

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

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

Seal: All right, we are back. Now I would like to open the public hearing for item number H-2022-0089 for the Millwood Subdivision and we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. The last item on the agenda tonight is the Millwood Subdivision. The request is for annexation and preliminary plat. The -- the site consists of 4.11 acres of land, currently zoned RUT in Ada county and is located at a physical property address at 1975 East Victory Road. As you can see here in the existing aerial map, there is an existing residence that is currently developed on this site and it was approved through the county. I would also mention to the Commission that this property does not have any street -- public street frontage or access. It has access, but no public street frontage to this property. They actually take access across somebody else's property through an access agreement and it ties into Victory Road and that will be part of the presentation tonight. But just wanted to make you aware of that unusual circumstance when you have a -- don't want to say it's landlocked, but when you go to further intensify or further develop a property we have to make sure that we have adequate street frontage. So, that you can also see here that the future land use map designates this property as medium density residential, in which we anticipate residential densities between three and eight dwelling units to the acre. So, as I mentioned to you, the annexation is going to be a little bit larger than the plat square footage, just because we require legal descriptions to go to the center line of the adjacent Eight Mile Lateral that runs along kind of the northwest portion of the project and, then, dives down along the east side as well. This -- the applicant is here tonight to discuss with you -- or, excuse me, I should say they are here to develop the site with a seven lot -- or 17 lot subdivision and four common lots. One -- again, one of -- the existing home will stay on one of the lots, so they are actually proposing to construct 16 new residential units on this particular property. There is also two common driveways that are proposed as part of the plat as well. Just like the -- the earlier residential subdivision, this -- this evening this property's access is contingent on the adjacent property to the west, the Teakwood Subdivision that was approved. I have -- I did go drive by this site -- not recently, but I know that that construction -- that first phase of construction for that development is underway. So, I anticipate -- in this particular case they are a little bit farther along than the first project tonight. So, we do anticipate the public street frontage to be there sooner, rather than later. The other interesting part about this, if you had a chance to look at the ACHD staff report, is ACHD's actually requiring this segment of local street to be dedicated, but they are only requiring them to construct it to the intersection and this would just, again, be dedicated, but not constructed, because that way when the adjacent properties to the east redevelop and that road is extended, it allows that

construction to happen more easily or alignments to happen without having to rip out existing roadways. So, it's unusual for me to -- at least for staff to see them to say dedicate, but don't construct. So, I just at least wanted to point out that nuance to you. So, essentially, the -- all of this cul-de-sac and everything will be built and just this will be left out and constructed at such time as the road is -- is extended in the future with the adjacent property. You can also see here how it ties in with the adjacent subdivision to the west, the Teakwood Subdivision. So, you can see how this is going to work. And, then, as I mentioned to you that current access that serves the existing home now, that will remain intact as an emergency access only. So, the applicant will have to build a 20 foot fire lane here and, then, bollard it, so no one can use that roadway and impact the adjacent property owner. So, I just want to be very clear on that and that is a provision in the development agreement that that is only to serve as an emergency access until such time as that road is extended and we get that -- that network created in the area. So, just FYI on that as well. Again, the existing home currently has an address to Victory. When we keep existing residences we have to make sure that the existing structures meet our R-8 dimensional standards. They hook up to city utilities when they become available and also the residents -- or future owners will also get a new address. So, they will no longer have a Victory Road address, they actually will have to get it -- they will be assigned a new address once this -- the subdivision records and the street names have been approved. So, that's a lot of work to keep an existing residence as part of a development, just for your information on that. I would also mention to you in the staff report staff wanted additional transitioning to occur along the south boundary. So, we are recommending that they lose one -- one lot. It looks like Sonya has recommended that one last one be removed between Lot 6 and 8 and, then, one lot -- another lot is removed along the south boundary between Lots 11 and 14. So, this density could slightly decrease from the 4.14, probably into the three -- 3.7 range or so, if I had to guess on that. I already touched on access for you. Because the site is below five acres in size and the site -- in size, excuse me, they are not required to have any open space. However, the applicant is proposing -- I was hoping we had something in here -- a color graphic for you, but you can see here there is open space planned, so up here in the northwest corner of the site adjacent to the Eight Mile Lateral there is a common lot. The applicant is working with the city to extend a multi-use pathway for our master -- master pathway plan. So, they will work with Parks Department on that. Where trans -- when it transcends through the site -- traverses through the site it will eventually cross in the location of where this bridge currently exists and, then, go -- transition to the other side of the creek. So, this portion -- segment of the pathway does cross through Teakwood. This site crosses the Eight Mile Lateral, goes on the east side of the creek and, then, ties into Tuscany in a future date when that property to the east develops, just to let you know. You -- you probably see this graphic here that the Nampa-Meridian Irrigation district has a fee simple lot adjacent to this property, so that's why you see it on this graphic, but it's not part of the -- the plat itself, because it's not the applicant's property to control or include it as part of a -- a lot and block in the subdivision. The applicant did provide some sample home elevations for you to look at. Again, pretty consistent to what's already occurring in the area. So, again, staff is supportive of -- we like the mix of materials on it as well. Looking at the public record it looks like we did receive some public testimony on this from the represent -- a representative from the Tradewinds HOA, which is one subdivision west of Teakwood

Place. So, there -- that subdivision located on the southeast corner of Locust Grove and Amity. Or Victory. Excuse me. They are concerned about the amount of traffic that's going to be generated, especially with the road construction starting in the area with the widening of Locust Grove and the roundabout extension at the intersection. So, with that -- oh. Staff is also -- if you had a look at your hearing outline, we are recommending that two conditions of approval be added to include it in your motion this evening and those are on the hearing outline. So, it looks like we want to make sure that no road construction traffic is using that existing access on Victory Road. It needs to come from the adjacent subdivision. So, we would like that added either in the conditions of approval -- more than likely the development agreement would be my preference, so that it's part of that contract and, then, it looks like we want -- it looks like we got some revised common drive exhibits and we want to make sure to amend the plat so it's consistent with the new configuration of those common driveways. So, with that staff is recommending approval and I will stand for any questions you may have.

Seal: Real quick, Bill. Just the -- the conditions that you talked about are documented and -- with staff comments in the public record; correct?

Parsons: That is correct.

Seal: Okay. That will -- that will be helpful when making a motion. All right. Would the applicant like to come forward, please? Good evening, sir. Need your name and address for the record, please.

Lakey: Thank you, Mr. Chairman. My name is Todd Lakey with Borton Lakey Law. Address 141 East Carlton Avenue, Meridian, Idaho. 83642. Thank you, Bill. Let me make sure I can up and down this. Okay. Good. Well, I will start out, Commissioners, by thanking staff for their analysis and their recommendation of approval. We appreciate that and -- and agree with the large majority of the conditions. I will mention a couple that we would like to see differently, if possible. And, then, we do have our civil engineer online if you really dig into the plat and have some questions outside the lawyer zone and -- or in the engineer zone. So, Commissioners, I want to emphasize -- Bill did a good job talking about this. The Comprehensive Plan does call this out for medium density. It is an in-fill project and that medium density is three to eight dwelling units per acre. We are at about 4.16 dwelling units per acre. So, we are at the low end. I know you have talked about density tonight being concerned sometimes and in this case we are at the low end. With that staff was recommending that we take a lot out on the southern boundary and on the western boundary. Our preference would -- would be and our ask would be to leave those in, knowing that we are at the low end of the density for the comp plan as it stands. So, it does meet with the comp plan. It is in-fill, which is encouraged and staff did a good job as far as goals and policies of the Comprehensive Plan. We are compatible with the existing zoning and there is a lot of R-4 and R-8 in the area of the project that's being developed. Teakwood is R-8 and we are consistent with that R-8 zoning. So, let's see if I can -- does the pointer move on this? There it goes. So, this is the Teakwood project to the immediate west. You can see the kind of lot configuration there in the red to the west of our site and, then, this is the most current county assessors map. You can

see the road kind of being constructed there. My Google Map actually had the pavement in. I didn't go out there and drive on it, but I think they are further along. So, that's where we will be connecting. There are 33 lots on 7.4 acres, so their -- their density is 4.6. So, we are a little bit lower, again, at 4.1 on our site. And we will connect to that Teakwood and dedicate that right of way that Bill described that runs the connection to the east. Talk just a little bit about the landscape plan. There is a really nice home that's left on the property that will have its own lot at about three-quarters of an acre. It has a fair number of mature trees that we will be leaving a number of those mature trees on the project and those that we do take out we have to mitigate under the landscaping ordinance and we will do that with the new landscaping that's put in. You saw some of the homes, Commissioners. They are kind of diverse as far as the materials, the elevations. They do fit with what's in the area as Bill described. We would like to add one condition. In our discussions with the folks that live to the south, they requested that we not have two-story lots on those southern parcels and we are willing and ask that you add that condition of approval that we not have two-story homes on those southern lots. So, just to -- Bill covered this pretty well, but we will be dedicating that right of way to ACHD here and, then, if we do incorporate landscape, then, we will have that license agreement with ACHD and they also want a sign that says this road to be extended. I have seen lots of friends live in subdivisions that has a nice -- you know, a nice kind of stop red and white sign and for some reason they don't think that that road might be extended in the future, so there will be a sign to that effect. The pathway -- or excuse me. Before I talk about the pathway -- the emergency access -- there will be that 20 foot wide emergency vehicle access for the fire district -- or excuse me -- Fire Department requirements. That will connect in with the existing driveway to that bridge that goes over the Eight Mile Canal and, then, out to Victory and I think the requirement in the staff report was to put the bollards about 30 feet back from Victory to make sure that there aren't cars coming in and out onto that Victory entrance. And that fire district access is next to the -- the common area open space -- one of our common areas and open space to the north of that access. And, then, the pathway will run on the northern portion of the property there along the canal. We stay out of the canal easement. They were concerned about that. We don't want to harm them and their operations. That pathway will be a ten foot with landscaping on either side, five foot of landscape on either side and, then, it stops -- this is at the city's request. They are, essentially, at that fire district -- or excuse me -- fire department access and the bridge and, then, the city does not require a pathway going further, because that's the terminus of the pathway. So, that can be incorporated into those lots that are there on that eastern boundary. Fencing on the pathway will be four foot open view fencing and, then, six foot privacy fencing around the perimeter of the project. There was a request in the staff report regarding that bridge that goes over the canal, to either widen that bridge or install a separate pedestrian path bridge adjacent to that. Our preference would be not to do that. It can be a little challenging to get permission to have a bridge across an irrigation facility, but that bridge will now -- no longer be used for regular traffic coming and going, it will simply be for emergency vehicle use. So, it would -- when it's ultimately used, very open, very unused and I think could accommodate continuation of that pathway without any further improvement or widening. Then I will note here are the common lots there that abut the project to the west and that's where the tot lot will be located. There was also a request in the staff report that we not include the fencing on

that one boundary and adjacent to the Teakwood Subdivision, so you kind of have open space between the two projects and we are amenable to that. Happy to do that. Not include the fencing along that boundary. And, then, just for your reference, the existing home -- the driveway access there will remain in place, but the access for that lot itself will go along the top of the lot there. That's how they will connect into the -- the road. So, with that, Commissioners, again, we ask that we would -- we not lose those two lots on those two sides based on our low end of the density and the Comprehensive Plan and that the bridge remain as is. With that, Commissioners, I would be happy to answer any questions if you have them.

Seal: Commissioners, do we have any questions, comments for staff or the applicant? Commissioner Grace, go ahead.

Grace: Mr. Chairman, I -- maybe this is for staff or maybe it's for the applicant. In the report it simply says that they are -- they are recommending one lot be removed for better transition to abutting future lots. Is -- can you -- can they -- can you explain or can staff explain what -- what's meant by that? Because I -- I do feel like they are under the density and I'm -- I'm questioning why -- why we are -- why that recommendation was there, so -

Lakey: I can respond and, then, let Bill respond. I think part of the thought was -- our lots are going to be a little bit smaller, because we have that larger lot with the existing home on it, but our density, again, is in conformance. We have a project that's slightly more dense than we are to the west. No request or comments from those folks to the west to eliminate a lot there. So, I think that was kind of the -- the basis is to have larger lots, but, again, we focused on that density being in conformance with the Comprehensive Plan.

Grace: Yeah. I mean I feel like this is hard enough to make -- probably maximize your -- so -- but I guess I -- yeah, I would be questioning why we are doing that.

Seal: I was going to say -- Bill, do you mind if I comment on this one?

Parsons: I think -- I think the applicant did a great job. I think that's right where staff was -- was landing on it. It's just compatibility with the -- the perimeter lots and make that a little better.

Seal: Yeah. Part of this, too, is you have one building on one huge lot, so if you took the density -- if you took all the remaining property and took that one out of it, that skews it, so -- and we have heard that argument before and that is correct. But there is no provision for it really. But, again, the Comprehensive Plan is not code, so -- I mean that's kind of for us to determine. But that -- that's one of the things that I see in -- in applications like this and I know in-fill is hard. I know people want to stay living in their house on a giant piece of land, you know, that doesn't transition very well with the -- with the land around it. So, yeah, you know, I'm -- I'm not Sonya and I wouldn't pretend to be a city planner, but I can see that, you know, in order to help with the transition with that one big lot some of the lot -- you know, if you increase the lot size across the other ones and made that

more compatible with what's adjacent to it, that would be a better fit for the plan overall. That's the way I have come to look at it, just through listening to other Commissioners and some of the feedback that we have had on other applications that look very similar to this.

Lakey: If I might just expand a little more, Mr. Chairman.

Seal: Sure.

Lakey: Appreciate those comments and I guess the fact that we haven't had the adjacent developer say they -- they would like a transition or need some smaller lots on that western boundary -- I would think normally the -- the adjacent property owner might be the one that would drive that transition if there was a particular need and, then, our request from those folks to the south was really just not to have two-story houses on that southern boundary. So, we are trying to be responsive to them and address that concern.

Seal: Commissioner Lorcher?

Lorcher: Mr. Lakey, in regard to the common drive, is that going to be available for people to be able to park on it or is it just for access for those -- Lot 7 through -- 4 through 7? Four through -- yeah. Four through six.

Lakey: Mr. Chairman, Commissioner Lorcher, I'm not sure with that -- with -- I don't think -- and maybe Bill can correct me if I'm wrong, but it's designed to be parked on. So, it's -- it's a drive aisle to be used by those lots. Parking would be in their driveways and their garages.

Lorcher: Thank you.

Grace: Sorry.

Seal: Go right ahead.

Grace: I had this in my mind, but I -- I forgot the answer -- ask it. But, Mr. Lakey, so what -- I would tend to agree with you it's probably not easy putting bridges over canals. But what -- can you expound what -- what's involved in that?

Lakey: Mr. Chairman and Commissioner Grace, so that would require a license agreement with the Nampa Irrigation -- Nampa-Meridian Irrigation Company and I have worked with them on various things in the past, they are very protective of their easements and don't like to see things under or over them, unless absolutely necessary and in this case, you know, the -- the -- the bridge is there, it's -- it supported vehicular traffic to the home. It supports the emergency access traffic. We just don't feel that there is a need to pursue further approvals from the district when we have a bridge that will be rarely used by vehicles and now in the future it would be easily used by -- by those when the pathway is ultimately connected, because it will be simply emergency vehicles. You can

see a fire truck coming with its lights on and -- and not have any concerns about conflict with pedestrian and use.

Grace: Thank you.

Parsons: Mr. -- Mr. Chairman, Members of the Commission, I can certainly elaborate on this topic a little bit more, because I'm right in the middle of one of these situations right now and I'm being educated on the process and so it's -- the -- the -- what the Parks Department wants is to make sure that any pedestrian facility that we have it mimics the width of the pathway. So, if that road is wider than ten feet -- at least ten feet or more -- or wider, then, we are good. If it were under that ten feet, then, we would certainly want them to build a new bridge to match the width of the pathway and, then, design it as such that it maintains pedestrian safety. Now, the other piece of that is, one, the irrigation district -- to the applicant's point, the irrigation district requires a license agreement, but there is also a step two process where they will only allow the bridge if it's assumed and owned by the city and so they don't want to take responsibility for it. So, once a bridge is constructed and meets the specifications of the city, then, we have to go back to City Council -- the applicant fills out the paperwork, transfers that asset to us and we put it on the City Council's agenda and they approve it and I'm in a situation right now where the applicant wants to put an eight foot wide cargo container as a pedestrian bridge and we are telling them we can't take ownership of that, because we want it a minimum ten feet wide. So, that's how I'm getting involved and learning the process that bridges are okay, they have to have rails, be designed a certain way to meet the specs, which we don't have specs, we have things we like to aspire to, so the condition was really mean to say we just want you to have a ten foot wide bridge and so I think the -- the existing bridge -- as long as the language that it's converted to meet the city's requirement -- meaning rails or some -- whatever we have to do to make sure there is safety rails on it, so you don't jump off -- off the bridge, although kids will do -- kids will be kids. I mean -- but minimize those concerns, still have a certain esthetic. Maybe the applicant as we transition from this body to City Council can maybe give us some renderings or something of what the bridge looks like now and, then, how we can maybe retro-fit it or use it in the future for a ped bridge and at least we can have something in a development agreement or have something on record as to what the expectation is for -- for that conversion.

Lakey: Mr. Chairman, I think we can do that -- do a little more. I can't tell you and I don't know if my clients know exactly how wide the bridge is -- ten feet? Twenty? Oh. Nineteen. Okay. So, we are well -- 19, 20, pick your number, we are well over the ten foot when it comes to the bridge. So, I don't know that there is a -- a need for a condition there, but it sounds like as long as we can understand we can use that existing bridge when the time comes down the road, that -- that would be fine.

Seal: Okay. Yeah. That -- a question I was going to throw out on the bridge was what would be needed in order to transition it from vehicular to pedestrian, you know, bike access, so -- I mean a vehicle can go across a bridge and it will go across it no big deal and you get people walking across it or biking across it, it's a little bit different situation.

So, you want to make sure it's something that can be applicable for the traffic that it would need to bear now and in the future, so --

Lakey: That makes sense, Mr. Chairman. We would certainly want to maintain its ability, if that is the -- it depends on how development goes right down the road and what -- what else is there for secondary access, but as long as that secondary access is still needed we want to make sure it's still usable by those emergency vehicles and appropriate, as you mentioned, for pedestrian use.

Lorcher: One other --

Seal: Commissioner Lorcher.

Lorcher: One other comment. Where you have the tot lot between Lot 5 and Lot 9, that seems like -- so, as a commission we have found that common driveways can be problematic in our city. Even though there is parking on it, they share the -- they share the driveway, but all the garbage cans need to go out to the cul-de-sac. So, Lot 4 would have to bring everything out all the way through, because I don't know if the -- who ever the recycling and garbage people will go down, they can't turn around, they have to back up. So, you have got, you know, a quarter of your cul-de-sac that's actually a perfect -- I don't know about size, but would be its own driveway and you can eliminate one of the -- one of the lots along the common drive to be able to kind of mitigate some of that potential issues among neighbors when it comes to sharing a common driveway. Would that be something under consideration?

Lakey: Mr. Chairman, Commissioner Lorcher, I just want to make sure -- I think we are seeing this the same. So, the tot lot is here. This is an additional common lot here. So, it's not -- that one isn't a residential lot. I'm not sure if that's what you were describing. And, then, that would be the pathway and the open area adjacent to the open area in the Teakwood. So, they are -- those are both common lots there.

Lorcher: They are both common lots. So, half of your -- almost half of your cul-de-sac is not designated to housing, but common lots; is that right?

Lakey: Yep.

Lorcher: And have you and the developers discussed the placement of those two as opposed to houses right there?

Lakey: Mr. Chairman and Commissioner Lorcher, I think we located that adjacent to the common area for Teakwood to have that kind of commonality, but we haven't really talked about making one of those a residential lot. I can ask about that if you would like.

Lorcher: Well, on the other side of this pathway when you go over to Teakwood, is that the open space as well?



Lakey: I believe that from -- not -- I haven't seen it, but from staff's description the fact that they want us to take the fence out, the Teakwood's common lot is in that location as well to help share that open space.

Lorcher: Okay. All right. Thank you.

Seal: Commissioners, anymore questions for the applicant or staff? Okay. Thank you very much.

Lakey: Thank you, Mr. Chairman.

Seal: Madam Clerk, do we have anybody signed up testify?

Hall: We do. Mary DeChambeau.

Seal: Good evening, ma'am. We will just need your name and address for the record, please.

DeChambeau: Mary DeChambeau. I live at 2015 East Victory Road and I am the farm. The big -- big little arrow -- we call it the arrow. I could have answered a lot of those questions. This -- this has been an -- an interesting 20 years. I have debated and debated to tell you my -- my story and I'm kind of glad there is not very many people here. The level of intimidation that I have experienced for 20 years from various developers and neighbors has been atrocious, but we are not here -- we are here to talk about this, but I had been encouraged by the Ada county code officer to tell you some of the stuff that has gone on. It has a lot to do with the access road. What they are not telling you is this lot up here -- yeah, it was approved, but the conditions of approval were never met for that road. So, there is an easement, but the conditions of approval for that road were never finished and I have been into Ada county developer services through the years and they just kind of don't do anything. So, let's talk about that the bridge is 19 feet. One of the reasons why I don't want access off my piece of property is because it's 30 feet with the utilities inside the easement road. Okay. And the bridge has only had to be 19 if you are scraping the sides. Okay. I measured it. They -- there is -- they want another road to butt out onto my parcel. Even though I have the larger parcel, the parcel that's next to it is barely -- I think it's under to two acres. It's not even, because of the easement road. So, now they want to bring another road out called Richardson. But if you go back there it's actually called Spring Glory or something like that and if I had time I would tell you the reason why they wanted to change that name, but all of a sudden now it's called Richardson. I don't know if you are aware that Nampa-Meridian and I have been in talks about this very thing and they said that they -- they had no idea about all these bridges that they want to put up along this whole section. So, from Tuscany to Victory, if you put all these bridges in, there is going to be four bridges within a half mile on the Eight Mile. Okay. And how it's -- they want me to put a bridge to meet the road that they are building out, the Richardson Road you see the stub. That's why they don't know really what to do with it, because here is the deal. Nampa-Meridian has easements to other people's real property. Okay. But in 1910 when they split and -- am I supposed to stop or what?

Seal: Well, keep going, but you will need to wrap up pretty soon, please.

DeChambeau: Well, I'm actually speaking for four other -- three other owners, too.

Seal: Okay.

DeChambeau: So, anyway, they -- they actually own that parcel. So, there is actually a parcel between this subdivision that they are putting in, then, there is the Nampa-Meridian parcel and, then, there is my parcel. Okay. So, this is where it gets tricky. There is an Idaho statute law that says if Parcel A has an easement through it and it connects to Parcel B, they cannot piggyback to Parcel C. That's something they are not telling you. The other thing is we have been -- our -- there was conditions of approval that were put on -- or conditions on that 1975 lot and one of them was -- was the height of the buildings that could be built back there and when -- a resident of 1975 when they were building the houses back on Tuscany, he went back there and threw a fit. He wouldn't let them get their houses high, because there was restrictions in that area. Now, I don't know if that follows through, because I was not being annexed in. I'm still rural transition. Okay. So, I don't know how this works. Okay. So, the other thing is -- so, Nampa-Meridian is kind of surprised about all these bridges and, yeah, he is right, you don't want -- I don't want to have anything to do with building on anything Nampa-Meridian actually owns. That was sold -- you know, because usually they just do -- it's called a fee -- fee thing and it's very rare, but there is a few stretches -- well, when they went and brought the canal through the -- in the 1910s, there was a few landowners that said, no, you are going to buy my little strip. We are not going to just give you an easement. You have to buy it and that's -- this is one of the ones. And, then, it runs into my piece of property. Okay. So, let's talk about the pathway -- they are running it alongside, but they want to come and have it go over the bridge, which is going to run into a little area where my headgate is and where my irrigator and all of us kind of work and they -- then they want it to continue south on the east side of the canal, which is the Eight Mile, and to Tuscany. Okay. But we are still farming. I still have a headgate. I have had trouble in the past with kids opening my headgate and the reason they don't want to continue it on the backside of their eastern border on the south eastern corner is because I own a long strip along there. Okay. And Tuscany -- we actually own that corner. If you look at the back part of Tuscany you can kind of see where there is a corner that we -- our part -- if you draw a corner from my acreage you can kind of see where they used to -- you could see where it would even out to a corner. We sold that to Tuscany for the purpose of -- well, yeah, you could put a pathway back there. What did they do? They dug a hole. There is a pond back there. And so they -- you know, because I actually had seen the plans. I have a plan thing here from way back almost -- let's see. 1998. And I -- I think this was printed in 2000 and the very plans that you are being presented tonight for these guys is on here. Over 25 years. And the reason why I'm a little -- bringing this up is because when Tuscany went in they had on here one out on the back of my property. Okay. But now I had to put in three. I'm sorry. Three of them and so I have always asked the City of Meridian why didn't you put an out in the back of Tuscany. This would have solved everybody's property -- problems and any of the terrorism that I have had to experience wouldn't have

happened. I have been attacked by walking on my property. I have -- they sprayed me with water while I was checking ditches. Now, these gentlemen have bought it from the two that did all that stuff. Okay. But it went on for six years. Now, you are talking about a pathway and we are talking about that other lady and the safety about the little drainage thing. Well, I happen to know -- I'm surrounded completely. Okay. And I can't tell you how many households have taken the bolt off those black and -- you know, what do you call those fences? And they take them off and Tuscany is really notorious for doing that, because this house was the party house and they would take it off along that canal at night and, then, they would walk around and go into 1975. So, my question to you is why don't they approach Tuscany and have them shave down a little area and continue that pathway on this -- on their subdivision and continue it on down? You can't put it on my piece of property, because I own that little sliver. Now, here is the sad thing about it. If Ada county hadn't decided to throw me in jail while I was on that I might have like maybe donated it or maybe sold it for ten bucks or something. So, they could have continued the pathway. But, you know, when you get falsely arrested over and over again for being on your property, because simply you don't want to sell, you know, it's just gotten out of hand and I'm very concerned, so what --

Seal: Ma'am, we will need to wrap it up.

DeChambeau: Okay. Well, Kevin Horan said he wanted me to tell you that this is a potential spillway situation. Do you know what I'm referring to? The spillway situation where it went -- litigation went on for years and years and years because of all the trespassers. So, the pathway, by bringing it back over on mine -- you know, these people here have no open space, no free thing. They are going to have to walk around and do something -- and let me just tell you they are going to be falling in that canal unless we figure out fences. There is just a lot of things in here that I have questions about that I haven't had time to really even look at. You know, I have been -- I want you to know that I have really looked at all this stuff. Okay. But it just didn't get posted until last week and so there is a lot of contingents. The other thing about the -- the -- the use of the access for the fire engine -- he put in all the fire codes, but he left out one. I thought that was interesting. It's Section B is obstacles and you can't have power lines crossing a fire access road and not only does it have power lines running all the way down my access road, they also call a -- cross on the front and on the back. So, here is the thing, if you have Parcel A with an easement and it moves to Parcel B, it serves Parcel B. Idaho statute is that it cannot connect to Parcel C.

Seal: Okay. Thank you very much. Do we have anybody else signed up?

Hall: We have a hand raised online.

Seal: Okay.

Hall: Vicki, you can speak now. Vicki, can you hear me? Vicki, can you unmute your -- your mic? One last time. Vicki, can you unmute, please? It's your turn to speak.

Seal: Well --

Hall: I have no one else signed up, Mr. Chair.

Seal: Okay. Anybody else? One other person in here. So, unfortunately, Vicki, we are not able to hear you. So, we are going to go ahead and move on. Is there any other questions for the applicant or staff? Would the applicant like to come back up?

Lakey: Thank you, Mr. Chairman, Commissioners. Again for the record Todd Lakey. 141 East Carlton Avenue, Meridian, Idaho. 83642. Commissioners, we meet the requirements of the Comprehensive Plan. We are compatible with the existing zoning. We are at a lower density as was described in our adjacent and other -- the project adjacent to us. We are at the low end of that density. I think we have kind of discussed our requests regarding the two lots and the bridge I think with sufficient description of how that would work. We are okay with that. That can be utilized for that. Commissioners, I can't really comment on past history or the lady's criminal history or interaction. I can simply say my clients have been gentlemen in regards to their proposal. The reason we aren't using that access that exists now is it's -- it's an access that wouldn't be appropriate for us to utilize for the subdivision. We would be, essentially, intensifying that use and so we are tying into the adjacent subdivision as typically required by the city and the stub road to the east is required by ACHD and the city's planning. I can't really comment about the other bridges along Eight Mile, but when -- when we are talking about they or who wants those, it's part of the city's pathway plan and we are incorporating the desired pathway on our -- our property and it won't proceed beyond that until development occurs on -- on either end of that by those that are developing that property or property to the east if that happens at some point. We -- as was discussed, we are incorporating fencing. We are incorporating open space as was previously described. So, Mr. Chairman and Commissioners, I would ask for your approval. Again I would be happy to answer questions if you have them.

Seal: Okay. Thank you. Questions? Mr. Smith? No?

Smith: Mr. Chair?

Seal: Go ahead.

Smith: I do have a question kind of piggybacking on Commissioner Lorcher -- Lorcher's question about the common lots and you said that that wasn't something that was discussed, but I guess in thinking about it the -- really, the -- the main thing that I don't love about this, kind of as you mentioned, is that, really, that lack of frontage next to that common drive for things like trash bins, et cetera. It's -- having been near some of these -- live near some of these, I have seen ones that are fine, seem to be great and some that are crammed and packed and there is not really any area for a car maybe to park along kind of the adjacent areas because of that -- that kind of cramped frontage area. So, my question is -- comment and some question of just the consideration of repositioning those -- those -- one or both those common lots and I -- you probably don't

have -- and maybe if you do have people who are willing to comment, but just -- I would love some clarification around how committed the position those common lots are and whether there is willingness to alter the -- the order of where those common lots are relative to the common drive to increase that frontage.

Lakey: Mr. Chairman and Commissioner Smith, so are we -- are we talking about these common lots?

Smith: Yes. So, specifically talking about those common lots and mostly probably common lot five is what I would imagine, which is right below the pathway and kind of the ordering relative to say -- say lot seven and eight, you know, going from that common drive into the cul-de-sac there seems to be some frontage to the right or some -- some ability for people to access, for example --- and garbage -- garbage can is a perfect example and that's top of mind right now. Yeah. There is some space to the right, but it -- you know, I worry about congestion of -- you know, especially in a recycling week of, you know, garbage cans. You have four to five houses potentially using garbage cans, recycling cans all in that area with kind of minimal area to disperse and so just curious about the common lot theoretically. If you were to flip common lot five's position with lot seven, then, making adjustments for square footage, et cetera, and other code requirements what that might look like and if that's a consideration or if you are -- you know, you guys are married to the use of those common lots in those specific areas.

Lakey: Mr. Chairman and Commissioner Smith, I could take a moment and visit with my client, but if we -- are we talking -- are you talking about switching a residential lot in relation to one of those common lots?

Smith: Theoretically as an option. I -- I am really just -- I guess I'm trying to drill down on potential solutions to that common drive issue that -- that we are talking about here and that's one of them that's just coming to mind of say switching lots, you know, making lot seven a common lot and lot five as, you know, a residential lot and that's -- I'm not a planner, so that's very spitball version of that, but yes.

Lakey: I could visit with my clients, Mr. Chairman and Commissioner Smith. I -- you know, I guess the way I look at it, if we are talking about putting more residential lots around the cul-de-sac, it seems like it would drive the garbage can issue to be more of a concern compared to having a common lot on that cul-de-sac.

Smith: I'm specifically referencing the -- the common lot would still be used in the cul-de-sac, it would just be within the cul-de-sac adjacent to the common drive, rather than adjacent to the pathway specifically.

Lakey: So, putting -- you are talking about putting the common lot over here next to the common drive?

Smith: Yes. Say, for example, you were to swap lot seven and common lot five and to increase the street space available for residents of that common drive.

Lahey: I'm not sure exactly how that -- Mr. Chairman and Commissioner Smith -- exactly how that lines up with the adjacent open space that we are trying to I guess maximize, but if you don't mind I could -- I could ask my client that if you would like.

Smith: Yeah. It's not, you know, make or break, it's just, you know, that's -- it's something that Commissioner Lorcher is correct that I have seen it done well and I have seen it done not so well of sometimes these common drives, especially in cul-de-sacs or a long curves or driveways -- there is one near my house where I think it's not too great where there is -- especially when it's icy there seems to be serious risk of things are backed up in that corner and there is a lot of garbage bins and because of that parking is offset and it just becomes this really tight area and there is not a lot of space to maneuver. That's really the concern here and, again, not make or break, but I think there is -- I wonder if there is opportunity to improve that. And if you to consult if that's something you wanted to -- you know.

Seal: If you don't mind I will jump in here a little bit. Usually I'm the person that's coming after you for common drives, so there is a -- there is a couple of things in play for me here with this particular application. So, one, you have the -- you know, you have the -- the existing lot that's there that opens up a lot of space to put anything in there. Two, there has already been a recommendation to reduce the lots by one on there. More than likely one of the lots that would be reduced is going to be along that common drive. There is also something that's becoming more prevalent in the neighborhoods and that is that they can actually pick up your garbage in a common lot. So, they will make it to where -- with an agreement -- and that was something that I was going to bring up is that basically that there should be an agreement with the trash collection company to pick those up in the common drive instead of having them out in -- in the cul-de-sac. So, I think there is a lot of different ways to solve the potential issues within this application right here. So, generally speaking, if there is, you know, five common drives in one application I'm vocal about it, but where there is one here and they have already been asked to reduce a lot, that's going to accommodate some of it. And, then, again, I think, you know, if that is an issue within the subdivision itself they can ask for common drive pickup. So, essentially, they put their trash cans out on the far side of the common drive and the trash truck backs in. It costs a little bit extra, but they can't accommodate it, so --

Smith: Thank you, Mr. Chair. One kind of follow up.

Seal: Sure.

Smith: So, the -- the spirit of that question, I'm trying to reduce some of these issues without potentially -- maybe preserving the amount of lots was the thought, but that, you know, if -- if reducing the lot -- the number of lots by one is kind of the -- the way that the winds are blowing that's -- that's totally fine as well. I think there is just -- it's just a little too much pressure in that corner. But that -- that information about the common lot is also very informative and helpful. Thank you.

Seal: Okay.

Lake: And, Mr. Chairman, if I might -- my light came on just as Commissioner -- light up here. Commissioner Smith was -- was finishing and, then, as you were commenting. One of the benefits of having this large lot here, the driveway access is up here at the top, so this is, essentially, a functional equivalent of like a common lot. With all of this open space we are not going to have additional access there from other lots. So, there is, as you mentioned, Mr. Chairman, quite a bit of room there that's not going to be used as it would for a typical residential lot in the cul-de-sac. So, thank you.

Seal: Uh-huh. So --

Lorcher: Yeah. Mr. --

Rivera: One of the -- oh, sorry.

Seal: Commissioner Rivera, go ahead.

Rivera: Sorry. I just wanted to clarify that -- that that easement is between lot two and the -- and the existing lot -- I mean lot three that the entry is going to be over there. So, it's going to be pretty much fenced all along that -- that cul-de-sac on the -- on the lot three; correct?

Lakey: I believe -- Mr. Chairman, Commissioner Rivera, I believe that's correct.

Seal: Commissioner Grace?

Grace: Is the applicant being required to put those common lots in that spot, so that they can back up against future common lots?

Lakey: Mr. Chairman and Commissioner Grace, my clients indicate that that's not the case. We are not being required to put them in there.

Grace: Okay. So, you are sort of doing it out of the good graces to -- yeah. They could put houses there. Okay. Thank you.

Seal: Anything further, Commissioners? All right. Thank you very much. Appreciate it.

Lakey: Thank you.

Seal: And with that I will take a motion to close the public hearing for File No. H-2022-0089 Millwood Subdivision.

Smith: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0089. All in favor say aye. Any opposed?

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Okay. Conversation?

Lorcher: I will start.

Seal: Go right ahead.

Lorcher: I actually like this one for once tonight, with one exception, and because we are not the deciding factor on annexation and zoning, preliminary plat, so that will be something you will have to take up with City Council -- is in my -- I'm starting my third year of experience here on the Commission. Common driveways are a problem. A problem for the residents, a problem for selling your product, a problem for utilities, a problem for garbage collection. Even if you have them all up on the side of the road, if I was in lot four at the end of that common driveway and once or twice a week garbage or whomever else is coming down and beeping back and forth or if Republic or Hardin forces you to put all the cans up in front, then, you have got ten possible cans all sitting at the entrance and you may have to, you know, swerve around just to get to your property, because the arms of those garbage trucks are going to leave them where ever they are going to leave them. So, it doesn't make very good neighbors. I have lived on a cul-de-sac in Parkside Creek and our driveways were all big enough to be able to accommodate cans in front of our own driveways. But, then, a common lot they are either stacked up against that wall like you suggested where the garbage cans have to come back in and out or they are possibly going to butt up against the farms parcel of the cul-de-sac and, then, you are going to have cans all over the place. So, I'm not sure if it's a safety issue, it's maybe more of an aesthetic, but in our experience here at the Commission we have found that common lots are -- or, excuse me, common driveways are problematic, especially when you have two lots -- and I understand it abuts possible common lots in another subdivision when you have ample portion of your cul-de-sac that you could have individual driveways not marrying -- marrying up to that common driveway, eliminating that, especially with -- if you were to eliminate one parcel. So, all I'm suggesting is when -- before you go to City Council you may want to consider how those common lots fit compared to the driveways on the common driveway. It's not enough for me to deny it. I guess whoever buys parcel four needs to know what they are getting into when they purchase that home on that common driveway. But overall I like the design and as long as all the code enforcements are met I feel for you with the farm, I have one of those as well, and I'm very familiar with Officer Horan and worked with him in the past and just be a good developer to a neighbor who has been there for a long time.

Seal: Commissioner Grace?

Grace: Yeah. Mr. Chairman, I am in favor of approval of this. I -- I actually feel like we are requiring several expensive modifications -- well, I mean I didn't hear for safety



reasons or zoning reasons or -- I thought I heard more aesthetic or maybe just desirable type things. So, it sounds like the bridge may be resolvable, so that's -- that's good to know. But there is only -- it is kind of a little bit of a weird shaped property. There is not a lot of homes here relatively speaking to other things we have -- we have reviewed. I think that existing home does make it difficult. It takes up a lot of -- of the property and it's awkwardly shaped. The applicant's added common space where it wasn't required and the density is already on the lower end, so I'm in favor of it.

Smith: Yeah. Mr. Chair?

Seal: Go ahead.

Smith: I agree. I think -- I think in a perfect world if you can make that larger lot on the south side and have more space everything's perfect, but I'm not here to make the perfect the enemy of the good and -- and I think this is -- this is still a good application. So, with that being said --

Seal: Well, I will -- if you don't mind, there is a few things that I want to make sure that we remember. The applicant did ask to condition that the south property -- that there are no two story homes. We want to include the additional staff comments -- or sorry. We want to include the additional staff recommendations. If you would like to, I think usually a reference -- verbiage is like something like work with staff on bridge dimensions and requirements, just to kind of keep it open and, you know, that doesn't put any requirements on it, other than they work with staff in order to make sure that everybody's in agreement on what the bridge should be, can be and will be in the future.

Smith: Perfect. Thank you, Mr. Chair.

Parsons: Commission -- Commissioners. Last item was -- if you -- if this body want -- doesn't support staff's recommendation for losing lots, then, that would be condition 2-A to strike.

Seal: Okay.

Smith: So, I believe I have everything and I'm happy to amend if I miss something. So, I move that we -- after considering all staff, applicant, and public testimony and move to recommend approval to the City Council of File No. H-2022-0089 as presented in the staff report for the hearing of date of -- hearing date of February 16th, 2023, with the following modifications: I would like to approve with the conditions in the staff report including the two additional staff recommendations. Striking the recommendation for losing lots. Adding a further condition of no two story homes on the southern face -- or the southern lots in the development. And, then, lastly, a request to work with staff on dimensions and requirements of the bridge. I believe that's all.

Seal: Do I have a second?

Grace: I will second that.

Seal: Okay. It's been moved and seconded to recommend approval of File No. H-2022-0089 Millwood Subdivision with the aforementioned modifications. All in favor, please, say aye. Opposed nay? Okay. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.