

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, September 17, 2024, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Liz Strader, John Overton, Anne Little Roberts and Brian Whitlock.

Members Absent: Doug Taylor.

Other Present: Chris Johnson, Bill Nary, Bill Parsons, Sonya Allen, Linda Ritter, Clint Dolsby, Brian Caldwell, Kris Blume and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Brian Whitlock
☒ Anne Little Roberts	☒ John Overton
☐ Doug Taylor	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record it is September 17th, 2024, at 6:01 p.m. We will begin this evening regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Councilman Cavener, when you feel like you just interject when the time comes. Next up is the Pledge of Allegiance. Could you all, please, rise and join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Our next item up is our community invocation, which tonight will be delivered by Pastor Troy Drake. If you would all, please, join us in the invocation or take this as a moment of silence and reflection. Pastor.

Drake: Mayor, Council Members, would you join me. Well, Lord God, thank you so much that we live in a free nation and it's a great place with all its faults and we appreciate our state and this community and -- and, God, we just -- so, I pray that you would be over all the elections that are coming up, that it's such a blessing that we get to choose our elected officials, those who represent us and I just pray, God, that we would make good decisions and that you would influence us in the right way and so we appreciate that we have this just great responsibility and I pray that lots of people would do it. God, I also pray for our community and that we would have peace here. When it

comes to our first responders and -- and those who are tasked with keeping the peace and so forth, I just ask, God, that, you know, as your word says that we would love you and love one another here and so I just pray that we would have respect and kindness towards each other in our community and, of course, God, just here tonight with the City Council decisions and so forth. I believe that you care about every decision that's made here and so I just pray that you would give these good people wisdom in order to decide things that affect us all and we just appreciate them, God, and ask that you would bless them, give them lots of grace in the work that they do on our behalf and so we just pray all these things in your name, Lord. Amen.

Simison: Thanks.

Drake: Thanks for the opportunity.

ADOPTION OF AGENDA

Simison: Thank you. And just for the record it looks like Councilman Cavener is coming back in. We are not -- still not hearing at this point in time. With that we will move on to the next item up.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I don't see any changes to the agenda. I move that we adopt the agenda as published.

Overton: Second.

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

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Final Plat for Prescott Ridge Subdivision No. 4 (FP-2024-0016), by KM Engineering, located on the east side of N. Rustic Oak Way, approximately 1/4 mile south of West Chinden Blvd./US 20-26**
- 2. Final Plat for Ferney Subdivision (FP-2024-0015) by Jeff Hatch, Hatch Design Architecture, located at 4160 E. Lanark St.**

3. **Addendum No. 22 to Agreement for City Prosecutor/Criminal Legal Services Dated November 1, 2002 between the City of Meridian and the City of Boise**
4. **Fiscal Year 2025 Renewal Agreement between the City of Meridian and Ada County Emergency Medical Services District for use of training site**
5. **Fiscal Year 2025 Amendment and Renewal Agreement between Ada County and the City of Meridian for Communication Dispatch Services**
6. **Approval of the Public Works Construction Contract to BriCon, Inc. for the Meridian Landscaping on Ten Mile Road project and associated Purchase Order for the Not-To-Exceed amount of \$325,000**
7. **Professional Services Agreement with M.D. Willis, Inc. for Transcription Services**

Simison: Next up is the Consent Agenda.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we approve the Consent Agenda. For the Mayor to sign and Clerk to attest.

Strader: Second.

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

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Johnson: Mr. Mayor, we are having an audio issue. It is on our end. So, I'm going to reboot the system if that is okay, so we can get Councilman Cavener in.

Simison: Okay. Let's do that. Do we need to take a recess to do this or will it just take a few minutes?

Johnson: Should be three to four minutes, I believe.

Simison: Okay. Let's -- let's go ahead and take a -- start off with a five minute recess and we will come back and we will be doing our proclamation after we fix our audio system.

(Recess: 6:05 p.m. to 6:10 p.m.)

PROCLAMATIONS [Action Item]

8. National Diaper Need Awareness Week

Simison: We will go ahead and call back from recess and go on to our next item, which was a proclamation. So, if I could be joined up here by Traci and Megan and whoever from the Idaho Diaper Bank. But it's great that we live in a state and a community that has a lot of nonprofits that help provide needs for people in the community and there are all sorts of needs and this is a very specific need, but a very important one in that context. So, we are here to do a proclamation promoting National Diaper Need Awareness Week. So, I will go ahead and do the proclamation and turn it over to Traci for any comments that you have. Whereas diaper need, the condition of not being able to afford a significant supply of clean diapers to keep babies and toddlers clean, dry and healthy, can adversely affect the health and well-being of children and their families and whereas a supply of diapers is generally an eligibility requirement for babies and toddlers to participate in child care programs and call the early education programs that enable children to thrive and parents to work and whereas through their work of addressing diaper needs, diaper banks play a critical role in supporting families and improving infant health and well-being. And whereas diaper need is a public health issue and addressing diaper needs can lead to economic opportunity for the state's families and communities and improved health for children and whereas Meridian is proud to be home to trusted community-based organizations, including the Idaho Diaper Bank, that fill this crucial role for families, the state and our city. Therefore, I, Robert E. Simison, proclaim the week of September 23 through 29th, 2024, as National Diaper Need Awareness Week in the City of Meridian. Thank the Idaho Diaper Bank, their staff, volunteers and donors for their unwavering service to our community to donate and support any family struggling with diaper need, so that all Meridian's children and families can thrive and reach their full potential. Dated the 17th day of September 2024. So, thank you for all you do and I will turn the mic over to you.

Lofthus: Thank you very much, Mayor Simison and the Council Members. Here at Meridian we really appreciate that you are bringing awareness to our diaper need. There is one in two babies in the state of Idaho are struggling with diaper need. That's about 43 percent of our households are living paycheck to paycheck and really don't know how they are going to diaper their babies and so we really appreciate you bringing attention to the diaper awareness and -- and the generosity of the community. So, thank you very much.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, do we have anybody signed up under public forum?

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

9. Public Hearing for Blayden Subdivision (H-2023-0043) by Bailey Engineering, located at the south side of W. Chinden Blvd. and west side of N. Black Cat Rd.

- A. Request: Annexation of 38.58-acres of land with R-8 (5.90), R-15 (1.83-acres), R-40 (16.71-acres) and C-G (14.15-acres) zoning districts.
- B. Request: Conditional Use Permit for a multi-family development consisting of 312 dwelling units on 16.71-acres of land in the R-40 zoning district.
- C. Preliminary Plat consisting of 15 building lots, 7 common lots, 1 drive/parking lot and 3 other lots for future development on 35.29-acres of land in the R-8, R-15, R-40 and C-G zoning districts.

Simison: Okay. Then with that we will move on to our Action Items this evening. First item up is Item 9, which is public hearing for Blayden Subdivision, H-2023-0043. We will open this public hearing with staff comments.

Strader: Mr. Mayor?

Simison: I'm sorry. Council Woman Strader.

Strader: Yes. Mr. Mayor, just to let everybody know that the site was not posted as we require ten days before this public hearing and so this application needs to be continued. I would move that we continue it to April -- or sorry. Not April. October 8th.

Overton: Second.

Simison: Have a motion and a second to continue this public hearing to October 8th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is continued.

MOTION CARRIED: ALL AYES.

10. Public Hearing for Ferney MDA (H-2024-0034) by Jeff Hatch, Hatch Design Architecture, located at 4160 E. Lanark St.

- A. Request: Modified Development Agreement to modify the existing development agreement (H-2021-0103, Inst.#2022-066859) to strike provision 5b which states, "Prior to issuance of any building permits, the applicant shall subdivide the property in accord with UDC 11-6B." The applicant would like to add, "Prior to certificate of occupancy, the applicant shall subdivide the property in accord with UDC 11-6B".

Simison: Next up is Item 10, which is a public hearing for Ferney MDA. H-2024-0034. We will open this public hearing with staff comments.

Ritter: Good -- good evening, Mayor and Council. I am Linda Ritter, associate planner. So, tonight we are here for a development agreement modification, the Ferney Subdivision MDA. The site consists of 4.92 acres of land, zoned I-L and is located at 4160 Lanark Street. This site was denied annexation and zoning approval in 2020, because no development plan accompanied annexation requests, but the application was withdrawn before the findings of denial were approved by City Council. So, the current plat consists of two building lots on 4.93 acres. The subject property has a planned extension of an industrial collector street, East Lanark, that will bisect the property into two parcels, which accounts for the main reason for the preliminary plat. According to the submitted plat applicant is proposing self storage buildings on the front parcel, which is about 2.89 acres and a flex space building on the back parcel along the railroad corridor. In terms of the nearby adjacent development there is an existing industrial zone into the west, development flex and other industrial type buildings. The parcel directly abutting to the east is still a county RUT parcel that contains a single family residence and still maintains some farm animals. Directly east of the county parcel is an ACHD facility that is currently under construction. So, the county parcel to the east would be surrounded by industrial uses until that time -- such time that that parcel develops. Because of the existing residential use to the east the applicant was required to provide landscape -- a landscape buffer to that use, but staff had a conversation with the homeowner and they anticipate selling the property once their parents decide to leave the home, so the applicant received the waiver from Council to reduce the buffer along the parcel as the city anticipates the property will develop with industrial uses in the future. Per the UDC approval of a preliminary plat -- combined preliminary plat or final -- and final plat or a short plat shall be null and void if the applicant fails to obtain the city engineer's signature on the final plat within two years of the approval. The applicant requested a time extension to record the final plat in June prior to the preliminary plat's expiration date. A one year extension was granted with a new expiration date of June 21st, 2025. The plat must be recorded by this date. So, as far as the development agreement modification, staff has no objection to the applicant's request for the modification to remove Condition B under Section 5.1 and the addition of the proposed language with the following provisions: Only one building permit shall be issued with this provision and the Public Works infrastructure shall be installed, inspected and final prior to the issuance of any building permits. So, the applicant did submit a final plat for review and approval, which was approved tonight under the Consent Agenda. The applicant -- again, the applicant was given a one year extension

to receive the city's engineer, which expires June 21st, 2025. If the engineer's signature has not been received by the expiration date, the applicant will either let the plat lapse or request approval of a time extension by City Council. Planning has approved a certificate of zoning compliance and design review for the multi-tenant flex space building to be constructed on the northern property, but the building permit cannot be issued until all the utilities and roadways have been installed and accepted by the city and so at this time I will take any questions that you may have on this application.

Simison: Thank you, Linda. Council, any questions for staff? Okay. Is the applicant here? Would the applicant like to come forward? State your name and address for the record, please.

Hatch: Jeff Hatch with Hatch Design Architecture. Our address is 200 West 36th Street, Boise, Idaho. 83714. Good evening, Mayor Simison and Council Members. Thank you for your consideration of our development agreement modification this evening. Do have a brief presentation. Apologize for the delay. So, as associate planner Ritter indicated, the subject property is adjacent to industrial land along Franklin and this project is going to be extending a portion of Lanark. Currently the developer is working on an industrial building on the northern parcel. When this application originally came through we were working with -- at that time planner Dodson.

Simison: If you can get a little closer to the mic so we can hear.

Hatch: In 2020 this application was denied and at that time we were working with planner Dodson had recommended that we propose a -- kind of independent storage on the north and southern parcels and the feedback that we got with that denial was that we would like to see more industrial land up against the railroad and so we amended that for an approval for annexation with this industrial building. So, I did want to clarify that it's not intended to be a flex building, this was intended to be an industrial building for this area as requested by City Council. And with that went ahead and submitted our CZC. Got that approval. With that approval we have submitted for our site LDIR approval and received that. Started construction on the roadway. We have gotten our final plat approval as of this evening and the building permit is approved pending the final plat approval and what comments we got in January of this year, which we have highlighted here from planning staff, was that our final plat was required to be provided with all plat improvements prior to the release of a certificate of occupancy and so since January we had been working under the understanding that we were to fulfill the final plat and the roadway and the infrastructure improvements with the certificate of occupancy. So, both the development lending structure for the roadway and the building have been established with that intent and so when it was brought to our attention in June that they are going to hold our building permit until that final plat based on the development agreement, that's what really spurred us to proceed with the request for the development agreement. So, with that we would really be requesting two modifications. There is a modification for the property in accordance with the special condition, just versus prior to building permit we would be requesting that that be amended prior to certificate of occupancy and, then, in subsection page 22, Exhibit B, it

also mentions that same verbiage and so just for clarity there would be two portions of the development agreement that we would -- would want that verbiage modified to say prior to certificate of occupancy versus prior to building permit. With that the most recent condition as far as the Public Works infrastructure shall be installed. We are currently under construction and these are active photos as of today for that. We intend to have that roadway completed by mid-October and right now we are working through a license agreement with the irrigation company to finalize the infrastructure in that area. In talking with the irrigation company it's a little unique, because we have a -- kind of main lateral going down from Franklin through this parcel and, then, connects along the railroad track. So, this is a straightforward license agreement. This one was a little bit more involved. But with that we have their blessing for construction. We have the final plat and we are actively in construction. Plus or minus, 30 days for completion of that roadway. And so with that our intent is not to occupy this building prior to satisfying the city's request of including the roadway, as well as the building, and so with that we just respectfully request that if it would be a consideration we would like to have that DA modified to just prior certificate of occupancy to the consideration of Linda's most recent comment about the roadway completion. If Council would like an additional restriction on this request and would like us to bond for the balance of the roadway that is yet to be completed to date, that is something that we wanted to also provide as a consideration to Council. Our intent with both the final -- our intent with both the final plat approval today, as well as our active participation in construction and our pending building permit is we intend to proceed with construction on the road and the building and satisfy all city requirements prior to certificate of occupancy, but just wanted to also provide that consideration that in regards to the road specifically if there would be a desire for a bond for the infrastructure and roadway improvements that have yet to be constructed today. We would also provide that as a concession. If that is the pleasure of the Council. I will stand for any questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Hi. Thank you. I just wanted to clarify. So, city staff, Linda, had suggested some conditions to clarify that the Public Works infrastructure specifically be installed, inspected and finalized prior to the issuance of any building permits. So, I guess what I'm trying to understand is with your -- with your -- your proposed change to certificate of occupancy and appreciate the volunteering to bond for the roadway specifically, what do you propose regarding any other Public Works infrastructure? Would you propose that that be included within the bonding or -- you know, kind of help me understand that.

Hatch: Council Member Strader, that condition is a relatively new condition, although we have been working on this development agreement and final plat for several months. So, it was a bit of a surprise that we would be, essentially, conditioned with an additional condition that basically negates the request for the DA that we are currently requesting.

So, in order to satisfy that concern, whatever would need to be bonded amongst that LDIR would essentially be a means of satisfying that request in the meantime for the next 30 days while that road is constructed.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: At the appropriate time I think it would be great to hear some feedback from staff as well on this. If we could hear some feedback on the concept of bonding for Public Works infrastructure on the roadway as kind of a mitigation to that change to certificate of occupancy and it sounds like eliminating the second kind of condition that staff had proposed. I just would like to hear from staff what their reaction is to that solution.

Simison: Now seems like a great time. He came down here in person, you know, why -- why -- why not hear --

Dolsby: Mr. Mayor and Council Woman Strader, so typically we would require all the infrastructure be done, inspected, finalized prior to building permit issuance for a couple different reasons. One there is water infrastructure in there. There is the fire hydrant there. If that's not inspected and final before the building goes up, then, we have no fire protection for the building. That's one kind of major concern of mine. Other -- I'm not saying that this development would do this or -- but we have been caught in the past where we release a building permit for a building in a development -- not this development -- other developments and we haven't finalized the infrastructure, then, the building gets done, the infrastructure still isn't finalized, then, we are under the increased pressure of the tenants want to move in, they want occupancy, people want to move into the building, the infrastructure still is not final and we are kind of in a tough situation there.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. That's helpful. I guess I would be curious. Is your reaction to that -- I certainly think that we have required this as our standard practice for a reason and I guess I would like you to explain specifically why this provision wouldn't work for you.

Hatch: Council Member Strader, great question. So, in regards to the first comment in regards to fire suppression, since our roadway actually leads to this development, that access requires that fire suppression to the building be installed and our building is fire sprinklered and so in order to build the building we would have to put in the fire system that is requested. Typically we work with the Fire Department directly and they do approve it, provide some provisions as far as what they want to see on site prior to going vertical and when that fire suppression system needs to be installed. So, I feel

like we can work with the city inspectors in order to satisfy that request with the Fire Department. The second comment in regards to concerns of occupying the building prior to the infrastructure, one, the DA and the final plat are both clearly declaring that we can't do that. We have to satisfy the final plat and the roadway prior to occupancy. That's declared in this DA. And, secondly, the road that we are proposing to build has to be constructed to access this facility, because we are accessed on the east side of it. So, unlike a subdivision where you can build out a substantial amount of site and have access to multiple lots amongst that roadway without actually completing it, we are talking about a relatively limited scope section of roadway and that limited scope is also our only access to the facility. My apologies, Mr. Mayor.

Simison: Council Woman Strader.

Strader: Sorry. Anyone feel free to jump in, but what infrastructure would not be installed prior to the issuance of a building permit? Like why -- you know, if you don't want to meet this provision, then, what infrastructure would not be in place that we would normally expect to be in place at the time we issue a building permit?

Hatch: There is kind of two ways of answering that, Council Woman Strader, so I'm going to answer it in two ways if that's okay.

Strader: All right.

Hatch: If you have a standard subdivision with lots of multiple lots you would have your roadway infrastructure installed prior to permit. In the case of a pad site that may not be the case and in that case having the infrastructure for power, utilities and everything that needs to be stubbed to that building in order to build out the asphalt and horizontal or curb, gutter, sidewalk improvements at the same time as that foundation would -- would be the more standard intent for kind of a commercial pad site and so we would be proposing a ladder to be constructed if -- if the Council so chooses.

Strader: Okay. Thanks for answering my question.

Simison: Council, any additional questions for the applicant? Okay. Thank you very much. Mr. Clerk, do we have any sign up on this item?

Johnson: Mr. Mayor, we do. First is Kenneth Jautz.

Simison: If you would like to provide testimony if you can come forward to do so and, if not, just let us know.

Johnson: It was Kenneth.

Simison: Can you state -- repeat the name?

Johnson: Kenneth -- I believe it says Jautz. J-a-u-t-z. Then we had Greg Ferney.

Simison: If you would like to provide testimony, please, come forward and be recognized for three minutes. State your name and address for the record.

Ferney: Thank you. Greg Ferney. 4549 North Mackenzie Lane in Boise. 83703. Council, Mayor, basically just wanted to get up and just briefly state that up until June was under a little different impression based upon our communications in terms of what we needed to do and the requirements prior to the issuance of the building permit. As soon as we were assigned a new planner we became aware of that in June and we have done everything we can to meet as often as we can, to get all the information we can to the City of Meridian, so that we could be here tonight. One of the issues that we have in terms of timing and the reason why we have expediency to obviously bond, do whatever we need to do, I am -- as wanting to get that road done more than anybody, mainly because in November our batch plants may or may not be going for the asphalt and so I need to do everything possible to get that in, as well as the paving around the building, as well as having that building permit for the building that was ordered prior to finding out about this in June. So, again, I'm willing to do anything here in terms of bonding and I can assure you that there is nobody here that wants this road and paving done more than I do and as soon as we are able to do that, hopefully, in the next two to three weeks, we will have that accomplished and, then, we can move forward based on our timeline. Thank you

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I'm just curious from your perspective if -- if we were to allow you to bond specifically for the roadway improvements only, but we required all of the other Public Works infrastructure to be installed, inspected and finalized, would that be an issue and what infrastructure specifically would it be an issue with?

Hatch: Council Woman Strader, Council, as far as -- I mean I don't anticipate any infrastructure not being put in. That's -- really it's a timing issue, meaning we are going to have all of that, but if we have our building permit, then, we can be able to pave all around the building and have the foundation done, because we are going to have to have that. So, it's really just purely a timing issue. There is nothing we are not going to complete and certainly we are willing to in good faith do anything to show that through bonding, but it's purely because we are going to be coming up against lack of these batch plants and if I don't get this done, meaning get the permits as quickly as possible, then, you know, at least from my perspective -- I know it's not, you know, your issue per se, but, then, it becomes one of timing of having to wait until next spring, having construction just shut down, all of those type of issues. Again, if I had any indication prior to June that we were going to be in this situation we never would have gone down that road, but we are where we are and we are just trying to be as proactive as possible since June. So, again, there will be nothing that will not be completed, it's just a matter

of timing to get these -- the building permit issued, because we have ordered all the materials and everything that we will need to go around the foundation.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Quick redirect to Clint. To be consistent with how we operate in this city, when we put a request down that all infrastructure is installed, inspected and final prior to the issuance of a building permit, that is not a restriction just on this application, that is how we do business.

Dolsby: Mr. Mayor, Councilman Overton, that's correct.

Overton: Thank you.

Parsons: So, Mayor and Council, if I can maybe elaborate a little bit more on -- on the topic. So, bonding is one avenue to get your plat recorded, but whenever you get to a building permit there is certain other requirements that -- that need to be met and this is why we don't want to change that condition is because we have to meet the minimum life safety items in order for them to go vertical on the site. Staff up here is not -- we are not building experts, but we have been in the room enough times and we have heard enough of the dialog with applicants -- there is a lot of factors that go into allowing someone to go vertical before some of these things are done. It depends on the construction type that they are -- they are building and what is the building going to be? A concrete tilt up. There is no combustible material. It's all concrete. So, again, there is things in code that it can allow them to proceed a certain way and if -- are there fire hydrants or water in the -- that meet fire code and still have you have a fire hydrant within 400 feet of the building and they can get access and if there is a fire on the site, then, fire department can get there. So, again, a lot of different variables here, but when you ask staff our opinion of it, it's easier to follow the process and that's why in the original development agreement, the way it's structured today, the best process was to subdivide the property and have all of that done before you even go vertical and I do want to apologize to the applicant, he did come through the city on several occasions to submit revised plans. Now, what I saw in his exhibit was stated accurately, it said he needed to record a final plat. It's -- it was kind of misleading, because the condition said do these things prior to occupancy, but, then, the planner had put there that you still needed to record a final plat prior to you getting a building permit. So, although it was taken out of context and it may have been a misunderstanding on the applicant's part, even with the different various staff members touching this particular project due to staff turnover, we were always very consistent that that process needed to be completed and that's why when Linda and I analyzed the time extension, we felt they had two years to get this done and now we just gave them another year. So, we were of the opinion that three years should be enough time in order to get this project off the ground and get it going vertical. But, again, as Public Works has stated, this is nothing different out of the ordinary for the process. The applicant did everything right. They submitted -- because

they are extending public infrastructure they submitted a LDIR record, which is infrastructure review by our department and, then had their pre-con. They met on the site. They got their plans approved and they started construction and the next part of that is inspection phase, making sure it's tested and getting it approved with record drawings and signing off and, then, you are ready to go to vertical. So, again, there is nothing out of sequence here other than the plat didn't get recorded, but I just want to make it clear that they are doing everything they need to do in order to get closer to a building permit. So, I know they are on a strict timeline, but at least I wanted to give you some of that information behind the scenes on how things get moved through the city. This is not out of the ordinary waiting for these things to happen before we go vertical.

Simison: Thank you, Bill. Council, any additional questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe just one more. Would you still be requesting a modification if it had the two conditions that were suggested by our city staff or would you rather have a denial? Like just curious like -- and I have no idea how the vote would go or whatever, but just wanted to understand from your perspective is having that modification of some benefit to you still, even if it includes those two provisions?

Hatch: It's just a race against time, so yes. So, the answer to that is yes for sure.

Strader: Uh-huh. Okay.

Hatch: Only found out about the one change today, so -- it would have been nice to know this in June.

Strader: Yeah.

Hatch: So, I don't know why we didn't hear about it until today, but we didn't.

Ritter: Excuse me, Mayor and Council. We talked about this provision during our meetings. We shared with them Public Works' concerns and what they would require before a building permit could be issued. So, when I took over the project and we started talking about it, I consulted with the Public Works Department and that is the condition that Public Works put on that and I did share it with the applicant before they submitted for their modification.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Question for staff and I'm not sure who to direct it to, but certainly on our end could we try on our end to expedite things once the applicant is ready? Could you give us a sense of what that timing would look like?

Ritter: So, the -- Mayor and Council, the final plat was approved tonight, so we will do the findings for the next hearing and, then, the applicant will have to submit for his FPS for record drawings. So, it's basically in the applicant's hands at this point.

Strader: Thank you.

Parsons: Yeah. Mayor and Council, just to put a little finer point on that. So, again, if the DA mod gets approved tonight, planning is pretty much done. We have done our review and we can sign off on the building permit. It's just that we can't release everything else, because the LDIS -- our record, the Public Works record, isn't signed off. So, that's why I said, we are there -- we are close with the applicant. We are going as fast as the system -- the process will allow us. Now, if they do want to get their plat recorded, then, they have the ability to bond with ACHD for the roadway and still bond for those infrastructure improvements and, then, they could submit for their final plat review with us and we can get that signature done and get that recorded while they continue to do construction of the street and underground improvements. But, yes, we are going -- we are going as fast as we can and we met with the applicant, we understand his urgency, so we are doing the best that we can.

Strader: Thank you.

Simison: Any additional questions for this testifier? Okay. Thank you.

Hatch: Thank you.

Simison: Is there anybody else who signed up on this? Is there anybody present online or who would like to provide testimony on this item? If you are online you can use the raise your hand feature or in person feel free to come forward. Seeing no one coming forward or raising their hand online, would the applicant like to make any final comments?

Hatch: Mayor Simison and Council Members, thank you again for your consideration. I wanted to respond briefly to Council Member Strader's inquiry on the infrastructure. A consideration with the infrastructure would be in order to pave that road we have to have that infrastructure in and our intent -- the owner's intent is to pave the road and the parking lot. In order to do that we would need to really just install the foundation of the building and we wouldn't have to go any more vertical than that. So, if the concern is finalizing the road as soon as possible and also trying to oblige the developer's request, even if we had a temporary building permit until mid-November, I think we can satisfy what we need to get him his request and, then, proceed with the final plat as requested in that condition if that is to be left. As you know, Planner Parsons did mention this is a non-combustible building, which will have fire infrastructure installed in it, so I do feel

that we could work with the fire department to satisfy any life safety concerns during construction and I would like to thank Planner Ritter. I kind of feel like if we had her from the forefront, then, we wouldn't be before you today, but our planning reviews along the way kind of led us to believe that this was the path that we were going for and as soon as we knew that that was not the appropriate path we certainly wanted to make sure we were doing every action we could to satisfy the city's requirements. It's a little unique to take one parcel, add a small strip of road and, then, have that subdivided into a subdivision. Usually you are dealing with a much larger parcel -- or a larger plat and so part of these restrictions are very familiar with a sub -- like a true subdivision, but a -- essentially a parcel sub split is a little bit different request. So, with that I will stand for any other questions.

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

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor and Jeff, just a hypothetical here. If we are not going to budge on the -- getting the hydrant in and the water going and having that inspected, can you continue on until that point or do you need something from us in order to -- because it seems like that's the real stickler here is we want that hydrant in and inspected before you get anything else from us.

Hatch: Council Member Roberts, we want the hydrant in, too. We want it as soon as possible. With that we would like to pour the parking lot and foundation of the building with that infrastructure, so we are stubbing that fire riser into the building with the hydrant. So, just a request for just the hydrant itself, we do have hydrants adjacent to our parcel as well and we can work with the Fire Department to ensure that we are meeting their life safety requirements in the meantime.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: And I can appreciate that, but it seems like what we really need to have happen is the way that we do business, which means the fire hydrant that's on your property and so I was just trying to figure out if we continued this, that you continue work until November or something until that seems to be kind of when we can possibly have enough done. But you are trying to do everything at once, which means the fire hydrant at the same time you are pouring a foundation. Am I understanding that right?

Hatch: Council Member Roberts, we are not trying to do everything all at once, we are trying to do all of the horizontal improvements before winter and so if we can't pour until November we are not pouring that facility until next spring. So, the building is,

essentially, kind of just on hold for the winter. So, we are really trying to fight in June what we are seeing coming up in another month and a half.

Little Roberts: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, just being open, I -- I take I think the comment from staff to heart quite a bit about how we normally do our process and I think there is good reason for it, which is if something is done incorrectly it can be difficult to remediate later. It sounds like, you know, because you have just gotten your final plat approved for the planners and it sounds like the main item -- the deeding item you need is a sign off from Public Works, but I'm not getting the impression that that's going to take an undue long amount of time on the city's part. I'm just -- I'm kind of struggling with your request. It sounds like you could independently submit for bonding to ACHD and that that is a path available to you on that piece. Yeah. I apologize if you had a bad experience in terms of trying to -- not -- if the process didn't seem clear. We certainly -- we certainly try to have the best process that we can and it sounds like now you have all the information that you need, but a little bit of a timing issue. I just -- I feel pretty strongly that we need to follow kind of our best practice and we have landed upon that from years of having bad situations that couldn't be fixed, so I just wanted to kind of be open about my feedback in terms of how I'm looking at this request. I would be open to requesting a modification, but it would still include those two provisions from our staff and it sounds like you don't agree, you know, with those. So, I guess I got some feedback from the other gentleman, but would you still like the modification, even if it contains those two provisions recommended by staff or is it -- I mean I assume that is still of some utility, but --

Hatch: Council Member Strader, if I am following you correctly, the two suggested pages that we would be striking prior to occupancy, but adding the provisions recommended by staff is -- is what you are suggesting?

Strader: Yeah. So -- Mr. Mayor. The staff was willing to remove Condition B under Section 5.1, but they wanted to add the proposed language that only one building permit shall be issued with the provision and the Public Works infrastructure shall be installed, inspected and finalized prior to the issuance of any building permits. So, still kind of puts you in that spot, but if -- I just wanted feedback from you if you would still be seeking the modification if those two provisions were included in our approval.

Hatch: Council Member Strader, yeah, we would find that appropriate and we respect Public Works for their comments. Just a point of clarification. Page 22 also has an item that would need to be clarified in that DA.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think that's a question for staff in terms of the proposed language. It was noted in our summary kind of report that that would fall under Section 5.1. Would that fall under any other sections that we would need to modify?

Ritter: Mayor and Council, that's fine. It's the same language, but the provisions that we added provide what we need.

Strader: Uh-huh. Okay.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Jeff, I just want to kind of reiterate one more time what we just heard from Council Member Strader. I have been with the city a long time. The last thing I ever want to do is when they have a process in place that's their practice and how they do things every time is have a mistake get made because Council sent them a curve ball. It's one of the reasons I like to keep things consistent the way we do things. It makes everything in that whole process as we go right. That's not what we want to get in the habit of is making exceptions as we go down the road, because that's where we can cause problems. So, I appreciate what you just said to Council Member Strader that you would be okay with us approving this with the requirements set forth by our Planning staff and Public Works staff. That's correct.

Hatch: Yes, sir. Thank you.

Simison: Okay. All right. Thank you very much.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think we have heard from everybody in our public hearing, so I would move that we close the public hearing on Item 10.

Overton: Second.

Simison: Have a motion and a second to close the public hearing on Item 10. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant and public testimony, I move to approve File No. H-2024-0034 as presented in the staff report for today's hearing date and noting that we would grant the modification to the existing development agreement to remove Condition B under Section 5.1, but we would be adding the proposed language that staff had provided us with the provisions about one building permit being issued with this provision and the Public Works infrastructure shall be installed, inspected and finalized prior to the issuance of any building permits.

Overton: Second.

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

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

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

MOTION CARRIED: ALL AYES.

11. Public Hearing continued from August 20, 2024 for Timbercreek Recycling (H-2024-0032) by Engineering Solutions, LLP., generally located at the northwest corner of S. Locust Grove Rd. and E. Columbia Rd.

- A. Request: Modified Development Agreement to the existing development agreement (H-2018-0042), Inst. #2019-053058) to further clarify the current and future permitted uses and timelines, create guidelines to allow for efficient and continued use of the property, and ensure the operation is meeting all State and Federal guidelines.

Simison: Next item up is Item 11, a public hearing continued from August 2024 -- August 2024 for Timbercreek Recycling, H-2024-0032. We will continue this public hearing with staff comments when ready.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you tonight is a request for a development agreement modification. This site consists of 80.52 acres of land. It's zoned R-4, medium low density residential, and is located at the northwest corner of South Locust Grove Road and East Columbia Road. I will just give you a little history on this property. It was annexed with R-4 zoning back in 2016 as part of the larger south Meridian annexation, with the requirement of a development agreement. The DA allowed any currently allowed use in the county to remain on the

property and allowed the continued operation of Timbercreek Recycling on the property as an interim use until such time as the property is developed in the future. The agreement outlined the primary activities of the recycling business, including the type, i.e., wood, grass, leaves, sheetrock and other materials and amounts of materials delivered to the site daily from the Ada County Landfill and miscellaneous contractors and the recycling activities that were approved to operate on the site. It also included details on the termination of recycling operations on the site. An amended agreement was approved in 2019, which replaced the original agreement and added a commercial composting component and retail sales to the existing recycling operations on the site and included a conceptual plan depicting the layout of the site and location of specified operations. That plan is shown on the right -- or excuse me. Left. Materials proposed for composting consist of food and garden waste and demolition debris. Additional activities and equipment associated with the use were included in the development agreement. The amendment also removed the daily limit for deliveries to the site of certain types of materials resulting in unlimited deliveries and included hours of operation for the composting program. Many letters of testimony on the previous application were received by the city from nearby residents for and against the proposed business expansion and DA amendment. A general summary of the testimony is included in the staff report. The Comprehensive Plan future land use map designation for this property is low density residential. The applicant is requesting a modification to the existing development agreement to further clarify the current and future permitted uses and timelines, create guidelines to allow for efficient and continued use of the property and ensure the operation is meeting all state and federal guidelines. This modification will replace the previous development agreement in its entirety and removes parcel two from the agreement located on Hazel -- Lake Hazel Road where some business operations were occurring as that property has since redeveloped. The existing site plan shown on the left is proposed to be replaced with the updated site plan shown on the right. The full version of the proposed amended development agreement is included in the application in the public record in strike out and underlined format showing the existing text and proposed changes to the agreement. The main changes proposed to the agreement are as follows. The list of materials received on the site for recycling, which are currently specified, are proposed to be removed to allow any materials, provided they are not prohibited by DEQ and Central District Health. A provision has been added that clarifies recycled materials do not include biosolids as defined by DEQ. Staff is in favor of clarifying that biosolids are not allowed recyclable material on the site. A particular concern, however, is the processing of a product called waste activated sludge, referred to as WAS, which is produced from a non-municipal wastewater treatment or disposal facility. This has a very foul odor and Central District Health has determined this to be the cause of odor complaints made for many years from area residents to DEQ and Central District Health. Assuming this is processed into a soil amendment for agricultural uses, this is allowed under the current DA. It is unclear whether this is allowed under the current -- currently approved DEQ and Central District Health operating plan. Staff is not in favor of removing the specific materials that are allowed due to possible negative impacts from new materials on adjacent residential neighbors, which could result in issues that aren't able to be addressed by code enforcement. Listing the specific materials

provides clear direction on what materials are and are not allowed to be recycled on the site. If Council does approve this modification proposed by the applicant, staff would strongly advise Council to require that the current operating plan is approved by Central District Health and DEQ and any future operating plan be appended to the modified agreement and incorporated by reference. Next, clarification that recycling and associated activities will not include any materials or activities that are prohibited by DEQ or Central District Health and removal of the description of each activity. Staff is in favor of clarifying that recycling and associated activities won't include any materials or activities that aren't allowed by DEQ or Central District Health. However, staff is not in favor of removing the descriptions of each activity as the descriptions provide clear direction on what activities are allowed to occur on the site. Next the existing agreement specifies the operation of Timbercreek Recycling on the portion of the site depicted on the site plan as recycling property is allowed to be conducted on the property for a maximum period of ten years from the date of City Council approval of the signed DA, which was on June 11, 2019. The use would terminate on June 11, 2029, unless Timbercreek submits a request for Council to review the recycling activities no later than one year prior to the expiration date and determine whether to permit the recycling activities to continue. The applicant proposes to remove the maximum operating period of the recycling activities on the site and includes a five year maximum timeline on composting activities, with an option for an extension. The applicant states the change is necessary to meet the requirements of DEQ, providing a hard deadline. Staff is not in favor of the proposed change to remove the maximum time period of ten years for recycling activities or the new proposed five year timeline for composting activities. Staff recommends the existing timelines remain for the overall use and that the composting use is included in the provision. Next, inclusion of a statement requiring compliance with all federal, state and local entities with jurisdiction including, but not limited to DEQ, Central District Health, Department of Agriculture, U.S. Environmental Protection Agency, U.S. Department of Agricultural, the Ada County Air Quality Board and the Idaho Department of Water Resources. The city may consider a finding by one of these named agencies of violations of their regulations to be caused for a violation of this agreement. If a violation is found actions to be taken by Timbercreek are included. Staff is in support of this change. Next, removal of the truck limitation requirement, which is 56 truckloads per day. The applicant states the change is due to the difficulty in keeping track of the number of vehicles and the burden it's placed on operation of the facility. Staff is not in favor of removing the truck limitation as it could result in a much greater number of deliveries to the site, which could negatively impact traffic and neighbors in the area and leave code enforcement with no way to address the issue if it arises. Next, removal of the requirement for operations to cease on the site within 30 days of the city granting a certificate of occupancy to any new residential or commercial development within a thousand feet of the recycling property. Staff is not in favor of removing this requirement as the use will likely negatively impact future residents in this area, as existing residents have complained about the negative impacts they have experienced from the facility. Land has been annexed into the city within 550 feet of the facility for the development of Hadler Subdivision northeast of the site. A final plat has been approved within 675 feet of the facility. The first certificate of occupancy will likely be issued within the next year, which will require recycling operations to cease on the

site. An updated site plan is included, shown there on the right. Staff is amenable to replacing the existing site plan with the updated site plan as it appears to be generally the same and, last, removal of parcel two from the boundary of the property subject to the amended DA due to the property being redeveloped into residential lots. Staff is in favor of updating the area subject to the amended DA. Staff is recommending denial of all changes to the DA that expand, extend and/or intensify the existing approved use and approval of other changes as noted. Many letters of testimony have been submitted and are included in the public record. Staff will stand for any questions.

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

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just a quick clarification. Sonya, if I understood what you told me correctly, currently under the current agreement they have a timeline that would terminate on June 11 of 2029.

Allen: Yes.

Overton: But any certificate of occupancy within a thousand feet would cause immediate termination of recycling operations.

Allen: That's correct.

Overton: Thank you.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Well, Mayor and Sonya, can you just expand a little bit on the waste activated sludge and what that is and where it comes from and was it contemplated to be part of this originally.

Allen: Mr. Mayor, Council, the information that I presented is taken from a letter submitted to the city from Central District Health Department. I'm looking that up. Give me just a moment. It was -- it was not originally anticipated to be part of the recycling activities from what I'm understanding. Give me just a moment here. In their letter they state that Timbercreek has inaccurately called Cheese Way in their operations plan and in the logs of incoming waste received. This waste activated sludge has a very foul odor and has been determined to be the cause of odor complaints that's been made. That's all the information I have on that. The applicant can probably provide further information on it. Thank you.

Simison: Are there any further questions for staff?

Strader: Mr. Mayor?

Simison: Council Woman Strader. Not a question, but just a suggestion for everyone, especially people in the audience. You know, having reviewed the previous public hearings that happened on Timbercreek Recycling, I would just hope that we can all, you know, have a good discussion and everyone will be heard in this hearing and if people disagree that they can try to do so without being disagreeable, I think it would -- it would be helpful to help facilitate this public hearing if everyone can, please, try to approach it with as much professionalism as possible. Thank you.

Simison: Thank you, Council Woman Strader. All right. If there is nothing further for staff would the applicant, please, come forward. Good evening. If you can state your name and address -- names and address if you are both going to be presenting.

Lakey: Mr. Mayor, Members of the Council, Caleb Lakey, 16933 Northside, representing Timbercreek Recycling

Murgoitio: Mike Murgoitio. 2623 South Hillis Place, Meridian, Idaho. 83642. Timbercreek Recycling.

Simison: Thank you.

Lakey: Mr. Mayor, if I may commence here. I do have a PowerPoint if that can be brought forward, please. Okay. Thank you. So, again, my name is Caleb Lakey. I work for Timbercreek Recycling and oversee the operation of the company both in Nampa and Meridian. Pleasure to be with you this evening. Thank you for your time. My intent this evening is to highlight our ask, a brief history of the company and where we got to today. The status the company and, then, Mr. Murgoitio would like to offer some remarks and we will stand for any questions you may have for us. So, just to clarify our ask. It was summarized here by staff, but I want to highlight the three primary asks we have. Primarily we are not looking to expand our operations, contrary to maybe what has been understood on the timeline or in the operations, we are not looking to do that. We are not looking to add retail. It's already part of our operations. We make compost. We are a professional recycling and composting company and that's what we intend to continue to do. But we need a runway of how to exit this site. So, it's not a matter of if, it's a matter of when we exit the site and how we can do that professionally, appropriately and safely. Secondly, we had asked about the acceptable items being permitted through DEQ as the clarification as part of this application. And, then, we also did have a third there about the load limits that were coming in as was highlighted by staff. Again, we thought that that was a bit of an arbitrary number and it was an administrative burden and so we were asking to clarify that. That being said, I do want to offer to the Council that we are willing to concede both the load limits and clarification on the acceptable material to continue as the status quo. Really, what we are -- we want to talk to the Council about is a runway that will

allow us to, again, appropriately and professionally vacate the site and expand our operations in Nampa where we have already moved part of our operations. So, I would just like to highlight our vicinity map. You saw this earlier, but I like this view just to highlight to you where we are located between Kuna and south Meridian. The Murgoitio family has been in this area doing recycling since 1947 and in the area since 1909 as a family homestead and a lot of this neighboring property around the property where we operate actually was purchased from Grandpa Percy, so a lot of this area has been in the Murgoitio family and in the Murgoitio line for a long time and the Murgoitio family has been a big part of the community, including Meridian, for many many years. As you already heard, the DA and the property was in 2016. About that same time the city came to the Murgoitio family and asked them to early annex about 400 acres into the City of Meridian, which, then, helped facilitate and accompany the development of the Discovery Park area and also facilitated sewer to this area and, then, the original amendment was made in 2019. We immediately started making plans -- exit plans in 2020, excuse me, for -- for a departure. So, the vicinity map -- and I just want to quickly show you here -- 2016 would look like when that was just -- when that was talked about, the original DA, agricultural land. In 2020 -- this is early 2020, late 2019, we made the amendment. Still you see Discovery Park, but still largely agricultural land. And, then, finally 2024 you do see the subdivision which has been talked about earlier by staff coming close to the -- to the recycling site. So, why do I bring that up? I want to show that what has changed with development pressure that may have not been originally contemplated or was accelerated compared to the development agreements. But what I really want to highlight is what have we done since we had our 2019 agreement with this Council and so first off in 2019 the DA was modified and we commenced on impact site and route studies to determine where else we could do our activities. In 2021 property was purchased in Nampa that took some time to get that under contract and purchased and there were some delays in the permitting process. This process is complex. There is a lot to it in regards to dealing with Central District Health, as well as the Idaho Department of Environmental Quality and being the first of its nature in the state of Idaho you can imagine that there was some learning curves on both sides of that fence to get this facility permitted. In 2022 we got buy in from the regulators on this new process. We still suffered from some COVID delays as far as construction bidding and materials that set us back a little bit, but we started construction in '22. In 2023 we opened this site and started accepting bulk materials to that location. We finished our office space there in late '23 and also finished construction of the first ASP pad for composting in December of '23. I will note the picture on the right-hand side is a picture of that compost pad composting there in Nampa. This pad is an aerating static pile pad. It's got a pressurized air system underneath it. Allows us to compost quicker and more efficiently. In 2024 -- first part of 2024 we had our first load of material on that pad and we have taken our first loads of material off that pad successfully as a composting facility and we are now looking at refining that. We will be looking at capacity and how to best tweak -- kind of dial that in with our consultants who do this worldwide based on climactic considerations and feedstock considerations that are different for our area and so we are really reproofing the operation. So, we have been in Nampa fully operational since January of this year and the intent on our site plan for Nampa is to have five more pads just like the one you see constructed here, which will allow us to

take much more tonnage -- a lot more tonnage in that area to handle these type of wastes. I do want to highlight that Timbercreek Recycling is a part of a larger waste management system here in Ada county and Canyon county. So, we are not a waste generator, we are taking waste that are generated in the county, we are recycling it, repurposing it and reusing it and so we are part of that larger system and that, again, highlights why we are looking for a runway out. It's -- we can't just turn off what we are doing in 30 days. We need -- we need some runway to make that happen. The company overall is doing well. We have 50 plus employees in the company. This year to date we have recycled 890 million pounds of waste that otherwise was headed for the landfill or potentially other locations where it would be inappropriately disposed of. We do have four teams, one in Nampa, one in Meridian. We have an outside production team and, of course, administrative staff. We are the contract recycler for both the Ada county and the Canyon county landfills and we are building -- we have been approved by the Canyon County Commissioners to build the first privately owned solid waste transfer station in Canyon county and to couple that with our recycling center in Nampa. So, we are a pivotal part of the waste management systems again in both counties and, again, as part of your community. So, we made big strides since 2019. We are committed to our environmental stewardship and we are committed to being community partners. And, again, our ask tonight is to focus on -- we need a runway to exit the site. The original -- original timeline we asked for five. If -- if we got real aggressive three years to exit the site from the time that we have somebody within a thousand feet of the site would be a workable timeline to exploit. So, I will pause there and turn the mic to Mr. Murgoitio.

Murgoitio: Mayor Simison, Members of Council, yeah, we are pretty clear that this is not a good site for this in long term. This needs to be moved. I have spared no expense and wasted no time building my facility in Nampa. Running as hard as fast as I can. These systems take time. There are regulatory agencies. There is six engineering firms I'm working with. There is not even one here that -- in the state of Idaho can even design these systems, because they are -- this is the first one in the state of Idaho. It's a world -- a world renowned engineering firm that we used -- builds these systems all over the world. They know what they are doing. They have proven systems. They have done it for years. But you have to do it right. And it takes time to, you know, catch people up to speed. We just gave a tour to DEQ and said, hey, here is -- here is what we are doing. They had their -- every part of their state -- people all across the state come and tour the facility with us as we were showing them the future of how this material is supposed to be managed and used. We are very proud of what Green Mountain has done for us and they have been a pivotal partner in what we are doing to manage these waste problems. Again, we apologize for taking time with this, but we want to get it right. We put extra provisions in place in Nampa to make sure, if we did have a problem we had a backup plan for more odor issues. We didn't have that since we have been starting into the -- or this first part of January. So, we want to test the model. So, that's what we are doing right now. We have got enough modeling back. We are going to build more systems now under contracted materials. But, again, this takes time. Not everybody's willing to sign a contract in a certain timeline, because their waste system isn't in place with their cities or counties or different agencies. So, it's

very very complex. It takes time and, again, I first -- my first ambitions I thought I could do this -- build it within a year. Foolish. Took me three and a half years. It was very very complex. So, with this we are looking at -- you know, we are wanting to serve the community and continue to serve the community in the best way we know how. So, with these DA modifications we intend to build this out in Nampa, start closures in the City of Meridian as quickly as we can to -- as soon as we get those built we are going to move this material out. We are going to reduce all the operations at Meridian. It's our plan. Again, the state of this -- our facility, that's what our plan is. We don't want to see these materials go somewhere they shouldn't. Right now we can't promise -- if this does not get approved there won't be massive disruptions in service across the community, because there are certain place -- certain things that these things cannot go to. They can't go to landfills. So, probability of them going out of state is probably the solution right now. So, it's a lot of added pressure and some of the other materials will probably end up going in the landfill. Continue to serve the area and try and make sure that doesn't happen and if this is turned down I will do everything in my power to work with the community members to make sure that doesn't happen, because that's my intent either way. You know, I understand you guys have a very difficult situation here to -- and a decision to make. I understand that. But I just know there is a lot of added pressure and a lot of moving parts in this thing and it is very complex. So, I'm just here to say, hey, I will serve it either way, best the way I know how. I understand it's a hard decision, but this does affect a lot of moving parts and a lot of people within the community. So, yeah, stand for questions I think

Simison: All right. Thank you. Council, any questions? All right. It looks like you are free for now. Thank you. Mr. Clerk, I assume we have a few people signed up?

Johnson: Just a few. Mr. Mayor, first we have Quinn Black.

Simison: When your name's called if you can come forward, state your name and address for the record. You are recognized for up to three minutes.

Black: Hello. My name is Quinn Black.

Simison: If you can just pick one of the mics and --

Black: I live on the southeast corner across from the facility. Address is 8150 South Locust Grove Road. I just wanted to mention that we are super close to the facility and I'm really concerned about the concrete that's getting ground up on that site. I do have a video I could show you all. I wasn't prepared to do this thing, but just when the wind blows it just blows dust on my house. You wouldn't believe how bad it is. If you would like I could show you this.

Simison: Mr. Clerk, do we have a good way to --

Johnson: I don't have a good way to do that on the fly.

Black: Anyway --

Johnson: I can -- I'm sorry to interrupt. I can have you send it to me after your testimony and I can put it in the record.

Black: Yeah. That would be great. I'm just concerned about the air quality at my house for my family, my kids. We have to change our filters constantly and, then, the putrid smell from whatever they are chopping up over there. I don't know what it is. It's the smell of death and it's horrible. That's all I wanted to say.

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

Johnson: Mr. Mayor, next is Joann Tima.

Tima: Good evening, Mayor and Members of the City Council.

Simison: If you can get to the mic, please.

Tima: Good evening, Mayor and Members of the City Council. I live at 1740 East Spire Street in Meridian and my name is Joann Tima. I am a retired registered nurse of 47 years and one of my specialties is the lungs and the respiratory system. My comments today reflect my opposition of Timbercreek expansion or whatever they are planning on doing to maybe just shut that down as soon as possible. My concern is the recycling of construction materials, silica, wood, dust, et cetera. It is not just a nuisance. It can seriously damage your health and some types can even kill, such as causing lung cancer, silicosis, chronic obstruction pulmonary disease and asthma. Silica dust builds up in the lungs and by the time it is noticed the total damage is done and it is life changing. Silica dust clouds from the 911 attack was shown to enter our first responders' lungs and airways and anyone else living nearby causing lung cancer and irreversible respiratory diseases, causing severe suffering and death. Timbercreek is constantly exposing residents to clouds of silica dust, which will have the same negative health effects eventually. Timbercreek's Recycling needs to be further away from residential homes, schools and parks. I urge the Mayor and City Council to vote no and to continuously monitor their operations for compliance. Thank you for your time and consideration.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I just wanted to ask you a question. So, under the existing agreement they had ten years to complete their recycling activities on the site and there is another provision that the operation cease within 30 days of a new CO to a residential development. You heard the applicant testify about how he is creating a new facility in

Nampa. It sounds like he is doing everything he can to move that process along. What do you think is an acceptable time frame for him to exit the facility from your perspective?

Tima: That's a good point. As soon as possible. I did see their Nampa facility on YouTube, the aerial view, and they look like they have that pretty far along and I would say start as soon as possible with these residents' health are a big concern and a lot of them are immune compromised and having even more issues in their health.

Strader: Thank you. Council, any additional questions? All right. Thank you very much.

Johnson: Mr. Mayor, next is Clancey O'Hara.

O'Hara: Hi. I'm Clancey O'Hara. 1720 East Spire Street, Meridian. I kind of wrote this letter and my message to the City Council and Mayor before I heard what Timbercreek was going to do, so this could be somewhat dated or not in same pace in which Timbercreek said they were looking for an exit, but we have heard that they weren't. What we heard was they were trying to extend their lease at the property. So, knowing that -- or hearing that this is what I came up with. So, it might not be all that accurate. So, I apologize to you beforehand. Thank you, Mayor and Meridian City Council for the opportunity to address you this evening. My name is Clancey O'Hara. I'm a new arrival in the City of Meridian in the Pinnacle Subdivision. My wife and I have found people in this community to be very cordial, respectful, engaging and helpful. However, there is one issue about our new development that has come to our attention that has given us all some major concerns. That is Timbercreek Recycling Center located next to our development. I understand that Timbercreek was here before most of the homes were built and I was assured that I was in the belief there was helpful entity for removing of green waste. But like everything in life, most things out -- most things out in life are useless. Timbercreek is one of those things. I would venture to say that Timbercreek has now become more of a detriment to our community than a benefit. Case in point. The odor that emanates from the site has got worse since our arrival. The mountain of refuse has become quite unsightly from thousands of feet away. The website picture that you have seen just now is not indicative how it looks out there. The trucks used to haul the waste to the plant are too large for both Locust Grove and Columbia Roads to handle on a continuous basis. You could surmise that they surpassed their allotted allowance for truck usage anyway. Recycling products produce dust that could drift into the neighborhoods and could be harmful to human beings, especially people of underlying health conditions and to children. Discovery Park, Gem prep school are located close to the proximity of this plant and there is a canal that runs a partial perimeter to the plant. It would be difficult to believe that no toxins have not leaked into the water. After talking to various agencies for public health, Meridian, it has come to our attention that Timbercreek has not always been in compliance with their recycling practice. What makes you wonder if they were caught this time, how many times were they in violations and not caught? If you have children you know how that goes. It's pretty obvious that Timbercreek and the housing development that surrounds it are not

conducive for each other, which begs the question why the City of Meridian would allow an entity to exist in such an area or allow the development of a housing site by an industrial region. I implore the City of Meridian to at least -- very least halt the expansion or extension of Timbercreek industrial site and eventually relocate the area in beneficial for both the business and the community. Thank you for your time and your consideration.

Simison: Thank you. Council, any questions? Thank you very much.

Johnson: Mr. Mayor, next is Lou Murgoitio.

Simison: And if you are online and you want to testify just use the raise your hand feature and after those signed up in the room we will bring you in as well.

Murgoitio: Lou Murgoitio. 7373 South Maple Grove Road. I'm part of that Murgoitio family that's been around for over a hundred years. I do a lot of farming. I am a farmer. Farm around this facility. Have for quite a few years. I got to tell you I'm by this facility probably eight to ten times a day. I think Timbercreek does a fabulous job of what they have been doing out there. You know, like I say, there is not -- any times I have been by there not a lot of dust coming out of there. They keep -- keep it wet down. They try to do the best job they can. Lot of trucks in and out of there. But all these trucks also -- -- there is a lot of gravel trucks coming around through there, too. So, you know, I have seen all this evolve. Timbercreek's got a proven track record here meeting all state and federal guidelines. I mean they have tried and continue to strive to do a great job. They understand -- Mike being my nephew -- that at some point in time they will have to move the facility, in which he is already got his Nampa facility and, you know, I got to give credit to him, he has done a whale of a job. As we all know with the growing population in this valley, this recycling part that Timber Creek does, is vital to this valley. Vital. The landfills, whether Canyon county or Ada county, will -- at some point in time are going to fill up and you are not going to stop the people from coming in this valley. It's a great place to live. We all know that. It's essential that they have some time to make a change. They have a lot of product that takes time to move, cost, transportation, even to move to their Nampa facility over there it doesn't happen overnight. I had -- I had a dairy operation I just got out of. I had a lot of -- had a lot of housing around me. I had to be a good neighbor. They have demonstrated that, trying to be a good neighbor. I mean Mike's going to do the right thing and his staff and his workers, they understand that, but we need them -- we need -- we need Timbercreek, because the landfills are going to continue to fill up and what's a better way than recycle this stuff as much as they can. Stand for any questions.

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

Johnson: Mr. Mayor, next is Ken McAfee.

Simison: Good evening.

McAfee: Good evening. Ken McAfee. 7627 South Hunt Street in Boise. I'm about six miles from Timbercreek Recycling. I have watched them put that together from -- from the start of things and in that area there is other subdivisions being developed as we speak, city parks, so on, so forth. Lots of dust flying, so on and so forth. But Timbercreek Recycling has done a great job of keeping things -- you know, dust under control the best they can. They put up trees to close in their area to a degree. There is always going to be dust no matter what and we need the recycling, no doubt about it, because where else is it going to go? And, again, I didn't realize that they are also -- already had another plant in production in a whole different location. Didn't even know that. Didn't even know they were going to move, because to me they have been doing great where they are right now and it's not causing a lot of issues to the -- to the neighborhood, other than normal dust like the -- like the developments that are going on around it. Can't tell what exact dust is going where. So, again, they have done a great job as far as I'm concerned in my area. That's all I have.

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

Johnson: Mr. Mayor, next we have Brenda Blitman.

Blitman: Thank you. Brenda Blitman. 8460 South Locust Grove, Meridian, Idaho. And if you put up the circle from the very first slide, I'm inside that circle from the very first slide. So, I'm a quarter mile -- a third of a mile south of the recycling facility and just for a little bit of history, I have been in my house for 23 years and I grew up on a dairy farm, which was two miles east of this location -- two miles west of this location. So, I'm really familiar with the Murgoitios and they have a great reputation and I'm really familiar with dairy farms and I know what dairy farms smell like. I can tell you the smells that we have gotten over the last two years are not dairy farm smells. They are smells like rotting flesh or smells like human poop, you know, human waste and so the smells aren't normal dairy smells or normal farm -- even composting smells, they are different -- different smells and it's so bad that my backyard -- I will come home from work and I will say, gosh, we are going to have dinner outside and I will open the door and I will say, nope, I guess we are not having dinner outside. So, there is about 30 days a year that I cannot use my backyard -- enjoy it and I don't even invite people over. I'm like, oh, gosh, I can't invite anybody over this weekend, because it's the time when the smell is bad. So, the smell is bad. And, then, the other thing is the dust. And Mr. Murgoitio was right, there is a lot of dust from a lot of different sources and we are right beside a farm and I'm very familiar with what dust looks like and what dirt looks like and I like to garden, but this is a fine white dust that's showing up at my house that's different than it was five years ago and I suspect that's from the concrete that's being ground up and I don't know if concrete was part of that original plan, but to bring pieces of concrete and grind it up and to bring aggregate -- so bring rocks there and grind it up, those are typical activities that are in an industrial gravel pit. An industrial gravel pit doesn't belong in a residential neighborhood and so those are the two things -- my two biggest concerns are those two concerns and -- and nobody's reached out to me and said, hey, Brenda, what do we need to do to be a better neighbor? And I'm pretty close and -- and I -- and I think that -- that this activity needs to cease in some logical manner and I urge

you to say -- to deny this request and maybe the Murgoitios can come back with a different request that is something more agreeable, but I think the biggest -- my biggest concerns are the smell and the -- and the fine dust and, then, I also think about the fairness to other people who are doing industrial activities. We make them go through a process to do zoning and this has not gone through that process to do zoning. It's being done on a development agreement, which I don't think is fair to maybe the rest of the world, so -- thank you.

Simison: Thank you. Council, any questions? Council Member Overton.

Overton: You mentioned that they should come to some form of way to stop this. What's your suggestion?

Blitman: I would like to see the concrete and the -- whatever's causing the horrible smells -- those two things I would like to see them cease as soon as possible, no later than the agreement time. It's been going on for a while and I haven't gone and like complained, because I knew I could -- I could see that houses being built and I knew the thousand feet and I'm like, okay, this will -- this will run through its course. But it hasn't. So, those are the two things I would like to see stopped. The normal composting, if they need to leave it there for a little while and get it trucked off or if they need more time to let it compost while it's -- well, that's not as offensive to me as the -- as the two things that I mentioned and so if there could be -- if we could quit having new things go there and just let them compost what they have got and -- and new things could go somewhere else -- I mean I -- personally I would agree -- that would be agreeable to me.

Overton: Mr. Mayor, follow up.

Simison: Councilman Overton.

Overton: So, the agreement as it stands right now is if no house gets built within a thousand feet with a certificate of occupancy, it would go until June of 2029. That's what the agreement says now. So, that would be acceptable to you?

Blitman: I mean that's what the city agreed to and so the city can agree to that, but what the city also agreed to is that as soon as the houses were within a thousand feet and that's going to happen before June of 2029 and so when that -- when I say -- I didn't know if houses were going to be built first or if 2029 was going to be here, but it's obvious from looking at the area that houses are going to be there.

Overton: Thank you very much.

Blitman: Thank you.

Johnson: Mr. Mayor, Kimberly -- I'm sorry, I'm going to pronounce this wrong -- Matulonis. Oh. Okay. Sorry. I read the wrong line. I apologize. And Becky McKay.

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay with Engineering Solutions. Business address 1029 North Rosario, Meridian. I just wanted to take two minutes to kind of inform the Council that I worked with Mr. Murgoitio in 2019 in that development modification and, then, I also assisted Mr. Murgoitio with the city of Nampa in obtaining all of his entitlements, annexations, so that he could build a state of the art facility in Nampa just north of Amalgamated Sugar Company and I have never met anybody that was so committed to recycling and to helping the community and to providing alternatives for products to not end up in our landfills, because our landfills are a finite resource and anything that we can recycle, obviously, we should and what Mr. Murgoitio is asking for is three years. Give me three years and I will have my Nampa facility operating at full capacity. We suffered significant delays and it was due to the fact that this was a one of a kind type facility. He literally worked with six engineering firms. Then we all played a part, including my firm who did the civil engineering. He had environmental engineers and recycling engineers and I mean we did conference calls. It was a -- a big endeavor and a lot of time and effort and money was spent for the benefit of not only Ada county, but Canyon county also and so I ask the Council to please look at it from the perspective that we want out of this site. We understand the long-term plan for the city and we just need the opportunity, which is three years, and leave the truck capacity -- or maximum capacity the same, so that, then, we can get Nampa opened up. Mike's made so much of a commitment that it just engulfs his life, that he lives and breathes this recycling and it's been a pleasure working with him and his mom lives right by the site and so, obviously, his concern about health safety, smells and he has been doing a lot of work with experts on how to handle some of these products and DEQ and CDH and we just ask the Council to give us an opportunity. Thank you.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks. Mayor and Council, I have tried to remain quiet, kind of some of the audio issues, but, Ms. McKay, I appreciate your testimony, but my question is the DA request that is before us is not for three years. The DA request is to essentially allow this site to operate into perpetuity and to remove the distance requirement. So, help me understand -- I hear you saying three years, but that's not -- you are not -- your client's not requesting three years, he is requesting forever. So, help me kind of understand how your testimony kind of gels with what is actually being requested in the DA modification of Council?

McKay: Mr. Mayor, Councilman Cavener, that's -- that's a good question and -- and after reading through all the letters that were submitted, the e-mails, the staff report, in my discussions with Mr. Murgoitio, he -- he basically is off -- he -- he is asking now that the facility close down within a three year time frame. Is that not correct, Mr. Murgoitio? So, regardless of the initial DA that was submitted by his attorney, we have -- we have

since offered up a month -- a change to that document allowing a limit of three years, leaving the truck capacity no more than 56 trucks per day, leaving the list of allowed recyclable materials on the site to stay in place as is. Thank you.

Simison: Council, any additional questions? Thanks.

Johnson: Mr. Mayor, next is Troy Allen.

Simison: Good evening.

Allen: Good evening, Mayor and Council. I appreciate the time to talk here and answer a couple of your questions. He has a runway out of here. It's in his agreement and that's when the house is built or 2029 comes. So, that -- I think that's the answer for that. And I'm going to try to just read, rather than talk, so that I don't take up my time. Let me start out by saying that I don't disagree with the primary purpose of Timbercreek, which is recycling. I do disagree where it's being done and how it was originally presented and what it has grown into, which is not at all what was presented to the City Council or the public in the beginning. This group over here back then said we do not think it's a good idea. This group decided to vote on it and pass it and I believe all of you guys have a duty to protect the community as a whole and not make your votes go against the greater good of the community and support one individual or business. Don't forget this is an industrial operation occurring in a residential -- if you want to call it agricultural because of how it was zoned prior and it's beyond me and nearly everyone I encounter how this was ever approved in the first place and how and why we keep entertaining changes and expansion to this operation. When this originally came up for discussion in -- I believe it was '19 it was not supported by any of the city officials that sat over here or the Mayor at the time. In fact, when your predecessors voted to pass it I walked out these doors with Mayor -- Mayor De Weerd and she walked out and she looked at me and she said I cannot believe they just passed that. So, not supported by anybody, except about four or five people. Since that time I believe there have been changes that have been allowed or overlooked in regards to the facility with a disregard for the concerns of the community. The rancid smell, the plumes of dust you guys have heard about, the banging and clanging of the grinder, the huge trucks that crowd and destroy our roads, just to continue to go day in and day out. I believe most of the rancid smell that is coming from the facility is from him accepting WAS, which you guys heard about earlier, which is short for Waste Activated Sludge. It is excess biomass from the wastewater treatment process. I don't even know that that was -- is a legal thing to do, but DEQ gave us some information on that. So, as a concerned citizen I make calls to the DEQ, Central District Health, code enforcement, Meridian City Police Department -- of the Meridian City Police Department, the attorneys of Meridian, and I'm always met with a similar response, which is basically we know and understand the issues and I think if they could all say it they would say we wish we could stop it, but because they are being recorded they don't really say that, but our hands are tied and there is no recourse short of the city suing Timbercreek, which was a quote from the attorney. At one point Mike Murgoitio told my wife and I he wanted to be a good neighbor and to do what he could to have his operation not impact the community. That sounds great until

you call him and he hangs up on you and doesn't address it. So, I don't know if this is legal, but by a show of hands did you guys all read all 60 letters that were submitted?

Simison: If you can conclude your remarks, please. Your time is up.

Allen: I think you guys need to read all the letters. I think you need to visit the facility and his material used to go somewhere else. I do agree with recycling, but I think you guys need to let him do his runway as it is in his agreement now.

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

Johnson: And, Mr. Mayor, online we have Anna Canning. Anna, you should be able to unmute.

Canning: Thank you. Can you hear me?

Simison: Yes, we can.

Canning: Thank you, Mayor and Council. My name is Anna Canning. I work for Centurion Engineers at 2323 South Vista Avenue, Suite 206, in Boise. I have provided a lengthy opposition letter and wanted to briefly summarize that letter for you tonight. I provided that letter on behalf of a neighboring property owner. That letter is focused on three points. One is the city's original commitment that the use would cease once residential development is near. The second one being that Timbercreek Recycling has not been subject to provisions and standards in the Unified Development Code and the third the failure of Timbercreek Recycling to meet the terms of the existing development agreement. Regarding that first point, it's been talked about a lot tonight, the runway, if you want to call it that, the original term -- the original commitment by the City Council to say, you know, this use will end and it will end with a couple different caveats, either the ten year or houses coming close and I think probably at that time those neighbors took at least some solace knowing that that would happen. You know, I just can't imagine that as they are being asked again to consider expanding that use that they are not a bit dismayed that the city is considering this development agreement. They are eager for the noise, dust and odor to go away, which I'm sure you will hear more of -- that you have already heard. The second point I would like to talk about is that the Timbercreek Recycling does not comply with the Unified Development Code in many ways, including the general purpose of the zoning district, the standards regarding nonconforming uses and the findings required for conditional use approval. During the previous DA modification in 2019 the issue was articulated well by both staff and concerned neighbors and ultimately it was a court case that took two and a half years to resolve. The ruling was that the city did have -- did not have to abide by the UDC, because the DA was a contractual agreement, but the judge goes on to say -- and I think that this is really the important part, that the petitioners have not met their burden to show that the MDA decision was deficient in one of the manners enumerated in Idaho Code Section 67 -- 65-2793, which when you go and look at that, one of those manners being it -- that the decision was arbitrary or based on random choice or personal whim, rather than

reason or system. So, I thought, well, that's really interesting, because it did seem rather random to me, because I know that usually DA modifications and DA's are held to the UDC requirements. So, I went and looked at 27 DA modifications done from 2020 through 2024 and all of them referenced complying with the UDC in general or they reference very specific development standards. So, as we come to this --

Simison: Anna, just -- I don't know if you heard the timer, but if you can wrap up, please.

Canning: Okay. I will stop after this one. So, the city's decision to not require the conditional use approval for the expansion of a nonconforming recycling use did seem rather arbitrary. I will skip the other item, because I think you have heard about that a lot tonight, but, you know, if someone wants to ask me about enforcement I would love to kind of just make one more point. With that I will stand for questions.

Simison: Thank you. Council, any questions? All right.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Mr. Mayor, I'm happy to ask her about -- a brief commentary about the enforcement point that she would like to make if she's still on.

Simison: She can unmute now.

Canning: Thank you, Council Member Strader. I appreciate that. I did ask for all the enforcement records and I just want to point out one thing, they -- you know, there is a clause in there that says they cannot be a public nuisance and in the -- the neighbors have continually since 2016 said it is a public nuisance. But, finally, in July 25th, 2023, Central District Health officially states that it's creating significant odor issues throughout the area and it's creating a public nuisance. So, the neighbors are right, it's a nuisance. And with that that was the one point I wanted to make.

Simison: Thank you.

Johnson: Mr. Mayor, next is Tony Mayer. Tony Mayer. Tony, you should be able to speak.

Mayer: Can you hear me?

Simison: Yes, we can.

Mayer: Okay. Great. My name is Tony Mayer. I'm a resident at 7850 Gearhard Lane. We are approximately a quarter of a mile directly west of the site, so -- or east of the site. My wife Jeannie is here. We purchased this residence about five years ago. At

the time we did notice the site and the general information that we got is they would cease operation in three years and that's what we were told by several of the local residents and that was kind of the general understanding. Since then we have noticed it would appear consistent expansion going on there and I'm just talking about what we see. It -- it -- the piles have grown much much larger and here I have heard a voice many times about this WAS, this really foul odor and the silica that is -- is blowing off and -- and I pulled a safety data sheet, material safety data sheet on crushed concrete -- recycled crushed concrete. Did you know that this is classified as a category 1-A carcinogen and it goes into quite detail. It's -- it's a category 1-B in skin corrosion and a category two in organ toxicity. These are all cancer causing issues that this -- what I would contend is unauthorized, unapproved activity being crushing concrete, stacking huge gigantic piles there that weren't there when we moved and the odor wasn't the way it is when we moved over. It's there now. And it looks like to me these guys are expanding just recklessly and, then, I hear this lady from Engineering Construction saying, well, we really didn't mean this ten years, we want three years. But also she says we need to continue testing this and that. What that's telling me is that they don't know what they are doing on that site. We are the guinea pigs. We the residents in that area are literally guinea pigs and they are throwing all kinds of stuff in there seeing what happens and, then, they are going over to Nampa and they are doing all this analysis and -- and effort to get it right, but yet we are the guinea pigs over there suffering, complaining and we should just tolerate it for another ten years or five years or three years now. This is ludicrous. My opinion is that there needs to be a guardrail set up. It needs to go back to the original agreement. These other substances that are in there that I did not hear as allowable in the original agreement with the silica, the WAS, this stuff. I would venture to say there is other stuff there that they are recycling. They just take anything that is thrown at them and -- and that's not allowed. I mean we can't do -- they just can't take everything and they have to have a plan for it. So, I understand where they are coming from. They should -- you know, they can't just be shut down and end up laying off 50 people, they need a -- they need a runway to get off, but in my mind the way that runway should work is it -- their -- their operation needs to go back to the agreement, first of all. This other stuff, no way. Just get it out of there. They operated before without it. The silica goes away. The WAS goes away. And -- and, then, once they get to that point, then, give them a couple years to -- to -- to glide out and -- and trans -- transform into the other area. I mean ideally I would like to say shut them down.

Simison: Thank you. Your time has expired. Any last concluding comment?

Mayer: From me, you know, I understand recycling. I understand the need. There needs to be a recognition of what's going on in there in the area. I think that they need to go back to the original agreement and given some kind of a narrower time frame on offloading to their other site, so --

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

Johnson: Mr. Mayor, next is Marla Fund. Marla, you can unmute.

Simison: Marla, you need to unmute yourself.

Johnson: Mr. Mayor, we will go to Gina Russell. Gina, you should be able to unmute yourself.

Russell: Is that me?

Simison: Can you try now?

Russell: Okay.

Simison: You want to go back to Marla?

Johnson: You might want to mute your audio of listening to the meeting, so we can hear you here.

Russell: Okay. Can you hear me now?

Simison: Yes.

Russell: And it's not screeching?

Johnson: Do you want to try one more time, Ms. Russell?

Russell: Okay. Let's try this again.

Simison: That's great.

Russell: That works? I'm getting some yeses and some no's.

Simison: It's fine in here compared to what it was. I just don't know what it sounds like online. Okay. So, we got to -- yeah. So, let's go ahead and try.

Russell: Okay. My name is Gina Russell and I live at 1392 East Bramble Lane. I'm less than a mile from Timbercreek and there have been some very educated speakers tonight and I don't have a lot to add to that, but I would like to say that my understanding of the original DA was that they would be operating for agricultural related purposes. Rock and concrete crushing, to my knowledge, are not agricultural purposes and the sludge, from what I understand from conversations with DEQ, is incorrect processing and/or storage of product. It was suggested that I send an e-mail to Timbercreek. I did. I have heard nothing from them, so I don't feel like they are able or willing to respond to the complaints of the community. I would suggest to Council that the rock crushing, concrete crushing and the sludge be immediately removed. I don't know how they got approval to get that in, but it needs to be immediately removed. Then the other crushing -- the limbs, the timber, those things that aren't causing hopefully as much damage to the environment, those things maybe allow them some additional time --

three years. Now, the newest subdivision that is going in, I don't know how many feet it is from Timbercreek, but Timbercreek's knowing that subdivision was coming for years. With that that's all my comments.

Simison: Thank you. Council, any questions? Okay. Go back to Marla. Try Marla again.

Johnson: Marla, you should be able to unmute.

Fund: Hi. This is Marla Fund. I'm not sure how I got in there, but I don't have any comment.

Simison: Okay.

Fund: Thanks.

Simison: Thanks, Marla. Excellent. Well, we have reached a place where we are going to take a break. We have -- we have gotten everybody who signed up online or signed up before they got -- that it's online and raised their hand. But after our break we will come back and take additional testimony from anybody else in the audience who would like to do so. If I could get a quick show of hands, who is here for the next application? Okay. So, have them -- all right. Thank you very much. We will take a five, ten minute recess. We will get back as soon as we can after people stretch their legs and take care of a few things.

(Recess: 8:00 p.m. to 8:10 p.m.)

Simison: All right. We will go ahead and come back from recess. We will move into others who would like to provide testimony on this item. So, if you would like to provide testimony, please, come forward at this time and if there is multiple, the front row is empty, just take a seat in the front row and if someone's up there and we will just keep -- keep people moving forward, so -- first one up.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: If I could just kind of say -- we do have code enforcement here that I would like to come up at some point.

Simison: Okay. Well, we will get through the public testimony then will go there. So, whoever is -- come on up. Don't be bashful. Who is ready to go first?

Edgar: My name is Todd Edgar. 1410 East Gravel Lane, Meridian, Idaho. 83642. Most of the things that I wanted to talk about have been covered. I do want to touch on a few points. I have been here since the beginning when it was all approved and we

went through a lot of the meetings. The one thing that I wanted to make sure everybody understood is when this was first approved it was an agricultural exemption for grinding wood material for animal bedding. That was how we understood it and that's what that was started out as and that was what the exemption was about was an agricultural exemption. Now, it's a heavy industry and residential area that continues to grow. So, just wanted to point that out. I may be incorrect. I'm sure somebody will get up and correct me if that's the case. But other items -- air quality, obviously, that's been brought up. Heavy amounts of the dust that's coming up, the silica dust, that's widely commented on already. Cancer causing toxins in the air that stay in the air for up to two weeks. They don't just disappear overnight, they are there that we are breathing, the school is breathing, the park people are breathing. So, everybody out in that area now is impacted by that. The stuff in addition, you know -- and that's all coming from the asphalt grinding, the concrete grinding and the building material grinding that all has toxins in it, epoxy glue in the building materials, the silica dust and the asphalt and concrete. The older -- at first I -- you know, I have lived out there for over 25 years, so I know what agricultural smells are like and I'm used to them. About five years ago I just started noticing this constant smell all the time. I was like, man, I mean did somebody move in with a pig farm nearby or a new cattle ranch or something? And, finally, you know, I drive up to the corner -- I'm about a quarter mile from them -- sure enough that's where it's coming from is from the facility and it is -- it's terrible. A couple people have testified earlier that, you know, you can't really go outside -- I mean last -- this -- this spring earlier it was so bad I'm looking around in the house -- we have a couple dogs in the house, I'm thinking one of the dogs did something in the house. Couldn't find anything, went out on the back patio and it was the smell from the -- from the recycling facility. I mean I have to come in and close the windows and this is a beautiful spring day, I want to be out eating on the back patio, but that's impossible with the smell, it's that strong and that bad on certain days. Not every day, but certain days. The traffic also from the trucks. I know they have talked about the 56 trucks in and out of the site. It is still quite bad when you are setting at a four way intersection, those roads out there are not engineered for that type of a long truck. They do have gravel trucks that come by back and forth. They are not as long as the Timbercreek trucks. They cannot make the corners when there is traffic sitting on a four way stop. I guess I ran out of time, so I will let everybody else follow up on that. But any questions I can answer?

Simison: Council, any questions?

Edgar: All right. Thank you.

Simison: Thank you.

Jantz: Good evening. I'm Ken Jantz. 8440 South Locust Grove Road. My address is Meridian, but I live in the Kuna impact area and while I'm not in the City of Meridian I have a Meridian address and I'm downwind of this beautiful dump that Meridian has. When the wind blows out of the northwest 90 percent of the time and all of my neighbors know all about it. I can't add much more to what they have already said, but I can tell you it's true. I have a 110 acre farm. They don't complain about my farm. In

fact, many of them have told me if -- across the street from me if I sell my farm they are going to have to move, because they won't be able to see the Owyhee mountains. Anyway, my -- my experience has been 25, 30 -- excuse me -- 35 years in the construction industry. I have worked for the -- two of the biggest construction companies in the United States, Morrison Knudsen Company, which you probably all remember and also worked for Peter Kiewit Sons in Omaha, Nebraska. I moved all over the country. So, I know heavy construction when I see it and let me tell you grinding up concrete blocks and concrete work of that ilk is heavy construction and one thing I would like to say is, yeah, Mike's doing a good thing, but he's doing it on somebody else. It's always somebody else's fault. He had a -- we had an opportunity to talk to him earlier this spring and it was the same thing. What do we need to do to extend this? We told him a bunch of us -- get rid of the stink and get rid of the concrete. No more grinding. And it's my belief he doesn't have the authority under his current agreement to do that stuff there and I don't know why the City of Meridian doesn't do something about it. Don't you read your own agreements? That concerns me. I won't take all my time, but the one thing that I did want to say is the organic and agricultural waste -- some of it comes from Canyon county. Why does he bring it in here? Because Nampa won't approve it. The industrial waste, including the concrete and crushing operations, again, that's heavy industrial. This impacts the families within a mile radius, hundreds of thousands of dollars per house in Meridian and/or in Timbercreek is begging you, City of Meridian and Timbercreek, for a lawsuit. I don't know why you want to do that. Please, disapprove this. He's changed his mind tonight.

Simison: Thank you.

Jantz: He doesn't even know what he's doing. I'm sorry. He's got a good idea and years ago when I talked to you guys I suggested he go talk to his uncle and put it out on the desert. It would have worked a lot better.

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

Black: Hello. Thank you for hearing me. My name is Billie Jean Black. I live at 8150 South Locust Grove Road. I'm literally diagonally from the place we all call the dump. They call it something else. Earlier today -- earlier this evening someone mentioned, oh, there is trees planted all over. There are little trees. They are not big trees. They are like starters. No, it does not, you know, prevent the dust from coming to my house and I think I'm probably the closest neighbor besides the person across the street from me that lives by this place and, yes, it smells. It's rancid. It's horrible. And as far as the concrete goes, yeah, that's true and the mountain gets higher and higher and higher and higher and higher. It's huge. It's -- it's a mountain. It's big. And I'm very concerned about the air that I'm breathing and going outside and, you know, you mow the grass and you want to smell that nice fresh grass smell. Never. It stinks all the time. I'm really concerned about my health living there and I have only been there almost five years. We built a home there. But it's gotten worse and worse and worse. That's all I have to say. I just -- I think they should stop and if they have a good plan now move on. What's preventing them? You know, maybe it's the money. I don't know. And the other

thing, too, is they had spoke about they have stuff there that they cannot take to the landfill. Why? That's a concern. You get -- the landfill won't take the stuff, but we got to sit there and deal with it. I'm just hoping you all will consider what we have brought to you tonight and, please, do something about it. I am tired of coming to these things, fighting for our rights to live there out in the country where we want to be, but we feel like we are living next to a dump and that's all I have to say. Thank you.

Simison: Thank you. Council, any questions? All right.

Cox: Mayor, Council, I'm Jim Cox. My wife and I have lived in the house directly south of the facility for nearly 30 years, so we are about 300 feet from the center of that circle that Brenda mentioned. We have seen it all. When we were there for years and years it was cows grazing and that has changed. Back in 2016 when the composting process was less of a menace to the neighborhood when the original development agreement was formed, that agreement seems like it should have been a conditional use, public invited, so forth. It was not. We knew nothing of the agreement, but at that time we were told it was an agricultural agreement and it's been mentioned -- contrary to best practice it seems like there was no public involvement in that decision. We were here in 2019 when the development agreement was modified for expansion amid strong opposition. It -- it was clear to a lot of people that was a mistake, approving what was to become an industrial facility and at one point in that modification approval process there was literally 40 people in this room opposing that decision. It's all been mentioned. Mayor De Weerd, Congressman Borton and Bernt were all very opposed and couldn't hardly believe that it was being approved as it was. It felt like a blatant disregard for all of the testimony that was given in 2019. Again, it's all been said, but the growth has continued with very limited accountability as we have been able to see from a bird's eye view directly across the street. We have watched and watched and watched, been affected by all the things that have been brought up tonight. The 2016 development agreement in our -- my opinion was built on a faulty foundation and, then, to extend it in an expansion in 2019 that was a grave mistake and so to extend it again at this request would be another grave mistake worse yet. To go back to a couple points, Nampa has been a functioning facility. A friend of mine has been hauling with a commercial hand dump or over a year to that facility. He talks about a runway. I understand the runway. I think the runway discussion was brought up five years ago. How are you going to end this? Well, as soon as development comes that way we will end. Well, the Gem School certificate of occupancy was issued almost three years ago and that was 2,500 feet away, depending on which pile you measure from. Well, now the foundations that are being placed -- the foundations that are being placed are well under a thousand feet from that facility as it is measured. So, I think that's all I have. I think everything has been mentioned. Thank you for your time. This letter I sent to you on Saturday. I think all of you had this letter. So, thank you again for considering.

Simison: Thank you. Council, any questions? All right. Thank you very much. Is there anybody else who would like to provide testimony on this item, either in the room or online. If you are online you can use the raise your hand function or in the room come forward. Seeing no one raising their hand or coming forward, would the applicant

like to close. Oh, I'm sorry. One more. Lacy. I forgot. Thank you. Council Member Roberts, question for code enforcement?

Little Roberts: Thank you, Mr. Mayor. Because we had code enforcement mentioned earlier and I realized she was in the room, I just thought it would be a good idea to get her history with them.

Simison: And why not, since Lacy decided to stick with us for the evening.

Ooi: And you remembered to call me. So, code enforcement has an interesting part in enforcement of the Timbercreek development agreement. DA's are civil agreements, so they are through the city and the petitioner and this one specifically also has an agricultural exemption. So, code enforcement is enforced as it would be the same and we do defer to our legal team for our enforcement. We are utilized as field inspectors in a lot of different aspects of the city and so we will respond to those complaints and respond and see what's going on in the field and, then, defer that information over to our legal team. There was a public records request on this one. It looks like since the -- the amendment to the DA in 2019 there was eight calls for service or eight investigations that we opened and some of those will include multiple calling parties in the same investigation, if they are coming in during the same time period. We -- there was the mention of the case I think in July of 2023 when the Central District Health deemed it as a nuisance. I could put it on the record, but we are a compliance based code enforcement and so when we do have those violations our goal is to gain compliance. Mike has always done a great job of educating us, letting us know what's been going on on the property when we get those investigations, answering calls, and I think on occasion has actually called us when he has had problems that required him to operate on a Sunday and outside of his development agreement. So, from code enforcement's perspective we have been able to gain the compliance that we have ever had when we have had concerns that met that threshold -- threshold and outside of that the DA would have to be referred to -- to our legal team for any further comment on that.

Little Roberts: Mr. Mayor, Lacy, thank you.

Simison: Council, any questions for Lacy?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Mayor, not a question for Lacy, but some similar questions for Bill if that's okay before the applicant closes

Simison: Councilman Cavener, did you have a question for Lacy?

Cavener: Mr. Mayor, no. I think -- possibly. I think it's more for maybe a planning staff and/or Lacy, but I'm -- I'm happy to yield to Council Vice-President Strader.

Simison: I think she was going to go a different direction away from --

Cavener: Okay. Fair enough. Then -- then if -- if that's okay, then, maybe, Mr. Mayor, my question for -- for Lacy and/or Sonya. We did receive some testimony tonight about that the site is potentially receiving materials that are in violation of our development agreement. Can you confirm is that the case from Planning and/or Code Enforcement's perspective?

Allen: I'm not sure. Mr. Mayor, Mr. Cavener. I'm not sure there is a violation. We have received some information that I previously mentioned that's in the public record. I don't know if Central District Health and DEQ has made a determination that there is a violation. I can't really speak to that. And I'm not sure our Code Enforcement is aware of it. It doesn't sound like it.

Simison: Or legal.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Yes. Thank you. Mr. Mayor, Members of the Council, I think and maybe, Council Member Cavener, they had a lot of conversation about the product called WAS. So, it is a byproduct of the processing of material at the -- at the milk plant in Nampa. So, it is an agricultural product. It is unclear from the information we have from both DEQ and Central District Health, if it violates any of the terms that are within our agreement. We have asked for -- a number of times for the operation plan from DEQ and Central District Health and they won't provide it, so we don't have a clarity from them on whether they think he is violating their conditions and as I recall in our agreement, our agreement basically holds typically to the standard that they must meet DEQ and Central District Health standards and they haven't specifically said that, other than a letter that should be in your packet that we received yesterday that says there are some additional concerns they have in regards to this WAS product and it does smell and it is significant and it is a concern, but it's -- this is now new information and a new potential violation. They are not saying it's a violation yet. They are just saying this is a concern to have. So, I would agree with Lacy, we have not -- I mean we -- we certainly have spent a lot of time and resources in the last five years with code enforcement and my office and my team in trying to determine is -- are they violating anything? As far as I could tell you they haven't violated the agreement to where we have an enforcement mechanism that we could apply to what they are doing. It does appear to be compliant. Again, a lot of times code enforcement, to their credit, they have been out there and the concerns they have they have been able to identify -- may not necessarily also emanate from this location and maybe from other areas around there. Now, again, those areas that in the past were agricultural fields and agricultural operations going on, are less and less all the time, because of the growth that's occurring. But we don't have any specific violations. This information that was provided. Product is new. It wasn't originally part of what was going on out there. And so whether it is something new that might be a

compliance issue we haven't made that determination yet. So, it is not a violation as of today.

Cavener: Thank you. That's very very helpful and I think hopefully eliminates at least some of my confusion about the -- the ambiguity about that letter received yesterday.. , So, thank you, Mr. Nary.

Simison: Council Woman Strader.

Strader: Well, that was my -- my questions were basically along the same lines. So, thanks, Bill

Simison: And with that would the applicant like to come forward and close? Does Council want to hear from other people before the applicant, based on the conversation that was just had, because we have someone asking to speak.

Cavener: Mr. Mayor, I would benefit greatly from that if there is someone else that wants to speak.

D.Allen: I'm Debbie Allen. Thank you for letting me speak after this. I think this is just a prime example of what we are dealing with. Nobody can make a decision. Nobody has specific enough guidelines to say, oh, yeah, this is wrong or this is wrong or this is wrong or if they do, well, now what do we do with it? Nobody has a mechanism to make it stop. This concrete is not part of it that we have talked about. Mike -- he -- he has a good speech and he gave us a good speech originally when he wanted all of us to be in favor of this thing and a lot of what he said turned out to not really be accurate. So, it's kind of one of those things -- fool me once that's on you, but fool me twice that's on me. This WAS stuff is not a food waste product. It was -- I had the letter and you guys all have the letter in your documents that's from DEQ and it went to Jamie, I think she's part of your team, so she knows about this I can try to -- I know there was -- or no. Sorry. Emily Kane. She's part of your crew. Yeah. Emily. She got all this. She was part of this. It's from Valerie Greer at Central District Health and it says that the WAS is most definitely industrial waste. It's not even from a food production process. It's from the wastewater treatment process and clearly it was not something that was -- it's definitely industrial. So, I think this discussion that you just had, that they just had, everybody says I can't do something try them. I can't do something try them. That's why we are in this mess, because he seems to be able to take whatever he wants and do whatever he wants with it and that's why we are frustrated That's it.

Simison: Thank you. Now, would the applicant like to come forward and close?

Lakey: Mr. Mayor, Council, just a couple of comments from me. First off, certainly if any member of the Council ever wants to do a site visit we can coordinate that. We held an open house on the 30th and nobody from the community was at that meeting on the 30th on site. We don't take everything. We have a scale house. Products are brought across that scale, inspected if they need to be, and rejected if they need to be and we

are subject to DEQ and CDH for what we have on our site. Regarding the complainant that said we didn't respond to e-mail. I have no record of that e-mail. We take complaints seriously. Most recently we had an odor investigation after we posted for this hearing. I was out there personally. The site manager was out there all night every two hours doing a walk checking for odor. It's difficult to recreate odor. I'm not denying that someone could smell an odor, but it's -- you know, we have tried to respond as best we can whenever we have had an issue, adjust operations if necessary to accommodate that, but I want to emphasize that there is a complaint process and there is a protocol we follow when we do receive a complaint. We have added protocols to reduce the amount of odors over the years. When we hired that new engineering firm they added suggestions. We took those suggestions and it helped greatly with many of those things. You know, as far as the expansion going on -- in fact, it's reducing. We are -- you know, there is only one source of that WAS and it is now being transported to Nampa. So, we are taking it at Nampa. The material of that is going down in Meridian and it will continue to go down as we go along. You know, we are just seeking a solution-based process here for this. Like to work together on it to figure out what we can do for an off ramp. Again, we are not looking to expand, stay here, camp out, we are looking for an off ramp to manage our materials here. Becky.

McKay: Mr. Mayor, Members of the Council, if you looked in your packet there were letters of support from the Chamber of Commerce and I guess the most -- the letter that -- that I found most moving was, obviously, from Republic Services and how this particular site serves an essential need to our community. All the leaves that are recycled throughout Ada county go to Mike's facility. If it has to shut down in 60 days or six months or something like that and he doesn't have the rest of the Nampa facility operational to handle that -- I mean, obviously, it puts us all in a pickle. We have to look at this, like Mike said, from a solution perspective. He wants to be a partner with his neighbors, wants to be a partner with the city, with Republic Services. We held a neighborhood meeting, we had great dialog, it was at the lineman college. We had good attendance. We asked the people do you guys want to come out to the facility, look at it, tour it, talk more. I sent notice out to a thousand -- or a thousand foot radius and -- and Mike and I waited and waited and waited and no one showed up and so Mike said, well, I guess that's good, because, obviously, what we have done for the odor control is working, because we have really been working on that -- that situation. This site is integral to our community. There is no other place for these materials to go. He is not expanding the site. You keep hearing that over and over, you know, oh, the list is getting longer, he is expanding the site. No. The site is shrinking. It's shrinking down. And, you know, after reading the staff report, reading the letters, one gentleman said, oh, well, now Mike's changed his mind, now he is saying three years. We are trying to find a compromise and that's all that we ask is that the Council provide a compromise and -- and we are willing to work with the staff, with the neighbors, with the Council, you know, whether that be a workshop, whether that be, you know, in some other type of format where we can have interaction. We are willing to go that extra mile, because this is critical and -- and, like I said, we -- we suffered delays in Nampa that no one could anticipate and it was completely -- we waited on DEQ forever to -- to prove everything and it's -- this is going to be a really great site in Nampa. Nampa is excited. There they

believe this is an essential service and I hope that Meridian sees that this is an essential service and Mike's doing everything he can within his power -- hiring an on-staff engineer now, so that it is monitored all the time. He is doing whatever he can. We just ask the Council to give us an opportunity and -- and we believe that -- that if we have that three years, then, we can get out of there and everybody will be happy and Mike can scale this thing down. It's not like it's going full bore now, it's going to be going down as far as the processing at that facility. We ask that you look at the big picture and -- and I take their concerns seriously. I have always taken neighborhood concerns seriously my whole career. So, I want to do what's right, too. But, obviously, we have got to look at the public good in multiple directions and if I sound a little foggy I just got in last night and where I came from it's about 3:00 or 4:00 in the morning, so I'm just a little woozy. Can I answer any questions?

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. So, I have got a series of questions if I may. So, Becky, I want to be upfront with you being transparent. The DA modification that's before us tonight I'm not in support of. So, some of these questions are helping me to kind of understand kind of what the request is coming from and maybe what the next best course of action is for the Council. So, first in the significant public testimony that we received there was lots of comments and references to complaints and violations. Can you confirm for me how many complaints has Timbercreek received since 2019 and how many of those complaints resulted in a violation?

Murgoitio: I don't believe we have had the -- the -- we have not had an odor complaint that resulted in a violation.

Cavener: Mr. Mayor, follow up?

Simison: Councilman Cavener.

Cavener: And, Mike, sorry to press you on this. Besides odor have there been other complaints that -- has any complaint that Timbercreek has received resulted in a violation?

Murgoitio: So, the violation that the Central District Health addressed was a gray area in our DA -- or not our DA, but our operations plan. So, there is a technicality in there of the term we called the material and what that's classified as. So, it's an amendment to the modification of the operations plan, which we are meeting with DEQ on Thursday on.

Cavener: Okay. So, if -- Mr. Mayor and Mike, if I'm understanding correctly, with the exception of this -- and it does sound very ambiguous, at least as I read the letter that came from a public records request, the commentary from DEQ and Central District Health is a little ambiguous. Aside from that no other violations, is that your testimony?

Murgoitio: Correct.

Cavener: Okay. Thank you. Mr. Mayor, a couple other questions if I may.

Simison: Keep going.

Cavener: Thanks. So -- so, again, this is for Becky, Mike or Caleb. So, you know, there has been a lot of conversations about the 2019 development agreement modification, which I supported at the time and one of the reasons why I supported it is it did provide a finish line to our community about when operations would cease. It's one of the biggest reasons why I'm not supportive of the request that's behind us tonight is because moving into perpetuity isn't something I can support. Learning from you tonight that there is a proposal to move it to three years is interesting, but I'm not quite sure that I'm even sold on that and so I guess maybe my question for you is in light of this change are you open to a continuance to allow you to bring us back a timeline? I would want some real clarity about what three years looks like. Certainly if I'm a neighbor I don't want three years from now you are -- you know, two and a half years from now to have another request to go before the Council for another time extension. So, having me understand what your timeline looks like -- again, you have used the term runway -- I would like some understanding about what -- you know, what mile markers along the way indicate the progress that you are making. It's my understanding from our legal staff that the operation that you have today is allowed, but certainly there has been feedback about the impact of the quality of life from our residents. Is that something you are prepared to share tonight or would you be looking for a continuance to bring that information back to us at a later point in time?

McKay: Mr. Mayor, Councilman Cavener, I think the appropriate thing would be a continuance I think for the public and for the Council and the Mayor to have a written road map from Mr. Murgoitio and his staff on the decommissioning of this site. Step one, step two, step three, then, we would provide the clarity that you are asking for, because I want everybody to understand what they are voting on and I think that's the best course of action and that's what I would recommend to Mr. Murgoitio. Do you agree?

Murgoitio: Yeah. I agree with that. I would be up for that for sure.

Cavener: Okay. And, then, Mr. Mayor, just one more if I may. It sounded like the testimony tonight, Mike, was that you have already started to move the WAS to your Nampa facility, but you have got existing product that's on your site. Can you give me a ballpark of when you would anticipate that WAS would be off your Meridian site?

Murgoitio: I would love to be able to predict that. I tried to predict that when I bought my property over in Nampa. Thought I could have it up and running in a year. That was my goal. Three years later -- almost four years later and here we are. So, again, that's why I'm having -- I'm willing to make commitments. I think I can have it done in a short period of time, but it's got to be like -- you know, I think I can have it built within one to two years is what I want to do now. Again, if I have construction delays, if I have a random development thing happen, COVID -- I mean you have all these things that come into play that I did not predict. So that's why it's blank. I'm trying to build myself a runway. I think I can have it done in a shorter period of time, but I'm trying to give those variables.

Cavener: So, Mr. Mayor -- I think, Mike, my recommendation would be is when you come back with a timeline to me that -- that is the big piece, that is the place that is somewhat ambiguous. When it comes to Central District Health I don't like ambiguity, I don't think the neighbors like that, so my hope is that your timeline is very very specific about how -- not only how you plan to move all your operations to Nampa, but specifically the timeline to reduce and remove the WAS from your Meridian site.

McKay: Yeah. Mr. Mayor and Councilman Cavener, I think, you know, my -- the first pad that was built was the real heavy lifting. That was that for -- for the state agencies, for the city of Nampa, you know, it -- and so the heavy lifting has been done and now I see that, you know, from here on out Mike will be able to accelerate, obviously, within reason of getting the contractors out there and going, but -- but I think it's -- it's feasible that -- that he can provide the Council and the neighbors with -- with a guideline of how this is going to take place and when each of these different products that are being recycled will be moving to that Nampa site.

Simison: And I -- I don't want to put words in other Council Members' mouth, but I think the question is are we willing to take it away from the site in Meridian before we accept more from Nampa into your Nampa location. So, rather than what you are taking -- if you are still taking it from the Lactalis plant, can you really relocate off of Meridian first before you put anything else over there? You know, that -- those are operational decisions. I don't know where your contracts are, but do you have the capability to make those decisions as part of your plans? You don't have to answer that now, I'm just saying --

McKay: Right.

Simison: -- those are the types of questions I think that --

McKay: They want answers.

Simison: -- they want answers to, was how do you remove everything from the Meridian site first before you either add more --

McKay: Right.

Simison: -- or increase at the Nampa location with other stuff and say, well, we will get it there when we can because of other obligations. I think that's part of the question.

McKay: And -- and the WAS being the most objectionable and that's the first thing that he is starting to move over as -- as that facility is being constructed.

Simison: And I think concrete was the other thing that was pretty clearly articulated as a concern for the community as well.

McKay: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a few questions. The first thing was I just wanted you to confirm definitively. Are you processing waste activated sludge at your site?

Murgoitio: Yes.

Strader: Okay. Are you processing concrete at your site? Asphalt?

Murgoitio: Yes.

Strader: Any other building materials?

Murgoitio: Sheetrock.

Strader: Okay. Anything else besides the wood products?

Murgoitio: I could go through my entire list. I mean there -- it's some inert materials. So, brick, porcelain -- I mean I -- there is a laundry list I could provide you off -- you know.

Strader: So, I could -- I just want to give you -- I think a continuance so that you can make a timeline make sense, but I want to provide you some of my perspective. You know, obviously, I wasn't on the Council when this originally came through, but, you know, I do think what you do is important for the community. I do see the value in it. However, there is clearly a huge public health impact in Meridian to neighbors that are close by and a real concern and I'm looking at an agreement that expires in 2029 or the earlier of a CO within a thousand feet, which is coming fast and that's your issue. So, from my perspective I would only support an exit path for you of up to three years if you will immediately or in a very short time frame eliminate all of the processing of the waste activated sludge at your site and within six months eliminate some of these building materials that are creating the silica dust. I think those are the most concerning materials and I would like to see a time frame that addresses those in an accelerated

way, so that we could try to alleviate the most concerning health impacts to the surrounding neighbors. I can understand giving you more time -- I don't want to put you out of business, but at the same time like having looked at the agreements -- and I'm not an attorney, but I feel like the law is in violation of your agreement with the city based on my reading of it. I don't feel like that was allowed and so I just really -- for me to vote for something and it -- kind of an exit path for you, it would need to include a very aggressive elimination of those problematic materials in as short of a time frame as possible. So, I just wanted to be like very blunt about that.

Murgoitio: Sure.

McKay: Mr. Mayor and Council Woman Strader, we appreciate that. That helps. Mike?

Murgoitio: Yeah. Mayor Simison and Council Woman Strader, thank you for that. We will take that into consideration when we come back to you.

Simison: Is there further Council feedback at this point time?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think maybe, then, just a question for the folks from Timbercreek. This timeline is important. We want something timely, but we want something more accurate instead. So, can you help us understand from a planning perspective on your end to bring us back a fairly detailed accurate timeline how much time do you think you would need?

Murgoitio: Councilman Cavener, yes, we can provide a detailed -- detailed timeline of us exiting and what that would look like with what materials and how we would do it.

Cavener: But how soon -- again, sorry, Mr. Mayor. How soon would -- would you have that prepared to be able to share it with -- with staff and with the Council? Are we talking 30 days, 60 days, two weeks? What -- help us understand kind of from a timeline perspective.

Murgoitio: Council Member Cavener, Mr. Mayor, yeah, we could probably get something to you in about 30 days.

Cavener: Okay. Thank you.

Simison: So, if it's received with -- received in 30 days and give staff time to review, is that what you are thinking -- or feedback in front of Council in 30 days, which would be closer to 20 before you get it to staff.

Murgoitio: We are going to need the full 30.

Simison: Okay. So, we are really looking at the end of 45.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: November 12th appears to provide you with 30 days and 15 days for staff to review and City Council folks that will be out of town will be back in town. Will that hearing date work?

Murgoitio: Council Member Strader, can I get back to you on that? I got one date pending that I need to look up and see if I can make. Yeah. That's -- never mind. That one's in November. I can do you said what date?

Strader: November 12.

Murgoitio: November 12th. Yes, I can make that meeting.

Strader: Okay.

Simison: And before a motion is made I will just maybe suggest this. You don't have to wait until November 12th to take proactive actions on what was discussed. I think that would be a good step for the community in coming forward if there is actions you can take between now and then for that conversation.

Murgoitio: Perfect.

Simison: Okay. So, with that, Council, do I have a motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That was a perfect note to end on. I move that we continue the public hearing for Item 11 to November 12th.

Little Roberts: Second.

Simison: Have a motion and a second to continue this item to November 12th. Is there discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Real quick. Very briefly. Mayor, I -- I appreciate your recommendation for the applicant to share their plan with their -- their neighbors and the public as soon as they are -- they are ready. I think that's -- that's -- that's the -- the appropriate approach and so I'm very supportive of this motion and appreciate Council Member Strader for making that.

Simison: Any additional comments?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Would we like to have new testimony only or would we like to re-hear --

Simison: Do we need to make --

Little Roberts: Mr. Mayor?

Simison: Yes, Councilman Cavener.

Cavener: I commend Council Member Strader for leaving the public hearing open. So, that allows those that are here in attendance, as well as the public, they can continue to send testimony. I would anticipate that it is likely we will take public testimony on their timeline plan at that meeting. So, continuing the public hearing is the appropriate motion to make.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. That was my intention was to keep it open for that reason and I think to the extent that if people provide more of the same testimony we will still see it, we can still review it, but, obviously, for those in attendance we have heard the public testimony, we have read all the public testimony so far. I think it would be the best use of everyone's time who is testifying to try to focus on the new timeline and the new information that comes out before that hearing, but you are welcome to provide your public testimony. I don't want to restrict anyone's public testimony.

Simison: Everyone agrees on that for the motion and the second and purpose of discussion? Okay. All favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is continued. Thank you.

MOTION CARRIED: ALL AYES.

12. Public Hearing for District at Ten Mile (H-2023-0071) by Ball Ventures Ahlquist, generally located at the northwest corner of S. Ten Mile Rd. and I-84

- A. Request: Future Land Use Map Amendment to amend the Future Land Use Map in the Comprehensive Plan to change the designations on portions of the subject property and adjacent properties, resulting in a net change in the area as follows: Medium High Density Residential (MHDR) (+9.26 acres), High Density Residential (HDR) (+2.66 acres), Mixed-Use Residential (MU-R) (-10.61 acres), Mixed-Use Commercial (MU-C) (+0.32 acre), Mixed Employment (ME) (-0.22 acre) and High Density Employment (HDE) (-1.40 acres) as requested by the Applicant and as recommended by Staff on adjacent properties if the Applicant's request is approved.
- B. Request: Modified Development Agreements to the existing Development Agreements (Vanguard Village (H-2021-0081) Inst. #2022-049799, Fedrizzi Ten Mile LLC (AZ-11-001) Inst. #112073618, SJJV LLC (AZ-11-001) Inst. #112073617, Janicek Properties LLC (AZ-11-001) Inst. #112073616, to consolidate them into one (1) new agreement, which will replace the previous agreements (or a portion thereof, as applicable) and include a conceptual development plan for the overall area.
- C. Request: Rezone of 7.48 acres of land from the C-C to the TN-C district, 12.96 acres from the H-E and R-40 to the C-C district, 9.13 acres from the C-C to the H-E district, 25.97 acres from the C-C and H-E to the C-G district, and 1.37 acres from the H-E to the M-E zoning district.
- D. Request: Preliminary Plat consisting of 38 building lots and one (1) common lot on 108.77 acres of land in the TN-C, C-C, C-G, H-E and M-E zoning districts.

Simison: Okay. With that we will move on to Item 12, which is public hearing for District at Ten Mile, H-2023-0071. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you is the District at Ten Mile. They have submitted applications for a Comprehensive Plan future land use map amendment, a development agreement modification, a rezone and a preliminary plat. This site consists of 108.77 acres of land, zoned C-C, M-E, H-E, R-40 and TN-C. It's located at the northwest corner of Interstate 84 and South Ten Mile Road. A preliminary plat was previously approved on the southwest portion of the property for Vanguard Village. A final plat is currently in process. The subject property was previously annexed in 2009 and 2011 with the Meridian Crossing, the Meridian -- or

excuse me. The Ten Mile annexation and the Ten at Meridian applications and are subject to development agreements. The Comprehensive Plan future land use map designation is mixed employment, high density employment, mixed use commercial and mixed-use residential. The applicant requests an amendment to the future land use map and the Comprehensive Plan to change the designations on portions of the subject property and adjacent properties resulting in a net change in this area as follows: An increase of 9.26 acres of medium high density residential, an increase of 2.66 acres of high density residential, a decrease of 10.61 acres of mixed use residential and an increase of .32 of an acre of mixed use commercial and a decrease of .22 of an acre of mixed employment and a decrease of 1.4 acres of high density employment. The map amendment includes some cleanup changes recommended by staff on the abutting property to the west owned by Endurance Holdings, zoned R-15 and mostly designated medium high density residential and the right of way for West Cobalt Drive along the northern boundary of the site adjacent to Outer Bank Subdivision, zoned C-C and designated mixed use residential. Based on the existing multi-family entitlements on those parcels and the applicant's proposed amendment -- and those are shown in the pink and white dashed line areas on the exhibit before you. Excuse me. Without including the proposed cleanup changes on adjacent properties, the changes to this property are as follows: Decrease of 2.8 acres of medium high density residential, no change to high density residential and an increase of 2.3 acres of mixed employment. An increase of 3.74 acres of mixed use commercial and no change to high density employment. In summary, most of the applicant's proposed changes are just a reconfiguration of existing future land use map designations and not significant changes. A rezone of 7.48 acres of land from the C-C to the TN-C district, 12.96 acres from the H-E and R-40 to the C-C district, 9.313 acres from the C-C to the H-E district and 25.97 acres from the C-C and H-E to the C-G district and 1.37 acres from the H-E to the M-E zoning district. A preliminary plat consisting of 38 building lots and one common lot on 180 -- excuse me -- 108.77 acres of land in the TN-C, C-C, C-G, H-E and M-E districts. A modification is proposed to the existing development agreements for the Vanguard Village, Fedrizzi, Ten Mile, LLC, SJJV LLC, Janicek Properties, LLC, and the Ten at Meridian to consolidate them into one new agreement, which will replace the previous agreements or portion thereof as applicable for Vanguard Village and the Ten at Meridian and include a conceptual development plan for the overall area. A mixed use area plan is also proposed as follows: Area one accommodates a mix of multi-family residential, such as townhomes and multi-family. This area is mostly designated mixed use commercial with mixed use residential and a small amount of medium high density residential and zoned mostly TN-C, with some C-C. The map amendment proposes a mixed use residential land use designation with TN-C zoning for the entire area. A residential density of eight to 12 units per acre is proposed, which equates to 268 to 402 residential units. A diversity of compatible land uses is encouraged in mixed use residential areas, which may include a mix of residential, office, retail, recreational, employment and other miscellaneous uses. While the focus is on residential uses, the horizontal and vertical integration of retail, office and employment uses is essential. This designation requires developments to integrate the three major use categories, residential, commercial and employment. Only residential uses are proposed in the requested mixed use residential future land use designation

and TN-C zoning district, the mixed use component of the mixed use residential designation and TN-C district is entirely missing. Only one of the three major use categories are proposed and that's residential. No retail, office or employment uses are proposed as required, which are essential, as I mentioned, in mixed use residential designated areas. The proposed mixed use residential designation and TN-C zoning is not consistent with the proposed development plan or the intended plan for this area, as the required mix of integrated uses is not provided. Area two accommodates predominantly commercial mixed uses, including large format anchor and specialty retail, casual and fine dining, entertainment, recreation, hospitality, child care and office uses. This area is currently designated mostly mixed use residential and mixed use commercial, with a small amount of high density employment. The zoning is mostly C-C with some H-E and M-E. The map amendment proposes mixed use commercial and high density employment land use designations with C-C, H-E, C-G and M-E zoning, with the majority being C-C. The mixed use commercial designation encourages the development of a mix of office, retail, recreational, employment, i.e., family wage jobs and other miscellaneous uses with supporting multi-family or single family attached residential uses. While the focus of these areas is on commercial and employment uses, the horizontal and vertical integration of residential uses is essential to securing entitlements. As with all mixed use areas, this designation requires development to integrate the three major use categories, residential, commercial and employment. In mixed use commercial areas three or more significant uses also tend to be larger scale projects. Although a mix of commercial uses are proposed, only one of the three major use categories is provided and that is commercial. No major employment uses are proposed as required in either the mixed use commercial or the high density employment areas and integrated residential uses are not proposed in the mixed use commercial area, which are essential. The proposed mixed use commercial and high density employment designations are not consistent with the proposed development plan or the intended plan for this area, as the required mix of uses is not provided. The proposed floor area ratios are also significantly below the goals of one to 1.25 or more in the mixed use commercial area and exceeding 1.0 in the high density area. High density employment area. Area three accommodates medium to higher density office, commercial, recreation, medical and hospitality uses. This area is currently designated mixed use commercial and high density employment, with C-C, M-E, and H-E zoning. The applicant proposes a reconfiguration of the mixed use commercial and high density employment areas and a rezone to reconfigure the boundaries of the C-C, H-E and M-E districts accordingly and add C-G zoning. The applicant also proposes to change a sliver of the high density employment area along the west boundary in areas two and three of the use area plan to mixed employment and rezone from high H-E to M-E for the southern portion of that area to match that of the abutting property to the west and to align with the future lot line. The M-E area will be developed by Adler Industries separate from this development. As previously noted, the floor area ratios in the mixed use commercial and high density employment areas are significantly below the established goals of a plan. Although commercial and employment uses are proposed from three major use categories, integration of residential uses is not proposed as desired. Office and other employment uses need to be of a much higher intensity in this area in order to be consistent with the mixed use commercial and especially the high

density employment designation and designed as compact urban centers, rather than lower density suburban style development. Recreation uses are not desired in high density employment designated areas. An open space exhibit and a mobility plan was submitted showing vehicular, pedestrian and bicycle circulation within the site. Typically all building elevations should comply with the design guidelines in the Ten Mile Interchange Specific Area Plan and the design standards listed in the Architectural Standards Manual. However, the applicant requests that these guidelines and standards not apply to this development and, instead, proposes alternate design standards and a design review process of their own for the proposed development as part of the development agreement. While all of the proposed design standards may not expressly align with the guidelines in the Ten Mile Plan, they seem to generally follow the guidelines and should ensure a high quality of development if Council deems the proposed plan appropriate for this area. In summary, staff is not in support of the proposed map amendment and associated rezone based on the proposed conceptual development plan as it doesn't meet the minimum development guidelines in the Ten Mile Plan, nor does it provide the mix of integrated uses desired in mixed use designated areas for the intensity and/or types of uses desired in the mixed use commercial and high density employment designated areas. The Commission recommendation to Council is approval per staff's recommended alternative future land use map designations and zoning. I will go through a summary of the Commission public hearing. Todd Peterson and Elizabeth Allen from Ball Ventures Ahlquist, they are the applicant, testified in favor. Geoff Wardle from Clark Wardle, Colin Ronhaar from Ardura, applicant's representative also testified in favor. No one testified in opposition. Jenny Defrates commented on the application and written testimony was received from Christina Bolt and Geoff Wardle, the applicant's representative. Key issues of public testimony were as follows: Concern that the proposed development will increase the traffic gridlock on Ten Mile, Franklin and I-84. Desire for preservation of the existing tree along Ten Mile Road and any other trees on the site. In support of the services and shopping opportunities proposed within the development and some were against the proposed development. Key issues of discussion by the Commission were as follows: Agreement with staff that the proposed development plan is not consistent with the Ten Mile Plan. Concurrence that the Ten Mile Plan being 17 years old may be outdated and there may be a need to refresh it to reflect current conditions. In general agreement that the proposed development is appropriate for this area and support staff suggested path forward with future land use map designations and zoning districts. The Commission -- Commission changes to their staff recommendation. The Commission recommended approval to City Council with the additional recommendation that Council consider if the proposed future land use map designations and zoning proposed by the applicant are consistent with the proposed development plan and whether those need to be modified as recommended by staff. I would just like to note if Council is of the opinion the proposed development plan is more appropriate for this area than that envisioned in the adopted Ten Mile Plan, staff suggests alternate future land use map designations and zoning are approved consistent with the proposed development plan as follows: Medium high density residential and R-15 zoning for the property in area one and commercial and C-G zoning in areas two and three. Outstanding issue for Council tonight. The staff requested the applicant submit a phasing plan for the overall

development to understand the timing of infrastructure improvements. Prior to the Council hearing tonight the applicant has declined to do so. There have been 13 letters of testimony, all in opposition of the proposed project, that have been received by the city since the Commission hearing that are included in the public record. Some of the concerns include traffic congestion in the area and especially Ten Mile Road, overcapacity of various schools against the proposed changes to the Ten Mile Plan, inadequate infrastructure, i.e., no city parks and recreation areas nearby. Water resource concerns and against more high density housing in this area. Staff will stand for any questions at this time.

Simison: Thank you, Sonya. Council, any questions for staff? Okay. Would the applicant like to come forward?

Wardle: Mr. -- Mr. Mayor, Members of Council, Geoff Wardle of Clark Wardle. My address is 251 East Front in Boise. Here on behalf of the applicant. And I recognize that it's late and you have heard an awful lot and this is a big application and I don't mind bringing big applications forward to people, because I think big applications are the appropriate way to proceed with things. But big applications are a double edged sword. So, I have a 53 slide PowerPoint if that's what we want to focus on, because we have four applications that are in front of you. But I think recognizing the hour and recognizing the questions that I know that you likely have, I don't think that's the best approach. So, what I think we ought to do is just kind of talk about what is -- what are the big elephants in the room with this application and I recognize as well that, you know, I have no expectation that we are going to be done in 40 minutes, so -- so, I just request that as we go forward with this that we have a meaningful conversation to work our way through this. So, let's start at the very beginning. This application in my mind is relatively simple and it's been something that we have been working on for about 18 months. It's complex, because we are bringing you five parcels that are subject to multiple -- five separate development agreements. Well, actually, five parcels subject to four separate development agreements, because my partner Hethe Clark was here on the little tiny piece that is now not part of a development agreement -- that is the little piece on the north by up by Cobalt. So, you have five parcels that are all already annexed and zoned and in the city. You have five parcels that are subject to four development agreements, of which three development agreements were required to come back to you because they didn't -- you approved them, you zoned them, you annexed them without site plans and, then, you have essentially two major areas, because we came in, acquired the Meridian -- what we call the Meridian 118 property that is the western piece that we have talked about down against the freeway and that was subject to a different application and gone through, but we are trying to integrate all of that. So, this is not an annexation. This is not a 250 acre single family residential subdivision where we can tell your staff we are going to bring on 40 lots in the fourth quarter. We are going to bring on another 60 lots in the next half of next year. In fact, if we get there I will show you the slide that I told staff -- I said part of the reason that you keep wanting a phasing plan and I can't give it to you is the fundamental difference that we all have on mixed use. I appreciate that staff are the keepers of the codes and the keeper of your plans, but you guys have heard me harp on this before about the

problem that we have with the mixed use definition and I posit that you do not have a building development code that actually meshes with those aspirations for mixed use and I also posit that when you hear people object to the density, when you hear people object to some of these other things, you can't have the type of mixed use that was envisioned in this plan 17 years ago. Your code neither mandates it and your code does not support it and the citizens always complain. So, when we look at this from the very beginning I told my client we had to be surgical. If we are going to bring these five properties together we need a development agreement that focuses on how do you actually build what's been done? Because you had five separate property owners that came forward with, you know, a 20 acre, a five acre, 120 acre, a 70 acre site plan and they all had their different visions, but we are coming to you saying, okay, here is how you integrate it. Here is how you come forward and you meet the goals of the employment density and you meet the goals in this site for residential and residential is not a huge part of it, but it's an important part of it. It's a different type of residential and retail and commercial. Now, the obvious thing is -- and you hear it, it's like, well, what about Ten Mile? And my answer is, well, what about Ten Mile? When we are implementing the uses and the densities and the mixture of uses that were already contemplated, we have to be committed to moving forward with the plan and with the entitlements and the zoning that comes with it, because does Ten Mile have current capacity constraints? Absolutely. And why is that? Well, it's not because Ten Mile needs to be widened, it's because we need to finish the Highway 16 extension. We need to finish the Linder Road crossing of the interstate. We need to finish the improvements to Franklin and Black Cat that open up that area. We need to finish the interior collectors, which my clients are already building at this site as part of the first part of the plat that staff talked about. As we are making that connection we are making that connection from Ten Mile to Black Cat and that's under construction today. So, when we talk about, well, what about Ten Mile, there is no plan to widen Ten Mile. ITD is not planning on building a new interchange. ACHD doesn't have a plan to widen Ten Mile. How do you solve the problems with Ten Mile? You provide collectors that get people off of Ten Mile, so as you build the collector with Umbria connecting up to Franklin, so that people do not have to go to Ten Mile to get to, you know, the retail uses and you make the Vanguard connection underneath the interstate between Ten Mile Crossing and this property, as was part of ITD's plan, as you finish the Highway 16 connection -- the unfortunate thing is we built Ten Mile and Ten Mile takes all of the traffic off of State Highway 16, State Highway 44 and State Highway 55 that's looking to get to the freeway and go east. That's why Ten Mile is constrained. Why else is Ten Mile constraint? Where is the commercial retail development and those other uses? We, obviously, have done a significant amount of work across the street with Brighton at Ten Mile Crossing, but when we did the first 70 acres there, the biggest complaint was there was no place to get a sandwich, a lunch, so we brought in food trucks and did some other stuff and we have seen some of that come along, but you all have approved significant amount of residential that has been built in west Meridian that does not have the commercial support, because what's happening is those vehicles are getting on Ten Mile and either getting to the interstate, so that they can go up to Meridian Road or Eagle Road for the shopping opportunities that don't exist. So, that's why I have called the phasing plan everything everywhere all at once, because if you are doing a mixed

use development and our guys are bringing -- and we signed a contract today bringing hospitality users to this site on the 118 piece that we already are platting, but you have a hospitality user, you have a retail user, you have a multi-family user, you have an office user. This is not a project -- and I told our people from the very beginning I said you have picked the absolute hardest way to do this, because we are focusing on a utility plan and an infrastructure plan that requires putting in that Bellagio backbone the whole way and, then, figuring out how do we serve and meet these other needs for the users that want to be there right now. So, when we look at the traffic and we look at the requirements in ACHD's staff report, I -- I don't fault ACHD for making the point that there are no further improvements contemplated for Ten Mile, because it's part of building out the system and you all have been here, as I have been here with applications on -- up on -- on roads farther to the north on -- on Ustick and McMillan, on Ten Mile and the neighbors are always like, well, Highway 16 is going to make it worse. No. Highway 16 is going to make it better, because we are disconnecting those local streets, so that the through traffic is not filtering through these neighborhoods on Franklin, Ustick and McMillan to Ten Mile to get on the freeway, that that's part of the system and when you look at, essentially, a 250 acre parcel that we are bringing to you, you know, only really 180 are subject to this, because there has been another residential piece that has been carved out, you have addressed the -- the mixed employment there to the west -- it's not all coming online tomorrow. As a matter of fact, you know, we have a preliminary plat here in front of you that's part of this, but we are going to have to come back with the zoning modifications, we are going to have to come back with those plat applications, we are going to have to deal with that and so -- so, when staff is talking about, well, you know, the uses just don't match. Well, first of all, I posit that's not really what we are here to talk about and, second of all, I posit that when we look at those uses, if you want the ideas of your Comprehensive Plan regarding how transitions happen or what floor area ratios are or how buildings are built on a site, those cannot be aspirational wishes included in a plan and as I have shared with your staff and your legal counsel, more than happy to help you work on an ordinance that does that. But if you want to hold the corner you can't just say in the aspirational document you got to hold the corner and, then, zone the property C-C and, then, tell us we are not doing it right when we come back going, you know, we have zoned this piece C-C, but because here are the roads we need to move some of these around. So, what I want to do is let's just focus on the other big issue. Now, it's too late to have the deep theoretical conversation. From the very beginning I told staff I don't really think we need to amend the comp plan. We will amend the comp plan if that's what you think we need to do and I'm fine with the proposed amendment that they have come forward with. As we told P&Z I think we get to the same exact place, but I'm not the one coming in and saying let's destroy the Ten Mile Plan and throw it aside, I'm saying let's take the Ten Mile Plan and actually align it with where the infrastructure is. Let's align it with where the roads are. Let's align it with the zones that are already there. And, then, let's look, does it make sense to have an H-E zone and the C-C zone separate this one parcel right there? No, it doesn't. And so we have tried to be very surgical. So, comp plan land use map does not have to correspond exactly to the zoning, but as a courtesy that's what we have attempted to do and what you see there is we acknowledge there is essentially three elements. Now, mixed use residential and mixed use commercial

permits C-C and TN-C zoning. That's essentially what you already have there. It's already been approved. It's how is it configured. So, we did this to, then, go, okay, you know, these bands that are in the Ten Mile Plan -- on its face the Ten Mile Plan says ignore the lines. Lines don't matter. We are just talking about the mixture of uses and I disagree with staff's characterization. I think this is about as mixed use a project as you can get, because with the improvements that we are making I could theoretically live in this project, shop in this project, work in this project, go to my urgent care in this project -- I could get a -- you know, my three mile run totally in within the project and I could drop kids off at daycare and you know what, I could probably have the widget manufactured over on the Adler piece that we need to have. That is mixed use. Years ago there was a book called Huckleberry Hound Builds A House and my kids think it's the greatest book ever, because they claim it's what I do, and what did Huckleberry Hound do, well, everybody wanted to live in his house, so he ended up building a condominium and sold a piece to the mice and a piece to other people and all this and it's a great vision that we all have that -- and I love high density, high rise. I live on the second floor of an apartment building in Harris Ranch right now, because it's this midlife thing I guess and my wife and I are just loving it. Not everybody wants that. And we look at this Ten Mile Plan and 17 years ago it was -- it was a great vision for the west side of Meridian. But what transpired? You approved The Village and The Village fundamentally changed what had been contemplated for there, because this community is not going to support two lifestyle centers. We, then, had COVID and for being office developers we had to pivot and recognize that, you know what, the types of office buildings that we built at Ten Mile Crossing -- not everybody works in those anymore and we have all gotten comfortable with remote work. So, to jump forward, you know, to the high thing, whether we use my proposed land use map or staff's proposed land use map, we get to the same place, because it supports the same zoning and we don't have to have a fight about what does the mixed use provisions mean? So, I'm totally fine with that. The other thing is the outcome is that both maps support the requested and comparable zoning. Both maps get us to the same overall master development plan. Both contemplate and support the type of mixed use development that your plan has called for and why have we come forward with our own design standards? Well because the Ten Mile Specific Plan said the city needs to adopt standards, but we encourage developers to develop their own and when you are coming forward with a mixed use site that's 200 plus acres, it is probably appropriate to develop a set of standards that give you an integrated community from a design perspective and not rely on those other elements. If you look at what we have proposed, we haven't thrown the Ten Mile Plan out, we have said here is how we are going to implement it and here are the changes that we have to make, because we have learned lessons in 17 years. So, that was my 20 minutes. You only saw 12 slides. We got lots to talk about. So, I will defer to whatever questions you want to -- you want to raise.

Simison: Thank you. Just so I heard you correctly, there will be four condominium projects in this development?

Wardle: I have no idea, Mayor, and as we have had the conversation I'm more than willing to work with your staff on how we improve condominiums, but it's not just an

issue of what your code is, it's the underlying financial realities of what our credit markets do.

Simison: I know. I was just playing off for your condominium comment, because I got excited and that's what happens with condominiums.

Wardle: It is. It's --

Simison: Fair enough. Council --

Wardle: I would love -- I would love to be doing more condominiums and we have had this conversation, but the reality is for the average purchaser in this market they are not the first step in the path to, you know, homeownership. There is just too much difficulty in -- in the financing of them.

Simison: Council, questions for the applicant?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think I'm going to have a lot of questions, but I think if -- if we are trying to make a plan for tonight, which I think it would make sense, so City Council has a little bit of a loose policy that we try not to go past 10:00 p.m. most evenings, because we find that our decision making suffers past that point and we want to respect everybody's time. So, I think one of the best things we could do might be to take public testimony from the folks that are here and if we have time we could ask some more questions and this I think is going to get continued very obviously, but maybe we could get through just to respect the people that showed up to testify, hopefully get through their testimony and if we feel like we reached a natural stopping point close to 10:00 I think that that would make sense. I don't know if anyone else -- what you think.

Wardle: That's totally fine with me. Thank you.

Simison: Then we will move on to public testimony. Mr. Clerk, who do we have signed up for this one?

Johnson: Sorry, I couldn't figure how to use the mouse and my hand at the same time. Gina Johnson. And I have a handout from her I'm putting together for you.

Simison: Okay. Good evening. State your name and address for the record.

G.Johnson: Hi. My name is Gina Johnson. My address is 1931 West Tanner Court, Meridian, Idaho. 83646. What is being passed out to you is a proposal of a high density mixed use alternative. I have been trying to get this presentation in front of you guys since last year. I went in front of the Council on April 2nd of this year to see if I

could do a presentation for you guys. No one reached back. I do want to make a disclaimer and knows a little bit about the project and I have met with the Bill and I'm trying to meet with Sonya on the project, but I have been trying to get a project done for my charity. I have been seeking a way to lower costs so that we could operate a facility -- a coop facility. What you see is a massive project indeed, but I have not had any help in terms of -- from the city or from developers, because all they see is an idea. I have received over 400 different partners in a database I can provide you that are all verbally interested. I have received banks who are interested in financing the entire project. What they need is feedback. What they need is schematics. Obviously, if I was an architect I would have them. I'm not. Because of my struggles I am proposing that you vote against -- or continue -- do a continuance and allow the time for me to work with your staff and with the developers to see if this project is something that they are interested in. A lot of what you see on the presentation is what they are looking to do, but is a different concept. So, for my testimony this -- for now I would just like to say think about something different. Think about the people that are really truly needing help. There is so many charities like mine that need help and they can't even afford one space, so we are trying to share a proposed hundred acre space. Obviously, if I had the property I wouldn't be needing to ask for that help. But I am asking for you guys to do a continuance and for the staff and developers to reach out, so that we can come see if this project is something that we can all agree on or at least get feedback on. Thank you.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Ms. Johnson. Do you -- you don't -- you don't own this property: right?

G.Johnson: No. No, ma'am. But I have attempted to work with the landowners and the brokers for almost seven years. I just haven't been able to make much progress due to COVID and everything else. But my charity will not survive if we cannot find an operational facility and, obviously, with the lack of resources due to COVID the competition to get resources were harder -- harder than normal, so, I don't own the property, but that doesn't mean that the property -- other developers that I have had mentorship that see the potential in it, as well as the nonprofit center and other groups. There has been a lot of folks interested in buying the property, but the property owners have never accepted even a meeting request, nor have the developers been willing to meet even just to get a feedback from them.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Just as a comment. I -- I will compliment you that you have the creativity, right, and you I think are trying to do some good things. At the same time, though, where, you know, we are living in a society that operates on private property, this property is owned by the applicant and they are -- they are -- they have no obligation to engage with you.

G.Johnson: And I understand that, Council Woman Strader. I just would like the Council to understand that there is a market -- a need and that all I have been looking for is feedback. I'm not planning to develop this. I'm not planning to purchase the property. All the people that I want -- they just want feedback and so if the designs are made -- and so, you know, did somewhere else that's fine, but we would like the developers to at least extend an arm, because they themselves have just stated they are looking to do something, but they don't know what. I have a solution. Doesn't mean you have to take it. We just want to be able to have a chance to have a discourse.

Strader: Understood. You are certainly welcome to provide them with this packet if they want to look at it and --

G.Johnson: Give one -- yes, if I can.

Strader: Need to come into the middle of that, but -- yeah.

Simison: They have one.

Strader: Oh. They don't have one. Perfect. Thanks.

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

G.Johnson: Thank you.

Johnson: Mr. Mayor, next is Christina Bolt.

Simison: Good evening.

Bolt: Good evening. Sorry. Christina Bolt. 4747 West Big Creek Street in Meridian. 83642. I have lived in -- off of Black Cat now for five years. We first rented there. We are transplants. I am a transplant that wants to keep Idaho just the way it is. I do not -- I moved here because of how much I love it here. Sorry. I'm nervous.

Simison: You're great.

Bolt: One thing I just want to say is 17 years ago I know Idaho was not the same Idaho it is now, especially Meridian. Seventeen years ago having a plan to do something now might need to be revamped, because Meridian is not the same as it was 17 years ago. I do want to thank you, Mayor and my District 6 Council Member, for getting back to me when I did reach out about this project. I saw it first on social media. I'm guessing a

developer is publicizing that this really fancy project is coming to our neighborhood, which scared me, because we have a beautiful -- beautiful project The Village that everybody can go to. It is a 15 minute drive from Black Cat, 25 if it's, you know, 4:00 o'clock or 5:00 o'clock in the afternoon, but the need for something so large that we already have in our town in a neighborhood that is already underdeveloped with infrastructure, when you can take the stop sign for our railroad on Black Cat, don't try and go anywhere at 3:00 o'clock, 4:00 o'clock or even 5:00 o'clock down Black Cat going south. It will take you a while. There is so many things. I have a student in Renaissance. I have a student that just graduated two years ago from Meridian. I'm grateful for the school system here in Idaho. It is by far better than a lot of other places, even though that isn't mentioned much. I worry about our school system and the massive amount of multi-family dwellings that are coming up in this neighborhood. I mean there is a massive one being built off Pine. I can't imagine what Pine -- it just opened, which was great for our neighborhood. It alleviated Black Cat and the stop sign a lot having Pine open, but now we are having all these multi-family dwellings, the amount of traffic that is going to increase -- I am grateful I work from home. I'm grateful my company lets me do that now. But I have to go to Costco at noon, so I can get there down Ten Mile. I just think -- I appreciate your time. I just think consideration of the neighborhood and the fact that Meridian already has this, why do we need a second and what at this place at this area in our town it's unnecessary. Thank you.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Christine, right? Christine? Christina?

Bolt: Yes.

Strader: Do you mind answering a quick question? So, when we made the Ten Mile Specific Area Plan it was 17 years ago. Do you have an issue -- I guess help me -- help me understand your issue a little bit, because the plan is a little bit dated, but the plan always contemplated high density residential. That's not a new thing. I mean it's been in the plan for a long time in different forms. That's always been part of the plan. I know there has been some criticism that this doesn't quite align with the plan. I think that's debatable. We will probably get into that in a future hearing a little bit more, but if you didn't see -- if this wasn't here what -- what do you think belongs here? Or I guess do you feel like -- because at the end of the day what we would fall back to I think would always be the Ten Mile Plan that's already been approved; right? And that did have high -- high density residential. So, is your issue with the high density residential and you just feel like that should stop entirely in the city. Is your issue with traffic? I mean just kind of give you a flavor for it, because I just wanted to share with you, though, that there has always been high density residential as a big component of this Ten Mile piece with the idea that at least we wanted people to be living next to -- hopefully where

they are working, where they are shopping and wouldn't be having to drive all around, so --

Bolt: That makes sense. I think that the massive expansion -- it isn't just there, you know, the multi-family dwelling is popping up along Franklin in all of the industrial and residential areas. I mean The Loft was a massive, you know, area. You have got the one on Pine. The one on -- what is it south of the railroad tracks. It's also going in back behind some of that school that's over there. I mean that entire area -- all of our homes now are being surrounded by apartments.

Strader: So, your criticism if -- hopefully I'm not mischaracterizing this -- is you feel like the -- you feel there has been overbuilding of multi-family.

Bolt: In that -- in that specific -- I mean you go from Cherry, Ten Mile, Black Cat to the freeway and in just that section -- I mean there aren't any single family homes being built. I understand growth. I am a transplant. I am a part of that growth. But why is it all just one singular way of building? Where are the additional single family homes? I mean my son is a 18 year old who is doing really really well and looks to start a family soon. He can't buy a home. Why would he want to raise a family in a -- you know, in a single bedroom apartment. There is so many things, right, for small families, young families that can't afford markets in Meridian. I mean he couldn't even afford an apartment here. He had to go to Kuna.

Strader: Thank you. It's very complex and I appreciate you testifying. I think one of the challenges is the location; right? So, I would almost always rather put big apartment buildings next to the interstate, as opposed to all the way across town, sort of making the problem worse. But it is complicated. I appreciate you, though, providing your insight and hopefully I have understood where you are coming from.

Bolt: I appreciate it. And just to add, if I may, we have a -- and I know that it isn't in our county and in our city, but three miles just down the interstate there is a massive empty business lot that did not survive the Gateway in Nampa. What happens to The Village when the District comes? Is that going to be another empty giant lot of just concrete?

Strader: Thank you.

Bolt: Just food for that.

Strader: Thank you.

Simison: Thank you.

Johnson: Mr. Mayor, next is Karla Ehlers.

Ehlers: Chris, you get the prize for saying my last name correctly. I am Karla Ehlers. My address is 4731 West Blue Creek Court in Meridian. My biggest concern with this

proposal is the request to increase the acreage for housing, both high density and medium high density housing. This area of Ten Mile already has one of, if not the very largest concentrations of high density housing in Meridian, as well as a large chunk already zoned for medium high density of residential next to it. There are currently 3,000 apartments built and/or approved within two miles of this location. Meridian's Comprehensive Plan states we should avoid concentration of any one housing type in any geographical area and maintain a range of residential land use designations. Modifying the zoning to add more high density housing to an -- to an even -- an even medium high -- high -- medium high density housing in this area doesn't match. The Comprehensive Plan also states the city is committed to meet and protect the needs of existing residents. Existing residents need good roads. Current traffic levels on Ten Mile are unacceptable to residents and ACHD has given an F rating. The Comprehensive Plan states that while the city does not directly control the roadways, its land use decisions directly affect them and future land uses have been developed to support existing area transportation plans, as well as to guide the future of build out. I don't believe that making an exception to the future land use map by adding more residents in high and medium high densities next to an already unacceptable busy road is in harmony with this goal. Good schools are another need of existing residents and the plan champions Meridian as a premier community in education. Chaparral Elementary, the public school zoned to serve every single one of the 1,900 existing apartments, as well as the 1,100 apartments that are already approved or under construction in the Ten Mile Interchange Area is at 99 percent capacity this year. Chaparral does not possess the capacity to serve all these future students, let alone children from the additional housing proposed in this plan. I recognize the city is not the final authority on schools, but the Comprehensive Plan states the city encourages an exceptional educational system and that the city will encourage communication to plan for growth associated with schools. Saying no to more high density and medium high density housing in this already densely populated area would honor these commitments. I'm concerned with the number of exceptions that are being requested as development increases in this area. Making exceptions to our current future land use map that adds significantly more residents before implementing the necessary infrastructure improvements to accommodate the growth does not add to the quality of life for Meridian residents. It diminishes it. As Meridian grows, as we all know it is, it's the responsibility of citizens and elected officials to take proactive steps to ensure that growth is thoughtful, purposeful and in line with the needs and wants of our current residents. I feel it's reasonable to pause some of this growth, specifically in relation to the Ten Mile Plan and Meridian's Comprehensive Plan to assess how things are going and maybe even change direction. Timing is important in these decisions and I don't believe this is the time to add more high and medium high density housing in this area. Thank you.

Simison: Council, any questions?

Ehlers: Thank you.

Simison: Thank you.

Johnson: Mr. Mayor, next is Colin Ronhaar. Elizabeth Allen. Ryan Manwaring.

Manwaring: Hello, City Council and Mayor. Thank you for being here tonight and letting us -- letting me speak. I agree with what Ms. Ehlers just stated full heartedly. I'm a parent. Well, I guess you want my address. I'm going to give you my registered agent address just for privacy. 784 South Clearwater Loop, Suite D. 83854. I am a parent of children that go to schools in this area and I'm a healthcare provider. I'm a mental health provider for individuals in this area. I'm very concerned about the infrastructure, how it lags. We tend to throw everything at the -- you know, let the developers kind of make their dollar, they get out of town and, then, we are left kind of picking up the pieces and figuring out where do we go from here and if you have ever been to Salt Lake or many other cities -- but I personally saw gentrification happen in Salt Lake. I worked with the homeless population there and it's -- it's -- it's -- it's a big deal. It's very complex. It's -- there is not like one solution to it, but the -- all the factors that went into that massive homeless situation there that they have been dealing with, the decisions were made decades and decades before that actually happened and so this Comprehensive Plan, yeah, I don't agree with the decisions that -- you know. And I don't necessarily agree with how -- how this -- how these decisions happen so quickly. It's hard for me as a resident, I'm working full time, to get out and be involved. You know, I should be going to bed right now, but I wanted to get out and voice my concerns about this. The quality of education for our kids is impacted here. All of the -- we have got healthcare issues. When these companies come in development they -- I mean these are very luxury areas for living. The -- the commercial areas -- it's not necessarily what people need to like survive. They need diapers. They need food. They need like security. They need stability. They need safety. We need to make sure like do the vandalism increases as these -- when the development outgrows the infrastructure. Then all of these areas have these HOAs; right? Look around Meridian and there are no new developments happening without HOAs. That's a thing of the past. It's tough to find -- find those and those HOAs all add to cost of living. So, we have got to slow things down. This -- this isn't necessarily helping the people that are going to get affected during the COVID and the recessions, this poverty level that really get hit hard, like in Salt Lake and -- so thank you.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Is it Mr. Manwaring? Did I get that right? Yeah. When I think of gentrification I think of like, you know, a big shiny condo building going up in an established neighborhood; right? I mean I used to see that, you know, happening in Brooklyn, happening in, you know, when I lived in a bigger city. This doesn't feel quite the same way to me. Maybe I'm looking at it differently. I just kind of want to understand your perspective. I don't feel like this is displacing an existing established neighborhood. Can you help me better understand what your concerns are around that?

Manwaring: Sure. So, when you have people -- we have a lot of more affluent people moving in to occupy this development. It's not necessarily serving, you know, the -- the income levels that are currently here in this area.

Strader: Okay. Mr. Mayor?

Manwaring: I have seen the -- the aggressive like rate hikes, the way they are very aggressive about the -- you know, the rents and evictions, like they start out a little bit low, so it's just a little bit affordable, then, that next year, boom, it's -- it's, you know, it goes up and it's just on the other side working with trying to work with people that are already at this level. It's -- it's tough.

Strader: Yeah. I mean, you know, it's interesting, though, right, with thousands of multi-family apartment units coming online and it feels like if there was an oversupply that we would see kind of a correction in rents; right? You would think. So, that's interesting. Okay. Now, I appreciate you just sort of explaining a little bit kind of like where you are coming from a little bit more. I think it's good feedback for the applicant when -- when they come back, they will -- maybe they could speak to some of their plans for the residential components here and kind of help us better understand how they are positioning those.

Manwaring: The city doesn't necessarily hit those -- the income levels that we would have here.

Strader: It depends, doesn't it? Yeah.

Manwaring: And the schools -- I don't know where schools were involved in the dislike. Did they -- have they walked the halls of these schools. So, you know, have we walked all -- I have and I'm letting you know like they can't really handle more -- more density as well. So, it's not just about rents and increased supply of housing, it's also the infrastructure that greatly affects the quality of life and as well for people.

Strader: Thank you for testifying.

Manwaring: Thank you.

Johnson: And this is last signed up is Jim Cox.

Simison: Is there anybody present who would like to provide testimony or anybody online who would like to provide testimony on this item? If you are online use the raise your hand feature.

Johnson: Mr. Mayor, we have Natalie's iPhone or Natalie's phone. Natalie, you can unmute.

Purcell: Thank you so much. I appreciate you doing it online. I have kids at home asleep and my husband's out of town for work. I just want to get on -- I have loved the testimonies beforehand. I appreciate Ryan Manwaring and Karla Ehlers' there and I would just like to echo that. We have been residents of Meridian for ten years now. We have loved this area of town and to see it get completely destroyed by high -- high density housing has been absolutely heartbreaking. I would like to echo what Karla Ehlers was saying about it deviating from allowing this to continue -- deviating from the plan of Meridian. We cannot have that high concentration of housing of one type in one area. It just does not work for the city. It doesn't work for traffic and it does not work for your current residents. Again, going to the point of schools, I have had children in Meridian schools from kindergarten now through sixth grade and I can tell you there is a major difference in the education quality in the last three years and it all has been coming with this high density housing. It is changing the way our school system is working. It's changing the way our city is run. It's changing the way -- it's changing the quality of life here and I don't think that's fair to our current residents and I do not want this and I do not think that would be the best interest of Meridian. Thank you.

Simison: Natalie, for the record can you state your address, please?

Purcell: Yes. 3848 West Park Creek Drive, Meridian, Idaho. 83642.

Simison: Thank you. Council, any questions? Okay. Thank you. Is there anybody else that would like to provide testimony on this item? Okay. With that, Council, we have reached the end of our public testimony. How would you like to proceed at this point in time? And the applicant's coming forward to say something to this effect I assume.

Wardle: I recognize it's late. I recognize you are going to do what you do. I also think that we would like guidance as to what you specifically want to talk about when we come back. That would be helpful. And we just need some guidance and some -- I recognize from the comments earlier about the Council's travel schedule, as well as my travel schedule are such that we need to move this along, but move it along in a way that we can make -- make this come to a conclusion.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I guess, you know, curious if we -- I don't think we need to re-notice this; right? We could just continue it for a week potentially. We could even discuss it next week. I think we have a fairly light -- fairly light agenda. I think -- I think most people are in town. Kind of like looking around to see if we get head nods and -- okay. Yeah. So, maybe if -- would it work for you if we continued this to our regular public hearing next week?

Wardle: Yeah. If we could continue it to next week that would be great.

Strader: Okay. Great. I think that would be fine for us. So, we will get there in a second. It does seem like some feedback -- at least initial feedback would be helpful for you. But I don't know if we have sort of heard everything we want to hear, so I don't know, I --

Wardle: If we are coming back next week and it's a light agenda, let's just deal with it then. Just let everybody get refreshed and I will be back ready to answer whatever questions.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sure. Yeah. I definitely think that makes sense. It just -- from previous experience with the group, I would say you are definitely going to want to focus on deep dive on roads, on schools, you know, what do you envision this to look like? I think some specifics around what kind of design you have in mind and why you feel it's acceptable and you should get a deviation from the Ten Mile Specific Standards would probably make sense. That's just off the top of my head, but --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think another really important piece that will probably need to be covered is like -- I can appreciate the applicant's approach maybe reluctance to be able to answer the phasing question. Perhaps a timeline question I think is -- is more in line particularly related to some of the talking points that the applicant provided around Highway 16, Linder Road overpass and how they believe those being fully constructed will alleviate the pressure that Ten Mile currently has.

Whitlock: Mr. Mayor?

Strader: Hopefully that helps. Oh.

Simison: Councilman Whitlock.

Whitlock: Geoff, just -- just a quick thought, because I drive this road every day on my way to work, so just wondering, again, on the traffic pattern you said pushing some of that west to Black Cat. If you punch all the way through and, then, coming up north from -- to -- through Umbria to Franklin, again, I just -- I don't know they are going to go over to 16 to get onto the freeway. They are going to turn around and come all the way back. So, the traffic issue --

Wardle: The traffic issue and that makes sense and we will come back and discuss that in more detail.

Whitlock: And, then as I have read through the public comments that have come in, one of the thoughts was open space. There really isn't a park in that area or neighborhood facilities that if you are putting in high density residential, it's -- they are all going to drive out and up to Fuller Park and that's what the public testimony has been, so --

Wardle: And just to clarify that point, when we look at this total application you have only 30 acres which are designated for residential and of those 30 acres 24 are already zoned for residential. So, in the grand scheme of things we have merely proposed an additional nine acres. So, this is -- and just to be clear for the public, this is -- this is a commercial development that has a residential component. This is not 180 acres of multi-family residential.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Geoff, I think staff pointed that out clearly. You have got some push and pull and some trade-offs and moving things around and it might be helpful to -- and, again, I know you -- you are hesitant to talk about the phase process in all of this, but it might be helpful to just expand a little further on what the commercial side of this looks like, how that -- how that affects the overall picture of -- of traffic in and out of this 180 acres.

Simison: Will it be destination for the community? Will it be people coming off the interstate more so based on the type of commercial you see going first? Some -- some of that might be helpful towards some of these conversations.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. And just -- I -- I think Brian had given you a good suggestion with trying to focus on alleviating concerns about open space and recreation. You know, can't think of any high density apartment projects you have ever approved that did not have, you know, some type of outdoor amenities for the kids and I would be shocked if you were not contemplating that and could not discuss that. So, I think that's great advice to focus on that, too.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just -- I have been trying to dust off my memory banks from way back in the day. We had the first public hearings -- certainly wasn't sitting in this position, but I was sitting in another position for the city and we were trying to decide on what type of Overpass we were going to put in at Ten Mile and what we are going to ask for and we settled on that time as this SPUI, the single point urban interchange that we have today.

When that was done and many developers were in the room, it was an open public meeting. At that time -- and this was well over 15 years ago -- I can't even tell you how many years ago it was. The vision for the area where this project is had a vision -- and the words I can remember coming out of Mayor Tammy de Weerd's to mouth. She would love to see a place where you could work, live, shop, play, all in one stop. And I have heard you mention three of the four and I know Brian just mentioned the other one, which is where we are going to have them play. Where is that spot going to be amongst this development? Because I think you have covered the other three really well.

Simison: I think that we are there and I won't be here next week, so you won't get to see my fine face for the conversation, but just -- and Bill or Sonya you can correct me, but, you know, we have heard it -- we have had conversations about the Ten Mile Area Specific Plan being out of date. We are pretty much done with all the projects. I mean this is -- even though this has already been annexed in that -- I mean the plan is pretty much -- we are at the end of the plan. There is not that many more parcels that could be annexed that are really part of the plan in a lot of ways and I -- I think that this has been an ongoing conversation for about the last five years about the challenges with the plan that have had certain modifications throughout it, both on the other side of the road with some design standards, other projects where Council's made some different elements -- actually they are single family residential on this side of the road or in this general area. So, it's a very unique struggle, challenge, plan, et cetera, but we are pretty much there. That's part of the reason why I haven't brought back -- like let's go back and revisit the entire plan, because there wouldn't be that much to even talk about at this point in time based on what --

Wardle: Yeah. And, Mr. Mayor, you are absolutely right. I mean the zoning decisions have been made. This property has been annexed and this is really about, okay, now that we know where Vanguard got aligned in this grand scheme of things, how do we -- how do we implement -- and implement that way? So, I agree, I appreciate these comments. We will be back with additional answers to those topics.

Simison: Okay. Well, with that do I have a motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we continue H-2023-0071 to next Tuesday.

Little Roberts: Second.

Simison: Have a motion and a second to continue this item to September 24th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued.

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics or a motion to adjourn?

Strader: I move that we adjourn.

Simison: Motion to adjourn. All in favor signify by saying aye. Opposed nay? The ayes have it. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 10:15 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT SIMISON	_____ DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK