

A Meeting of the Meridian City Council was called to order at 6:03 p.m., Tuesday, April 5, 2022, by Mayor Robert Simison.

Members Present: Robert Simison, Joe Borton, Treg Bernt, Jessica Perreault and Brad Hoaglund.

Members Absent: Luke Cavener and Liz Strader.

Also present: Chris Johnson, Bill Nary, Alan Tiefenbach, Joe Dodson, Clint Dolsby, Berle Stokes, Joe Bongiorno and Dean Willis.

**ROLL-CALL ATTENDANCE**

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

Simison: Council, we will call the meeting to order. For the record it is Tuesday, April 5th, 2022, at 6:03 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

**PLEDGE OF ALLEGIANCE**

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

(Pledge of Allegiance recited.)

**COMMUNITY INVOCATION**

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

Drake: Mr. Mayor, Council Members, join me. Lord God, thank you so much that we can gather here. Just pray for everybody in this building, all the business that happens here every day and, Lord, I just pray that you would help everyone with decisions that are being made all the time here. I know that little details are important to you and so, Lord, we just appreciate what we have in this great state and the city and pray that you would protect it. We are thinking about the first responders, our police officers and -- and firefighters, all those who protect us, I pray that you would protect them as well and that everyone that needs assistance today would get it. Lord, we are especially concerned about any of our citizens in need and I pray that they would find it. This is a constant, you know,

trouble in any town and so I just pray for those who might be afraid or hungry or in need of a warm place and I pray that they could find it today and, Lord, of course, just pray for wisdom here tonight for -- for these people here, that you bless them and you give them an extra measure of grace as they attend to the city business and -- and, last but not least, Lord, I just would like to pray for the elections coming up and that you would put the right people in the right places, whether it's locally or -- or with the -- for our state and, Lord, I know that you want those who will make good decisions and be wise and -- and - - and represent the voice of the people. So, thank you in advance for all these things and we just pray in your name, Lord, amen.

## **ADOPTION OF AGENDA**

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: For tonight's agenda we are going to move Item No. 1, the proclamation for the State basketball champions, to April 12th. So, with that change, Mr. Mayor, I move adoption of the agenda as amended.

Borton: Second.

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

**MOTION CARRIED: FOUR AYES. TWO ABSENT.**

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

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

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

Johnson: Mr. Mayor, there are none.

## **PROCLAMATIONS [Action Item]**

### **1. Owyhee High School Boys Basketball State Champions Day**

Simison: Okay. The first item was removed.

## **ACTION ITEMS**

## **2. Public Hearing for Community Development Block Grant Plan Year 2022**

Simison: So, we will move right into our action items this evening. First item up is a public hearing for Community Development Block Grant planning year 2022. We will open this public hearing with comments from Crystal.

Campbell: Thank you, Mr. Mayor, Members of the Council. We are here today to talk about the consolidated plan, which is the five year plan for CDBG and we are working on the upcoming five years. So, we are going to go over a basic overview of CDBG. I'm going to be presenting that and, then, Dawn Tolan with West Ada School District is going to be talking about homelessness in the -- in West Ada and Elizabeth with Resource Consultants will be talking to us about updates on the Con Plan. The analysis of the built environment and, then, I will go through some important dates and, then, stand for comments. So, first off, Meridian is federal funds. It comes from HUD and the program is designed to promote decent housing, a suitable living environment and expanded economic opportunities for people with low to moderate incomes. There is four key elements of the CDBG program. First is the Consolidated Plan, which is the five year plan that says how we are going to identify the needs and the gaps in our community and what goals we are going to address those with. Then we have got our action plan, which is submitted every year, and it talks about the specific projects we are going to be funding and it acts as an application for the funding for the upcoming year and, then, there is the project implementation, which is the actual activity that's taking place and, then, we have the end-of-year CAPER, which is just the report that talks about how we are meeting those goals. Next is the project criteria. To meet the basic criteria has to fall into these four categories. It has to meet a national goal. There is five of them. One is to provide decent, safe, and sanitary housing, provide a suitable living environment, expand economic opportunities, benefit low to moderate income persons or aid in the prevention of -- or elimination of slums or blight. After that it has to meet one of the national objectives, which is low to moderate benefit, slum or blight, and urgent need and, then, we have to make sure that it meets one of the goals in the Con Plan and that it's an eligible activity according to HUDs regulations. So, to apply for CDBG funds it has to meet all that criteria and, then, the application is sent to the scoring committee where they will score it and rank it, so that we can see if we have the funding to fund all of those. We have two separate competitive applications. The first is for public services. That's for things like the Boys and Girls Club scholarships or emergency rental assistance. That application is open April 1st to April 30th and there is a cap on that funding that we can put toward public services, which is 15 percent of the grant. We also have a housing public facility and infrastructure application. On that one the notice of intent to apply is required, because it's a little bit more in depth and it's a lot more funding and that was open from March 1st to April -- or, sorry, March 1st to March 15th and they will be invited to complete the actual application of -- it's open April 6 to May 6. So, the Consolidated Plan -- it's really prescriptive and there is six different sections to it. The executive summary is just an introduction and the key points that is in the Con Plan. The process talks about the -- the required consultation and the citizen participation process. The needs assessment goes into the affordable housing, special needs housing, community

development and homelessness, the ways that we are going -- like what we see in our community and what we are going to do. Market analysis describes the environment that it's going to be administered in. So, that would be things like the characteristics of the housing market or lead based paint hazards and, then, there is the strategic plan that talks about the priority needs and how we are going to utilize the funding for the five years and, then, finally, the action plan, which is the specific activities that we are going to fund. So, there is three additional documents that you guys will see. The first is the analysis of impediments to fair housing, which reviews the housing challenges and fair housing issues and, then, there is the analysis of built environment, which talks about the impact of Meridian's built environment on the health of its citizens and we are going to go into all of these. Elizabeth is going to talk about them quite a bit more. And, then, we have the citizen participation plan, which documents how we are going to invite the public to be part of the process. So, I'm going to turn it over to Dawn now.

Tolan: Thank you. Put that down a little lower. Mr. Mayor, Members of the Council, I was asked to come here and just give you a little view of what it looked -- what homelessness looks like in the West Ada School District. Again, my name is Dawn Tolan and I am the counseling and social work coordinator for the district. So, I will go through just a few things. I know I have very limited time, so I will try to go quickly. So, basically, in public schools we follow McKinney-Vento Law, which requires our school districts to keep students in their school of origin to the best extent feasible, unless the parent says, no, we don't want to do that, we want to go somewhere else. We provide transportation to the school of origin. We remove any barriers that we can to enroll our homeless youth, so we don't ask for those immunization records, birth certificates, the other things that most students need to try to find and to register. And, then, they immediately qualify for free and reduced lunch and breakfast, so they get fed at school right away. So, why is there a focus on supporting homeless students in public education? Because research shows students who switch schools frequently score lower on standardized tests. It takes them an average of four to six months to recover academically after each change of school. Mobility during high school greatly diminishes the likelihood of graduating from high school and mobile students can suffer psychologically and socially and they are more likely not to participate in extracurricular activities and, you know, find other things to do that get them in trouble. So, we also have unaccompanied youth and these are students who have to meet the definition that they are not in a physical custody of a parent or a guardian and so challenges for the unaccompanied youth that we have -- transportation is always a huge challenge. Academic achievement. So, paying bills and expenses and trying to work and pay bills and also go to school. Stable housing. Income. Parental support is a big one. And figuring out next steps, what they are going to do after high school. And so a snapshot into the West Ada School District and what we have as of right now. Four hundred and fifty-eight students identified as experiencing homelessness. You can see where their -- the zip code is for 195 of these students. We have 115 identified as unaccompanied. So, not living with a parent or guardian. So, five percent of these students live in shelters and 82 percent of them are doubled up, which is -- nationwide is the highest percentage. Usually it's about 70, 75 percent nationwide. For us it's 82 percent, which means they are living with family or friends. And, then, six percent are unsheltered. Seven percent live in a hotel or motel. And, then, our special populations

of unaccompanied youth qualify for special ed and EL -- ELL. This is just our ethnic categories of our 458 students identified as homeless and, then, the issues we have regarding homelessness for our students is -- one is a big thing, especially in the last year or two is affordable housing. So, with the economy the way it is it's really hard for them to find reasonable amount of rent or housing and with a single parent income a lot of our homeless students have a single parent. Wages and housing prices. Transportation barriers, especially this year with -- we had a really hard time finding enough staff members to be bus drivers and so that was a huge challenge for us this year. We don't have homeless shelters, as you know, in the Meridian city limits and, then, many losing housing due to landlord increases and not being able to pay that rent. I just have a couple little case studies from our social workers that gave us a couple different scenarios. We have lots of them, but these are just a few for you. You can read this one, but, basically, it is -- we have our unaccompanied youth. A lot of them are either kicked out of their home or they choose to leave, whether that be like an abuse situation or some other scenario why they -- why they leave and so it's really tough to keep these kids in school and to have a post-secondary plan. So, our social workers case manage these students and get them tutoring services. We try to help them with their FAFSA and any kind of post-secondary help that we can do for them. Another scenario we see quite often is maybe a mom and her son -- the son is too old to go into one of the shelters and so they have a hard time finding housing and, you know, moms that leave domestic violence issues. So, finding housing and finding a stable housing and, then, trying to transport that student to and from school and a lot of times they are mobile, so once we do get busing set up they might change to another location. So, that is -- is a challenge in many cases. Give me a second to read that. And last one is rent -- high rent. So, being able to stay in that rent, not -- you know, giving a 30 day notice of rent might go up hundreds of dollars, not just like a 25 dollar increase or a 50 dollar increase, it might go up so significantly that they -- they need to change locations and trying to find that location is pretty difficult. So, those are a lot of the regular case studies that we have with our students, ones that kind of stand out more than others. I will stand for questions if you have any.

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

Tolan: Thank you.

McNannay: Mayor, Council Members, I'm Elizabeth McNannay with Resource Consultants and we are working with the City of Meridian on their five year Consolidated Plan -- on your five year Consolidated Plan. We are working closely with Crystal. We are also completing the analysis of impediments to fair housing choice that HUD requires and one of the things to think about, you know, as we look at -- and as Dawn just talked about in the City of Meridian homelessness doesn't look like what we see on television. It's not necessarily folks who are camping on the side of the road. I spend -- I grew up in Portland and I spend some time there, because I have family there and that is what it looks like there. That's not where I live at this point and so in the places that I typically live and work that's not what homelessness looks like. It looks like folks who are qualified for McKinney-Vento. It also looks like folks who live in their cars or there RVs or who are doubled up even for short periods of time. Oh. So, Meridian residents who are most at risk are

renters. So, you are predominantly in the City of Meridian a home ownership model housing community and if we look at the burden on renters it is significantly higher. So, for homeowners with the most recent information that we have, homeowners who were paying 30 percent or more than 30 percent, but less than 50 percent of their income for their housing costs are about 12.8 percent and folks who were paying more than 50 percent were 6.2 percent. Renters, on the other hand, who were paying more than 30 percent up to 50 percent of their household income were 24.6 percent and if we are looking at renters who are paying more than 50 percent of their household income for housing cost it's 13.8 percent. So, housing cost burden as a percentage is more than double for renters than it is for homeowners. Possible actions. So, you know, we can look at housing development that supports housing for everyone in the community. Public services that help to break that cycle and we can talk more about that if you have questions about that, but you all probably can -- you know, have some ideas of what that would look like. Neighborhood investment. So, the neighborhoods that are most predominantly renter filled in Meridian, investing in those neighborhoods that your most vulnerable residents live in helps to lift them up. And, then, working with developers. Developers want something from you. Now, in a lot of states you can't say ten percent has to go to this or five percent to that, but when someone wants something from you you can want something back. One of the things that we are working on with the city is the analysis of impediments to Fair Housing Choice. Now, most folks think of this as dealing with affordable housing and a lot of them do around the country and that is not what HUD does with this. It's really looking at historic patterns of segregation and promoting fair housing choice for protected classes. It has nothing to do with housing cost. All of that can play a part in it. It really is about inclusive communities free of discrimination and the protected classes are listed there. It really only looks at how the housing market basically plays with the protected classes in the City of Meridian.

Borton: Mr. Mayor?

Simison: Council Hoaglund.

Borton: Real quick on -- on that point --

Simison: Borton.

Borton: -- that prior slide, if there is discussion about pros and cons of individual ownership versus rentals and sort of the socio-economic implications of that, is that also included as a potential impediment for housing if -- if there is -- no?

McNannay: No. Not -- unless it affects protected classes.

Borton: Okay.

McNannay: So, only insofar as it would protect, you know, folks who have disabilities or are discriminated against due to national origin.

Borton: Okay. Thanks.

McNannay: So, really, the fundamentals of an AI look at Meridian's policies. So, we have met with your planners, building department, identifying barriers to fair housing choice. It can have -- it can have something to do with zoning. So, if that was part of your question, then, yes, that can come into play with it. And, then, there is a plan. So, every year in the yearly report to HUD about what has happened you have to say what you have done to address these issues and so it's really about expanding choices. So, it's accomplished by reviewing any -- any information that we can find and listing current impediments. They have to be actionable. So, it can't be something that is statewide that the city has nothing, you know, that they can actually implement that would address that. It has to be actionable and a fair housing action plan for the next five years. We are also looking at the built environment, which is all the physical parts of where we live and work. That includes parks, trails, health services, physical activity options and opportunities and transportation and the Healthy People 2030 Update is kind of listed there, what is included in the Healthy People Update that the CDC is working on and here is just a quick demographic breakdown for you. Meridian is a relatively young town, so -- obviously. And in comparison you are definitely a lot younger than most other towns in the area, too. So, things that can make a difference. So, eligible CDBG projects would be infrastructure. What can you do that affects the built environment. Sidewalks where there aren't sidewalks. Safe opportunities to traverse a neighborhood to get to services. Lights. Streetlights. Lights in parks in eligible areas. Crosswalks. Things like that. Community centers. Public facilities that are in areas where the most vulnerable folks in the city live and utilize. Housing rehabilitation, which has been happening with homeowners who are really in need. So, there are definitely homeowners who are cost burdened and being able to stay in their homes is very helpful. Public services, which can include rental assistance. Rent and utility assistance. And home ownership assistance. These are the current block groups in purple there that are eligible for CDBG funding, if you can define a service area that includes those block groups. This is likely to change. You are probably going to lose some of your eligible block groups. So, the 2020 census information, it takes HUD a while. They are so much fun. It takes them a while to catch up. So, they will use that information and this may change, but this is currently what we are working with as far as eligible plot groups. So, I think continuing some of the recommendations that you will see in some of the -- in the built environment report for sure is continuing the rehabilitation projects for low and moderate income homeowners within the City of Meridian. Installing sidewalks in areas where that's a critical need for residents. And continuing to update streetlighting in eligible areas. You are already doing streetlighting projects and continuing to do that in areas of greater need is terrific. And, then, upgrading community parks in eligible areas. It can include lighting and equipment. I think you are already doing some of that and support opportunities for impactful engagement with the community and community centers, park facilities, things like that and supporting increased opportunities for community gardens. There are some scattered sites throughout the city and in some of those eligible areas that might be ripe for a community garden and supporting access to public services that improve health outcomes, because we know that people who have access to parks and to physical activity and to services have better outcomes and cost less overall when they have access to those items and

because nothing ever changes, being nimble to kind of meet the changes that are coming. I'm going to turn it back over to Crystal.

Campbell: So, we just have some important dates coming up. We have got the applications are due -- one's due April 30th, one's due May 6 -- May 6. In May we are going to be scoring and ranking those applications and, then, from July -- or sorry. June 24th to July 29th the official public comment period will be open. We can definitely take comments before that time of -- like we will incorporate any comments that come from this into the plan as well. June 28th we are going to give you guys a presentation of the full Con Plan and all the findings that we have and July 26th we will have a public hearing and, then, August 2nd we will ask you guys to adopt the final plan. So, this is my contact information if you would like to reach me or one of these guys I can forward any information on to them, but you can reach out to me and I can take any of those comments. And with that will stand for questions.

Simison: Thank you, Crystal. Council, any questions or comments?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. So, this is very near and dear to my heart being in the housing industry and so a couple of questions. I will try to phrase them in a way that will make sense. There is a lot that gets covered here from transportation to, you know, mobility improvements, to housing, to -- so, we talk about the homelessness element in West Ada and, then, we transition to discussing community developments like, what's happening in our parks and streetlights and so I want to try to understand the link between those two, because the presentation presented a concern and a need, but the recommendations weren't to meet those needs that were presented as the challenges with -- with homelessness. It was mostly about mobility. So, I wanted to see if I could get some thoughts on that. And, then, in addition, as we are going into this open period for applications, has there been any focus -- and this may be a question for Crystal. Has there been any focus on improvement specifically for ADA or wheelchair mobility in Meridian? Do we have any groups that are interested in applications for that and/or anything specific to transportation for specific classes, like I know there is some busing for seniors in our area. So, have -- has the city looked into those kinds of specific needs that go just one step beyond the general improvements that might be made to a park or to a sidewalk or to streetlights?

Campbell: So, as far as the application, I have reached out to organizations that would do that and for -- you saw with our notice of intent we did not have any accessibility projects. I -- I did reach out to groups who I thought might be willing to do that. I'm also going to look in the future about how we can do maybe some sidewalk projects. We haven't had anybody applying for those, but maybe there will be a way for the city to be more of a project manager for that. So, we are working toward that. But there are none at this time. There are some transportation opportunities that I'm hoping you will see an

application in the public services that we can address some transportation. So, again, it's a competitive application, so I can send it to the people I think are the right people, but I don't always get the applications that I hope for.

Tolan: And I will jump in on the housing question, because that's also dear to me. That is -- the built environment study and the analysis of impediments really don't look at the need for affordable housing, but, obviously, there is and that is part of where -- you know, when I started and talked about who is burdened in the city as far as cost burdened and also, you know, some solutions to that, wanting something back, looking -- you know, thinking outside the box, looking at building partnerships with developers who can bring funding from multiple sources where CDBG can be a small part to help maybe with acquisition or something like that. So, you don't want to make -- make it too complex and put CDBG in the middle of it. Here is the other lovely thing with HUD, Housing and Urban Development, you can't use CDBG money to build housing. So, it's just the restriction that HUD has that they have put on this, but there are definitely things and priority needs in every community that -- you know, that I'm working with right now and I know Crystal is actively working with developers to look at, you know, potential housing applications, too.

Campbell: I did want to say one more thing on that. You had mentioned that it seemed like it jumped around a little bit, but we -- honestly we were trying to present a lot of information and not take up a ton of your time. So, there was the Consolidated Plan where we talked about those different aspects, but we didn't really talk about the findings that came out of that and, then, we went more into the analysis of built impediments and so that's why you heard more there.

Perreault: Mr. Mayor, may I ask one more follow-up question?

Simison: Council Woman Perreault.

Perreault: Thank you. Excuse me. So, the fair housing element -- I understand fair housing fairly well and have had to study all of the federal history of fair housing. Are they having -- having the city look at that, because it is a requirement to receive federal funds. Just -- that's -- that's interesting to me, because even though you -- you -- you look at the cities -- you talk to the planning department, look and see if we are complying with fair housing, there is -- I don't see the link between that and actual utilization of the funds. So, is that just like, hey, you have to be complying with this in order for us to send you the money or are they expecting us to use a certain percentage of the funds to meet the concerns that you find in your study?

Tolan: Yes and yes and no and yes. So, yes, they are expecting that the items that are found are addressed, because they will be actionable, so -- and you will have to be reporting on how those are addressed and, you know, it can be as simple as do you have an access plan and is it HUD compliant. No one has one that's HUD compliant at this point, unless we have been working with them for long enough to write one for them so -- or help them. So, that's all -- I mean there are some standard things that HUD wants

you to look at and it really, again, goes back to protected classes and how do we make -- how do we make the process accessible for them and because you report on that every year there is some expectation that you do some fair housing activities. We are running ads during Fair Housing Month across the Treasure Valley about fair housing and looking at doing some trainings and things like that. So, yes, there is some money -- there are some actual resources put towards that.

Simison: Council, any additional questions? All right. Crystal, because CDBG is confusing, this was listed as a public hearing that I had opened. Is this an actual public hearing that you are wanting public comment on this evening?

Campbell: Yes. Sorry. It is confusing. We have to have a certain number of public hearings and so we wanted to get some information from the public and their feedback early on in the process, so that we could incorporate that in before we actually get to the final draft that we present to you. So, we are just trying to do it early on.

Simison: Okay. And with that we will open this up for any public comments this evening. Mr. Clerk, do we have anybody signed up to testify on this item?

Johnson: Mr. Mayor, we do and I probably will apologize -- I apologize I will pronounce your name wrong. Ralph -- Ralph Chappell.

Simison: Council, to my knowledge this may be a first. All right. If you can state your name and address for the record.

Chappell: You got it right there, Chris. Okay. I have been coming to these meetings since 2006. I don't know how many times they went up here with this HUD thing and every time I get disappointed, because you approve it. Now -- year after year Now, what I want to find out is what the mindset is of this Council. What has this city done to earn this money? It all comes out of Uncle Sam's pocket and it's all one big budget. Who's going to pay for it? Your kids. Your kids. My kids. Grandkids. You aren't going to pay for it. So, you put some sidewalks in or you can put some lights out somewhere. Why doesn't the city just do that? They make enough money they could do it. They don't have to go to the federal government for it. Then the other thing is -- question comes up, well, if we don't take it the next city will. Let them take it. But at least we aren't contributing to this national budget and, like I said, if you approve this your kids and grandkids are going to -- and if you are happy with -- with putting that burden on them, then, I suppose you are going to go ahead and say yes and it will be a rubber stamp, like it has been for years and years and another thing is somebody has to administer this program and if I can recall the number of previous times, it's tens of thousands of dollars for one person to do all this. Why? So, that's my story and I'm sticking to it.

Simison: Thank you, Ralph. Council, any questions? Okay. Thank you. This is a public hearing. If there is anybody else that would like to provide testimony on the item, if you would like to come forward at this time or if we have anybody online that would like to provide testimony you can use the raise your hand feature on Zoom and we can bring

you in for any comments. Seeing no one else wishing to testify, Crystal, do you have any final comments? Okay. Then with that, Council --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just to give a brief -- just a brief comment. I think for the big picture, what we recognize is that there is need in -- in the low and moderate income categories in our community and as our community has grown that need grows and it might be convenient or easy to ignore it and what I appreciate about this program and Crystal's work in particular is you shine a light on that and remind us that we do have an obligation to those citizens as well in our community and I think that this program, when administered properly, does help us serve in some small fashion that segment of our community. So, I think we keep a watchful eye on it. We do this all in the public, but I'm proud of Crystal and the work that you do and the need that this program serves. So, I think it's an important part of our growing community. So, thank you for that.

Simison: Council, any additional comments? Or do I have a motion to close the public hearing?

Johnson: Mr. Mayor, I don't think the public hearing closes. There are future public hearings; is that correct, Crystal?

Simison: So, it's going to stay open until July. That's what I thought. Right.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing for this phase of the Community Development Block Grant plan year 2022.

Borton: Second.

Simison: I have a motion and a second to close the public hearing. 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. Thank you.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

### **3. Public Hearing for Proposed Summer 2022 Fee Schedule of the Meridian Parks and Recreation Department**

Simison: Next item on the agenda is a public hearing for proposed summer 2022 fee schedule of the Meridian Parks and Recreation Department. Mr. White.

White: Mr. Mayor, Members of Council, thanks for having me tonight. In front of you is the first set of fees I will be here to present is -- like Mr. Mayor just said, the '02 or 2022 summer activity guide fees. These fees are set by the instructors, as well as some of our staff in regards to the 70-30 split between us and the instructors, as well as our current cost recovery philosophy that we have adopted for recreational programs. With that I will stand for questions.

Hoaglund: Thank you, Garrett. Council, any questions for staff? Thank you very much. This is a public hearing. Mr. Clerk, do we have anybody signed up on this item?

Johnson: Mr. Mayor, we did not.

Simison: If there is anybody that would like to provide testimony on this item, either online raise your hand or in person you can come forward at this time. Seeing no one, Garrett, any final words? Or do I have a motion to close the public hearing?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing for the proposed summer 2022 fee schedule for the Meridian Parks and Recreation Department.

Borton: Second.

Simison: I have a motion and a second to close the public hearing for the '20 -- summer 2022 fee scheduled. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing this closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**4. Resolution No. 22-2318: A Resolution Adopting the Summer 2022 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date**

Simison: Next item on the agenda is Item 4, Resolution No. 22-2318.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we adopt Resolution No. 22-2318 for the summer 2022 fee schedule for the Meridian Parks and Recreation Department.

Borton: Second.

Simison: I have a motion and a second to adopt Resolution No. 22-2318. Is there any discussion? If not, clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**5. Public Hearing for Meridian Parks and Recreation Department 2022 Pool Fee**

Simison: Item No. 5 is a public hearing for Meridian Parks and Recreation Department 2022 pool fees. Mr. White.

White: Again, Mr. Mayor, Members of the Council, thanks for having me up here again. In front of you are the Meridian pool fees we hope to establish this year. As you guys all know, WARD has provided swim -- public swim -- swim lessons and just a public place to swim for many many years. These fees are the fees that WARD had adopted and planning on taking on the 2022 season, but it turns out that we have an agreement now that we get to oversee and maintain the facility and operation, so this -- these fees in front of you are what WARD had already planned on using and we are hopeful to use the same fees pending your guys' approval. So, with that I will stand for questions as well.

Simison: Thank you, Garrett. Council, questions for staff?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thanks for being here, Garrett. So, when is the official opening for the season? Has that been decided yet?

White: Mr. Mayor, Council Woman Perreault, yes. Right now the tentative day for open for public swim and opening of swim lessons will be June 6th, that Monday.

Perreault: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: Garrett, I assume that you guys have taken account of changes in wage structures and whatnot and so when you have private parties you have to cover that, those -- those are -- WARD has done a good job of looking at that as well and you guys followed up, so we are -- we are covered in that area.

White: Mr. Mayor, Councilman Hoaglun, yeah, that's one of the questions I asked WARD being in negotiations -- taking over the agreement was what was the plan for wages and things and, yes, wages have increased. Don't get me wrong. So, this first year we have raised some of the wages, although if you know anybody that wants to lifeguard we would love to have them apply. We are still a little short. But, yes, we did factor some of that stuff in.

Simison: Council, any additional questions for staff? Thank you. Mr. Clerk, do we have anybody sign up on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anyone present or online who would like to provide testimony on this item?

Hoaglun: Mr. Mayor?

Simison: One second. We -- I see -- if you are online and you would like to provide testimony you can use the raise your hand feature. Just give a second. I see we have a representative from Western Ada Recreation District. Just want to give them an opportunity if they had a desire. Okay. Seeing none. Councilman Hoaglun. Or, Garrett, no final comments?

Hoaglun: I move that we close the public hearing for Meridian Parks and Recreation Department's 2022 pool fees.

Borton: Second.

Simison: I have a motion and a second to close the public hearing for the Meridian Parks Recreation pool fees. 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: FOUR AYES. TWO ABSENT.

**6. Resolution No. 22-2319: A Resolution Adopting New Fees of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date**

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we adopt Resolution No. 22-2319 of the new fees for the Meridian Parks and Recreation Department pool.

Borton: Second.

Simison: I have a motion and a second to approve -- adopt Resolution No. 22-2319. Is there any discussion? If not Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**7. Public Hearing Continued from March 15, 2022 for Friendship Subdivision (H-2021-0083) by Mike Homan, Located Near the Southeast Corner of N. Meridian Rd. and E. Chinden Blvd.**

- A. Request: Annexation and Zoning of 10.058 acres of land from RUT in Ada County to the R-8 zoning district.
- B. Request: Preliminary Plat consisting of 41 building lots and 7 common lots

Simison: Council, we will move on to Item 7, which is a public hearing continued from March 15, 2022, for Friendship Subdivision, H-2021-0083. We will continue this public hearing with staff comments for Alan.

Tiefenbach: Greetings, Mr. Mayor, Members of the Council. Alan Tiefenbach, planner with Meridian. So, this was an annexation and a zoning to R-8 and a preliminary plat for 38 lots. It originally was 41 at the Planning Commission, now we are at 38. Just a quick little primer. The property is located south of Chinden and west of Locust Grove. There is the Birkdale Estates Subdivision to the west. The Hightower Subdivision to the east. Saguaro Canyon Subdivision to the south and there is an existing church on RUT property in the county directly to the north and adjacent to this property. This was an annexation of just about ten acres of land with the R-8 zoning district and it was a preliminary plat for 38 building lots. So, again, it was 41 originally. So, the -- at the -- on February 15th the Meridian City Council heard this item. At this public hearing the Council continued this case. They were mostly favorable towards it and they continued it until March 15th. They wanted the applicant to reduce the subdivision to 38 lots and they asked them to return with an updated plat and requested staff to draft a development agreement and the conditions of approval. On March 14th, which was the day before when this was supposed to come back to you, staff received a phone call from a neighbor that the

required posting had not occurred along East Lockhart Street. After consulting -- after a consultation with the city attorney this case was continued until today for the proper posting to occur, which it did. With that I will stand for any questions if you have any.

Simison: Thank you. Council, any questions for staff? Seeing none, would the applicant like to come forward?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Before the applicant presents I just wanted to state that I wasn't here for the last meeting. However, I didn't view it by video and I have read everything in the project folder, so I feel like I'm prepared to be involved in the decision making this evening. Thank you.

Simison: Thank you.

Canning: Yes. Mayor, Members of the Council, my name is Joe Canning. I'm with Century Engineers at 2323 South Vista Avenue, Suite 206, in Boise. I'm here with the applicant regarding this project. I don't really want to rehash anything. There was a posting error and that's why we are back tonight for a public hearing. I think the presentation was done back in February, what the project is. We made some modifications based on suggestions and that's the plat that's before you tonight. So, really, I would just stand for any questions.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have any questions, but since I wasn't present at the February meeting, I wanted to share some thoughts with you. First I want to say I looked through and every reiteration that you had done since you started, which has been many, and I want to say thank you very much for how you have listened to the commission and to Council on all the different suggestions and modifications that were made. It looks like you have gone to great lengths to do that. Had I been here I would have said that I thought the -- that property in the south -- the properties in the southwest, the three -- what are currently now the three lots, I feel like their original design was okay. I don't know what the neighbors to the south thought, you know, or if you had any interaction with neighbors to the south or any concerns, but we are here now, so just want to say thank you very much for working on this. I know it's -- it's been a really big concern and as many -- many meetings have been had on it. So, the question I have for you, however, after stating that, is in the past we have had the police department tell us that they are not a fan of putting common areas between backyards and subdivision boundaries for safety issues.

So, is the fencing that's going to be going in on the backs of these lots going to be open and is there going to be closed fencing surrounding the subdivision or help us understand, because we -- we don't want closed fencing there on the east. On the north it's -- I suppose it's possible the church could put in some privacy fencing and, then, now we have a concern where -- where there might be some safety problems with, you know, not being able to see out of those walking areas.

Canning: Yes. Mayor and Council Member, I will probably have to bring Mike up to talk about the fencing specifics. It is -- it is worthy to say, though, that that open space along the north property line is because of the canal relocation. So, it needs to be in a common area. That's the best way to serve that property. Also it's against the church property. We really thought it wasn't a bad place at all for that common strip. It would be visible from the stub road to the church looking back to the west. It would also be visible from the east-west road that's entering off the west side. You could look down that side. Probably not perfectly ideal, but considering the location of the canal it's -- it's really the best we could do and I will bring Mike up if you have questions on the fencing.

Simison: And, Mike, if you can state your name and address for the record.

Homan: Mike Homan. 6820 West Randolph Drive, Boise, Idaho. So, what was your question again? I'm sorry, I didn't --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. So, our police department has frequently advised us that they would rather not have two sets of privacy fencing and, then, creating a walkway in between the two and so in past applications they recommended that there be open fencing on the lot -- on the lot boundary or open fencing on the subdivision boundary. So, I would imagine the subdivision to the east of this probably has some privacy fencing already there and so if you put up -- if the -- the lot owners are, then, permitted to put a privacy fencing on their lots, now you have a walkway that's completely blocked from line of sight and so the -- our police department has multiple times recommended that -- that we have that conversation with developers at -- at our public hearings.

Homan: We were kind of leaving it up to the individual lot owners to deal with the fencing. Some people have dogs and, you know, they want to have fencing. That would be something that --

Simison: Mr. Homan, can you get closer to the mic.

Homan: What I was saying is that we usually, you know, let the individual homeowner, you know, decide what kind of fencing, if any, that they want. So, maybe that's something that we could take a look at. The church is not fenced, so we wouldn't have any problems there and maybe some kind of a fence that you could see through or something, like a three rail fence or something. But we would work with you on that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you very much. That -- that would be a preference, if the fencing is -- is see through, if -- if there is going to be privacy fencing on the subdivision boundary. The church could still put up fencing on their side. So, we can't assume that they wouldn't -- especially if it sells to someone else. So, I don't know what my fellow Council Members thoughts are on that. I'm curious to hear our staff's thoughts, if Alan has any -- if there was any -- if that discussion was had at all as part of the prior planning process.

Tiefenbach: Council Person Perreault, Members of the Commission, we hadn't had the discussion. If -- if there is not a -- if fencing isn't shown on the landscape plan, then, we would fall back to the code and the way the code basically reads it says in any common open areas or anything like that it has to be open style fencing, you can't put up solid fencing that -- so, CPTED is already built into our regulations.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, in this situation that would mean that the fencing that's on the -- the -- in the backyards of those lots would have to be open if the -- if the boundary -- subdivision boundary has privacy fencing already installed?

Tiefenbach: No. Maybe I didn't understand your question. You are talking about the fences along on the eastern property line?

Perreault: Yes. There is already privacy fencing in that subdivision there on that side.

Tiefenbach: No, there is nothing that prohibits -- that you can't have another solid fencing. Solid fencing isn't allowed along like open areas, common open spaces, those kinds of things. But, yes, you can have a -- you can have a solid fence up against another fence.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: That's not what I'm asking. I'm sorry.

Tiefenbach: Maybe I'm not understanding the question.

Perreault: So -- so, there is -- the common area has a pathway between the lot -- the lot boundaries and the subdivision boundary; right? On the north and east side.

Tiefenbach: Correct.

Perreault: Okay. So, one of those fences has to be open fencing.

Tiefenbach: Okay. I understand what you are saying.

Perreault: Is that correct?

Tiefenbach: Yes. So -- so, you cannot have a solid fence on either side of a pathway. One -- I'm sorry I didn't understand your question. One side has to be open, the other side can be solid, but you cannot have two solid fences on either side of a common area or a trail.

Perreault: I wanted to make sure the applicant understood that, because I didn't hear that as a part of the conversation in the prior public hearing.

Tiefenbach: That would come in front of you during the final plat. When the final plat came in front of you if there was an issue with that we would review the fencing and make sure that that was the case.

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

Johnson: Mr. Mayor, we do. First is Marvin Montoya.

Simison: When your name is called if you would like to come forward and state your name and address for the record and be recognized for three minutes.

Montoya: My name is Marvin Montoya. My address is 484 East Lockhart Lane in Birkdale Subdivision and my first comment is more of a question. You were talking about signage. I came today prepared to talk with the Planning and Zoning Commission, because that's what your sign had stated and, then, I get here and it's not the Planning and Zoning Commission, it's the City Council. So, I'm kind of bewildered as to, you know, procedurally what's going on here. That's my first comment. And with all due respect, if I could get an answer on that.

Simison: Mr. Nary.

Nary: Yes. Mr. Mayor, Members of the Council, so they did realize last week that they had -- they had changed the date and time of the hearing, which is what the ordinance requires. They didn't change the body that was hearing it, which the ordinance doesn't mandate it has to be corrected. So, I allow them to go forward, because, again, you are here because that's the notice for this hearing right now. So, that was the only hearing that it was reset to was here, so --

Montoya: Well, I was here specifically to talk to the Planning and Zoning Commission, since that's what your notice stated. I mean either you have a notice that's correct or it's not. And my other question was has this actually been put forward with the Planning and Zoning Commission and, if so, what were their thoughts or recommendations? I think these are legitimate questions to ask.

Mr. Nary: So, Mr. Mayor, I can answer at least one question. The notice is not defective. So, you are here, you have notice of this meeting. You have the opportunity to have your time to say what you want. It was heard by the Planning and Zoning Commission.

Montoya: So, what was the decision, then, on Planning and Zoning Commission?

Simison: Well, if you would like to finish your three minutes, then, we can have staff respond to those -- or any other questions you may have as well.

Montoya: Yeah. First of all, I'm just trying to understand the procedures here and trying to follow the procedures. So, that's why I had those questions up front. I'm here, basically, and opposed to this R-8 zoning in this particular area, because of the fact that it does not fit in with a general aesthetic of the -- of the adjacent neighborhoods. The amount of housing that they are planning on putting on postage stamp lots is totally out of character for that whole area and I don't understand why that would be approved. The other thing is I will comment that I was informed by some of my neighbors that did attend the last Planning and Zoning Commission meeting, that they were against an R-8. I was not there, because I was out of town and that's the reason I was asking up front what was their recommendations. Was it an R-4 or an R-8. But, anyway, I am against that development going in there, again, for the reasons stated. Is my time up? Is that --

Simison: It is. And that's why I want you to get your comments out, then, we could have staff --

Montoya: Well, I -- again, I didn't know the procedure. That's why I was trying to find out what is the procedure.

Simison: Okay. And, Alan, can you -- would you mind giving the disposition of --

Tiefenbach: Mr. Mayor, Members of the Council, Alan Tiefenbach, planner. The planning -- this did go in front of the Planning Commission. The Planning Commission recommended denial on this case.

Montoya: Okay.

Perreault: Mr. Mayor?

Montoya: Thank you.

Simison: Yeah. Sir, I think there may be a question from Council Woman Perreault.  
Council Woman Perreault.

Montoya: I apologize. I -- first of all, I should have addressed Mr. Mayor and the Council.  
This is my first time, so --

Simison: No worries.

Montoya: Sorry about that.

Perreault: You are totally fine. Thank you for being here. So, just wanted to clarify. The Planning and Zoning Commission is a group of volunteers. They get together and discuss and, then, they make recommendations to us the City Council. So, we are the final decision maker on this and we do take their thoughts and concerns into consideration, but we will be deliberating on this just the same as the Planning Commission did. So, just to let you know that's -- that's kind of the structure of how things are done. So, I -- what I heard you saying was that there was concern the Planning Commission possibly hadn't looked at this or that maybe they had some authority that is -- is different from -- from Council's, but we are the -- we are the ultimate decision making body in this regard. So, we have taken a look at -- at everything that they have presented to us as far as their concern. So, I wanted to let you know that.

Montoya: Okay. That --

Perreault: Also I wanted to point out really quickly that the -- the newest plat that was just presented, which is why we are here this evening after the hearing in February, they have lined up the lot lines on all surrounding sides with the neighboring subdivisions. So, if you hadn't had a chance to look at their newest design for the subdivision, that may be where some of that confusion came in with how it's fitting into the neighborhood.

Montoya: Well, I don't think there is any confusion. It's -- you are putting in small homes on very small lots and that is not in keeping with the character of the general area is my concern. Thank you.

Simison: Thank you. Council, any additional questions? All right. No, you are good.

Montoya: I apologize again. Any other questions?

Simison: Thank you.

Montoya: Thank you all for your time.

Johnson: Mr. Mayor, next is Corey --

Montoya: I just wanted to add very quickly I'm not against development. Okay? I'm just against overdevelopment.

Johnson: Mr. Mayor, Corey Bowman.

Bowman: This is also my first City Council meeting, so, please, bear with me. Cory Bowman. I live at 535 East Lockhart Lane. So, it would be the property immediately to the west of the development. Let me say I'm not against development either at all. I just am against the R-8 zoning for the reasons that Mr. Montoya just said. So, I wanted to make a point. I attended the Planning and Zoning meeting back on January the 6th and I would encourage you to go watch that, because every single member of that volunteer committee was against this project in its then current form. The -- the things that were said -- and if you watch it there was quite a few comments made. Lack of common area. Open space. Lack of amenities. Those were -- I would say the two primary concerns. One council member said it looks like this proposal was done -- I'm quoting. It looks like this proposal was done to maximize investment with little regard for open space or the surrounding neighborhoods, which, of course, I agree with completely. There has been zero discussion with any of the neighbors that I'm aware of, either in our little neighborhood called Birkdale or in Saguaro Canyon or on the other side. I'm not sure what that one is called. There is just -- there has been no communication. So, I want to make that point, too. So, you might say, well, why are we here? Why are we here, then, if Planning and Zoning killed it? Mr. Homan stood in front of the committee and basically begged and they said, look, we are not going to approve this like this and he said, look, I have got these financial contracts, I have got these obligations, you know, I have to have an answer and so the chairwoman finally said, well, look, we are not going to approve this as -- we would approve this as R-4, because it is in -- it's more consistent with all the neighborhood around and the wishes of every single neighbor on the three sides. Okay. And he said, no, I can't wait. I got to take it directly to the commission and here we are. So, I would -- I think my request here is that we send this back to Planning and Zoning, so that they can see the revisions, so they can see and, hopefully, have their concerns with this mitigated, because there is -- there is a -- there is a lot of folks that live in Saguaro Canyon, there is a lot of folks that live in Birkdale, and we want to make sure that this is right for -- for everybody. Okay? So, I think that's it. Thank you.

Simison: Thank you. Council, any questions?

Johnson: Mr. Mayor, next is Rob Scarratt.

Scarratt: Mr. Mayor, Council, my name is Rob Scarratt. I live at 6075 North Claret Cup Way, Meridian, Idaho. Also a first timer. Member of the Birkdale Subdivision. Hard act to follow those two guys. But, anyways, I just got a couple things. I want to kind of hit what Cory said, that we kind of feel left out. We really never had any meetings per se with the developer. We live in the R-2 neighborhood right on the west side of this subdivision. Traffic is going to be a huge concern, which I don't even think has been addressed. Claret Cup Way starts the last stop sign on Claret Cup Way going northbound is -- I think it's Segundo Street and that's going to shoot right through our neighborhood until the cars turn on Lockhart and go right in that way. Speed limit is 25. I live on Claret Cup and cars usually blast through there, because they are lost. They think they can get

out on Lockhart. They are going about 40 miles an hour. Right now we have about 45 kids that live in the Birkdale Subdivision and our pool is on the southwest corner of Rio Colinas and Claret Cup. The kids have to cross the street there. I have kids. Everybody else has kids that's going to be coming up and talking to you guys. So, my major concern is the R-8 zoning is going to increase a lot of traffic. I'm not -- I'm not in favor of the R-8. The R-4 I am in favor of, but things got to be done correctly. A lot of like -- I like things to be safe. There is a lot of kids, like I said, and our play area is over there, our pool is over there and I'm really worried about kids crossing the street. With our R-2 to that we are in right now it's an open area, the kids think they can go outside and play, but with the impact of traffic we need to slow it down. So, I would like ask help on that thought and consideration and maybe getting together and talking about that to slow the traffic down and that's all I have.

Simison: Thank you. Council, any questions?

Scarratt: And that -- the four way stop I would be talking about Rio Colinas and Claret Cup there, just to slow the traffic down on that northbound area. And I'm sure all the other neighbors are worried about traffic as well, but -- thank you.

Simison: Thank you.

Johnson: Mr. Mayor, we have Mike Homan signed in.

Homan: Mike Homan. 6820 West Randolph Drive, Boise, Idaho. 83709. We had a neighborhood meeting and met with the neighbors. We listened to Planning and Zoning's concern. We had a meeting -- a neighborhood meeting and met with the neighbors. Then with Planning and Zoning. We took all their comments and we dropped two lots to the south, which now those lots are over a hundred feet wide and to line up the lot sizes. Then to the east is an R-8 zone. We matched the lot lines up there. Then to the north we have a church and, you know, in the future, if that's not a church it could be multi-family or something like that and, then, we pretty much match the lots to the west and, then, on the common area we put more common area in. We stepped up the amenities. We put a bocce court. We put a walking path around the perimeter. This was a difficult in-fill piece of property. We had a big 36 inch pipe ditch that needs to run through it. So, we were able to move it to the exterior and -- and have it work as a path, too. So, I just want to let you know we made it -- put a lot of effort into this development to make it work and it's a difficult site being an in-fill. But that's the only thing I wanted to add to it.

Simison: Thank you.

Homan: Questions? Council, I assume we save the questions for the applicant closing. Okay.

Johnson: Mr. Mayor, next is Mark Cleverley.

Cleverley: Mr. Mayor, Council Members, it's not my first time. I wish it was, but -- I wanted to stand and I --

Simison: Mike, state your name and address for the record.

Cleverley: Oh, sorry. Mark Cleverley. 528 East Rio Colinas Court, Meridian, Idaho. So, I also live just to the west of the property. I wasn't planning on being here, but I feel like I need to. So, I also -- I developed Birkdale Estates, which is right next door, and I understand in-fill. We also had a lot of issues with in-fill when we developed the ten acres right next door and I will tell you we had a lot of issues, but we also went and met with most of the neighbors and got their input. We did have a Zoom call with Mike probably -- it was several months ago. Maybe even a year ago. And Mike didn't really listen to us. He says he does, but he didn't listen to the thoughts that we had, the concerns we had. Our concerns are we want R-2, R-4 in this -- in this area. We believe in Meridian. We believe that this needs to be consistent with what has been approved over this area already. Sure, there is R-8 right next door, but there is also R-4, there is also R-2. Majority of it. I would say most of it. And I would welcome the opportunity to meet with Mr. Homan as a neighbor and as a resident of Meridian for a long time and give him my thoughts and give him my input and try to help him in his development. I just think you need -- I would love for you guys to listen to the neighbors, the residents of Meridian, and not the developer from Boise and with that I will stand for questions.

Simison: Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Real quick. Do you know what the density is down to right now with the changes that -- that have been made? How many dwelling units per acre?

Cleverley: Yeah. I mean if you look at the -- you -- I'm looking at this for the first time. One of my issues is there is a home that's consistent -- that's there right now that takes a lot of the land. You look at the postage size stamp lots right there, there is a -- there is a few in the bottom it looks like that I would love to see more of those that are on the south side. If you look up north and on the east side -- and I just -- I can't -- I can't get behind that. I can't -- I don't like those -- those small tiny lots. I would love to see more of those -- those lots on the south side.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Councilman Hoaglund, do you want to keep asking? That -- did you have an opportunity to share your thoughts during our comp plan process a couple of years ago when -- when that was designated as a future R-8 location?

Cleverley: No, I didn't.

Perreault: Just curious if any of -- I don't know what -- when your development was completed. I just didn't know if --

Cleverley: Yeah. Birkdale was done probably six years ago.

Perreault: Okay. I believe the gross density is currently four now?

Simison: Council, any additional questions? Thank you.

Cleverley: Thanks.

Johnson: Mr. Mayor, next is Shane Kenworthy.

Simison: State your name and address for the record, please.

Kenworthy: Shane Kenworthy. 443 East Lockhart Lane, Meridian. I'm a first timer as well, Mr. Mayor and Council Members. You know, I have attended the zoning meeting. I attended the last board meeting. I'm here again tonight. I have yet to hear anyone other than the developer in favor of this plan. So, I would love -- I'm very pro development. I would love to be the first one to stand up in front of you and say I support this. I have several concerns. One, you have heard my neighbors, you have heard both in Saguaro and Birkdale raise concerns about the density. I do understand that there has been some reduction. One of the questions I guess I have for you guys is if that one acre lot that's in there now is sold what happens? Can they rezone -- if it's R-8 can they take that one acre and make it into eight different lots? That significantly changes how our neighborhood looks. The second concern I have is watching the quality and the interactions that the developer has with the neighbors with -- or the lack of involvement with the -- with the neighbors. I know he met with Mark. I was not aware of that notice. I -- most of my other neighbors we are not -- were not part of that Zoom call. Watching the back and forth -- the signs weren't up -- in the neighborhoods weren't up. He didn't listen to recommendations from other groups and keeps having to come back. It makes me seriously worried about the quality of the development that's going to go in there and what I'm going to have in my neighbors -- for -- as neighbors. Not -- not the people, but the quality of the development. And, then, the last point is I am worried about the traffic. I think in the previous meeting you guys mentioned that the -- I mean I forget what the name of the road is that goes out to Chinden -- is going to be a right turn only and so living on Lockhart I expect that all of the traffic in the neighborhood that has to turn left is going to go through Lockhart out to Meridian, so that they can go left and I'm extremely worried about that traffic, especially with my kids and my neighbor's kids in that neighborhood. Thank you.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I just want to make sure I'm -- I'm hearing correctly and I assume that all the testimony so far is pretty similar. So, it's not so much the -- the look of the denser housing, because the densest part is going to be on the east and the north, which is not on the west side. It's traffic concerns and in quality concerns, which -- which Council has no control over the --

Kenworthy: Yes.

Perreault: -- quality concern per se. So, can you help clarify it? Because I understand when -- when folks come before us and they say we have concerns about density, we -- having you elaborate is really helpful, because everybody has a different understanding of what density is or how it might affect them.

Kenworthy: If you look at Lockhart Lane right here near the top, when I look out my window I'm going to see all the postage stamp homes right there on the north side. Right? That's pretty dense. Yes, the -- there is that one acre lot next to Mr. Bowman's house that is still going to be there that lowers the density quite a bit, but you still have a very high density on that north side and that -- that's what my neighbors and I are going to be looking at. As well as the traffic and those concerns. If I could -- if you could help me understand what happens with that one acre lot if it sells I would appreciate it.

Simison: Bill or Alan?

Tiefenbach: Alan Tiefenbach. So, there will be a development agreement. This will be a plat. The -- exactly what is approved here is what can be done. The only way that you would be able to subdivide that lot would be to come back in front of you for a public hearing.

Johnson: Mr. Mayor, that was the final sign up in advance.

Simison: Okay. If there is anybody else present that would like to provide testimony on this item, either online or in person, if you would like to either come forward at this time or use the raise your hand feature on Zoom. And I'm not seeing anybody on Zoom, so --

Scarratt: Rob Scarratt. I just had one more question and this might -- this might be Alan's question. I was just reading through the agenda. Page four of the agenda on the notification process. It says specifically that mailing notifications must be mailed out to all properties within 300 feet. The City of Meridian rule -- I don't if rule -- that's a bad -- bad choice of words -- is 500 feet. So, Alan, why does that say that on page four in the agenda that says the mailing notification must be a 300 foot radius? The City of Meridian requires 500 feet. Just a final question. Thank you.

Tiefenbach: Let me double check, but it was 500 and if that's in there, then, that was just clearly a typo.

Scarratt: Well, if you look at the other agendas they also say 300 feet. Go down to another agenda of another thing that's going to be happening today. It says 300 as well.

Tiefenbach: Let me take a look at the staff report here.

Simison: Mr. Clerk, can you confirm --

Johnson: I'm not sure what agenda we are referring to. The agenda is three pages, so I'm not sure what --

Simison: I don't think we are talking about with the published agenda, I think we are looking at a different document that Alan --

Tiefenbach: Oh, yeah. It's -- Alan Tiefenbach. Yeah. I understand what he's saying. The -- the table on the staff report still says 300 feet, because that's what it was. It hasn't been changed. That's a -- that's a typo. Five hundred feet was mailed.

Scarratt: Okay. But it's -- it's on every other one as well. So, if it's a typo on that one, so is it a type one everything? I don't know. I'm just --

Tiefenbach: Again, it's a template. It should have been changed.

Simison: We will change the template, but the 500 feet -- every home within -- every property within 500 feet was mailed.

Scarratt: Can you prove that?

Simison: Yes, we can.

Tiefenbach: Actually, yes, I could. I have got an Excel spreadsheet and the map and this is all provided to the city attorney.

Scarratt: Just want to make sure things are done correctly. Thank you.

Simison: Thanks. Is there anybody that would like to provide public testimony on this item? Then I will invite the applicant to come up for final comments.

Canning: Thank you, Mayor. Excuse me. Joe Canning. And, again, just a few summary comments. It's already been pointed out that the comp plan for this area is R-8. Our density is actually very close to R-4. I think that's important to point out and I think that's -- a lot of that's because we have tried to incorporate transition lots to kind of match higher density in the northeast. As you head to the west and the south, then, the density becomes less and that's because of the adjoining developments. There was a comment

on traffic. This is an unusual site. There is actually three stub streets that are available to it. A lot of times we don't have that much to work with, so that's actually an unusual situation. This project is going to generate, what, 350 vehicle trips per day, somewhere in that range, over three stub streets into the property, that's fairly low use for those adjoining roads and I just wanted to point out that the comp plan to the north for the church property is a much more intense projection for that -- that land. We wouldn't be surprised if that redeveloped at some point in time or developed in the rear and that would probably come in as an R-15 or higher with commercial probably on the front. So, I think -- I think from a land use perspective this project makes sense. It's a good transition fit to the property to the east. Is a good -- a good fit to the property to the south. It's really a good fit to the property to the west and it will be I think a good fit to the property to the north when it develops. Really, that's all -- all I really have to say. I'm more than happy to answer any other questions.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I had a question for Alan. I just wanted to follow up on that to see if we are still at the 4.1 dwelling units per acre on this development. Do you remember that discussion with the applicant, you know, why don't you go for R-4 at that point and he didn't want to do that, but --

Tiefenbach: I would certainly defer to the applicant. I was actually just -- I'm going to kind of come around your question in a different way. I was actually just fiddling around and do some preliminary math while this whole discussion was taking place. The R-4 requires 8,000 square foot. That's the minimum lot size. If you were to require 15 percent open space, which was required under R-4, take ten -- ten acres, subtract 1.5, that's roughly 15 percent, divided by 8,000, that roughly comes up to be about 45. Now, that's leaving aside roads and all that stuff, but what I'm saying is just using the math under -- under R-4 you could probably actually fit more lots in here. Why did the applicant want to go with R-8? Probably for the setbacks. I would defer that to the applicant. But under R-4 you have to have some wider lot sizes and things like that, but you would get a very comparable density.

Hoaglund: Thank you, Alan.

Simison: I'm going to let Council -- if they want to take further comments we will -- we will come back to that.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I didn't expect that answer, Alan. I thought the dimensional standards that came with an R-4 would require several lots to be removed. I mean your -- your street frontage --

Tiefenbach: It's -- that's -- that's true. It's very -- it's very difficult for me to just design this on the fly. That would be -- really would be the limiting factor would be the -- the size of the street frontage, which I just had it open a second ago. I can't -- I can't -- I don't want to speculate right now. Yeah. It's a physical design issue. But what I'm saying is just based on pure numbers it works out to be very comparable. I think that and what I said earlier, I think probably the reason why the applicant wanted to go to R-8 was probably for the lot frontages. But I would defer to him on that. I can't design it at my desk on my head. I can just punch some numbers in and look at what the densities are.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Alan, in that calculation were you removing the existing home and that -- I don't know what the size of that lot is. Maybe a half acre or something. An acre. Were you removing that from your calculation when you -- you started with ten acres, but did you take out the existing home and --

Tiefenbach: No, I did not.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: There is one comment I wanted to address and that's for in-fill development. We -- I -- I don't recall anybody, when there is an in-fill development, ever welcoming in-fill development. They always want something else done. I mean that's just -- we have had many, many, many -- we are getting more mature community where we have in-fill and it's -- there it is always opposition to that. So, it's -- that's, you know, something that we have to deal with. We have to look at our comp plan, what -- what was it that we say is -- we want to see our city grow, we want a diversity of housing. You know, it -- I would love for Meridian -- I live in R-2. I couldn't afford where I live now and things have changed because of how our city has grown, price structure has changed. We -- we want a mix of housing. We want diversity of housing. Young people can't afford what I live in now when they are starting out, but we want nice housing we want to have open space. We want to have pathways. We put in the standards, so that no matter what comes in it -- it is something that is still very -- very nice and that's just one of the comments I wanted to say. Also to point out that denial by Planning and Zoning Commission doesn't -- in fact Commissioner McCarvel -- I went back through the minutes and found it, because I remember his comment. He said a denial doesn't mean that you don't have a chance to work with it. It gives City Council our thoughts and definitely you would have a chance to fix it to move on and that's what we have quite common. If someone gets a denial they

don't want to have a denial going to City Council say, no, we stand -- it's going to stay the same -- they come to us and say, okay, here is how we changed it, here is how we fixed it. Do you agree? So, that's -- that's on us to say, okay, is that enough? Does it meet the standards that the city has set out? Does it meet our comp plan? Does it meet transportation requirements and all those things. So, I just wanted to speak to those, because those were raised that -- that's -- that's how the process works. Everyone talks about this is not -- and it's not -- the business of government is not something you are involved with every day, but just to give you the lay of the land of what we deal with on -- on a regular basis that -- it's not unusual for us to have these types of things come and have everyone opposed and -- except for the developer and to have -- have things moved around and changed to fit better with what they have heard, so --

Simison: Yes, Alan.

Tiefenbach: Just to answer Mr. Borton's question. The density coming in here was 4.1. Where we are at right now is 3.58.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I appreciate Councilman Hoaglund sharing that. I was thinking along the same lines in -- in regard to in-fill projects. So, thank you for that. I'm kind of sitting here trying to balance what we have heard this evening with what the applicant has presented and I'm struggling a little bit because we typically have two neighborhood meetings, which is my understanding that those happened and we should have record of those. There is a Planning and Zoning meeting and there has been two City Council meetings. So, there has been plenty of opportunity for the community to ask questions, you know, call the city and ask if they can get connected with the developer directly. You know, contact city staff. This has -- this has been going on for several months. So, I think I'm kind of struggling with coming to this last meeting and saying, you know, we were completely unaware, we didn't know and why didn't we get a chance to say anything and so I'm not saying that that isn't true, but I'm just trying to balance that with the applicant who has, from what I can tell, basically done nearly every request that has been made of them, including taking out a couple of really significant lots in the south side and to -- to try to find that -- to be understanding of our public and the community, but also look at an application that, as far as in-fill projects go, I don't know if I have ever seen one where they matched up the lot lines exactly with a neighboring -- with three different zones. It's just almost impossible to do so. That's a pleasant surprise.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, just to add to the record. So, in the staff report I mean it does list all the dates of both noticing and, yes, as Planning does need to fix their template, but the notices

are sent to the 500 foot as required by ordinance. The signs -- it was a defective sign. We required the new sign be posted for tonight's meeting. And the purpose of notice, just for the record, is to make sure you get to come here and tell your -- your three minutes of what you feel. People have done that. They have been at the Planning and Zoning Commission meeting, because they got notices and saw notices. They are here for the same reason tonight and they were at the last one. So, the noticing issue is not an issue in my mind. This is noticed properly. We have corrected notices as needed. Notices went out and people had the opportunity to be heard. That's all the noticing is required. So, that has been done. So, that is not an issue from a legal perspective to me.

Simison: Thank you. Just so you know, sir, if I let you come back up and talk, then, the applicant comes back up. If the Council wants more information I'm happy to do that, but I just want to let them continue to talk this out, because I know you are interested in speaking again. I want to make sure you guys get -- are you done? Would you like to hear from one more person? Okay. Sir, if you would like to come back up and, then, the applicant will get one -- be given one final opportunity.

Montoya: Yes. Marvin Montoya. 484 East Lockhart Lane. I just a -- couple of observations and comments -- and I understand that you all have the final say. Okay? I don't question that. But if the Planning and Zoning says R-4 and your own Clerk says R-4 and supposedly R-4 would suffice, why are you approving R-8? That does not make logical sense if you think about it for just a second. Second of all, no one in my subdivision, other than Mark, ever spoke to the developer. He never had a meeting with the people in the subdivision. So, that's -- has he indicated he did? He didn't. So, for whatever that's worth I just thought those should be clarified. Thank you very much.

Simison: Thank you. Would the applicant like to make any additional comments?

Canning: Mr. Mayor, Members of the Council, not really, but I just want to point out again the comp plan for this property is R-8. If we did an R-4 we would not match particularly the lots that are on the east side of the property. We really worked hard to make those lots transition properly across this site. We think we have succeeded and, to tell you the truth, it is difficult to do. So, really, that's all I have to add. Thank you.

Simison: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: One question for Alan. If my recollection serves -- but I could be wrong -- that you can come in with an R-8 and go lower, you can't go higher. So, if they had gone R-4 and had increased density you can't -- you can't go in that direction; correct?

Tiefenbach: Mr. Hoaglund, Members of the Council, it comes down to lot frontages and minimum lot size. That's where -- it's really a design issue. If you go with R-4 you have

to have 8,000 square foot lots and 60 foot frontages. Did I say R-8? If you have to go with R-8 you have to -- sorry. If you go with R-8 you have to have 4,000 square foot lots and 40 foot frontages. If you want to go with R-4, then, you have to have 8,000 square foot lots and 60 foot frontages. It's a design issue.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, Council Member Hoaglund, also to add to your question, generally the decision on renoticing is driven by the number of lots that are being proposed. So, if the lots increase -- the number of lots increase, then, we would require renoticing. But the zone necessarily is merely a request. Since this is an annexation, the Council has the ability to choose the zone they wish.

Borton: Mr. Mayor?

Simison: Mr. Borton.

Borton: Move we close the public hearing on H-2021-0083.

Perreault: Second.

Simison: I have a motion and a second to close the public hearing. 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: FOUR AYES. TWO ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: It's time I think to act on this application. It's been heard before us before and at P&Z, so we have had some good discussion. I think the staff report and the public comment prior to today and through today has been extremely helpful. I think the neighbors have provided great constructive change and probably being as active as they have has made this project much better in a lot of ways. For me it's been remarked, rightfully so, that it's -- we say code compliant, but it starts off meeting -- this parcel being in the comp plan as medium density residential designation tells everybody, for better or for worse, that it's intended to have this certain spectrum of zones applied to it. So, we all know that going into it and this application, whether it's R-8 or R-4 is consistent with that intent and that's what we try to do is we try to be consistent with that comp plan and our long-term planning for -- for a particular project. Council Member Hoaglund is spot on, understandably so. In-fill is tough and the amount of public input we get is much higher. But, frankly, when done well it makes projects better, because we have the voice of those

adjacent property owners, even if there is tensions and difficulty in that. I think this is one of those cases. I think the neighborhood has rightfully raised concerns that have made this project better and -- and perhaps certainly not perfect, but we have not yet found an in-fill that satisfies everybody. It's just difficult. So, for me some of the considerations that I looked at in deciding this and in weighing the public comment and the applicant's presentation and our staff's great work on this, is the way that it's -- it's addressed the concerns from P&Z back on January 2nd with a recommendation of denial and direction to the applicant to make some very pointed changes and improvements. Sometimes, rarely, an applicant will refuse to do so and come to Council and, then, they are often met with the same result. We take the direction from P&Z very seriously and their recommendations and I think good applicants do, too. So, in this case what I saw that was compelling was those properties to the south and east, to a large degree, tried to blend some transition, designing those lots in a manner that would be consistent with R-4 dimensional standards, trying to ease that transition, which is what we always try to encourage -- to the east that, obviously, was utilized in some of those adjacent -- or similar lot lines and R-8 allows you to do that. So, that, coupled with what will be four entrances and exits to this project, noting that to the north I think is mixed use community in the comp plan. I believe it is. Which has a much more intense intent long term with what's going to be on the north. Mixed use community. So, all of that to say that you have got an application that's created some transition that's matched lot lines that can utilize four different entrance and exit points I think can disperse traffic successfully for a relatively small challenging in-fill project and that the ultimate lot count is at or very similar to the lot count you would have designed a different way, even if it was zoned R-4, you would have the same number of properties -- approximately the same number of traffic, et cetera. So, for me those are all the considerations that -- that make me appreciate all of the input of the neighbors and I think the pressure to have it right procedurally, noticing, et cetera, as well as substantively makes a big deal. So, I appreciate all that good work. I think the neighborhood made this better -- for those that -- that's just some of the context and explanation of why I'm supportive of the project in its current condition and if the applicant hadn't made these changes I wouldn't have been there. So, I think that happens because of good public input, as well as staff direction.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm always in awe of how well Councilman Borton explains his thoughts. Every meeting. And I don't have anything else to add. I agree with him.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: With that explanation I will make a motion and see where it goes. I'm going to move that we approve H-2021-0083 consistent with the staff report of April 5th, 2022.

Perreault: Second.

Borton: I don't believe there were any unresolved items. Looking at Alan.

Simison: I have a motion and a second. So, we have a question for Alan?

Borton: I was just making sure. I don't -- I didn't have any notes of unresolved items. I think all of the conditions -- perhaps there are --

Tiefenbach: Yeah. Mr. Borton, Members of the Council, the conditions of approval were stricken originally because the Planning Commission recommended denial. So, it would be unstriking them -- I think it's probably -- I think it might be important that you clarify that the subdivision plat that's being approved was the one that was provided today in public testimony, since they have changed so many times.

Borton: So noted, Mr. Mayor. The motion does include that subdivision plat present today.

Hoaglund: And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: A question that also the Findings of Fact, Conclusions of Law, that will be a separate -- separate motion; correct?

Simison: So, does the second agree with Mr. Borton's comments as described by Alan in terms of this map?

Perreault: Yes, Mr. Mayor.

Simison: Okay.

Perreault: Second agrees.

Simison: Yes, Alan.

Tiefenbach: One more thing, since we are talking about the unstriking thing. Originally staff recommended that the lot lines on the east align exactly with the lot lines next door. The Planning Commission did not agree with -- with that particular one. I wanted to make sure that if the Council was approving this that they were also saying they were okay with that condition being stricken from staff's conditions of approval. Does that make sense?

Simison: Councilman Borton.

Borton: -- that the lot lines would be as presented.

Tiefenbach: Okay. Okay.

Borton: -- on the plat, so they don't exactly match.

Tiefenbach: Thank you. I just needed that clarification, sir.

Simison: All right. We have a motion and a second. Is there any further discussion? Mr. Nary?

Nary: Just -- just one last item. So, we will take the unstricken findings from Alan, attach those to a development agreement. That will come back to you in two weeks with the findings finalized from what Alan just stated, with the new map attached, so you know what you will get next.

Simison: All right. So, with that Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**8. Findings of Fact, Conclusions of Law Continued from March 15, 2022 for Friendship Subdivision (H-2021-0083) by Mike Homan, Located Near the Southeast Corner of N. Meridian Rd. and E. Chinden Blvd.**

Simison: So, next item up is Item 8, which is related to Item 7 -- Item 7, the Findings of Fact, Conclusions of Law continued from March 15th. Mr. Nary.

Nary: Mr. Mayor, Members of Council, Alan looks perplexed. When we talked about this back in -- whenever it was -- February, they had asked to move them up together if possible to sort of accelerate the process, because of the delay. So, that was the intention was to bring the findings now, knowing what the findings would likely be and that's kind of where we were, but you don't have a clean copy. We can do the findings -- if the Council is fine with the findings as we just talked about 30 seconds ago, we can do the findings and the development agreement together to not cause delay either and that way you have clean findings, clean attached -- findings to the development agreement, a signed development agreement in two weeks and so you can delay this one if your preference is to do that.

Simison: Yes, Alan?

Tiefenbach: Mr. Mayor, Members of the Council, I think that would be a better approach. There has just been so many different revisions and so much discussion I think it probably would be better to get the exhibit attached to the findings correct.

Nary: And that will not cause any delay in the timing of it. So, that will still be the same.

Borton: Mr. Mayor, move we continue Item 8, the Findings of Fact as referenced in H-2021-0083 for two weeks to marry up with the previous application.

Perreault: Mr. Mayor, I second that motion.

Simison: I have a motion and a second to move this item for two weeks. 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: FOUR AYES. TWO ABSENT.

**9. Public Hearing Continued from March 15, 2022 for Jamestown Ranch Subdivision (H-2021-0074) by Walsh Group, LLC, Located Near the Southeast Corner of the N. Black Cat and W. McMillan Rd. Intersection at 4023 W. McMillan Rd. and parcels S0434223150, S0434212970, S0434212965, and S0434212920.**

- A. Request: Annexation and Zoning of 80 acres of land with a R-8 zoning district.
- B. Request: A Preliminary Plat consisting of 294 building lots and 25 common lots.

Simison: Council, do we want to take a break before going to the last one or what's your pleasure? All right. Then we will keep going. Next up is Item 9, a public hearing continued from March 15th, 2022, for Jamestown Ranch Subdivision. We will continue this public hearing with staff comments.

Tiefenbach: Thank you, Mr. Mayor, Members of the Council. This is an annexation with the R-8 zoning district and the preliminary plat to allow 293 building lots on approximately 80 acres of land. Again this site consists of 80 acres of land, zoned RUT. It's located at the southeast corner of the North Black Cat-West McMillan intersection. The Comprehensive Plan designates this for medium density residential, three to eight dwelling units per acre. This is an annexation, again, with the R-8 zoned district to allow 293 building lots. There were originally 294 proposed. There are presently two single family residences on the property. There is one here on the corner northeast and the other one is more towards the center. That one is going towards the center along McMillan. That one is going to go away. The proposed project has a gross density of 3.6 dwelling units per acre, which is pretty much on the bottom of what the density range is. Minimum lot size here is listed as 4,900 square feet. Very comparable sizes to the adjacent subdivisions. This subdivision proposes five points of access. So, there is one, two, three, four, five. The primary access will be a collector feed off of McMillan, which you can see here. This is about midway through east and west -- midway between the

property lines and it makes an S curve, which you can kind of see here. This would be a collector. The other three accesses would be local streets. One is a western access which aligns to West Quintail. There is an eastern access which connects to the Volterra Heights Subdivision and there is a southern access, which connects to the Quartet Subdivision No. 2. North Great Lakes -- North Grand Lakes Way, which is the collector, does not align with North Joy Street. North Joy Street is -- if you can see my little arrow it's kind of up here. Generally we like to have collectors align. This is how it was shown on the ACHD master street map. However, instead, it's offset about -- just a little shy of a thousand feet. So, instead of being -- I don't know if you can see my pointer. Instead of being here, it's been pushed over to here. The reason why, according to the applicant, is that there is utility poles and there is a lateral and some other geographic constraints, which makes it difficult for them to do that. So, this was the most logical location. ACHD did not have any issues. They looked at this and they said they could go either way with this depending on what the will of the Council would be. There would be ten foot wide pathways along North Black Cat Road and North McMillan. This proposes 15.6 percent open space. Originally it was at about 14.5. The open space has gone up since the time of the Planning Commission. There are four amenities that are proposed. Two large parks, each that has a clubhouse and a pool. And because these parks exceed the 20,000 square foot in excess, they are actually also considered additional amenities. There is a pickleball court and pocket parks. There is additional pathways that aren't required and, then, there is an additional five percent beyond the required at the time that this was reviewed ten percent. There was numerous -- numerous building elevations were submitted. Our only comments on this were to add a requirement for enhanced architecture along West McMillan. A very standard comment about having to have several different types of materials and articulation to look better from the main streets. At the November 18th Planning Commission, the Planning Commission continued this application. The reason why is that ACHD had -- first of all, ACHD had not yet submitted their analysis of the staff report. They wanted the -- the applicant to -- to consider reducing the number of common driveways. The original version had 11 of them. This has been reduced by five. They -- again they wanted to look at the ACHD report. They wanted the applicant to talk to ACHD about whether they could align that northern collector with Joy Street. The applicants across the street had some concerns with that. They also wanted them to consider doing some realignment of the micro pathways, so there was easier resident access. This is the most recent plat that you see here. I received this I believe yesterday. This is called out here, but basically what this does is it adds five knuckles, which eliminates five of those common drives. It adds pedestrian pathways. It might not be real easy to see, but between these common drives this is one of staff's earlier comments is we wanted to see this connected together, so that somebody here could walk to the other side without having to go all around this roundabout way through the road. So, they have connected all of these common drives. They have done some minor road adjustments. They removed a residential lot and added a little more common open space. Again, they have added some pedestrian access and, again, the open space has increased from 14 and a half to about 15 and a half, which has reduced the lots from 294 to 293. Since the time -- so, when the Planning Commission continued this -- again, we did not have an ACHD staff report. ACHD, then, did submit their -- their staff report. What their staff report said was that West McMillan Road from the site to Ten Mile -- so, to the

east -- would operate at a level of service F when this development occurred. McMillan that -- the applicant's traffic study actually recommended expanding McMillan to five lanes and ACHD said that's not going to happen, it's only going to be three lanes. They have also said that the intersection of West McMillan and North Black Cat is scheduled for a traffic signal in 2022. North Black Cat is listed to be widened to five lanes between 2031 and 2035. The applicant's going to have to build a westbound left turn lane and, as I said earlier, ACHD supported either alignment with -- whether they wanted to keep the collector in the middle or whether they wanted to align it with Joy Street. At this time, following the ACHD staff report new updates, the Planning Commission moved to deny this case. Their concerns were the timing of improvements, the existing level of service and the effect that it would have on McMillan, the age of the traffic study and that they thought that there was too many lots on this subdivision. Staff has received several letters of written testimony. A few of them were from Mike Wardle from Brighton. He originally had some concerns about the alignment of the collector, but after discussing why the collector was designed as it was he was okay. I have received several letters from Michael and Rachelle Watts. They are the property owners that live to the north. That collector would be lining directly up with their house. I'm pretty sure that they are here this evening and with that I would stand for any questions or comments, Council.

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

Koeckeritz: Good evening, Mayor and Council. I am Elizabeth Koeckeritz, 601 West Bannock. I'm with Givens Pursley representing the applicant tonight. We are really excited to be here and we really appreciate the opportunity to present this Jamestown Ranch project to you. First just to start out I would like to introduce you to the development team, the Walsh Group. Ron and Nick Walsh. It's a husband-son development team. They have been in the valley for a long period of time. Nick was born and raised here. They have done over 30 developments in the Treasure Valley region and most recently in Meridian they completed the Village Bungalows near the corner of Ustick and Eagle Road, which is a 55 plus community. Tonight we are requesting Council approval for annexation. I can't read -- rezone and a preliminary plat for the Jamestown Ranch Subdivision. It's an 80.3 acre site located at the southeast corner of McMillan Road and Black Cat. Jamestown Ranch -- one of the things that's really pretty cool about this development is that it is offering intergenerational living options within the community. There is going to be a single family detached home community, but within that there is a market rate community with 228 homes and, then, there will be an age restricted community with 65 homes. There is a big mix of lot sizes with some smaller alley loaded lots and some larger lots -- larger lots on the south with the average lot size is 6,918 square feet, which we feel like is a really good fit for this area, which has been designated as a high priority designated area here in Meridian. As Alan mentioned, the comp plan has the site designated for three to eight units per acre. We are requesting R-8 zoning with the density of 3.65 per acre. This is consistent with the comp plan and all of the surrounding developments. Where do I go? Oh. Yes, please. Okay. Thank you. So, open space -- actually, our open space has gone up significantly even since we last spoke and we are e-mailing back and forth with the planning staff, because after looking at this

and talking to the landscape engineers and looking at the city code a little more, a lot of the open space, which is along the canals, the area bordering the McMillan and Black Cat, that actually does qualify for open space and so now we are looking at almost 20 percent of the property -- actually it is slightly over 20 percent of the property. Sixteen acres is qualified open space. The market rate community, which you can see here in green, is at 20.3 percent open space. The amenities are a clubhouse, pool, a large central park, many more pathways and parks and there will be a playground, but that location is still yet to be determined. The age restricted community, which is in blue, has 18.4 percent open space. It also has a clubhouse, pool, pickleball, and a large central park and walking paths. So, overall the space for this development is 20 percent and it's right at 16 acres and when you add up the qualified -- the green and the yellow of the qualified and the nonqualified of where the different canals are where there is going to be different areas to walk and just some large open spaces, almost ten percent of the property is included right there. That is eight acres of really nice frontage improvements along those roads. So, we did receive feedback from planning staff, from neighbor meetings, from Planning and Zoning Commission and we have made some really -- some upgrades to this development, which I really think really improve the overall -- really taking into account the different changes that were requested and I think this makes for a really nice development. We will go through each of these, but we did remove five common drives, added five micro paths, added two parks, added four bulb outs. The clubhouse parking has been modified. There were three multi-use pathways added, wide ones, and the frontage along McMillan was also modified. So, first, we removed the five common drives and you can see where those were removed in the -- and they were replaced with knuckles in the sort of gray navy locations and so we replaced those ones with knuckles. We did decide seven common drives were kept, where they are located on yellow, but they were redesigned -- most of them were redesigned to really improve the community -- to improve their use. Of the seven remaining common drives, four of them now include some of the micro paths on their own common lot. This really improved the connectivity between the different parcels. As you can see on the right these two common drives have pathways connecting with a path, landscaping, and an open fence and, then, on the left you can see the other three common drives. The remaining are really short and they all only serve two -- two homes per drive. Also because I feel like it's always a question that comes up, it will be signed no parking on these areas, so there won't be additional cars parking on the common drives. There were also five micro paths were added for that improved connect -- pedestrian connectivity. In the orange you can see the original one and, then, there are those new five ones. Some of them are with the common -- with the common drive. Some of them are new. But we feel like this really improves the walkability. So, where ever you are it's pretty easy to walk to the pool, to walk to the clubhouse, to walk out to the street. It really allows you to get to those larger ten foot multi-pathways on the connector and the arterials. Two additional parks were added as part of the redesign to try to make things work a little bit better. One is on the far eastern side, the end of Wheel Horse Street, and one is on the far western side at the end of Marla Way and Dr. Brunn Avenue. With that redesign and working with ACHD our roads were a little too long and a little too straight and so traffic bulb outs have been added in several locations. The addition of these bulb outs really enabled the development to also more clearly mark their pedestrian cross -- pathways, crosswalks, I apologize, and one of

the things you can also see here, which I think is a really nice, unique feature that adds some charm to this development is they are using permeable pavers for the local street and they did receive permission from ACHD to do that. The collector will be paved as a normal street, but these local roads will be the permeable pavers. Previously also in response to ACHD's reports, the parking for the clubhouses and the common areas was on the street. ACHD asked that that be taken off the streets, so it was not street parking and parking lots have been added. Also originally we had proposed the frontage along McMillan -- well, let's see here. We replaced the five foot sidewalks with ten foot ones along Black Cat and McMillan. We had originally proposed five foot sidewalks, but in looking at what ACHD had recommended as one of our mitigation options, one of our mitigation suggestions was to increase the ten foot pathway along McMillan -- increase that to ten feet, but, then, also in looking at it it just made sense to do the same thing along Black Cat, to really have that wider, more open space, that wider boulevard and, then, also there is a ten foot pathway along the collector on -- one side of the collector. And, then, also the McMillan frontage has been widened. It is now on an 80 foot wide common lot, which as you can see from this -- from this map here it allows for a 50 foot irrigation easement starting at the right of way. Then there is the ten foot multi-use path and, then, there is a 20 foot landscape buffer to the rear lot fence line and this Ten Mile -- this ten foot multi-use pathway along McMillan connects to the existing pathway at BridgeTower West and that's what you are really seeing here is that it's going to substantially mirror what you are looking at here, which is the BridgeTower West frontage. So, it will be the same sort of wide area. There are a few things that we would like to discuss briefly, just what our traffic improvements are, the phasing plan and we are requesting a canal tile waiver. There are a lot of traffic improvements planned in this area. This is, as everyone knows, a really rapidly developing area of Meridian. There is lots of traffic -- there is lots of traffic improvements planned. They are going to be done both by the development group and by others in this area. The first sort of most pressing -- or maybe not the most pressing, but the first thing that's on the set to be developed is over this summer that corner of McMillan and Black Cat is set to be -- have a traffic light installed in this summer or sometime in 2022 with a roundabout sometime in the future. The Quartet Subdivision to the south, there are going to be two -- going down Black Cat there is going to be two left turn lanes along there, which will also help alleviate traffic congestion. Where Black Cat fronts the Jamestown Ranch Subdivision, because of the subdivision across the street to the west, it's already been widened, so there is already that sort of center third turn lane. So, there is already a third turn lane -- the center lane to turn into Black Cat -- to turn into this -- to Jamestown Ranch off of Black Cat. Ustick, which is the street further to the south, is intended to be widened to five lanes by 2024 and, then, it's understood that ACHD believes they are receiving funding for additional Highway 16 improvements in this area, which also should help alleviate congestion in this area. Jamestown Ranch is going to do all of the mitigation recommendations that were recommended by ACHD. They are going to install a dedicated left turn lane into Jamestown Ranch off of McMillan, which really allows this area to operate as an arterial -- as a three lane arterial at this location. It gets the traffic out of the main path. They are going to widen the pavement 17 foot from the center line. Remove the two existing driveways. Install the ten foot multi-use pathway. And, then, the connector will connect from -- their collector will connect from McMillan to Quartet as it goes down through the

subdivision and, then, it ultimately will go out to Black Cat. Black Cat -- they are widening the pavement to 17 feet to the center line, where they are going to install the ten foot multi-use pathway and as I mentioned that turn lane is already existing there. Additionally, they have been asked to contribute to the McMillan and Black Cat pedestrian crossing features for the future roundabout that's still being developed right now, so it's not entirely sure what will -- what it's going to look like, but they are absolutely willing to do that and, then, at Ten Mile and McMillan they have been asked to install -- or provide money to install three inch yellow reflected sheeting to the existing signal black plate. I also think it's -- I would like to point out one other thing with the traffic improvements is the traffic on McMillan only operates at a level of service F during the peak p.m. hour. At all other times it operates -- maybe not at an A or a B level of service, but it's only at the F level of service during that peak shoulder hour -- during that peak hour and when you look at the shoulder hours it does operate within -- ACHD considers it operates within the bounds of what is acceptable. Additionally, the traffic study -- ACHD mentioned for the traffic study using 2018 numbers. The numbers were actually taken from -- traffic counts were performed in July of 2021 and October of 2021 and that is what was provided to ACHD. So, let's take a look at the phasing plan a little bit. They are intending on constructing Jamestown Ranch in three phases. Phase one, which is depicted in yellow, will have the 93 market lots and 65 age restricted lots, which is all of them. At that point during phase one all of the frontage along Black Cat will be improved, including the multi-use pathway and almost all of the path of the frontage on McMillan will be improved. I think it's about 85 percent of it. They will also be constructing during phase one the dedicated left-hand turn lane on McMillan, which will get people off of that main thoroughfare going back and forth along McMillan. Phase two depicted in red will construct the east and southeast portions of the subdivision and collect -- connect the collector to Quartet to the south and that connection -- if the timing all works that connection that aligns with the timing of Quartet's planned collector connection in their third phase. So, this should all be coming together at close to the same time. We will also be connecting to BridgeTower West and removing the access. Phase three is pretty small and self explanatory. Finally, we are requesting a waiver to open -- to leave the Lemp Canal open. This is what has been included all along. Almost all of the properties fronting McMillan are open in this area. The size of the canal requires a 60 inch pipe, which is a five foot pipe, which is huge. ACHD is fine with this. Staff has been fine with leaving this open. A waiver can be granted if it's used as linear open space and we are doing that in this case, considering this some of the linear open space and the waiver has been granted for the neighboring subdivisions and all the other subdivisions along here. They are intended -- well, they have tiled to side-by-side canals on Black Cat to make that road more easily -- more easy to open. Go through really fast --

Simison: Okay. If you can, please, wrap up.

Koeckeritz: Yep. We are in agreement with all the conditions of approval. We did include in a letter some minor modifications to two of the conditions as shown here, which were already provided to staff and so we respectfully request that Council approve this -- this application for the Jamestown Ranch annexation, rezone, and preliminary plat.

Simison: Thank you.

Koeckeritz: I will stand for questions.

Simison: Council, questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. First question has to do with those conditions of approval. So, you had -- first condition of approval. So, the phasing plan shows that most of what is going to be along McMillan will be in the first phase, so I'm trying to understand that modification.

Koeckeritz: Okay. So, the reason is that this house -- I will get there. The house -- if you see where the red is, that house is not -- if we were to go all the way across with the first phase that house would lose access to McMillan until we are able to develop the other road and connect through and out. So, they would no longer have any access and so that's why that one small section is being left until phase two, because the house that's remaining needs to have access to the road and that access will eventually be able to get out through San Vito Way as soon as phase two is commenced.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Sorry about that. Can you bring that condition up again on your slide? I don't know -- when I read it I didn't -- I didn't get that -- okay. Thank you.

Simison: Council, any additional questions? Councilman Borton.

Borton: Mr. Mayor. Excuse me. So, really big project, lots of units, and -- and a lot of understandable focus on McMillan and it being three lanes at best, but the amenities -- you referenced two clubhouses and pools. Do you have an image of those in your presentation? I saw them in the staff report, but --

Koeckeritz: Only in the staff report.

Borton: Okay.

Koeckeritz: Did not attach anymore to the -- we just have a few elevations in the presentation. We don't have the --

Borton: And it's on page 24 of the staff report. The reason I bring it up is it's somewhat unusual I think from what we would normally see is when we think of clubhouse and pool

and I would -- maybe I was looking at the wrong picture, but in the staff report I just -- I had made a note in prep -- a picture of -- it looks like a pool that's a big hot tub. A thousand square foot house and I thought perhaps that couldn't be it.

Koeckeritz: I know that --

Borton: Okay.

Koeckeritz: Council Member Borton, the smaller of the clubhouses is at least 1,600 feet and the -- which is in the -- age restricted. Thank you. In the age restricted area and the other one is larger. I know that.

Borton: We can circle back to it. It will be something I want to point out and see if I'm -- that would be an important amenity for a subdivision of this size.

Tiefenbach: Mr. Borton, I'm sorry, I didn't understand the question relating to the clubhouse. I'm looking at that page. I didn't understand the question.

Borton: That -- you can put on the screen if possible. Does that picture depict what we are to consider to be the clubhouse and pool?

Tiefenbach: This is what was submitted to me as the clubhouse from the applicant. Give me a minute to have to -- I'm going to have to dig it up on the screen, but --

Borton: Okay.

Tiefenbach: Because I'm -- I'm not short-cutted as well on the files here.

Borton: We can do it -- Mr. Mayor?

Simison: Councilman Borton.

Borton: We can circle back to it. It's just something that will come up as part of the discussion.

Koeckeritz: Yes. And that is what was submitted with this. However, I can also tell you the applicant is certainly amenable to a larger clubhouse and pool in this area.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Elizabeth, I got a little confused on the entrance and exit to Black Cat that -- you referenced Quartet, but, then, I was looking at a map and I thought it said Quintail.

Koeckeritz: Okay.

Borton: Straighten me out on that one.

Koeckeritz: Councilman Hoaglund. So, there are -- so, Quintail is the Jamestown Ranch entrance into -- in and out of -- off of Black Cat and at that location, because of the subdivision across the street, it's already been widened to three roads. Then the way the collector comes down north off of -- the collector comes north off of McMillan, twists around, connects into the Quartet Subdivision to the south and the Quartet is what, then, takes that collector through and spits it out onto Black Cat.

Hoaglund: Okay. Got it. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. A couple more questions. So, that collector doesn't go all the way through to -- Quartet is fairly large. There is three phases. It won't run all the way through to Ustick then?

Koeckeritz: Mayor, Council Member Perreault, it does not. It goes -- no. It goes into the north -- it attaches into the Quartet Subdivision that's right there that attaches -- it's what's available to attach to is what it attaches to is the collector there.

Perreault: One more question if I may, Mr. Mayor.

Simison: Council Woman Perreault.

Perreault: Did you happen to have any conversations with the school district about school enrollment and capacity as part of your planning efforts?

Koeckeritz: We did reach out to the school and I did have several conversations with Marci. There are -- let me find my notes here. So, the schools in this area are Pleasant View Elementary, Star Middle School and Owyhee High School. They -- we received the original letter and, then, an updated letter that said they anticipated 112 children in this -- from this development. When I did talk to her she talked to me, as I believe she's talked to you as well, about how they determine the numbers of school and how growth drives the schools and that there are two additional Elementary School spots in this area. There is one additional middle school and there is one additional high school land dedicated for it. She did talk to us about, you know, the options -- the busing, bonds in the future, using portables, those sorts of things.

Simison: Council, any additional questions for the applicant? All right. Thank you very much. Mr. Clerk, do we have anyone signed up on the item?

Johnson: Mr. Mayor, we do. First is Rachelle Watts.

Simison: As you come forward if you can state your name and address for the record and you will be recognized for three minutes. And if there is anybody online that would like to provide testimony on this item, please, use the raise your hand feature on the Zoom feature. Welcome.

Watts: Hi.

Johnson: Ms. Watts, I'm getting your photos up. Sorry. Sorry to interrupt. The photos.

Watts: I'm going to do some talking before you do that, but my name is Rachelle Watts. Address 4376 West McMillan Road and we are directly located just north of this across McMillan where the collector road has been proposed to -- how their design is is that's directly in front of our house. We have a real issue with that. We attended the neighborhood meetings last July. One meeting by the way last July. The two previous public hearings. I submitted information then. Testified. We expressed our concern about the increase in traffic and objected to the location of the collector road. There is a proposed westbound turn lane that is to be -- put it there. That would be directly located in front of our driveway and there should be -- okay. So, this -- these arrows are -- okay. That's -- let me go back here. That's directly in front of our house. This is -- this picture was taken prior to them now continuing to pipe and put the information in and I -- I would like to point out that big power pole that's right there, because that is part of the reason that they have stated that they could not put the collector road in where it was initially planned on and follows the Ada county master street map plan where it connects in with the Quartet Subdivision. Mike Wardle, obviously, had -- had sent a letter saying why was this -- they had appeased him for however they needed to, but I also have here a picture of that power pole that they stayed. Ada county -- according to what the report is saying that that county staff said that there is multiple power lines and poles that would obstruct that. That's Joy Street looking at the property and that's where the initial collector road was to connect up from the Quartet Subdivision that would -- that is to the south of this. Okay. And I also want to point out that fence that's right there, that at this point -- there was a neighborhood meeting for a proposed subdivision on that small acreage there. So, I anticipate you may hear something in the future about that. We haven't seen anything submitted at this point. This is from the property, that same -- looking toward there and that's BridgeTower West looking east. Okay. Not too far down there is where the three lanes end. Again, this is our driveway right here. We are standing in the edge of our driveway and they are talking about -- let's see -- 300 homes going in there and, then, according to the report the development is estimated to generate over 2,800 additional trips. Now, to -- let me see if I can find that other one. That's where it's located at now. It's like covering up -- so, this is the home, shop, buildings that will be torn down for that development. This is looking east and I also want you to consider that there is additional development here. So, on the north side of McMillan you have approved Daphne Square, Brody Square, Paraplace. This pickleball court that I was talking about is the one directly across the street from the owner of the piece that they are keeping. But I wanted to point out -- I know I'm out of time. That's just that pickleball court that runs along Joy Street, that flows into Daphne and I also want to point out -- and I know I'm running out of time.

I also want to point out that Daphne Street here -- they have taken that -- you guys approved that for Daphne to be moved. So, it is not how it sits now. So, it will flow through the subdivision -- if you -- you know, if you ever look at the plat map for Brody. And none of this building has started yet. So, all of those homes are going to be built. They are either going to flow out from Daphne, which they would have to wind through Brody Square or they are going to go down Daphne to Joy Street and out onto McMillan.

Simison: Ma'am, if you could --

Watts: I know. I'm going to wrap it up.

Simison: Wrap it up, please.

Watts: Oh, I wanted to show that one -- there was one other picture that was looking from -- well, I wanted to show the shop. It's not there. But it's -- but the -- the pole that looks straight to -- toward Joy Street and, then, the -- the owners -- who was the original owner for the acreage, keeping out the parcel of the home and the shop -- there was enough frontage -- let me rephrase that. There is enough footage between the pole and the end of that shop to put more than enough. There is 91 feet. That should be sufficient for this collector road to go through. I think it's just the design and they -- they have kind of ignored that. And, actually, if you look at the Ada county master --

Simison: If you --

Watts: I know. The Ada county staff report --

Simison: Let me see if Council has got any questions for you, so they --

Watts: -- that states that they prefer that site to somewhere else.

Borton: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. That's interesting. Thank you for those photos showing that that pole was offset. It's not exactly in the middle of that road or --

Watts: Right.

Hoaglund: -- or anything. You mentioned something earlier -- is the James place -- the James place going to be torn down completely or is that going to be existing --

Watts: That one that's right there is going to be torn down, because that's where the road is going in. That -- that's the home that's directly across the street from us. Just east of there is the larger property on the plat map, which is where they -- they chose to keep

that. That was the original James family and they have passed and it's the son that now owns that.

Hoaglund: Yeah. And I think Larry -- and I know Larry from years -- years ago, so --

Watts: Yeah. I know.

Hoaglund: Anyway. So, yeah --

Watts: Longtime farm family. You know, we have been in this house for 30 years.

Hoaglund: I think he lives up in Cascade now, so --

Watts: No. He lives in Cambridge.

Hoaglund: Cambridge. That's --

Watts: He left in the '90s.

Hoaglund: Yeah. So -- anyway. So, that -- that's -- and you answered another question I had and that was the width is there enough room between that pole and that -- that --

Watts: And the back of his shop. So, they made mentioned before that he wanted to keep that residence. He does not live there. It had been his parents and he has not moved in since his father passed and I don't know what his intent is down the road, but, like I said, he's been in Cambridge and has property and land up there since the early '90s. But he was wanting to keep that parcel. The house itself -- you can see on that -- on that plat is to the east of the shop and that between the shop and that pole there is 91 feet. I think when we looked at the measurements it seemed like that would be sufficient for a road through there.

Hoaglund: Let me ask you another question if I might.

Simison: Councilman Hoaglund.

Hoaglund: Yeah, Rachelle. It's -- one of the things, taking a look at a benefit of where it's located across from your driveway is the fact that you get a center turn lane and that's traffic --

Watts: What I'm concerned about that is a left turn lane, not a center turn lane. If it was a center turn lane -- no problem. It's a left turn lane. We are going to have a difficult time even getting out of our driveway and I can say that most of those homes are not going to go west. Those travelers as they leave those homes are not going to go west. They are going to go east. They are going to go down to Walmart. They are going to go -- so, all of those that are traveling back home, that's a lot of traffic going in and out, in and out directly in front of our house. It makes more sense for that to be with the collector road and I think that that's why Ada county has that in their policy, their guideline, to try and not

have a lot of entrances onto those arterials and the three lanes is not due to being done until 2031 to 2035 and it's a long time before that roundabouts going to be done there at Black Cat.

Simison: Okay. Thank you.

Simison: Council Woman Perreault.

Perreault: Thank you. Did you happen to speak with ACHD staff directly and share your concerns?

Watts: I sent e-mails to the assistant that -- when we first -- before the first hearing and she said they would take into consideration the information. Their staff report stated that they -- I don't have it here, but the staff report made a statement to the effect that they would prefer a collector road be done if it's feasible and if the City of Meridian required it. That was in their staff report.

Perreault: Okay. Thank you.

Simison: Counsel, any additional questions? Thank you.

Johnson: Mr. Mayor, next is Nick Walsh.

Simison: Is Nick here -- wishes to testify? Okay.

Johnson: We also had Ron Walsh. Okay.

Simison: Is that everybody?

Johnson: Everybody on paper, yes.

Simison: Okay. Is there anybody else that would like to provide testimony on this item at this time? Either in person or online. Use the raise your hand feature if you are online and would like to provide testimony. Do you have somebody online?

Johnson: Mr. Mayor, I believe it's Mack Myers. I'm promoting you to panelists now, Mr. Myers. You should be able to unmute.

Simison: We are trying.

Johnson: I saw unmuted a second ago and I just sent a request to unmute. Hopefully this works.

Simison: I think we can hear you. If you would state your name and address for the record.

Myers: Good evening, Council. Can you hear me?

Simison: We can. Okay. He was in twice, so, hopefully, now they are going in once. Mr. Myers, are you there again?

Myers: I'm here.

Simison: We are getting a lot of feedback on our side.

Myers: I'm unsure why --

Simison: Okay. Mr. Myers, maybe we can get -- have you call in on a phone line. Would that work for you?

Myers: Sure.

Simison: Okay. Chris, if you want to give him just -- Chris will share that with you.

Johnson: Mr. Myers, there is a phone number on the screen. If you will dial that and enter the webinar ID.

Simison: Do we have just a regular phone that we can call into. Well, while we are trying to get this figured out, is there anybody else present that would like to provide testimony on the item that hasn't had an opportunity to do so? Okay.

Johnson: Okay. Mr. Myers, I tried one more time here. Try to unmute and see if that works. Mr. Myers, you are unmuted and can you see if we can hear you?

Simison: Do you want to break or hear from ACHD? Okay. Councilman Hoaglund has some questions for ACHD. So, Clerk, if you can continue to try to work this out and, Kristy, we are going to ask you to unmute, because you are on the clock. Councilman Hoaglund.

Hoaglund: Yeah. I just wanted to find out, Kristy, from ACHD's perspective -- it just appears to me that they punted on -- on moving where that lined up and I was surprised, because so often ACHD requires that the road in one subdivision is across from a road to another subdivision or another development across the way, which in this case would be Joy Street. I was just curious as to why on this one it doesn't matter that it's farther down -- down the road.

Inselman: Mr. Mayor, Council Member -- I think that was Council Member Hoaglund. Yes. For the record this is Kristy Inselman with Ada County Highway District. When we put out our master street map, that's a -- that's a general rule of where we want to see collector roadways. Arterials are a different story. But collector location -- those are meant to be a guide for where the ultimate location is and where that collector will go through. Those move quite frequently. We want them in the general location that's identified on that map,

but sometimes they do move. I was going through the staff report and they basically gave some options that if -- if the applicant wanted to align they could do that. If they didn't it's fine. There is enough offset between the two, the distances that were provided in the staff report. There was like 980 feet between the proposed collector location and Joy Street, which would meet our policy for offset on a three lane arterial roadway. So, I think it was just to provide some flexibility if they want to realign -- or if they want to align with Joy they just would need to submit revised documentation to us, but we would leave that to the -- to the applicant, because what they are showing me is our policy. I think one of the concerns potentially was the location of that power pole, because it potentially could create some sight distance issues in the future if we were to align with Joy. But, yes, that -- that would be my response to that.

Hoaglund: Okay. Thank you, Kristy.

Inselman: Uh-huh.

Simison: Kristy, just so I understand on the power pole, do different power poles raise different issues? Because I know that there is -- along Overland there is smaller power poles, but they are right there at the intersection of future street alignments.

Inselman: Yeah. I mean the -- the one that's -- that -- Mr. Mayor, the one that's there is quite large. That's one of their very -- very large. The circumference of this one is also quite large as well.

Simison: Right.

Inselman: I'm not saying that that is the ultimate deciding factor on whether that can go there or not. In the staff report it says they can align with Joy Street if they so choose. But that is -- that was one consideration talking to staff. But they can align with that. I think there is -- there is likely enough room and there is enough offset. So, it's a -- it is really up to the applicant if they wanted to align or not, because it meets our policy as is.

Simison: Okay. Thank you. So, any other questions for ACHD? Okay. Mr. Clerk, do we think we got anywhere?

Johnson: Mr. Mayor, Alan just got me a phone number. I'm going to call from my computer and try to tap him in that way.

Simison: All right. Council, let's go ahead and take a -- we will go ahead and take a 15 minute break and we will see if we can get this figured out for this last person to provide comments and go from there. So, we stand in recess.

(Recess: 8:41 p.m. to 8:51 p.m.)

Simison: All right. We will go ahead and come on back from recess. Do we have Mr. Myers on the phone?

Johnson: Mr. Mayor -- Mr. Myers, you should be able to speak.

Myers: Yeah. I'm present. Good evening, Council. Can you guys hear me?

Simison: Yes, we can.

Myers: Okay. Perfect. So, do you guys have any questions for me?

Simison: Mr. Myers, if you can identify yourself, name and address or who you work for so people understand who is on the phone.

Myers: Yes. My name is Mack Myers. I'm Settlers Irrigation District -- the district manager.

Simison: Okay. Council, you should have received an e-mail earlier today. Do any of you have any questions for Mr. Myers? All right. Mr. Myers, it looks like there are no questions. I think we are all good.

Myers: Wow. Okay. So, I have a couple questions if I may really quick. I will try to keep it brief.

Simison: Yep. You are recognized for three minutes.

Myers: I'm trying to -- I understand that the developer is requesting a waiver to not have to pipe the ditch based on facilities upstream and I know that upstream you guys required BridgeTower West to require 25 -- or to pipe 2,500 foot of the ditch on both sides of the intersection at Ten Mile. The intersection of Linder was also piped. Yes, there is open ditch in between, but they are -- they are fairly long stretches. One of the issues that we discussed in our board meeting -- because we just received this new concept to relocate the ditch and leave it open. There is going to be a lot of issues with maintenance, operation with this pathway. That's -- that's going to be an issue. And, obviously, safety, you know, with this offset of the intersection. Obviously a pathway going right next to the ditch. There is -- there is a lot of things that need to be taken into consideration and for the last couple months I have been trying to get with City of Meridian and Ada county so we could all get together and work together and get this all figured out, because it seems like there has been a time there where stuff wasn't getting submitted or wasn't getting approved and nobody's talking to anybody. I think we all need to get together for the benefit of the development and the city and the county and the public to do this right. This is a pretty big deal here for everybody.

Simison: Thank you, Mr. Myers. I don't know that -- we don't have anyone from our Public Works here. I don't -- I don't know if these have been -- have these been conversations you have been trying to have with our Planning Department? And, if so, with whom?

Myers: So, I have -- I have suggested a couple meetings with ACHD. I -- I would have to do -- I think I have requested it with Bill. Text ACHD as well. Trying to get everybody together, you know. There is -- there is too many things going on here. The county wants to shift the road to the north. Ditch could be shifted to the south. District doesn't like the open ditch -- you know, closed ditch, open ditch, closed ditch. The ditch -- there is a bunch of trash racks that are going to go in. It's going to be huge trash piles out there all along McMillan, because our nearest trash rack is on the east side of Eagle Road, so we have got four and a half miles of open ditch that's going to require heavy equipment placed on the side of the road to clean that debris out. With opening season I think you guys will -- you guys will see -- you will get a good idea with this -- with this up and coming season here what kind of issues we are going to have with the maintenance with its current location along McMillan. If that makes any sense at all. You know, there is a -- just like -- was it Rachelle Watts was -- was talking about how those lanes taper down. The center median lane. Can you guys hear me?

Simison: Yeah.

Myers: Oh. Okay. So -- so, if the ditch was actually relocated straight in line with its original location east of -- of San Vito, that ditch could run all the way west and you guys could have -- Ada county could have that center median lane without having to shift anything to the north. I don't know if any of this has been taken into consideration. I have tried to take Ada county on a walk out there and -- and show them some of this stuff and -- and it's been a struggle, you know. I met with some guys out there that didn't get their shoes dirty.

Simison: Mr. Myers, I -- I think I can commit to we -- we can get the city to participate in a conversation with you. I'm just trying to figure out how much of this is directly applicable today right now to this application that they can --

Myers: Well -- so, if -- if this is -- so -- so, part of it is, because they are requesting a waiver and I -- I'm -- I'm unclear as to where the jurisdiction lies with the city as to making that call on the district's facilities. Same thing with Ada county, because there was a letter from ACHD saying that they were not going to require the density to be piped along as it does not impact the location of sidewalk.

Simison: Mr. Nary, would you like to weigh in on the relationship between our requirements and the impacts to the other jurisdictions?

Nary: So -- yeah. Mr. Mayor, Members of Council. So, Mr. Myers, I mean the -- again, it -- it is a cooperative arrangement between all these different agencies to try to make these work. But, again, from an enforcement standpoint we are primarily focused on our requirements, not necessarily the other agencies. They do ask us oftentimes to -- to approve their findings to be part of ours and our development agreement, so that there is some tool to enforce them, but we really do leave it on them on how that functions, so --

Myers: So -- so, you guys are -- so, you guys -- if I'm getting this right, you guys can approve a waiver -- so, it's not technically a waiver; is that right?

Nary: It's a -- well -- so -- yeah. So, it's a waiver of our requirement. It doesn't waive your requirement. So, it's a -- if our -- our code allows us to waive a requirement say along a canal that's going to be used as a linear open space as -- I think as was stated earlier by Alan. So, we can waive that. If you don't, you don't have to. That's up to you.

Myers: Okay. Okay. So, just like we can -- we can waive your pathways; right? Next to our ditch?

Nary: You can waive -- I'm sorry, I couldn't --

Simison: Our pathways.

Myers: So -- so -- so, you guys -- you guys are proposing a pathway next to the ditch within the district's easement and then -- and, then, we would have the right to waive that from our easement as well; right?

Nary: Yes. So, yeah, we could -- if you -- if you -- you have to allow it, as well as we have to allow them not to -- or to -- allow them to meet our standards in our code.

Myers: Exactly. And this is exactly what I was trying to -- I have been trying to get everybody together, so we could sit down and work this all out, instead of having to do this through a city council meeting, we can get kind of a sit down meeting and -- with ACHD, City of Meridian, Idaho Power as well and the Settlers Irrigation District, all sit down at one table and work this all out and, then, come forward with a plan that would work for everybody.

Nary: So, I -- I think it goes back to what the Mayor said a moment ago, sir. It's -- I don't know that that has to be worked out now. At this juncture if the Council is comfortable with -- with allowing the ditch to remain open and a pathway to be built along it and at a later point in time it's determined they cannot build the pathway along it, they will have to, then, come back.

Myers: Got you. Okay. Do you see that as a waste of time, though? I mean wouldn't it be more productive for us to just figure that out ahead of time?

Nary: Yes. But sometimes it's dependent on, again, a number of different factors that all can't -- all align necessarily together, because you're talking about design, design professionals, roadway design, roadway timing -- I mean there is a whole lot of folks. So, really, there is a -- it's a piece of a puzzle that eventually will have to either come together or it will have to come back to be reviewed again. But trying to make them all aligned at the same time and, then, do it all at once at some point isn't necessarily required by the code.

Myers: Got you. Okay. All right. Thanks for the clarification on that. Go ahead.

Simison: As I say, Mr. Myers -- and you have my commitment that our staff will be in touch to -- to help coordinate a conversation about this bigger issue for this corridor.

Myers: I appreciate that. I think that's all I have, you guys. I appreciate your time.

Simison: Okay. Thank you.

Myers: Bye.

Simison: Bye. Is there anybody else that would like to provide testimony on this -- would you like to come forward and state your name and address for the record, be recognized for three minutes.

M.Watts: My name is Mike Watts. I live 4376 West McMillan Road. I'm directly across the street from this development. And as far as what ACHD is saying with the main power pole aligning at Joy Street and being big -- same size as that pole that is right at their entrance that they just put in across the street from my house.

Simison: Speak into the mic.

M.Watts: Oh, I'm sorry. It is the exact same size pole that they just put their road in right next to our house, so that is not an issue with the view. So, you know, they should bring that road and align it with Joy Street.

Simison: Thank you. Council, any questions? All right. Thank you. Is there anybody else that would like to provide testimony on this item? All right. Then I would invite the applicant to come up to close.

Koeckeritz: Thank you, Mayor, City Council Members. Chris, how much time do I have?

Simison: Ten minutes. Into the mic.

Koeckeritz: Elizabeth Koeckeritz. 601 Bannock Street. Givens Pursley. With the applicant. Can we go back to the slide presentation? First, Mayor, Council Member, I believe Mr. Hoaglund asked the question about the size of the clubhouses and the pools. That clubhouse -- oh, Council Member Borton. That clubhouse was taken from the Village Bungalows development and in response to -- so, the -- the clubhouse would remain approximately the same size in this area for the over 55 community, but in response to suggestions from the residents of that, the pool is going to be bigger than what is depicted there, in response to what they wanted in the past. What the current residents there have asked for. And, then, the -- the clubhouse and the pool for the open market -- free market houses will be much larger. Okay. So, the canal. Okay. So, as we mentioned -- let's go -- there have been -- I will just address the irrigation district issues first. There have been numerous conversations over a significant amount of time recently over what Settlers

Irrigation District is looking for and what ACHD would like, sort of what the -- where the City of Meridian is looking, what's best for the community, what's best for this development. Throughout all of that one of the things that has come up is that this is a really pretty complex site. Let's look at this one. It's a really complex site. There is two irrigation districts and three canal laterals are all converging on this one site. As you can see from that open space slide, almost eight acres, ten percent of the property, is dedicated to right of ways and easements and things in this area. Because of the large amount of canal work that was required and the timing of the dry season, the development group actually entered into a license agreement with Settlers Irrigation District and Nampa-Meridian Irrigation District that included all of the required detailed engineering drawings for all of the canal improvements. They received that signed license agreement from Settlers Irrigation District on January 6th, 2022. At this time they have completed all of the canal work in the license agreements at their own risk and the canals are ready for the 2022 irrigation season. Since that time and since the irrigation work was completed, Settlers Irrigation District has come forward with some changes that they would like to see, including that the canal be tiled. However, the signed license agreement does not require a tiling of the Lemp. However, as the Walsh Group worked through some of these issues with Settlers and talked more to ACHD and looked at what was done on the adjoining BridgeTower property, they realized that they had an opportunity to make this a much wider, much broader -- a really nice area and so what they just most recently proposed was that they relocate the Lemp Canal south of the power towers, away from McMillan and leave it open. They would extend the tiled portion -- the pipe -- the canals, obviously, get tiled where they go under the intersections. They would extend that portion some distance and, then, as you can see in this exhibit the -- the open space area is so wide that it can accommodate the 25 section right of way. Then the 50 foot irrigation easement with the canal in it, followed by the ten foot multi-use pathway, plus the 20 space buffer on the side of that. So, this preliminary plat can be approved with these discussion still ongoing, because it allows for either the current -- the current approval to be in place or for this other more improved -- what we believe would probably be a more improved layout to also be approved within this open space common area. Obviously, there has been some back and forth and -- but as recently as last Friday Settlers did represent to us that they did not oppose the development and they looked forward to this continuing to move forward so that we could continue to work with those and get more final engineering drawings and discussions done with them and with ACHD and there have been multiple meetings between staff -- between ACHD staff, Settlers and the Walsh Group's construction crew out there over the last few months. Moving on to the collector. You can see the view from the collector looking from McMillan Road. The view where you come out there is already a three foot berm and a six foot fence and trees. There is a single story barn behind the fence. It's not actually the home. You can see in the picture on the right how that's really laid out. The Walsh Group has reached out to the neighbor on several occasions. Most recently they had a discussion just this last Saturday about proposed improvements that they could do including installing a higher fence, putting in more landscaping making a higher berm, but they have been proactively reaching out to this neighbor trying to work with them and are willing to continue to do so to try to reach some sort of resolution here. Also the collector location -- it really is where it is as ACHD mentioned. It really is a great location along McMillan. It's a central location for the interior

access. If it were to align with Joy Street, the way the whole layout works and would have to move, it would require a lot of the traffic to be blasting right through that over 55 plus section, which is really not ideal. The whole point is to try to keep that a little bit quieter with less traffic driving through there and, then, also it's -- really one of the most important is that it's the traffic calming design which is what ACHD recommends and as I just mentioned there is the age restrictive enclave in there. Joy Street also -- one of the reasons why this isn't a collector where people -- where you really anticipate a lot of cars going from north to south and south to north. Everyone as they come onto McMillan -- they are going to be going right or left. There is -- even if it went across there is just not going to be that much, even with another development that they are going to be going into right there. But, really, the traffic calming, which is what ACHD loves to look for, is that they should be designed to discourage speeds above 35 and in residential areas discourage speeds above 30 mile per hour through passive design elements, such as horizontal curves. And I think -- I believe that's all we have. With that we respectfully do request that you approve this application and I would stand for anymore questions.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Elizabeth, one of the issues that came up was in -- in the language was a left-hand turn lane into -- off of McMillan and -- instead of a center turn lane and now when you show the picture that it doesn't quite line up exactly with their driveway -- to me a left-hand turn lane is going to complicate things even more. So, is it a center turn lane or is it a designated left-hand turn lane with left turn arrows?

Koeckeritz: ACHD and what has been designed is a -- for the traffic mitigation is a left-hand turn lane at that location. There is enough right of way -- like we could certainly -- I'm sure the applicant would be willing to speak with ACHD about it, but at this point in time it is a left-hand turn lane with the left-hand arrow. Let's go back to -- and one other thing that was raised was dedicating additional right of way on the south side of the road. However, having been in contact with ACHD they have told us they do not want additional right of way on the south side of the road, that all their improvements are intended to be on the north side that they are going to be widening.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yes. I -- I read that. They do want it on the north side to make those -- make that three lanes down the road, no pun intended, but the traffic -- the direction of the traffic, though, to me is -- is going to be going to the east -- to and from eastern -- eastern direction. You have got the Walmart. You have got the Costcos. You have got Ten Mile, which takes you to the freeway, you access Chinden that way. It's -- it's just -- it does --

to me, you know, is -- is problematic. I mean from -- from a development standpoint, the -- the development is very nice. I mean it's well thought out and well planned. You have got nice amenities. It's just unfortunately McMillan is a substandard road and it won't be improved and that's -- that just gives me pause right there and -- and McDermott -- I mean 3031 -- we have got nine more years of that thing with some left turn lanes installed or -- or center turn lanes, but -- but until it's -- until it's 3031 at the earliest, according to their five year work plan, it's still just going to be a two lane country road and -- and that goes all the way down to Franklin. So, that -- and -- and we have got issues throughout on Black Cat. Black Cat. So, it's just one of those things. It's -- it's the roads that kind of give me pause on -- on this. It's not necessarily the development, but just how to make that work when every development we approve increases traffic and, yes, there are places we can expand the roads eventually, but a place like this it's not going to be expanded, except maybe a center turn lane, which will help, but -- yeah. So, that's -- that's kind of what I'm struggling with right now.

Koeckeritz: Mayor, Council Member Hoaglund, as -- I mean as -- well, first, that is -- I mean that has always been one of the concerns. However, there is no plan to ever widen this road more or additional and as far as a center turn lane -- as far as the turn lane goes, I would anticipate that when the property to the north develops that they will also be putting in a turn lane right at that location or really close to that location, which helps get the traffic at least off of the main thoroughfare of the streets as that -- as they pull into there. I also think there will be increased traffic heading west as Hwy 16 develops and it's an easy way to get out and get down through town. But we do anticipate traffic going to the east as well.

Simison: Council Woman Perreault.

Perreault: Mr. Mayor. So, heard ACHD say that they are leaving it up to you, the applicant, to decide how to handle that. What I haven't heard is other than the supposed, you know, electrical line, poles, and -- and other -- maybe some other small geographic issues there -- that -- that you absolutely cannot build it as a collector connecting to Joy Street. Can you just give some more details as to why you have chosen not to do that? Because I haven't heard anything compelling yet that -- that would cause me to understand your position.

Koeckeritz: Yeah. Mayor, Council Member Perreault, yes. So, one of the reasons to put it where it is is because that's really centrally located and acts as a good location for the traffic to funnel in and out and around the development. If we go back to one of the pictures -- I don't think I have access -- of the development where that -- where the over 55 area is located, if you were to put the road -- and they went through after Planning and Zoning Commission, a lot of permutations of this on the far side -- on that far east side, then, you are going to be required to have traffic going through that 55 plus area and that is definitely not something that's ideal to have, because you really want that to be a lot quieter enclave there. Also ACHD wants these roads to be curved. They want their -- they want the traffic calming on these collector roads and so for that reason it really made sense to have it in there with the big S curve, which, then, that's how it loops into Quartet,

which also, then, makes a great big sort of S curve down through that development. Also Joy Road, when you look at it -- let me -- it really kind of just goes up -- next one. Okay. You can see where Joy Street is. It kind of just goes up into just a very small subdivision. There just isn't a lot there. So, it's not really -- it's actually functioning almost more as a local street than a collector. And, then, it also, as we talked with Planning and Zoning Commission, one of the things they said was in the end this sort of spacing of the roads actually might make the road work better, because cars have more time to sort of turn out onto it, have a little space, turn out onto it, versus having more traffic all coming together at one intersection, given the constraints to this three lane -- max three lane road.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, everything I have heard just now, other than the -- the last thought on the spacing, has to do with your design of the development, not limitations that are created outside of yourselves. That's what I'm trying to get at. So -- so, you can redesign this if you wanted to. You can move the 55 plus lot somewhere else. You can move that street to connect. I wanted to hear -- I got the impression from everything I read in the project folder that there was some limitation outside of your control as to why that didn't and I'm not hearing that. So, that's what I'm trying to -- to understand.

Koeckeritz: Okay. Mayor, Council Member Perreault, there is also -- there is the -- traffic not the traffic. There is the large Idaho Power pole there that ultimately it could be moved, but it would be a great expense and it would be -- it is just really not ideal, because of how the spacing of those really large poles has to work. That you might have to -- in order to move one you may be end up having to install two more because of how they are positioned.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. Elizabeth, from the photos that we saw that was off -- when you line up Joy Street -- Ms. Watts showed how that -- there was room and the earlier slide that you had showed your right of way and from where the pole is to the -- the road edge was 25 feet of open space. So, it's not a line of sight issue for a car that's looking left, looking right. So, I -- I don't know where that restriction is with -- with that power pole with -- with Joy Street.

Koeckeritz: First the picture -- Mayor, Councilman Hoaglund. The picture is at BridgeTower where the picture that we showed was similar to what it would be, which is at BridgeTower, because it's not yet constructed here. So, it would be a little bit different where that power pole is located exactly and there -- and so by --

Hoaglund: Mr. Mayor. Elizabeth, I might interrupt. This was the Watts' picture that showed it right across -- looking at -- from Joy to -- to where the power pole lined up and it was like there appears to be room and -- and there -- I think they said 91 feet from the shed of the existing property to that pole and I would think that would be adequate. So, I was just curious, you know, what -- why that wasn't -- wasn't -- wasn't done that way and -- and, yeah, I -- I know you -- you talk about, well, it spaces that out, yeah, it's good, but, you know, as -- as we had in the other applicant -- you know, developers work to make people happy to -- to the extent possible and to me that was an -- would be an easy fix, but -- in fact, I would do the S curve opposite and throw the 55 towards the back if you really want calm and quiet. But I'm not here to redesign your project and I'm just curious as to the whys of how you -- how you got there and why this is better.

Koeckeritz: I also do believe that it's a -- we have our traffic concerns. I believe the right of way required for a collector is a hundred feet and there is only -- I think 91 or 92 feet there.

Simison: State your name and address for the record.

Pachner: Joe Pachner. KM Engineering. It's 5725 North Discovery Way. On traffic issues like this, one of the things that we are looking at is traffic normally goes straight through. Because these are only -- you know, with -- with traffic entering into McMillan in this -- they are going to go east or west and with that the bigger the spacing in between these intersections the better the traffic flows. So, right now if you -- looking at the -- the streets that are highlighted, we have got about a thousand feet in between each of those intersections. So, the turning traffic movements are not going to interfere where -- if -- if you have them lined up against each other, then, you have got the conflicting -- you are not only looking to see if you can pull out, but you are looking across to see if there is another car coming the other way. Right now we have got -- on each one of these intersections, the way we have got it lined up, it's almost a thousand feet, so there is no conflicting turning movements. That's one of the bigger things. Our collector is -- it has to be a hundred foot in right of way and you wouldn't want that directly across from Joy Street. To do that the radius for our new collector would require that pole to be moved. Currently those -- those Idaho Power towers are 500 foot in between. So, moving it that extra 80 feet now the next tower is 600 -- or 580 feet and so Idaho Power is looking into seeing if -- you know, we have -- we went through this analysis, you know, multiple times to see what we could do. The other thing is the traffic movement within the subdivision. What we are looking for is to bring it into the central, so we are not taking traffic clear through the subdivision and, then, out to the far side to exit out. One other thing was on that overall -- I'm not sure what's going on there. On the other -- just the traffic calming. If -- if you look at the overall from Quartet Subdivision going all the way up -- if we do a straight shot all the way up to Joy, you have got almost a half mile of straight shot and that's what -- that's what the traffic calming is where -- where we are concerned about is that long straightaway. Where Quartet went we did a long sweeping curve and now we wanted to do an S curve to further slow that traffic down to keep it calm. This is going to be a residential area that we really don't want cars traveling in excess of 30 miles an hour.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: So, quick question. For San Vito Way where that entrance is for those people in the south and also Vincenza -- I think that's BridgeTower West, did they have to move the power poles?

Pachner: No, I -- I don't believe so. I -- I believe that they put the -- the intersections -- adjusted for -- you know, so they would not have to move those -- the -- the large Idaho Power towers.

Hoaglun: Okay. Follow up, Mr. Mayor.

Simison: Councilman Hoaglun.

Hoaglun: To -- to accept your argument that there is an adequate spacing with -- with vehicles for left, right and where -- where you have that out now, would that be better being a center turn lane for both sides of people entering and exiting or is a left turn lane the only solution. I believe what ACHD -- when they were looking at this, they were looking at the -- you know, you have got a whole subdivision doing a left turn bay and one single resident going on the other direction. I think ideally where -- what -- what this is eventually going to be in the -- in the near future is a center turn bay going the whole way through. We are going to -- we were required by ACHD to put a center turn bay, but to do that we have to have large tapers to transition in and out of that turn bay and that will provide some safe haven for, you know, the -- the -- the single residential -- resident home. But ideally it would be a center turn bay the whole way through and, then, eventually if there isn't any other intersections tying into it, ACHD will more than likely start putting dividers where they cannot make that crossing movement like they have done on other similar roads to avoid traffic impacts.

Perreault: Mr. Mayor?

Koeckeritz: Do you have any other questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Could you go over the location of the amenities with us again? I -- and -- and pull up the open space slide. So, as you know, we -- we look at these drawings and communities weekly and we -- we often get a feel for what seems to really work well as far as open space and utilization and what doesn't. So, what strikes me -- you said that there is eight acres that are dedicated to right of way open space canals. It's pretty -- ten percent of the -- of the geography and you are at 20 percent, including all qualified and nonqualified open space. So, what I see when I look at this -- and it could just be that I'm

looking at this tiny little map, but I see a lot of green space that is in places that are necessary because it's buffering and not green space that's intentionally being utilized for, you know, recreation. So, help me -- help me see it differently, because I'm just -- I feel like that there is just a bunch of green space put in spots where you needed that buffering, you know, because it's a collector, because it's -- you know, it's up against Black Cat. I'm not seeing a lot of this, other than the central area where the pools are, that's really this great functional space and in this area there is not a lot of community parks near here. We don't know when the west Meridian community park is going to come in. The funding hasn't been set up for that. So, this is really an area where there is not a lot of places for people to go to walk or to go to parks and so help me see this differently, because right now I'm looking at this and I'm -- I understand the math and I understand the acreage, but I -- I don't see a lot of usable open space.

Koeckeritz: So, the primary open spaces are the -- so, in the -- the more age restricted there is the 18 percent. There is the bigger area down through the middle where the pool and the clubhouse are, as long -- as well as all of the paths and the little walkways. We also added -- there is the large open space in the middle and the green open space and, then, the two other sort of smaller pocket parks. The one on -- there is actually now three of them, one at the end of -- I'm terrible without my -- one at the east side on the end, one -- one on the west side and, then, one connecting -- that's sort of connects through the two streets in the middle and those are all usable green space areas that aren't just right along a walkway, that it really gives the people here the ability to use those open spaces, plus, then, with the rest of that -- and that equals -- and just with those you are right up -- getting to 15 percent, plus, then, with all of the additional along the outside edge. It really does make it a nice walkable community. It's going to be a place where you are willing to ride your bike down to Walmart and willing to ride your bike to other places in the neighborhood, because it is that green open space protected area by being set off the McMillan and Black Cat.

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

Simison: Council Woman Perreault.

Perreault: I'm trying. Honestly. I mean I haven't seen any slides that show, you know, specific amenities or anything that really -- other than the -- the one photograph with the small pool that -- that helps me understand how this is going to function. So, I -- I'm thinking about this. The next question I have is why did Kennedy not just get connected? Instead of having two common lots and a pathway, why not connect those -- that street through?

Koeckeritz: I believe -- Mayor, Council Member Perreault, I believe that would be because of the street length through there and being able to divide it up, making -- just having more of the connections and the pathways around things.

Perreault: But that pathway was an original part of your plan, connecting those --

Koeckeritz: Oh, are you talking about -- oh, at the top.

Perreault: Yes.

Pachner: One of the things -- Joe Pachner again. We had those connected at one point. ACHD wanted them broken apart, so that they would not be a -- anything over 750 feet in length they wanted to break it up and slow it down. So, even on that portion there we were -- but they did want the walking path through there. So, that's where those -- you know, we -- we added the walking path, took the roadway away from it. So, it was ease of walking and reduce the speeds.

Simison: Council, any additional questions for the applicant? Seeing none -- don't go far. I will let them talk.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund. And, Kristy, you may want to unmute yourself.

Hoaglund: Hi, Kristy. I have got a question for you. With McMillan planning on only being three -- three lanes and widened in -- in 2031 to 2035, I know on Ustick Road, as we have been working through that, there is going to be center medians in places now to help slow the traffic, so it's not just a big race track type of thing and I -- I think ACHD's been working on this trying to work on traffic calming, which -- which is -- which is good. But to me that would kind of bring up an issue when your driveways and other collectors and whatnot don't line up, that -- that makes it more difficult where there is more breaks in that. But I -- I'm not sure. Is -- is McMillan being considered for center medians in -- in future when it -- when it gets widened?

Inselman: Mr. Mayor, Councilman Hoaglund, I hate to have a non-answer for you on this, but I think it's a little too early to start -- or for me to provide any clarity on center medians on McMillan, because the forecasted need for this road isn't for quite a bit yet. Those kinds of elements get worked through when we get to design. They look at volumes. They look at traffic speeds. We also work with our partner agencies and you guys -- the City of Meridian has a staff that is on all of our project teams that can convey your desires and preferences for corridors. So, it's certainly something that if it's -- the city wants to have, that when we get to the design of these corridors it certainly can be included in those conversations. I -- I have not heard any conversations about center medians particularly on this corridor. That doesn't mean that's not a possibility.

Hoaglund: Mr. Mayor. Kristy, thank you. I mean it's a bit of an unfair question, because it is far out there, but the -- you know, the medians on Ustick were -- I -- we had no knowledge of that here until recently. So, that was -- that was a surprise. So, I'm thinking, okay, if that's the direction you -- ACHD is going, they will probably apply it, but I -- I think that just speaks to the issues both city, ACHD, and other entities have to deal with is trying to look far enough ahead to avoid as many issues as possible, whether it's irrigation districts and working with them, ACHD, cities, counties, adjoining cities, how -- how do

we plan far in advance to mitigate potential issues that we run into conflicts and -- and I know sometimes the crystal ball isn't real clear, but, boy, the more we can do that to -- to figure those things out well in advance, I -- I think it -- it's better for developers, it's better for the public and it's -- it's definitely cheaper for, you know, government agencies to not have to spend money that -- that it's hard to come by, so --

Inselman: Yeah. Mr. -- Mr. Mayor, Councilman Hoaglund, I mean that is one of the reasons why ACHD developed the master street map and the livable streets design guides is we -- again we -- we update that every several years. We are actually getting ready to update that again and we work with our partner agencies and the cities to help identify and designate those corridors, both the number of lanes that are going to be proposed, as well as the typology, and within our livable streets design guides we do provide some guidance on what the planned street section may look like and so if the current typology -- and, I apologize, I would have to look that up, I don't have that at the top of my -- of my brain right now to see what the current typology is of McMillan adjacent to this and if the current typology is not something that shows medians and it is something the city wants or there is something else, then, when we go through that update -- again we work with staff in the city and if that's something that the city wants changed they can request that when we update that. That's kind of our best crystal ball is we do look towards the future and we do look at those typologies to say is this a residential collector -- or arterial? Is it an industrial? Is it a commercial? And what type of treatments those look like. That also lends into helping us determine the needed right of way in order to do those improvements.

Hoaglund: Mr. Mayor, follow up.

Simison: Councilman Hoaglund.

Hoaglund: Kristy, thank you for that. And I understand, Kristy. I don't -- I don't mean to pick on you or ACHD, it's just trying to -- trying to think ahead and -- and so let's -- let's switch to Black Cat. I know a development was approved down in the southeast corner here recently. They are putting in some turn lanes or center -- center lanes turning lanes. There is going to be some up where this is being proposed as well. But, again, Black Cat is not scheduled to be widened to five until, you know, 2031 at the earliest, you know, again, depending on funding and where growth is occurring, those types of things. So, the -- the level of service on that -- can you -- can you remind me what that was with the -- with --

Inselman: The level of service on Black Cat?

Hoaglund: On Black Cat, yes.

Inselman: Yes. I have the staff report in front of me. So, Black Cat Road, the level of service is better than D.

Hoaglund: Okay. And --

Inselman: And we -- when we receive traffic -- or traffic studies on development such as this we do look to them to help designate where traffic is going to go and the needed improvements. So, our standard improvement on -- like McMillan, for example, would be 17 -- 17 feet of pavement, three foot gravel shoulder. If there is other additional needed improvements that's going to be vetted out through the traffic study and it was their traffic study that did dictate the type of treatment that's needed on McMillan.

Hoaglund: Okay. Thank you, Kristy.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: We have gathered all the input -- the applicant's had last comments?

Simison: The applicant has had last comments.

Borton: Two of the elements that I struggle with and -- and Council Members Hoagland and Perreault hit on them. The traffic and capacity in McMillan is -- and the timing of this in relation to McMillan's ability to serve it is extremely problematic. It's been a part of this application through P&Z. Part of their recommendation of -- in this case as well and -- and, then, the amenities as well that Council Woman Perreault stated very well -- or at least as presented certainly lackluster. I agree that this is an area that doesn't have other amenities nearby within it that can serve the community. So, those are two problems that I'm wrestling with on this application as well.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I have been quiet silent during this application listening to my fellow Council Members and listening to the applicant and listening to public testimony and if I don't have to speak, then, I really don't have anything to add to this discussion. I mean the -- my fellow Council Members have nailed it on the head, so as it stands I probably wouldn't be supportive of this application.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yes. You know, for -- for me it really is a traffic issue, a timing issue where McMillan and Black Cat -- it's not until 2031 that they are showing. We know McMillan is going to be substandard throughout and I -- I -- I can get to that point. You know, Joe talked about having the -- the -- the distances for movement. I think it could be work -- that could be workable, but it -- it definitely has to be at three lanes with center turn lanes

for all those various areas. Black Cat is just growing tremendously. That's the route I take home, the back way, and although I turn at Ustick, the amount of traffic that goes north on there is amazing as you know. 1G plates and other out-of-county plates are -- are headed north to get to Chinden and to work their way to stay off Ten Mile. It's just interesting to see how people try to find the path of least resistance and it -- it definitely impacts local roads with -- with people who don't live in Meridian. And, then, we add our growing -- growing community to that. To me it really is a matter of timing. This -- this -- this area will develop. There will be housing and whatnot on it eventually, but for me right now we are -- we are not -- we are not close enough to having those roads make it at least a little more feasible for -- for traffic to move -- move smoothly as -- as we are growing and people use our community as a pass through instead of a destination. So, that for me is the reason why -- I -- I'm not supportive of this application at this time.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: This is a tough one. I see some great things that the applicant is bringing to the community in advance of maybe when it would have come, but I'm trying to -- something just doesn't sit right with me and I'm really trying to kind of put my finger on it and be clear about it, because we never want to send an applicant away without some constructive feedback. But I just -- I don't think that the design of the -- of the project is a great fit for that location. It's -- it is very dense and I don't -- I don't tend to have challenges with density, but sometimes when you set it in the -- in a specific location with specific other concerns related to traffic and movement and timing, it just doesn't quite fit as a piece of the puzzle that we -- that we would like to have. Not only do -- do we have all of the developments coming in that -- that the neighbors to the north mentioned in their presentation, but we have 700 and some homes coming in with Toll Brothers in the northwest corner of that intersection and, then, we have another 400 plus homes coming in just near Owyhee High School and there is probably more than that actually. So, most of those individuals are going to be taking McMillan to the east and so we have to consider that, as well as the traffic counts that we discussed here this evening. So, I'm not -- I'm not in support of it as is. What I'm trying to decide is -- is whether -- you know, I would prefer to send it to -- to allow the applicant to spend more time working on it, based on the feedback we have provided, or, you know, whether to -- to vote for denial. So, I'm -- I'm simmering on that a bit longer.

Simison: The public hearing is still open.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we close the public hearing on H-2021-0074.

Borton: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Hoaglund: Well, Mr. Mayor, I made my thoughts I think clear --

Simison: Councilman Hoaglund.

Hoaglund: If -- it just is really the timing of the roads. The expansion with -- with the ability to move traffic and -- and, you know, I -- I -- I'm -- I'm not real hung up on -- on the development. I -- I see some good -- good things they did and -- and tying into the other areas, you know, you have got 293 homes and they have got five exits. Last one we had 38 homes and four exits and that still didn't make people happy, but, you know, you never can -- can do that, as I mentioned before. But it -- it's just the -- the timing in some areas -- we just have to be a little closer to these roads being expanded. Nine -- nine years is too long and -- and I know it could -- could move up and, hopefully, it does move up, but with -- with the demand that we have and the resources that are available for roads, you know, I know the state's committed a lot of money to a lot of things, mostly bridges and some is trickling down to local highway districts, but it's a -- it's just one of those things that traffic considerations are really the main thing that -- that people are really feeling burdened about. We did our city survey recently. The traffic was just at a top -- top item and one of the top items and it just -- for me this location at this time just doesn't fit and it might someday, but right now it -- it doesn't for me.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: If McMillan were to be possibly widened, which I know it's not going to be, ACHD doesn't have it in the plan because of that canal, that would be a different conversation. You know, the question can be presented, well, why -- why deny this and not Quartet or some of the other developments in that area and it -- it's really just that McMillan piece for me. I mean if this -- if -- if -- if that roundabout was going in sooner, if there was a center turn lane, if we knew that Black Cat was going to be widened sooner, so that between McMillan and Ustick I think we are still out at least to another six to ten years on that somewhere. So, if any of those pieces were to be coming together I -- for me it would be a different conversation. But it -- it's just because of that McMillan section not going to -- it's not going to be able to be widened like Ustick. It's not going to be able to -- you know, with Quartet they brought -- they are bringing in those turn lanes in a way that made me comfortable with the movement back out towards Ustick and south on Black Cat. I lived off of Black Cat 12 years before anybody was even out there. I have lived out there for years. I -- I know exactly how that traffic flows in that entire area and it's -- it -- it would make it pretty tough.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: If -- if we are ready to move on to our last item for the evening -- after considering all staff, applicant, and public testimony, I move to deny H-2021-0074 as presented during the hearing on April 5th, 2022, for the reasons related to the traffic and road conditions that currently exist and -- and the time before they can be expanded and issues that relate to some aspects of -- of the development, but primarily because of the -- of the traffic concerns and -- and lack of infrastructure improvements until much later in in -- in the -- this decade.

Bernt: Second.

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

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

Simison: All ayes. Motion carries and the item is -- project is denied.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**10. Public Hearing for Aviation Subdivision (H-2021-0096) by Jadon Schneider of Bronze Bow Land, Located at Parcel #S1210325951, Near the Northeast Corner of N. Black Cat Rd. and W. Franklin Rd., North of Compass Charter School**

- A. Request: Preliminary Plat or 48 building lots (37 single family attached lots, 2 detached single-family, and 9 multi-family lots), 8 common lots, and 1 other lot.
- B. Request: Conditional Use Permit for 36 multi-family units on 9 lots on 9.8 acres in the R-15 zoning district

Simison: Next item on the agenda is a public hearing for Aviation Subdivision, H-2021-0096. We will open this public hearing with staff comments. In a minute as we transition to Joe.

Dodson: Thank you, Mr. Mayor, Members of the Council. Sorry about that. Alan was not feeling too well, so I just want to make sure. If I bring home something to my wife she will be upset and I don't want to make her sick, so -- last item tonight is Item No. 10, Aviation Subdivision, H-2021-0096. The site consists of 9.8 -- sorry -- 9.8 acres of land, currently zoned R-15. The map on the left is a little old. We had a snafu with the zoning ordinance

with the previous approvals, but it is R-15, I assure you. It's not ME. It is located near the northeast corner of Black Cat and Franklin. It's directly northeast of the Compass Charter School. Has some history on the site dating back to 2018 when it was annexed by the Compass Charter School and, then, in 2020 rezone, map amendment, and MDA was approved. The Comprehensive Plan now shows this property as medium high density residential, which allows residential uses at a gross density of eight to 15 units per acre in the Ten Mile plan, with a target density, quote, unquote, of eight -- or, sorry, of 12 units to the acre. The requests before you tonight are for a preliminary plat, consisting of 48 building lots, which includes six single family attached lots, 31 townhome lots, two detached single family and nine multi-family lots. Includes eight common lots and one other lot. Additionally, a conditional use permit is being requested for 36 multi-family units on the nine lots within this total site. The total proposed unit count is 75 units. The subject 9.8 acres were annexed into the City of Meridian in 2018 with the Compass Charter School. It also received the CPM approval at that time to change it from residential to mixed employment. Later this parcel was no longer part of the long term school plans and was subsequently sold. With the newer approvals the property was returned to its original future land use designation of medium high density residential and included a new concept plan of the residential development and the proposed and preferred location of Aviator Street Extension. The subject site is also within the Ten Mile Interchange Specific Area Plan, which staff calls just the Ten Mile Plan. Also recommends a mixing of -- a mix of housing types in this designation. Row houses. Townhouses. Condominiums. Alley loaded, et cetera. The applicant is proposing 75 total units as noted within the 9.8 acres in the R-15 zoning district, which constitutes a gross density of 7.65 units per acre. This density can be rounded up to the minimum of eight per the provisions outlined in the Comprehensive Plan, which makes it comply with the designated future land use. This site is part of a larger area of medium high density residential. Pretty much everything to its east and it's slowly redeveloping from both the west and the east. Development of this site is a logical direction for development to occur from the west, which would be Hensley Station directly to the west. However, the transportation element of this area of the Ten Mile Plan is important and there are known traffic issues in this area caused by the adjacent Compass Charter School, most notably at the pick up and drop off times in the morning and afternoon. Staff notes the applications for this site to the east are likely forthcoming, which would connect Aviator from Black Cat to San Marco Way within the Entrata Farm Subdivision to the southeast. This east-west connection would create the needed secondary access for Fire, as well as provide a different connection to Franklin. To mitigate this issue, as well as the overall phasing of the subject site, staff is recommending conditions of approval around the phasing of the project in relation to the construction of West Aviator. In addition to the general comp plan, the applicant is -- is expected to meet certain design criteria found within the Ten Mile Plan. The applicant is now in compliance with these criteria by providing an alternate design option for the front loaded townhomes, which would be these here. They now show a mix of two bedroom and three bedroom, which two bedroom require one car garage and three bedroom or more is going to require at least two car. They also are showing the garages placed behind the front porch. These revisions make the proposed elevations and floor plans compliant with the Ten Mile Plan and the recorded DA. The proposed plat complies with all UDC dimensional standards, roadways, and the proposed single firm uses are

principally permitted within the R-15 zoning district. The applicant is proposing detached sidewalks on parkways throughout the entire site to help activate the street and provide more compliance with the Ten Mile Plan. The plat meets all landscape requirements, except for the required 20 foot buffer along the south side of Aviator. There is still not the required trees shown in that. There is an existing condition regarding that. The only issue with landscaping -- and it's not really an issue -- is staff is still recommending that the applicant coordinate with the irrigation district to include some additional trees closer to the lots here just for additional shade within the irrigation easement. Due to the proposal of two types of residential uses in the same project, the open space requirements vary for the single family and multi-family portions of the site. In total the amount of open space provided should be at least 45,300 square feet or just over an acre. According to the plans the applicant is proposing approximately three and a half acres, of which two and a half is qualified. This area does not -- is not actually even fully accurate, because they did not include the parkways within this calculation, which would add additional qualifying open space. Therefore, the actual open space is even greater and the proposed open space vastly exceeds the minimum amount required by code for the whole project overall and individually of the single family versus multi-family. The applicant is still required to provide a qualifying amenity worth at least one amenity point for the single family portion of the site. The revised plans do not show that, but I assume they will take care of that moving forward. The applicant complies with our requirements of the multi-family code with the revised and submitted plans. The applicant added more amenities to the central open space lot and it proposed slightly above the minimum parking spaces where they were below by one or two spots previously. The applicant is proposing to extend West Aviator, the collector street that runs through the site along its south boundary from its current location at the southwest corner to the east property boundary. According to the plat the applicant is showing a small portion of this road extension to be on an adjacent property, which you can see here. This little corner of the street here. Or -- yeah. Corner of that property. It is not part of this application and that property is not currently annexed into the City of Meridian. It is not typical of road extensions to do this, but it does allow the applicant to have more usable land area and -- that is significantly reduced to the -- due to the existence of the Purdam Gulch Drain, which has a hundred foot wide easement. The placement of the Aviator extension requires a formal agreement with the adjacent property owner and a preliminary agreement has been agreed to pending the formal sale of the properties to the south. The applicant did provide that to me as well. If this agreement with the adjacent property owner is not final and/or falls through for any reason, the submitted plat will have to be revised to show Aviator holding on the subject site. To ensure this occurs prior to development -- meaning the agreement is finalized and staff reviews it -- staff has included conditional approval that a final plat will not be accepted until an agreement has been formalized and the right of way is dedicated to allow the construction of the off-site portion of Aviator. ACHD has also given preliminary approval of this as well. There is no secondary access to this site as noted. Because Aviator, when constructed to the east boundary, will be a dead end street, the Fire Department requires secondary access for each access that has more than 30 homes off of it. Hensley Station to the west already takes up this allowance and that's why they had to have an emergency access at Black Cat. Thus, the construction phasing of the project plays a key role in how staff must address this issue. As all of the structures will need to

be sprinklered if the single family portion is constructed first, the multi-family units are already required, because they will be constructed under a different part of the building code. The applicant has stated that their plan is to extend aviator into the site to the point of no more than a 150 feet past the eastern local street. So, approximately right here. A hundred and fifty feet east of this road. To avoid the need of constructing a temporary turnaround, the local street within the project would be constructed at the same time to, obviously, create that loop road. However, the applicant is continuing to work with ACHD on a plan to construct Aviator as noted and road trust for the remaining portion so it could be extended with any future road project that occurs on the parcel to the east. Staff is supportive of this option as the road would be a dead end street as noted and constructing a temporary turnaround would be both wasteful space and would need to be located on the top of the Purdam Drain, which could further hinder the applicant's ability to develop this site due to complications with the irrigation district. In conversations ACHD has noted an openness to this road trust agreement as well, this option, but did not include it specifically in their staff report. So, staff has included a condition of approval to encompass both potential outcomes of Aviator Street. At the Commission hearing -- well, I guess before I get there -- I did not include that. Why would I not do that? Sorry. There is another slide in one of my presentations that would be better served for all of us. I apologize. Here we go. Okay. So, this is the general assumed location and extension of Aviator Street that I was referring to. Entrada Farms here. Continue Aviator from the east boundary of Aviation Subdivision down through and connect to San Marco Way. I have met with this applicant. This application is in process. These properties are currently under contract was my understanding, so development is occurring in the area or is planned to occur. Everybody here has worked pretty well together from my understanding to help extend Aviator appropriately and plan that. At the Commission hearing the Commission did recommend approval. Their key issues of discussion were the changes that staff was looking for in regards to the elevations and floor plans to better meet the Ten Mile Plan, which the applicant already addressed. They wanted some history of the existing sidewalk along Aviator Street versus the requirement of the detached, meaning that there is existing attached sidewalk in front of Compass and in front Hensley Station which does not meet code unfortunately. We did not want to continue that nonconformity, so we spoke with the applicant and we have realized that we actually have room to get the five foot detached sidewalk on both sides, so that has also been taken care of. They also discussed any potential of outstanding issues between the Commission and Council if the project would be continued out, which didn't occur. So, I wasted time saying that. The applicants also -- there was also discussion about the applicant's proposed phasing of the Aviator extension as I discussed. The Commission did not change anything in the staff report, except striking Condition 12-A, which I had recommended before that hearing due to some revised plans that I received from the applicant and further discussions with the applicant. At this time -- there was no additional written testimony as of about noon today and there are no outstanding issues for City Council at this time. So, I will stand for any questions.

Simison: Thank you, Joe. Council, questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Joe, on the slide that you have here where it has the five acre, approximate, piece that shows as the R-15 designation just immediately east of Compass Charter School, it was my understanding that they purchased that as a place to put their sports facility versus the applicant's property to the north, which is where they originally had planned it. Did that -- that get sold, too, and they are not planning on putting any kind of track or a soccer field or anything?

Dodson: Ma'am, they did purchase that. They still own it. The -- you can kind of see, if you look really hard, through the -- the zoning color, there is the parking lot there and there is some grading happening on the lot right of the area right south of it. So, they are doing like a field. They are not doing a sports field, unfortunately. It was always planned just for like a play area, but there is about a -- I want to say it's an acre -- it might be a little bit more than an acre, because they had two parcels originally. So, they moved the property line and that's where this area right here is shown. They do plan to sell that to the developers to the east in order to allow them an access to Franklin. Granted, I don't want it there, so that will be further discussions later on, but -- I don't think ACHD does either. But they are using this portion of the site. Compass Charter is, yes.

Perreault: Mr. Mayor, one more question.

Simison: Council Woman Perreault.

Perreault: What is the comp plan designation to the property immediately east?

Dodson: It's also medium high.

Perreault: It's what? Medium high?

Dodson: Yeah. Also medium high. Correct.

Perreault: Thank you.

Dodson: Yes, ma'am.

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

Schneider: Mr. Mayor, Members of the Council, Jadon Schneider, 412 South 3rd Street, Boise, Idaho, with Bronze Bow. I'm the applicant representing the developer and the developer is here tonight. I just wanted to start off with thank you for your time. I know it's late, but I really want to give a thank you to Joseph. He's -- he's put a lot of work into this project. We have gone through I believe four or five pre-development -- or pre-application meetings in order to really nail down a project that the city or planning staff

can get behind and we are really happy with the project and I'm really happy with where we are tonight and I really hope to show you a project that provides a lot of great community benefit, especially, as Joseph mentioned, there is a lot of usable open space in this project. Nuanced the project, because there was a lot of specific constraints and so I would like to just get into my presentation and -- and we can go through some of these and -- and I can talk a little bit more about it. So, as Joseph said, the Aviation Subdivision, 9.8 acres, medium high density residential, eight to 12 units per acre for our site right now, 75 units in total. We would have loved to have got more units, as any developer would have. As I mentioned before, the site constraints have proven to be difficult and this is something that we worked very hard on to get. Joseph had even helped us get a lot more units than what we were feeling like we could get by allowing us to use a CUP and go some more dense multi-family with the fourplexes and it really provides some site plans that really make a lot of sense and really works well for this specific site. So, first off, I want to just talk about the existing features of the site. On the west boundary of the site there is an existing stormwater facility, which was a part of the Compass Charter School original plan. As Council Member Perreault had mentioned earlier about the site being previously owned and planned in order to be a site for the sports complex and sports fields for Compass Charter, they had gone ahead and put together some facilities -- for instance, this stormwater facility, which remains on the westerly boundary of the site due to the fact that it is an existing condition and it does service the Compass Charter School. That is one site that we have had to work around. This is just what it looks like right now. It's nothing much to look at. It's just a shallow swale. It's -- it's large in size just due to the nature that Compass Charter School. The building itself is quite large in size. Moving forward with that, the largest site constraint was absolutely the Purdam Gulch Drain, which runs kitty-corner across the site. It's a hundred foot wide easement owned and maintained by Nampa-Meridian Irrigation District and as you can see it -- it eats up a lot of space across the site. We have worked a lot with Nampa-Meridian Irrigation District, just to try to figure out what we can do with their drain and how we can work with them in order to make a site that works. As I mentioned before, the meetings that we had with Joseph, we had come up with a plan that we were really in favor of. We loved. Joseph had given us a thumbs up and said that Planning can get behind it. Nampa-Meridian Irrigation District came back to us and -- and go back to the drawing board, because it crossed over the Nampa-Meridian Irrigation -- or the Purdam Gulch Drain in multiple places and they told us that it was in our best interest to only cross it in one spot. So, in order to make that happen -- I'm sorry. I will just show you a quick picture here. This is the Purdam Gulch Drain. As you can see it's sizable. It has two large berms on the south and the north side of it and it is a main vein of the actual irrigation district. It's not just a lateral, it is a full drain that comes through here in this portion of the site. So, what Nampa-Meridian Irrigation District has requested is that we reroute their drain and go forward with the irrigation piping on the easterly boundary and, then, along the northerly boundary of the site. So, this is 48 inch reinforced concrete pipe and the developer is funding that entire portion of the project and moving that forward in order to make a site that allows Aviator to cross over the Purdam Gulch Drain in only one location and to better suit the site in order to make what you see now is a rectangular site, which allows for a much more cohesive buildable area. There is some community benefit that comes along with that. The fact that the Purdam Gulch Drain is now a piped section

allows for the -- the open ditch to be omitted and that safety factor is now elevated there. It creates the open space that comes along with the fact that it is now piped and it's a hundred foot wide easement and, then, it -- it helps with the efficient pattern of development, which allows us to keep the subdivision portion together with having that open space in a contiguous pattern. The other nuanced portion to this site that is just one thing that I wanted to point out here was down in the southeast corner of the site -- and I will use my mouse to point it out -- is this is the Nampa-Meridian Irrigation District pump house lot. It has proven to add a little bit of nuance to how Aviator Street becomes aligned and the reason that it is where it is and that falls back on some previous approvals and previous conversations that have come apart with -- or come along with conversations with ACHD. As you can see right now Aviator Street is on the southerly boundary of the site and it traditionally would continue on straight, which would allow for access from the north portion, which is the Avatar Subdivision portion, as well as cutting across the north portion of the following lots that are kind of to the southeast of this site. The irrigation drain that comes through here splits in -- around the southeast corner of the site into two portions. The long and short of it is ACHD requested that Aviator Street be brought north of the pump house lot and north of that section of the drain, so that there is only one crossing in that area and not two crossings that would have happened if Aviator stayed on the alignment that it was on in its current east-west portion right now. So, the existing end of Aviator Street ends at the northeast corner of the Compass Charter School properties and Council Member Perreault mentioned there is that R-15 portion that they had previously bought, they now have a parking lot in that area and that was that area that Joseph had pointed out of -- as -- as they were working on currently. So, what we have gone ahead and done is brought Aviator Street up into the site and allowed for a corner portion of the site to cross over into the neighbor's -- the -- the southerly neighbors portion of their property. That's BPS Franklin Road, LLC, is the new owner. We would have loved to have coordinated with them sooner, but they were in their due diligence period of actually owning -- or purchasing and now owning the lot. So, they are currently the owner and they have been a pleasure to work with. Ever -- ever since we have gotten in contact with them and they have actually had title of the lot they have given us big thumbs up and said we are really happy, you know, we -- go ahead and allow -- and come through the northeast -- or northwest corner of our site. This gives us a connection for the future, the alignment, and the fact that the Aviator Street curve is on such a wide swath of a curve, it gives ACHD a lot of leeway on how we connect into it for the development to the south, which, then, means that that southern -- that developer to the south isn't tying in off a hard right angle turn or an S turn that comes in and is -- is aggressive. So, this -- this wide berth it's a 500 foot radius for both of those corners of -- I will call it an S turn, but it's more of a -- just a gentle curve. Give some benefit. So, we have an agreement in place with the developer to the south. They have been great to work with and just as a side note everyone that we have worked with thus far has been very -- very good to work with. Continuing on with Aviator Street, to the east of us we have worked with the developer, who now owns that property, and, as Joseph mentioned, they have contacted Joseph and they have gone through their preliminary -- or at least a first pre-app meeting. They have been great to work with. Well, it's a well known developer in the valley and -- and somebody who has merit and -- and weight behind their name and they are moving forward and they have -- and -- and they were excited that we

were coming in, because it gives that crucial link to Aviator Street, which, then, allows a one two domino effect of -- of this connection and this connectability through this portion of the site. Now, just to talk a little bit more specifically about the site. I kind of just want to point out a few of the things that Joseph mentioned. We have proposed some front loaded townhomes and those are the two to three bedroom units that Joseph had mentioned. What we really wanted to do -- and -- and Joseph had really pushed us to -- to try to meet as best we could was the Ten Mile Plan and that was those garages that are set back from the site and so by pushing the garages further back in the site and allowing the front doors and the porches of the site it really creates a nice feel and a nice aesthetic of the entire site in order to have more pedestrian walkability and have something that looks a lot nicer as you are strolling through the subdivision. This is just a typical street section. You can see that there is an eight foot landscape buffer between the back of walk -- or the back of curb and the sidewalk and, then, there is going to be another section of landscape buffer between the actual land -- sidewalk and, then, the front of the home. This is just something that we would envision. This would look like -- obviously, with the eight foot landscape buffer there is a lot of opportunity for adding in landscaping that can go in that area and -- and if done well, which we plan to do, this is something that everyone would be excited about to live in. This is just a quick graph of what the actual site would look like. On the previous plan we -- we have shown -- we had the garages further forward. This was again -- as I said, this was something that the Ten Mile Plan asked for. They really want garages pushed far back. They want homes that have cars tucked away, so that when you are walking along the detached sidewalk you have landscaping on -- to one side, landscaping on the other side, and you don't have the cars right up against the sidewalk, you have them tucked away in the home. You have front porches. You have a nice aesthetic that really goes along with that. These are the elevations. Just a color version of what we had previously shown and Joseph had pulled up before and, then, on top of that we had some rear loaded townhomes that are fronting onto the pedestrian open space and so this was something that we were excited about. I have lived in a community that looked very similar to this and had a good opportunity to have the garages on the rear of the home, have the fronting area opening onto that open space. This is actually the community that I used to live in, that I was very proud to say that I lived here. It has the front of these homes opening onto that communal open space. It's just an area that -- that when people come in they -- they love to walk into your home and -- and it's not like you are walking off a street, it's just somewhere that, you know, has that community -- for this specific project this is where the HOA meetings were held. They -- they pulled up chairs and they had this area out here and it was just -- people more so coming into your yard and less about you sitting in your driveway and -- and being a part of that. So, this is kind of an idea of what we would love to see in that area. These are some elevations that developer has worked on in a different subdivision previously with just some of the ideas of what the front of these townhomes would look like. Obviously with the idea of having that usable open space with the pedestrian walkability for your front door and something that really connects well having the garage on the back and having that car access and street portion on the rear of the house. These are proposed here with the garages on the rear of the house, front -- porches on the front and, then, master bedroom and -- and additional bedrooms upstairs with that owner -- sorry -- master suite and, then, having livable space on the first floor and, then, lastly, just want to talk

about the conditional use permit and this was something that I just wanted to thank Joseph on. He had -- he had really pushed that we -- we move forward with the multi-family portion of the site in order to help with the density. We had really tried to see what we can make happen with looking at either single family, looking at the attached product, and -- and Joseph had brought to light that there was some really good opportunities for us to use this space. So, what we have here are the fourplex buildings, which are set up against the irrigation district's easement and, then, have a common -- or a private lane that connects all these areas. With the central portion of this site we really wanted to move forward with adding area that was usable and area that people would actually go to. We have a dog park. We have the children's play areas and we have the picnic pavilion and just -- just areas that we want people to spend time and areas that we want people to go to, while still adding all of the open space that comes along with the fact that we had to give a hundred foot easement along the property boundary. So, not only do we have the open space that will be walkable and will be safe now that the irrigation ditch is piped, but also add some usable open space in the middle that -- if you have young children and if you want to move in here this is where you would take them. The extension of Aviator Street, as I mentioned before is just really crucial to this project and it's a key development feature that -- that the city can get behind or that we believe the city can get behind in order to mitigate any traffic queuing or off peak connectivity for -- as Joseph had made a comment about Compass Charter School has some traffic queuing issues that come along with the fact that they have a pick up and drop off time that's off peak hours and, then, the connectivity of collector roads network for the future development is just something that we are -- we are happy about, too. So, overall, I just want to close with this site is a brainchild of not just the developer, but staff has really pushed hard for some things and -- and we have been glad that they have, because it's created a project that we are very happy with and, then, we want to just provide a product that hits that price point for -- for new home buyers and -- and units that I can afford and units that people of my generation or people that may be able to look at can actually come into and I think that adding the fourplex designs and adding the townhomes and adding those connective -- or, sorry, connected buildings, this is a first time home buyer's home. This is something that somebody can come into. These homes are planned on being individually titled, which means that each unit would be a townhome and each unit is something that we can move forward with. And with that I just would like to ask Council to consider approving this project and thank you for your support.

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

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Quick question. So, why -- why not do the entire project in townhomes? Why did -- why did we add the multi-family, other than the density that was spoken about? Is there another reason?

Schneider: Mr. Mayor, Council Member Bernt, two reasons. First, obviously, the density question or comment that you -- you had raised, that one very simple. We wouldn't be at almost eight units per acre with the 75, which rounds up to the eight units per acre for this site. We wouldn't be at that, which would, then, allow -- which would, then, mean that the City Council would be looking at a project which would be underperforming on its requested R-15 zoning. So, that was the first thing. The second thing is the Ten Mile Plan is very specific that it would like to see a mixture of housing units and types, which this fits into. It allows for that attached unit. It allows for the fourplexes and so it's -- it's following the Ten Mile plan as best that we can.

Bernt: Mr. Mayor, follow up. The only reason I ask -- I mean that's funny we referenced the Ten Mile Plan when 90 percent of the units out there are -- are multi-family units and so -- may not be specific to this, you know, particular project, but I would like to personally see more townhomes out there. I think there is a ton of multi-family already I just thought.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Jadon, I want to commend you. You guys have a challenging site. You really do. You have -- you have worked pretty hard to -- to make things work. I was just curious on -- on the drain and -- and the -- both of them, the Purdam and -- and the other one there. How -- how is that going to be maintained? Are you going to have actual green space mode? Are you going to have -- you know, the tough to grasp type of approach what -- what are you going to be doing with that space?

Schneider: Mr. Mayor Council -- I don't know how to pronounce your last.

Hoaglund: Hoaglund.

Schneider: Hoaglund. Thank you, Council Member Hoaglund. So, how I understand it -- and -- and this might be a little more nuanced. It -- it is the easement that it is owned and maintained it. It's on its own lot and it's within an easement that is owned and maintained by the HOA for this portion of the subdivision. There is some specific conditions that Joseph had brought up that talk about the grass area on that. If Nampa-Meridian Irrigation District will allow us to plant grasses there, so that it isn't just a field full of weeds, that would be our goal. We would love to landscape it. Nampa-Meridian Irrigation District, obviously, their main goal is get water from point A to point B and they would rather not see a large tree over top of their pipe and whatnot. So in what I understand it would be an HOA amenity or an HOA responsibility to be owned and maintained with -- in conjunction with whatever Nampa-Meridian Irrigation District will allow us to utilize in that space.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, you mentioned that the townhomes would be for sale -- would be deeded. The fourplexes, obviously not. Are those going to be two story and also is the intention that they be owned by one entity or will they be individually available for purchase by investors?

Schneider: Mr. Mayor, Council Member Perreault, actually, to clarify on this one, the individual townhomes as they stand in this CUP are proposed as being individual buildings that are titled and owned by one entity. However, it was the intent of the developer to set up the site in a way that if -- if they wanted to they could go further and subdivide each individual -- subdivide is not the right word. I'm sorry. Condominiumize or condominium plat each individual one, so that they could be owned and maintained or -- or the airspace could be situated in such a way that they could be individually titled. Right now how it stands it would be one unit owned by one entity. If -- if one entity bought all nine units they would -- they would be the majority owner of it and -- and they would still have to conform to what the HOA has to say and what everything is written into the CC&Rs about the documents. But the developer, as it stands, the -- the goal was to set it up in such a way so that they could be built and, then, they could be sold individually, so that they could -- if -- if that comes to that stage. That being said, it is still -- the maintenance and the -- it's attached to the -- to the maintenance shop -- not the storage. The owners -- the -- the office space. Thank you. I'm sorry. The office space. It's still a part of it, so it's still set up in a way that it could be in a situation where one entity owns the entire subdivision or the entire portion of the townhome project. Sorry. The town. The fourplex projects and that they are the owner, the maintainer, they -- they rent out to the leasees in this situation.

Dodson: Mr. Mayor?

Schneider: Sorry. Just to add on to that. The elevations that Joseph had shown earlier, these are townhomes or -- yes. Sorry. Fourplexes that are set up so that they are a first story and a second story townhome, so that a livable space on the first story, two to three bedroom units on the second story. So, they -- they are two stories, not a one story on -- or two units on the bottom, two units on the top, not split with where you are walking up into your unit. So, you -- you have one door on each corner of the building, which would be your unit. Sorry. Just to add that question.

Simison: Council, any additional questions for the applicant? Thank you very much. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, yes, we do. William Tillman. And he is declining.

Simison: Okay. And we have nobody online, except for Kristy, unless she really wants to weigh in. Is there anyone else that would like to provide testimony on this item? Would like to now is the time. Deputy chief, are you looking to speak on this item?

Bongiorno: Sure. I was. I was waiting to make sure there was nobody else before I jumped in, because I just wanted to talk a little bit about the fire sprinkler and access stuff. Planner Joe and myself and Jadon have worked a lot on this project to make sure that access is good and the -- the project is safe. So, with this project timing is going to be key. So, we are working with them on secondary access. They don't have it currently. At least we haven't seen it yet that I have approved and so I believe the way we have talked, the last I remember, they are going to do the multi-family first, because that has to be sprinklered anyway, because that's built under the IBC. The townhomes, as they are sitting on individual lots, can be built under the IRC, but if by the time they start, if they do not have secondary access, it's in my agreement and it's also in Joe's notes that they will have to sprinkler the townhomes. The caveat to all of that is the secondary access and also we have to work with the land development group ahead of time, because they have to know, so they can lay the right price -- the proper pipe is laid for sprinkler systems, because you have to have a one inch water line for the townhomes. So, again, there is a lot of little caveats to the whole thing, but I -- I think we have got it figured out to where we can make it happen. So, I just wanted to talk about that, because it -- it really is -- it's a big thing and I just wanted to make sure it wasn't skipped.

Simison: Thank you. Council Woman Perreault.

Perreault: Mr. Mayor, question for Chief Bongiorno. So, if -- in this situation if everything were sprinklered and there would not be a requirement for secondary emergency access, I get that it could help in the case of a fire, but what about all the other functions the fire department does, like getting somebody out of a second floor window or -- help me understand that, outside of just --

Bongiorno: Yeah.

Perreault: -- a building -- a burning building.

Bongiorno: So, we, obviously, can only do so much and so sprinklers -- because we have a lot of people that die in fires -- as a matter of fact, we -- the latest NFPA numbers were -- were, unfortunately, on a bad route right now of deaths in homes because of fires. So, we are trying to get back to the basics and tell people, you know, be careful in your homes. So, in this case the fire sprinklers -- at one point it was nobody has ever died in a sprinklered home from a fire. I -- I don't think that's true anymore, but, still, it's very very low. So -- so, as far as human parts go, obviously, we have the time as -- what does Chief Blume say. Time is -- what was it? Somebody said it. Times not -- time is money. But, no, it's time is tissue. So, if somebody's -- if grandma's having a heart attack, then, yes, this -- this project, as stated in my report, is outside of our five minute response time. Even with Station 8 being built this is -- that whole Black Cat-Franklin area is a no man's land. So, we -- we need land out there. I'm working with a couple of the developers out there to find some property. We need Station No. 9 and it needs to go out there at that Black Cat and Franklin area, so --

Simison: Or Linder Road overpass will allow us access to several areas.

Bongiorno: Yes.

Simison: It will.

Bongiorno: It will help. Definitely. Yes. The Mayor is correct. But anyway. So, we have a -- we have a hole there where we don't -- we are outside of our -- my green blob that I -- that you guys see on my maps. So, what we recommend with -- with the developers and people that are putting in clubhouses is get an AED. So, if you can put an AED in the -- in the clubhouse, you know, and -- like we have done in our parks, that at least gives us that ability to, you know, hey, you go -- go run and grab the AED and -- and I will start CPR. So, we have that. And, then, obviously, we have our public education division that I hope to expand this next budget year and they can work with the HOAs and go out and do CPR classes and we can do stop the bleed classes and we can do all of that. But the big thing for us is -- you know, obviously, is we want to prevent fires. So, sprinklers do that. So, it's kind of a multifaceted thing.

Simison: Council, any additional questions, comments, testimony?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. Appreciate your response, Deputy Chief Bongiorno. Being out -- having had the misfortune of being there early in the morning when schools coming and -- and having -- come back one time early to home and it was being let out, it was just amazing to see the -- the gridlock that occurs there. So, there is that timing issue of when something happens and so since Kristy stuck with us for so long, I -- I just want to make sure she gets -- you know, ACHD gets their money's worth out of her. Kristy, I -- I know that ACHD doesn't want to do roads where they go, you know, two lane to five lane, back to two lane and that sort of thing, but Black Cat from Franklin to the railroad -- tracks when we approved Henley -- Henley -- Henley -- or Hensley? Hensley? Yeah. Hensley Station, they -- they committed right of way for a road expansion to the -- to the railroad tracks for that -- that portion. I just -- I just want to put a bug in your ear that that really needs to have a turn lane there and -- and it's just a -- a situation that need -- is in need of a solution sooner, as opposed to later. So, I just see it as an extension of the intersection from Franklin up Black Cat to about the -- the -- the railroad crossing and, then, you can go back to two lanes. Of course, then, you hit Ten Mile and -- I mean the -- the -- the Pine Street and need a turn lane there, but that would really help a bad situation and -- and we are looking at adding more homes, more traffic. There will be -- in timely fashion another way out. But any -- any thoughts? Is that completely impossible? Out of the question? But I -- in going past those homes I know they plan for it and I know ACHD has prepared them for it, so what -- what -- what say you?

Inselman: Mr. -- or sorry. Mr. Mayor, Councilman Hoaglund. Sorry. I have been around here so long you guys are getting your money's worth. So, we are -- ACHD is aware of

the concerns and the issue there and it's -- and it's been something that traffic is also concerned with. So, this is an area -- I can't give any definitive. I know our traffic is looking at some options there. But just in turning on a planning level with the next update to the integrated five year work plan, we are -- this is an area of need. So, is it is an area that we are hoping to add into the -- into the next update to get that Black -- Black Cat section from Franklin up to Cherry added in to get that -- that roadway improved.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. And, Kristy, thank you. I'm glad to hear it's on their radar and -- and they are aware of it, which I -- I knew they would be. I'm sure they have heard a lot about it. So, I appreciate that and that would certainly help this development and all the ones that come after that, as well as that other access point going out to Franklin, which I would like to hear a little bit more about that timing to make sure everything fits together, because that really is about -- as we heard from the last application, it's -- it is about timing. When things are going to occur when it comes to the roads and -- and the development and can we make it fit together.

Inselman: Mr. Mayor, Councilman Hoaglund, absolutely. Timing -- timing is always key and, like I said, it is -- it is an area that is -- that is in hyper focus I think as well for us, along with other roadways. What can help with some of that is the cities elevation of that project as well. We do request that the city submit a priority list each year and currently that segment is very low on your list. So, when we get to that point where we are asking for updates, this may be something the city could help elevate this by moving it up on their prioritization list.

Simison: Yeah. And perhaps we do just what you mentioned is breaking this up. We -- this Commission maybe not have the same thing, but we can look at Five Mile. We can look at Coverdale. Previously they have only done a section of a road when there are improvements that make sense in connecting to other roads, but maybe that's one way to get this section done quicker for cheaper, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Along the lines of Councilman Hoaglund's comments, see you all -- all of my fellow Council Members have been hearing me squawking about this area for the -- all the time I have been on here and my three years on Planning and Zoning. When Hensley Station -- actually, when Compass came in I was a Planning and Zoning Commissioner and I was not a fan of that location. Kind of envisioning exactly what's happened, which is this traffic issue on Black Cat with, you know, buses coming out one way and parents coming out the other way and Compass said no, no, we are not going to have a track program. No, no, no, the kids are not going to run on the street. No, we are not going to

be utilizing Black Cat for -- for -- you know, for PE, but they do and from the first couple weeks that Compass was done being built sixth graders were running on Black Cat along the -- along the railroad track with no shoulders and no safety and so I not only have concerns about -- about Black Cat, but I have concerns about Aviator, too, because there is -- there are a lot of people walking on that street and it's a narrow street. I know. It's supposed to be built to a collector. But Hensley Station is not done yet. Hopefully it will -- it will function better when they have got all their construction stuff off of Aviator, but as it is right now I don't see adding additional traffic to this section as it currently sits. It's not functional enough to do that. So, for me my comfort level is to wait to see the timing of when Aviator would extend through the property to the east and I know that there is multiple parcels that it would need to go through to connect to Franklin, so I just -- I have significant concerns about just east and west with -- with Aviator and it -- it doesn't feel like it's built currently in the section that is built to handle what would be two dense multi-family projects. As far as the design goes, I'm really thankful that the applicant has spent an incredible amount of time figuring out what's happening with this drain. Great work on that. But I think there is just a lot of questions still to be answered that aren't quite ready, especially the secondary emergency access. I mean if you have somebody that has a heart attack -- you know, a lot of our paramedic services come from the fire department, not from the county, and if they can't access that in a timely way then -- then we lose some of that paramedic service as well.

Simison: Well, since we have -- we reached that point, would the applicant like to come forward for any final comments?

Schneider: Mr. Mayor, Members of Council, I just wanted to, again, thank you for your time. Fire Chief Bongiorno, you are directly on and everything you have said is exactly what we have discussed and what we are in agreement with in regards to fire protection and sprinkler system phasing the project, so that the -- the units that go up first would be in a -- in a manner that follows the International Building Code and fire protection and -- and that is the plan of the project moving forward. As -- as I was expecting, the extension of Aviator Street is -- is an issue that is something that just needs to be taken care of and, honestly we have -- there is a couple of comments that we love to make and love to talk about as -- as we talk about this specific portion of the street. The extension of Aviator Street and how it pertains to the neighboring parcel to the south -- as they move forward it would be my assumption or -- or my understanding of the developer to the south, they would be providing emergency access for their subdivision, as well as tying into Aviator Street and that's just a continuation of all of the other subdivisions and all the other projects that are coming along in this long slender portion. So, if you look at the Compass Charter School and the portion -- and the neighboring parcels next door, there is these long skinny parcels, which are very difficult to build on and by limiting the access to Franklin, as ACHD is requesting, we are connecting to Aviator Street. So, the extension of Aviator Street at this portion is just another key role in providing that future connection. If this portion of Aviator Street does not go in and does not add this connection, then, the subdivision that's due east of this subdivision is an extension of Aviator Street that does not provide the key development -- development and key access for the Compass Charter School to outlet and it's -- as -- as we said in the presentation, it's the -- the developer to

the east is moving forward. The developer to the east has already provided plans that -- to the city and to us that show the extension of Aviator Street, which provides a direct connection -- connection to Franklin. It is that overflow. It is that outlet. This connection in conjunction with the neighboring parcel to the east is the key that gives that outlet that Compass Charter School second portion and so we are just really excited about the opportunity to provide this area and to be that -- that key piece that allows the future connection and I didn't mention it earlier in my report -- or in my presentation, I just wanted to mention it that we -- we are in agreement with everything that staff has put forward for this project and we are really happy to -- to move forward with it. Thank you.

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, Jadon, if the Council were to approve this what -- first phase would be multi-family. What's the timing of that from when you would start anticipating completion?

Schneider: Sure. So, one of the -- maybe the biggest detriment to the developer, which is the biggest benefit to the city, is the fact that the irrigation district and the irrigation timing is now and we can't do those constructions. We can't tie into the irrigation lateral with our main portion -- and I will see if -- I will switch back just to kind of give you a little bit more context to it. But as I talk about it, that connection can't actually happen until after the irrigation season has been completed. So, that will be in the fall. So, the earliest time that we could even connect across Aviator or the -- the portion of Aviator and finally build out this subdivision would be after the piped irrigation system is put into this site. So, right now what Nampa-Meridian Irrigation District has allowed us to do is to put in 50 feet back from this head wall for -- this is the outlet portion of the site, because the Purdam Gulch Drain drain -- drains from the southeast to the northwest. So, 50 feet back from here we are allowed to start our construction and, then, 50 feet back from the head wall where the water comes in down here in the southeast corner of the site we are allowed to stop our construction. So, the pipe section for Aviator is going in, but it is not connecting into the drain and we are going to have to wait all through the summer, all through into the fall into -- I believe it is the end of October when this irrigation district will allow you to actually connect into their design. So, that means that we will wait all through the summer and there won't be any construction that is pertaining to actually building or anything there and we are -- we are going to be waiting on that. So, then, it will wait until the fall. The irrigation district will, then, allow us to move forward with our connection. After that time we will finally be able to connect to Aviator Street through and finish all the connections. So, this loop road here in the northwest corner -- as you see here it comes up and it crosses over the irrigation drain, that won't be able to even be started construction until fall, winter, most likely spring of 2023. So, the time frame for this subdivision, even though we are looking for approval now, fits nicely with the subdivision that's coming to the east as -- if they are pushing forward as they have proposition and they have been pushing to the city, they might even be done before we are done. They might even be at that point where they are pushing in. We are just really excited about having the approvals in place and having that situation where we can be coordinating with the developer to the east

and working together as a team in order to make this connection happen and, then, provide the city that necessary outlet.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Follow up with Joseph. With what you know with the future development, is it possible to have decent timing on this. I know it's again -- there is lots of things people have to do, but is that feasibility in play?

Dodson: Mr. Mayor, Councilman Hoaglund. That's a great question. I -- generally I think I agree with what Jadon has said. It's -- timing, obviously, is an issue. I think with the irrigation -- of course we all know it's not going to happen now. That's going to put a nice de facto delay on it. Obviously I can't predict how the project to the east would go, but I can say if this project doesn't move forward the same issue we are talking about with this now becomes their problem, because they will not have their secondary access anywhere either and they would be proposing vastly more units than this. So, you run into the same problem. Chicken and egg thing. And -- and it's -- it's kind of -- one of them becomes key. It's kind of which one do you want it to be? Do you want it to be a smaller one or a bigger one? I think that's a big conversation to have. That existing parcel to the east has a current private land connection to Franklin, but my understanding is ACHD does not want that to remain and a lot of other discussions I have had internally were not expecting that to remain as a connection to Franklin. So, the only way to get to Franklin is going to be through that subdivision and subsequent -- subsequently through this one. So, I think timing is going to have to work out. I don't know if -- I don't have a specific timing condition regarding building permits in the DA. As we have discussed previously and has been put on applications before -- I don't know if that's City Council's purview or what that kind of timing would be amenable for the applicant. I'm sure they would appreciate that more than a denial, but -- you know.

Simison: Joe, you kind of got into my head, because it's like chicken and egg. Get -- get worse before you can get better or make everybody wait until they all collaborate on timing and road improvements before anyone can start doing any of their project. Or else -- yeah. Otherwise, you -- you will -- Black Cat-Franklin will get worse before -- for who knows how long. Because if one of them doesn't move forward, backs out --

Dodson: Correct.

Simison: -- loses interest, you may not get it if you don't condition them all to a certain extent.

Dodson: Yes, sir. Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I was thinking along those exact same lines. If there is the chicken and egg element, if you were to put an order -- in my mind -- I love the fact that we are having a conversation about this entire area, not just one project. If you were to put things in an order that would make sense to me, I want to see the improvements on Black Cat first before -- even if -- even if the -- the eastern development -- if that application was before us I would still want to see -- because likely what's going to happen is is this Aviator, if it connects down to Franklin, they are going to want a right-in and right-out possibly, just like they did with the Compass. I don't know if they will, but -- because Franklin's a five lane road there -- they tend to have those exits -- you know, they tend to not allow them to turn left on those and so if that happens -- if that's a requirement, then, everybody's going to want to take Aviator out to Black Cat and not head down to Franklin as a -- as a main exit on that collector. So, that's my biggest concern is, you know, we approve the one to the east before yours. We approve yours before theirs. But however it comes down to Franklin, whatever limitation ACHD decides to put on that, then, I'm concerned that everybody's going to head back out to Aviator and -- and exit on Black Cat and we are back to kind of the same conversation we are having right now, so -- and in my opinion if the -- can you pull back up the slide that shows where their proposed Aviator -- I don't know if that was your slide or -- or a Planning slide -- proposed Aviator would run to. I -- I would rather hear the -- the -- and see the information for the applicant. Okay. So, it will go solely through their property. It won't go through another property? I would rather hear the application for the property to the east and I don't like -- I don't like approving developments that are in -- where we are required to get an answer on another project that's coming, because if that project gets denied, then, everything that you have recommended and suggested about this Aviator coming through is no longer an option and now we -- we are sending cars back out to Black Cat with the same issue that we have discussed, so -- as far as timing goes, I would rather see the project to the east approved before this one is for myself. That's my thought.

Schneider: Mr. Mayor, may I comment on that? Mr. Mayor, Council Member Perreault, I completely understand and I agree with -- with the concern and I agree with everything that you are saying. Perhaps Fire Chief Bongiorno can add to this. I -- a comment that Joseph made -- the other project it -- it's 20 plus acres, if I remember correctly. It's -- it's in the magnitude of hundreds of homes to reach that density, 20 -- 20 units at -- at 12 units per acre. It's -- it's hundreds of units. It is single connection as you can see off of this connection down on the southeast corner. It's a single connection. I just personally and -- and maybe the fire chief can join -- join in on here. I understand your concern and you are saying this would be a hard sell for us to connect in with they -- if -- or if you don't have a second connection. I think it's going to be an even harder sell if it's hundreds of units trying to come forward if they don't have a second connection. But I completely understand everything that you are making a comment on about that concern about the Black Cat, about everything there. I would just go back to our comment about the -- or reiterate our comment about the keyness of this connection in order to provide that relief and that overflow valve for a much needed portion that -- that needs to have that moving forward.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Before we close the public hearing I do have another question for the applicant. So, given what I had just stated, if -- in my opinion, the -- the future application -- future project to the east needs to be heard first, are you agreeable to that? Would you be willing to continue your hearing until we can get more information on that or would you rather us -- you know, if -- if it goes that direction I know at this point I would vote no, but I would be amenable to a continuation. It's going to be months out, because we don't know when this is going to get heard. But I would rather offer that option to you than to vote against it, because I don't -- I do think there is some tweaking that needs to be done to your project, but for the most part I -- I don't -- I think it's a -- a good design. I agree with Councilman Bernt, I would like to see the townhomes. Plenty of multi-family in this area. Not to mention that there is a couple other projects in Meridian where the individual lots have been sold off to individual investors with fourplexes and you would hope that they would all keep and maintain their -- their one building similar to one another, but they don't and it's created lots of issues with code enforcement. It's created lots of issues with the tenants. There is one in the corner of Ten Mile and Pine across from the Chevron, constant problems with that development, because they are all owned by individual investors and the HOA is fighting with them all the time to -- you know, you have one individual person like me who owns a fourplex, they are not property managers, they are not used to maintaining a building of that size, they think it's like maintaining a home and it's not and so that's what we tend to see in these lots that have one investor that owns a fourplex that's just a -- you know. And that doesn't mean individuals can't do a great job, but it tends to not be very cohesive and consistent and so it creates some issues that way as well. So, I'm not a fan of that actual business model, but the city can't legislate that, so what are your thoughts on the continuation?

Schneider: Mr. Mayor, Council Member Perreault -- and I completely understand your comment. Just to jump to the second comment first and, then, to the first. The density is -- is the biggest thing. We -- we wouldn't -- we would be open to proposing just townhomes. We looked at it with Joseph and I could send you -- we went through something like 26 reiterations internally on this project to try to get density. It's a six -- four, five, maybe six unit per acre project. This is an R-15 zoning with just townhomes and that is the big thing. I -- I -- I just -- my understanding is that Council put together this zoning map and this comprehensive plan for a reason. They want the density and this is how -- this is how you get density on a site like this. If there wasn't an irrigation canal that was taking up a hundred foot of easement through here this project could be a slam dunk of a -- of a ten unit per acre, it would be perfect, it would fit in excellent. The problem is the site constraints of this are just not feasible to really allow a project with one density and two site constraints. If the Compass Charter School didn't have a storm drain there and they were willing to move it, great, you can get more density. We can go more townhomes. Long story short, that is our -- that's our situation there. In regards to your first comment, I think that the developer would be open to it. However, I really feel like there could potentially be some options to work with Council to find a manner that we would be a little bit more palatable towards for -- for -- sorry -- perhaps looking at deed

restricted lots that show that in order to -- as -- as we had worked with the fire chief, on irrigate -- or putting in the -- sprinkler systems. Thank you. Irrigation. Putting in the sprinkler system for individual buildings being a condition of that secondary access. Perhaps there is something like a deed restricted lot for half the site that would say, great, you can only build half of your units at this time. At that time, then, you can move forward, because now there is a secondary connection, at which point building permits can get pulled. That's -- we just feel confident that the developer to the east is ready to move in and ready to move with it and we are excited and, obviously, just like any developer would be, we are excited to move forward. So, I would hope that there would be a faster way to get about what you are asking for. If it's a condition of -- we will just deny your project, obviously, we would be more open to looking at a continuation and working with the developer to the east. I -- I don't know if the developer to the east ever actually wrote anything specifically. They had made a comment that they were going to write a letter to City Council to say that, you know, big thumbs up to this project. We want this to go through, because this is crucial to our project. Thank you.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: The adjacent owner did send in that letter. It was one of the things that they did before the Planning Commission I believe. I also wanted to comment on the -- just quickly with the comments about the townhomes versus multi-family. I don't -- and Mr. Nary can correct me if I'm wrong. I don't know if Council has the purview to say no based on density if it -- because we are at the plat stage. I don't know if we can do that. It meets the density. It's -- therefore, you know, we got to move that portion of it forward. If we were to say, oh, you can't have multi-family, that would require a Comprehensive Plan map amendment, because they are not going to be able to meet the density with just townhomes. It's just physically not going to happen with the requirement of the drain and it's location. One of the iterations that we had had a nice loop road and had -- a hundred percent had homes and it would have met, but it crossed the drain twice, so Nampa-Meridian said no. So, to that point I just want to make sure that we are not -- I don't want to steer the applicant that direction if we -- if we can't do that and I don't know that we should if we have already done two map amendments on this property now, so -- that's -- yeah. If we need a condition regarding timing, again, open to doing that. Obviously, the applicant's open to the continuance, too. Wish I could help with the Black Cat stuff, but can't.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Thinking back on what Joe just said, I mean, again, this is annexed property, so it is entitled, it is -- fits the comp plan. So, it is a CUP, so some of the conditions Council Member Perreault was talking about or what you just offered about timing and buildings and -- and phasing of that -- of that multi-family portion, can be conditioned in the CUP. I

mean that can -- you know, building -- you know, issuing building permits could be a condition of a CUP. So, there can be ways maybe to address what your concerns are. I don't know if we can resolve them all tonight, so I don't know if that's -- if we can clarify what specific conditions and that would, then, give the applicant the planning time to craft those conditions as part of the CUP, that might be cleaner than a continuance that's dependent on another property coming forward, which could happen in three months or three years, so --

Dodson: Mr. Mayor? I would like to clarify one last time. I keep saying DA provisions, but that's not before us tonight. I'm used to a plat and an annexation. My apologies. It would have to be a plat condition. I apologize. Which can still be associated with timing. We have done that before.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Kind of continue the discussion. You know, we talk about chicken and the egg and to me if -- if we don't approve this, then, why would -- what -- what's the incentive for the person to the east go? I mean that's -- that's the linchpin. We know Marco Way comes to their property line. If we approve this development it will go to their property line here on the west. So, now they have incentive to move forward. They know that they have that connection available on both ends and they can do it. If we don't do this one tonight, then, well, we are -- we are -- we are stuck with the same situation, so --

Perreault: Mr. Mayor?

Hoaglund: -- my -- my view of it.

Simison: Council Woman Perreault.

Perreault: Sorry, Councilman Hoaglund, I thought you were finished speaking. I apologize. I -- I hear what you are saying. However, I see the property as to the east -- to the east as being able to potentially develop and not have to have the property to the west if they are able to exit out San Marco Way and down to Franklin, but I don't see property that -- the subject property being able to develop and -- and have Aviator as their main entrance and exit, with the assumption that the east property doesn't develop. So, I feel like the east property could develop and still function safely and reasonably connecting to the south to Franklin, but I don't see that same possibility -- I -- I would have grave concerns that the property to the east would not -- would not get approved and how we are stuck having this Aviator Street going nowhere for now and -- and just -- I just see a lot of safety issues. So, my only -- at this point I feel like my -- the only thing that -- that would ease my concern about that is if it was conditions such that this could not be -- a certificate of occupancy could not be issued until Black Cat Road improvements are done.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Just to be clear, this is a Black Cat versus Franklin access issue that you are having, right, Council Woman Perreault?

Perreault: Yes. I -- yeah. It's -- it's not -- my concern isn't as much the emergency -- the emergency access. There is a concern there. But my concern is -- is actual traffic being generated by the development as far as safety on Aviator. If -- if the east property were never to get approved or at least not in the near future, I have a lot of concerns about Aviator adding more traffic to it. It's just not functioning well right now as it is.

Dodson: Mr. Mayor, follow up. The other potential caveat to this is if the -- the property to the south does redevelop, they will more than likely have an access to Franklin as well. Granted, it's much closer to Compass, understood, but that is another potential there. I -- the previous application that was there and, then, they withdrew, had an access out to Franklin and it was not a temporary and ACHD was going to be okay with it. So, I believe that that would be what they anticipate as well and I don't know -- again, timing. That doesn't go away. But there may be multiple avenues out. I just -- again, chicken and egg.

Simison: So, Joe, this is where my -- again, I -- I may or may not be involved in any conversations tonight or moving forward, but to me this is an area that we really need a master planned access for this area to have a better understanding where people should actually be exiting.

Dodson: Yeah.

Simison: To the -- to Council Woman Perreault's point, I mean Black Cat and Franklin, that -- that may -- we may be able to get ACHD to do that sooner, but there is so many of these long skinny parcels in this area that may all want to individually have access, maybe none of them should have access. Where should the access line up in this area to provide the best functionality for this area? Because, you know, in my opinion, because of Compass Charter, I would suggest we want to get everyone to access closer to Franklin than onto Black Cat because of the train tracks and everything else in this area that -- that's my nontraffic engineer two cents, but until we can look at this area in a whole and figure this out -- because I'm like -- I don't want this large acre or this one to be conversely down through and maybe going out on -- or -- or driving through -- I mean we just heard the last application -- or applications tonight where people don't want 20 houses driving through their area. Now, we -- we could be talking about hundreds of homes driving by some homes to exit out on -- because we don't have -- I don't think we have -- I don't think that there is a traffic plan for this 200 acres in this area, you know, and it probably really really needs one. So, that's my two cents on this project is I -- I think the unfortunate -- all the -- what about all these other property owners that don't have the little lines on it that -- do they have plans to do anything? Are they going to stay there for another 30 years, 50 years? I don't know. That's my two cents on --

Dodson: Mr. Mayor? I have had a meeting with ACHD about this whole area with Mr. Parsons and that was the topic of discussion. I said, well, what the heck is going on out here? What are the -- what are the plans with an assumption that a lot of these little tiny parcels, especially these ones, would be remaining for quite some time, just because my understanding is they are not interested in redeveloping and, then, you know, we don't make people and that's fine. I think more than not -- more area of this area than not will redevelop in the near one to two years more than likely and where those accesses to are Franklin -- I wish I had gotten more concrete answers from who was in the ACHD meeting, but I did not. They kind of pushed it back on us as to where we would allow or not allow, which doesn't coincide with other conversations I have had. Obviously, offset requirements are there, but I think there will be multiple accesses to Franklin, at least two I would say that would be permanent access. It is my understanding that that temporary access and Descent is now wanting to be a permanent access by ACHD, so that's one. There is potential that that would connect east -- well, Descent would connect east-west through adjacent sites and, then, out to the collector as well, so there wouldn't just be this access to Franklin. Could be this one. Could be another one here. Then you can throw in the wrench of there is -- the existing DA for Compass Charter says once they have a road here they have to close their access to Franklin, too. So, there is a lot of different pins going on here. So, I -- I hear your point. I don't necessarily know -- and I have heard this over the years, do you lay all this at the feet of one application? I don't know. That's for Council.

Simison: And while it's not before us, on a personal level -- and I -- I could go almost the opposite direction of where the applicant -- I could -- the townhome portion of this project I -- if that was split off and we could only do that, personally, I would -- could support moving a portion of this forward and have it exit out to Black Cat. May not be my preference for today to help move along those next pieces to help those dominoes, but not doing the rest of the CUP -- reduce somewhat of the traffic. Allow some of it to move forward, but allows a -- a larger conversation to occur with the rest of the property owners in the area to figure this out over time, because I think that that's an important part. But that's -- I don't know that that's an outcome from today. Just my two cents. And it flip-flops your conversation about fire and -- but food for thought. And that's a portion that everyone seems to support is the townhome section, at least -- I can't say everyone, but at least from what I heard.

Dodson: Mr. Mayor, just to -- and I do not want to argue with you in any way. You pay my bills. It's okay. The -- generally from what I do understand about traffic studies -- and I am not a traffic engineer -- single family homes actually tend to generate more trips per day than multi-family and, then, the unit count on this is pretty even. It's actually a couple more single family than the multi-family. So, I see your point.

Simison: It's -- it's not arguing, it's just the part that people tend to like is the --

Dodson: Right.

Simison: -- is the townhome more than the multi-family at this point in time.

Dodson: Yeah. Understood.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: For the record I also voted against Hensley Station for the same reasons that I just have stated, which is that this -- especially that railroad track corner and no sidewalks, the shoulders are rough, it's just the -- the Black Cat just needs those improvements. It needed it before Hensley Station. I wasn't happy that got approved either. So, that's where I'm at. I -- I -- I don't think it's a no, I just think it's not yet.

Schneider: Mr. Mayor, if I may.

Simison: Yes.

Schneider: Just for closing comments for us. We are excited to move forward in whatever capacity that is -- obviously we would be less excited about a denial for the comments given tonight. The -- the -- the fact that we believe that we are a key infrastructure improvement and -- and of great benefit to the city with adding this connection through here. Again to reiterate the time frame of this project, even if we had a complete unanimous approval today and engineering drawings miraculously approved tomorrow, it can't be built tomorrow. It cannot -- it cannot move forward at the earliest until the end of the irrigation season and if you are in the construction industry you understand that no one's going to be paving in January, February. We are not even going to be able to get to that point where you actually have your approval. This is a 2023 project. This is a project that comes at a later date. Obviously with the entitlements process and the fact that the developer is ready to move forward and ready to make plans for the future, that is where we are ready to ask the Council to approve it and ask to move forward. However, like I said, we are ready to work with Council to find a common ground and we would be excited to find some situation that would do that. But as I have hammered on many points, I -- we strongly feel, as this is the key -- keystone project to get the connection and to be that overflow and to be that -- that way for -- to mitigate this problem, to no longer let Compass Charter School cause a problem on Black Cat, this is the first step in a number of steps to creating a remedy to an existing problem. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Just a question for the applicant. What were your thoughts about what the Mayor had suggested?

Schneider: Can you be a little more specific, sorry, about that?

Bernt: His comment about doing the townhomes now to create that connectivity and -- and not the multi-use portion of it until, you know, a transportation plan is done for this area.

Schneider: Mr. Mayor, Council Member Bernt, yeah, we -- we would be open exactly to something that would involve that and for that exact reason that we would want to add that connectivity and we would want to add that. I -- I guess in our ideal situation we think that that would be a little bit more contingent on adding the connectivity for the developer to the east and adding that there. You had made just a comment there about a traffic -- was a traffic study or a traffic plan there. Yes. So, I think -- I think that in our time frame and in our mindset of what we understand to the developers in the -- in the surrounding area they are -- they are ready to move forward and -- and given our time frame, as I said before, I think that they might even be done prior to what we can do given the fact that we are kind of hamstrung with irrigation season. But, yes, we are absolutely open to that and as I had mentioned to Council Member Perreault earlier about potentially -- and I had used the term deed restricting the lots -- being at a nonbuildable lot until you have the connectivity in the similar manner to how we had talked about sprinkler systems. So, yes, that's absolutely something that we would be much more open to, as opposed to just a firm no on this project. Thank you.

Bernt: Got it. Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: In regards to that -- doing the townhomes first, though, would -- would -- maybe a question for Deputy Chief Bongiorno. Would they be required to be sprinklered?

Bongiorno: Yes, sir, they would.

Simison: Are they limited to a certain number in that --

Bongiorno: Hensley Station wrecked that. So, it's --

Simison: Okay.

Bongiorno: -- they would have to be sprinklered. Unless between -- like Jadon has been saying, it's -- it's timing. So, unless between now and whenever they start their first build we have got that secondary access, either from that property to the south or something else. So, if that happens -- because I know the -- the builder to the south has been contacting me weekly. So, he's getting ready to come forth with something that's going to have an access out to Franklin. So, if that happens then -- and -- and it gets approved, then, they are clear to go without sprinklers.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Question for Joe. So, we can't condition, based on another private party's process. So, we could condition it based on whether ACHD improves Black Cat; right? But we couldn't condition it on what any -- any timing of any of the surrounding private properties, can we?

Dodson: It is my understanding that -- not necessary -- Mr. Nary is shaking his head no. But I -- I -- I know I have heard of -- you can't get a building permit until a secondary access is available. Something like that. It would be a little bit more broad than saying this specific parcel gets approval for something. But it could be no building permits until Aviator gets extended. No building permits until there is another connection to Franklin period. Something along those lines. But not specifically to a parcel, no.

Nary: Mr. Mayor, Members of the Council, Joe is right. So, yeah, we can't really condition it on another application or we can condition on conditions that -- like he's talking about. Another access point. A different -- a different way to get there. Improvement to the roadway. I mean all of those things are reasonable based on the code. But we couldn't condition on somebody else's approval.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: My concern about -- my concern with conditioning on there being a secondary access is that those don't always -- that doesn't necessarily mean a road that everybody drives. Sometimes secondary accesses are just used for the fire department, so --

Dodson: You could specify that.

Perreault: -- that doesn't alleviate my concerns about actual traffic.

Dodson: Sure. Council Woman Perreault, you can also specify that in your condition, too. It could be not an emergency secondary access, but a public Road access -- secondary public road access. That could be part of that condition.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: As we talked about conditions, I -- I'm more inclined to support a condition that is a secondary or main access alternatively, as opposed to Black Cat, just because you have a public entity, ACHD -- not that they don't want to do it, but they have competing interests and so it's just a matter of where does it fit, when does it fit. Here you have developers who are trying to develop their property and they have a self interest to get it

done. So, I -- I see that happening sooner than -- than a public entity, just because the interests are different. Competing interests. So --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To that point could this application be approved, the townhomes be permitted to proceed and one of the conditions on the CUP for the multi-family be that no permits are issued on those until the secondary access connecting Aviator to Franklin Road?

Dodson: Mr. Mayor, I think that would work. I don't see how -- you can do it the other way as well, whichever way works.

Borton: The CUP allows us to do that on the multi-family.

Dodson: So does the plat, too. Correct.

Simison: Just to add in one more caveat, because potentially you never know what's going to happen. Would you also want to allow -- if ACHD improved Black Cat that that would release it?

Borton: Mr. Mayor, I don't know how you would articulate language improve Black Cat to be pretty specific.

Simison: If Black Cat was improved -- well --

Dodson: You would just -- I think you would end the sentence with unless Black Cat Road is improved by ACHD, then, such and such -- that -- we have -- Nary and Bill Parsons and I have wordsmithed quite a few things with conditions.

Simison: Just food for thought.

Dodson: Correct.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: The applicant can -- can respond. I would assume the less sprinkling you have to do the -- the better off you that -- that would be more desirable. So, if there is a secondary access, Fire Department has two access points, you don't have to sprinkle with the townhomes, that's -- that's a money savings and -- and you want a lower price point, we all want lower price points for homes now, so your thoughts on that?

Schneider: Mr. Mayor, we -- absolutely. You are completely correct. And as Fire Chief Bongiorno has made comments before about the fire safety and the sprinklers, we are absolutely ready to sprinkler every building if that was the requirement. We -- we will want to move forward with this project either way. But you are completely correct with what you are -- what you are stating there about cost saving measures and measures just to comply with safety standards. But if that safety standard is the safety of the community is paramount with sprinklers, that condition can be met. It doesn't seem like that would be necessary with a secondary access and if that -- if that's the condition that's before us, then, we would be excited to move forward with the -- with the subdivision.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I just want to understand more clearly the purpose of allowing the townhomes to be built prior to the -- the multi-family if we are going to require secondary access -- or another main road access then -- then why distinguish the timing of the two separate parts of the -- of the development?

Simison: My two cents, I don't know if this -- if the CUP was going to be moving forward or not for the -- so, that was my comment. My comment was that people seem to like the townhomes. They weren't convinced they even liked the multi-family. So, that's why I was making that suggestion, because it seemed to be the part that had the best chance and getting something moving allows the road to be considered. But I -- I don't know where the Council was on the -- there seemed to be some questions from some of the Council about what they wanted to see or prefer in that area and if you -- if you want to go down that road I think that's another conversation as well.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm amenable to a condition, both with the plat and the CUP, that there isn't any building permits issued until there is a main -- a second main access. I'm not comfortable with allowing half of it to be developed and half of it not and I just -- I think that it needs to be, you know, all completed and go ahead, put the infrastructure in, do the drain, do all that stuff, but just not allow for a building permit until that -- that second access is done. I'm comfortable with that.

Dodson: So, Mr. Mayor, to be clear, I have heard two different versions of that now, so I just want to make sure whoever makes the motion, either a piece of it's going forward prior to the access or none of it is going forward prior to the second access. I just want to make that very clear.

Simison: Yes, someone will make that clear, whatever they decide.

Dodson: Thank you.

Bongiorno: Mr. Mayor? Mr. Mayor and Council, I just want to make sure it's clear. According to the fire code, anything over 30 on a single access, as long as it's sprinklered, is allowed by the fire code. So, they can build all of it. All of it would be sprinklered and it would meet code. So, I just want to make sure that's clear.

Simison: Yes.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I appreciate that. My concern is not as much the fire safety, because the applicant has already said they would sprinkler, its traffic concerns and safety around the charter school, pedestrian safety, of future flow of traffic based on not having a traffic plan. That's really where my concern lies.

Hoaglund: And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Come back to -- to circle things around to whether it is the extension of Aviator or a development to the south that connects to Franklin, this development will need to be approved to make those connections. So, that's what we have.

Simison: Do I have a motion to close the public hearing? Are we there yet?

Schneider: Mr. Mayor, I would just like to say that we are excited to move forward in whatever capacity the city -- the city would like. As I said before, we would be much more happy about finishing this meeting with an approval, as opposed to a denial and the developer is -- is key to me that they are -- they are very excited to move forward with the city's decision on how to best make this site safe, but also add that key infrastructure that comes along with the extension of Aviator. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move we close the public hearing on item H-2021-0096.

Hoaglund: Second the motion.

Simison: I have a motion and a second to close the public hearing. 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: FOUR AYES. TWO ABSENT.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0096 as presented in the staff report for the hearing date of April 5th, 2022, not -- with the exception of not allowing for any building permits to be issued until there is a second public road access to the property. I have a motion. Is there a second?

Hoaglund: Second for discussion.

Simison: Have a second for discussion. Councilman Hoaglund for discussion.

Hoaglund: Yes. I'm -- I'm -- I'm playing through my mind. No building permits issued until there is a secondary access, so they can commence construction and so they will have to make sure the timing is correct with other developments as they move forward. So -- Okay. I think that works.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: That does allow them to get the infrastructure done, get the drain done, get the roads put in, lights put in, so they can start moving and that's why I like that particular concept.

Dodson: Mr. Mayor? Sorry.

Simison: Joe.

Dodson: Does the motion maker want to include the caveat of Black Cat improvements, taking that off or not?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I think that if that -- if the -- the second access from Franklin is completed I'm not as concerned about the improvements on Black -- I would love to see the improvements on Black Cat done, but most people are going to take the easier route and if it's hard to get out onto Black Cat from Aviator, which it is already now, then, they will probably head toward Franklin. Just human nature.

Dodson: Okay.

Simison: Do I have further discussion on the motion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

### **FUTURE MEETING TOPICS**

Simison: Council, anything under future meeting topics? All right. Then do I have a motion to adjourn?

Hoaglund: Move to adjourn.

Simison: I have a motion to adjourn. All in favor say aye. Opposed nay? The ayes have it. We are adjourned.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 11:35 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

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

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

ATTEST:

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