

Public Hearing for UDC Text Amendment (ZOA-2025-0001) by City of Meridian Planning Division, located citywide.

- A. Request: UDC Text Amendment to revise certain regulations, add new definitions, figures, and update specific use standards throughout Chapters 1-5 of the City's Unified Development Code (UDC).

Lorcher: The next item on the agenda is Item No. ZOA-2025-0001 for a UDC text amendment and we will begin with the staff report.

Parsons: Thank you, Madam Chair. Give me one moment here and I will get -- get things pulled up here. There we go. That's -- that's better. So, again, another city application before you this evening. This is this year's 2025 code changes. Not sure if we will be back in front of you with other ones later in the year, but at least that is the plan after we get these ones moving forward. But I think as the Commission knows the city set out with a group of stakeholders and community support members and stakeholders and groups of developers where we formulated a UDC focus group four or five years ago, maybe six years ago and we get together once a year. The city tracks these changes on a spreadsheet. We take suggestions from our development partners as well and members from the community and we formulate these code changes and city code requires that you are the recommending body and City Council is the decision making body on code changes. This is one of the only times -- most of the other code changes just go to City Council and they act on it and it's presented typically by that department or legal department, but the Planning and Community Development -- the Planning Division takes the lead on UDC code changes with those various partners. I won't go through all of the details, but Caleb and I are actually tag teaming this or partnering some of the -- part of this this evening. He will primarily cover flex space and secondary dwelling units, which under the current code provisions in front of you are the proposed changes, we are changing that to accessory dwelling, so you may see it in the list of secondary dwelling, but it -- moving forward we hope to change that to accessory dwellings, so it aligns with the building code. I will spend time on drive-throughs, maybe some home occupations if you have time for it. Private streets and, then, fencing. We also have Lacy Ooi, who is our code enforcement supervisor. She is part of that group and she also lends a lot of valuable insight to these code changes, because she is the one out there explaining it to the many residents that have questions when she's out there serving violations or trying to educate the public on how our processes work. So, I do appreciate everyone being here to support and answer any questions you may have. Also mention to you that one change that's come about is Caleb and I were actually in front of City Council about six weeks ago before the application was transmitted at a workshop and we shared these code changes with them as well. That's one of their requests that they wanted to get in front of that and look at and look at these code changes ahead of time as well, so they could digest those as well, which I think was a great suggestion. So, I'm sure they are eager to see what you guys do on the changes tonight and as this moves to City Council they will be interested in what you have to say and I'm looking forward to that discussion with them as well. So, like I mentioned to you, we are not going to hit on all of these. In

my staff report typically when we do code changes it's tip to tail. So, this round of code changes we started with chapter one and we ended it with chapter five. So, there are a total of seven chapters in our unified development code. So, we have touched -- we have touched five out of seven this time, which is pretty typical when I come before this body and as you know usually it starts out at a smaller code change, but by the time I get the application to you based on the discussions that we have with all the stakeholders and the UDC focus group, it typically morphs into something bigger, which isn't a bad thing. I think what we are presenting to you tonight is -- I'm pretty proud of where we started -- from where it started to where we are tonight. Feel pretty good with what we are going to be sharing with you. So, I'm going to go ahead and kind of go through these very quickly and just go down and start right out the gate with drive-throughs and that's something that I know we have talked about over the last five years particularly since COVID and we have seen quite a few drive-throughs -- mostly fast food restaurants with drive-throughs, but it's a full gamut and I think as this body knows not all drive-throughs are created equal and so really this particular code change was probably the one that we broke off into -- got with some industry experts, looked at other city codes and, then, came up with a mesh of what we felt would work well for the City of Meridian. So, as this body knows typically when there is a drive through within 300 feet of a residence or another drive through, it's an automatic conditional use permit. In this particular case we are trying to make drive-throughs what we call a principally permitted use. So, less hearings and -- but having more express standards, so that we can approve them at a staff level versus them coming to this body. It's not that we want to take work away from you, but at the same time we want to make things efficient as well for our applicants and make sure that we have a solid code in place. So, this particular code change does not -- there will still be instances where a CUP will be required. We have not removed the requirement for that 300 foot radius to a residential use. So, that will remain in place. But what's really unique about this is -- if we do have more specific design standards, but if you here -- look at number four, if an applicant can't meet those design standards, then, they have the ability to come to you through a conditional use process and you guys can take that under consideration whether or not they can eliminate an escape lane or do something different based on their operational needs and not necessarily -- or how they operate versus on the specifics of the code. So, I think there is going to be some -- not only greater flexibility for the city, but also for you as a recommending body on conditional use permits -- or a decision making body on conditional use permits I should say. So, in working with the UDC focus group we broke drive-throughs -- I know they are through -- into different categories. So, we have a tier -- tier one, a tier two, a tier three, because we know they are not all alike and, then, there is some criteria for how they are classified in this definition. So, that's one criteria -- or one way to get there and, then, also we made it clear that stacking lanes have to be away from a residential district, at least 20 feet, again, consistent with a landscape buffer required by code. We still are keeping a stacking lane requirement in for an escape -- or, excuse me, an escape lane. And that's something that we have recently had a discussion with the UDC focus group. We haven't quite figured out what we want to do, get rid of it or keep it. For now we think there is an importance to keep it. I know City Council has some interest in that topic as well. So, again, as we transition through the public hearing process would love to get your insight on a requirement for an escape lane. Caleb and I talked about it quite a bit as well and

we feel like item four addresses that topic. If someone does not want to comply with the escape lane standard they have the ability to go through a conditional use process and have that discussion with you and see if they can explain their operation characteristics and see if that -- if an escape lane isn't necessary. One other portion about this code that I -- that I like about it is it does speak to a minimum width for the drive through or the stacking lanes, which is 20 feet total. One for the drive-through stacking lane and one for the escape lane. At a minimum it has to be 20 feet wide and, then, we do put a minimum stacking lane capacity for specific tiers. So, again, your tier two and your tier threes are probably going to be your fast food restaurants with ordering boards and menu boards and, then, tier three are your drive-throughs with the dual drive-through lanes. Again a tier three could go through a staff level approval if it met all the criteria. I know when we shared this with the Council they asked staff if tier three would be conditional use permits and I said the way it's drafted currently we are not proposing that in this code change. So, anyways, that's our requirements for drive-throughs. Certainly happy to stand for questions unless you want to hold your questions and, then, continue -- have Caleb and I go through our -- our list of high level changes with you.

Perreault: Madam Chair?

Lorcher: Yeah. Let's go subject by subject, because by the time we get to number five we might forget number one. Commissioner Perreault.

Perreault: Thank you. I have a question about D-3. So, the way that the text is -- is stricken it -- I'm trying to follow it. So, the stacking lane shall not be located within 20 feet of any residential district; is that correct?

Parsons: That is correct.

Perreault: That -- that number of feet isn't changing; right? It's just clarifying how it's written here. Okay. Thank you.

Parsons: Yeah. When -- so, the change is from ten to 20. So, the strikeout -- so, anytime we give you code changes the underlying is new and, then, the strikeout is the current and, then, the underline is the --

Perreault: It looks like it's going from 120 feet to ten feet.

Parsons: Yeah. I can see that. Yeah. That's how -- that's how they like it when they go ahead and make the changes. The publishers have a specific criteria that we have to meet.

Lorcher: Okay. Any other questions about drive-throughs at this time? Okay. Let's go to the next subject.

Parsons: So, it looks like the next subject here is secondary dwellings, so I will go ahead and turn it over to Mr. Hood and he can give you the background and what we are trying to achieve with this code change.

Hood: Thanks, Bill. Madam Chair, Commissioners, thank you for having me this evening. I will -- I will tackle ADUs as they are going to be known going forward. Not secondary dwelling units. And maybe before I jump into some of the things that are on the screen now, when Bill was doing his introduction he actually had some -- there is some impacts to our definitions. I won't go through those, but, basically, we are adding primary to a lot of them to talk about the primary structure that's on there. Typically a single family residential dwelling unit as being the primary and, then, we are taking the secondary language and, again, making that accessory, but it is still ancillary or secondary to the primary. So, I will also just say before I jump into some of the more detailed specific standards for what constitutes an ADU. There are some impacts as well to Title 8 and like Bill mentioned at the beginning Title 11 is unique in that it has two bodies that actually review and approve that; right? Planning and Zoning makes a recommendation to City Council. Title 8 is not subject to that same process. However, we have Brian McClure here who is going to run through some of the ancillary related changes that he needs to go forward to City Council concurrently with these UDC provisions and you are actually - in Title 8 and 11 you are charged with looking at some of those appeals -- when someone appeals an address or a suite number. Doesn't happen very often, but it happens from time to time. So, we thought was a good opportunity to bring him along to explain some of that, so when you do -- when if you do see those in the future you have a little bit of that background information. So, again, the definitions are largely the same. Some of that also is -- like we did with drive-throughs even, look -- you know, we -- a lot of things in our code we are proud of, but we didn't -- it didn't maybe originate with us. We are not -- we are not too proud to steal from other communities. So, we are -- you know, ADUs is a pretty typical term used throughout the country and some of the standards you are about to see are, you know, us seeing what other communities are doing and picking and choosing the ones that are right for Meridian, but also evaluating and saying why did they do this, what do they have? So, with that kind of background into this I think I'm just going to start with D. A, B and C are largely -- there is some change there, but they are not -- they are just a definition really in what they are, that an accessory dwelling unit really does need to be accessory to the primary dwelling unit. You need a permit to have one. D, E, and G -- the proposed -- I'm sorry -- the proposed D, E and G aren't really changing substantively either for the most part, but they got a lot of discussion at the UDC focus group. The owner occupancy piece of that is debated throughout the country. If I live out of state seven months of the year, but I call this home, does that count? The dirty little secret is we aren't, you know, checking on that too terribly much; right? At all really. If someone complains and says, hey, I think there is two renters here, we may investigate something like that. It is kind of on the honor system, but the intent is that an owner live in one or the other at least the majority of the year. And, again, that's something that not everyone agreed on, but this is where we landed and thought best for our community is to have some oversight of the property by an owner and either the ADU or the primary dwelling unit. That really isn't changing though. That's -- that is our current standard, just some -- again, some wordsmithing there to make it a little bit cleaner if you will. And,

then, on E, the location. Again nothing really is changing with location. But there was a lot of talk about -- over the last few years, actually, about the location. Should we give some -- I will use the word variance. It's not really a variance, but some allowance for setbacks. Should these be able to encroach into a rear setback, closer than your primary dwelling or a side or even a front. So, we had some conversations about that, but at the end of the day the location needs to comply with the setbacks of the underlying zoning district. That's where we landed as a group. That's the proposal to you this evening. Again, that does vary throughout the country from neighborhood to neighborhood. Sometimes you can have even in front of your primary dwelling or encroaching in other setbacks. That's not where we landed with this. And, then, G, parking. Again, this can be seen as a negative for communities that are looking to install these. It takes up more area and we don't have a lot of larger lots in Meridian that can even accommodate these. You account for setbacks, garages, everything else, now you need a pad for your up to 900 square foot ADU and a parking pad that's at least 20 by 10. You cut a lot of the lots out of the market. You can't do one. So, we had a lot of conversation about that, but, again, at the end of the day where we landed as a group was we think the community character of the neighborhood is important to have on-site parking -- not on-street parking. You can park on the street if that's allowed, but you need to have a dedicated spot on your property for the dwelling unit. I will say, however, though, that's a -- a combined number. So, it's number of bedrooms combined. If you have got two in your ADU and three in the -- in the primary residence that's five and you would need to meet whatever that requirement is. So, it's a combined number. So, could trigger more parking if you already have a three car garage and three parking pads you may be able to just get away with building the ADU and still counting the parking for that, because in whole on the -- on the parcel you have enough parking for that, so -- so, again, no real changes to those, but those were kind of the sticking points where we had a lot -- a lot of dialogue on those things. The other ones I think I want to highlight just relatively quickly are the proposed J and the new L. They do need to be constructed on a foundation. We have had -- historically we have had some issues -- questions with that and so we are clarifying that to -- to be classified and permitted as an accessory dwelling unit it does need to be connected to utilities and on a foundation. Part of the discussion with utilities was do they have to have their own separate independent utilities and as you will see in what's proposed we landed on no. So, you can use the utilities of the primary dwelling. So, trash service, electrical, water, whatever, but you have to be hooked -- you have to be using those services. You can get a separate service, but you don't have to have a separate service, so -- but, again, a lot of conversation about that. And, then, again, just to kind of close this out -- and Brian will talk a little bit more about this, but we consulted with fire code, building -- it just overall at the end of the day made sense to give these a standalone separate address. So, we will be addressing these going forward, assuming this -- this goes through at City Council. So, I think those are the things I wanted to touch on regarding previously second -- well, still currently secondary dwelling units, proposed to be accessory dwelling units going forward.

Lorcher: Caleb, have you -- has the city gotten a lot of requests about ADUs? I know there was some press about it a couple years ago, maybe even less, where it was a mobile unit. I don't know if it was RV, but it was something on the trailer. It wasn't on a

foundation and it kind of made the press a little bit, which kind of spurred the conversation again for affordable housing here in our community. But are you getting -- as a city as a whole getting requests? Is this why we are kind of revising this portion of our code, because we are seeing that happen more often?

Hood: Yes, Madam Chair. Certainly, the interest is peaked more over the last -- Bill said five years for drive-through, so we will just go with that. I don't know. Over the last recent history anyway. We are getting more and more inquiries of that. You know, the cost of housing and some call it a crisis even. It is a lever we can pull a little bit to kind of encourage -- again, that's where we have these conversations about location and parking. Every time you regulate it more and more you see people out of that potential market though. So, that is something where we struggled with quite a bit was how much do we open this up and how much do we kind of preserve and protect neighborhood character that's existing? So, that was kind of the push and pull. But, yeah, there is definitely more interest. I can even just tell you, you know, anecdotally -- I don't have a number, but monthly, if not weekly, we get inquiries about this from our staff and we are -- we are working with these -- with these -- our residents to figure out what we can do with the current standards and talking to them even about what's being proposed. So, yeah, certainly more interest. It's tough, though, there is -- actually, Brian did some research -- it's been a couple three years now. At that time we had about 40,000 dwelling units in Meridian and I think it was around ten percent of them could even fit one on their property.

Lorcher: Right.

Hood: And we don't know how many of that ten percent even wanted to have one. It's a pretty small percentage. We are not going to solve the housing crisis with these changes.

Lorcher: Okay. Thank you.

Parsons: Madam Chair, Members of the Commission, just to add a little bit to your -- your question that the city actually has a separate ADU permit now that they apply through the building department. So, we even created a separate record so we can keep better track of these as they go forward, because a lot of times that's kind of the caveat with this, too, is that we are trying to align our code with building code. It's step one. And, then, determine what do we call these? Is it really a remodel, expansion of an existing home, versus a true ADU and that's why we have -- we have separated it out and try to provide that clarifying language in the code that Caleb shared with you to try to align with that. So, we know we can -- when someone asks us how many have we permitted, we can run a report and share that information with the community, because we -- we are seeing more and more in these permits being submitted to the city.

Lorcher: Commissioners, any questions about ADUs before we go to the next subject?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I do have one regarding owner occupancy and it's -- it's kind of what happens -- say you are in compliance and, then, you decide you are -- the owner decides they want to move or they are temporarily moving or something like that, are they able to still rent out the entire property as a whole just not to two separate renters or does the ADU have to, then, be taken down?

Hood: So, Madam Chair, Commissioner, a similar example. If I live in the home and I am going to move away forever maybe even, but I want my kid to stay there, they don't technically own it, but it's my kid, is that an owner occupancy if they are an heir or, you know, by blood or they are going to inherit it eventually or those types of things? You know, we haven't run through all of those potential scenarios. I don't think -- to qualify as an ADU you would need to meet these qualifications. We haven't gone to the point of, okay, you have to -- you have to deconstruct it, raze the ADU necessarily. But, in theory, I guess, it could come to that. I don't necessarily see us being that heavy handed, but in theory I guess yes.

Smith: Thank you.

Lorcher: Commissioner Perreault.

Perreault: Thank you, Madam Chair. My favorite subject. We have been talking about this how many years, gentlemen? I'm very excited to see these come about, because it's been a long long conversation. So, good job on everything. I just have a couple of questions on wording. Under 4-312 when we are talking about the permits required under C, it says that they shall obtain a permit prior to building, placing or maintaining an ADU on any property. Can you give some more description on the definition of maintaining? When does that start? When does that stop? How does that look?

Hood: I don't -- I don't know that I can actually. So, this -- this was done on all of the UDC changes just sort of as an aside. We are done with legal present and I believe one that Ms. Emily Kane came up with, so -- and she is not here tonight, so I hate to put anyone else on the spot that way, but that is something that our legal staff -- certainly the placed and constructed I get. The maintained may just be a conversion piece, because we get -- a lot of the inquiries are actually taking a garage area or garage-like area and converting it type of a thing. So, then, you are maintaining a living quarters even though you may have not converted anything with permits or whatever. So, speculating there a little bit, but -- but that's some of I believe the intent. No way, shape or form can someone be living -- should anyone be living there without the proper permits.

Ooi: Could I -- could I add to that, what I would think? It's not maintaining as in maintenance, but I would assume that if we in code enforcement was notified that someone was already living in one that had been built, then, we would ask them to get a permit, so it would be as maintaining the structure that was already there, as opposed to it being placed or built, but that someone was already utilizing it and, then, we ask them to get the permit, to make sure it goes through all of the proper channels.

Perreault: Thank you. Madam Chair, I have another question if I may.

Lorcher: Go ahead.

Perreault: Thank you. That makes sense. Thank you very much. My next question is actually farther up on the definitions for dwelling and for townhouse or detached -- single family detached. It says that the dwelling unit is located on a separate property, so it's a separate taxable parcel; correct? I'm wondering if -- getting technical here, but I kind of feel like separate property is really too broad of a term. I feel like we should narrow that down and just say, you know, separate taxable parcel or -- or separate subdivided piece or I -- I don't know. I just -- it seems kind of generic to me.

Hood: So, I think I can respond to that. Sorry. Madam Chair, Council Woman Perreault. You know, I appreciate the wordsmithing there a little bit. We do have definitions for property, though, too. And even some of the ones you just put out there. You know, you can go create a tax parcel with the county and we don't really want to go there, because a parcel doesn't make it a legal parcel for building type of thing. And not everything we have in Meridian is part of a subdivision either. You have section ground land that you can do it. So, it is intentional to have property. What we don't have on the screen is -- we do have a definition of what is a parcel, a property, a lot. So, it does -- it does all sort of work together and tie together. Again, I appreciate you looking and even the comments and questions and making -- let's make sure that it reads the way we want it to and intend it to. The last comment I will just have on that is we aren't proposing to change that. That's been the way it's read, separate property, for quite some time, so that isn't underlined or strike through. I can verify with our -- again our legal team again, but I believe this is the way they would prefer it read for those reasons.

Lorcher: Okay. Any other comments about ADUs before we go to the next subject? Okay. Thank you very much.

Hood: Okay. It looks like I'm up again, so, sorry, you are stuck with me for one more and, first, I think I will apologize. I have done a pretty poor job of marketing these changes to our development partners and -- and with -- with everyone else that -- that's read it. So, hopefully, this presentation will help clarify some of that. I did discuss and try to explain these with -- with assistance from others. It wasn't just me, but I am the lead on this one. We did go to the Building Contractors Association of Southwest Idaho. Obviously, the UDC focus group and others. But there still seems to be some confusion and even concern over the draft standard. So, we did -- we do have four letters. Some of them came in just this -- two of them came in just this afternoon. So, I would call your attention to those in the packet. Again, if you -- if you checked back at even at 4:00 o'clock you would have missed one of them, so -- but there are four letters. They are all very similar and I will -- I will address those. I think the first one that I can hopefully just put to bed early, three out of the four, I believe -- I don't think all four of them talked about parking, but, actually, the -- at one point in time we did have a 500 square foot parking. So, the E that Bill is just kind of hovering over, a 500 square foot parking per and as you

can see we have -- we have had a thousand, but at one point in time we did have a version that talked about having a 500 square foot. So, I think that puts at least the parking concern that -- that is in some of those letters to bed. This is more consistent with a hybrid industrial commercial type of a standard for parking. I think the other thing I want to just start off with is the definition of flex, because I think that's where we can kind of get things confused sometimes. Flex is just a land use designation or a land use definition when we are looking at a myriad of options that a -- that property could be and I want to just start with the definition of what it means to be a flex space building. So, flex space is defined in the UDC as the use of a building or portion thereof for small scale warehousing and/or light industry with associated office and/or retail showroom space. Period. Flexibility in the use of interior spaces and low scale attractive exterior appearance character -- characterized flex buildings. That's on the books. We aren't proposing to change that. That's -- that's how we generally define what a flex building is. We are -- the intent of flex buildings is in the name. We do intend for them to offer some flexibility in how the square footage is allocated for different uses and it is appropriate in a lot of situations. However, the ratio of warehousing and light industry to office and retail is critical in both establishing and maintaining business neighborhood integrity and meeting some of the city's goals for targeted industries. Some control through minimum and maximum square footage allowances is necessary for the stability of areas that may tend to have more retail or office than envisioned for those that are like in industrial areas or more industrial warehousing than envisioned in planned commercial or mixed use areas. So, the letters really speak to it being too -- requiring too much office or retail showroom type of a site, but could be the other way. You could have someone that wants to go in an industrial district and really is a retailer and they are saying, hey, I want to be in this district, because it's cheap land and let me go there. No, the flex building is to allow some flexibility, but really where we were seeing flex buildings a lot are kind of those tweener zones, where it's -- it's commercial or retail areas -- it's okay to have some warehousing and we could even call you a flex building. It doesn't mean you have to be necessarily a retailer and that's -- we had a conversation this last week as staff even where we had some corporate offices want to come in for office equipment and they wanted to have their corporate offices, pretty substantial retail component, as well as some back stock warehousing for it and we talked about it. In fact, okay, they are bringing offices and retail, do we call them flex? Do we call them retail? Do we call them office? I mean it could be any one of them, because it's all about a third and -- and, again, that's -- that's kind of the intent with flex is to allow some flexibility, but not to allow industrial in commercial and just call it flex; right? If that makes sense. Or the other way around. That's why we have a cap on the amount of retail office you can have, because we don't want to see those retailers go in an industrial zone. So, some flexibility. The other thing I just want to point out -- we thought we were being helpful here as right now it requires 30 percent in all zones everywhere all the time to qualify as flex and we are like, okay, that -- maybe we don't need as much of that like in industrial zones. We can have those pair back. But in -- again, in commercial -- C-C, community business district, we thought having a higher percentage of that building be allocated for, again, nonindustrial warehousing type of uses, office, showroom, retail, whatever made sense for that character of that zone, of that business park, of that whatever. So, I think just within that what I wanted to say is we are definitely

as staff willing to work and understand what that business model is and their floor plan and -- and put -- you know, fit you in a nice classification. We got to -- we got to call you something and flex is -- is a nice one where it's -- you are doing a little bit everything and you are primarily, you know, warehousing even, but you do have that -- that component. Other uses, though, that I will just call out real quick that are -- that are similar and often get confused with are wholesale sales, warehouses, light industry, food and beverage products processing, building materials, garden equipment and supplies. Those are all separate things that you could also do, but they are a different land use than flex. There is a very specific, you know, definition in these standards that I will jump into here for just a minute, so -- so, again, we -- we hear the -- the -- the industry. We understand that. I think there is a little bit of a, you know, push and pull there of, yes, we are trying to be flexible, but not to the extent where we just get, you know, a hundred thousand square foot warehouse buildings in our C-C district. So, you can see the changes are actually pretty straightforward. It wasn't rocket science. This is, again, where I think we looked at a couple of other codes but we just said, hey, how about five percent, you know, as you go up or down the ladder on zoning. So, it's certainly not scientific, but it is thought out. Understand it doesn't go quite as far as -- as again some folks would like it to go, but we think this is appropriate for our community. Again, there is not a laundry list of changes - - two kind of changes of substance that are more -- it's adding more flexibility to the definition of flex than currently on the books. But with that I think I will pause for any questions or comments or discussion or whatever you want to do. That's, essentially, where we landed on flex space.

Lorcher: So, in a flex situation if I'm a landscaper and, you know, I'm putting in sprinklers and I'm -- to me flex has always been -- when I have been in the business community has always been kind of -- I have always seen it synonymous as temporary, you know, a flex -- you could be there multiple years, but I'm not buying a building because maybe I don't know if my business model is going to work. So, what you are telling me is if I'm a landscaper and I have a bunch of hose and I want a showroom where I can show my cool sprinkler things. I have an office. I have a receptionist and a little warehouse in the back holding my hoses, flex space wouldn't be for me, because you have a separate designation specifically for landscapers?

Hood: So, that's -- it's a very good question, Madam Chair. Potentially. It kind of depends on your floor plan and your site; right? A lot of landscapers we actually call a contractor's yard. It kind of depends on what you are doing and how much of the site is used for what purpose. How much is -- you know, how much are you really retailing versus wholesaling? How big is your warehouse? How big is your yard? How big is your parking area? So, there is a lot of things that factor in and we -- we don't have -- well, we may have a definition for a landscape something, but basically contractor or landscape contractor would -- may be the definition in your -- your hypothetical. Could be flex. Could be. That's what I'm saying. There is -- there is a lot of, you know, wiggle room or quite a bit of wiggle room, but when we let one of the qualifications to be flex, though, is you need to have at least -- whatever percentage, depending on the zone, of an office showroom component. If you don't have that, then, you won't -- then we got to look for something else. We got to call you -- we -- you know, some other classification. So, that's why we

do have these standards as -- as some metric within defining a flex building you need to have an office showroom space.

Lorcher: Okay. I guess one of the other examples I wanted to ask about was -- we are starting to see more manufacturing of -- and retail of some food service within kind of industrial and flex space spots. So, for example, say I have a gelato store and I want to make it there, but I also want to have a retail component, my showroom. Is that eligible for like a flex -- is that one of the reasons flex space is there because it's a small business that I can no longer cottage out of my house and I want to have some more space, but I also --

Hood: Sure.

Lorcher: -- need commercial type of thing happening?

Hood: Yeah. Madam Chair, it -- it may be eligible. It may not even be the best fit for you. Again, depending on what you -- you know, if you really think that your retail side of that is going to be successful and you are setting aside a good chunk, but you are still just making your ice cream or gelato or whatever you said in the back --

Lorcher: Uh-huh.

Hood: -- it may be better to call you a restaurant, you know, for Central District Health purposes. You may want to be classified as something else. So, we factor all those things in. But, again, I think some of the genesis of flex was more to your point of a ma and pa wanting to do the next step and kind of have a dedicated space where they could still mess with wood or do whatever and it is -- and that's why we don't have a square footage on small scale, but that's in the definition. I mean it isn't -- it is meant for -- maybe I have a couple roll-up doors, you know, but -- but -- but it is a smaller space, however you want to kind of define that. It's not 20 roll up doors with docks and everything. That's not -- that's not flex; right? I mean unless the building's huge. We wouldn't -- I don't think you would qualify for that. So, that's where I -- I kind of want to just -- the definition and what we are trying to do, that's going to be warehousing or distribution. That's primarily what you are doing, so -- now, if you added some corporate offices to that now we can talk flex potentially, but even that square footage, though, small scale.

Lorcher: Right. Okay. Any other questions on flex space before we move to the next subject? Okay. Thank you very much.

Parsons: Next item I just want to quickly touch on. I know it wasn't part of the four that I talked about, was just because we are on specific use standards, is home occupation. So, I think the Commission is aware you can operate a business from your home if you meet a certain criteria. Well, we are broadening that a little bit this time, this round of code changes. So, essentially, we have some residents in Meridian that like have an outdoor swim pool -- swimming pools and they like to do outdoor lesson -- swim lessons from their home and currently the way the code is written they are not allowed. You are

not allowed to have any outdoor activity associated with a home occupation and this went before City Council and City Council directed staff to come up with code changes to allow that type of use. So, really, that's what this is achieving -- attempting to do. Again, this was shared with the Council back last year when I did the last round of code changes. So, we have added that as an allowed use for outdoor swim lessons for six or fewer students and, then, the other important portion of that is the fact that, again, it's only -- it's capped at a certain time of year. Obviously you can't swim in an outdoor swimming pool unless it's well heated throughout the whole year. So, there is a perm -- a limit. They don't need to renew their permit every year, just their approved home occupation permit would allow them to operate between those months.

Lorcher: Okay. Very good.

Parsons: But pretty straightforward.

Lorcher: Any questions about that?

Smith: Madam Chair? Madam Chair?

Simison: Commissioner Smith.

Smith: Just curiosity. Why swimming specifically? And is there any discussion -- I mean say I'm the basketball coach. I have a hoop in my backyard or something. Is -- is there a reason swimming specifically came up and that's considered?

Parsons: Yes. And that was the discussion that we had with -- with Council when we were hesitant to change the code, because, again, if it weren't so specific we could end up with someone having a batting cage in their backyard and you are hearing people hitting baseballs throughout the day and basketball court and all of those things, so -- again, like Caleb says, like the home occupations -- or the accessory use permits we are trying to maintain neighborhood character and we feel like if this is a limited amount of children or a very specific purpose, that that does that. Not saying you won't have noise associated with it, but the other part of that is we would allow in-home daycares with six or fewer. So, even if kids are playing in the backyard that's kind of how we found the nexus with allowing the swim lessons versus a daycare use and that's why the six or fewer aligns with also the daycare standards.

Hood: Madam Chair? If I can just add one more thing that I recall from last year is there are some swimming pools, but not a whole lot in Meridian, and a need for swim lessons. So, there was a niche there that some could serve. Basketball courts are a little more prevalent and you can go hold that at a park or whatever, but with only having a couple of public swim pools and those types of things, it was like we want kids to learn how to swim and if we can even to some degree encourage them, still have neighborhood character, but this was one of those lessons types of things where we have a safety thing and for people that have backyard pools and are willing to do some lessons -- anyways that was part of the conversation, too.

Smith: Thank you.

Lorcher: Yeah. I wish I had it 20 years ago, because I had to take my kids to Boise, because the only other option was Meridian pool back in the day and they were booked up. So, I could only imagine with our increase in population having that flexibility -- especially with subdivisions having pools -- having these kids have lessons is a good move overall for safety. Okay. So, home occupation. Any other questions before we move to the next subject? Bill, what do you got?

Parsons: We have fences. So, again, this is a joint effort between planning and code and legal. As Caleb mentioned, we have -- as we can attest over the last couple of years we have gotten some interesting fencing showing up in our community and so this is our attempt at what we call -- this is something unusual that I haven't done, but it's called repeal and replace. So, rather than giving you a bunch of strike through underlined text to read through, this is actually going to repeal the existing fence code and replace it with the new code. So, it's just a way that's allowed under the law -- the state statutes that we can effectively modify the code without strike through, underlining format by introducing a new code. This essentially takes a lot of the existing code that we currently have in place. It reorders it, restructures it, with some additional wordsmithing from code enforcement and our legal department. But it also takes it one step further where it allows somebody to do some decorative features in their backyard. Currently the way the code -- fence code is written and where people have found loopholes in the fence code is they may put up a fence -- put up trellises and, then, they -- eight foot trellis in the side yard and they think it's a decorative feature and they put vegetation on it and they don't understand that that can be construed as an extension of their fence. Or you have probably -- we have had code enforcement cases where someone's put lattice on the top of their existing fence or another lattice adjacent to it, so they can raise the height of the fence. And, again, just because it may not be attached or even if it is or adjacent it's still considered an extension of the fence and currently in the residential district you can't exceed six feet in height and that's where we see a lot of these issues coming up for us is -- so, this code tries to do that. Again, we -- we thread that needle to say six foot fence is allowed and if you do these things it's something else -- or it's allowed if it's a decorative feature and we put parameters on that. The other part of the fence code is just updating our graphics. So, I wanted to share this with you. So, a lot of times residents come to us and they want to know what type of fencing they can put on their property. So, we do have graphics in the fence code -- in the code currently. This was just a way that we could modernize that moving forward and share all the different scenarios someone could face with a -- go to erect a fence on their property. I would mention to the Commission that we are going to tweak this a little bit. Currently on some of the graphics here the way the code is currently being presented to you tonight there is a requirement for a 45 degree angle when a side yard fence abuts the front yard of an adjacent property. The code doesn't explain whether it needs to be 45 with a six foot fence or it just says a fence. It has to go in at 45. So, we feel like there is an opportunity that we should probably clarify that language in the fence code that says six foot fence needs to be 40 -- six foot solid needs to be a 45 degree for visibility, but if it was a three or four foot -- three foot solid or

four foot open vision fence that it would be allowed to run along the property line. So, we will -- we will get that clarified and update that graphic, but at least wanted to share that with you and -- and point it out in code because I did have a chance to look at that before I came to the hearing tonight and that's this number five here in front of you. You can see here it just says fence. So, we will -- we will put some -- some sideboards on that and, then, update that figure as well. The other piece that's a little bit different than currently in code -- and we have been dealing with this issue is currently the fence code -- fence for -- so, when someone goes to construct fencing on their property they -- we measure the fence setback from property line. Not sidewalk. So, that causes some issues, too. And, then, what compounds it even more is if you have a corner property the code says your fence has to be in ten feet from the property line, so you never get to truly use your side yard, because your fencing is ten feet in and so, then, neighbors are walking their dogs in the evening or you buy this corner lot thinking you have this great side yard and you find out you can't use it and, then, people are putting up fences in the wrong spot and, then, we are going to have -- we are going out there knocking on their doors telling them to tear the fencing down. So, this particular code gives greater flexibility to that standard. So, in this particular case what you can see here -- if there is a detached sidewalk adjacent to the street, then, we are going to allow the homeowner to put their fence two feet from the sidewalk, so rather than ten and we are going to define the setback from the sidewalk and not the property line. Unless there is no sidewalk, then, property line would still apply. But most of the residential subdivisions there are sidewalks, either attached or detached and so if there is an attached sidewalk the graphic down here below says you can go up to five feet. So, we are giving them five additional feet and the reason why we landed on that is, one, if it's two feet from the sidewalk it allows someone to get a lawnmower between the fence and the sidewalk. Or also if you are walking in the evening or biking, you know, you have some elbow room there and you don't have to worry about hitting the fence or doing damage to somebody's property. It just gives a little bit more space and that allows some more comfort to that pedestrian or bicyclist on the sidewalk. But really those are the draft changes. I know Lacy has a lot more history with fence code issues, but I think we were able to get on the same page with these changes and they feel pretty good that it's going to be -- hopefully easier enforcement on their end to explain those standards.

Lorcher: Okay. Any questions on fencing?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: One question on the definition. It looks like there is -- some of the language just struck that specifies as manufactured materials. Would that make, for example, vegetation -- say shrubbery or hedges, fence, and, if so, is that the intention?

Parsons: Madam Chair, Members of the Commission, we are -- we do not regulate landscaping on buildable lots. So that's still in play. So, you are right, just because we are trying to maintain visibility at a -- from people backing out of their driveways or -- they

still can put up multiple shrubs there and block those open vision fencing. But, again, the city code does not require landscaping on buildable lots, only common lots.

Smith: Thank you.

Hood: If I can maybe just add to that a little bit though. So, what Bill said is correct, but manufactured, faux -- that was some of the issue and I'm getting into Lacy's business a little bit, but we are getting some pretty creative folks. That's not a fence that's on a screen. That's not a wall. So, that -- that is a lot of what the intent is of the definitions is to clarify. You can't put up a blue tarp and say that that's okay, that it is a fence or isn't a fence, so we went back and forth a lot on what that -- what defines a fence or a screen or a wall and those types of things. So, yeah, I probably shouldn't even said anything, but that is -- that is something we saw quite a bit was -- was some of the manufactured ivy type of things. We wouldn't regulate it if it were living, but when it's a manufactured material -- depending on where it's placed, it can constitute fencing material, because it's screening potentially.

Lorcher: Commissioner Perreault.

Perreault: Are we seeing a lot of this issue with line of sight problems, like around corners? Obviously, if you have a four foot fence at a 45 degree angle and somebody puts up an eight foot arborvitae you have just lost your line of sight. You know, that that 45 degree angle is useless at that point. So, is that kind of what we are trying to prohibit?

Hood: So, I will maybe give the first stab at that and feel free to jump in. That wasn't the nexus necessarily for some of these changes, but that has been a concern that's been brought up, particularly in some of these corner lots on a side yard where they are bringing a six foot fence up and now someone's driveway is only five feet off of that. Backing out of your driveway you can't see around the fence to see if any car is coming to back out. So, yes, that was thought about and is a result of some of these changes. It's not necessarily why we are making the changes though.

Lorcher: Okay. Next subject.

Parsons: Well, the last topic on -- for my portion of the presentation, then, we can certainly open it up to questions or even public comments as this is a public hearing, is private streets.

Lorcher: Private Streets.

Parsons: Yes. And this -- this one actually wasn't even on our radar, but we met with some of our UDC focus group members and they had expressed a need to change or modify this section of our code and like Caleb said to you on his portion with the accessory dwelling units, this was one that got a lot of feedback and a lot of conversation around it, because as we know, you know, for longevity public streets are better than private streets; right? For maintenance. We all pay that. There is taxes. There is a way to maintain the

road. Where we were hesitant with private streets on -- from a city's perspective is the cost and maintenance of those over time. But, again, staff was willing to open the door - - crack the door open a little bit and allow some more flexibility to use private streets, particularly if it's in-fill or a planned unit development, because that's really where, again, if you are going to -- in-fill as you know can be very tricky. There may be enclaves in the city where there is no street stub to it or it may -- may not necessitate a public street or the cross-section of a public street's too wide and it doesn't make it feasible to do an in-fill project, because you have taken up the property with a roadway similar to the discussion we had earlier this evening. So, we have got to be able to have some flexibility in the code to allow certain -- these in certain instances. So, currently the way the code is written is you can do -- it's discouraged to do private streets, unless it's a MEW or gated development. That's how it's written. Doesn't say you can't do it. It just says if you are going to do it and if we are going to entertain it, we may be supportive if it's -- you have those two options. If it's commercial or multi-family, we -- we typically would require private street for addressing purposes, because of the size of the development we want to make sure it's for emergency services. A lot of those provisions are staying in place with this code change. It -- but we realize there are some -- some holes or some gaps that we need to fill or leap at least make it a little bit more flexible. So, this code doesn't say you can't do a MEW or gate it, we just took it out that it's not that. That's not the only purpose for it. And, then, again, it's one of those where we looked at other code sections like we typically do, we don't reinvent code, we look and see what other communities are doing in the area and so some of this wordsmith was from those code sections and, then, going back and forth with the UDC focus group. So, again, I can see this tool being used more for in-fill, gated communities still and possibly commercial developments where maybe Ada county or the fire department or emergency services need something named for addressing purposes to get -- for public safety. That's really how this tool is meant to use and I think that will continue to be the case. The other portion of this is trying to have standards that what applies to a residential development versus a commercial development and trying to separate those two things out as well. So, currently the way the standards are drafted, again, residential you are going to have your own design standards that you have to meet and, then, in commercial it can happen a couple different ways. One we can get the private streets with the multi-family development or commercial development and it could be just a commercial drive aisle or in some cases I have been part of where someone may not have access to a street, but they want to name their -- an existing drive aisle with -- name it a private street and, then, convert that to a private street, so that they can get a physical address for their business, because they are off the beaten path and they can't -- they are not seen from the street, so they want to make sure there is a street sign where people can get to them and so this code does that. It allows the process to get it with a gated community and in-fill a PUD or with a multi-family development, commercial development and, then, also rename existing or convert existing drive aisles to private streets or basically name them for emergency services purposes. Other than that it's pretty straightforward. I know Council had some reservations with opening the crack a little bit wider just because of, again, cost of maintenance to those doing that. I don't -- I don't see that being much of a burden for multi-family development and commercial, because, again, it's probably these smaller in-fills and how do they tackle that, but, again, that's CC&Rs and dues and we haven't seen

a lot of it, to be honest with you. Most of the time people just do common driveways and do the four lots and they move on. But, again, we will shape -- we will see how this shapes -- shakes out, see what Council wants to do with it, but certainly happy to answer any questions about this topic.

Lorcher: I know this Commission has not been a fan of the private streets in subdivisions, because of just the congestion of utilities where you -- you allow four houses on this little spur and the last guy, you know, has to walk -- or, you know, emergency services or utility services, you know, can't get in there without having to back up for garbage or any other kind of types of things. So, it looks like that that -- or allowed use will continue, but, you know, it seems to me when you are dealing with a blank slate and creating a subdivision and you are allowed to have these private streets or these, you know, off -- offsets, it's like you don't -- you shouldn't have to, because you have got a blank slate to be able to do it. But I'm not sure -- you know, we don't see how the neighbors all react years later to those types of things. But we will see what City Council has to say. What -- any other comments from Commission in regard to private streets? Okay. Was that our last subject?

Parsons: That's the last item that I wanted to touch on. So, if you want to open it up to public testimony you certainly can.

Lorcher: Okay. Commissioners, do we have any questions from Bill or Caleb before we open public testimony? Okay. Do -- Madam Clerk, do we have anybody scheduled to testify?

Lomeli: Thank you, Madam Chair. We have Will Goode.

Lorcher: Hi. If you could just state your name and address for the record that would be great.

Goode: Yes. Will Goode with Adler Industrial, 8665 West Emerald Street in Boise, Idaho. Madam Chair, Commissioners, Council Woman Perreault, congrats. I didn't know you were on Council, but that's been a whole bunch of times tonight people have called you Council Woman, so -- thank you guys for staying so late. Thank you for -- to staff for being open to feedback from the development community on -- on these code updates. For the most part I'm supportive of everything. There is just one item and -- with flex use that -- that I wanted to touch on and where this really matters is in mixed employment and the edge of C-G zones where you are up against other industrial and appreciate, Caleb, your definition -- the definition you gave of -- of what flex use is. I guess how we view it - - and Adler Industrial, we are the largest industrial developer in the valley. We own 20 plus buildings in Meridian and we have got five more under construction right now. How we view flex industrial is -- is exactly like you described it, Madam Chair. It is -- it is -- tends to be small industrial users, often with a -- some sort of a public facing retail component that they want to be able to -- they make cabinets and they want to be able to sell their cabinets in the front and, then, actually distribute out of the back or stone -- we find a lot of the demand is around building materials or construction supply type uses,

where they want a public facing component, but they also need some warehouse and distribution in the back. So, to give you our perspective on this I wanted to compare two developments. We recently -- or just about to finish two flex concrete tilt buildings on the north side of Ten Mile Crossing. They are just south of the Tesla building and these two 36,000 square foot buildings are designed to demise down to six to 12 thousand square foot spaces, which is a small industrial user. That's like, you know, you have grown out of your garage in your house and you want 6,000 square feet, you are going next level. Those buildings are just about complete and we have zero leases signed. We have tons of interest. I will tell you why we have no leases signed in a little while. Comparing that with a building we have in Boise, similar building, designed for six to 12 thousand square foot users, we just finished the shell there and it's 60 percent leased and those last two spaces are probably going to be leased in the next -- next 60 days. We have agreed otherwise on both of them. The difference is we get more inquiries on the Meridian buildings and, then, we tell them that to be able to -- to go on this -- in this location you have to do 30 percent office and that drives up their lease rate to a point where they can't afford it anymore and they say, oh, I love the location, I can't go here, but what else do you have? And you either have to do 30 percent lease rate or apply for a conditional use permit to be able to qualify as warehouse. So, that's why this is near and dear to our hearts. Because I understand that we are -- we don't want warehouse in the mixed employment or the C-G zones. Their house is three to seven percent office. So, we are -- we are well above warehouse, but I do think that -- I don't think anyone here just wants vacant buildings that can't be leased, because they are not actually meeting a need in the market and that's right now kind of what we have. This flex use is overly strict. It's moving in the right direction and I appreciate that. In the letter we sent -- I'm sorry I'm taking too much time here. The letter we sent we proposed 15 percent office and showroom in the mixed employment zone and, then, 20 percent in the C-G zone as you step from, you know, commercial to mixed employment to industrial, which is what really that mixed employment zone is designed for and I got a little -- little bit overly excited with data and graphs in my -- in what I presented just based on our portfolio, but that would at least allow us to appeal to, you know, half -- 50 percent plus of flex tenants that are out there and, hopefully, get these buildings leased up. So, thank you. Sorry I took too much time.

Lorcher: Thank you.

Lomeli: Madam Chair, no one else has signed up.

Lorcher: Anybody else in Chambers?

Wardle: Madam Chair, Commission Members, Mike Wardle, Brighton Corporation. 2929 West Navigator, Meridian. 83642. Our particular interest really is on the private street standards and as Bill noted it wasn't on the staff's radar particularly, but we found through our age qualified projects and some in-fill that we have been doing that there has been some challenges with the way that the -- the code -- sometimes it's interpretation, but still there were some issues that we brought forward to staff and, then, over the course of many months there has been a lot of participation with the staff, as well as other community members on these, standards along with the others that they brought forward.

So, through that participation we are pleased with the outcome that is before you and we encourage your recommendation for the plan -- of the planning commission to recommend approval to the City Council and I would just note one item. We are talking private streets, not common driveways, which was your concern, Madam Chair. But I would also note -- and it's been a standard before, but it's reiterated in the proposed new standards that staff has recommended. It's three -- 3F-4A-8, says comply with the ACHD structural standards for streets as shown on design and construction documents prepared and certified by a registered professional engineer and in all of our projects that we have done -- and you are probably acquainted with our Cadence product. We have three communities in place and another that will be in front of you soon. We have always designed those and constructed those to ACHD standards as though it was going to be their street period. We have never done anything less than that. So, we support what staff has brought forth and presented to you and encourage you to pass on that affirmative recommendation.

Lorcher: All right. Thank you very much.

Wardle: Thank you.

Lorcher: Anybody else in Chambers? Hi. If you could state your name and address for the record that be great.

LeClaire: My name is Tom LeClaire. I live at 1923 East Pratt in Meridian and I'm a member of the Meridian Transportation Commission.

Lorcher: Okay.

LeClaire: We -- we received a transmission from ACHD in May and it was a drive-through business. You probably saw it, too. But they -- the ACHD required them to attach a queuing analysis with engineering stamp and -- and they asked our group if -- if the city was planning to set standards for drive-through businesses and we were told the UDC group is working on it. So, as I read through these, though, I don't -- and I don't know if it needs to say that, but it might be something to think about. Is if our standard is not met should there be some kind of language referring to a queuing analysis may be required by ACHD, where the -- it just -- there is -- there is a -- they want us to have a standard and yet they are really the ones that would implement such a standard and so I guess that's the concern I have about this is is there a gap in there between what the city is going to require and what ACHD may do based on what we require and so that's just some feedback to this process and I didn't want to -- I don't know how I would vote if I was in your shoes, honestly, but it gives me some pause to wonder does the city need these standards? Is this something ACHD is going to do on a case-by-case basis anyway? And so those are some thoughts and maybe staff can -- can provide thoughts to those questions. So, that's all I had and I just wanted to share those concerns with your group and wish you well in considering this ordinance.

Lorcher: All right. Thank you very much.

Parsons: Madam Chair, Members of the Commission --

Lorcher: Madam Clerk, is that it for public testimony including online?

Lomeli: Yes, Madam Chair, that is it.

Lorcher: Okay. We have some comments from you?

Parsons: Yeah. I'm happy to address the public testimony that we got, because it -- it was a topic of discussion with the UDC focus group and we did the same thing. We went -- I'm sure you had ACHD staff come and say, yep, we require it, but it's not all the time or it's only in certain circumstances. So, they couldn't tell you when it was required or when it wasn't and so my experience in working with the UDC focus group and the industry experts that does drive-throughs throughout the country, we landed on saying provide a queuing exhibit like you see in number seven. Certainly I am not a queuing analysis expert or transportation expert, but I know that I have seen a few queuing analyses -- wow, that's a mouthful -- and the reason why it was required by ACHD was because they were concerned it was going -- the vehicles were going to stack on the adjacent roadways -- the public right of way. So, they use their professional judgment and, then, say, yeah, we need you to provide this to make sure it shows how it works, just like a traffic study. So, we couldn't really come up with a standard to say when a queuing analysis would be required and when it wouldn't be and so the gentleman and I that crafted this language we agreed that that queuing exhibit made a lot more sense, because, then, you can see the number of vehicles that can fit in those stacking lanes and determine whether or not it can meet the requirements and you can -- then I took it one step further and said, well, we are not going to allow you to count Toyota Priuses as your length, we are going to require minimum vehicle length and that's where I came up with 20 feet. So, if you go up above it says for tier -- for stacking lanes we are looking at tier two or number six there, it says six vehicles for tier two. So, you are looking at a minimum of two drive-through stacking lanes at 240 feet. Again, that won't address the In-N-Outs of the world or the Chick-fil-As at busy times, but it will allow a lot of stacking to occur on the property more than what you would see at a -- and that's why we put some thought into breaking them out into the tier one, tier two, tier three, because we know not all of them are alike. So, again, this -- this took some of what I learned from my experiences looking at other code and, then, making it work for Meridian and so this does go above and beyond some of the codes that I have seen out there as well. So, I -- I don't -- I won't profess that it's perfect. I think ACHD will still have that right to ask for that queuing analysis on a case by case basis and, again, the city does transmit its applications to them, so, whether it's in front of you or us transmitting it to them through our certificate and zoning compliance process, they get a copy of the application and have access to the plans and if they want those -- ask for that information the applicant will work with ACHD and provide that information as part of the application.

Lorcher: Well, I also like the fact that if they don't fit into tier one, tier two or tier three and if it is, you know, a completely different animal compared to what fits in those three categories, they still have the ability to come to Council to have a conditional use permit

and variances. So, you are right, it may not check all the boxes, but at least there is three standard mechanisms and also a flexible mechanism in place to be able to accommodate whatever kind of growth might come next and I would imagine with any kind of UDC text amendment if it's not working for the city we could also amend again as our city continues to change and grow so -- okay. Any other comments in regard to -- well, Mr. Wardle complimented the private streets. So, I think we have kind of hit the -- hit the mark on that one. Any other comments in regard to flex use?

Garrett: Yeah. I'm a big believer in having more flexibility in that area, now the definition, as opposed to less. Hearing from the industry I think that that gives us a handle on some of that, as opposed to -- I have no idea what, who and why somebody would occupy a building like that, but, obviously, the builders know far better than we do. So, having a little more flexibility in the definition I think would help.

Lorcher: So, would you support less than 30 percent showroom space and -- as far as what -- what the city is asking for right now as far as the percentages of use?

Garrett: Yes.

Lorcher: Okay.

Garrett: Just because I think that gives -- gives the developer a little more opportunity and, of course, the more buildings get occupied the more tax base for the city.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I guess where I stand on that it's -- it's a question of, you know, we heard about, you know, warehouse space -- office space is maybe up to seven percent. I guess my question, then, is what about that gap of seven to -- seven to 20 percent -- seven to 25, something to -- yeah. Twenty-nine. Under the existing code. I think -- I think in the letter the request was for ten percent. I don't know that it was necessarily even for that -- for that small of a gap, but I'm curious of say here at 12 percent office space where does that land you? Does that still keep you in warehouse? And is there at least a space for that?

Hood: So, Madam Chair, I'm not -- I'm not sure that I can totally answer that question without having like a specific plan in front of me. I will just try to answer it a little bit, but on the fringes. Just back to my comment about -- we want -- we want flexibility, too. We are not trying to be so rigid and strict in some of these things. But, again, in the commercial districts -- even the C-G zones that are on the fringe and may be bought up, trying to protect some of those jobs even, it's not -- it's not just even about the tax base, it's about the jobs that we may be losing out on if the square footage -- the proportion of jobs to, you know, in a retailer square foot versus a warehouse square foot is less and so there is -- there is some of those components that even play into this. But I guess my comment was going to be to somewhat answer your question. Flexibility -- even things

like the lavatories and hallways and things like that, like we are usually pretty generous in counting those towards your non-warehouse square footages. Building Code comes into play at some point, too, and what type of occupancy you need as well. So, it's -- it's a little more complex than seven or 12 percent. It kind of depends on how things are demised and separated and the type of occupancy you need in some -- some areas. So, this is pretty high level planning code. Building Code comes into play at some point, too. And, yeah, I'm sorry, I just -- I can't fully answer that.

Smith: That's fine. I guess my question is is there -- you know, regardless of the specific use or specific plan or what the -- what is constituted -- as non-warehouse use, if I am in that gap, you know, I guess what is -- what is the -- the plan? It sounds like from some of the public testimony that really the answer is CUP. But is -- is that, basically, the only output if you are in that gap between that seven for warehouse and -- and 30 for -- for flex, that seems like a big space and so I guess I'm just curious what is the -- what is the way that they can have some non-super burdensome --

Hood: A CUP may be the way -- and I will just say it, a CUP is not super burdensome. It is -- it is a process and it does take some time and some money and some expense. I'm not trying to totally downplay that. But in a situation like that that may be appropriate. I mean having to go through a public hearing for something that's marginal at best, in my opinion, may be the best way forward. At least you get your day in court; right? You can make a case for it at least. Again, I think there is a lot that goes into that. So, depending on what the -- these -- these gap projects or gap scenarios or whatever you want to call them, I would really like to see if we can get there. So, again, what does the building even look like? You know, how can we -- how can we work with developers on some of these things to make it fit? That's really what it is about, about fit here. It's not even -- to me -- it's not so much about the percentage of the floor space, it's what are you doing in the building? The example I mentioned before -- they have corporate offices, but it's not as big as their retail or their -- we could call them whatever -- they had options; right? We could call them offices. We could call them retail. We could call them flex. What's in their best interest? What's in the city's best interest? How does the building fit on the property in that specific situation? Yes, there is some code. The flex space is really meant to have a caveat to say, okay, to differentiate you from a warehouse you need to have some of this or else you are just a warehouse. If you are seven percent, sorry, you're a warehouse. You know, that's kind of where I'm at. Like even eight percent I'm like that's a pretty small percentage. If there is another number -- I mean, again, I'm open to some of that, but that's what we are trying to protect against again. So, I do appreciate -- I will just say -- well, that, you know, everyone stayed this late and for the comments and the letters and the feedback. So, do appreciate that. But I -- it could be tough. We will work with them at the end of the day it may be a CUP. It may be no. It may be, yeah, you got to go to another community, quite honestly. Again, we are trying to protect some jobs, the integrity of the future buildings potentially.

Lorcher: Previous to this revision in regard to flex space with the percentages of 30 percent being front of the house and the rest being back of the house, is that always been the consistent number or was it higher before in flex space?

Hood: Bill might be able to -- I'm not aware of us changing it ever. I think this has been the standard.

Lorcher: So, 30 percent has been our standard in our city for quite a while. So, there is really no change there.

Hood: Again, we thought -- I thought I was being helpful in opening it up a little bit more to say, okay, yeah, let's have a lesser percent in some of these other zones. It's just been 30 percent in all zones to qualify as flex.

Lorcher: Got you.

Hood: We are like okay.

Lorcher: And so there is really is no -- no change in that language at all. But the develop -- I mean I understand from a developer standpoint or owner like Adler, who wants to be able to create more marketing opportunities to be able to sell their space by saying you don't have to have 30 percent, maybe it's 20 percent front of the house and, then, you know, whatever else is -- and you still can be in that flex space. But what you are telling me is that 30 percent has been the standard for quite a while. That part hasn't changed. Hood: Absolutely. For quite a while. I don't know -- I'm not going to say 20 years, but as far as I know it's been --

Lorcher: Quite a while.

Hood: -- years. I don't remember us changing it.

Lorcher: Okay.

Parsons: Madam Chair, Members of the Commission, it's funny you bring that up, because Adler -- although it wasn't Adler at the time was at the table when we came up with the flex space standards. We worked with Brad Miller. He sat on there and I know even at that time he thought 30 was high. But, again, as Caleb mentioned, the -- it really is a quasi-industrial use. So, you are -- we are skirting that -- that line between a commercial versus industrial and it's -- that's why we call it flex space. I don't think Boise even has a flex space definition in their code if I'm not -- so they just like, yeah, if it's allowed in the district you kind of go in there and you are this use. So, although I think we -- we are trying to create flexibility here, it's -- sometimes it does confuse our applicants as to what that really means and that's -- I think Caleb is trying to do his best -- or staff is trying to do our best to say we -- we want to be flexible. We hear you, but at the same time we don't want to go so far that now we have created an industrial use in a -- in a C-G zone or a commercial district. It really -- for staff -- or at least my experience in planning -- current planning is everything -- everything we do is about compatibility. The context. What is developed around it. The example Will gave with the Ten Mile Crossing property, he is part of a large mixed use commercial development. His buildings blend in. So, to

me in that situation if code were different I would say I am good with something more industrial in nature, because it was part of -- it's store -- it's around storage. It blends in. It's part of that. It's -- it could fit in that situation. But, like you said, if this was a flex space next to a residential district or an in-fill piece maybe it didn't. It doesn't work. So, to me I think what we can do -- at least if -- if you guys want to change the standards or recommend a change that's certainly within your purview tonight to have Council take that into consideration. But I would like the opportunity to maybe work as we transition to City Council on getting with these industry experts and maybe coming up -- not necessarily a CUP, but maybe coming up with a standard that allows the director to deviate a certain percentage when somebody can demonstrate that it fits in with the character -- or I don't know what that threshold is. I'm just talking, spitballing ideas. But some codes out there do give the director latitude to make those determinations to say, hey, we are willing to let you do 20 percent in the C-G zone if you can demonstrate these things or the 15 percent in the I-L. Give you that five percent deviation in the office if you can show us how you maintain the jobs or whatever -- whatever the threshold may be through how the business operates, because to me that's -- that's -- like Caleb said, there is so many variables to this --

Lorcher: Right.

Parsons: -- I can't sit here and say -- give you the perfect scenario. It's just -- it's impossible, because everything we do it comes down to definitions and how we interpret the code and what that end use can be. Like Caleb says, we have a lot of flexibility, we just have to find where you best fit.

Lorcher: Yeah. One of the things I appreciate about this Commission and this process with the city -- with Planning and Zoning being the first step and, then, City Council being the second step is that each application is addressed on its own merit by itself and that the city -- like what you have told us when we were trained, we want this Commission to say yes, because the planners have done everything that we can to be able to make that box fit into that space, but as our city grows and there is pockets, there is going to be, you know, always certain circumstances and what you are suggesting here for this UDC text amendment is the beginning of the discussion, the baseline of the conversation; right? And, then, like you said, maybe having the director or even through the CUP process, having that flexibility. It's like, you know, it does fit, but, you know, this is -- this is our goal, but in your case, because you are right next to FedEx, you know, maybe this warehousing does comply with only 15 percent front and, then, you know, the rest of the back, because we treat each application individually. But I also understand that as a city we have to have a code and a standard and a place to start, a minimum, and that's where the variances come in. So, as we go through this process with the City Council and it would be interesting to see what they say as far as flex space, maybe there is some language in there saying 30 percent is the standard and, you know, with a little asterisk on occasion open for, you know, discussion type of thing. But the standard needs to be written, so --

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I just -- I want to -- first off I want to thank you. I think we are asking a lot of questions tonight, which the answer is it depends. I think it's probably -- in lawyer -- for lawyers and city staff as far as I understand are probably the most common words. But I think that's kind of where my head's at. I guess I don't know how this comports with the rest of code, but I wonder if there is some way to also -- yeah. In this -- the same way that there is the drive-throughs, there is kind of here is the standard and if not it specifies in the code it's a CUP and I think maybe some of the question marks that -- that I have and maybe some applicants have is that the -- the alternative or the -- the alternative way to gain compliance is unclear. So, I think having that kind of direct -- you know, director level decision maybe in the code or even a CUP as an outlet in the code can be helpful, because I also look at that and I think, well, is there something that maybe I need to go to Council instead of -- of CUP and kind of outlining those a little more quickly. Again, a lot of it depends, but maybe having some more specificity there, so, then, when an applicant like -- like Adler, you know, instead of, hey, there is kind of this extra stuff you got to do and, then, there is -- these -- the other question it's -- instead it's, hey, here is a very clear thing that might take. Here is the expected timeline. Here is the expected cost and you can factor that in, rather than it being kind of the scary unknown for a potential new tenant. So, less of a question and more I guess I think that's the right path and I think that's worth going -- the path worth going down.

Lorcher: We are still in public testimony; correct? Am I allowed to bring a -- am I allowed to bring a person back up?

Hood: You certainly can. Yeah.

Murray: Madam Chair, if they are coming up to rebut new information, then, they can come back up. In your discretion.

Goode: Thank you. I wouldn't call it rebut.

Lorcher: Need to call it rebut.

Goode: Okay. Wait, I am rebutting new information. I was responding to new information.

Lorcher: Okay. There you go.

Goode: Will Goode. 8665 West Emerald Street, Boise, Idaho.

Lorcher: Thank you.

Goode: The CUPs -- so, when a tenant is faced with should I lease here or should I lease here and one option requires a CUP, which adds time, money and uncertainty, because

CUPs are discretionary, they almost all the time will just choose the other option and to your question, earlier the option for 12 percent is to go into an I-L zone. The -- in Boise you have commercial and you have industrial butting up to each other. Meridian tried to create a mixed employment zone to ease the transition between commercial and industrial and what we are trying to do is thread the needle of what does that transition look like? If you will notice right now, if you look at your land use map, there is hardly any mixed employment land that's developed, because it's not developable. The -- because warehouse isn't allowed -- most things aren't allowed. Building materials isn't allowed. So, flex is allowed, but of our four million square feet, one and a half percent of it has greater than 30 percent office and showroom. We can't build a building to appeal to one and a half percent of the market. I can't convince investors. I can't -- I can't convince anyone to get behind that. So, the CUP usually will just scare away a tenant unfortunately. I wish it didn't. And, yeah, 12 percent means you just go to an I-L zone basically, so -- thank you for the --

Lorcher: Thank you. Okay. Did you have any other comments before we close the public hearing? No? Commissioners, any other questions before we close the public hearing? Can I get a motion to close the public hearing?

Smith: So moved.

Perreault: Second.

Lorcher: It's been moved and seconded to close the public hearing on Item No. ZOA-2025-0001. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Lorcher: Well, this is a stacked deck, isn't it? I think all the changes that -- for this particular text amendment are in the best interest of the city. It defines things a little bit differently and I'm talking about all of them, not anything in specific. For -- for me personally. You know, I wrote down that the drive-throughs -- if they don't fit the -- the categories they have the CUP. The ADUs for -- for safety, for the primary structure, for addressing, all makes sense. The flex space, the 30 percent is a -- is a good start, but it's sounding like the market is saying that they need less. So, that's maybe a conversation that, you know, when it gets to the City Council they -- they can look at, but we need a standard and it sounds like that's been the standard. Home occupation with the -- the swimming I think is a lovely idea. Consistency in fencing and the private streets, you know, all seem to make sense without a lot of controversy. I think as we continue with the industry and City Council working with the flex space, I'm sure we can come up with some language that would be able to bridge developers in the city and what's in the best interest of both to be able to move our city forward. So, I'm in favor of the things that are -- the way they are written right now.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I think I tend to agree with you. I -- I -- it seems to me a lot of the flex space issues also kind of more targeted around that, you know, I-L I mean kind of area where it might be 20 percent -- maybe it's not the 30 percent areas, the CCUs, that it's -- it's the huge issue, but it's those -- those more border -- borderline cases and maybe there is a case for rolling that 20 percent down to 15, but leaving everything else the same. I think there is maybe some discussion that, you know, staff can have before this gets to Council and some discussion at Council about that. But I think -- I think, really, the question is is the City of Meridian going to be seriously hurting if we get this wrong in the sense of, yeah, what will hurt more if we get it wrong in what direction. If we have the ratios too low and, then, the anticipated kind of uses of the zoning kind of aren't aligned with what the plan is, I think that's more harmful than, you know, maybe we take a more temperamental -- more of a slow and steady reduction to kind of try to thread the needle and find the right percentages there. So, I think -- yeah, I see the argument for a lower percent and very well may get there at some point, but I don't know that it's an urgent enough case to do it right now and that we need to jump at lowering the numbers. Maybe -- maybe in six months, a year, two years that ends up with -- that's what it ends up at, but I think -- I think I'm okay with where staff is at now, especially with some sort of mechanism, especially at the director level to help maybe limit some of the CUP concerns and some of the City Council concerns, but even, then, you know, having a more clear path for variance I think will be helpful.

Garrett: I have a comment. I'm on the other side of that, because I think the minute you time -- you add time or variable people are reticent to invest their money and add time to it, because time is money for them and especially if they are having to borrow money or if he is looking for investors. Any developer is looking for that investor or that bank and the longer things go the more it costs and so they are going to say I'm going to go somewhere else. So, I think if we are serious as a city to encouraging these types of businesses and having this flex zone somehow we have to communicate that we are flexible. You know, you -- you can't go down to five percent, but, you know, if you are at 15 or 20, yeah, we are happy to look at it. So, somehow in that way I think we have to communicate that out and, obviously, you know, if we are competing against other municipalities they are going to go elsewhere and, then, we end up with raw land unused.

Lorcher: Commissioner Perreault.

Perreault: I'm going to somewhat land in the middle here. I really like Bill's idea about taking that time to sit down with our stakeholders and our commercial developers and fleshing that out more, seeing if we can come to a little bit more detail on that and figuring out if there are some criteria that would allow those percentages to change up or down. Maybe we start talking minimums instead of maximums and I feel like that -- I think that it would be better for us to have more information to -- before the decision is made and I would like to see that happen before Council, if possible. I don't know what the time frame is, but I will leave that to you all. But I think that would be really wise on our part, so that -- not that staff doesn't already have a really good grasp on what's going on with -- with

commercial development, but just as that -- you know, just the opportunity for the community to have a little bit more voice in it and see if there is some way that we can -- as far as -- I understand what Commissioner Smith is saying. I -- as far as like director level decisions and there still has to be kind of a criteria that the director follows. So, one way or the other you are still developing some additional criteria that says, hey, we are going to agree to this or we are not going to agree to that. Whoever the decision maker is.

Lorcher: Right.

Perreault: So --

Lorcher: So, are you suggesting a continuance, so that they come back with the flex space or do we make a -- vote a motion with a condition that -- that conversation happens before Council?

Perreault: If the Commission wants to -- wants staff to do that and come back before us and have another discussion, then, yes, we would continue it.

Lorcher: Right.

Perreault: If --

Lorcher: Is that what you are suggesting?

Perreault: No. No. No. I'm suggesting that staff have those conversations hopefully before Council. Yeah. If it's possible. I don't know what your time frame is.

Hood: Well, Madam Chair, I mean I certainly am happy to talk to Will more about it. We have talked about and I understand where they are coming from. I mean we can talk and if you want to change percentages that's up to you. I'm trying to keep an open mind, but I don't see -- this is already going that direction. If you want to make it 20, then, that's a motion and you can make it 20. I don't know that me talking to Will anymore is going to be -- again, I enjoy our conversations, but I don't know that either one of us are going to be convinced. So, it's fine, I get his perspective. I think I understand everything and I -- if I'm in his shoes I under -- I'm writing the same letter. I have a different -- I wear different shoes, though, and I have a different perspective and you do as well. So, if you want to change it, then, you can make that motion, a continuance to talk about it some more I'm afraid is not going to change staff's recommendation at this point. What I will commit to, irregardless of what you do and ultimately what the Council does, we will continue to monitor it and be back in six months, a year, two, three -- I don't know how long, but we will monitor it still. I'm not too worried about vacant land just sitting there. That hasn't been a problem for the last 20 years. I'm not saying we are trying to be, you know, a -- you know, obstinate to development, but we want the right type of development. That's what this is really all about. If you want just development we could -- why have zoning? Just -- we get rid of all the zoning codes and people -- let people go crazy. Okay. If that's what you want to do make that part of your motion. And, again, I can meet with Will and

I will before we go to Council. I don't know what that's going to gain anyone necessarily; right?

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: I apologize, I got the impression that you hadn't had those conversations. You had mentioned something along the lines of maybe not having had as many conversations and I -- with stakeholders and I didn't know if it was about this specific issue or other issues in -- in -- in the code changes that are recommended.

Hood: So, Madam Chair, maybe just a little bit of what's happened over the last couple of years. Will has not been part of our tighter UDC focus group, but for the last meeting, maybe two. We have talked about it on and off, though, through other interactions we have with developer stakeholder groups and other things. So, we have had conversations over the time -- over the last six months or more even going back. So, again, I'm -- I'm trying to be open minded and listen, I just can't take everything and just make those changes in good confidence with what I feel is in the best interest of the community. But that -- that is my just professional opinion. I mean I will -- again I will talk -- I will talk to him. We will talk maybe even right after this meeting. I know it's getting late, but I will definitely connect with him between now and Council. I just don't know that's going to equate to any real change, because I feel like we have -- we have been having some of those conversations and this is where we have landed for now.

Lorcher: Right.

Hood: It's a change in the right direction. Is it all the way to there? Maybe, maybe not. We will keep tracking it and can come back again if we need to change it more.

Smith: Madam Chair, I think -- I think that's -- to clarify, I think where I'm at that's kind of my position. I'm thinking of this as, you know, lowering the limit is like adding salt to a dish, or you can always add a little bit more, you can always reduce a little bit more, but it's really hard to -- when you add too much salt -- when you lower the limit too much --

Lorcher: Right.

Smith: -- there is -- there is -- there is that risk there and so -- yeah, I do think, you know, those numbers maybe matter to the applicants and they matter to the developer. I think it's more of a question of how hard pressed the city is right now at this very second to get that -- those -- that ME zone or those specific zones developed. We want to see them used -- developed and use, but I think it's a question of are we -- are we under the gun really trying to get them developed now and that's a different conversation. I don't think that's where we are at and so I think this is an opportunity for, you know, if we still land high we can -- we can come back around I think to Caleb's point and, you know, try -- try getting a little lower if that's still a need. I think, you know, I think there is a risk here of

mistaking a step in the right direction or a step in the wrong one, just because it's not a big enough step and so I think -- I think this is -- I think this is good. I think this is really good. And, again, I really do like -- to -- Commissioner Perreault, to your point about having some standard, I do like kind of -- Bill, maybe -- maybe an offhand idea, but I think a good one of having that, again, specifically a five percent discretion, you know, I think that might help cover a lot of the ground. I know some of the letters asked for five percent lower and so if we can say, hey, it is five percent lower if you can do these things and there is -- there is that director discretion, I think there is -- that is helpful there. I don't know if that's something that gets workshopped a little bit and brought before Council, I don't know if we make a motion tonight to leave that up to rest of the Commission. I don't know if that's baked enough for that. But I think that's the direction that makes more sense to go, rather than dropping it and trying to drop it now or make a big drastic change to it.

Lorcher: Well, knowing that City Council is going to be very aware of our conversation about flex space and it's probably going to be presented again at Council as well, I -- you know, I don't see us being the governing body to make that change here. The 30 percent, you know, can stay and in the meantime stakeholders and the city can continue to talk and, then, when it goes to Council it will -- it will come up again and if the city feels at this point in time that it is in the best interest of the city to change that standard, then, that's when it will come up. So, with that in mind -- after considering all staff, applicant and public testimony, I recommend to approve of File No. ZOA-2025- 0001 as presented the staff report of the hearing date June 26, 2025, to City Council.

Smith: Second.

Lorcher: It's been moved and seconded to approve the UDC text amendment. All those in favor say aye. Any opposed?