearing for H-2020-0005.

Cavener: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: After considering staff and applicant testimony, I move we approve file number H-2020-0005, including the revisions to Conditions No. A.3B and A.3C that reduces the mitigation for the caliper tree -- size of trees.

Cavener: Second.

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

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

Simison: All ayes. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**4. Public Hearing for Spurwing Sewer Easement Annexation (H-2020-0087) by Shari Stiles, Engineering Solutions, LLP, Generally Located North of W. Chinden Blvd./Sh 20-26, Northeast of N. Ten Mile Rd.**

- A. Request: Annexation of 0.60 of an acre of land with an R-4 zoning district.

Simison: Thank you to the applicant and good luck. Next item on the agenda is public hearing Spurwing Sewer Easement Annexation, H-2020-0087. I will open this public hearing with staff comments and turn this over to Sonya.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application is a request for annexation and zoning. The site consists of .6 of an acre of land, zoned RUT in Ada county, located north of West Chinden Boulevard and State Highway 20-26. A little history on this property. A lot line adjustment was previously approved by Ada county in 2007, which included the subject property. Ada county denied a conditional use permit modification application to build an emergency access road. The Comprehensive Plan future land use designation is low density residential, which calls for three or fewer units per acre. The applicant requests annexation of .6 of an acre of land into the city with an R-4 zoning district, consistent with the future land use designation of low density residential. The annexation area is a portion of Lot 2, Block 1, Spurwing Subdivision, which was developed in Ada county. Typically the city does not annex a portion of a parcel or lot, however it has been deemed appropriate in this case due to the county's denial of the site modification and the city's requirement for an access to maintain the public utility. The property proposed to be annexed is developed as part of the Spurwing golf course and contains a 20 foot wide Meridian sanitary sewer easement, with a 12 inch sewer main line and an eight inch Suez water main line. An emergency vehicle access easement is proposed in this area to satisfy the fire department's requirement for secondary emergency vehicle access to Olive Tree of Spurwing Subdivision. This access is not needed if all of the units are provided with residential sprinklers. Emergency vehicle access for this subdivision was previously planned via West Chinden Boulevard at the intersection of Chinden and Ten Mile. However, since the time the preliminary plat was approved, improvements have been made to the intersection which require an alternate location for emergency access. For this reason emergency access is proposed where the sewer easement lies. Public access will be restricted through the use of gates at each entrance with a Knox Box as required by the fire department. This road will also provide access to any manholes within the sewer easement area in accord with city requirements and access to the Suez water lines. Olive Tree at Spurwing Subdivision cannot develop without an approved secondary emergency access, which the applicant's proposal

provides or the provision of residential sprinklers in all of the units. If Council denies the applicant's request an alternate emergency vehicle access will be required for any development over 30 building lots in Olive Tree at Spurwing Subdivision or fire sprinklers shall be provided for additional homes beyond the 30. The subject property is nonbuildable as it isn't a legal parcel or a lot eligible for a building and doesn't meet the minimum dimensional standards of the R-4 district. Since the last hearing the applicant submitted a landscape plan depicting a variety of shrubs and plantings as a buffer between the access road and the adjacent residential properties as shown. The Commission recommended approval of the proposed annexation and I will go through a summary of the public hearing. Becky McKay, Engineering Solutions, is the applicant's representative. She testified in favor, along with Mark Freeman from Foley and Freeman Attorneys. Greg Stock, Gretchen Tseng, Rick Mauritzson, and Tom Nist and Tony Tseng testified in opposition. And Rod Wagner commented on the application. Written testimony has been received from Robert Trerise, Gretchen Tseng, Carrie Franklin, Eric and Mary Kay Klein, Qing-Min and Erin Chen, Tom and Andrea Nist, Greg Stock, Steven Leavitt and Rick Mauritzson. Key issues of discussion are as follows: Concern pertaining to construction of a road and public access between Balata Court in Spurwing Subdivision and North Crantini Way and Olive Tree at Spurwing Subdivision. Preference for an emergency access for the fire department to be provided for Chinden Boulevard at the Ten Mile Road intersection, rather than in the location proposed and the negative impact on adjacent properties where an access road is proposed due to public use. Key issues of discussion by the Commission were as follows: Necessity for a road for access to sewer manholes and maintenance of city infrastructure. Possibility of the applicant providing landscaping adjacent to the residential properties to screen the access road and properties from users of the access road. Possibility of installing signage at the gates prohibiting public access. And question as to whether or not an emergency access is still feasible in the location originally approved at the intersection of Chinden and Ten Mile roads. The Commission made the following changes to the staff recommendation. They wanted the Public Works Department to provide a description of what preference they have for surface treatment of the access road between the two manholes. That is included in their -- the updated staff report for Council in Section 8-C. The applicant should work with adjacent homeowners to see what mitigation could be provided to lessen impacts from the road and the applicant has done that and submitted the landscape plan shown on the presentation before you. It is included in Section 8-B of the staff report. The applicant should try to get a letter from ITD stating that they won't allow access as originally approved via Chinden Boulevard without an easement from the Wagners. A letter has been submitted to the city from ITD. There is a link to it in Section 8-H of the staff report. ITD will only allow a single approach for safety reasons and is not opposed to an approach that serves both the Wagner Farm parcel and the emergency access with the conditions noted in the letter. However, Mr. Wagner stated at the last hearing that he is not interested in granting an easement for a shared driveway at this time. And, finally, they added a requirement for signage to be provided prohibiting public access to the gated area and that is included in the staff report conditions, provision A-1-B in Section 9. There are no outstanding issues for Council. Written testimony since the Commission hearing how has been received from Gretchen Tseng, Greg Stock, and Rick Mauritzson and those are included in the public record for your review. Staff will stand for any questions.

Simison: Thank you, Sonya. Council, any questions for staff? Seeing none, we will turn this over to the applicant. I don't know who is -- is that going to be Mr. Foley and Free -- Mark, is that going to be you speaking this evening? Okay. If you can unmute yourself and state your name and address for the record.

Freeman: Thank you, Mr. Mayor and Council. Mark Freeman, Foley Freeman Attorneys, for applicant. Business address 953 South Industry Way in Meridian. And I would like to share my screen here. There we go. Can you all see that screen?

Simison: Not yet.

Freeman: Nothing's coming up? Well, why not. Excuse me for a minute here. It's on my screen. There we go. I think this will do it. Thank you. I apologize for that. That was definitely me. And you are all -- well, you are not all aware, but Becky has been involved in this project for 15 years or so. She would be here, but she's tied up in Star, so I'm the pinch hitter today. Thank you, Mayor and Council. I'm here on behalf of the applicant. As Sonya indicated, this is an annexation for a 4.62 acre portion of real property for two purposes, for emergency access to the Spur -- the Olive Tree Subdivision and also for protection of the city's sewer easement, as well as the water easement to Suez water. This -- a little bit of history I think is important. This picture is the original plat for this subdivision. It was first approved by Council in 2007. It included a number of patio homes and standalone homes in -- near the Spurwing golf course and at the time -- at the time the property was annexed into the city the utilities, the sewer and water, if you can see my -- this is Meridian Greens over here to the west, the sewer and water were to come in this direction to the property and you can also see the -- a platted lot, which was the emergency access to the property, which exited onto Chinden Boulevard, US 20-26 where -- at the intersection with Ten Mile Road. One of the conditions for approval initially by the City of Meridian was that the emergency -- that emergency access be provided with a 20 foot wide improved surface capable of supporting 75,000 pounds. There was another condition that the emergency access have 20 foot wide swing or rolling emergency gates and equipped with Knox Box padlocks as is standard in the city. So, after obtaining the Meridian City approval, the applicant proceeded to apply with ITD for access to -- for the emergency access point. As indicated in the bottom of this exhibit before you, the department -- the department approval by ITD was granted in June of 2008. After it was granted the permit was issued. So, what the applicant did was design and construct an emergency access -- vehicle access to the property. Had certain design criteria that ITD demanded -- or mandated and once it was constructed ITD approved it. So, the important point here is that this emergency access was in place and improved and constructed in 2008 and this is a -- an overview photo here of the emergency access as it existed at that point in time. This would be Ten Mile Road. Here is US 20-26 Chinden and right here is the location where the approach was constructed with the approval -- approval of the permit from ITD. The -- the emergency access at that point was in this direction up here. So, about the same time that the application was approved and the permit from ITD was obtained, that's when the -- the recession hit, which stalled this project. The applicant decided to wait -- to try to wait out the downturn in the economy.

So, the subdivision was not constructed at this point in time. Then in 2012 the owners of the Spurwing -- the Challenge at Spurwing or Spurwing Challenge Subdivision, this being this area here is the -- for purposes of -- this is the Olive Tree Subdivision here. So, over in this area the owners of the Meridian Challenge Subdivision -- and they are the Andersons -- Chris and Roger Anderson. Approached my client and inquired about the possibility of extending the sewer from the terminus point in Meridian Greens Subdivision up here to the west -- the northwest, all the way through my client's property and, then, ultimately to -- to the Challenge course. So, that ultimately happened. The -- like I mentioned, the sewer came out of Meridian Greens and travels in here. For purposes of this application before you today, this section right here is the area we are talking about where we are requesting the city to annex, this 6.1 or two acre -- or .6 acre parcel. And during this process my client granted an easement to the City of Meridian over the exact -- or the same portion of property where we are asking for annexation to allow the city to maintain and repair or replace the sewer easement. That is -- that is a 20 foot wide easement that's in play. Page eight -- it just shows a picture of what this looked like in June of 2014 -- or June of 2014. The sewer line came in this way. This is the area right here that is the subject of this annexation. And, then, the sewer line passes through. In 2014 Becky McKay was contacted by Dave Splett, if I'm pronouncing his name right. He worked at ITD, District Three, and he advised her that due to the approval of the Walmart by the City of Meridian on Ten Mile Road that there was going to be changes to expand the Ten Mile intersection and Chinden to include a signal light and that he indicated that ITD would have to remove my client's access permit. The next slide I'm showing is a copy of a letter dated February 5th, 2014, from Mr. Splett or -- I'm sure I'm butchering his name. I apologize if he's here. And it indicates that the -- the -- the effect of this letter and the action by ITD was actually to terminate the permit for access onto Chinden. So, my client had constructed and -- and located the emergency access, but due to no action on their part ITD took that away. So, in essence, the emergency access was null and void. This slide here shows you a picture from Ten Mile Road facing north. The emergency access as it was originally constructed was in this location right here. The approach. Here is another photograph showing -- the Spurwing property would be here. The access that used to exist was in this area right here. Now there is a -- you can see there is a -- a signal pole right -- right in front of it. So, this slide here shows how the property -- the subject property appeared in 2016. When the Andersons developed the Spurwing Challenge course they installed -- extended the sewer through -- or their contractors did like you mentioned. This is the area -- the easement we are talking about this evening. They -- they installed a concrete ribbon curb and put perma bark over the gravel to the first manhole cover and, then, they graveled the rest of it. You can see here that in 2016 at least you can still see the remnants of the gravel. It has deteriorated over time and there is some vegetation growing through, but you can clearly see where the gravel was -- was placed when the Andersons extended that sewer line. Excuse me for a minute here. Oh. When it -- when it came time to construct the -- to actually build out the subdivision, the -- the applicant had to extend the sewer -- excuse me -- the water line from Suez, which is in this little area here, over in the Spurwing Greens Subdivision and extend it through. Once it got to the -- the north location of the subject annexation property, then, it followed the exact same location where the Meridian City easement was located and this is a letter that Warren Stewart, the Meridian City engineer, provided to

Becky McKay, indicating that for many years Meridian has required its water and sewer infrastructure to be installed in easements that have gravel road access and that the sewer lines and manholes must be regularly cleaned in order to function properly, minimize odors, and to allow the city to access the infrastructure to make repairs and -- and to support vehicles. This next slide shows a vehicle that is used to vacuum out the sewer lines. Contains a large tank that has water in it and according to Mr. Stewart, you know, we need to provide a base over that water -- or, excuse me, sewer line for Meridian that -- that's capable of supporting a vehicle with a gross vehicle weight of at least 75,000 pounds. And, then, there is a photo -- this is -- there is also a -- you folks might know this. This is a picture of the truck that they use to take -- to videotape -- to -- the TV truck I guess they call it that -- that takes a television picture of the sewer to check and make sure it's maintained. So, these are the vehicles that need to travel over that easement as it exists now. So, this slide depicts what the applicant was in the process of constructing when they were stopped by Ada county. This is a slide from the northwest corner. This would be Olive Tree over here and we are pointing to the north. So, this is a picture of the gravel that was installed and this was after the applicant had obtained fire -- Meridian Fire Department approval, Public Works approval, Planning approval, Council approval and we started putting it in and that's when the county put a stop work order in and indicated that this access is in the county and that we didn't have permits from Ada county. So, we submitted -- or the applicant submitted all of the city approvals, the approved construction plans, to the county and the county basically said, well, that's fine, but we don't care what Meridian -- City of Meridian is doing, this is Ada county property. So, we were asked to submit traffic and development plan modification of the original 1994 approval of the Spurwing Subdivision and they asked that we submit grading and drainage plans for this facility. We did comply with the requirements. It was -- we submitted it. It was all reviewed and, then, it was denied at a staff level. The only option being an appeal to the county commissioners for the staff denial. So, the applicant's counsel at that time appealed and got in front of the county commissioners. The applicant's counsel is Terry Copple, in addition to myself, and Terry is here this evening. He is going to assist with some of the rebuttal here. So, we submitted an appeal to the county commissioners and at the -- at the hearing the commissioners basically said that they had the opinion that -- that the applicant had other alternatives available to get emergency access and we disagree with that. We didn't see any other available alternatives for emergency access or to protect the existing sewer lines. So, at that -- in support of the -- the information submitted to the county, we submitted this letter from the Spurwing -- the Club at Spurwing, signed by Chris Anderson, one of the owners, indicating that -- and, by the way, this -- these owners were not the owners of Spurwing when it was approved -- when the Olive Tree development was originally approved in 2007. These are new owners and they indicate in this letter that they will not grant a right for the Olive Tree emergency access through the golf course and onto Chinden. We met with Rod Wagner, who was the neighbor on the southwest corner of the golf property, where the -- immediately to the west of where the former emergency access was located. He indicated in the letter that he's not interested in granting access. He doesn't want to share. He doesn't want to let Olive Tree emergency access enter his property and he also testified at the October 15th hearing of the Planning and Zoning Commission where he basically said, quote, I'm just denying any access on my place for this road. I believe -- end quote.

I believe his position is that he believes that allowing that access is going to potentially impair the value of his property for sale and -- to a future buyer and he's just refusing to grant it. So, the pending application is for the 20 foot -- or 20 foot wide gravel road surface that has a ribbon curb -- we are proposing a ribbon curb on -- on both sides and, then, perma bark over the gravel, so it won't be dusty or it won't have a typical gravel road appearance to it and -- so it blends in -- it will look better than a typical gravel road. At the ends -- at each end of the proposed annexed area we are proposing to build gates as required by the Public Works Department and -- or the fire department. These would be swinging gates with Knox -- Knox Box padlocks on them. My client doesn't have -- won't have keys to those boxes. Those were for the emergency vehicles and for the maintenance of the sewer and water lines and this property will not be used for any public purpose. This is a copy of an approval from the Meridian Fire Department in 2017 to the emergency access and this slide shows -- is a letter from the Deputy Chief of the Meridian Fire Department indicating that he approved the access location at the end of the proposed annex area and his only requirement was that -- that Knox Box padlocks -- or not padlocks, probably saying that wrong -- be installed. We have a letter -- the next slide is a letter from Suez Water, which, basically, says that they prefer that their water mains, like the eight inch water main that -- that is located in this sewer easement granted the city, be contained in a roadway for ease of access. Oops. I think I lost something here.

Simison: Mr. Freeman, if you can wrap up.

Freeman: Yes. So, you know, the property subject to annexation all lies on the golf course. The improvements are all at grade. Existing landscaping, along with the concept landscape plan we submitted, did not -- just don't result in any significant impact to nearby properties and we request that the Council follow the recommendations of staff and the Planning and Zoning Commission and proceed to -- with annexation of the property. And I will stand for questions. Thank you.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you for your detailed explanation. That was very helpful, considering after reading through the entire project folder -- and there was a lot of detail, both from -- in the application and from the public testimony. Would you -- would you, please, share some additional thoughts on -- I imagine you have read all the public testimony, especially from the homeowners association and surrounding neighbors. I would like to hear your thoughts on what has been -- the concerns that have been presented and how those concerns have been addressed and how they have been discussed prior to this meeting. I know that the -- the different testimonies come in and different times, so I don't know what conversation has been had with -- with the neighbors or with the HOA recently.



Freeman: Mayor, Council Woman Perreault, I -- unfortunately I don't know. I don't believe there has been more discussion with homeowners or the -- the homeowners association. Becky would know that. But, unfortunately, she's not here. But I don't believe there has been any further communication. We submitted the -- the landscape concept as an attempt to alleviate concerns that -- that came up as to the effect that the location of this emergency access would have on neighboring properties. So, we addressed that and we provided a letter from ITD that indicated that there was no longer access allowed, but, unfortunately, some of the -- you know, the majority of the testimony seemed to indicate that -- that this just wasn't the place for emergency access and there really is no other place and -- and there was testimony that through the actions of my client or inactions that we gave up or decided to move the emergency access and I think from what I have presented here previously that it's clear that ITD took that away and we are just simply trying to find another location, so that the -- the Olive Tree Subdivision can be completed as it was approved in a manner it was approved by the City of Meridian, which requires an emergency access point.

Simison: Council, any additional questions for the applicant?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Mark, in quick summary, is it -- it seems to really be that -- that the development of this property is capped at 30 and the solution is either what you are proposing or all these houses are -- would have to be sprinkled. Is that right?

Freeman: That is -- Councilman Borton, that's exactly correct, Councilman. The -- the developer is -- my client is rapidly approaching 30 houses, if he's not there now, and any over 30 without the emergency access requires those new homes to be sprinkled, which is costly and there is some concern that the homes will not be as attractive to potential buyers because they are sprinkled, as opposed to normal construction. So, as funny as it sounds, I think there is a lot of people that don't mind seeing a sprinkling system in a commercial building, but they don't like those in their homes. So, in addition it's a -- it's a very costly -- it will be costly for the homeowners, increase the price of the lot and as originally proposed this Olive Tree development had, you know, an emergency access at a separate location, which I think benefits everybody in the area and if the -- if this annexation is not allowed and there is no emergency access to Olive Tree, then, even if the homes are sprinkled there still is only really one way to get into that subdivision and I don't think that works best for the safety of anybody in the area.

Borton: Thanks.

Simison: Council, any further questions? Okay. Thank you very much. Mr. Clerk.

Johnson: Thank you, Mr. Mayor. We had three signups in advance and as well as some people online. Rick Mauritzson is representing the neighbors.

Simison: Okay. Mr. Mauritzson, if you would like to come forward and you will be recognized for ten minutes. And when you get set up state your name and address for the record.

Mauritzson: Go ahead now with the name and address?

Simison: Yes.

Mauritzson: Oh. My name is Rick Mauritzson. 3028 West Balata.

Cavener: Mr. Mayor.?

Simison: He's getting closer to the mic, Mr. Cavener.

Mauritzson: Can you hear me?

Cavener: That's much better. Thank you.

Mauritzson: There we go. Rick Mauritzson. 3028 West Balata Court. I'm a member of the Spurwing Board of Directors -- HOA board of directors and representing Balata residents tonight. Okay.

Johnson: Should be able to use your right arrow to go to the next slide.

Mauritzson: Does it move? Okay. Sorry. Trying to figure out the controls here. A little bit on the background that -- as far as this road. The Olive Tree Sub has an approved emergency access road that are -- that's already approved that connects to Chinden and Ten Mile. That final plot was approved by Meridian city in 2008. In July of 19 -- 2019 the developer started construction of an alternate unimproved 20 foot wide emergency access road running along the entire length of the residential property located at 3075 West Balata. The developer submitted an application to Ada county only after a cease and desist was issued and after a majority of the construction had been completed. As you can see from the photo here, the golf course views and property value have been negatively impacted by this gravel road and the road used by people walking, jogging, and biking, even if gated with Knox Boxes, which they will be able to walk around, it will still be a nuisance to the adjacent residents. It should also be noted that the landscaping that has been proposed will just further add more of a barrier of the residents' pristine view of the golf course and fairway. You know, you can maybe cover the road with a wall, but, then, you're looking at a wall. Oops. Okay. This slide here shows what the parcel looked like prior to the unlawful road construction. You can see on the left and right sides of the fairway there are stub roads for sewer access. Ada county has litigation in progress to force the developer to restore these stub roads back to the original condition. No annexation or action is required by Meridian city for this to occur. Here is an aerial view of the same parcel showing the unapproved road constructed without a permit over the Fourth of July weekend in 2019 and you can see here -- I will overlay it on the next slide.

Here is the original stub road and where it exists to the -- just to the left of it there that is a golf cart path, that little small path there. But you can see that the original stub road was an unobtrusive to the adjacent residents. It didn't even go past the front yard. It did not go down the side and through their whole backyard in view of the fairway there. Ada county development denied both the developer's application and his appeal. The commissioners upheld the Ada county development's decision that the road would be injurious to adjacent property owners. While Ada County Commissioner Visser had suggested developer could pursue annexation with Meridian city, it should be made very clear that the Board of Ada County Commissioners was not in favor of the proposed road. Ada county has required that the land would be returned to its original condition with the previously installed stub roads that would provide adequate sewer access. To date the developer has refused to do so and Ada county has filed suit this past June. The developer is now requesting Meridian city to circumvent Ada county's ruling. It should be noted that the Balata residents are not against annexation of the subject property, but are strongly against the installation of the 20 foot wide emergency access road on the property when alternate, less impactful solutions exist. Let's talk about those solutions. Solution number one, which the applicant has not -- has taken -- has not taken seriously or made a serious attempt at pursuing his original approved Chinden/Ten Mile emergency access road. It is still a viable option according to ITD in Exhibit 3 and it was also in the applicant's narrative. The originally approved location is also the safest, least redundant and quickest approach to -- for emergency vehicles. The developer let his ITD permit for that approach expire in June 2009 and the developer has made no effort since 2009 to renew his permit or application and even after the Meridian P&Z Commissioners hearing, which they suggested he go pursue an application again, nothing has been pursued there. The Chinden and Ten Mile widening and light signal installation did truly result in the removal of the developer's original 2008 approach, but ITD's modifications to Chinden did not necessitate relocation of the road, as the applicant's narrative would lead you to believe. There appears to be sufficient space to install the access road in its original location without crossing onto the adjacent Wagner Farms property or conflicting with the Chinden/Ten Mile signal. Solution two. As already mentioned, Meridian Planning and Zoning, as summarized in the staff report, and Commissioner Yearsley have proposed an alternate solution that is a win-win for all involved. No emergency access road is required if all homes beyond the first 30 have an installed sprinkler system. The proposal will add five to ten thousand per home. That's a .5 to 1.5 increase in the average selling price and that is carried through to the buyer and not even handled -- you know, an issue for the developer. This would be the neighborhood's preferred and recommended solution. Let's talk about the developer claims. The developer claims a 20 foot wide road has always existed along the resident's property line. That is untrue. The 2007 plot map shows no existing road. Adjacent property owners have submitted substantial photos confirming this and the satellite views provided by the developer are intended to mislead Meridian P&Z and City Council. Let's take a look at those photos. What you see there that's been described as an existing gravel road is simply disturbed earth where the sewer lines were installed and you can see the sewer line runs down the left-hand side, crosses the fairway and, then, runs south to the Olive Tree property. You can see where it crosses the fairway there. That is not a road. So, it's -- it's the same thing -- you are seeing disturbed earth there from the satellite view and that's no more a road across the fairway than it is down

the right-hand side. The developer claims that an access road is required over the sewer and water lines for maintenance purposes. Sewer access is only required to the manhole covers. This requirement was previously met with the stub roads, which Ada county is demanding be reinstalled. Suez water does not require -- they might prefer, but they don't require an access road to be installed. Meridian sewer easement from the applicant's narrative is shown here. The applicant claims that a continuous road is needed down the -- the property line of 3075 West Balata for maintenance reasons. If a continuous road is required there, then, a continuous road should also be put in across the fairway and three other locations where the sewer lines run. It does not make sense that you demand a continuous road in one location and not in the other locations. The developer has submitted a letter from the Club at Spurwing stating the club will not allow the road in its original proposed location. The Club at Spurwing has no authority on this matter, as they are tenants and leased the property in 2011 with full knowledge of the planned emergency access road, which was public record since 2007. The developer also claims that Rod Wagner, Wagner Farms, will not allow the previously approved road. It should be noted that Rod Wagner is a long time friend of the developer and nothing has changed since 2008 to prevent construction of the road in its original approved location. The road does not need to cross onto Wagner's property. The Chinden/Ten Mile widening and light signal installation did not result -- did not result in removal of the original approach. Sorry. Did result in removal -- removal of the original approach, but does not inhibit the original plan. It should also be noted in 2019 that the developer agreed to provide easement to Wagner Farms allowing them to widen their entrance onto the developer's property, but now, even though we don't believe it's necessary, Mr. Wagner claims that he will not allow the same. The developer claims the new proposed location has already been approved by Meridian city. While it was on the plot map in 2007, it should be noted that anything Meridian city approved back in 2007 was only changes and modifications on Meridian city property and not Ada county jurisdiction. Let's talk about the Meridian city staff report. Staff claims that the county's denial of the site modification is a -- is, therefore, required -- this to be moved to Meridian city, so that access to the public utilities can be maintained. Ada county has already demanded with pending litigation that the sewer access stub roads be reinstalled to satisfy public utility access. There is no need for this to be approved to get that maintenance that's needed to the sewer lines. Staff also claims that the modifications at the Chinden and Ten Mile intersection have made it -- that made this alternate location a necessity. That's also not true. As shown in Exhibits 3 and 4, the original proposed location is still viable and this was confirmed by ITD in December 2019. The developer has simply chosen not to pursue this option and even at the advice of Meridian Planning and Zoning Commissioners has not pursued that option since. The ITD 2019 report was not available to staff at the time the staff -- the original staff report was written. Staff concludes a report that the applicant has the option to fire sprinkler additional homes beyond the 30 and that is our recommendation. In summary, Ada county has been very clear that the new proposed road location will be injurious and a nuisance to adjacent property owners. Please do not allow the developer to circumvent Ada county's decision and ruling. The developer has made minimal effort to follow up on recommendations made by the P&Z commissioners. As Mr. Freeman had already alluded to, there has been no contact with the HOA since the P&Z hearing or even prior since the Ada county hearings. There has been, basically, minimal effort from the developer to work on a

common solution here. A continuous road is not required for sewer and water access. Ada county has pending litigation forcing the developer to restore the original stub road for utility access. No action needs to be taken by Meridian and the Council to restore the sewer and water maintenance access. An alternate solution has been proposed by Meridian P&Z, with the fire chief approval, involving installation of the fire sprinklers in the remaining Olive Tree homes, which won't negatively impact existing homeowners' property values. The Balata residents support this solution to the problem. Annexation is not required, nor should proceed until the developer returns the land back to its original state as demanded by Ada county. If the developer and the City Council continue to pursue an emergency access road as the solution, the original 2007 to 2008 proposed and approved emergency access is the safest, least redundant and quickest approach. If that's required that is what should be considered and has not been taken seriously by the developer. I want to show just a couple other slides here. This exhibit here shows the original emergency road location in purple. As you can see, the current proposed location requires basically 60 percent of the -- of the path to the original entrance to the Olive Tree is redundant and you will also have to pass by the Club at Spurwing, which is your most likely restricted pathway, due to cars are parked on both sides of the roadway, et cetera, during club events.

Simison: Rick, if you could, please, wrap up.

Mauritzson: And the only other exhibit I will show here is this is just a satellite view showing -- it's still feasible to put that road into its original location. You can see marked on the satellite view here the location of the light signal poles. They are set back plenty far enough to allow this option and you can see there kind of straight-on view showing how much space there is. Again, we believe that the win-win solution is the sprinkler system. You know, we are not -- we are not pushing for this road. We think the sprinkler system is the right solution. However, if a road is needed, this original location is the right choice.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Rick, if you wouldn't mind, when -- when Mr. Foley showed the letters and whatnot, quickly reading through and they were in the packet, but it appeared to me ITD removed that -- any option in 2016 for that Ten Mile -- I mean that -- you know, it -- it would be wonderful if that would be workable, but it appears that they take out any options for access from Chinden. Could you delve into that a little further for me to --

Mauritzson: Sure. In 2014 there is -- in the file there is a letter from ITD that there would be installation of a signal and widening of Chinden and they had asked the developer to resubmit plans or to give them a call, basically, and be in contact to work through a new solution. That did not happen. The developer did not pursue that. In 2016 I believe is when the signal was installed and the widening. ITD removed the approach, which was

just a natural part of the widening and installation of the signals, if they -- you know, that approach had to be removed, but there is still ample space there to go and reconstruct the approach and the original road. At least that is our belief. And we have been in contact with ITD. They said they stand by their 2019 letter that's in the file, that a -- you know, it is still possible to put in emergency access there and that, you know, other than that they are not willing to discuss it further unless the applicant -- or the developer puts in an application.

Hoaglund: Okay. Thank you.

Mauritzson: I'm sorry, one last thing is we believe that if you look at that satellite view that the road would come right up to the edge of the developer's property line and would basically merge with the existing Wagner Road and ITD -- did say they did want a common approach, they want -- don't want two roads coming off the intersection. We understand that.

Hoaglund: Right. Thank you, Mr. Mayor. And just to comment on that, too. One of the things -- it's not about just sprinklers. I mean we -- medical calls are probably a higher volume than -- than -- than the fire calls and police action. So, we definitely need emergency access somewhere to make sure everybody has that access. So, appreciate you recommending sprinklers, but there is more to it than just that -- that fire option. Thank you.

Mauritzson: We just simply would prefer to see the developer take the original approach seriously and actually put in an application with ITD and pursue that route. We do believe it's still a viable option, even though we do believe the sprinklers are, too.

Simison: Council, any other questions? Thank you very much. Mr. Clerk, who was next on the --

Johnson: Next we have Greg Stock.

Simison: If you could state your name and address for the record and speak clearly into one of the microphones.

Stock: Everybody can hear that okay? My name is Greg Stock. I live at 2915 West Balata Court and thank you for this opportunity this evening to go over this once again, but I appreciate it. Hopefully in the near future we can all get together without masks and looking like a bank robbers convention, see each other's faces. I will try to be brief, but if I could take a second and expand on that question. The fire chief has, in fact, said sprinklers meet the fire department's requirements and I mean I don't disagree with what you are saying, but for purposes of what's needed from the fire department, sprinklers meet it. That's according to your staff report. So, anyway, hope -- that was tough on me, too. Let me just offer two what -- oh, I'm sorry. Before I get into my time, Bill Parsons asked me to bring up something. I sent him a message yesterday. The developer's landscape plan shows the two bar gates or Knox gates. Instead of one at each end of the proposed road, they are within a hundred feet of each other at the southeast --

southwest end of the proposed road right off of Crantini. I don't know what that's about, but Bill asked me to bring that up to Council, so that you would be aware of it. Now, for my time. What I was going to say -- and, again, there is two points here. This offer of annexation is nothing more than a smokescreen and Mr. Freeman expanded that smokescreen again this afternoon -- this evening. The application tonight -- at tonight's hearing is about two separate issues. The city's right and the need to have access for maintenance to a sewer line and fire safety for these houses. The applicant has tried to blend these all together in an effort to make the city believe he's doing you a favor. Truth is the city's need for fire -- or for maintenance access can be met with the city doing nothing. This annexation of this miniscule piece of property serves no purpose. Mr. Freeman did, in fact, point out that you already have an easement. Ada county has demanded that the applicant restore the property. He's come to you to avoid being able to do that or having to do that. If you take no action -- in fact, you would be well suited to join the Ada county suit, since you are really the damaged party. Get the property restored and -- the let the applicant do another project. The other section is fire protection. You already heard the route -- the route that was proposed tried to slip through under cover of darkness over a long weekend -- has been heard and found to be inappropriate. It is not an appropriate route through the neighborhood. For all the reasons that my neighbor brought up. There have been suggestions made the applicant has actively blocked or ignored or worked around. A good example is Mr. Wagner and the club's last minute letter saying they won't allow this. Both of those are friends of the applicant and should be weighed in that application, just who they are. Okay. Mr. Wagner, for example, has worked for him for 40 years. Okay? In any event, there are solutions, okay? He doesn't want to do any of these solutions. I'm asking you here tonight the city don't allow themselves -- does not allow themselves to be a party to the manipulation by this applicant to avoid the jurisdiction of the Ada county court. You can meet your needs by not acting to annex. That's all. Thank you very much. Any questions?

Simison: Thank you. Council, any questions?

Stock: Thank you.

Simison: Mr. Clerk, who is our next --

Johnson: Mr. Mayor, our final sign up in advance is Gretchen Tseng.

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

Tseng: Gretchen Tseng. Can you guys hear me?

Simison: I can hear, but I don't know if other people can. Just speak -- speak as close as you can.

Tseng: Okay. Gretchen Tseng. I live at 3075 West Balata Court. The home that's most closely impacted by this. I want to make it clear to you guys that never once has Jock Hewitt contacted us to discuss this since the Planning and Zoning thing. We are neighbors. We live two streets away. My husband golfs; right? I mean they golf together. He's never -- the landscaping -- first time I saw this was yesterday when my neighbor

brought it to my attention. So, it's just crazy. They haven't even tried to work with us. We moved in knowing that there would be Olive Tree behind us and we are perfectly fine with that, because there wasn't a road next to our house and it was never even proposed, never discussed with us before it was put in. I just happened to see it the morning before I left to go on vacation and that's when all of this started. So, I feel like solutions could have been made had they had the courtesy to contact us. We are not unreasonable people. The proof of the fact that we are not unreasonable people is the fact that this road has been next to my home for the last year and a half and my dogs grew up in our home for six years with golfers coming by. Perfectly fine with golfers. All of a sudden we have walkers, joggers, bikers, dogs off leash. We rehomed a dog because of this, trying to be responsible people, because he is protective and we have dogs on our property, people going by all the time. So, we have really tried to be reasonable adults about this. Fire sprinklers to me, obviously, the best solution. If emergency access is a big concern, which I understand, it makes zero sense to have that emergency access be in a local where you would have to pass by the road to get to the home. If you can't get into the home, how could you get to where the emergency access is? It makes zero sense. If you remember the slide from Rick's presentation, you have a little purple road that would get you from, you know, Chinden straight to the community. When you have an emergency minutes -- seconds matter. To have to go past the entrance to it, which somehow was blocked if you couldn't use it, to go past it further or to go all the way down Chinden and -- it's crazy. People's lives are not going to be saved by that. And, then, again, to point out, I really hope it doesn't come to this, but if this is the road -- this is my home here. This is where the Knox Box should be. To have two right here makes zero sense. So, most of the information was in Rick's presentation. We worked together on that. So, I don't want to go over things that have already happened, but I do want to make it clear that Becky in Engineering Solutions has said over and over and over that we have had a gravel pathway next to our home. We moved in in 2013. I hope you guys took the chance to look at all the pictures I submitted showing -- there was zero. It was grass. That wasn't gravel that got grown over. So, I mean the pictures are there. I really hope you look at those. They have just tried to manipulate this over and over and I hope you guys see through that.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, what I'm -- what I'm trying to piece together is that it sounds like this road primarily impacts your property and not a lot of other homeowners in -- in Spurwing. So, I'm curious as to the amount of response that we received from the HOA and the other pieces of testimony, how those individuals have or are being directly impacted and so I'm just trying to kind of understand how this has kind of become a bigger Spurwing issue when it seems like this primarily just passes by -- by your property. Is it because of the bikers and walkers and joggers that are connecting to -- you know, from one area of the sub to the other through this path --



Tseng: Well -- sorry.

Perreault: -- or help us understand if you would.

Tseng: It didn't mean to cut you off there. Sorry. We definitely have increased traffic down our street for that. I don't think anyone, you know, on the regular street probably minds about that. But, separate issue, but we have -- we all bought homes on a cul-de-sac and due to something else dealing with development and a street that connects between the Greens -- Spurwing Greens and West Balata, we have had -- I believe they are called traffic studies done. We have five to six hundred cars driving down our street every day. It's about like one every minute during peak hours. So, there is many issues going on with our street and this is just insult to injury right now.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Borton: Gretchen, if -- I want to follow up. Right there at the end you talked about the Knox Box and the hundred feet. Can you go over that again? I'm not sure I quite understood.

Tseng: I can show you -- I actually highlighted on here. This is my property right here. When there was conversation about Knox Boxes -- here you have the road that was supposed to be just for people to go to -- between Spurwing Greens and the club, supposed to be ten cars a day. Six hundred. Here you have the -- there should be a gate up here and, then, a gate here at Olive Tree. There is a gate here and a gate here in their plan. Super weird.

Hoaglun: All right. Thank you, Gretchen.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I'm wondering if those who are remote were able to understand what the applicant -- or what Gretchen was saying?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: It would be better to share a screen. We can see the video of her and understand that she held up the plat and where she's referencing on it, so we can sort of piece it together for reference with regards to the gate, but it would be better to share screens for sure.

Simison: Mr. Johnson is getting that up.

Borton: Okay. Thank you.

Johnson: Apologies, Mr. Mayor. I'm trying to share this to Zoom now.

Simison: If I can just do a quick poll of our City Council Members. I typically have said I would try to give us a break about 8:00 o'clock. Is -- would we like a break after the conclusion of the public testimony, before we go into further conversations? Yes? No? Thumbs up for a break. Thumbs down for no break. Okay. All right. After we conclude public testimony we will plan on taking a break.

Perreault: Mr. Mayor?

Simison: Are you able to see that from --

Perreault: There is so much -- it's not -- no, unfortunately.

Simison: Okay. We will scan it, so you will see it at the appropriate time and if we need to we can invite you back up for any additional comments. I think it will be pretty self explanatory, the description just would have it in the wrong place, so -- and we have lost our clerk, so I don't know if we have anybody else -- I can't bring anybody else in on Zoom to testify. You can go ahead and have a seat. But we do have one other person. If you would like to come forward and testify, please, do so. Yeah. And you just want to state your name and address for the record and if there is anybody on Zoom who would like to testify, please, use the raise your hand feature at the bottom and we can bring you in after this person. State your name and address for the record.

T.Tseng: Tony Tseng. 3075 West Balata. I apologize I thought I had signed -- my wife had signed me up, so -- I would like to say just a few things. Back to the whole -- Jock -- Mark, the builder, there. Don Flynn. We are all members of the club. I see Jock probably once a month. He golfs two or three times a week. So, you know, I consider him a friend and he was advised -- or he was -- he will -- he -- I would have loved for him to talk to us and say, hey, this is what's going on, what can we do, can we work together. And, in fact, before he did Olive Tree he showed me the plat. I was one of the first -- one of the earlier guys at the club to show me. He has shown me his plans, et cetera, et cetera, and when this all happened we even sat down talking, I said, Jock, you have my number in your phone, just call me. Let's -- let's work together. Let's figure out a solution. Let's not turn this into an adversarial situation. I mean Mark -- I play golf with Mark, too, and the whole thing that bothers me most is that they have these opportunities to kind of do the right thing -- and we moved -- and I hate to admit it, because I know it's adversarial, but we have been here for eight years from out of state and when we moved here Idaho seemed like a good ol' boys network and Jock kind of did what he wanted and things got pushed through and that's what we saw and this to me is like him doing that over again. I know my wife referenced that street and I know it has nothing to do with this situation,

but that was just another example of that just getting railroaded through. And to answer I think your question, the neighbors care because if there is an emergency and there is a fire truck going 30 miles an hour down -- or 50 miles an hour down our street, they have kids, there is people living on that street, that's not the right path. Not only do you have to go down our residential street to go around to Olive Tree, you have to pass through three gates and that just makes no logical sense to me and I know that's been mentioned and people have said to me Jock doesn't want to do it, because he spent money on the road, it's going to him 30 grand to take it out, so F it, you know, we will get it through -- we will annex the land, Meridian has to approve us, because they give us the plat, so if they don't approve it they will get sued. I'm like, man, just because that's -- I just hate to see that being the reason that he gets his way, you know, and this is not a pride thing. Our property is adversely affected and they have no -- made no attempts, zero, to even talk to us and -- maybe we could have worked something out, so -- P&Z told them talk to the neighbors. We will talk to them. And I thank all my neighbors for coming out to support the situation, but it's just more of the same BS. So, sorry to vent. Not much to add, except for just some background of, you know, it's -- everyone is a neighbor there. I mean from the builder to the land owner to Chris Anderson -- who we all play golf with, too, and I just don't get why it has to turn into this. So, if there is any questions I would be happy to answer any.

Simison: Thank you. Council, any questions?

T.Tseng: Okay. Thank you.

Simison: That was our last public person who is in the room and no one online has indicated they wish to testify. So, Council, why don't we go ahead and take a ten minute break. We will come back at 8:15 for the applicant's final comments and go from there. So, we will take a ten minute recess.

(Recess: 8:04 p.m. to 8:16 p.m.)

Simison: So, with that I will go ahead and bring us out of recess and I will turn this over to the applicant for final comments. You are recognized for ten minutes.

Freeman: Thank you, Mr. Mayor, Council. Appreciate the opportunity to make a presentation to you this evening. I will try to keep this concise and brief. The Council has heard the concerns of some of the neighbors about this -- there are sort of concerns that this -- if approved this location is going to turn out to be a public street. That's not the case. This is never going to be a public street. It's emergency access. There will be gates and lock boxes at each end. As a matter of fact -- and this may -- I couldn't see the -- the document that was being circulated. I presume that it -- during the testimony of -- of one of the folks. I presumed it was the photograph of the -- it was from the landscaping proposal and it showed two dates on it and maybe I can clarify that. One of the gates didn't appear on that list and that's the gate that's at the very north end of the annex -- the proposed annex area, right up by Balata -- Balata Court. There will be a gate and a lock box up there. Okay? Then there is going to be another lock box at the boundary of where

that annexed area, emergency road, comes into Olive Tree Subdivision and, actually, that's going to be a lock box with a gate. There actually is going to be a third gate, because the area from the cul-de-sac -- and maybe I can -- I don't know -- I don't think I have this. It's in the city's documentation. But the -- the cul-de-sac that this emergency access is going to tie in in Olive Tree is going to have a third gate and that's really there so the people don't drive on the -- the access road, even the portions that are inside of Olive Tree. I don't know if that makes any sense. But there is three gates. So, from my standpoint it ought to be better -- it's better than -- than two gates. The fact that people have been walking and jogging and riding bikes in the easement area is a bit surprising. As a -- as a member of the club I know that -- that it's not appropriate walking and recreating on a golf course is not allowed. Part of our response to that is that when the county submitted the cease and desist order we stopped and we stopped because we were ordered to and the gate didn't go up, the work wasn't completed, so it is open. There is -- it is open now and it's possible that -- that people have been using it as an access point, because it's just a -- there is -- there is nothing to prevent that. So, that's not going to happen. When the -- when the gates are installed the three gates, the two lock boxes and the area is improved, it's not going to be available, it's not going to be open to the public. I'm -- I'm sensitive, again, to the residents and, again, many of them are -- are acquaintances and friends. Tony's right. I play golf with Tony. Nice fella. But a lot of their concerns are, in my opinion, respectfully, I think they are misdirected. They have issues -- severe issues. They have had issues with the connection to Spurwing Greens, which my client, Jock Hewitt, and the entities he owns had nothing to do with. They don't own Spurwing Greens. They didn't open that up. They are not responsible for the number of cars that are allegedly coming through there. That's been a concern of theirs. This is not that type of a concern. This is an emergency access. There has been some sort of insinuations that -- that my client, you know, just does things and violates laws. It's interesting, because when my client applied for the city -- to the City of Meridian to make the improvements to this proposed emergency access area, nobody even understood that county approval of anything, especially an amendment of their conditional use permit, was required. Nobody at the city who issued all these approvals mentioned it -- and I'm not saying that that's the city's job is to do that, but the city didn't know it. My client was not aware of it and what did it do when it received a cease and desist letter, it stopped and it is true that the county filed suit to have the property restored to some prior condition. There is a question what the prior condition is based on what you have heard. My understanding is that the county has decided to sit on that. They have taken no action in that lawsuit and they are waiting for a determination in the City of Meridian, because if this emergency access -- annexation is approved, it's a moot issue. They won't need to proceed with it and there is not some nefarious -- there have also been indications that - - this feeling more maybe at P&Z -- that my client came in and did this on the Fourth of July and, you know, tried to slip this by the neighbors. That -- that didn't happen. It just was a coincidence that that's the -- the time the work was performed and if it was an attempted to avoid a problem it sure didn't work. The landscaping plan -- we had the understanding from the P&Z meeting that that's what the P&Z wanted us -- Commissioners wanted us to submit, so we did. We didn't go talk to the neighbors about what type of bushes or where the bushes should be. But we didn't have the understanding that we were supposed to do that. So, we turned it over to a professional who prepared

that concept plan based on their opinion as to what the type of appropriate landscaping would be to shield this. We have always felt that the ribbon curb, the perma bark, is much better than gravel, much less obvious in any way, easier to maintain and not an eyesore for the neighbors, especially to Tsengs. The landscaping -- it sounds now -- from the testimony today I'm wondering -- we thought that P&Z wanted landscaping, so we submitted it and we don't have to have landscaping. If -- if the neighbors feel that the landscaping is an issue and -- and will ultimately obstruct their view of the golf course, then, we don't need to put the landscaping in, we just did that -- submitted that at the request to the P&Z. The -- we are not just talking about fire sprinklers. Again, we are talking about public safety. And as pointed out by -- by Council Member Hoaglund, there is other reasons to have to get a vehicle -- an emergency vehicle to a house quickly or -- or to have a second route and that second route sometimes isn't perfect. It may be faster to come off of Chinden, but that's not even a remote possibility any longer. That's gone. So, if the -- if the second route to the property is through Spurwing Greens and around, that at least is another emergency access for an ambulance or other type of emergency vehicle should something happen over on the -- the entrance -- the main entrance to the Spurwing golf course in that area. The -- it's important to remember, because this keeps getting hashed out -- ITD revoked the permit. My client didn't lose it because they were inactive. ITD took the permit away. That approach was constructed and installed. It was done. It -- it was approved. That was taken away and that -- what was the reason for that? Well, it was because of Walmart. I mean I'm not blaming anybody. That was lost because Walmart was approved by the city and as a condition of the Walmart approval there were improvements required to be made to the intersection of Chinden and Ten Mile. So, that's why the easement went away. We need to talk -- I guess address this issue of -- is there room there to allow emergency access from Olive Tree Subdivision to Chinden without going on Mr. Wagner's -- adjacent neighbor's property? No. Simply, no, there is not room. If you look at the letter from ITD it talks about a joint access. It's not like we can go in today and construct an improvement -- and I still think that light pole is right in the way. But even if there was enough land on the Spurwing side, that would be an access that would have to be tied in with Rod Wagner, who has made it clear -- friend of -- of folks in the area or not -- that he is not going to allow it and that -- ITD has never said that we can have two accesses there. So, it requires Rod Wagner and he won't consent. So, that's just the end of that issue. There will be no emergency access ever from Chinden, unless Rod Wagner changes his mind and the owners of the -- the Spurwing Country Club, the lessee, the tenant, who is a new tenant, consents to allow changes to be made in the -- in the way the access is run through their -- their golf course between the green on number two and number three. In conclusion, you know, just -- I - - maybe it's self serving, but I think this is an asset to the City of Meridian. There is a -- there is a sewer easement there, there are sewer manholes there, it's an asset to the city to have that protected. If this property were just to be -- and we don't -- you can't drive a 75,000 pound vac truck across a fairway. I don't know what the issue is. My client wasn't involved in the other locations where maybe the sewer line crosses the golf course. But you -- you are protecting by approving this -- this annexation route and authorizing it to be used as emergency access, you are protecting the city's easement, you are protecting the -- the Suez water ten inch water main and I think you are also protecting at least the residents of Olive Tree Subdivision, who will have another location where emergency

vehicles can enter this subdivision should -- you know, in the unlikely event that there is ever a blockage at the other location. So, we would appreciate you following the recommendations of your staff and -- and the P&Z Commission and I appreciate the opportunity to speak with you tonight.

Simison: Thank you. Council, any additional questions, comments, needed before any motions?

Hoaglund: Mr. Mayor, question for Mark.

Simison: Councilman Hoaglund.

Hoaglund: Mark, explain to me again about Mr. Wagner's property and not having enough room. What -- you know, there is -- assertions are made that there is room, there was an easement there, what happened to it and -- and I completely understand if Mr. Wagner does not want his property used for any easement, he absolutely has that right. In fact, I think Mr. Stock took my shaky head when he said they are friends and he said, no, now it doesn't matter if they are friends or not, he has a right to do what he wants with his property there. So, if he says, no, it's -- it's no, so -- but my question to you is that -- that access point that had been there at one time before -- like you said, it looked like to me that in 2016 that was -- that was removed and you mentioned they revoked the permit. But why is that room not there any -- any longer? If you could answer that for me, please.

Freeman: I hope I can, Mr. Mayor, Councilman -- Councilman Hoaglund. The -- the access -- first of all, the previous emergency access onto Chinden did not touch, it was wholly on the property -- the golf course property. It did not enter upon or infringe in any way upon Mr. Wagner's property. So, it was totally separate and it was built and constructed, it had -- you know, it had an approach to it. It was constructed and, then, when ITD revoked the permit, they removed the approach and there simply is not enough room and -- and that's inferred by the ITD -- the communications with ITD. They don't have a problem with the location there, but you -- you have to read into what they are saying. They are saying that it's a joint access for both parcels. There is -- there -- the location that was there is gone. For there to be a new location approved by ITD, it requires the cooperation of the neighbor Mr. Wagner and he said no. So, it's sort of a Catch 22. If he says no, there -- there might -- might be a way if he changed his mind to have a joint access, but there is only one that's allowed there. So, we can't build our own access now that -- ITD will not allow that. ITD will allow something in the future that combines access for both parcels, but that's not what Mr. Wagner is willing to do.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I guess -- this is not a question for Mr. Freeman, so I will hold my question.

Simison: Yeah. And I don't have a question, I -- just a comment and it's a different agency. I can only -- you know, in my subdivision we -- we have half a road that is currently built that's an ACHD access. The other half will be built when the other property develops. So, like -- at least ACHD has shown an ability to not have the complete road constructed. It's a joint access for Tuscany and what will be the Albertson's portion of that development, the residential portion, but I have seen joint things develop separately and I guess I don't know if anyone would know the answer -- when the Wagner property does choose to develop is that where they will have to take access from is at that location. Again, not part of this project, but I'm just -- don't know if the answer has already been decided for a future development.

Freeman: Mr. Mayor, Council, I'm not sure -- I presume you are sort of asking a question. I'm not sure I'm the one that can answer it. But I can tell you that, yes, there are situations where people build a plus 12; right? They -- 12 feet, they build the portion of a road and the developer on the other side develops -- builds the other portion. But I don't think that's at a location like this where Ten Mile and Chinden, extremely busy intersection, is set up. I don't think that that is an approach that can work in this location. And, again, ITD is telling us they are open to a cooperative deal, but it requires the owner of the adjacent parcel and we can't get that. I'm sort of going around. I apologize.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, would you share with us, Mark, about the timing of this. So, do you have a deadline that's -- that's looming with this? It sounds like that you are not that concerned about the Ada county lawsuit. So, you know, what's -- what's your time frame? Because we know that Wagner has -- has an -- has an approval for a project. I don't know what his timing is or when he's planning on moving forward with it, but I mean is there going to be -- I don't know -- it's been a while since we approved that, so I don't recall the details, whether or not that he's going to be required to -- to build an emergency access to his property as well. So, talk -- talk through why now that this needs to be approved and that there wouldn't be additional time to work through some of these concerns.

Freeman: Well, first off, the -- as I indicated in my presentation, my client is at 30 homes constructed. So, this is the tipping point now for the -- the lack of emergency access and so that's the -- that's the -- the urgency. As far as what Mr. Wagner is going to do with his property, I don't -- he's made it clear -- again, he testified at the last P&Z meeting that he will not allow access, that he believes it impairs his marketability of his property and he's not going to allow it. So, I don't think the issue is what he is doing or going to do with his property is really that relevant at this point in time. We need emergency access and even though -- you know, there is -- there is 30 homes that are either constructed or in the process of being constructed in Olive Tree and they don't have emergency access and that was not my client's fault that they lost their emergency access. That was other reasons as we have gone on and on about. And I think they are entitled to their emergency access and this location -- this -- the improvement is at grade. This is the --

this is an acceptable alternative to that. I don't think delaying it is going to make anything better or change anything.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Mark, in the file there is that letter from ITD, December 9th, 2019, that -- that references I think what you are talking about, the loss of that access to Chinden. It looks like back in June of 2014 due to the proximity of the emergency access to that traffic pole, the gate -- the gated emergency access was removed.

Freeman: That's correct.

Borton: Okay.

Freeman: That's correct -- Councilman, Mr. Mayor. That's correct, Mr. Borton.

Borton: Mr. Mayor, just --

Simison: Councilman Borton.

Borton: -- a follow up on a different topic. You referenced landscaping. Do you know whether or not your -- your client would be opposed to having that sit down with the property owner adjacent to the road and -- and discuss landscaping that -- that they think would be most suitable, if they want landscaping, for example, that you -- that they would be -- sort of a cooperative discussion to try and have the landscaping that P&Z recommended be something that the adjacent landowner would also be appreciative to have and wouldn't obstruct --

Freeman: I'm sorry I stepped on you there, Joe. Mr. Mayor, Councilman Borton, Council. Yes, we -- we would be willing to -- to sit down, especially with the nearest neighbors and -- and the folks involved there and -- and discuss and get their opinion if they don't like the proposals that we have submitted. We would be willing to do that.

Borton: Okay. Thanks.

Hoaglun: Mr. Mayor, may I ask a question of staff?

Simison: Councilman Hoaglun.

Hoaglun: Kyle. Public Works. In the -- in the photographs we saw there was the gravel path to the manhole cover. This is on the north side and I forget the name of that street that it is coming off of, but that was for Public Works to access that manhole cover to do any camera work or cleaning, whatever is necessary. Is there another manhole cover in that stretch or does it -- is it in the street in the Olive Tree development that -- that's there?



Where is that other manhole cover? And I guess my question is do you need complete access through that area from point A to point B, from street to street?

Radek: Mayor, Councilman Hoaglund, actually, I -- I believe -- because on the -- the arrows it looked like the access from the street to the manholes was actually asphalt and there is a manhole on the north side and a manhole on the south side and, then, there is a manhole across the fairway as well and there is access to all those manholes from the streets that they are closest to. I believe the easement has a 14 foot -- had I guess I should say -- a 14 foot gravel access road on the east side of the fairway from north to south, the area that we are talking about, which probably over the last 12 years, you know, eventually three quarter minus roadbase will -- will grow grass. But I spoke to Warren Stewart, city engineer, this morning about this and I believe the reason that -- that -- that that gravel access road wasn't required across the fairway was probably just a part of the deal to get the easement and the important thing was that the -- the vac truck had access to the manholes and if the vac truck has access to the manholes it can clean from one manhole to the other. It doesn't have to drive from one manhole to the other. Hopefully that answers your question.

Hoaglund: Yes, it does. Thank you. Mr. Mayor, follow up?

Simison: Councilman Hoaglund.

Hoaglund: And this is kind of an unfair question, but Suez's access to waterline, any idea -- I mean they just need access if there is an emergency or rupture, some sort of -- are you aware of that? I don't think we have a representative of Suez to ask that question, so if it's unfair to you I'm sorry, Kyle.

Radek: Yeah, Mayor -- that's okay, because we have water mains, too. Mayor and Councilman. Our -- I believe our requirement for the gravel access road generally is -- especially when there is a water main involved -- would be if it's an undeveloped area. But unlike sewers, water mains you really can't maintain them. Either they -- they are either working or they break and, then, you got to go fix them, so -- so, as long as there is an easement and -- and the landscaping and other permanent fixtures aren't installed in -- in the easement then -- then that's good enough for water.

Hoaglund: Thank you, Kyle.

Simison: And, Kyle, just a thought. Would it be more expensive to repair a water break if you had to repair a road, as compared to other material or does it -- I mean to me it seems like a lot easier to go through dirt than it does to go through a road. But what do I know. I don't do construction.

Radek: Mayor, I agree with that. I mean especially if it's under pavement, you got to -- you got to do surface restoration, so you got to restore whatever it is that water main destroys when it breaks.

Simison: Thank you. Council, further comments, questions, discussion before closing the public hearing on possible next steps now or in the future?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, just to clarify, it sounds like -- after talking to Kyle, that Public Works, nor Suez wouldn't be -- this -- this -- this proposed access, whatever, isn't completely necessary for them, they can still, it sounds like, do what they need to do without there being a road. In fact, I think I heard that maybe it would be easier for them to do what they do without a road right there and if that's true it almost sounds like this is strictly a -- an emergency access issue for police or fire or first responders, whatever, and the reason why they are asking for it is because their previous emergency access has been taken away because of what was explained earlier. So, the synopsis of what we are talking about is basically that. I just wanted to confirm before we close the public hearing. Did I get that right?

Radek: I guess so. One -- one point of clarification on -- on that -- that east side of the fairway. The city engineer wanted to make clear that there was a 14 foot -- you know, I don't want to say gravel, but it's really a three quarter minus road base. There was a 14 foot road between those two manholes, although it wasn't -- it's not absolutely necessary to clean those manholes, but that's what -- I just wanted to make clear that that is what he wanted to remain, because that's what was there from the beginning.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Mr. Borton brought up a good point, something that I have been thinking about for a little while, and that is the possibility of sitting down with the developer and the Tsengs and discussing what a possible landscape option would be or is -- are the homeowners open to that conversation?

Tseng: We will always have a conversation with anyone who wants to discuss this situation. Right. And so, yes, one hundred percent I would like to discuss it. I just -- you know, I guess I can't comment on it further than that. The answer is yes.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I want to ask Mr. Nary a question. The applicant is requesting annexation and, you know, there is litigation going on. We have a sewer line. There is water lines there. I think everyone's in agreement, easement needs to be provided for those -- those features. We need to have some sort of access, whether it's through or to, not decided. To -- the litigation can go away if we annex, but that does not necessarily mean we have

to grant emergency access through that property. We could still annex and resolve that issue later. Is that an option for us? I'm just trying to explore options here.

Nary: So, Mr. Mayor, Members of the Council, Council Member Hoaglund, I mean I think their primary intent here is the emergency access, because of the cap on the building permits that are allowed. But, yes, you can annex with -- with a limitation on what access is on that roadway. But, again, you can't really do it much later, because you are going to have to make it part of a development agreement. So, it really wouldn't be something that you could push down the road very far. You would have to -- probably like a month to really work out whatever those details are.

Hoaglund: All right. Thank you, Mr. Mayor.

Bongiorno: Mr. Mayor?

Simison: Deputy Chief.

Bongiorno: Figured I will go ahead and jump in. I -- Mayor and City Council, I just wanted to kind of tag onto what Councilman Hoaglund stated. The access is for -- because of the fire code. They are over 30 limit -- 30 houses in that subdivision. So, with -- with that there has to be secondary access. Like one of the -- the homeowners stated, yeah, it's not -- it's not a great access, but it does give us access. So, the way I always like to talk to the developers is I tell them, okay -- I use the plane crash scenario. A plane crashes at Balata Court and Olive Tree there at the entrance and now we have no access to any of those houses back there. Now, if -- if they were all sprinklered and one of them was on fire, then, hopefully, we would have a little more time, the sprinklers would give us more time. But a more real scenario would be an active shooter. In that scenario if -- if someone up near the front of that subdivision is -- you know, put themselves in their house and they have a long -- long weapon, they have pretty much shut down that whole subdivision. That scenario happened a couple of weeks ago up off of Chateau where the particular gentleman had locked himself in the corner on -- the house he was in was on a corner and so pretty much Chateau and three streets around it were all locked down and he had no -- they -- there was no other access to get to them. So, in this scenario the emergency access is not just for fire, it is for police and it is also for EMS as well. So, that is one reason why we would like to see the emergency access put in. So, if everybody can come to some kind of agreement, you know, make it look pretty, whatever, I love what Becky had done with the -- the ribbon curbing. I think it looks great. But that's just my opinion. But anyway -- so, that's a more real scenario to tag along with what Councilman Hoaglund said is this -- this is really more of a -- if there is a police incident where police needs to get in there, that's why we need that secondary access. Yes, a police car can run across a green a little easier than an 80,000 pound fire engine, but that's -- that's the reason why I am in support of the emergency access.

Lavey: Mr. Mayor?

Simison: Deputy -- yeah. Mr. Lavey.

Lavey: Not to put a wrinkle on this, but that is the fire code rule and if it's controlled by a Knox Box the fire department's the only one that has access to the emergency access. A police car or an ambulance would not have access to that emergency access, unless you put an Opticom reader on there that we could get access. Not to say that it does or does not happen, but I have never seen an emergency vehicle use an emergency access ever. So, in reality, it meets code. In practicality is hardly ever used.

Simison: Thank you, chief.

Hoaglun: Mr. Mayor, just to --

Simison: Councilman Hoaglun.

Hoaglun: -- talk through this a little further. There is -- there is lots of reasons why to do this and lots of reasons not to do this and -- and -- and one of the concerns I have is that we -- we talked about making it nice, making it pretty, because, you know, the neighbors have a -- a view. I mean you are on a golf course, you got a beautiful fairway, you want to be -- you paid a pretty penny for that view and you want to, you know, make sure that -- that stays and -- and there is no walking path, there is no Meridian parks, you know, greenbelt through there or anything like that and we talk about making it look good. Well, then, it kind of becomes an attractive nuisance. So, are those gates going to be enough to keep people out. People being people, hey, let's walk through there and now you have got this -- you know, we are almost inviting people to come -- come through there, even though that's completely not our intent. We need a surface, if that's the emergency access, to -- to make it work for these 80,000 pound fire trucks. So, that -- that's a dilemma. I certainly see the neighbor's point of view, you know, landscaping, surfacing - - I don't know how far we would get in a discussion like that, just because they are -- they are at odds there on -- on that and that's why I'm always interested in that other access and in looking through the documentation and it's always good to read through it again after you hear the testimony, because you read it one way and now all of a sudden you heard some arguments go, okay, now I can see what they mean when you read it with those in mind, so -- but it's -- there is a lot here. It's -- it's hard to know for sure why we don't have that emergency access off -- I know it's ITD and they have their ways -- to come off Chinden with a 20 foot wide -- off Wagner's property -- that gates and everything else, Opticom or Knox Boxes and have that access going in that way, but apparently not. But I'm -- I'm just not positive of that.

Borton: Mr. Mayor?

Simison: Mr. Borton.

Borton: I think the -- when it comes down to the -- the two options of what's the best solution to emergency access, I don't think -- I don't see sprinklers being the best option. I don't think it rises to the top two. You really narrow it down to trying to see if there is some way to craft an access back to Chinden or -- or this application. I was on Council

back when that first emergency access was -- was approved from Chinden across the golf course and it didn't, frankly, make much sense then, but didn't need to be constructed because you didn't have the homes necessary to hit the cap that were generated. But it just, frankly, didn't make sense and looking at the record it's debatable at best if there was even an opportunity to ever restore that, especially without the Wagner's participation. So, that -- that option really does seem to be foreclosed. I see what was a -- with this application a 14 foot easement, you know, a gravel surface easement that anybody could choose to walk the dog along now if they wanted to and it's now a little wider and it's improved and it can be done so with some cooperation between the applicants and the neighborhood to -- there is some vegetation that's appealing to the neighbor the applicant's willing to do so. I think that fosters some of the missing discussion and dialogue. The applicant brings up some great -- excuse me. The public's brought up some great points I think in -- in what doesn't necessitate this application to go forward, but I don't think it negates the overall value and benefit of it. So, I'm -- with all of that I'm supportive of the application. I think it makes sense and I -- if there is a -- an unsolved piece of it I -- I would want the applicant and the neighbor again to have that conversation and try and create a landscaping that is -- that the neighbor appreciates and I think that's part of the -- hopefully good neighbor solution that the applicant and -- and this homeowner can -- can have. So, it solves the emergency access problem in the most efficient and appropriate way in my eyes. So, with all that that's why I'm supportive of the application.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, if it's going to do Council Member Borton's suggestion about having this conversation, we probably don't want to close the hearing, we probably want to continue it so that that conversation can happen, rather -- because, otherwise, they don't have anything to put through a development agreement at this point.

Simison: Thank you, Mr. Nary. And I was actually going to suggest that if the intention is to have the applicant and the developer work together, Council maybe refrain from any additional comments, so we don't give one side or the other the upper hand in any conversations. That's my two cents. But I guess your -- your call on the conversation.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: From my perspective the conversation is -- would be appropriate, because in my eyes I'm supportive of the application, I think for that conversation to really be productive I think both parties would need to know what this Council's perspective is. If the Council did not want to go forward with this type of access, then, that's an academic waste of time. So, if the Council is supportive of the application and just wants to see how that landscaping cooperation can be solved, then, certainly I think the recommendation to

continue with it open makes sense to hear that feedback, but I think the applicant and both parties would need and deserve to hear where we all are leaning prior to having that conversation.

Simison: Well, I don't vote, so -- where my -- my viewpoint is is that the applicant has a way to continue to construct homes through another compliance method. I think that there is not a shortage of people who are looking to move to our community and that -- that would preclude the homes from being built and the long term -- secondary access that through what was originally approved would be prudent as a way to address this, you know, that's -- that's my two cents as a nonvoting member.

Hoaglund: Mr. Mayor?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Appreciate some really thoughtful questions tonight, particularly Council Member Hoaglund. I really appreciate kind of your thought process around the discussion tonight. I think Planning and Zoning -- Planning and Zoning Commissioner said that -- this is the most confusing or complicated sewer easement that's been before them and it definitely has just -- you guys hear me talking about how much I love local government and this is one of those reasons why. I have really enjoyed kind of noodling through this. You know, I sat down tonight really with kind of looking at this from a -- a sewer easement perspective. I think that was the bulk of the conversation in Planning and Zoning. I think Council Member Bernt and his conversations with Kyle got to me to a solid foundation that the question about where we sit today will the city's infrastructure be able to be cared and maintained for as intended and I think the answer is, yes, regardless whatever path we head down and so it does really move to the discussion around emergency access and the Mayor is correct, there are -- there are mechanisms for the developer to be able to build these homes and provide a life safety feature for the residents, but Council Member Hoaglund and deputy chief did a good job of also reminding us it's not just about fire, there is some other emergency access, too. I'm not completely sold in being in support of this request. I appreciate the opportunity for us to do again what makes local government so great and foster neighborly conversations between the applicant and the neighbors. I have heard the applicant is open to that. I heard at least a tepid response from the neighbors that they are open to that conversation and think that if we have another opportunity to let that happen -- frankly, this should have happened a long time ago, but if there is -- if the door is open for that type of conversation to occur I'm supportive of continuing for that very reason.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: Where I'm coming from is the fact that the neighbors say there is the ability to have access off of Chinden and Mr. Freeman has said, no, there is not. I have no reason to doubt either party in this case, but I have no evidence to make me feel comfortable making a decision one way or another and it would be nice if both parties said, okay, no access or, yes, there is an opportunity -- I don't know and that's where I'm coming from, trying to, you know, split this baby. If there is no access, okay, how do we get access? What does that look like? How are the neighbors involved? Do we -- can we reach a satisfactory conclusion. But for me until that is answered I don't want to force the neighbors to go to that -- to make that -- that choice at this time, because if they are believing otherwise, okay, I have to take them at their word and Mr. Freeman says, nope, there is no access, I would like to really see that evidence and I go through and I read the letters and they can be interpreted a little differently. What does that mean? How does that come across? What's the date of that? And maybe it's laid out there and I'm just not seeing it, but that's where I'm coming from. I would rather have it continue and the parties discuss if they can come to an agreement on what that looks like, what does the gates look like. They can live with the surfacing and not have an attractive nuisance. Be satisfied that it doesn't impair their view. That -- that would be great. But at the same time I want to be satisfied that there is not that other option, because if they don't agree and that is the option, maybe that is the route we go and spare the neighbors all that. So, that's -- that's how I view it.

Bernt: Mr. Mayor?

Perreault: Mr. Mayor?

Bernt: Ms. Perreault can go first.

Simison: Council Woman Perreault.

Perreault: Thank you. I'm sitting here listening and thinking about how to best put my thoughts into words and I think Mr. Hoaglun just did it. That -- that's -- I'm struggling with -- with -- with not seeing what for me is sufficient proof on either side to make what -- what I feel comfortable -- you know, feel comfortable making a decision one way or the other and I feel for the applicant and that this was -- this was not their choice, that this was -- that the original emergency access was removed because of the expansion of the intersection. But at the same time I also would have really appreciated the applicant having had conversations with the homeowners prior to us getting to this point. I mean there has been plenty of time for that to happen. So, I -- I would like to see that still come to be. Whether there is a true resolution that comes out of that or not, I think that's the fairest thing to the homeowners who are directly impacted by this and, you know, even though it may not have been a requirement -- I mean for process I think it's the right thing to do. So, that's where my thought is. I'm in favor of continuing -- if nothing -- you know, we -- we hear -- I have heard how many applications in the last four years and sometimes there is sort of an art to this and sometimes you can make the decisions based purely on data and every once in a while it's a gut thing and so in this situation, since the information that's been presented is not entirely clear, I'm going to go with my gut which

is that -- see if we can get some more communication going and -- and see if there is any additional, you know, resolution that can come or -- or at least moving closer to the middle of where we need to be.

Simison: Councilman Bernt.

Bernt: No, I think we are all on the same page. Someone just needs to make a motion.

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor. I was just wondering if our city clerk had some future dates that looked promising.

Johnson: Mr. Mayor, Councilman Hoaglun, I'm just looking at that. I'm not sure how much time you want. As of now the January 12th, 19th and 26th they are all very light. Potential the 19th will fill up with things coming out of Planning and Zoning this week. Beyond that we have nothing scheduled.

Bernt: Mr. Mayor?

Simison: Where did that come from? Councilman Bernt.

Bernt: Mr. Foley, would the 26th be okay if we were to continue this application until then?

Freeman: The 26th? Continue to the 26th? Excuse me just for a second. Yeah. Yes. The 26th is fine.

Bernt: Thank you, Mr. Foley.

Freeman: It's actually Mr. Freeman, but that's --

Bernt: Excuse me. Freeman. Sorry.

Freeman: It says -- I wrote my name on there, so I -- it's my fault.

Bernt: I knew that. That was -- that was my -- I know who you are. That's stupid of me to say that.

Simison: Is there a motion?

Cavener: We can't go besmirching the good name of Howard Foley now.

Hoaglun: Mr. Mayor, before that motion is made, is there something besides just continuing this -- instructions that we would like to see the parties get together to have a discussion about potential landscaping treatment -- I would like to give them some direction of expectation on -- on -- in this interim time, as well as my -- my interest -- and I think it's been expressed by others is information pertaining to access from Chinden.



Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I guess I have maybe a request again and I'm not quite sure for staff or how to proceed with that. I would be very interested for us to at least ask ITD for some insight about the history of that. To Council Member Hoaglun's point, you have heard two conflicting perceptions about if access could or could not work there and to at least get some analysis if ITD is willing to provide it to us on that particular topic would also be helpful at that point in time.

Allen: Mr. Mayor?

Simison: Yes, Sonya.

Allen: If I may respond to Mr. Cavener's comment. I did send an e-mail to ITD just a bit ago. There is one question in my mind and maybe it's clear to the rest of you in that letter, but it wasn't clear to me in regard to -- if there was an access provided solely on the Spurwing property via Chinden, if that would meet their -- if that would be allowed by ITD if they granted a cross-access easement to the Wagner parcel. So, then, they would still only have one shared access to Chinden and as they have specified in their letter. So, Mr. Cavener, does that -- does that meet what you were wanting me to find out from ITD or do you have additional things you would like me to find out?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Well, I think that that -- I think that at least moves the conversation forward enough for me to be satisfied. I don't want to speak for my -- my fellow colleagues, but I think that that is a -- Mr. Mayor, I guess in addition we have never had this, but at least maybe an invitation to have ITD -- a spokesperson from ITD at that meeting to provide some insight and maybe answer some questions should they pop up. I don't know how receptive they are to that, but at least maybe a potential request would be in order.

Hoaglun: Mr. Mayor?

Simison: I'm sure Sonya would love to get them here if they will speak to us.

Hoaglun: Mr. Mayor?

Allen: I can certainly make that request, Councilman Cavener, and -- and also get the answer to my question on that. That's the only possible answer I see to access to Chinden if Mr. Wagner won't grant an easement.

Hoaglun: Mr. Mayor, follow up to Sonya.

Simison: Councilman Hoaglun.

Hoaglun: Sonya, I appreciate that. That's creative thinking and looking at that possibility. My only concern is Mr. Wagner has -- has an access, he has a right to that access, and he might say, no, I want my access. So, I guess the second question can -- can we have a second emergency access like there was prior -- that was approved prior with -- with gates, however we do that, Opticom, Knox Box, whatever, for emergency access only without him giving up his right to his access. That's -- just because I think, you know, he may say, no, I don't want to have a cross-access agreement. I have an access and so be it and he is well within his right to do that. So, that -- that's my only issue is if they say, yes, only if he gives up his and he refuses, we are back to the same -- same situation, so --

Simison: Just to follow up so I understand. Going back. Didn't they -- didn't this application have a right that ITD took away? So, could ITD take away his right?

Nary: Mr. Mayor, Members of Council, I can possibly answer the question. So, IDT has had a policy that I believe is still in place that allows at least one deeded access that's already there. So, that's what Mr. Wagner has. I don't know what the rationale on removing that -- ironically, that service road drive that -- that was there was the connecting point to the city when we annexed this property. That was the only place that touched the city that made it contiguous. So, I don't know why they removed it and I -- but I know that they certainly have the ability to do that, since there is alternate access, but I know they have a policy, as Mr. Hoaglun stated, that I believe Mr. Wagner has a right to his access and -- and he doesn't have to grant or allow his access to be a cross-access to the other property. So, I do think -- we have got -- the question really to ITD is can there be a single point access emergency only there that previously existed.

Simison: I guess my question is was the other access not a right? That was removed? That -- that's what I was really --

Nary: I don't know.

Simison: I mean if ITD can remove one access, if it had a right, I assume they could move another access that has the right and give it to somebody else to have that right.

Nary: Yeah. Mr. Mayor, the only thing I can think of is that was an emergency access and it doesn't landlock the parcel.

Simison: Yeah. Just curious. Council, do you feel like you have given enough direction for a motion?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: With all those questions and explanations and whatnot, I hope the applicant and the homeowners can -- can get together and have a discussion and reach some conclusions about some facts would -- would be helpful to us. If not, we will have to decide somehow. But I appreciate Sonya asking questions of ITD and getting as much information as she has heard here tonight about the questions we have that she can muster from them and with those general directions I move we continue the public hearing for Spurwing Sewer Easement Annexation, H-2020-0087, to January 26th.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I second that motion.

Simison: I have a motion and a second. Is there any discussion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it and the hearing -- public hearing is continued. Thank you all and look forward to hopefully finding a way forward.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

#### **ORDINANCES [Action Item]**

5. **Ordinance No. 20-1907: An Ordinance (H-2020-0022 Modern Craftsman) for Rezone of a Parcel of a Portion of Lots 1 and 2 of Puma Subdivision as Filed in Book 71 of Plats at Pages 7263 Through 7264, Records of Ada County, Idaho and a Portion of the SW ¼ of the SW ¼ of Section 22, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho; Establishing and Determining the Land Use Zoning Classification of 23.62 Acres of Land by Reducing the C-C (Community Business) Zoning District from Approximately 8 Acres to 4.23 and Increasing the R-15 (Medium Density Residential) Zoning District from Approximately 15.1 to 19.39 Acres; Providing That Copies of This Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: With that we will move on to Item 5 under Actions Item for ordinances, Ordinance No. 20-1907. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance related to H-2020-0022, Modern Craftsman, for rezone of a parcel of a portion of Lots 1 and 2 of Puma Subdivision as Filed in Book 71 of Plats at Pages 7263 Through 7264, Records of Ada County, Idaho and a Portion of the SW ¼ of the SW ¼ of Section 22, Township 4 North, Range 1 West,

Boise Meridian, Ada County, Idaho; establishing and determining the land use zoning classification of 23.62 acres of land by reducing the C-C (Community Business) Zoning District from approximately 8 acres to 4.23 and increasing the R-15 (Medium Density Residential) Zoning District from approximately 15.1 to 19.39 acres; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. Council, you have heard this item read by title. Is there anybody that would like it read in its -- its entirety? If not, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 20-1907, H-2020-0022, with the suspension of rules.

Bernt: Second.

Simison: I have a motion and a second to approve this item under suspension of the rules. Is there any discussion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it and the motion is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

### **FUTURE MEETING TOPICS**

Simison: Anything under future meeting topics? Item No. 6 was taken off the agenda, so it does not exist. Do I have a motion for adjournment?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Hoaglund: Mr. Mayor, I second the motion.

Simison: Motion and second to adjourn the meeting. All those in favor signify by saying aye. Opposed nay. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 9:15 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR ROBERT SIMISON

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK