

CITY COUNCIL WORK SESSION

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho Tuesday, August 09, 2022 at 4:30 PM

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Agenda

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: https://us02web.zoom.us/j/88029902800

Or join by phone: 1-669-900-6833

Webinar ID: 880 2990 2800

ROLL CALL ATTENDAN	CF	N	A	D	N	ΈΙ	"T	Т	Α	L	L	A	С.	L	L	O	R
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Jessica Perreault	Joe Borton	Brad Hoaglun
Treg Bernt	Liz Strader	Luke Cavener
	Mayor Robert E. Simison	

ADOPTION OF AGENDA

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the July 19, 2022 City Council Work Session
- 2. Approve Minutes of the July 19, 2022 City Council Regular Meeting
- 3. Approve Minutes of the July 26, 2022 City Council Work Session
- 4. Approve Minutes of the July 26, 2022 City Council Regular Meeting
- 5. Fairview Row Townhomes Sanitary Sewer Easement No. 1
- 6. Impressive East Ridge No. 3 Sanitary Sewer and Water Easement No. 1
- 7. Lavender Heights Subdivision No.3 Sanitary Sewer Easement No. 1
- 8. Final Plat for Outer Banks Subdivision (FP-2022-0014) by JUB Engineers, Generally Located at the Southwest Corner of W. Franklin Rd. and S. Ten Mile Rd.
- 9. Final Order for Briar Ridge No. 1 by Kent Brown Planning Services, Located on the West side of S. Meridian Rd., between W. Lake Hazel Rd. and W. Amity Rd., near the mid-mile point

- 10. Final Order for Oaks North No. 12 (FP-2022-0019) by Toll Southwest LLC, Located at W. Burnt Sage Dr. (Parcel Number S0428325460)
- 11. Final Order for Pine 43 Animal Farm (FP-2022-0017) by J-U-B Engineers, Located at the Southeast Corner of N. Webb St. and E. Pine St.
- 12. Findings of Fact, Conclusions of Law for Bountiful Commons East (H-2022-0015) by KM Engineering, LLP, Located at 5960 and 5984 N. Linder Rd.
- 13. Findings of Fact, Conclusions of Law, and Decision Order for Request for Reconsideration for Burnside Ridge Estates (H-2021-0070) by Kimley-Horn and Associates, Inc., Located Near the Southwest Corner of S. Linder Rd. and W. Victory Rd., Including 2365 W. Victory Rd., 3801 S. Linder Rd., and Parcels S1226142251, R0831430030, R0831430022, and R0831430010
- 14. Findings of Fact, Conclusions of Law for Centerville Subdivision (H-2021-0046) by Engineering Solutions, LLP, Located at 4111 E. Amity Rd. (including the outparcel to the south) and 5200 S. Hillsdale Ave., at the Southeast Corner of S. Hillsdale Ave. and E. Amity Rd.
- 15. Findings of Fact, Conclusions of Law for Pickleball Court Subdivision (H-2022-0025) by The Land Group, Inc., Located at 4050 W. McMillan Rd. at the northeast corner of N. Joy Street and W. McMillan Rd.
- 16. Findings of Fact, Conclusions of Law for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Ave. (Parcel #S1210417400)
- 17. Approval of Purchase Order 22-0353 to Hughes Fire Equipment for One (1) new Pierce Velocity 100' Ascendant Ladder Truck for the Not-To-Exceed amount of \$1,698,277.00
- 18. Ada County Highway District Cost Share Permit: Eagle Rd., Lake Hazel to Amity
- 19. Amendment to State/Local Agreement for Meridian Rail With Trail Pathway
- 20. Project Agreement Between the Nampa & Meridian Irrigation District and the City of Meridian for Boring Under the Eight Mile Lateral at Lakeview Golf Course
- 21. <u>License Agreement Between the Ada County Highway District and the City of Meridian Regarding Downtown Trees and Flower Pots Additional Water</u>
 Connection
- 22. <u>Interagency Agreement Between the Ada County Highway District and the City of Meridian for Water and Sewer Improvements for Locust Grove Road, Overland Road To Victory Road, ACHD Project No. 519034.001 & 319043</u>
- 23. Resolution No. 22-2338: A Resolution Vacating a Public Utility Easement Between Lots 11 and 12, Block 3 of Fairbourne Subdivision No. 3, Located in the Northeast ¼ of the Southeast ¼ of Section 21, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho; and Providing an Effective Date

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

DEPARTMENT / COMMISSION REPORTS [Action Item]

- 24. Finance Department: Approval of the Revised Fiscal Year 2022 Amended Revenues and expenditures of \$194,955,456.00
- 25. <u>Fire Department: Memorandum of Understanding between the City of Meridian and IAFF Local 4627 to Establish a Permanent Position of Captain Logistics</u>
- 26. Fire Department: Memorandum of Understanding between the City of Meridian and IAFF Local 4627 to Waive Time-In-Grade Requirements for Engineer Position
- 27. <u>Ordinance Change Discussion: Water Recycling System Requirements for New Commercial Car Washes</u>
- 28. Ordinance Change Discussion: Maintenance Responsibility for Sewer Services on Private Property

ADJOURNMENT



ITEM TOPIC: Approve Minutes of the July 19, 2022 City Council Work Session

A Meeting of the Meridian City Council was called to order at 4:31 p.m., Tuesday, July 19, 2022, by Mayor Robert Simison.

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

Members Absent: Joe Borton and Liz Strader.

Also present: Chris Johnson, Bill Nary, Dave Miles, Dave Tiede, Bruce Freckleton, Todd Lavoie, Berle Stokes, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

	_ Liz Strader	Joe Borton
X	_ Brad Hoaglun	X Treg Bernt
X_	_ Jessica Perreault	X Luke Cavener
	X Mayor Ro	bert E. Simison

Simison: Council, we will go ahead and call the meeting to order. For the record it is July 19th, 2022, at 4:31 p.m. We will begin this afternoon's work session with roll call attendance.

ADOPTION OF AGENDA

Simison: Next item up is adoption of the agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adoption of the agenda as published.

Bernt: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. Amity Storage Water Main Easement

- 2. Aviator Springs Subdivision Emergency Access Easement Agreement No. 1
- Aviator Springs Subdivision Emergency Access Easement Agreement No. 2
- 4. Elsinore Daycare Lots 12 and 13, Block 2 of Paramount Square Subdivision Water Main Easement
- 5. Horse Meadows Emergency Access Easement Agreement No. 1
- 6. Horse Meadows Sanitary Sewer and Water Main Easement
- 7. Timberline North Subdivision No. 2 Water Main Easement No. 1
- 8. Final Plat for Briar Ridge No. 1 by Kent Brown Planning Services, located on the West side of S. Meridian Rd., between W. Lake Hazel Rd. and W. Amity Rd., near the mid-mile point
- 9. Final Plat for Oaks North No. 12 (FP-2022-0019) by Toll Southwest LLC, Located at W. Burnt Sage Dr. (Parcel Number S0428325460)
- 10. Development Agreement (Alamar Subdivision H-2022-0004) Between the City of Meridian and Marala Investments, LLC for Property Located at 4380 W. Franklin Rd., Parcel S1210346603
- 11. Water Distribution System Interconnect Agreement Between City of Meridian and Veolia (f.k.a. United Water)
- 12. Memorandum of Agreement with Meridian Development Corporation for Contribution toward 2022 Concerts On Broadway Series
- 13. Memorandum of Agreement with Meridian Development Corporation for Contribution to Traffic Box Community Art Project
- 14. Parks and Recreation Department: Fiscal Year 2022 Net-Zero Budget Amendment in the Amount of \$12,500.00 for Meridian Development Corporation Sponsorship of Concerts on Broadway and Traffic Box Wraps
- 15. Resolution 22-2336: A Resolution of the Mayor and the City Council of the City of Meridian Authorizing the City Clerk to Destroy Certain Paper Originals of Permanent Records Retained in a Non-Paper Medium of The City of Meridian; and Providing an Effective Date

Simison: Next item up is the Consent Agenda.

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Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move we approve the Consent Agenda and for the Mayor to sign and Clerk to

attest.

Bernt: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

DEPARTMENT / COMMISSION REPORTS [Action Item]

16. Mayor's Office: American Rescue Plan Act Discussion

Simison: Item 16 on the agenda is the Mayor's Office, the American Rescue Plan Act discussion. I will turn this over to Mr. Miles.

Miles: Good afternoon, Council and Mayor. Today I think my role is really just a little bit of an intro and summary of where we have been. Really this is a lot of discussion for you all to -- to take on regarding the ARPA funding. If you recall we were last proposed to be in front of you during the budget workshop and I had sent out -- because we got rescheduled from that to today I sent out a sheet and so I just passed that around what you have got in front of you. Really looking at the right-hand column, budget workshop number one is sort of the status of where we stand today and primarily what I'm looking for is direction for that first phase one box, so that we can ensure that we are on the right path with those projects, so that we can get Public Works moving on those larger capital That said, there is also the phase two bucket, which during the budget discussions in June there was discussion about moving funds around, talking about the larger capital projects in the fire station and the police stations and funding those with ARPA dollars, as well as IT had presented to you some fiber connectivity projects, two of which you will actually see here later on budget amendment requests from Dave and, then, there is sort of a -- a change category of the benefits, repayments, SCADA upgrades and energy efficiency studies that are what I would call off the list at the moment and, then, there is also conversations that you have all been having around housing affordability. There has been a request from the Woodrose Apartments, The Housing Company as well, for a capital housing affordability project and so with that maybe I will stop there, see if there is any questions that you have for me at the moment and, then, turn it all over to you and I'm here for questions as well.

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Simison: Council, any questions for Dave?

Bernt: I got one question, Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Thanks, Dave. Got a quick question. Are we -- are we -- has it been confirmed that the biosolids drying and the bio gas construction projects fit within the parameters of the ARPA funding?

Miles: Public Works has looked at that and as well as Finance. It does meet the guidance under the Clean Water and Safe Water Drinking Acts.

Bernt: But as far as having those projects done and completed earliest does it fit within the phasing of when those dollars have to be spent is what I was asking.

Miles: The timeline?

Bernt: Yeah. Timeline.

Miles: So, Mr. Mayor, Councilman Bernt, that's something that this next step helps them attain. They are trying to get the — the design estimates, which would include your construction schedule and your closer budget analysis. What they have right now in my understanding is an engineering analysis. So, there is more work to be done and that's why they need to get the project going to get those things moving down the road in order to determine, yep, we can finish these things, we can do them. This is what it's going to cost hard line. Having an engineer estimate is a good rough assurance, but these are large capital projects. Without putting pencil to paper you can't really say emphatically. So, I don't want to give you an absolute yes or no.

Bernt: Mr. Mayor, follow up?

Simison: Councilman Bernt.

Bernt: So, what does that look like with regard to -- well, I guess what does that look like when -- when -- when will those figures be in hand and when will we know if these projects are going to work or not?

Miles: And we can verify with Public Works, Mr. Mayor and Councilman Bernt, but I would certainly say by the end of the calendar year you will know where those projects are. You know, is there a major roadblock or an off ramp needed for those projects.

Bernt: Okay.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question for Dave. We have the fiber connectivity for a half a million dollars in -- in ARPA funds and, then, in the action items we have two items that are related to fiber from information technology. Those are not the same. Those -- those are budget amendments we are going to decide coming up and the fiber connectivity in ARPA funds are -- there are other projects they can do.

Miles: Mr. Mayor and Councilman Hoaglun, I will let Dave Tiede, because he is here, speak to those two, but those are two of the projects that were on that original list of needs and I think it really comes down to what bucket of money does the city want to fund those projects, the needs today that have to get done. That's why they are here for a budget amendment. Regardless of whether a budget amendment is approved, they can also be funded by ARPA dollars. But I believe they are --

Simison: This is 210 of the five hundred thousand is on your budget afterwards. I was just like -- you know, it's -- these are projects that are moving forward, so if you -- it's a way to fund for something that's, again, authorized under ARPA.

Hoaglun: Thank you, Dave.

Miles: Okay. I'm here for questions if you guys want to --

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I will just kick things off just to -- I -- I think there has been agreement about biosolids. Councilman Borton -- or I mean Bernt asked good guestions about that for biosolids at the five million, the bio gas. We have, of course, compliance consulting and, then, the police-fire station cost. I think we have agreed to put that into these funds and, then, we have the fiber connectivity and -- and that left a few dollars, so I -- I just thought I would throw out a couple things just for discussion purposes and -- and see where we want to go with them. One of the things we have been educating ourselves on and -- and wrestling with a bit is affordable housing and I want to make sure I make the distinction. There is affordable housing and, then, there is housing assistance, so -- and sometimes I notice in the media that kind of gets put together. We had a request with Woodrose Apartments and for -- from assistance and it is affordable housing. It is housing that is for people who are -- they are working folks, they are just -- our rents have risen so fast and so quickly they may not be able to afford what's out there in the marketplace right now and -- and I view this -- I'm going to throw out a number, but I view this as -- as a one off. One time we are educating ourselves on what is affordable housing, how do we participate. I know Council Woman Perreault has been doing some work and is going to be educating us further down the road on some -- on some things. We will probably have a process set up to do affordable housing items. So, this is not how we are going to do it in the future, this is just a one off for right now if this is what Council wants to do. So,

Woodrose for the nine percent tax credit for 46 units, they are looking for 552,401 dollars from the City of Meridian to go into that and we have seen a calculation -- development manager for the housing company has sent a sheet that showed how that all works, how they make that project work and that gets them four points on the tax credit application. Those things are competitive. That would give them the maximum four percent. There is no three percent. I asked, because the contribution of 259 gets two points. Now is that enough to get them to win one -- of those grants or not? You know, that's -- that's the unknown. So, looking at this we did have -- from what we have already identified in phase one and phase two, we had 1.37 million left over. So, at 552 that leaves us 817,000, roughly, and, then, I want to talk about housing assistance for that. So, I -- I'm just thinking for this project that's ready to go we -- we do the 552. Now, whether -- and -- and this would be for -- would go to the impact fees. Yeah. We are waiving impact fees in that amount, but those impact fees still have to be paid. So, one time deal for that and these are ARPA funds, it's not General Fund dollars as well, because General Fund dollars, that becomes a whole other different ball game and -- and so since we have these funds available that we would use 552,401 for -- for that. Then for housing assistance, again, the number to throw out there -- we have talked about budget wise for one institution is 250,000 dollars of -- for the next budget year. 250,000. What I'm interested in doing is we allocate 250 dollar -- 250,000 from these ARPA funds for housing assistance, but, then, there would be an RFP process for those funds for housing assistance. Now, is it Jesse Tree? Is it someone else who wants to use those funds? Mayor, I -- I would assume your departments could set up a process to -- to make that happen.

Simison: I -- I do. You know, using the same process we used for CDBG, we can go through and -- and take in proposals for whatever specific purpose that we want to do. If it's assistance and I have told other Council Members that, you know, we would work with staff to make that happen and do it expeditiously.

Hoaglun: Okay. And so that would leave us -- if -- if we were to go down that route, 567,000 dollars -- so, just over half a million, we know as -- as Dave pointed out, when the engineers have an estimate and, then, once design comes back and there might be an estimate, we have to be prepared to have some wiggle room I think for -- if it's going to be a little bit more than what was anticipated. I don't know. But, anyway, that's just to kick off discussions. I think we agree on phase one. Phase two I think we have to address the Woodrose Apartments by August -- I want to say 5th. I could be wrong. At least make sure they know what they are getting, if anything. So, that would be the 552,401 and, then, the -- for housing assistance, instead of General Fund we would use ARPA funds in the amount of 250,000 dollars for -- for housing assistance through an RFP process.

Simison: Councilman -- and just to be -- your recommendation would be to remove that from the budget when it comes forward in our August meeting, so that reduce that by 250?

Hoaglun: Yes, Mayor, that -- that would be my intention.

Simison: At least for the purpose of --

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Hoaglun: Yes.

Simison: -- we won't decide until then, but that would be your intention?

Hoaglun: Yep. Thank you.

Simison: Councilman Cavener, it looks like you were --

Cavener: Yeah. Thank you, Mr. Mayor, Council President Hoaglun. Thanks. This is bringing up a new wrinkle in the brain, so I appreciate it. I have been, as you all know, very reluctant to move forth on -- on anything related to housing affordability, housing attainment, affordable housing and I appreciate the -- the nuanced distinctions between those. But your request that you brought forth today, Council President Hoaglun, I think is -- is worthy of -- of merit and it -- for me I -- I look at it a lot how when we have businesses that come before us with, you know, they are creating jobs or other nonprofits that have come before us, we, as a Council, said let's consider that. I think couching it around impact fees is probably an appropriate step one that I could get behind and I don't -- what I like is that it -- it also gives us some freedom to develop a program long term and who is to say that not -- a year from now some other organization comes that's doing housing, maybe make a similar request and we would take that up whether we would do this or not. So, I -- I -- I like what you are proposing. I think I could support it. My only question would be, then, with the -- with the impact fee waiver for the Woodrose Apartments and, then, taking 250 and using it with an RFP process, what would be a -- you know, if Mayor or Council President, if you have a proposal for the remaining funds I would almost say maybe instead of 250 making it 500,000 dollars for the RFP and that's something that, Council, we could look at on an annual basis how we would want to fund that, but I don't know if there is plans or thoughts or suggestions about the remaining fund balance.

Simison: So, I will give you my two -- two cents in this context. What was kind of mentioned before. Some of these projects may come in more --

Cavener: Okay.

Simison: And so it leaves a little bit. But if you recall, just using Jesse Tree as the example, they were asking for 250,000 for consecutive years. So, if the -- once we start to get the project costs, we may know the next year we could run another RFP for additional funding through that process. If that's what Council decides they want to do from there. But it -- to me it's first wiggle, but we also have, if we need to, the Police and Fire wiggle. Like if -- if the biosolids come back seven million dollars more than we anticipated, as an example, do we still want to do that project. Well, maybe it eats up the rest of this and a little bit of the -- what we put aside Police and Fire, so that's a little less. So, I see that as a big area where we can do it, but that would be my suggestion. Do what Council suggested for the year and, then, whatever is left over we still have next year, FY-24, to apply those funds, because we really have to FY-26 to have everything expended.

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Cavener: Maybe Mr. -- one just --

Simison: Councilman Cavener.

Cavener: I appreciate your willingness to have staff kind of support this -- at least it is a conceptual plan at this point, but I think that's -- that's such an integral piece is that you feel confident that our staff can manage like we manage the CDBG and that you are supportive of that -- to me that gives me greater confidence in wanting to move forth with at least what Council President is -- is suggesting.

Simison: And I will ask Mr. Miles to respond to that, because I'm pretty sure -- I know he's had the conversations.

Miles: Yeah, Mr. Mayor, Councilman Cavener. It's like anything else, we can make it work. We would use the -- the Neighborly software system, which I think would streamline a lot of the effort. We can easily identify who has got the interest and access and the time to evaluate the applications that come through. I have talked with Crystal in the past. The system can be utilized for that purpose.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, a couple of questions in the details and the numbers. I know that The Housing Company is planning on adjusting their project some, lowering the units down a little bit. Is that -- is that the difference between the -- the ask of the entire cost of permits, which I think is in the high 600,000 range and the 552 that they recently requested? Is the change from lowering the number of units or is -- is it because they found other funding that that's -- you know, that's kind of the final amount that they are looking for? Do you know whether -- you know, what the situation is with that?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah, Mr. Mayor, Council Woman Perreault, yes, they did go from 52 units down to 46 units. They took out one six-plex building and it -- according to the information I saw was due to funding limitations on the tax credits. There is a per max -- per project max that we are exceeding with the 52 units. So, that keeps them within the compliance for the -- in -- in the running for the nine percent tax credits, so -- and -- and -- and they were aware -- the 1.35 million dollars for their original request, they -- they knew that was -- that was out of reach for us. It was -- it was a stretch. So, this way the 552 number generates that four points on the credit application and that's I think important, that we could at least go there and, then, see what happens and it could be -- and it's so much competition, if they don't get it and, then, they are at 552, then, that comes back to the

city -- again, to Councilman Cavener's item, that, okay, we can move around and -- and do some things with. So, that's -- that's my understanding of it.

Perreault: Mr. Mayor, a follow-up question on that?

Simison: Council Woman Perreault.

Perreault: Thank you. So, I know when I had -- had spoken with Erin -- or maybe during one of her presentations she had said that, obviously, impact fees need -- need to stay whole. We can't waive those. But we can waive possibly some of the building permit fees. So, is that -- is that 552 waiving what we can or is that a credit to them and -- and, then, they just take that and go through the -- the normal process? I just wanted to make sure I understood how that will play out.

Hoaglun: We can waive impact fees, but not permit fees. That's my understanding. And Bruce Freckleton is here and he's -- he knows -- is that right?

Simison: Just the opposite.

Hoaglun: Oh, the opposite. Okay. Okay. We can waive permit fees, not impact fees. Okay. There we go. Got it. I knew -- yeah. I was close. We can waive one of the fees and not the other one. I should have said it that way, but -- so that -- there was some calculations done and I think that -- if it -- it may not waive all of them. I'm trying to remember the conversation, but for purposes of the application that gets them the four points with the 552 and Bruce and Erin are here, so if you guys -- I wouldn't mind having you weigh in on that to answer that question, because I am -- I don't have the ultra details on that.

Freckleton: Mr. Mayor, Councilman Hoaglun, Council, historically when we have waived permit fees it's been the -- the soft cost. As you know, we have hybrid models where we have outside consultants that we pay to do plan review and -- and some inspection services and those are hard costs that we -- we don't waive and so I -- I think we did put together an estimate early on in this process. I don't remember the number off the top of my head, but that is something that we can dig up and -- and come up with that number again.

Simison: Kind of related. So, the overall project valuation, that's what impact fees are based upon is on the valuation of the project.

Freckleton: Correct.

Simison: Lumber prices are crashing. The housing market is going down. I assume that will have an impact on the valuation. When we get to the point of time of pulling a permit, you know, we could be three months from a permit, six months from a permit, you know, we don't know what the valuation will be at the time the permit is pulled. So, I guess one of the questions I wanted to ask from a practical standpoint is if Council just wants to

waive whatever the impact fee number is. That could be 350. That could be 850. Whatever at the time of application -- or if you want a hard number in -- in the impact fee side of the conversation I think that's an important distinction for everybody in the room to know and hear.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Good point on that and I guess for me I would be comfortable with a not to exceed amount. So, perhaps a -- a ceiling of some sort and whether it's 552 or -- or some other number -- so that way if it's lower, great, those that are receiving have full clarity. Hey, we are here to cover these specific costs up to whatever the -- the cap that we as -- as a body establish.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor and Erin, I know that one of the numbers I saw early on, the total was 679,048, but it was -- I think that was with the other building in there. So, by going to the 46 unit it came down to the permit fee cost was -- the calculation came out to 552. Is that correct? Okay. She's in the audience and saying yes, so -- the 552 number seems to be the correct one. I -- I kind of like your suggestion, you know, of -- I don't know if we do like 600,000 not to exceed and that way there is -- if it came to 558 we don't have to make changes or anything, but 575 -- I -- I don't know. But anyway --

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: If it's a 552 number and if they can't come up with eight grand I think that's, you know, a little bit of a problem on their part, so that's --

Simison: Okay.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I agree. Sounds like a plan. I think that makes a lot of sense and super excited to see this move forward and, hopefully, be an awesome addition to City of Meridian. So, I'm looking forward to seeing how this goes. And it's possible, I suppose, that there will be cost adjustments and we might see -- you know, we are not going to see that much of a lower number on our side, but it may mean that it will be more beneficial for them and the overall cost by the time they get started with the construction. So, my one other

question on this -- not specifically related to Woodrose, but to our other conversation regarding running the applications through -- similar to our CDBG process -- obviously, the criteria for that program comes from the federal government. Are we going to be designing our own criteria for those applications and what does the time frame possibly look like for that? I know that Jesse Tree is going to run out of their federal funding for the program, the emergency rental assistance program that we discussed about at the end of September. So, I didn't know if there was a plan of trying to get that in place that quickly or what the -- the timing would look like on the application process and kind of who or how will the criteria be designed.

Miles: Mr. Mayor and Council Woman Perreault -- sorry. Hadn't thought about that, to be honest with you. It was sort of an open conversation to you all. I think certainly there is what I will call security in following existing guidelines. It always helps when something's built in place. So, if the program is falling federal guidelines and you are all comfortable with those, which we can pull up and share and certainly discuss if you want -- that's an avenue to go and it would in my mind be quicker and easier to follow something that's already in existence, rather than designing something on the fly or on our own. That's an opinion only though.

Simison: Yeah. And -- and we have not had conversations with staff to say that we want to -- you know, the only conversation I have had is about limiting it to rental assistance programs and that we would try to move as expeditiously as -- as well as we can. So, not opening it up to anything eligible under CDBG, we are just going to focus on the housing rental assistance element that I was -- you know, we -- we can have that for a future conversation with Crystal. We can bring it back and if this is the direction Council wants to go, if there is any input into this, because, obviously, we don't have to follow the CDBG guidelines based upon what those are, but we can, then, know if this is the desire of Council to do this we can have Crystal come and have a conversation about what that would look like and make a proposal and get feedback on it.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I -- I hope to stay involved in that process with the Mayor and Council President's, you know willingness. The -- there are only a few organizations that offer specifically emergency rental assistance in the valley, which is where you call up and say, hey, you know, I'm going to be kicked out of my place or I lost my job or something and I have two weeks to find -- there -- there is another part of assistance that is like I need to move, because my -- the owner of my building is selling the building and I can't come up with a security deposit to get into another location. That's not technically considered emergency assistance, but it's a similar type of concept and so those are the sort of things that I'm hoping to chat with Crystal about and kind of see -- it is still an assistance based thing, it is still something that's somewhat of a short term, one time help and it's my understanding of my conversation with Jesse Tree that that's a -- about 90 percent of their requests is really just like one time stuff. They don't have a lot of -- of

multi-month type of support. So, yeah, I -- I -- I would love to be involved with that with staff if there is an agreement to do that and kind of help put some guidelines together for it and, then, maybe present to Council some options for how we make that decision. This isn't the time I know to decide that, but --

Simison: Yeah. And I -- and the question will become -- if Council is going to be the ultimate arbitrator on what is selected, do we want to have you building the toolkit? I think I want feedback. But I think that's -- that's part of the question, as compared to leaving it. CDBG is a little bit more -- other people make that decision. So, I think we can have that conversation, but, yes, we definitely want that feedback one way or the other, just was not -- you are actually in the weeds per se.

Miles: And, Mr. Mayor, one comment to add on the -- what threshold -- what dollar value to -- to fund. Is it 250,000? Is it 500,000? I think one of the components -- if you -- if you use Jesse Tree as an example where they ask for multiple years of funding, that model -- there have been instances of agencies that are struggling to spend COVID money quick enough under the CDBG guidelines. So, certainly, taking a year-by-year approach could help us in that regard to see what's performing, what's working, what's not and, then, consider future years if that's the desire.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I wouldn't mind hearing from Erin from The Housing Company, just to make sure we are on track and we don't get numbers out of -- out of whack here before we charge forward.

Anderson: Thank you, Mr. Mayor, Members, Chair. Thank you very much for the opportunity. I appreciate that, because I'm just kind of trying to follow as -- as closely as possible to what's been discussed so far. But I -- what I'm tracking is the -- we -- we did remove one six-plex building and that actually brought the building permit fees and impact fee total down to 591,000, not 516,000 -- or 560,000. The gap was the 560,000 once we had reduced the unit count. So, I wanted to clarify that. The other thing is that of that 590,000 permits and fees, I don't have a breakdown of the hard costs versus the soft cost that was described by Mr. Freckleton. So, I'm not sure what the amount is that qualifies for a reduction. So, that's something that is a question I still have, because that hasn't been conveyed to me what that amount might be. But we know it's a portion of the 591,000 and our gap being the 560,000 could comprise of a combination of waiver of fees and other capital contributions, depending on how you see fit. And so I'm trying to follow exactly kind of where you are sitting, but you were talking about waivers of fees and that's certainly one avenue to go, but I think knowing that not all the 591,000 would qualify because we can only request a waiver of permits, not impact fees, my guess is we wouldn't get to 561. I don't know what the number is. But just -- so, it sounds like we need to -- there is still some stuff we have to work out on how that -- what that amount is

on the impact fee -- or rather the permit fee waiver. But the 560 is what we needed to get the four points.

Simison: So, Erin, what I -- what I have heard from Council is not a waiver of -- the city's going to cover the impact fee portion using ARPA dollars. That is the only thing that's being discussed at this point in time up to 552,000 dollars, if that's what they end up being. So, not a waiver of building costs at this time.

Anderson: Okay.

Simison: That's what I have heard to this point. Just make it very clear. So, it's that one number, whatever that number ends up being up to a certain level in the process.

Anderson: Okay. So, I will work with city staff to verify which portion of the total fee estimation qualify for that.

Simison: It's just the impact fee number.

Anderson: Okay.

Hoaglun: Erin, you -- you mentioned the 560 number, as opposed to 552, and I guess it's one of those -- it's going to Councilman Cavener's suggestion that we go not to exceed. So, if we go to a not-to-exceed amount, is it 560? Is it 591? After you work with the development department it may come down that -- maybe it's only 500,000 that meets the four percent and that we can cover the costs on and whatnot. Is that -- which number is it? Is it 560? Is it 591? Or is it 552?

Anderson: It's 552 was -- was the accurate amount based on the construction estimates, with the building permits based on current construction costs.

Hoaglun: Okay. So, if we go 552,401 that -- and, then, you continue to work with the department and see what we can --

Anderson: Yes. Thank you.

Hoaglun: Okay.

Anderson: Okay. So, I will -- I appreciate that. Thank you very much for your consideration.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: And just as we are -- you know, we are kind of -- we are work -- we are in a workshop and we are workshopping.

Anderson: Yeah.

Cavener: So, I know when you guys first came through with the annexation, there was a lot of confidence, you felt you would be able to do the project as is. I get market conditions have made it really challenging, which is why you are back asking for additional funds. So, in terms of -- of timing, if -- if other conditions play out that makes it more challenging or prohibitive for your organization to move forth with construction, at what point do you feel would be appropriate for the city, then, to ask if -- if those funds aren't going to be spent for whatever reason, to request that they are either -- we -- we don't spend them in that manner, we spend them on something else or that they are being returned to us. Help us understand kind of from your perspective what you think is appropriate, because this is -- this is kind of Council President Hoaglun's kind of initial comments. This is kind of a one off for us.

Anderson: Yeah.

Cavener: But it's really important for me that if we are doing this that it's successful.

Anderson: Right. Right. So, the -- the timeline would be November is when IHFA makes the selections -- the project selections. At that point we would -- we would need to come forth before you and either request your consideration for us to reapply next year or -- you know. And, then, have you make a decision. Our intent would be to purchase -- purchase the property in October either way and our actual goal would -- if we aren't successful this year would be to reapply next year. So, we would have to come before you again and -- and you would have to consider that. But that's the -- that's the time frame. We will know if we are successful this year by November.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: And apologies, I was under the impression you guys already owned the land.

You have not purchased it yet?

Anderson: No. Not yet.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: One more question, Erin. We take this action in that amount, I think you have got to submit paperwork and applications. I think you had mentioned a letter would suffice in one of our meetings that -- if the city submits a letter saying this is what we would cover the costs on that would suffice for the time being for your application.

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Anderson: Yes. A letter would be great with conditions about -- you know, about us being successful in receiving the funding, et cetera.

Hoaglun: I'm sure the Mayor's office would be happy to guide you in that work.

Simison: Thank you.

Anderson: Any other questions for me? And thank you for your time. Thank you.

Simison: Thank you. So -- so, Council, as --

Miles: Mr. Mayor?

Simison: Oh. Go ahead.

Miles: Sorry. I do think it's worthwhile hearing from The Housing Company to ensure that the timeline of the ARPA funding program can be met with the project, which was December 2026. We just -- that's a component to consider.

Simison: And I think that's -- Erin, this is where I was -- where I was generally going. Ultimately my goal was not to bring this back in front of you anymore. We have got projects. You are going to see them as they come forward for funding. That we will track and monitor the process of these, look at the dollar figures, and, if necessary, make adjustments if they -- if The Housing Company drops out and it's no longer there, it's not going to happen or if for any reason we can't do the biosolids drying and, then, we are going to come back to you in that -- in those regards. So, that would be my intention is moving forward and the only one is if we need to do a resolution or an actual motion, Mr. Nary, if we are going to make a commitment to such as -- such as the -- for the housing fund commitment through a letter or is the letter contingent like we do on other things to the Council at the time, making that final decision, because that's ultimately -- they may not have the one on the far -- over here to be part of that vote in the -- in the future and it could change our dynamics. So, that would be my plan is from -- moving forward we are going to bring these back one at a time as they are ready for budget amendments or authorization and we will try to get through as much as we can and -- and leave the Police and -- we already know what the Police and Fire Station number is, but, ultimately, whatever we assign, it doesn't need spending authority. It has been authorized, it's just applying the appropriate number to the ARPA control -- the ARPA reporting process as we move forward with our compliance related to that. But the rest of them we will try to get real numbers. Does that work for you all? I don't feel like I need a resolution or a vote or a motion, because you will all vote on each one of these one way or the other.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: The only -- the only -- the only thing that caused -- that pauses me for -- for concern on this -- on this project is just it needs to get done. We need guarantees and assurances that it's going to get done guaranteed by 2026 and -- I mean, yeah, I mean that's a really big deal. I mean like we all know that and so -- I was under the impression there was land purchased as well. I -- I -- it makes me a little nervous that this whole project is done and approved and ready to roll and complete by, you know, that time if --

Simison: I assume that they have a contingency to purchase the property, so that should not be delayed. But to your point, absolutely, the good part is is the impact fees aren't collected until they are in for an application. So, there -- there will be no money -- the -- and if at that point in time if we don't think it can be fulfilled we will have to -- we will have that conversation, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: To that point, then, if a letter gets going out, I assume you or staff will send it to Council before it gets mailed out, so that we have got a chance to review and make sure the things that I think have been kind of captured today that have been formalized in the letters, so there aren't any surprises for -- for --

Simison: If you would like to review it. Typically we just have legal prepare it to cover all our bases based on the conversation, but I'm happy to send it to Council for review.

Cavener: Well, I have no doubts about the capacity or the competency of our Legal Department, they are way better than me. I think because this is kind of a unique situation I would like to maybe just see it before it goes out. It just would make me feel a little bit better.

Simison: Okay.

Hoaglun: So, Dave, you have the numbers. Any -- any other numbers that we need?

Miles: Got it all and I got YouTube to help me, so --

Simison: I -- I think we have got a path forward, knowing this -- this may not be the end We -- we -- we very well may be back in three months, six months, or a year on any individual item, but if we can start moving it forward.

Bernt: At least we know we have fire stations, police stations and a golf course that would gobble up this money in two seconds if it was there.

17. Information Technology: Fiscal Year 2022 Budget Amendment in the Amount of \$62,000.00 for Fire Safety Center Fiber and Conduit

Simison: Amen. And in some cases we got fiber projects, which are up next and they are ready to -- they are ready to go to work as well, so -- okay. Thank you, Council. Next item up is Item 17, which is Information Technology fiscal year 2022 budget amendment in the amount of 62,000 for fire safety center fiber and conduit. Mr. Tiede.

Tiede: Good afternoon, Mr. Mayor, Members of the Council. Yes, I am coming here before you today with a budget amendment in the amount of 62,000 dollars for fiber and conduit for connectivity to the Fire Safety Center. That is the location off of Locust Grove in Meridian close to Fire Station 3. That is where our fire prevention and education division reside and they have been out there for roughly 17 years and over that time we have gone through a number of connectivity mediums to try to provide them the services that they need to be able to function and to do their jobs effectively and over that time we have gone through so many iterations of different ways of connecting and none of them provide the services that they need. So, we are at the point where we are providing this amendment as an option and a solution to the issues that they have and feel strongly this is the direction we need to move forward for them to continue to function at that facility. So, with that I will stand for any questions. You, obviously, have a memo in front of you and the budget amendment itself, but that's where we are at.

Simison: Council, any questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Seeing no questions, I move approval of the fiscal year 2022 budget amendment in the amount of 62,000 dollars for the Fire Center Safety -- Fire Safety Center fiber and conduit project.

Cavener: Second.

Simison: I have a motion and a second to approve the budget amendment in the amount of 62,000 dollars. Is there discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries. The item is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

18. Information Technology: Fiscal Year 2022 Budget Amendment in the Amount of \$150,000.00 for Lakeview Golf Course Fiber and Conduit

Simison: Next item up is Information Technology Fiscal Year 2022 budget amendment in the amount of 150,000 for Lakeview Golf Course fiber and conduit. Mr. Tiede.

Tiede: Thank you, Mr. Mayor. I'm back again if you didn't notice. So, this budget amendment is also to provide fiber and conduit, but to the Lakeview Golf Course, which the City of Meridian will be taking over operations this fall. We feel like this is needed due to the various services that are needed at the golf course. Currently they have a mashup of services they have been working with over the years. We went through and vetted these with them and talked about options about a year ago -- just over a year ago and found that there was a lot of deficiencies. They ended up outsourcing and hiring an IT firm to go in and address some of those, but many of the issues still exist, because it simply needs connectivity. So, we feel like this is key to providing services out there for IT, Finance, and the staff that will continue to manage the golf course. I believe that also the restaurant that will be going there will also be using the connectivity that we provide for their point of sale systems, even though the city doesn't provide that directly, they need this connectivity as well. So, again, all this is in your memo and the budget amendment, but that's what we are here to request, to provide regular -- basically regular city services that we would provide to all -- at all other city facilities to this new location, so I will stand for any questions.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Dave, appreciate you bringing both of these to us. I think it's important to provide consistency, same level of service to all of our city-owned assets and resources. I know I kind of gulped a little bit when I saw the dollar amount, but I appreciate Dave kind of walking me through the whys on some of that. So, with that I'm happy to move that we approve the budget amendment for fiscal year 2022 in the amount of 150,000 dollars for Lakeview Golf Course fiber and conduit.

Hoaglun: Second.

Simison: I have a motion and a second to approve the budget amendment in the amount of 150,000 dollars. Is there any discussion on the amendment -- or on the motion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Tiede: Thank you.

19. Mayor's Office: Districting Update

Simison: Best of luck. So, item -- Council, next item is the Mayor's Office districting update. I'm going to go ahead and read my notes on this. I -- I tend to like to go a little bit more off -- off the cuff, but don't want to screw anything up in my comments, so bear with me from that standpoint. But early in 2022 the City of Meridian created a process for the establishment of city council districts in accordance with the Idaho State Code. That process included the appointment of a districting committee to create six city council districts. The districting committee performed their job in a way that they were asked to and put together boundaries of districts and did not take into consideration locations of current city council members or the terms of people elected. This enabled them to so -be solely focused on creating equitable boundary of the districts. I knew once we -- once we created the districting commission that once completed it may be necessary to align their work with the recent city council election, so as to best fully implement city council districts in the City of Meridian from the recent election to reflect the will of -- of the people from that election. In choosing how district numbers were assigned on the map and existing City Council Members were assigned to those districts, it created a situation where the city would not be able to fully implement city council districts until the 2025 election. However, by redesignating City Council Seat One to Seat Two and Seat Two to Seat One, the city can fully implement the new districting beginning in 2023 where every district would have someone who lives in that area be represented on City Council. If we were to make this change it would align all three of the City Council Members who were just elected in November 2021 to the districts in which they currently reside, providing the residents of those districts with a sitting City Council Member who would be their Council Further, it allows the remaining three districts to elect their City Council Members in the 2023 election, so each district in the city will have an elected City Council Member in their district which meets the intention of the Idaho State Code. If this change is not made it will create a situation where at least one district would not have an elected City Council representation until 2025 and potentially have two City Council Members elected who both live in District One. Making this change in no way alters the terms of the current City Council Members or boundaries of the six districts as established by the districting committee. It only redesignates the numbers assigned to two seats. There is no other substance of change. I appreciate the fact that this -- this issue was not addressed by the districting committee, because it tells me they did their job correctly. As Mayor, however, it is my responsibility to ensure that we are implementing the laws of the state of Idaho and this change does that in my opinion and allows us to -- to be in compliance with the spirit of the law as quickly as possible. Further, this change takes into consideration the realities of the November 2020 election and aligns that election to our reality moving forward. Council, I will be happy to answer any questions and we have Legal here as well, but it would be my intention to bring forward a change to our ordinance next week and take public comment and have a second reading on August 9th and a third reading with public comment on August 16th regarding this proposal. complete our process and allow us to implement our districts one year before the filing period, which was my goal, and, then, we can -- and, then, we can begin communicating the map, the changes, and districts to the community, as well as who their assigned Council Member is through this process. So, with that I would be happy to take -- answer

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any questions or Mr. Nary can also do that, but I -- I think that this is the best way moving forward, so we can fully implement this process as soon as possible.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Just to confirm, did you say that we would open up this to a public hearing just to make sure that there was a -- okay. Good.

Simison: Yeah. And I would intend to have two public comment period --

Bernt: That's good.

Simison: -- on this option.

Bernt: Right. That's -- I -- you know, I -- I can speak for I -- I believe every Council Member on the Meridian City Council saying that we purposefully were, you know, way far away from this and this is probably a direct result of -- of -- of us not probably paying close enough attention to the details prior to us passing the resolution and I don't know, I -- it is what it is. I -- I -- Mayor, I want you to know that you have my support in this. I -- I think that doing this is -- we are not -- we are not gerrymandering any -- any lines. The lines are exactly the same. The process is exactly the same. The only difference is we are -- we are just -- I'm taking two district numbers and swapping them and -- and -- and I don't know, is it -- it -- was it a perfect process? Probably not. But I believe it was completely above board and the process going forward will continue to be above board. So, I understand the intent. I understand the reasoning. You have my full support and thank you for bringing this to Council today.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to reiterate what I thought you were communicating, because it's the first I have heard of this potential change. So, my understanding is this -- that the intention of this is to make sure that currently every district, since the districts have been approved, is -- has a representative in that district. That's kind of -- so, that -- that starts now versus waiting until 2025 to have a representative in each district. Is that what the intention is?

Simison: The intention is to -- because we just had an election and when -- when the -- the seats were assigned it's aligning the Council Members who are just elected to the terms which will not be on the ballot in the 2023 election. So, the three seats that just happened would -- would be in that and it would allow all the other three seats to be on the ballot in the 2023 election. If we don't take this action not all the seats -- we -- we will have some seats in the city where nobody is on the ballot in 2025 and we will run an

election and, then, I will assign somebody to go represent that area, because they are -there won't -- there won't be an election in -- right now under the current situation -- under
the current scenario District Two will not be on the ballot until 2025 and so no one in that
-- no one would be able to be elected in 2025 from that area because of how the seats
are staggered. But if we make this change it -- and I know this -- your first just hearing
about this. I think that this is a -- a great conversation moving forward and it may require
a little bit more explanation. You just heard my words from that standpoint, but we have
two options. We can either fully implement districts by 2023 by switching the numbers -just the numbers on two districts or we won't be able to fully implement elected
representation by the people to districts until 2025. Otherwise, we could accomplish that
by 2023.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Council Member Perreault -- again, digesting this in -- in real time, so I appreciate you being thoughtful, though, that even in proposing this to build a good framework to allow public feedback, I think that's really really important, even for this to even be considered to be proposed. This would be one that I would want to spend a lot of time really contemplating. I would want to hear a lot from our citizens about their thought. To Council Member Bernt's point, we all collectively said we are way more than an arm's length away, which was appropriate. I think many of us said -- whether it helps me or hurts me, however it's going to be rolled out, we are going to support what the committee brings forth and -- and I know that was a commitment that I made. Whatever the committee brings forth I'm going to support. This is a small change, but a substantive change I think from the public standpoint. So, I -- I -- I'm supportive of moving forth with the public hearing process, but also trying to be forthright that I'm -- I'm not quite sure that I'm going to be in support of the recommended change until I have an opportunity to really digest and hear from our citizens.

Simison: And I appreciate that and there was -- there was comments made that they had -- Council didn't want me near this process either. Had I invested myself this would have been something I would have said, please, go address our last -- but it -- it didn't. We all stayed away. We let them do their process. I have conveyed this to at least one member of -- of -- of the committee and -- and let them know and -- and he said he appreciated that. He thinks it's appropriate from his standpoint, but he doesn't -- he doesn't speak for the committee from that standpoint and I would invite them to -- I don't -- I don't know that they had a process, other than starting in one corner and going around when they assigned -- assigned numbers to the map. So, it -- if they would have started in a different direction we would be -- who knows what conversation we would be having. We could have three people and -- that were just elected that were assigned to seats that they -- they would be up -- they would have to choose to run in a different district next year, you know, by luck of the -- by luck of the numbering and that's what it was, it was a numbering process that got us here, not a -- what is the reality that we are currently in related to that. But I appreciate it and I -- I'm glad that the press is here, because I -- I -- this was one of

those things after we had this conversation I had planned to reach out to the media and have the conversation, because I -- I do think that this is the right way for the city to approach this, because it reflects the will of our last election and it implements districts fully by the 2023 election. Otherwise, we will -- you will have a situation where I -- I will probably be assigning people to districts. You may have a position where I'm appointing people based on how people decide to run and if we leave it the way it is and I would much rather have the citizens elect City Council Members than me appointing Council Members with your consent, but that's not to -- when you have an opportunity to rectify that situation I would much prefer we move forward with that from that standpoint. But I'm happy to have conversations with you all if you have questions. Legal can -- can help explain any questions and we will have public comment on this as well.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I think what would help me is to have a presentation on what -- what it looks like now and, then, what it will look like -- I -- maybe I just need a visual or something. It's just not clicking in my head exactly how this is all going to play out, because I thought I understood kind of how it will play out with the elections with -- with how we have approved the district. So, perhaps -- I don't know if this is the appropriate time or -- or later -- just an explanation of what was expected to happen the way we have it now and, then, how that would look different with the seats and, then, the years that this would be elected in.

Simison: It looks like Mr. Nary wants to speak.

Nary: Oh. Mr. Mayor, maybe I -- maybe I can help -- I don't know, but I'm going to try. Let's see if I can do this. Okay. So -- so, here is the districts as they were approved. So, this is how they were approved and the committee -- in speaking with Kurt Starman, who is the deputy that handled this for our office, the committee did not choose -- did not know where any Council Member lived, did not look at that at all. Did not concern themselves with that. But also did not specifically pick the direction of this. I mean it was simply they started on the left and went one, two, three, four, five, six. They just went around in a circle.

Simison: Or did -- or did they? It doesn't look like they followed a specific pattern to me either.

Nary: Yeah. I mean it -- it goes this way -- the only thing that -- and if you remember the Chair Woman Greer stated the only thing that she felt was really important that she sort of pressed forward is to be sure that two of the districts covered the south. That's -- that's her only real desire in how they work. But whether it went one, two, three, four -- one, two, three, four -- I mean there really wasn't an intention on it had to be this way. This is the lines based on the math of the population. So, you are all elected by seats, not by districts. So, you all have seats assigned one through six. Normally our election cycles have been one, three and five in one cycle, two, four and six in the other cycle. So, when

we did this all the assumption was is we will just put all the Council Members in the corresponding districts that match the seats that they already have. What the Mayor is proposing is none of this map changes at all. So, it doesn't change any of the lines. The only difference is Seat Two is the currently incumbent Council Member that's election -- it doesn't go up until '25, would now be in the District One that would correspond with the same election cycle, because that was the intent. So, we are switching the seats, not the districts. State law contemplates that you can assign seats to Council Members. So -so, a Council Member that is currently in Seat Two would come to Seat One. Seat One would go to Seat Two. The only change, then, would be in the 2023 election. Seats Two, Three, and Five would be up for election, because that would be the expiration of their term. Then in 2025 Seats One, Four and Six would be up for election, because that's when their terms would expire. This doesn't pick any winners. It -- it does put existing Council Members in the districts where they reside and the other districts have -- some have Council Members that live there that can run or not and they have some don't have any Council Members that live in them currently at all. So, it -- it was intentional to stay out of that business at the front end. This does rectify it and actually, as the Mayor stated, fully implements districting as intended by state law by the '23 election.

Simison: Again there will be time to digest and ask questions and hear from the public on it and I'm happy to spend more time directly with anybody if necessary and as is Legal, but that's been my -- you know, I -- I -- I think this process will -- when -- when you -- when you see it you will understand that it -- it reflects the will of the people from the election. It aligns Council Members with the districts that they live in and it lets the other districts that don't have Council Members -- the ability to elect people that will represent them in the next election, as compared to having people not be able to run in that area and not being able to elect somebody and someone just being assigned to represent them for two more years. Yeah. That -- that will be -- that's some of the outcome. So, it's my intention that this will come back, like I say -- did I say next week? Is that what was -- what our -our process? I -- I want to be -- you know, just because of -- we -- where we have National Night Out, we are missing meetings, I am not here on the 9th, but that's why we did not do public hearing -- or public comment on that day. That way Council can take public comment if they want, but I won't be here. I just didn't know, you know, as the -- as someone that this does not impact I want this to be the one -- me leading this, me hearing -- having the conversation with the public. It is my recommendation. It's not your all's. I don't expect you to support -- you know, have that conversation back and forth with the community if necessary, but you are more than welcome to. So, that's why we -- the dates that were selected with the public's comments as well on the 16th, so -- more -more to come. Or if it doesn't show up next week you will -- you will -- you will -- I guess we will have a different conversation then. But that would be the intention is to bring it back next week and, Mr. Nary, I'm sure we can have a more -- information shared in the presentation to Council and the public at that time. Okay.

EXECUTIVE SESSION

20. Per Idaho Code 74-206(1)(d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code

Simison: So, with that Item 20, Executive Session.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move we go into Executive Session per Idaho Code 74-206(1)(d).

Cavener: Second.

Simison: I have a motion and a second to go into Executive Session. Is there discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries and we will move into Executive Session.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

EXECUTIVE SESSION: (5:31 p.m. to 6:00 p.m.)

Simison: Council, do I have a motion?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we come out of Executive Session.

Cavener: Second.

Simison: I have a motion and a second to come out of Executive Session. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it. We are out of Executive Session.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Move we adjourn our work session.

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Simison: I have a motion to adjourn. All the please, signify by saying aye. Opposed nay?	
MOTION CARRIED: FOUR AYES. TWO ABS	ENT.
MEETING ADJOURNED AT 6:00 P.M.	
(AUDIO RECORDING ON FILE OF THESE PR	ROCEEDINGS)
MAYOR ROBERT E. SIMISON ATTEST:	/
CHRIS JOHNSON - CITY CLERK	



ITEM TOPIC: Approve Minutes of the July 19, 2022 City Council Regular Meeting

A Meeting of the Meridian City Council was called to order at 6:01 p.m., Tuesday, July 19, 2022, by Mayor Robert Simison.

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

Members Absent: Joe Borton and Liz Strader.

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

ROLL-CALL ATTENDANCE

	_Liz Strader	Joe Borton
X_	_ Brad Hoaglun	X Treg Bernt
X_	_ Jessica Perreault	X Luke Cavener
	X Mayor Ro	bert E. Simison

Simison: Council, we will call the meeting to order. For the record it is July 19th, 2022, at 6:01 p.m. We will begin this evening'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: Our next item is the community invocation, which tonight will be delivered by Pastor Troy Drake. If you all would, please, join us in the invocation or take this as a moment of silence and reflection.

Drake: Thank you, Mr. Mayor, Council Members. Lord God, we just want to -- at least I want to, on behalf of those here, express our gratitude towards you that we have life and we live in this beautiful place and we just thank you for what we have the freedom to do it and, you know, we are just gathered here to get some city business done and so I just pray that you would be over the proceedings, God, and -- and, you know, just outside of this building I pray for our city that there would be peace, pray against those who would seek to do evil and harm against the citizens and that, you know, we could just all get along peacefully here. So, we -- we ask that you would give special protection to our first responders, the police officers and the firefighters and those who, you know, protect those

things and that you bless them and, Lord, just pray for the things that happen here tonight, that you would help our elected representatives here to make good decisions, that I know you care about all the details of life and -- and so I just ask that you would give them a lot of wisdom and we appreciate them for what they do and the sacrifices they make on our behalf. So, anyway, God, we just appreciate you and pray that there will be lots of grace here, in Jesus' name, amen.

ADOPTION OF AGENDA

Simison: Thank you. Council, adoption of the agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: For the agenda we had listed Item No. 10, an Executive Session. We completed our work during the Executive Session portion of the work session, so we can omit Item 10 from the agenda. So, Mr. Mayor, I move adoption of the agenda as amended.

Bernt: Second.

Simison: I have a motion and a second to adopt 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.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, running around, did we have anyone signed up under public forum?

Johnson: Mr. Mayor, we did not.

DEPARTMENT / COMMISSION REPORTS [Action Item]

1. Finance Department: Approval of the Fiscal Year 2022 Amended Revenues and Expenditures in the Amount of \$194,907,732.00

Simison: Okay. Then, with that we will move into the Department/Commission Reports. First item up is Finance Department, approval of the fiscal year 2022 admitted revenues and expenditures in the amount of 194,907,732 dollars.

Johnson: Mr. Mayor, this is just seeking Council's approval to publish that number for the public hearing.

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Hoaglun: So, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move the approval of the fiscal year 2022 amended revenues and expenditures in the amount of 194,907,730 dollars for publication.

Cavener: Second.

Simison: I have a motion and a second to approve Item 1. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? And ayes have it and the item is agreed to and will be published as such.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

2. Finance Department: Tentative Approval of Fiscal Year 2023 Proposed Revenues and Expenditures in the Amount of \$219,724,309.00

Simison: The second item is Finance Department tentative approval of fiscal year 2023 proposed revenues and expenditures in the amount of 219,724,309 dollars for publishing for the budget.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move the tentative approval of fiscal year 2023 proposed revenues and expenditures in the amount of 219 million dollars 720 -- let me start that again -- 219 -- 219,724,309 dollars and approve that for notice of public hearing.

Cavener: Second.

Simison: I have a motion and a second to approve Item No. 2. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is agreed to for publication.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ACTION ITEMS

3. Public Hearing for Proposed New and Amended Fees of the Parks and Recreation Department Fall 2022 Activities and Classes

Simison: So, now we will move into Action Items of the -- for the evening. First item up is Item 3, a public hearing for proposed new and amended fees of the Parks and

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Recreation Department Fall 2022 activities and classes. We will open this public hearing with comments from Jenna.

Fletcher: How's it going? In front of you you will see fall 2022 activity fees. We do have one new class coming in, but other than that everything has stayed the same. Any questions?

Simison: Council, any questions or --

Bernt: That was the best presentation I have ever seen from the Parks and Recreation Department. Did you take a note? Okay.

Simison: Okay. Thank you. This is a public hearing. Mr. Clerk, do we have anyone that signed up to provide testimony on this item?

Johnson: Mr. Mayor, I did not get to the back to check, but nobody's online and I would see if anyone's here. Sorry.

Simison: This is a public hearing. If anyone would like to provide comments on the proposed fees for the fall 2022 activities -- if you would like to come forward now and make any comments or if you are online use the raise your hand feature and we will bring you into the conversation.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Wondering if we shouldn't post the fees maybe on the screen?

Simison: Yeah. I don't think they will fit, but we -- we can do that if we like and I know it's in the agenda packet. And -- and seeing no one who is coming forward yet -- what's the rock climbing fee? Do we have one of that this -- this upcoming -- all right. With that we will close the public hearing on this item.

4. Resolution 22-2337: 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

Simison: Which moves on to Item No. 4, Resolution 22-2337.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Jenna. Appreciate the work you do for our community and in the expeditiousness of the presentation tonight. Thank you. The public appreciates that as well. Mr. Mayor, I move approval of Resolution 22-2337, resolution adopting new fees for the Meridian Parks and Recreation Department. Authorizing the Meridian Parks and Recreation Department to collect such fees and providing an effective date.

Bernt: Second.

Simison: I have a motion and a second to approve Item 4. Is there discussion? If not, all those in favor signify by saying aye. Opposed nay? The ayes have it and the resolution is agreed to. Thank you.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 5. Public Hearing for Fairbourne Subdivision No. 3 (Lots 11 and 12, Block 3) (H-2022-0041) by Sam Johnson, Located between Lots 11 and 12, Block 3 of the Fairbourne Subdivision No. 3, North of W. Chinden Blvd. and West of N. Black Cat Rd.
 - A. Request: Vacation of a Public Utilities Easement between Lots 11 and 12, Block 3.

Simison: Item 5 is a public hearing for Fairbourne Subdivision No. 3, Lots 11 and 12, Block 3, H-2022-0041, and we will open this public hearing with staff comments from Alan.

Tiefenbach: Good evening, Mr. Mayor, Members of the Council. Alan Tiefenbach, planner with the City of Meridian. Okay. So, this is a vacation of a utility easement. The site is two lots, zoned R-8, located northwest of the North Black Cat-West Chinden Boulevard intersection. Council approved the Fairbourne Subdivision for 176 single family lots and one commercial lot in 2018. It's built out in three phases with this most recent being approved recently for 65 lots. A potential buyer intends to construct a single family home across the lot line between two lots. That's what you can see there in the red. That's between Lot 11 and Lot 12. However, there is a note on the plat that requires a five foot drainage utility construction and maintenance easement on either side of this line. So, a property boundary adjustment would be required as part of this, but in order to have this easement -- utility easement vacated this would have to take Council action. We do recommend approval. The applicant has submitted letters of no opposition from any of the interested parties. With that I would stand for any questions.

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

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

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Hoaglun: Alan, the approval would require, though, that they complete a property boundary adjustment before getting approval?

Tiefenbach: That is correct, sir. That's a condition of approval.

Hoaglun: Thank you.

Simison: Any other questions for staff? Okay. Is the applicant with us this evening? Alan, is that a no to your knowledge?

Tiefenbach: They might be online, but I don't know if they are present.

Johnson: Mr. Mayor, yes, they are online. I am promoting them in now.

Simison: Mr. Money, if you can unmute yourself.

Money: Okay. Can you hear me?

Simison: We -- we can. Just need you to speak up or -- or we can turn up the volume.

Money: Great. Mayor Simison, Members of the Council, my name is Jim Money. I'm with Civil Survey Consultants. I'm an engineer representing the owner of the project Sam Johnson, who is looking to sell the lot to -- to a prospective buyer as was described by Alan. I don't have anything to add to Alan's report, but I stand for any questions you might have.

Simison: Thank you. Council, any questions for the applicant? Mr. Money, seeing no questions, we will see if there is anything from the public. So, Mr. Clerk, anyone signed up on this item?

Johnson: Mr. Mayor, no one's signed up.

Simison: Okay. Is there anybody that would like to provide testimony on this item at this time? Seeing nobody and the one person online I know is from our staff, so they are not looking to do it. Would the applicant like to make any final comments, Mr. Money?

Money: No. Thank you.

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

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move we close the public hearing for Fairbourne Subdivision No. 3.

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Cavener: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: After hearing from the staff and applicant, I move to approve file number H-2022-0041 as presented in the staff report for the hearing date of July 19th, 2022, and that the -- also include the condition that the applicant complete a property boundary adjustment prior to issuance of the building permit.

Cavener: Second.

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

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 6. Public Hearing Continued from January 4, 2022 for Centerville Subdivision (H-2021-0046) by Engineering Solutions, LLP, Located at 4111 E. Amity Rd. (including the outparcel to the south) and 5200 S. Hillsdale Ave., at the Southeast Corner of S. Hillsdale Ave. and E. Amity Rd.
 - A. Request: Annexation and Zoning of 40.49 acres of land from RUT to the R-8 (13.38 acres), R-15 (24.17 acres), and C-C (2.95 acres) zoning districts.
 - B. Request: A Preliminary Plat consisting of 249 total lots (124 single-family residential lots, 79 townhome lots, 4 multifamily lots, 4 commercial lots, 34 common lots, and 4 other lots) on 38.95 acres of land

Simison: Next item up is Item 6, which is a public hearing continued from January 4th, 2022, for Centerville Subdivision, H-2021-0046. We will continue this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor, Council. Since it's been six months plus since we have seen this I will just briefly go over what is before you tonight. It is for Centerville Subdivision. It's at the southeast corner of Amity and Hillsdale directly east of the South Meridian YMCA and Hillsdale Elementary School. It is a request for annexation and zoning of approximately 40 and a half acres, which is three existing parcels, from RUT to the R-8 zoning district, R-15 and C-C zoning district. The concept plan includes 219 single family units and 16 multi-family units. Includes a preliminary plat request for 249 total lots, 124 single family lots, 79 townhomes, four multi-family lots and four commercial lots, with 34 common lots on 30 -- approximately 39 acres. There has been no CUP submitted for the multi-family, which would be for the four four-plex units. That would be required in the future. Between -- this was actually continued twice now. It was November of last year -- to November. In that change there was some changes that did occur, as you can see here. So, the applicant removed all of the traditional multi-family apartments along Hillsdale and replaced them with a majority of townhome units and more commercial buildings proposed to be flex space, as well as added flex -- or, sorry, fourplexes along Amity. They did reduce their total units of more than one hundred. They also added the three commercial lots to help with more commercial in the mixed-use neighborhood future land use. They overall reduced the density from 8.4 down to six units per acre and they moved the proposed pool amenity to the large central open space per the Commission's recommendation at the time. In January the majority of the discussion was around transportation and school capacities and schools. understanding was there was not a specific motion to close the public hearing or limit the discussion. However, the main points of discussion remaining were regarding the schools. Staff -- or I should say Council wanted to have some -- I guess seminars -- I can't think of the word right now, but meetings with the school district to discuss the data, as well as proposed future improvements and plans for future school construction. My understanding is that those have occurred. So, at this time there is no outstanding issues from staff and I will stand for any questions.

Simison: Thank you, Joe. Council, any questions for your staff at this time? Okay. Would the applicant like to come forward?

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. Engineering Solutions. 1029 North Rosario in Meridian. I struggled all day trying to think about what I was going to say to the Council. We submitted this project on July 11th of last year. My first letter from West Ada School District was the 28th or 29th of July of last year and I got a new letter today. Sometimes good things take time and I think this is a particular project that that is the case. The Council asked us to be patient. They asked us to pause and allow them to have the workshops with the West Ada School District. I did watch those workshops online. I think Jonathan and Marci and Dr. Bub and the board are, obviously, taking significant strides to come up with a ten year plan to figure out how we are going to build these schools, how we are going to adjust boundaries. The one thing that always

puzzled me is there was discussion about bussing the children when this particular project is kitty corner to the elementary and when I looked at the -- when I watched the workshop they submitted a site plan for the middle school, which is also kitty corner to this project and when we are designing projects, obviously, we want schools within walking and biking distance. We want that -- those public facilities to be within the grasp and within an economic distance. We have sewer. We have water. And Councilman Cavener said what about the streets. We already have an intersection at Hillsdale and Amity that operates at a level of service F without me and that's because the original developer of Hill Century Farms was supposed to install a signal and somehow it was eliminated. They were supposed to install a signal at Eagle Road across from Sky Mesa and that was also eliminated, because they were -- the ACHD said, well, not that many people make lefthand turns out of the project of Hill Century Farms, so the burden, obviously, falls upon my project and the Mayor has mentioned many times if you have a project before Meridian and we have some issues with transportation, then, you need to figure out a way to mitigate it. Well, our way to mitigate it is we got to install a signal and that has to be done with the first phase and that's part of my ACHD requirement and part of your conditions of approval and we have never skirted that. There was concerns about safety. Safe route to schools. We volunteered that we will do the rapid flashing light. They will also have a crossing guard at the same time to help those kids get across the -- the -- the collector roadway to get over to the Hillsdale Elementary School. I -- I look at a map and -- and it's developed everywhere. Everywhere. Even east of Boise. You look at this map and, gosh, I'm -- I'm in purple. I'm in purple and all the way east to Boise it's subdivisions. All the way west in Meridian it's subdivisions. To the north is Shelburne. It's all developed. This area is completely developed. This is a priority area. This Council, this Mayor, their planning staff have determined they are going to build a new fire station in this area. That this area is a priority. All the utilities, the schools are there to support this development. We have -- we have really tried -- I don't think I have ever tried harder on a project than on this 38 acres. I -- I can honestly say that. Even Bridge Tower was not -- I didn't spend as much time designing Bridge Tower as I did this 38 acres and I think what we have now is an excellent mixed-use project. Councilman Perreault, I read -- I read your -- your article in the boisedevelopment.com and -- and, you know, the -- the subject matter was affordable housing. What are we going to do in Meridian to, obviously, create housing for our workforce, housing for Idahoans, and not somebody that comes in from out of state with a 700,000 dollar cash check and, Councilman Perreault, I mean your words rang true. You spoke of the benefit of encouraging some higher density developments, such as -- and you mentioned Centerville and bringing in a mix of single family townhomes, multi-family, a variety of housing types and that it's encouraged in your Comprehensive Plan and I think now facing the financial situation that we are, looking at the interest rates, that home ownership may be getting further away from people and we need to make sure that we do what we can to have diversity in our projects and we -- when we are on a major transit corridor, like Eagle Road, that's where we want to see some of this density and -and a lot of people called it higher density -- 6.01 dwelling units per acre, that's -- that's medium density in today's world. You have got Eagle View Landing taking off. There are -- there are going to be hotels. There is going to be TopGolf. We have the St. Luke's facilities and everything happening around that Eagle Road interchange. I remember a day where the interchange was there and there was nothing. There was nothing, because

there was no sewer, there was no water, there was just a two lane rural road. But, you know, this area is blossoming and for it to be a priority area I think is -- is appropriate. As Joe indicated, we reduced this project by 108 units. We took 30 -- 33 percent of the density out. We are -- we are matching all of our exterior lot lines with our neighbors. Our density around our perimeter within our R-8 is like 3.45. We have got I think one of the best mixed-use projects that -- that we can provide. We have our neighborhood commercial component. Mr. Mayor, you -- you questioned well, you know, how is that going to work where they have townhouses. We have significant landscape buffering. You know, we are -- we are trying to integrate this project and blend it and that's the whole idea between -- behind mixed-use that we blend these projects, so that they -- these uses coexist and they create a better community that they fill a need that's there and when I look at Hill Century Farm and Sky Mesa I see seven hundred, eight hundred, million dollar houses. I don't see affordability. And so that's why in your land -- own land use map in your comp plan you talk about diversity and you talk about let's -- let's create housing for all residents. Amity Road is going to be expanded. ACHD is moving it up on its priority list. The dual roundabout at Eagle and -- and Amity is completed. I mean a lot of things have happened since I submitted this application for the good and I think these -- these strides forward are a positive step and I think this project is a positive step and we are committed to building something that the city can be proud of. Mr. Barton has been coming up, he's been having his designers work on new townhome product, new single family product. We have pool facilities, pickleball courts, multiple play equipments, linear open space pathways. I mean I -- I love what we are doing here. I really really do. And I ask the Council tonight to think about the struggles we have gone through. The patience that we have had and I think we have checked all the boxes and one of the neighbors came up to me tonight and -- and he had some kind words and he said you guys have went through a lot and I empathize with you and he said I just want it to get approved and be over and I'm kind of the same way. I mean I -- I don't know what the Council -- what more they want from me, because I have done everything I possibly can and my client has -- has bent over backwards to make sure that -- that this is a quality project and something that we can be proud of. That you can be proud of. I can be proud of. If I put my name on it it better look good and Mr. Barton has the same commitment here. He wants to be part of this community and I ask the Council and the Mayor to consider all the facts and the strides that have been made by the school district and the board and their staff and let us go in there and make this neighborhood safer, make the -- improve this transportation system and do our part to mitigate our impact. Do you have any questions?

Simison: Thank you, Becky. Council, questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Becky, would you remind us where you were proposing the flashing crossing? Was that all the way in the southwest corner of the project or -- okay. Right across the middle --

McKay: Mr. Mayor, Council Woman Perreault, the -- the -- I allowed Ada County Highway District and West Ada to pick the location. There were discussions about putting it clear at the southwest corner. ACHD and the school district said they wanted it right there at our collector roadway. They thought that would be a significant distance from the existing rapid flashing and crossing guard and so they picked that location.

Perreault: Mr. Mayor, a follow up.

Simison: Council Woman Perreault.

Perreault: And the existing is to the southwest farther -- farther south on that road; is that correct? Closer to the school entrance?

McKay: That is correct.

Perreault: So, a lot of the conversation we have had in the last two hearings has been about safety -- student safety. That's really something that's been a big part of this. That's kind of unique to this specific location and we had conversations about students being able to -- being able to safely walk and there is a -- a property that sits on the -- the west side of this street to the southwest of the project that does not allow -- or does not have a sidewalk. Have you had anymore conversation or progress on that?

McKay: Mr. Mayor, Council Woman Perreault, I believe Mr. Nary reached out to Mrs. Hill, who still resides in the property. She's very elderly. And it's my understanding from what I was told by Ada County Highway District and I believe Mr. Nary's comment at the last hearing that she has a life estate for that property and she has a septic system and a well that she wanted to keep that would conflict with any improvements of sidewalk and until -- as long as she lives there that property will remain the same. Now, how that -- how that got approved, why that collector wasn't adjusted to accommodate that, I can't answer that question. I didn't -- I didn't design Hill Century Farm. I would have done it different. I'm surprised that the city allowed it when they are so sensitive to safe route to schools and ACHD, if we have an out parcel, even if it was split off within a year we are required to install sidewalk across their frontage to make sure that we have continuous sidewalk. So, I'm not sure how that happened. Maybe it had to do with -- with stipulations on the donation that was done by -- by Mrs. Hill. I can't answer that question. But I can't -- I can't solve what's already been done. What I can do is try to make it safer and how is it going to be -- I mean what -- what I can -- what I can do is limited.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Becky, just -- I was just kind of curious for the townhome areas it talked about now that you have private streets and they have been approved, but is that all those interior streets are private that are where the townhomes are now located. Following that cursor down there and, then, up --

McKay: Mr. Mayor and Councilman Hoaglun, we did -- we did do -- we have private alleys and some private streets and that was encouraged by Ada County Highway District that they would prefer that those be private streets. We did submit a supplemental private street application to your staff, which was approved administratively. We -- we still have guest parking. We still have two car garages for each townhome, plus a 20 by 20 pad. We also have notches out in the private road area, so we can have parallel parking. So, I have parallel parking along here and -- and it's notched out, so it's very visible. We also have parking down south for guest parking on the townhomes and if you notice all the townhomes are on common areas. They are long common areas here along Hillsdale Avenue. Linear open space here with a playground. Linear open space here. And, then, we also have detached walks with common areas all along these -- these townhomes. This is a public street here. So, the only private streets would be this, this one, the private alley and, then, this alley. And the reason for that is ACHD will not allow a public alley unless you have a public street in front of it and so that's what kind of nudged us into the private roads. It gave us more flexibility in our design and allowed me to add more open space, because we are over 15 percent qualified open space and at the time we submitted the requirement was ten and I did not even calculate in my detached eight foot buffers as my open space. So, that's over and above the 15.4 percent.

Hoaglun: Thank you.

McKay: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Becky, I think in January you submitted your phasing plan.

McKay: Yes, sir.

Cavener: Any intention to -- if this were approved to change your phasing plan based on calendaring and, if so, maybe walk Council through that.

McKay: Mr. Mayor, Councilman Cavener, we have to build our -- our collector roadway coming off of the Hillsdale collector. I have to also install my secondary access, which is my -- my entrance road right off of Amity. I have to install turn lanes, decel lanes, that matches up with Shelburne. We kind of looked at this from a logical perspective. I think we put the -- the neighborhood commercial component in the third phase and, then, we have the fourth phase down in that southwest corner and the second phase made sense, because, then, we are making those interconnections to those other stub streets and if you recall we -- we changed our street network, so they are circuitous so we are not pushing traffic into the Rockhampton neighborhood or into the Hillsdale Creek neighborhood to the south, that we are -- it's -- it's kind of a circuitous connection and, then, we have our pedestrian connection.

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Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you. Just in terms of timing on that, are you planning to adjust your timetable that you have presented? I think I -- maybe I'm mistaken. I thought you sent a letter in early January and I -- I guess I thought it had timing on it. I guess maybe, then, walk Council through what is the proposed amount of time between each phase.

McKay: Mr. Mayor, Councilman Cavener, I did submit a letter that -- that -- that basically laid out the phasing, which units would come online and the number of students generated by each phase. Obviously, that's been pushed out for a year, because it started with a 2022 design and infrastructure install. So, based on where we are now and how long the agencies are taking to review, we won't even start infrastructure until 2023. So, we won't have any -- we won't have any homes going vertical until probably spring of 2024 and based on the market conditions if the clients kind of pull back those phases may get a little smaller, as we saw in -- when we went through the great recession. We had hundred lot phases and fifty lot phases and, then, all of a sudden the phases went down to about twenty lots and, then, the phases just kind of stopped. So, you know, we -- we don't know what the future holds. Obviously I wanted to give you the worst case scenario and that is what I provided you as far as that they would build approximately a phase every year.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Becky, then, still if -- if this were to be approved your timetable is to have the whole thing constructed by 2027?

McKay: That would be the plan. In a perfect world with a continuing housing market and not ten percent interest rates.

Cavener: Thank you.

McKay: I know it's scary, isn't it? It's very scary. Yes.

Simison: Council, any additional questions for the applicant?

McKay: Yeah. I -- I read an article that said that when the interest rates were at three percent the same individual -- you know, family that could afford -- or qualify for a 400,000 house now with the interest rates being where they are can only qualify for 275 and I -- I think Councilman Perreault can -- can confirm that. So, we -- we do have a situation on our hands and -- and we need to adjust and the only way we can adjust is, obviously, creating some diversity in these projects. Otherwise, they struggle. The single product projects will struggle in a harsh economic environment. But if we have diversity that allows us to have pricing ability.

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

Bernt: Mr. Mayor, my only question for Joe -- Joe, just to confirm -- and it's been, you know, since January since we heard this application, but to confirm the -- the -- the multifamily that's on the north side, the four buildings of -- of multi-family, is that necessary to accomplish the -- the zoning that's for this area?

Dodson: Councilman Bernt, my understanding is that it is just to add diversity to the housing. They didn't have to do that. They don't need it for the zoning, no. It's just another option.

Bernt: Thank you.

Simison: Thank you, Councilman Bernt. Mr. Clerk, I assume we have a few people signed up for this item.

Johnson: Mr. Mayor, we do. First is James Phillips. And, Mr. Phillips, Joe is bringing up your presentation.

Simison: And just state your name and address for the record, please. And are you representing an HOA?

Phillips: Yes. I will be representing Hillsdale Creek Subdivision. Name is James Phillips. 4140 East Rockhampton Street. Today I feel a lot of weight on my shoulders as I represent a number of voices that I have talked to over the past months from the public about real concerns, specifically in the southeast Meridian area where this is proposed. The analogy I like to use is that of a -- of a passenger plane. You can develop and make the -- the most perfect, accommodating, affordable passenger plane there is, going to allow people to go from point A to point B, but unless that is -- unless it goes to a landing strip that can accommodate that passenger -- passenger plane it will not work. There is real concern still -- macro concerns -- and I appreciate the diligence that the City Council has made in double clicking on some of these concerns -- of having that meeting -- joint meeting with West Ada and it helps us come to terms as to the data as to what we are looking at. What is that landing strip looking like for a project like this? So, I will talk to that a little bit. The first one I want to bring up is the school. This -- I took screenshots and this is in the -- the Web links on -- in the City of Meridian's folder here. The timeline that Becky mentioned you can just add one year. It doesn't make the difference. The math still is the same and you will see even on the timeline as well. So, let me -- so, the short -- I will just kind of hop through the numbers real quick. So, if you were to just take the four phases, add up -- you can see where the numbers land in terms of number of students. But instead of end in 2027, add that year that Becky mentioned, it's 2028. So, 64 students for elementary, 32 students from middle school, 42 students for high school. Using the updated metrics from West Ada, you can see the Hillsdale area -- again that's southeast Meridian. We are projected to be over capacity by 390 students, of which this sub -- this Centerville plan will make up over 15 percent if you just take the numbers. On

the middle school side, again Lake Hazel, again, the comment on the southeast Meridian schools area is projected to be over capacity by 153. We are already at capacity on middle school and that over capacity, again, Centerville's proposal is 20 -- 20 percent. Finally, on the high school side as well. Same story; right? We are projected to be over by 409 students and -- and over ten percent of that comes from Centerville's proposal. In other words, if you just take it -- look at it, not -- not taking account timing and building of new schools, there is a real strong argument for city -- the City Council to deny or postpone this -- this based on the fact that we just don't have schools there in southeast Meridian to accommodate this growth. Now, West Ada did do some math and figured out what needs to be built there in south Meridian; right? You have that one elementary school, one middle school and one high school. They also put together a tentative timeline of when those schools could possibly be built. Again, tentative; right? If you look at -- and compare that to the phases of this plan, you can see where it lines up. Again this is based off of that paper with the updated information. You can add one more year. The story is still the same. The phases for this plan is -- tend to -- in the worst case, obviously, would be built out before we would even be considered to have a middle school in south Meridian or high school where there is great need. And, then, finally, obviously, also in addition to timing -- so you have those three components; right? The overall math in the end, the land, the timeline of things and, then, obviously, the -- the -- where the -- where is the money going to come from and I do know that there was some conversations in the joint discussion with West Ada to -- to have the city CFO talk with the impact fee committee to figure out if there is a way to -- to offset some of this cost. But even, then, they acknowledge that a bond will still be required -- expected to have a bond to help pay for these build outs. And that kind of concludes the main points I want to make regarding the school. There is a few other things around traffic. There is real concern -- there is no faith whatsoever by public on the traffic impact study that was in there. I don't think I need to bring too much attention, but even Becky called out the situation that -- at which it was done. It wasn't very -- very -- there was not a whole lot of wiggle around in it from like estimating percentages of where traffic would flow out of the -- the -- the plan, 70 percent north compared to ten percent west and I don't think so given where everything is developed in that plan. The percent -- because it was during COVID they used 2018 to 2019 numbers projected a two percent growth. We know that there has been a lot more than that. Again, kind of bad assumptions create bad conclusions. And, finally, even in the -- in the TIS itself it does call out the traffic count should be recollected in the future to verify background traffic and it just goes to show like -- and these have real consequences. If you look at the -- there is an option -- there is -- there is solutions or conclusions drawn from these, including, for example, putting in that light at that intersection, That's one of the options, that came out of this study. Now, what would be the options that ACHD would like to see if they actually do an up-to-date study of what the traffic is going to be on that Hillsdale Avenue and on Amity? And, finally, if you take a look at the integrated five year work plan that ACHD did and most recently adopted this year, it -- they have -- the budget for the first two years -- and if you take a look at what's happening in Amity, there is a lot of question marks of when things are going to happen. Like there is not even a date for acquiring right -- the right of way to build out Amity. That's not even a date on that yet, let alone a date for construction. And, then, last point from a public -- public concern point of view is safety. Talked about already

a little bit about that sidewalk gap. I really would like to see an update on where that -that is. If we have a timeline of when that would ultimately be built out or is that still a big question mark because of the living trust there? The blind spot that happens at the corner there and also the additional traffic that the plan will bring to Hillsdale Avenue and that -this collector -- and Becky mentioned like if -- if she had done this she would have done this differently, because it's a big concern about making sure it's safe -- they are safe -safe walking areas to the schools. And adding this -- this plan will add additional traffic to Hillsdale Avenue that -- that this collector turns, in essence, into a drop-off, pick-up line of parked cars all the way up to Amity during school drop off times and that will be competing with the traffic of people going in and out of -- from work that are going to be ultimately living in that area. And, then, lastly, I -- I think that's the main point. There is one other slide about the plan itself that I really wish we had an opportunity to talk about this plan in P&Z. We hyper focused on the original plan and -- and it was revised, but there were things that were brought up, even in discussion with Becky on the land about what we can do for transitional density down in the southwest corner that never made it to the final revision that I really would like to have an opportunity to talk to -- to the developer and P&Z around. But given the macro condition it's not -- it doesn't make much sense to -- to really talk about it here. That's kind of it. I think there is a real responsibility that the -- I -- I do believe that this -- the Mayor and the Members of the Council really do take their -- this job serious and they want to make sure that the -- the plan does land properly in the area, but there is real still public concern around what's happening in southeast Meridian that just doesn't accommodate the current plan for Centerville. Thanks.

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

Johnson: Mr. Mayor, next signed up is Chris and Amy Johnson. I will let you decide who is first.

Simison: If you can state your name and address for the record and be recognized for three minutes.

A.Johnson: Amy Johnson. 4069 East Tenant Drive in Meridian. I'm part of the Hillsdale Creek Subdivision. Been here quite a few times for all these meetings. Quite honestly, I will just kind of start with my feelings as a community member and seeing especially Council Perreault -- I'm sorry if I mispronounced your name -- but praise Centerville in that article that Becky brought up. It was kind of disheartening, because it hasn't been approved. You don't have a lot of community support. You have seen a ton of us come out every single meeting, provide support. We are just not satisfied with the way this is, for a lot of pretty fundamental reasons. Our kind of focus more on parking and traffic. Those are the big problems in here. So, James just spoke about having Hillsdale Lane. It's going to become a parking lot. With that light you cue in people. It's going to become so hard to move and maneuver in and out. I don't see how that's going to be an addition. It's only going to be a really big problem for the community. This is the time right now to correct that. I think the developer and Becky -- they need to widen Hillsdale Lane. They need to add a designated turn lane if it's to go forward, because, otherwise, there is just

no places for those cars to go. Additionally, I have never seen a CBH development -- and I have driven quite a few of them -- provide enough parking at all. If we are talking about higher density, we are talking about people who are bunking together, renting together. That's more cars than are being produced for the two -- or the tandem garages or the parking garages and things like that. There is just going to be more cars and the way the driveway sits in those developments you can't park between them. They are too close. Or maybe you got a small car. But you walk -- you drive through some CBH developments specifically and they are tight and they are really hard to navigate and I think that's only a setback to our community, because we have a really great community, we have great developers come in and produce a really nice neighborhood and this just is not in keeping with the area I don't think. It's not a walkable area. There is no public transportation. It's not going to be in the future anytime soon. So, I think it's really paramount -- now is the time to -- if you are going to go forward with the apartments, there needs to be so much more parking that's already -- that's not been addressed properly and the new revised one it's really hard to know how many parking spots are designated. But I sat on the traffic commission for the city of Beaverton for eight years. We have never seen a development that had enough parking and so those are the two biggest things. And, finally, it kind of sounds like a NIMBY thing, but I don't find CBH houses to be that much more affordable than any others in the community. But you see that they don't landscape the backyards. They have just sheer boxes. So, there is a quality issue. I quickly went to the Better Business Bureau. There are 34 complaints against CBH in the last three years. Ten in the last 12 months compared to Biltmore, which had one and Presidio, which had zero. And those are neighborhood builders in the communities that we live in. So, that's all I have to say.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, I just want to clarify. It sounds like we have some confusion about this article that was published in March. That article was published highly incorrectly. I was not quoted correctly. The article -- the nature and the topic of the article is not anywhere near the discussion I had with the reporter and I brought it to the attention of the owner of Boise Dev at the time that the article was published and he offered to not rescind the article, which would have been my preference. He offered to publish corrections to that article and to talk to him about it and I thought about it and I decided, you know, the news cycles every -- people will forget it. It's a news cycle. And clearly they haven't. So, I, obviously, need to contact the owner of Boise Dev and get him to publish a correction to that. There -- I wasn't praising Centerville. I'm not going to go on all the specifics on that article, but that's not for this conversation, but I just want to be clear about that. The conversation I had with the reporter regarding Centerville was whether she had watched the public hearing about Centerville as an example of how housing is being developed in the area. Had nothing to do with the merits of Centerville. We don't discuss those while there is still a public hearing. It was whether or not she is paying attention to what's

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happening in the city of Meridian. That's the extent of the conversation with that reporter regarding Centerville. So, I just want to put that out there for the applicant's sake, for the public's sake, on the record that -- that -- that the article is very incorrect. The reporter has zero experience reporting on housing in the entire valley. Excuse me. So, just want to put that out there. In regard to this particular application, am I hearing you correct that your two main concerns are traffic movement through the neighborhood, parking within the actual neighborhood itself, and, then, was there a third one?

A.Johnson: It's traffic and parking are my two primaries. Hillsdale Lane being the collector street that it is, is just -- it's -- it's too -- it's an F right now and even if you put a light in from my experience being on the traffic commission, you are going to queue in a bunch of traffic at one time; right? Light turns green, you are going to get five, eight, ten cars turning left at that time. If it's the same time that school pick up is at, where are they going to go? I mean that -- I assume you guys have all driven the area. You understand how it's going to queue up. There is just no safe places. And, then, again, to go back to school safety, there is no place safe for the kids to cross when you have cars constantly doing that and with the commercial aspect of it where it is, that's where people are going to be typically coming in or off of Amity. But it's just going to be too congested. It's too congested now.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: There are other areas of the city that have the same concern and we hear these types of objections in other areas of the city as well and what I have been wanting to hear, hopefully, from our public testimony this evening is what is it specific about your location that makes it unique that this development shouldn't be there versus other areas where we work through traffic and parking issues and so anything really specific that you give -- or that the -- you know, that we can hear about that's not just this is congested, because we have congested -- we have conversations about congestion all over the city; right?

A.Johnson: Yes.

Perreault: Which is not so much in our control, but -- so, if there is something that's specific to that other than just general congestion and parking challenges, please, feel free to share that as well.

A.Johnson: Well, it is also the graduation of the actual hill that goes down into Hillsdale Elementary. It is very specific and unique to this community. It's just not going to be safe. There is no sight lines going down. Even if they cross over at the YMCA at this point, like Becky was testifying, there is no sidewalk over there to continue the kids down. At this time, unique to our space, there is just not a safe way to have that kind of congestion add to the -- to the traffic and now is the time to address Hillsdale Lane not being wide enough. I mean once it's developed there is nothing we can do about it and I'm not saying no

development, don't -- don't develop it at all, but, you know, I think the onus is on you guys especially and us as a community to say not right now. We need to really get these -- our priorities straight. We need to have the infrastructure. We need to have the fire stations. And we need to have the schools pretty much ready to go, then, move people in, not the other way around and I think we have reached kind of that crux and so that's kind of my point with the traffic. But I have never seen -- I go back to the parking thing. I have never ever seen an apartment complex have enough parking and why can't we say, you know what, that's fine, but create a lot more parking, especially when we are talking about possibly another recession and more density. There is just going to be more people, families, multi-families living together, things like that. It's just a reality.

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

C.Johnson: Thank you. Chris Johnson. 4069 East Tenant Drive, Meridian. I reaffirm everything that my wife said, like a smart married man. You know, I -- I really -- I'm not part of this NIMBY crowd. I don't have the NIMBY mindset. Of course we moved here to Meridian a few years ago knowing that it's one of the fastest growing cities. There is going to be tons and tons of development and that's great. I especially like the fact that we are trying to build affordable housing. I think that's -- that's wonderful. My concern is really just the same things that she said. Just the congestion, traffic, and the school overcrowding and I realize that you guys don't have any influence over what's going on with the school. That's a state thing. And a lot of the roads and things like that are state issues, too. So, I -- I would just encourage you to -- first, let's make sure that we have a good plan in place for another school or two to handle the density, the -- the overflow from the current schools. So, Hillsdale Creek, of course, is completely full. Anybody thinking they are going to move into this community now and send their kids there are sorely mistaken. So, those -- those are the -- the main issues that I would like to get across. My thought is -- I just -- I don't see any harm -- what -- what is the harm in just delaying this a little bit further, just allowing things to catch up a little bit, some more studies to be done, that kind of thing. So, that's all I have to say.

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

Johnson: And, Mr. Mayor, those were the only people that marked they wanted to speak.

Simison: Okay. Well, if there is anybody else present that would like to provide testimony on this item just, please, come up one at a time. You don't need me to call on you. You all -- you all police yourselves to figure out. But come on up and state your name and address for the record and be recognized for three minutes. And if you are online and would like to provide testimony, please, use the raise your hand feature at the bottom of the Zoom call.

Prestwich: Mr. Mayor, Council Members, I had no intention of speaking today, but it seems that as I listen to testimonies --

Simison: If you can state your name and address for the record.

Prestwich: Oh, I apologize. I'm Rebecca Prestwich. I live on Bleachfield Avenue, which is connecting to the Centerville Subdivision in the Hillsdale Creek Subdivision currently. I wanted to share with you what happened at the last meeting at the end of the meeting. I sat down, along with one other individual, to talk with Becky and just ask her a few questions and we were in the middle of a conversation when one of the Council Members walked up to her, interrupted our conversation, shook her hand and said we will get this done and winked at her. Now, that didn't leave a really good feeling with me, because it felt like this was a done deal no matter what anybody said or we are going to do and I would hope that as a Council you don't allow outside influences to buy your vote, so to speak, because that's what it really seemed to me was happening. I think that we do need development and we need responsible development in our community. I'm not against development -- development, but I am against this project, because I don't think it fits seamlessly into our community. I would have no objection to having single family homes on that property with no mixed-use, but I know you are -- you want that and so that's probably going to happen, but it seems to me that the -- the Council's been very polite in listening to all of us, but you have already had a preconceived notion of what you are going to do and you, yourself, Mayor said in one of our meetings that, you know, as long as you have lived here schools have always been a problem and you have always overcome it and so when we bring up schools all the time that doesn't seem like it's really something that you have power or control over, but you have to politely listen to all of the testimony. I do think it's deeper than just the schools, it's the whole community having a really feeling of not being listened to, a feeling of things not going as the plan said, the Comprehensive Plan. A feeling approving projects one after the other not knowing what the consequences of all the growth is and that's a concern to all of us. We -- we talk about it all the time, every time we meet each other, run into each other and I think you need to listen to that, because it will affect you as elected members of our community and that's all I have to say.

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

Prestwich: Thank you.

Simison: Come on up. Like I say, if you -- if you want to testify maybe come up and sit in the front row and, then, you can each take turns for those that want to speak, so --

Baker: Hi. My name is Dallas Baker from -- I live in Meridian, Hillsdale. 5313 South McCurry Way. And I live directly behind the school and the YMCA. My qualifications -- I am a -- a water purveyor from the University of Florida and Florida State and I'm a master plumber from the state of Washington. So, as a plumber my job is to keep the -- the state and the citizens safe. That's my job. I am the safety officer of society, basically. The house right there -- Ms. Hillsdale that lives on the corner has a septic tank and I don't know if anybody here has any experience with that -- septic tanks put out what they call brown water or gray water. That water will be at this site forever -- ever and a day and so what happens is those little children go out there and they will stomp around and they will get their feet wet with contaminated water. Excuse me. Had to pull this thing up. Contaminated water. So, we don't want our children to get contaminated water and so,

therefore, I think as long as that house is there and the septic tank will be there until somebody decides one day to pull it up. But even that -- so, that water from that drain field is contaminated and so, therefore, there is waterborne diseases and yadda, yadda, yadda, yadda. Anyway, I'm sorry if -- I'm not used to getting in front of people and talk, but I think it's very, very important that people know that the little guys and girls will end up running through that drain field, going home to mom and daddy and spread -- could be potential spreading waterborne diseases and that's very, very, very important. Thank you.

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

Harris: I will make it short and sweet. My name is Kathy Harris and I live at 4066 East Tenant Drive in Hillsdale Creek and I think my only complaint about this is when we bought our house four years ago we were told that that land had been purchased by CBH, but it was going to be strictly single family homes and we bought under that pretense and I think if they were to stick to that original plan that would eliminate a lot of the parking and traffic issues and even the school issues. So, why -- they have changed the plan since then. I don't quite understand and I understand you guys want more density and stuff, but that land originally was planned for single dwelling homes. So, thank you.

Simison: Thank you. Council, any questions? Okay. Is there anybody else that would like to provide testimony on this item? Okay. Then the applicant -- would the applicant like to come forward to close?

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. Engineering Solutions. Representing Challenger Development. There was discussions about macro concerns, that the joint meeting with West Ada School District didn't accomplish anything. At least that's what was inferred. That there is still school capacity issues, timeline issues, and when bonds will be ran and these schools can be built. We did receive -- oops. Excuse me. We did receive a new letter from West Ada today. It did analyze the project again. This is my third letter. And it did indicate that the school district has a plan for transporting students to alternative schools with available classrooms. Attendance areas may be adjusted based on availability in nearby schools. Passage of bonds for new schools to fit enrollment needs and possibility of portable classrooms placed on properties. And West Ada thanked us for trying to improve the safe route to schools and creating bike paths and micro paths that will, obviously, make things safer in this area. When you look at this map you have got Skybreak, you have got The Keep, you have Pinnacle Subdivision. They have all got to be bussed, because they are too far away. They can't walk to this school. Whereas this project can. And what Dr. Bub and Jonathan and Marci indicated to me when I met with them was that, you know, one of the things that we look at is adjustment of these boundaries and our goal is, obviously, to have as many children as we can walk to the schools and what do we have here? We have a project that's kitty-corner to an elementary school. That school is Hill Century Farm School. That Hillsdale collector is a mid mile collector, intended to be signalized, intended to take traffic out of this section to Amity Road, which is a minor arterial, which is going to be expanded to three lanes. They indicated that the traffic study was bogus, which is not

correct. The traffic study followed all ACHD guidelines and every mitigation measure available to my client was placed as a condition upon us. Turn lanes, decel lanes, signals, rapid flashing lights. I'm doing everything I can, other than build a new freeway to Boise. I mean -- I mean we are -- we are limited in what we can do and -- and I guess one frustration that I have is their traffic does not impact our roadway network. Their kids don't impact our schools. There were no special assessments paid by them for that school. That school was built with a bond. Owyhee was built with a bond. There -- the rules need to be the same for everyone. You asked us to pause. You said we are going to take a pause. I watched every Council agenda after that. Every single one. And not one project was paused due to schools. Amy Johnson, who was on the school board at the time, testified the situation is worse in north -- in Star and north Meridian as far as school capacity and the number of potential students coming into the system than it is in south Meridian. Yet Quartet was annexed, zoned, and the preliminary plat approved. I have seen other projects just zoom by me. Zoom by me. What is different about this project? Nothing. In fact, this project has more facilities -- public facilities and is in a priority area than any other project I have ever had and -- and I -- I am puzzled. They talk about transitional densities. I have -- I have done the transitional densities. I have got three -a little over three dwelling units per acre all along my perimeter. I have a total of 6.01 gross density. They talk about the Comprehensive Plan land use map. That map, as Joseph indicated in his previous reports, supports exactly what we are proposing and that level of service -- oh, you can't build anything until the level of service improves. We are going to improve the level of service. It's F. It's going to go to B. I mean -- and they are saying that we are -- we are skewing the numbers? ACHD analyzed what I need to do to mitigate. The school district has analyzed what we need to do to plan to serve this particular piece of property that is across the street from this school and they are going to do that. If not right now, then, let's just shut down all of the cities. Shut them down until everybody passes a bond and the legislature comes up with a magic wand to fix all of our problems. That's never going to happen. It's just never going to happen. And they kept talking about apartments. I have no apartments in this project. I only have single family dwellings, townhouses, which are three and four and, then, we have four fourplexes that back up to an arterial. So, we have a little bit of a rental component next to our neighborhood commercial. I have no tandem parking. No tandem parking is -- is suggested in this. They are all two car garages. No tandem. I have incorporated onstreet parking, off-street parking. I mean we -- we have gone way out of our way to make sure that this is well parked, because I know what the parking situation is. I see it and I always try to have more parking. This project is a good project and just because it is different than what is in Hill Century Farm does not make it incompatible. Your comp plan states that in this area is mixed-use and medium density residential and that's what we have provided and we have provided a darn good project and they talk about it -- oh, it's -- it's going to be so dense and tight. We have so much open space and linear open space and wrought iron fencing -- I mean it's going to look very very open. We are not going to put solid fences on those townhomes, because that compartmentalizes them. It doesn't create for an open atmosphere and we want people on that open space and feel like even though they have a townhome lot, it's smaller, they are on an open space. They have pathways. They have amenities. They have things to do. This is not a hindrance to this neighborhood and this neighborhood is not the all knowing, all seeing. We have

gone and jumped through every -- every hoop there is and this project's been scrutinized and scrutinized and re-scrutinized and we have adjusted and, like I said, I have never had a project where I dropped 108 dwelling units and the staff wanted my density to be higher. I -- I did multiple pre-apps and so I -- I listened to them and -- and, then, when they saw the -- the backlash, they said, hey, you know, you -- you better take another look at it and I think where we are at the staff is happy. We have a good -- darn good project and if this project can't be approved here, then, I don't think the city of Meridian should approve any project anywhere in the city, whether it's in a priority or non-priority, because this one meets all your goals and we have -- we have -- I don't know what else I can do. I just don't. And deferring this -- what -- what does that accomplish? I -- I don't -- I don't understand it. I -- I just don't. I am frustrated and -- and speechless and for someone to say that there is ex-parte communication -- I say that's wrong. That is wrong. The only statement made to me was to be patient and let these workshops take place, so that the Council could get more information. That is it. That is all. No one promised me anything and I have never asked for any special favors. I just want to be treated fairly, like any other project that's in this area and all the projects that have previously been approved. Thank you.

Simison: Thank you, Becky. Council, questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question for Becky regarding the exit. I know in our subdivision where we have got a collector going out onto an arterial and we don't even have a light, but we will get one someday, but there is enough room for cars and they queue up and so cars that are going right stay to the right and cars going left stay to the left. Is that the situation here or is there room for lanes? What's -- what's that situation exiting out on -- I think that's Hillsdale Lane that goes out.

McKay: Mayor Simison, Councilman Hoaglun, that's a good question. When we did Bridge Tower -- typically most engineers go with an expanded throat, so that, then, you can -- when it becomes signalized and it's warranted, which this is, then, you can stripe those lanes, so -- so, they will go in and ACHD will -- when we submit a signal design, which we have to do as a condition, then, they will evaluate restriping and creating turn lanes, so you have left turns and right turns and if it requires some additional widening, then, they have us do that. Locust Grove and Overland is a prime example. When the Fast -- when I did the Fast Eddy's and that commercial project there and, then, we did the backage road into Mountain View High School, because they were overloading Millennium, which I did that collector and signal, then, ACHD said, hey, you know, while you are at it let's widen and lengthen that intersection there and create longer turn lanes. We did the same thing at Linder and State Highway 44 with a project called The Preserve for Coleman Homes. We went in and we lengthened the turn lanes and we stripped it. So, you know, that -- that's up to ACHD. It's their traffic engineers that make the determination. Our traffic engineer analyzes it, makes their recommendations on how to

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mitigate and how to solve the problems that are out there. This is an existing problem. This is not a problem created by me. But the burden falls upon my client to fix it and we are willing to do that and I think that's what's important and I think that's what the Mayor has been saying, you know, if we have some deficiencies in our transportation system, our sewer or water system, and you want to bring a project in, then, you need to mitigate and fix the problem and that's what we are doing here. And I ask the Council to support this. I have -- I have -- I have never -- like I said, I am speechless and that's -- that's -- you know that's uncommon for me.

Simison: Council, any additional questions for the applicant at this time? Okay. Thank you. Don't go far, but thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: While probably Council is taking some time to digest a lot of the testimony and commentary from the applicant, but I'm happy to at least start a couple things up for conversation. First, I want to thank Council, Mayor, staff, applicant and the public. I know this has felt a lot like a marathon and I think a lot of the reason why we are here tonight I'm -- I'm to blame for that. I wasn't supportive of -- of this project in January for -- for some of the reasons that we have talked about tonight. It's really the impact on our schools. And I was -- in a rare moment of optimism I was very hopeful that our legislature would work to try and provide us as cities, us as a community more solutions to provide better access to education for our kids. They failed, which makes it really hard, because, Becky, you -- you touched on this. You said -- you have checked all the boxes and I agree, I think you have checked every box that has been presented for you you have worked to find a solution. That is your brand. That is your MO. And I commend you for it. But you also said what's different about this project and -- and I will tell you just for me where I'm coming from what makes this project different is when you look around our community there is much more easy access in areas of growth to divert students to other schools. We don't have that in south Meridian. We have students who live in south Meridian who are bused to Franklin and Linder Road. For an elementary kid that is not fair to them. We have high school students that are being crowded into portables with no plan. These aren't necessarily some things that you have the ability to solve. I know if you could you would. But the fact of the matter is these are impacts on our community and I can't in good conscience continue to exacerbate a problem that already exists and so for me that's -- that's what makes this different. In north Meridian, in central Meridian, in Eagle and Star and Boise we can put those students in other places and we don't have the mechanism to do that in south Meridian. We continue to see growth and without a plan -- and that's where my questions came about your phasing is that if we could come to a mechanism about when this would be built and how that would coincide with some of these schools being built, I think I could get there. I just can't get there tonight. And so I appreciate everything that you have done and it's the reason why I wanted to continue this project and I know I probably frustrated you by doing that and I have taken a lot of heat from many of your colleagues for pushing for this, but I thought it was to at least give

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you a fair opportunity to allow the state and our community to find solutions to some of the problems that you haven't helped to create, but that your project will continue to exacerbate. So, I'm not going to be in favor of the project tonight, not because I don't love it and because I don't hope to see -- that we see more of this in Meridian, I just can't in good conscience be in favor of it tonight in this particular location.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. I appreciate the patience shown by everyone. This is a long process to be at this for over a year is -- is a long time. It's unusual. We had a lot of meetings over that course of time. Three -- three different meetings with the school district and school board involved and it is difficult and having grown up in this community -- moved here in 1970, seen a lot of changes, and that change includes my kids going to schools in portables. That includes my kids going to be bused to Eagle to go to school when you live in Meridian and -- and there are options to that and for my oldest son it was a private school, because we weren't going to have that happen, because that was not our community. Nothing wrong with Eagle, but just wasn't -- wasn't workable. So, anybody who comes here and if they are going to be bused that is part of their decision and that -- that process it -- it's up to them to decide. Do we want to move and live here if our kids aren't going to go to Hillsdale. That -- that's the market at -- at -- at work. But what was clear from the meeting that -- my take away with -- with the school district and the board and the administrators is the fact that they say it's on us. It's our responsibility to make sure kids where ever they come from get a good education -- quality education and we have -- we have to trust them with that. They are elected. They are appointed. They have that responsibility. Yes, we pay attention to it, but it was very clear to me that they said that is our responsibility. You guys take care of what you think is important for -- for you and for some of us it's -- it's different things. There are different -- different priorities, which we don't always agree on that and that -- that's fine. That's -- that's why we are up here. You know, I would love for Meridian to be single family homes everywhere, but it's just not possible anymore. I live in a development that is single family homes. Used to be a farm. I know all about septic tanks and wells and everything else. I'm not concerned about that particular place having contaminated water. If you got surface water coming up you have got a serious issue and -- and if it's not present, then, they are not going to be walking in water. So, anyway, the -- the issue we are having is over that time Meridian has greatly changed. It's because people are coming from out of state, we have been discovered, lots of money coming in, they are able to purchase homes driving the price up and I have -- we have young people, married couples, just like my son and daughterin-law looking to purchase a home a few years ago, they can't afford a single family home with a big yard and it's -- it's out of reach. It's out of reach. I want them to live in Meridian. I don't want them to live in Kuna or Caldwell or anyplace else. I want my little grandkids being close to home and so we are doing things a little bit differently. We have to. Land prices have gone up. Housing prices have soared. You know it. You get your property tax assessments. You have seen what's been going on. So, how do we -- how do we have people, young people, are getting started in life be able to afford Meridian? Well,

you have to increase densities a little bit. You have to squeeze things a little bit. The yards aren't as big and I know if you are in a single family home you go, well, I want everything to look like ours, but in this case, in this particular area, it was zoned a medium density residential. So, that means different lot size -- sizes and -- and different densities and the good thing is -- because we -- we get this all the time. We are always trying to match these things that we look at it as in fill to some degree, although this is 40 acres, it's been there guite a while. The ability to try and match what is surrounding on the outside, so there is not a lot of variation and -- and you guys are fortunate, because we have seen a lot of plans come in a lot worse where those -- those lot lines don't line up and you are having two, three homes -- so, my home that was a farm at one time, we have got three houses behind us, not one, and here you have got matching, matching, matching, matching and a little variation on the east side, but pretty darn close. So, there has been a lot -- to me a lot of thought that went into that to make that work a little better. because a lot of times it doesn't work and that's -- that's the hard part and I get it, it's hard for change, because we went through that ourselves personally, going from a farm to the middle of a subdivision, and it's hard, because you have lost your views, you lose this, you lose that, there is more traffic, there is more noise and -- just don't talk to my wife, because she will really go off. But it's just one of those things that -- that -- how can we do the best that we can within the law that our -- our zoning laws require and we have a state land use law. There are a lot of things and it gets complicated, but property rights is very paramount in Idaho. So, people who own the property and want to do something with it, we have to be very careful that we follow certain structures and laws, because they have a right to sue and take us to court and say they are -- they are taking a property right. So, we -- we pay very close -- close attention to what we say can be zoned and, then, we really have to find very specific areas that it's not meeting our criteria and that's -- that's what makes it difficult. You just can't say, nope, we don't want it. Oh, we don't like that developer, they don't build quality homes. We cannot go there. We cannot go there at all. We can't say, oh, we like this developer better than that developer. We -- we just -- we just can't. So, that's -- that's difficult. Traffic. Certainly we look at that. That was my question on that. Is there going to be a backup on that? Yes, that's a concern. How far will that go down? Will there be turn lanes or putting in a light, that's -- that's big. I -- I know what it's like not to have a light on a very busy arterial and to make that work. So, there is a lot I -- I guess to unpack here. The testimony is good. The testimony has impacted this development in many ways. There has been a lot of changes and I think a lot of good changes that have come about. It's never a perfect plan, but it's one that -it's one that I can see has -- has come a long ways and we will just let people decide if -if that's the development that's right for him if they are -- for them if their kids aren't going to be going to school nearby, so -- and in due time another school will be built and you -for my kids it was Chaparral and got to go to a brand new school and -- but they had to put up with portables for several years. So, it's a -- it's -- it's one of those decisions that -- that you have to make and that they will have to make if this development moves forward in -- in the future. So, just my perspective on that, Mr. Mayor. I -- I think I can --I can go there. It has changed immensely. Losing 33 percent of the density is -- is massive. I think that's the largest I have ever seen in -- in a project that's come -- come before us. We have had changes before, but I think that's -- that's been the largest, so -- and -- and the variety is -- is what we call for in our plan to allow people to have the

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ability to -- to stay living in Meridian if they are just starting out or maybe winding down in a career. So, there is -- there is both aspects of that, so -- anyway, my thoughts.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: First off, before I give my thoughts about this project, I just wanted to thank the citizens who have been super passionate about this development, who have spent a lot of time and a lot of energy expressing concern and -- and have been really involved and if there is one thing that I appreciate as a City Council Member is the involvement and the engagement of the citizens of our great city. There was a comment earlier about that we don't listen and sitting in my seat and doing what I do, I can reassure you one thousand percent that I take not only what's said in testimony on the evening on the Tuesday night of -- of City Council meetings, but also the public testimony that's in the packet that we receive during the application process. It's a big deal and -- and so I -- just a comment to -- to -- to -- to just let the community know my thought process when it comes to these issues. Just ask my wife, we -- I -- I -- we talk all the time. I -- we bounce ideas off each other and -- and this is some -- sometimes we don't get night sleeps knowing that we have to make tough decisions and this is the difference between the state legislature or -- and -- or -- or our federal representation, right, because they make decisions in buildings where normal citizens aren't at. We make decisions looking in the eyes right here at City Hall and this is what makes local government so special, because citizens have access to your local elected officials on a much more intimate level than you do elected officials at the state and federal level and, frankly, it's the reason why -- frankly, it's the reason why I -- I -- I have loved what I have done and this -- the service I have provided this -- this city for the past four years. But these type of decisions are difficult. They are -- they are not easy and when -- when these -- when -- when the decision has been made and the votes been cast, it's quite common, at least for me, to be thinking about the decision, the vote that I made, weeks after the fact. I have to say that I -- I have to say that during tonight's testimony and tonight's presentation and along with the -- the presentation that was made back in January and testimony, there is one word that comes to mind and it just keeps on repeating itself in -- in my thought process and that's consistency and there was a thought -- there was a comment earlier by someone that says that we don't follow our Comprehensive Plan. I couldn't disagree with whoever that person was more than anything. You know, for the past three years we have been following very true to our Comprehensive Plan. We have been following very true to our future land use map and that's not just for the developers and for the builders who -another comment was made that we are in -- you know, we -- we -- you know, wink, wink deals or whatever. That's just not true. It isn't true. And I take huge offense to that when people say that I'm on the hook to development. When a person comes to this -- to this -- to this dais and accuses us of impropriety it's just not right. It's just not right. And it's not fair. It's not -- it's not fair on any level. But we have these comprehensive plans and these future land use maps not just for development, but we have them for our citizens as well, so that they know what is going to be built and what is going to be developed in certain areas of our -- of our -- of our city. It's crucial that we -- we stick to these plans.

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It's important that we stick to these plans. It's important that we are consistent. It's incredibly important, not only for development, but for the citizens who live near the development as well. I -- I don't have any control over what realtors say to you when you buy your house, unfortunately. You know, all I know is that when we -- when I -- and we rely heavily on staff and their recommendation of what that looks like with our -- with our future land use maps and our comprehensive plans. I -- I echo a lot of the testimony that was stated by -- or the thoughts that were stated by Council Member Hoaglun and -- and I won't rehash what he said, but what he said was -- was very true and very poignant and -- and for the reasons that I discussed tonight and for a lot of the reasons Mr. Hoaglun discussed, I -- I will be in support of this application this evening.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you very much to my fellow Council Members for sharing their -- their thoughts on -- on the testimony. I -- I agree with a lot of what has been shared in regard to our commitment to our community. We live here. We are -- we are your neighbors, too. We see the same challenges you see every day. We drive in the same traffic that you drive in every day. All of us live in very different areas of the city. We all are in the corners and we -- we feel your frustrations and we also feel that same frustration when so much of those decisions are -- are not influenced by us and not made by us, but I do want to reassure the members of -- of our community here that we are listening as -- as Councilman Bernt mentioned in that our comprehensive plan took well over a year to put together and there were multiple public hearings and there were multiple meetings about it and there were many many members of our community that were involved in designing that Comprehensive Plan. So, we do take it really seriously that we follow that, because we didn't design that, the community designed that and as -- as elected officials because that is designed by our public and by the community, we have got to follow that, so, you know, the -- the transportation -- ACHD has hearings on many of these applications. You can contact ACHD and let them know what you think about these projects. Every year they go through and they set their priorities for what -- what roads and intersections they are going to work on for the city of Meridian. That's a public hearing that you are welcome to attend. So, there is many many opportunities for the community to be involved in these decisions and not just when it comes to this hearing that we are having -- this third hearing that we are having for this community and we pay close attention to what our partners are doing, so that we can collaborate with them in a way that's beneficial to our public. So, I -- I agree with Councilman Bernt in that it -- it is a little kind of surprising to hear comments made about we don't listen, because that's what we do every single week that we are here. All of us -- I'm not going to get on a soapbox, but all of us make incredible sacrifices with our families and with our businesses and with our jobs and our schedules and our vacation -- everything to -- to be here and we love doing it. We really do. It is -- it's true public service and we -- we wouldn't trade it for the world. So, please -- please know that this isn't an us against you kind of thing, this is really wanting to get this right for the community. So, this is -- I also lose sleep over these things, think about them for weeks later, wonder if I have made the right decision when there is a variety of different factors

involved in an application like this and there isn't always a perfect outcome, so what I have to fall back on when there isn't a clear answer is did the applicant abide by our code? Did the applicant abide by what we have asked them to do as far as modifications. Are they make -- are they making efforts to listen to the community over the course of the different hearings? You know, if we weren't taking this seriously we wouldn't have asked the applicant to continue this project this long so that we could get more information to make a better decision. So, this is -- this is a tough one for me. You know, the reason we -- that we postponed this from January was to get more information from the school district and even though we did get more information, we are pleased that they are finally putting together a plan that has some teeth to it as far as the next ten years and what their estimates are, that's an improvement from where we were before, which was really not anything specific. It doesn't help to solve this specific concern regarding Hillsdale and my main concern in all of these hearings has been the safety of the students, that's been my main concern, because this is a unique situation. As Councilman Cavener mentioned, it is unique in that, you know, there is -- the students have locations they can and cannot go. There is some geographic issues. There is -- there is a variety of things and while I don't have huge concerns about the -- the density of the project, the -- they are fitting within the Comprehensive Plan, there isn't anything in that regard that is -- that the applicant has not addressed. I still have concerns about the safety in this area. So, my -- sometimes this is a gut decision in regard to how -- how will we know that this city should develop based on what we hear from the community every week and based on what our Comprehensive Plan says and so I just -- I'm -- I'm really leaning in the direction of Councilman Cavener, which is this just isn't quite sitting well with me yet and I want to be able to give the applicant some clarity on why and the only thing I can say is that I just really still have concerns about -- about safety -- of pedestrian safety in this community. So, that being said, I would ask the Mayor, since the public hearing has not closed, if the -- if the applicant could come forward and allow me to ask some additional questions.

Simison: Yes.

McKay: Thank you, Mr. Mayor. Council Woman Perreault.

Perreault: Thank you very much. So, I had asked earlier about the location of the -- of the current -- the current flashing -- or the current crossing on -- is it Stockhampton? What is the name of that street that heads south from Hillsdale?

McKay: Joe, do you have a vicinity map? No?

Perreault: So, there are three entrances into the school. Is there any possible way that we could get the district to allow all crossing to happen at the entrance that is the farthest to the south, so that the crossing is consistent, there is not crossings going into all three entrances? I don't know exactly when crossings are happening as far as locations go. I want to get more information about that, because I would rather have all pedestrian activity stay on the east side of -- of your development and the development of the south, not cross across and go in front of the -- the Hill property. Stay all on the east side and

have one consistent crossing along the farthest south entrance into the neighborhood and maybe that is something that we can get the district to help us on, so that the students are staying consistently on one side of the road. I think there is a fairly wide sidewalk that exists there right now and, then, all of that crossing will happen kind of to the -- to the south of the school. That -- that's just my number one concern about this is pedestrian safety in this area, even more so than the vehicles. As you mentioned, there is a lot of students that can walk and not need to drive, but that's just really the thing that has me so hung up on this.

McKay: Yeah. Mr. Mayor, Councilman Perreault, so they have the -- the flashing light is right here on -- is it Stockenham Way and I -- I think -- I think it's right here. You can see the ped ramps right here. I believe that's -- that's where the rapid flashing is and what -what Marci -- yeah. Here you can see it. You can see it's striped pedestrian crossing. They have got the flashing lights that they can activate and what the -- Marci spoke with the principal of Hillsdale and she said that they have a crossing guard there that makes sure that the kids get across in a safe manner and, then, come into the school in this direction. Now, what I was told from some of the Hillsdale residents is their kids come across here and not necessarily do they come all the way down. The response I received when I brought that to the attention of -- of the school district was, well, the crossing guard and the flashing light is down further south -- further west and so they should be coming down the sidewalk and crossing where it's safe. So, the option that I gave the school district and ACHD is we could put the rapid flashing right here or we could put it at our collector roadway. We will be building a detached walk with landscaping all along the Hillsdale Avenue and, then, as you can see there is a gap here and they have plantings. So, ACHD is going to have us -- why there is a gap I don't know, but they are going to have us extend the sidewalk here, because these plantings are in the right of way and make a connection. Now, what the school district said was if we put it here we feel it's too close to this one. So, that was their reasoning of wanting it further north. Now, obviously, from our perspective we want to make sure that the kids get across safely. So, if the Council's recommendation is that it's better that the kids stay, as you indicated, Councilman Perreault, on the east side and that we put the flashing light and another crossing here, then, I'm open to that. I just went off the recommendation of the school district. You know, obviously, there is that gap. Now the kids can safely go across to the Y, but to traverse here, you know, the crossing guard would either have to walk the kids down along the roadway or, like you said, we put it here. So, maybe that is the solution to make sure, regardless of the fact that they are closer together and -- I mean we are talking about a pretty short distance. So, our collector roadway comes in in alignment with this. Is it further north? Oh, I'm sorry. I'm not -- it's right here at Hill Park. Right, Joe? Yeah. So, our entrance is here at Hill Park. So, the kids could come across here, but, then, you have the issue of the outparcel. So, then, if that is a concern of yours I would recommend that we put it here. Bring our kids down, do a widened ten foot walk along Hillsdale, so we accommodate pedestrians and bicycles, because one of the comments I heard from the parents -- the reasons the kids go across here is because of the heavy traffic from the peds and the bikes and the little skateboards and stuff. So, maybe what we do is we do a ten foot walk all along the east boundary and we make that Meridian City Council July 19, 2022 Page 31 of 71

connection here and, then, bring those kids across there. Does that kind of help you with the safer route to schools?

Simison: Council Woman Perreault.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you for answering that. I realize that some of this is out of your control. I know -- I know -- I realized that and I'm glad that you clarified, because I was under the impression that ACHD was requiring that -- that ACHD was requiring it to be on the -- on that more northern section and so I didn't realize you had the option to change it if you could or wanted to. So, that is helpful information for me.

McKay: Yes. It was -- it was not a requirement of them that we install the rapid flashing. We -- we did that on our own prerogative. Helps with the safe route to schools. I just relied on the school district for their input, so -- so we do have latitude.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I assume that because this is a collector roadway that there aren't other traffic calming measures that can be implemented in this area or are there -- are there exceptions that can be made in front of a school -- in a school zone for additional traffic calming? Obviously there is probably a speed limit decrease, but are there speed bumps that can go in? Is there anything like that that we can discuss? The main concern for me is really that element.

McKay: Mr. Mayor, Councilman Perreault, that came up in the Sky Mesa development and with that long collector that goes downhill and the speeds in which people drive it. We did end up coming up with a design on the collector that was pedestrian friendly and slowed the traffic down. We -- our first initial design was we did a raised pedestrian crossing, so it was -- it was striped. It was elevated. It was visual and the cars would have to slow down. ACHD said, no, maintenance doesn't like that, because of snow removal. So, then, they had us come up with some chicanes that we put in that slow -- had to slow the traffic. I -- we -- I -- we used them in Eagle on some private parking lots over there at Winco and -- and Home Depot in Eagle at 44 and 55. I mean if you go through there and it's stamped concrete, so it's very -- it has a sign, stop pedestrian crossing, and you have to physically go up over it and that's what I would prefer, because I think it slows that traffic down and when they were rerouting traffic due to the roundabout improvements through this neighborhood, the speeds were excessive. I saw it myself. So, I am all on board for traffic calming and I think if you guys in your motion would send that strong recommendation to ACHD that will help me convince them to let us install

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something that will slow that traffic down and make that a safe -- safer collector. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm sure all of us took notice as the applicant was testifying, there were some members of the public with their hands raised and I don't know if you want to grant additional public testimony, public testimony from people who haven't testified. If you want to take a break.

Simison: I will leave that up to Council and we -- the applicant can come back up afterwards, so I'm not worried about that. Why don't we do this. Why don't we -- it's 8:00 o'clock. So, if we would like to take a break to do phone calls to families and other things. Go ahead and take a ten minute break and we will -- we will try to come back at five after 8:00 and determine a path forward, so --

Cavener: Sounds great. Thanks, Mayor.

(Recess: 7:55 p.m. to 8:06 p.m.)

Simison: All right. We will go ahead and come back to order from that stand -- standpoint. We had a few people that have raised their hands that wish that they wanted to speak. Is the applicant back in the room? I don't want to go without the applicant. Okay. So, we will go ahead and wait. Okay. Well, we will go ahead and keep moving forward. We had a few people that raised their hands that they wish to come back -- or they wish to provide comment. Let's start with anybody that did not testify can come forward and we will ask you to keep your comments to what was being discussed during that time frame. We don't want to try to introduce new material if we can. So, assuming you are speaking to one of the items that was recently discussed between the Council and the applicant. If you would state your name and address for the record.

P.Prestwich: My name is Paul Prestwich. 5249 South Bleachfield and I was just going to address the new item of moving the light and the problem with where they suggested it get moved to -- it's even -- it's probably the worst area, because it's coming down off of a blind hill down at the bottom where everybody turns into the school. So, that's definitely not the place to put a crossing light. Of all the areas on that street -- the original place is better, even though you have problems with the kids, if you are going to try to put it down where she suggested it it's really the worst place. You are better off keeping the kids all on the east side, have them cross the street and go down to the light and, you know, go with the crossing guard. Just have the one, if -- if that's what you are going to do. If you want the flashing light back up to where it was that's a better solution. But right where it is and -- where there is no sidewalks. All the cars are turning, everybody's trying to get there from two ways and if you try to throw kids into the mix it's a disaster. So, that's the

-- that's all we had to say is -- because we know the area and the topography -- you don't see that on the map, but it's a pretty steep blind hill coming down to that area.

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

M.Phillips: Is there any chance we could pull up that map one more time that we were looking at before?

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

M.Phillips: Melissa Phillips at 4140 East Rockhampton Street in Meridian. Okay. So, as a mom with kids that actually go to the school, I have never seen a single student walk across this area, because this lineup right here is where the cars are and so they are instructed to walk all the way down this east side. So, we don't have a concern with having a light here because that encourages students to walk across, which we don't want, because the cars will be right there. So, we are fine not having a light here. The light up here would assist with the residents in this community and the ones that walk up on the east side to go to the YMCA. But we would probably ask the school and district to provide a crossing guard to keep all students from Centerville on that east side just walking straight down all the way. My other concern with having that light, which is a positive thing, but the negative would be students would try to cross there and take the path of least walking distance and try to get over here. But it's just going to take a lot of communicating with students and teaching them the best route to go. And, then, as far as Hillsdale Avenue -- oops. Anyway. It is not slated to be widened and it is not on ACHD's radar, but that would need to have three lanes for the cars turning left onto Amity and the cars turning into the community. Otherwise, all those concerns with the traffic backing up exist. And, then, lastly, there has been a resident change with the woman that was living in that home, so that should be explored. I don't have the ability to explain the situation, but there has been a change. So, that should be looked at as well. Thank you.

Simison: Thank you.

A.Johnson: Hi. Amy Johnson again. Just real quick from a traffic commission perspective. Those blinking lights don't do diddly squat, honestly, to slow traffic down and what's specific to this community is that gradation down to the bottom. So, just like Melissa just spoke, that is the worst place a light could actually possibly be and the only thing I could see from the experience I have seen from trying to mitigate traffic would be a HAWK and I know I just spoke with Becky briefly and she was saying that ACHD prefers the blinking lights. But I strongly discourage that. I think that's -- safety perspective that is the worst thing you could possibly do and -- and having kids cross over to the YMCA and the lot that -- that thing -- or that house that's there, they can create that sidewalk on that side. There is no safe place to cross kids over to that west side and get them down to the school. It's just not -- but the only kind of a signal that might actually have an effect is a HAWK, but that only works, too, if there is three lanes across on Hillsdale Lane, because you are going to queue traffic -- just logistically, specific to this location. I get traffic calming. I get it all. I mean we did that for a long time and it's just a really bad drop.

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It's blind. And people fly down that hill and I do think now is the time to address that. So, if you can approve with conditions that would be something, so --

Simison: Councilman Bernt.

Bernt: Mr. Mayor, question. So, you say they fly going down the hill toward Amity.

A.Johnson: No. They fly down the hill going into Stockenham. So, Hillsdale becomes Stockenham as it makes that turn and if -- if there is a -- that a beacon, even at the bottom of that -- where that -- where Hillsdale, Rockhampton Boulevard and Hillsdale Lane intersect -- I don't know. I don't have the map. But that's at the bottom of the hill and that's -- and you know. And where Melissa is pointing out where the cars queue up, there is just a no -- I don't see a single safe option and that -- that is coming from years of experience on a traffic commission where we just mitigated traffic over and over and over again and I will just -- since I have the mic for just one last minute, reiterate parking. It is a big deal. It will overflow and it will congest and it will -- within the community itself. So, if you guys are leaning towards approving this, can you approve it with the conditions that parking and traffic get addressed and mitigated before it gets built? That's -- now is the time to kind of address those issues, so --

Simison: So, do we think that there is agreement on the concept, the long term -- at long term build out we want a sidewalk there where Mrs. Hill's house is and a crossing up at the Hill Way -- long term. You know, is that what's best when this is fully developed as a -- as an area or would the community say no sidewalk and no crossing -- neither one of those is in the best interest. Because to your point, some of this may not be able to come now, but it may come in the future. Whatever is developed. Does the community think that that's in agreement, crossing up there where they currently have it proposed and a sidewalk on that property? Was that --

Phillips: Just like it -- it was just mentioned, if you make that a three lane, so you can put a HAWK up top for calming, that makes a lot of sense. There is the rub; right? Is making that three lane, because it's not on ACHD's radar. It's not part of the plan. There is a whole thing that needs to happen to get that prioritized, but that's the rub. That -- that would be the ideal is you have that additional lane for traffic going into the community. Also additional lane to allow them off of Hillsdale onto Amity as well.

Simison: I understand that. I'm trying to go with what we are focused on right here, because of the -- whatever Council decides to do or don't do can make a -- they could make a recommendation that in -- when the Hill house goes away at that point in time we put in a -- flashing lights up there. That -- that may be what they can do or is it, no, we never want that in that location and don't worry about it. But that's -- some of it's going to be timing. If we don't want to -- if we want to influence children's walking decisions, maybe there is some things that we don't do for five years, because it -- it doesn't create that attractive nuisance or that -- that idea. So, I think it's just like long term. So, we want a sidewalk on the other side where the house is. I think the city would like that. Is there a crossing that we want up at the other location? Because my -- my recollection was more

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about getting people into the YMCA as much as anything else at that time. But that's kind of where I was going, so the Council could consider that.

Phillips: Yeah. I don't have an opinion on that, but --

Simison: Okay.

Nary: Mr. Mayor, Mr. Phillips, could you make note, you -- you spoke on the record so

the record is clear?

Simison: Thank you, Bill.

Phillips: James Phillips. 4140 East Rockhampton Street.

Simison: Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Just to make sure. It sounds like everyone is in agreement that sidewalk on the east side is -- is definitely coming in. Where Mardia crosses Hillsdale slash South Stockton -- Stockenham Way, it is at the bottom of the hill. It is very difficult for a light and they do come fast. It's best that the kids keep using that where the crossing guard is. So, it sounds like neighbors do not want that option whatsoever at the bottom of the hill. So, I think -- I think there is agreement on that. And, Mr. Mayor, up there at East Highpack Street. I don't know what -- oh, Hill Park. Okay. East -- okay. Hill Park. That -- I guess the timing of when that light there to cross would come into play. I mean I can see people from that development wanting to go over to the Y and use that, but at the same time is that encouraging the kids, then, to cross there and, then, come down and there is no sidewalk? I think definitely Ms. Phillips, who is a mom, kids will take the path of least resistance and they will -- they will find a way down. So, I guess that -- you are looking at the timing of that particular light of when that should go in. Is it phase one or phase five and --

Simison: Or after the -- that property redevelops that the developer could put the -- give the money to somebody else to make those improvements in the future.

Hoaglun: Right.

Simison: As an example.

Hoaglun: Right. And as we know on -- on that one house, the Hill house, you know, whenever that -- and interesting to find out, I think Mr. Nary, if -- if we could kind of follow up to -- to see about Ms. Hill and -- Mrs. Hill and what that status is there, because that is a -- definitely a spot that needs a sidewalk connection and -- well, we can -- we can get

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that -- that taken care of, so -- when the time comes. But, yeah, I guess timing for that upper light, but I can see it in use right away, but how do you keep the kids from, then, going down except for -- but I think for quite a while the kids are going to be bused somewhere else. It's not going to be at Hillsdale. So, it's not an issue from that perspective in the -- in the near term, so --

Simison: Was there anybody else that had their hand raised on the issues that were resolved? Becky, would you like to come back to make your final comments again.

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. Joe, can you go back to that screen you had?

Dodson: Sorry.

McKay: So, one thing that we could do with the rapid flashing light is the Council could provide a condition of approval that we trust fund with Ada County Highway District for that light and that it would be installed when the sidewalk along Mrs. Hill's property was constructed. The other thing that -- that we looked at, too, is -- as the Mayor indicated, the hill -- what is it? Hill Park Street does get the kids across to the Y. The kids do have the ability to come down through the park and come the long way. So, there is that option. I do agree with the neighbors, this is -- this is the -- where it starts elevation wise dropping off here. So, it does make more sense that there be some type of safe crossing here. But I would trust fund for it until such time as this sidewalk is installed. In the meantime, we could do a ten foot sidewalk along Hillsdale Avenue, so that we could accommodate both pedestrians and bicycles and, then, they would come down and use the crossing here that's in place and none of those rapid flashings are left unattended, according to the school district. They have to have a crossing guard there when they are utilized during school times.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, it's hard to see from these aerials, but when pedestrians walking south on -- on Hillsdale and they crossover Mardia Street, what is that -- I -- I have seen cars line up there to make a right and they are just taking a right and taking a right and I -- I'm concerned that they won't, you know, be really paying attention if somebody's crossing. So, what is the crossing like right at that section if there is going to be an encouragement that all pedestrians stay on the east side? Are there any safety concerns in that location? Is it just white stripes?

McKay: Yeah. Typically what we would do is right now, as I indicated, the sidewalk stops short of our boundary, so we would continue this sidewalk and wrap it around up in here and, then, what you can do is we can come in and do pedestrian striping with permission from ACHD. Is there -- it doesn't show up. It's been added recently? Okay. So, it's already there according to the neighbors. It wasn't there when I was out there.

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Simison: Council, additional questions for the applicant?

Hoaglun: Mr. Mayor, real quick, Becky.

Simison: Councilman Hoaglun.

Hoaglun: That ten foot sidewalk on the east side, is that already conditioned? Is that

already part of staff conditions?

McKay: Mr. Mayor, Councilman Hoaglun, I believe we had to install ten foot sidewalk along Amity based on the Meridian Pathways Committee, but they did not condition ten feet along Hillsdale. They only conditioned five. So, that would be an additional condition of approval.

Hoaglun: Thank you.

Simison: Thank you, Becky.

Hoaglun: Well, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I will close the public hearing on H-2021-0046, Centerville Subdivision.

Cavener: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I appreciate the excellent dialogue by everyone up here and -- and by the residents and applicant trying to find ways to work things out. That's what we really try to do whenever we can. We try to find a way to make it work, if we can get parties to agree and fix things and even if not still try to mitigate some things that -- that we see and I have no idea of the outcome, so I will make a motion and -- and, then, see where that lands and that's one good thing about this Council, we often disagree and -- and -- but we don't -- we aren't disagreeable. So, there is still good people. We all -- all have a vision for a great Meridian and sometimes you all just see it a little differently and how to approach that, but we do it in a way that makes me very pleased to be up here and colleagues --

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everyone colleagues and friends and -- and just try to do the best we can for our community. So, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: After considering all staff, applicant, and public testimony, I move to approve --approve H-2021-0046 as presented in the staff report for the hearing date of July 19th, 2022, and with the additional condition that a ten foot sidewalk be installed on the east side of Hillsdale from the development down to Mardia and that also we -- staff asked ACHD to review any -- the need for traffic calming and expansion options on South Stockenham Way and Hillsdale and I -- I -- and accept all the revisions and conditions that were also included in the staff report for this -- for this hearing date.

Bernt: Second.

Simison: I have a motion and a second for discussion. Discussion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: The applicant proposed a condition which would -- would basically time the flashing crossing with the sidewalk being implemented on the property of the south. I -- I -- I don't know how that get -- I mean that just could be years out and I don't know how that gets enforced, but just curious if the motion maker had left that out intentionally or if the Council could comment on that.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Council Woman Perreault, no, that's a good point. I just had missed that inadvertently. So, I'm happy to include that in the -- in the motion that a light at East Hill Parkway be installed upon the completion of the sidewalk on the Lila Hill property. Does that work for your purposes?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't -- I don't know if the applicant actually stated when they intended on installing it originally. It's not a requirement, so it's something they are doing voluntarily. I just -- my question was more about whether that was the timing that if -- if the motion maker intended that to be the timing or if we could state clearly when the timing would be for that light to go in. Not necessarily that I was suggesting that that -- that be the process.

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Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor, Council Woman Perreault, yeah, it was my understanding that the timing that -- of that light would be installed with the -- with -- following the installation of the sidewalk on -- on the out parcel, so --

Simison: And the applicant mentioned putting that into a trust and we would know that we could -- I don't know how we could tie it, but the YMCA is going to have to come in for an application for their long-term vision to make that a parking lot. I think it's probably a staff level of application to my guess, if there is not something else. But I know that's the long term plan is to -- to make that a parking lot for the YMCA.

Hoaglun: Mr. Mayor, I'm -- I'm pleased -- happy to include that in the motion for this application.

Simison: Does the second agree for purposes?

Bernt: Second agrees.

Nary: Mr. Mayor, Members of Council, just wanted you to know -- mostly for the record, I have reached out to the residents. The Mayor is correct, the -- the resident had a life estate there. If she no longer lives there the Y does own that property, so the next conversation would then be with the Y on the timing, as the Mayor stated, when they want to do that. You know, can they assist in creating a safer path now based on whatever their future, you know, growth is. So, we will -- we will work on that and we -- we can see if we can expedite that, so -- and I have reached out to the residents to verify whether or not she's still there.

Simison: Okay. Is there discussion on the motion?

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I did want to point out the -- I already have a condition -- or I would say a DA provision requiring the RFB with the first phase, so you don't have to be I guess specific in the motion, but just to clarify there is a condition requiring with the first phase, but now we are modifying that provision with the motion.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yes. I would include that in the motion, that that -- that is -- that revision is being made with -- with the timing as we indicated.

Dodson: Thank you.

Bernt: Second agrees.

Simison: Second agrees on that? Is there further discussion? Okay. Clerk will call the roll.

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

Simison: Three ayes. One no. Motion passes. Thank you all for being here and for your involvement in this process.

MOTION CARRIED: THREE AYES. ONE NAY. TWO ABSENT.

- 7. Public Hearing continued from June 14, 2022 for Bountiful Commons East (H-2022-0015) by KM Engineering, LLP, Located at 5960 and 5984 N. Linder Rd.
 - A. Request: Modification to the Existing Development Agreement (Linder Mixed Use Inst. #2018-052340) to update the conceptual development plan and building elevations.
 - B. Request: Combined Preliminary and Final Plat consisting of three (3) building lots on 2.20 acres of land in the C-C zoning district.

Simison: All right. Next item up is a public hearing continued from June 14th, 2022, for Bountiful Commons East, H-2022-0015. We will continue this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor. I'm covering for Sonya on this project, so be nice with your questions. The applications before for you tonight are a development agreement modification and a combined preliminary and final plat. The site consists of just over two acres. Currently zoned C-C and it's located at 5960 North Linder, directly south of the Linder Village, but I guess now it's called Orchard Park or something like that. The future land use on the site is mixed-use community. The property was annexed in 2017 with a DA. A preliminary and final plat was approved in 2018. A property boundary adjustment was recently approved, which established the current configuration of the property. This is the existing development agreement with the conceptual elevations, which depicted --as you can see one of a -- one larger building with ancillary parking around it. The modification before you tonight is proposed to update the conceptual plan and remove the conceptual building elevations for Chili's and the event center from the agreement and replace them with concept elevations for the proposed single story commercial office

buildings. Changes to the concept plan consists of replacing the seven and ten thousand square foot buildings, which include the shared outdoor plaza and between the two buildings with four multi-tenant -- sorry -- four multi-tenant commercial office buildings with individual outdoor plaza areas at the rear of each building. Staff recommends changes to the concept plan consisting of removal of the parking spaces on the west side of the site that back into the backage road and removal of the parking in between each set of buildings for the provision of a common usable area plaza as required in the DA and the comp plan for mixed-use designations. Since the Commission hearing an updated concept plan was submitted that depicts the removal of the parking spaces along the west boundary, an additional plaza space here. A combined preliminary/final plat is proposed to resub divide a portion of Lot 1 and all of Lot 4, Block 1, of the Bountiful Commons Subdivision. The proposed -- the proposed plat consists of three building lots on the two acres. Access to the subdivision exists via private driveway backage road that runs along the west boundary parallel to Linder Road. The Commission did recommend approval with conditions. The key discussion by the Commission was pertaining to the MDA and the proposed design of the site in relation to staff's recommendation for a more centralized open space plaza area. So, to be clear, that recommendation would be to remove these parking spaces -- or at least some of them on both ends here to have that shared plaza in between the buildings. Commission was generally supportive of the parking spaces being removed along the drive aisle on the west, but didn't -- was not in support of removing parking. As you can tell by what was submitted with the updated site plan, the applicant agrees with that assessment. And I will stand for any questions.

Simison: Thank you, Joe. Council, any questions for staff? Is the applicant here?

Hopkins: Thank you. Good evening, Mr. Mayor, Members of Council. Stephanie Hopkins with KM Engineering. 5725 North Discovery Way in Boise. 83713. Thank you to Joe for giving that great summary. It's like he was Sonya. He's just channeling exactly what we talked about the last time and what happened during Commission. So, I'm here representing our client, the developer, for Bountiful Commons East. We are requesting a development agreement modification to renew the existing development agreement and the concept plan that's attached and a combined preliminary and final plat for the project. He covered the location well. I'm just going to skip past this. That's the original concept plan. This is the original proposed concept plan that we showed at the Commission and based on our discussion with them and staff's recommendation we removed the parking that was on the -- the west side adjacent to that drive aisle. So, we have replaced that with a couple of open space and plaza areas that could be used for the entire development and did leave parking where it was recommended that we replace with plaza space. So, that's the -- those are the open space areas that we added. And, then, we also added a sidewalk along that drive aisle to allow for access up to the north. There is a pretty neat park that's being developed with the Orchard -- Orchard Park development that will be in close proximity to this development, so it will be a nice amenity for the area. So, this is our -- our third site plan, too, I might mention. Our client actually had a neighborhood meeting with adjacent neighbors and based on their feedback he actually moved -- initially -- I don't know if you can see my pointer or not, but initially there was a -- a couple of plazas proposed adjacent to the existing residential subdivision to the east

and based on the comments that he received during that neighborhood meeting he understood that they were concerned about folks being close to their homes and so he -- he asked that we move those to the rear of the buildings on the north and south of each of these buildings. So, these are the conceptual elevations and proposed floor plan that's attached to the -- the buildings that are attached to this development plan for this concept development plan. We would like to request a little bit of flexibility with this concept plan, which we think would work really well with the provision in the DA to allow for reconfiguration of the buildings if a different tenant came in. So, right now our client has, I believe, one tenant procured for professional services at the northwest part of the site, but the -- the remainder of the property is -- they don't have anyone in mind as far as users, so he would really like to maintain some flexibility as far as the way that the buildings are oriented and how they -- they would be accessed. So, right now we are showing multi-tenant buildings, but we would like to have a provision considered in the development agreement to allow us to have some minor modifications to this concept plan as long as it's in substantial conformance with the concept plan. So, this is our combined preliminary and final plat. We are proposing three lots. As Joe mentioned we recently did a property boundary adjustment for -- to get that northwest property out of this property, so that a user could develop there. This is a landscape plan that was -- was part of the original approval for Bountiful Commons. A 25 foot landscape buffer was required adjacent to the residential lots to the east and so this incorporates that 25 foot landscape buffer, as well as a berm, and as you can see it's pretty heavily vegetated to make sure that any nuisance or sound or light would be mitigated as much as possible. You know, it's always tricky when commercial properties abut residential. In this case the developer has done his best to generally integrate the commercial uses that will eventually be here, but provide a little bit of mitigation to those -- to those residents. So, as I mentioned, we are requesting to modify one of staff's conditions initially before -when we met before Commission we were wanting to also modify this condition to remove ten parking spaces in the west boundary of the site, but we have since revised our site plan to go along with staff recommendation based on our discussion with Commission that night. We, however, would like to request to omit the requirement -- or the recommendation to replace parking areas between buildings A and B and C and D with plazas. We -- we think that the replacement of the parking along the drive aisle has added open space that complies with the comprehensive plan's intent for those plaza areas and think that it's going to really be more of an asset than a central open space would be for this development. We are really trying to consider who is going to be using these open spaces and our intent is for this property to be -- or this project to be developed with professional offices for the most part and we don't believe that the users of those spaces are going to be wanting to locate or hang out in the middle of the parking lot in a plaza. We think that they will probably -- more likely to go north to the -- the park that will be in the adjacent development, so -- as I mentioned we are -- we are showing these open space areas. We have added that sidewalk to add the connection to the north and -- let's see. And we -- an important part of this request is we really want to include as much parking as possible for future users. As I mentioned, the developer doesn't know who is going to locate here. He wants to maintain flexibility for future users and make sure that the site plan is adaptable and that it can be easily -- easily modified and includes as much parking as possible. We really don't want to create an issue with less than adequate

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parking in this area. And just so you have a visual, here is the Linder Village or the Orchard Park -- Orchard Sands I think is what they changed their name to. The park that's going to be located there. There is going to be a parking lot, as well as other walking amenities. So, our -- our sidewalk will connect well with that development. So, we believe that flexibility can be afforded to this project and we are excited to work with you on a DA provision to allow for that by not only allowing us to include the plazas and open space on the west side of the site, rather than in the center, and to include a DA provision to allow a little bit of flexibility on the concept plan. We appreciate staff's support and help on this project, too. Sonya and Joe have both been great. So, I will stand for any questions.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Hi, Stephanie. Good to see you. So, a couple of questions. If I read correctly, the square footage of the original buildings -- there was supposed to be approximately ten thousand square foot building, seven thousand square foot building, but this new proposal almost doubles that in terms of building square footage. So, I assume there is -- parking analysis has been done and -- and that's all compliant. But that's guite a bit more -- that's several more users -- tenants than would have been in the prior buildings. which would have essentially been two, if I understand right. So, I see this as being a fairly big change to use, not -- maybe -- maybe bigger than the Commission really had discussed. So, if you could share more about that in terms of, you know, you -- I assume there is going to be like a business HOA that's going to keep these buildings in shape and keep the parking lots, you know, in great condition and that kind of thing. So, if you want to -- if you would talk about the additional square footage of the buildings and how that will be -- how the parking will be affected, how that will affect traffic that's going to be brought in versus what was there before. So, that's -- that's that. And then -- well, go ahead and address that. I have one more question about the open space when you are done.

Hopkins: Sure. Thank you, Mr. Mayor, Commissioner Perreault. Yes. So, that the user before that had been contemplated was an event center and a dance studio, as well as restaurant users, such as Chili's, and so those users, although smaller in square footage, tend to have a little bit more foot traffic and vehicular traffic and I believe that the users that are now proposed, although the square footage is higher, will be -- will include less vehicles and less parking. I know the -- the user to the northwest -- I believe the dentist office, which is probably going to be one of the more heavily parked and needs more parking than maybe some of the other users. They are going to be more like professional offices. I don't know exactly what is planned there and it's hard to predict the parking that will be required, but that kind of -- that solidifies our request to make sure that we keep as much parking in the center as we can without losing the flexibility there. Staff actually did a really great job of summarizing how much parking we are currently providing and so

for commercial and office use in a commercial district a minimum of 63 off-street parking spaces are required for the square footage that we are proposing, which is about 31,500 square feet. So, we are actually -- I think with the loss of the ten parking spaces adjacent to the drive aisle we are proposing 144 spaces, so we are double that, and that's really -- I don't know -- it's hard to predict exactly who is going to come in, but we wanted to make sure it was overparked, so that it's not an issue for fire and police and all the folks that take care of the area.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Yes. I caught that with -- with the parking spaces, but my thought was -- it looks at least from this concept plan that there could be up to 16 different tenants in here. Am I seeing that correctly? And so I thought, you know, what if -- yes, I realize these spaces are probably, you know, 1,000, 1,500 square feet, but what if you have a boutique shop and, you know, a smoothie shop -- and I mean the uses will really have an effect on the parking. So, that's why I wanted to just ask that question and -- because the Commission's conversation was that this might primarily be office specific and that doesn't necessarily mean there is less parking -- parking than retail, but since we don't know that, you know, I just wanted to make sure that there is -- there is a plan for all contingencies.

Hopkins: Yes.

Perreault: My second question about the open space is the Commission had not made the recommendation to alter these center areas between the buildings, the spots in there to become open space, because they -- they expected that these would be more office like uses. But you are saying that you don't know that that's actually what it's -- what's going to happen.

Hopkins: Mr. Mayor, Council Woman Perreault, I could have our client come up and speak to that in a little bit more detail, but my belief, based on our last discussion, is that these are going to be professional users. It's just hard to predict. I don't want to say on the record that for sure it's going to be, you know, professional offices, without specific people in place, you know. But --

Perreault: Mr. Mayor, one more.

Simison: Council Woman Perreault.

Perreault: So, just really quickly, the -- the areas around the building that are dotted, are those sidewalks or is that like landscaping? Around each building.

Hopkins: Mr. Mayor, Council Woman Perreault, are you talking about -- so, I believe there is the -- no, that just indicates the 25 foot landscape buffer. The dashed lines.

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Perreault: Okay.

Hopkins: And, then, there are sidewalks along the rear of each building, as well as the sides and that's to really provide pedestrian connectivity to all the plaza areas behind the building. We are trying to comply with the mixed-use community future land use map designation with that one. So, I don't know if that answered -- the little speckled spots there, that's sidewalk.

Perreault: Okay. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Stephanie, to the east you talked about a berm and heavy landscaping. Is there a fence on top of the berm? I -- I would assume that subdivision to the east they already have probably vinyl fencing, six foot. So, is that changing? What -- what -- tell me a little bit about that, how that interaction occurs there.

Hopkins: Mr. Mayor, Councilman Hoaglun, so the plan right now -- there is a 25 foot landscape buffer with a three foot berm. It's at a three to one grade, so it actually takes up that whole 25 foot of landscaping. I believe that the trees and everything will be placed within that berm, so they could be placed up or above and kind of interspersed throughout there. There is an existing fence -- I think it's wood that's on the -- the property boundary, so that's along the rear of the homes that are to the east of us.

Hoaglun: Follow up, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: On the buildings I know you want some flexibility and -- and you don't know all the tenants that you will have, but are there -- is the potential -- I mean would you entertain for building B and C, which are buildings to the east up against that, would there be a possibility of any restaurants going in those areas?

Hopkins: Mr. Chair, Councilman Hoaglun, I don't believe that our client has that planned. I know that there has been talk about potentially changing the orientation of buildings, so building B and C could potentially shift, you know, with more of an east-west kind of orientation, but I don't know that they have a user in mind, so -- yeah, he's shaking his head no.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Stephanie, yeah, I mean it's been our experience that sometimes we imply -- you know, commercial and offices are great and, you know, they are limited hours and whatnot and, then, a restaurant moves in and, boy, it changes and the hours are longer, the noise is elevated, it's just a whole different ball game. So, that is something that I would be concerned about if there was going to be restaurant, delivery trucks, all those things that occur in the restaurant business. So, I -- I'm -- I don't know if that would be a condition or not to say any easterly buildings not have the restaurants. You could do on the -- on the western ones, but up against homes, that's just a -- that's -- that's asking a lot. They are going to be impacted anyway, but that's -- that's something that just goes a little far in my experience that I have found and -- and, Mr. Mayor, if I might ask Joe a question.

Simison: Go for it.

Hoaglun: All right. Because I'm -- I'm out to stump Joseph tonight, because, you know, he's filling in and -- I can't stump him. I have tried. Joe, Stephanie's asked about, you know, having some flexibility in the DA for minor modification. What is minor modification? How -- what does that -- what does that look like in your -- in your opinion?

Dodson: Mr. Mayor, Councilman Hoaglun, that's a great question. Usually -- I guess it depends on the planner, but usually Bill and I, when we look at these, if the -- if it shows four buildings we typically want to keep four buildings. However, sometimes it -depending on the conversation within that hearing and Bill's elephant brain, he's like, no, the discussion was really more focused about the square footage total, that type of thing, and so at times we have said -- like as long as you keep the square footage approximate vou can reduce the number of buildings kind of thing. To keep it on the record. I would prefer that flexibility to be in the DA and, then, to add a provision that says -- or I could modify the existing provision that says it should be substantial compliance with the submitted concept plan with the modification -- or with the exception of the number of buildings can be reduced from four to three and not have to come back for a DA, which I -- is my understanding is that's more of what would be the potential option of just instead of having four, maybe having one larger building in a certain area and, then, having the other two and just that kind of flexibility. I don't believe that we would require a DA mod if they changed the orientation of the building. Not really concerned with that typically. I --I think that that's kind of the flexibility that we inherently have in that. But I would prefer a specific DA provision, just to make sure that the record is clear and for people like -- not Bill with his brain.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: So, to that point, then, so if they combined buildings B and C, oriented them going north-south and made it -- and it was a 16,000 square foot building, just to -- as a for instanced, so you got the two going this way and one big one going this way, that's a modification -- being flexible and minor modification, it didn't increase square footage. It

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didn't increase number of buildings, because you combine two to one, but -- I'm just trying to wrap my brain around, okay, what is a minor modification here and how do we -- you know, if this goes forward what -- what does that look like, so --

Dodson: Right. That's great -- this is -- every time a DA modification comes through -- or our applications comes through I have to make that call. You know, does it require a DA mod or not, because of something like that. And based on the conversation of the hearing, I -- I -- it's your call if you want to make a specific provision saying that they are allowed to reduce the number of buildings without coming back or based on the conversation we can understand that Council is okay with it. Or if you are not okay and you guys want to be very strict that's also a possibility.

Hoaglun: Okay.

Dodson: But there is inherent flexibility. But, again, typically it's showing four buildings we would want four, but that's not always set in stone, unless Council specifically states that.

Hoaglun: Thank you.

Simison: Counsel, any additional questions for the applicant?

Dodson: Mr. Mayor? Sorry.

Simison: Yes, Joe.

Dodson: I did want to note, Councilman Hoaglun made the comment about the -- limiting the location of a restaurant. C-C district does allow restaurant use. I was going to recommend if that's a concern for Council and the applicant is okay with it, to limit that to the west side of the site or something like that I think would be a good middle ground there. But that would be a new DA provision.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Joe, is restaurant -- does it have a broad definition, like are we talking like wine shops, tobacco shops, is it going to include all of that or are we talking about dining in service?

Dodson: Council Woman Perreault, it's pretty broad. If they sell food -- I mean Jamba Juice to, you know, Chili's or whatever, that's all restaurant and our code is not specific enough to limit that. Wine shops and things like that get a little more complicated, but, typically, yeah, it's -- it's -- so, if they sell food and that's their primary use we are going to say it's a restaurant and, then, their parking ratio doubles. So, based on their parking counts they -- theoretically every single suite could be a restaurant and it would

meet code. I don't think that would functionally work, but I think that that -- mathematically it would meet code still. So, I think even if half the site was restaurant use, depending on the user and the hours, it would probably be okay, but it doesn't sound like that's what the applicant wants to do anyways. So, I think we should be safe with the parking ratio and restaurant uses.

Simison: All right. Thank you. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, yes. Kelly Carpenter.

Carpenter: Hello. Good evening. My name is Kelly Carpenter. I am a neighbor that backs up to this. My address is 5991 North Arliss Avenue in Meridian. Thank you, Mr. Mayor, and thank you, City Council, for hearing this tonight. First off, I would like to state that the developer, Mr. Gasser, has been very flexible and very accommodating to the neighbors. So, I do appreciate that and I do appreciate your time, like I stated. We just have a couple of concerns as neighbors. First concern is the fencing. The fencing is wood. It is slatted. Currently our bedrooms are on the back of our home and that can't change. So, unfortunately, the headlights shining through the slatted wooden fence does cause a problem. I have spoken to Mr. Gasser about potentially doing a solid wood fence of some sort. I don't know what that would look like. Paramount does have a very specific wooden fence. I think potentially if we could stain it the same color, it could look similar, just more of a solid fence that might work, just to keep the headlights out of our windows in the evening. Another point with the east side of the property, Mr. Gasser's property, there is currently a dumpster on the plan right up against the 25 foot berm. We can actually hear the dumpster being emptied across Linder Road at the Homestead Restaurant at 4:00 a.m. every Wednesday morning. So, I can guarantee you that I will be able to hear a dumpster 50 feet away from the back of my home. So, I am a little concerned about that. Mr. Gasser has stated that the waste department is very specific about where they will allow their dumpsters. I'm just hoping that we can come to some sort of resolution potentially on the northwest corner. I have seen on his plan that there is currently one on the southwest corner and on a previous plan he did have a dumpster on the northwest corner, so I don't know if we -- if that is possible we would appreciate that. Additionally, with the minor modification we really do not -- would -- would not like the Building B and Building C to be turned north-south, because it would go from looking at just a smaller section of a side of a building to, then, a full strip of a side of a building. So, that's just something, again, that we are not super happy about with the -- the northwest potential modification. Another thing that we were speaking with Mr. Gasser about was the berm, the 25 foot berm. As of right now -- and there has been debate as to who did this, if this was Brighton or if it was an easement, but outside of our fence is three feet of our land and, initially, the farmer that owned the property used that three feet as an irrigation canal and so now that that is no longer irrigation land, we are in the discussion of do we move the fence the three feet and gain our land? Is that part of the 25 feet that is the berm? Does Mr. Gasser -- so, there is a whole bunch of the conversation about what to do with that. But if we can come to an accord as to the berm, what type of berm. Are we going to do a sloping berm? Are we going to do maybe a 90

degree berm? We are not really sure. Also what are we going to do with the fencing? So, I think there is a lot of questions right now as to what we want to do. The problem -two problems I see with the sloping berm and, I'm sorry, I know I have gone past my three minutes -- is we are concerned about if it does slope, that potentially irrigation water from the line of trees could come down into our backyards and potentially create some sort of swampy situation. That's concern number one. Concern number two, safety. I don't want somebody standing on that berm and looking over into my yard. I have three small girls. Also recently I know -- Meridian, it's a great town, we love it, it's so safe, but there was an active shooter that was loose in our neighborhood about two months back. Police tried to pull somebody over in the Winco parking lot and they took off into the Paramount neighborhood and we were all put on lockdown. So, just seeing that there is a berm that somebody could potentially use that to leap over into my yard to take refuge, again, it's just a concern. But we are willing to work with Mr. Gasser. Again, I'm not an architect, but, you know, I was thinking something of the extent of if we did more of an angular berm with a fence at the top, potentially an eight foot wooden fence. Again, I'm not really sure -- that would give us more privacy, a bit more safety and, then, again, the headlight issue. So, those are our main concerns as neighbors.

Simison: Thank you.

Carpenter: Thank you.

Simison: Council, questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Kelly, real quick. Do you have to have wood fence to -- to match the

rest of the neighborhood? I mean if it was vinyl is that an option?

Carpenter: I -- we would have to --

Hoaglun: Or not an option?

Carpenter: Yeah. We would definitely have to talk to the Paramount HOA. I know that they are very particular about the fencing, because it is really the look of the HOA. If you drive around either the Chinden or Meridian Road or Linder Road you really see that dark wood. So, I would think that they would be pretty upset by that.

Hoaglun: Okay.

Carpenter: But not a hundred percent.

Hoaglun: Got it. Thanks.

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Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, it's your property and one of your neighbors that -- essentially two houses that back up.

Carpenter: Yes. There is only two of the neighbors that are here this evening, but there are I believe five houses that are affected by this.

Perreault: Are all of you on the same page as far as working together with the developer to get fencing and the berm and everything worked out or is there -- I mean if -- if the neighbors don't agree how that -- you know, if the developer is going to say, yes, I will work on this with you, we will get together and we will do a design, I mean is this going to become like a major issue for the developer, who is trying to help do things that maybe he wouldn't -- wasn't otherwise planning because the neighbors aren't in agreement or something along those lines?

Carpenter: As of right now Mr. Gasser does not want to provide a fence. He wants to utilize the fence that is already there. So, he has told me that he feels that that is not his responsibility as a developer. So, that is where we are in disagreement. One neighbor, when this whole property started coming in, he wanted a large cinder block wall to the tune of 30,000 dollars and we all thought that that was a bit overkill and, obviously, not --not the look of Meridian. But since then we really haven't heard from him. The lady next door to him has personal issues and really doesn't come out of her house much. Next family it's a -- a family with three boys and a girl and he has been on some of the Zoom calls with Mr. Gasser. I don't know why they are not here tonight. But I do believe that we would all be on the same page.

Perreault: Mr. Mayor, one more question.

Simison: Council Woman Perreault.

Perreault: So, with the fence -- I like the idea of the fence sitting on top of the berm. The challenge is landscaping, what, then, becomes the slope between your fence and that fence. It becomes -- kind of becomes this black hole of problems, because you have got this dead area that's, you know, maybe -- maybe it's landscaped, but they have got to get in there with mowers and get in their trimmers and that fence along the berm creates an issue. So, has there been any thought put into that in terms of -- like what -- you know, there is -- has there been any discussion about what that dead space would be -- would look like?

Carpenter: Right. And that's exactly the concern. Myself and my neighbors have been flexible in talks of do we move the fence out three feet and reclaim that land? So, then, the berm starts and there is not that dead space as you are speaking about and I have even had a neighbor say what if Mr. Gasser wants to purchase the three feet from us.

So, I don't -- I mean we personally would like to gain that three feet, but I think we are flexible. If we can come to an accord with Mr. Gasser in terms of do you want to purchase that three feet or are we going to move the fence out the three feet. But I agree with you, right now it's just a big weedy mess and it would just continue to think -- I think to be a big weedy mess. So, I don't think that any of the neighbors would be willing to go back there and trim and mow and take care of it and especially, again, if it's our property, that's not Mr. Gasser's responsibility, so I know I personally would like to move the fence and claim the three feet on our property.

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

Carpenter: Thank you so much for your time.

Simison: Is there any -- that's everyone who has signed up. Is there anybody else that would like to provide testimony on this item? Good evening. If you can state your name and address for the record.

Badigian: I'm Leonard Badigian and I live at 5965 North Arliss. All I have to say is at -- at a future -- at a past meeting they offered us a berm or fence. Okay? They -- they didn't offer it, they said you could have -- it's berm or fence. That -- that's the way it was worded. We got up and tried to explain that our land is higher than their land and we wanted that dirt filled in -- or I did. Only me and my wife were there. That we could do it. They asked what the other neighbors thought. I said I couldn't talk for them. Because we had a -- we had a representative for us. We didn't have to be even at the meeting. But he didn't show up. So, we didn't know what had been proposed. All we heard was fence or berm. So, the Council -- I will -- I will tell you the truth -- made a joke of me. What do you mean two fences -- double fences? I said I would have to put up another fence on my property and let them put a fence on their property if they want a six foot fence they were offering. They didn't say -- they weren't offering anything, to tell you the truth, berm or a fence. After the meeting was closed and, you know, we couldn't talk anymore -- of course, the developer could say what he wanted to say. He said what he wanted to say and, then, Councilman Carven --

Cavener: Cavener.

Badigian: -- Cavender. Yeah. You got up and said, you know, we spent enough time on this and the -- the man has offered a fence -- now, the meetings closed. We can't talk anymore. Has offered to put up a fence -- haul your old fence away, build a fence and you said he -- he could put a -- he could still do it, but he can't do it on my land. I had already said that. Well, I didn't know what the proposal was, because we never heard from the guy who took control of us and, then, you decided, okay, give them the berm. Oh. Then, Councilman Bernt -- yeah. He said -- he thanked -- he thanked Trevor for his cooperation and everything he had done after they -- after they had okayed a berm. So, anyway, we walked, we couldn't say anything. Not one word. We had -- the other mayor was here. They -- it's like there were different rules and if you look at -- if you could find the transcript of that thing you would know what was said and that was it. I didn't think

the decision was fair, but I mean you couldn't talk and that was the end. Now, if they -- if he was willing, then, to put up a fence, okay, bring our property to level, well, I would have went for it and I would have talked for the other three. But I never had the chance. Anyway, that's it. If there is any other questions -- if I said it wrong, ask me.

Simison: Thank you. And -- and this was back during the 2018 application, the original --

Badigian: Two years -- and two years. And then -- then we had okayed a dance studio there and everything and it was -- it fell through for him and naturally everything changed and now we are back here again. I figured maybe it was time to correct the error.

Simison: Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Leonard?

Badigian: Yeah. Leonard.

Cavener: Thank you for being here tonight. I -- I tried to follow your testimony and it -- and it sounds like that -- and it wouldn't be the first time that I -- I said something where I put my foot in my mouth and so if I -- if I -- if I said something during my testimony that -- that upset you or offended you, I just -- I want you to know that I apologize. That's never my intentions and if I did say something, whether it was taken as I intended or not, I just want you to know that I'm sorry about that.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Leonard, a question. You had talked about your land is higher than what this development --

Badigian: When we moved in --

Hoaglun: Keep the microphone in front of your mouth, because we have to record it.

Badigian: When I bought the place I bought an empty lot. When I got there the perimeter fence was up. Okay. I didn't even -- I didn't know it was my property on the other side of it. But there was a -- an irrigation ditch. Okay. Later -- I didn't find this out for eight years or right before -- right before the land sold -- the farmer sold the land to Trevor. They said, you know, two feet of that's yours. That's when all this came up. I figured, well, hell, what happened. So, Brighton had -- had sued or wanted to -- wanted that -- no. The farmer

wanted to cover the canal or pipe it. Brighton said no. He fought it and Brighton won. Okay? So, now the farmer left his canal there. I don't know if there was an easement for it -- I don't know anything about it, so I'm not going to lie and say I did. But the canal rotted -- rotted our fence posts. We have had to repair them -- we had to fight Brighton the first time to repair it. The second time we just -- we repaired it and that was it. So, there we are, we are stuck. Now, it's -- as soon as he was ready to sell it the farmer filled the canal up and moved the canal in -- or the ditch. Yeah. He moved it in. Sold the property. I don't know what he disclosed to the buyer. Anyhow, then, it came -- and you guys came up with this other decision. Well, I wanted -- okay. Take -- that's why I -- I wanted the fence taken away, but my property is higher -- or was -- the grade was higher, water comes right into my backyard, okay, then it drops -- it drops about, oh, that much. And it -- it's a trench. That's why I wondered if it was evened off -- evenly graded properly down to -- down the other way -- mine stays at where it was, even though I'm not happy with it, but it does and, then, it -- like I said, they made -- the Council -- and you apologized. I'm sorry. It was -- I was made a joke of. Burton -- I don't know where he's at. He says what -- what's this double fence? You know, it was a joke. And the only one that really knew what was going on was the gal next to you -- was her name Geneva? Yeah. And she knew what was going on and tried to explain it, but, hey, you had a lame duck Mayor, you had two lame duck councilmen and a newbie on the Council. Okay? And that was it. But the vote was unanimous. That's all I have got to say. I mean --

Hoaglun: Mr. Mayor. Leonard, I --

Badigian: Go ahead.

Hoaglun: I need to understand, because Kelly had mentioned they didn't want a berm and people looking in and, then, you say your property is higher and -- and Kelly can -- I will probably ask her the same question later. So, your property is up here. Is the ditch that was filled in -- is that where the property starts a little bit -- that's just a little bit lower? And then -- and so it was level all the way to his property?

Badigian: Because of the ditch. It -- it is all on the ditch. Okay? It's like that.

Hoaglun: Yeah.

Badigian: Okay. When they level that off my fence is higher.

Hoaglun: Okay. Your fence right here.

Badigian: Yeah. Up there. Then everything is descent. Then they are putting a -- just a

berm.

Hoaglun: Right. You fence the property, but, then, they are going to put a berm.

Badigian: A berm. So, now my fence isn't six feet high anymore.

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Hoaglun: Yeah. Because this is up here, so maybe it's only three feet high.

Badigian: Yeah.

Hoaglun: A three foot berm.

Badigian: I said, well, I will -- I will build a fence -- eight foot fence. Then we don't know if the HO would go for -- HOA would go for that. The Council said I don't know that there is any rule against that. You could do anything you want. And -- and he said -- he said, you know, you could do whatever you want with the property. Give it to him if you want.

Hoaglun: I'm sure the newbie said that.

Badigian: And that's -- you could -- you could bring that up and you will see it all.

Hoaglun: Good. Well, thank you, Leonard. I appreciate it.

Badigian: Thank you.

Hoaglun: Mr. Mayor, if --

Simison: Yes.

Hoaglun: Kelly, could you come and enlighten us a little bit on this property thing? I mean it sounds like you guys are very close. It's just some details that need to be hammered out on -- on this.

Carpenter: Yes. So, what Leonard was trying to explain is -- I'm sorry, but forgive me that I just didn't come more prepared with photos. So, our fence is in the land and so here is our houses. Sorry.

Hoaglun: Uh-huh.

Carpenter: And it does, it slopes down. But it comes up first and, then, it goes down into our backyards. So -- I mean technically you could scrape the land and level our backyards and, then, Mr. Gasser's property is still slightly on a decline from our backyards. So, that's where I was talking about if -- instead of doing like a hump of a berm, doing more of a decline or even my husband brought up the point of even doing like a -- a u-shape, like an undercut and, then, planting trees -- almost like a dry creek. So, again, we are not architects or landscape architects, we are just trying to come up with some sort of like, you know, what's going to work for, you know, our homes, keep them safe, our privacy, all of that, so -- but, yes, what Leonard is saying is that our land is high -- is it's higher and, then, it slopes down and that was also another concern for the flooding of -- potential -- potential flooding -- potential irrigation runoff and turning our backyards into swamps, so -- yeah.

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Hoaglun: That helps. Thank you. Appreciate that.

Simison: Is there anybody else that would like to provide testimony on this item? Then would the applicant like to come forward to close?

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Just really quickly. I did want to confirm that the parcel lines that I am showing do show that their fence is off of their property line, which, again, I guess Trevor will confirm this, but their landscape buffer is not measured from the fence line, as was asked. It's going to be measured from the property line. So, their technically is a 28 foot buffer, depending on where that fence line is. So, I just want to make that clear for Council.

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

Gasser: Trevor Gasser. 74 East 500 South, Suite 200, Bountiful, Utah. I appreciate the comments from the neighbors. I have -- I have tried really hard to work with them. You know, when I first brought this forward I was asking to do multi-family on this back piece. I brought a plan in with a hundred units and, you know, I got a lot of pushback and so I went back, changed the plan, tried to see what I could do. I found a tenant that wanted to do a dance studio and an event center, which would have brought in, actually, a lot of traffic on the weekends at nights for recitals and two weeks before we closed the property they came to me and said that they are no longer going forward. I had to scramble really hard. I -- I was able to get it together and -- and purchase the property and now I'm just coming back with a new plan and, like I have said, I have got a dentist that's taken that northeast portion, but I would like to just comment on some of the comments that were made by -- by the neighbors. So, when I brought it forward there -- there was another gentleman that wanted me to do a CMU fence and I -- I felt like that was over and beyond what I should be doing. I went and took pictures of my developments that had just --

Bernt: Hey, Trevor?

Gasser: Yes.

Bernt: What's a CMU? Is that a --

Gasser: A cinder block.

Bernt: Yeah.

Gasser: Yeah. I went and took pictures of all the developments around being --surrounding this development. They were all wood fenced and they were the original fences from the residential development and -- and so I approached -- my approach was, well, that -- that's -- you know, what -- what's been done, I don't know why I would need

to come in and build a new fence. There was talk about -- I don't want to build a fence on their side of the property. I would want to just build it on my property if I was going to do that. Some people didn't want to take down their fence and so we were going to have a gap in between that's two to three feet and so, you know, there was discussion there. I -- I would prefer to have you guys say what we need to do, rather than me go back and try to communicate with everybody and get on the exact same page, because I just think that could cause some issues. I would be willing to put a fence on the property -- on my property line and, then, they can do what they want on their side. But I -- I just think that there could be a lot of issues trying to work on their side of the property and -- and so there was talk about headlights coming in. That's why we were building a berm, so that would stop headlights from coming into their backyard and so that was --

Bernt: But you are lower than they are.

Gasser: We are. Yeah. It was a gravity ditch, so water would come in and, then, it would grade down to -- to the rest of the property. So, we are lower.

Bernt: Mr. Mayor? Substantially, like three or four feet lower?

Gasser: Three to -- yeah. And so -- and that berm, too, you know, if -- if we are 28 feet from the fence line, the berm at the crest is in the middle of that 28 feet where it's 25 feet. So, it's even further back. So, you know, it's still quite a ways away from anyone getting up and trying to look into their backyards and we are going to have trees and -- and, you know, Joe, we could pull up the -- the landscape plan, too, and just show the vegetation that we -- we have proposed to plant there. I feel like there is going to be plenty of screening. But, again, I would be willing to put a fence on that -- on that back property line and get rid of the berm if -- if that's what they would like me to do.

Simison: So, Council, questions? And I guess in your estimation is the gravity irrigation -- is it on the neighbors' property or is it on your property? Is there another three feet that we are just going to assume is behind their fence?

Gasser: Yeah. When -- when I bought the property it was -- just Brighton was -- was the developer of that site and they put the fence line on their side, so two -- two feet -- two to three feet on their side.

Simison: Where is -- where is the irrigation -- the former irrigation --

Gasser: I think it's just right at the back of their fence line.

Simison: So, you -- you would think it's on their property, not your property if you were --

Gasser: Would you guys say that the canal -- is it two feet off the back? I mean there is a lot of weeds back there. I -- I haven't really gone back and inspected exactly what -- where it is, so --

Simison: Yeah. I think -- because at least where I'm going to -- I mean -- I mean you -- if you -- I'm not going to say these aren't great people, but if you are just saying tell them to tell you what to do, I guess are you agreeing to do whatever they say you are going to --

Gasser: I would just propose -- I would just say let's either do a six -- a new six foot fence on my property line and -- you know. And get rid of the berm, because I -- I think that's what they are requesting. I -- I would do that.

Hoaglun: Mr. Mayor -- I will yield my time to --

Gasser: But I would ask if you guys have any questions.

Hoaglun: -- Council Woman Perreault.

Simison: Council Woman Perreault.

Perreault: Mr. Mayor. I'm a real estate broker. I have dealt with this before.

Gasser: Sure.

Perreault: It's not fun. It ends up being a three foot gap full of weeds and nothing. I -- I agree that -- that we can't -- if it's truly on their property, which it sounds like it probably is. I pulled up the original plat and it's not showing on there in the Paramount side, but there is no plat notes that say that there is a ditch or an easement or anything on that -- on Paramount's original map. But if you -- would you consider doing a taller fence, maybe an eight foot fence and just, then, allowing them to deal with that three feet however they do and -- I don't think we are placing their own subdivision fence -- first of all, you can't, it's not your property, but even if they agree to let you do it it just doesn't make sense. So, the berm issue -- I don't know. The berm just -- in this situation I don't feel like is the best -- you know, you are asking us to make a decision. We can't technically, but just talking out loud the -- I don't -- the berm doesn't make sense in my opinion and so would you be willing to do a taller fence or a fence that's more substantial, that's not just, you know, maybe has -- maybe it's more like a -- a block wall or something that -- along those lines.

Gasser: Yeah. You know, honestly, I would prefer to keep the plan as is. I would do a six foot wood fence, just like every other developer has done in that area. I -- I don't know why I would be held to -- to go in and do an eight foot fence. That's substantially more substance. You know, it was approved that way last time I came in. I'm willing to work with the residents and put -- you know, right now it's approved without a fence, so I can go and put in a six foot fence, you know, I -- I would be willing to do that. Their -- their land is already higher, so I mean it's not like I'm on an even playing field compared to some of the other developments that just have a six foot fence and, you know, their land is flat right behind their property. So, they are there -- it's already, you know, elevated for them.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: And, Trevor, though, if -- if you move the fence -- a six foot fence to your property line, such as -- you can build it on your property right there, then, there is -- they -- they will have a little bit of fall in their -- in their ground. There -- it sounds like it starts where their fence is, it drops off from their fence?

Gasser: Well, it goes up, so there would be actually something that goes up if I build it off of theirs. Right now there is -- there -- there is their fence line; right? And, then, it drops down. So, if I bring it back to mine that's going to be down lower than their -- what their property is, so it shouldn't like -- water shouldn't be coming up and over.

Hoaglun: Right. That's what I was -- that's what I was trying to get at to understand that water -- water flow and whatnot.

Gasser: And there shouldn't be a lot of water back there and -- you know, I mean I'm not planting grass or anything. It would be probably like a drip system with -- you know, to those trees.

Hoaglun: Mr. Mayor --

Simison: Well, if I could just -- on this -- you know, I -- I -- I know as part of the development process you are required to keep all the -- all the water on your property. That is what is in theory required. That's why I'm trying to figure out where the water -- the irrigation ditch is -- whose property is it on, because that -- because that really was --

Gasser: I told them that I would fill in that ditch, you know.

Simison: Well, that's -- you know, that would be part of the question, is like why would we not level this -- is there a reason why we would not want to level your property to the back of their property through this process? Is there a reason why we -- that ditch doesn't -- should not be filled in or -- just curious, because that seems to be a --

Gasser: I'm fine to fill in the ditch. That's not a big deal to me.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. My -- my same thought process is similar, because if you go to their property line, make sure they are kept level to -- right to the edge of yours and, then, that fence is built and you got a six foot wood fence, it sounds like you have to match what the HOA requires, but that would be new and, then, where ever your property goes from there is up -- up to you, if it -- you keep that grade or you drop down, that -- that's fine. But they are -- they are kept level with a new fence and, then, if you do substantial landscaping for headlights and different things, I think that takes care of headlights and

-- and those types of things. You don't have to build a berm. Moving dirt is expensive. I mean just leveling up that short strip -- but that -- that would take care of the berm issue in my mind, but --

Gasser: Be happy to do that.

Hoaglun: Dumpster, Mr. Mayor.

Simison: Councilman Hoaglun.

Hoaglun: I'm not talking about you, I was talking about the property. It's late. You got to throw something out there to keep people awake. No. I -- I noticed you had it here. I noticed on the original plans you actually had it where that outdoor -- open space outdoor plaza was up when you had parking up in there and it got moved, so --

Gasser: So, Councilman, I have -- have more land next to this building right here. So, for Republic Services to get in there -- they -- they can kind of get out of the private drive here. That's why that one's a little easier. I -- I did have it up here before, but my engineer just said they have had a lot of issues with Republic Service backing out into a private drive here and so that's why we moved -- we moved it down here. Originally I had the dumpsters in the middle at the back right here and they felt like Republic Services would not drive all the way in and pick that up and drive all the way back, because that's exactly where I would love to put it and, then, get it out from there and get it away from the neighbors. I could add more, you know, stalls. I mean it -- it would be better for me if I could do that.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. That was my thought as well. I mean they are having to go clear in there, so why not have it at the end of the north side, because that's all going to be commercial, so you are backing up to commercial and -- and -- and move that dumpster there.

Gasser: So, I will put them right there and we will see what they say.

Hoaglun: Yeah. I think that -- that makes it work much better for the neighbors. Although Kelly sounds like she has hearing like my wife, she hears everything.

Gasser: I -- I agree. I think that would be a great spot for it.

Hoaglun: Okay.

Simison: And I'm just -- how much say does Republic have in this process, out of curiosity?

Nary: So, Mr. Mayor, obviously, we take it very seriously from them, because, again, they have to pick it up. So, I don't -- we do -- we do really respect their comments, but -- so, I don't know if it's undoable for what you are proposing. My assumption is it's not undoable. It's -- it's more difficult -- it can be more difficult, but it doesn't mean they can't do it.

Gasser: And we have put --

Nary: It's your call. Ultimately it's the Council's call.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Typically when we have certificate of zoning compliance come in -- so, when commercial development comes in that's the next step. Part of our sub -- our submittal process is they need to provide proof from Republic Services that their trash dumpster locations have been approved and that's approved through their standards. So, I haven't -- I want to say maybe once or twice they have not approved it and the applicant has told me, hey, I can't submit, because they are saying I can't put my dumpsters where I want them, et cetera, and so I have had to communicate with them and we have had to move dumpsters sometimes from where the applicant wanted it in order to accommodate Republic Services. So, I don't know if we can just say, hey, put it here and Republic Services will pick it up, because they have their certain requirements about how far they want and can back up with their dumpsters similar to fire. I don't think it's as serious, but that is the -- the communication I have received from Republic Services.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Joe -- but we have -- they have to know we don't want dumpsters backing up to residential homes if at all possible. I mean that's just a nuisance and no one's happy.

Simison: And the new plastic lids, so that they are not metal lids --

Dodson: Yeah. I will say, Mr. Mayor, that -- I mean I have seen this in other developments -- they could put it here in one of these and take up a couple of spaces and have it angled in a way that Republic Services can pick it up. I know it's not great to have a dumpster in front of the building, but -- I mean that's a potential option.

Simison: That's the way it is at Gramercy. They have -- they have got -- I mean it's -- it's horribly unattractive and awkward in this location, but --

Dodson: But it functions.

Simison: It functions.

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Dodson: Yes, sir.

Gasser: I would like to move it where we have proposed and, hopefully, I can get support from staff on that at least, you know, and they will say okay.

Dodson: On the record I would love to have it at the back of those little parking areas.

Gasser: Yeah.

Dodson: For sure.

Simison: Councilman Bernt.

Bernt: All they got to do is just back up. So, I -- I just -- I think it would be pretty easy just to back up. I just think that's really simple.

Simison: If you were able to hear, that's what he just said.

Hoaglun: Mr. Mayor, one last question --

Simison: Councilman Hoaglun.

Hoaglun: -- on Kelly's list here. Don't turn building. You know, I can understand from their perspective, but in -- you know, Stephanie asked about flexibility and minor modifications. What type of possibilities do you envision -- and I know it depends on clients and you don't know who you have yet. So, where are we in that thought process?

Gasser: You know, I mean that -- that would be one of my -- the possibilities we would like to have is if on Lot B -- Building B and Building C, you know, if you had a tenant that wanted to take one building in the back there, you know, I would probably get a little smaller than the two combined, but, you know, I would like that option. You know, we are 28 feet right now, but it's still 25 feet off the back of the property. It happens all over the city, you know, where houses back up to single story, where before I could have gone three story with the event center. So, I would like that flexibility -- or combining Lot 9 and Lot 8 with one building there, too, you know, it -- it -- I'm not going to grow the square footage, but I would like that flexibility if one tenant came to me and -- and needed both buildings.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: We are trying to kind of work through a couple things. I -- I wouldn't mind if -- if Kelly came back up and kind of commented on some of the things we talked about, where they are in that thought process and, then, have Trevor come back up, because we are getting there. We are getting there. Mr. Mayor --

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Simison: Kelly, if you can state your name and address for the record again.

Carpenter: Kelly Carpenter. 5991 North Arliss Avenue in Meridian.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Kelly, let's talk -- start with the berm and the fencing. Your thoughts on if we had the developer put a new fence, six foot wood, whatever the HOA requires, at the -- it would be on his property, but your property would be right there and that would be leveled off. So, yours and Leonard's and the other two properties would be made level and, then, he maintains the fencing, because it is on his property and, then, it's just -- if he leaves it a couple feet down and goes out and does substantial landscaping, what are your thoughts on doing something like that?

Carpenter: I actually think that that would be fine. Absolutely.

Hoaglun: Mr. Mayor and Kelly, on that our -- our ordinances call for maximum height is six foot.

Carpenter: Oh. Okay.

Hoaglun: So, yeah, six foot is -- yeah, we can't go eight foot, so --

Carpenter: That's totally fine. But, no, I think that would be a good solution.

Hoaglun: Okay. Dumpster. I think if we can get that moved that would -- that would be helpful. And with the fencing and -- and substantial landscaping I think the headlight issue, hopefully, is resolved. That's one thing about turning the building, though, would help with noise and lights. That's -- your thoughts on -- on something like --

Carpenter: My only thoughts is if -- again, we don't know what it could be; right? It could be an office building, which would be great, but it could be some sort of a food eatery and my thought is just people going out the back door, having a cigarette break, obviously, again, three small girls, don't want them smelling cigarette smoke or hanging out after work, so it's just hard -- it's hard to look into the crystal ball and see who the tenant is going to be. And, again, if it is -- if it is a lease situation the tenant could change, if I'm -- I don't know if I'm correct on that or not. I'm assuming if it's a lease option. So, it's just -- it's just hard to know. I guess my suggestion would be that if the building was to change direction can we come back for another meeting at that time? Is that -- is that an option? I don't know.

Hoaglun: Okay. Mr. Mayor?

Simison: Councilman Hoaglun.

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Hoaglun: And, Joe, the -- the elevations on these, they -- they aren't two story office buildings, but they do have some height to them, just because of the facade and different things. They look taller than they typically are, if that's -- memory serves right.

Simison: Yeah. The applicant said they were one story.

Dodson: Mr. Mayor? Yes, they -- they are one story. It looks like the top of the parapet is a little over 20 feet. So, shorter than a house elevation that's for sure.

Carpenter: And -- and you are absolutely correct. It -- it -- double edged sword; right? If the building was turned, absolutely, it would block a lot of the sound and the light. So, I guess my biggest hesitation is who is -- who is the tenant and, again, crystal ball, none of us know.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Kelly, you are right. And that's why I -- I know -- I have done it in the past when I was on Council previously, there was a location on one and the condition was that a particular section of the building could not be any restaurant or food establishment that operated past -- you know, I can't remember if we did a time limit or not, because they tend to be open later and there is music, there is noise, there are the -- all those things that -- that occur that -- so, I -- I'm thinking that would be something I would be interested in pursuing as well, just for those -- that section. If he has restaurants up the other side, that -- that's fine. Especially if that building is turned that helps -- that's even better, so --

Carpenter: Absolutely. I agree with you. I will tell you as of right now we can hear Homestead, again, across Linder going until midnight and 1:00 in the morning. Guitar music. Luckily it's all nice guitar music, but -- but, yeah, it can be -- you know, obviously, if you need an early night on a Friday or Saturday it's not ideal. So, if it was not going to be a restaurant, if it was going to be a business, I think that that would be something that we can agree to. I do have a question in return for you and maybe this is more of Mr. Gasser, but would we, then, lose the berm -- not the berm, but the strip with trees if the building was to turn orientation or would that still remain?

Hoaglun: Landscaping is still required.

Carpenter: Okay. Thank you.

Hoaglun: Correct?

Simison: Correct.

Carpenter: Okay. Thank you.

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Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I just want to say thanks, like I -- we do this a lot and I always appreciate when neighbors come up and it's a collaborative and -- not only have you brought, hey, here is our concerns, but here is the proposed solutions that you are looking at. I just -- you just ran a really good master class on being an advocate for yourself and your neighbors and your HOA. So, I just want to say thank you.

Carpenter: Well, thank you. And, truthfully, appreciate all of you and your job and your time and, yeah, thank you. We just want to make Meridian great. Keep it great and keep on pushing and all those good things.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I know it's an informal rule, but there is a rule that if -- if, you know, you are in a City Council meeting after 9:30 with little kids there is some type of ice cream that's made -- you know, you pick up ice cream on the way home or at a later point in time. I don't know if that's enforced at your house --

Carpenter: They just had a bag of Skittles and M&Ms, so I think we are pretty sugared up right now.

Cavener: Perhaps -- perhaps another time. But thank you for bringing your kids and appreciate them sticking with us, too.

Carpenter: Thank you again. I appreciate you.

Simison: I -- I think we were just going to go with City of Meridian pins, you know.

Carpenter: Yes. And thank you for those.

Simison: Thank you. Mr. Gasser, would you like to come back up?

Gasser: So, if I turn the building, her concern was people going out back. I would make sure that there was a condition, too, that at least the plaza areas were still on the side of the building and not directly behind it. That could be a way to mitigate that from ever happening. As far as the restaurant use, you know, I -- I, honestly, don't foresee restaurant use coming to this space. But if there is a small thousand square foot tenant that wants to do some type of food use -- you know, I -- I -- I would hate to restrict my property and -- and miss out on that. I'm okay to restrict how late it goes, because I don't -- I'm not going to have a big sit-down restaurant here. I don't have enough parking for it. It just wouldn't work. It would kill my -- my development and all my other tenants and so I'm --

I'm very conscious with how much parking I have and what my parking ratios are. I don't think that a food use would like this location anyways. They want to be close to the street and be visible. This is -- this would be buried in the back of the property. So, I'm not too concerned on that. But I would still like some flexibility there if there was a -- you know, if there was a little food use in there. But, you know, I'm not looking for a sit-down restaurant or anything that goes late and I -- I just don't know if there will be any type of tenant like that. Like I said, I am going for more of that. Yeah. Yeah. Professional use. Your dentist. Your attorney office. Engineer office. You know, those type of tenants.

Simison: Councilman Bernt.

Bernt: I don't see any use like that. I mean you have two commercial properties that are in front of this property.

Gasser: Yeah.

Bernt: So, that's -- that's abutting Linder Road and so these properties are behind -- so, there is two -- there is going to be two big commercial properties in front of this and so I mean there is not going to be any, you know, big restaurant that would ever spend that type of money to be -- like have a back seat -- you know, I -- I don't -- I just don't ever see it. I would never spend money doing that. My business would go out of business.

Gasser: Yeah.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just trying to get this in my mind's eye. I'm such a visual person, so -- you have the edge of the parking lot. Twenty-five feet of landscaping; correct? Your six foot fence.

Gasser: Correct.

Perreault: Drainage ditch. And, then, Paramount's six foot fence. Is that what I'm understanding?

Gasser: Well, that wouldn't happen unless they took down their fence.

Perreault: Okay.

Gasser: I think the drainage ditch is right on the property line. I -- I would fill that in. I can fill it in up to their fence line. But, then, I will put my fence on the property line.

Simison: Which gives them the opportunity to reclaim their three feet if they so --

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Gasser: If they wanted to tear it down and -- yeah.

Perreault: Okay.

Hoaglun: So, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: What I'm hearing is that the applicant would build a new six foot fence on the applicant's boundary and level the ditch area to match the neighbors' current property.

Gasser: Councilman, could I ask -- do you guys want it to go a little lower on -- on my side of the fence? Okay. But do you want it to be even or to go -- on my side? Okay. Yeah. It will be --

Hoaglun: So, you will level the neighbors' ditch area to their satisfaction -- to their specifications, how about that?

Gasser: How about I just level it to where it is right now at the bottom of their fence?

Hoaglun: Yeah. Yeah. To their fence. That's what I'm thinking. Level it to their property -- to match their property line. Then you build your fence to match what -- to HOA specifications. We don't -- we don't know what that is. And there will be no berming, but there will be good landscaping as required by -- by -- by city code. Dumpster going to -- between the two buildings in the middle section somewhere. That back dumpster. Or trying to -- to -- to talk -- you know, on questions earlier to Joe about the flexibility and what that looks like, I mean it sounds like we are talking about either having the two buildings or possibly one building of one story and that it's professional office functions in -- in that -- in that building and I think -- and so that gives you that flexibility, two buildings, or you can turn -- and it sounds like they would be a little bit -- might be smaller, instead of combining 16 square -- thousand. Might be less than that.

Gasser: And it's -- it could still be the same, but --

Hoaglun: Could be.

Gasser: -- just because it's -- I'm not losing land when I do that; right? So, it -- it still could be that, but, you know, the tenants that have approached me -- because I have had some approach me. It would get a little smaller than that.

Hoaglun: Okay.

Gasser: But -- I have people call me all the time, you know. You -- you just never know what's going to happen.

Hoaglun: Was -- was there anything else we are -- we are missing?

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Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: And I -- I don't want to stop this process. We heard from one resident. There was another one that was here. I just wanted to make sure that as neighbors we are all kind of in -- in agreement. Okay. Thank you.

Dodson: Mr. Mayor?

Simison: Joe.

Dodson: I just wanted to clarify. Was part of what Councilman Hoaglun stated limiting the use, as well as I said -- no restaurant uses on the east side or -- I can't remember.

Hoaglun: For -- for the -- yeah. If he turns it -- it's -- it's limited to professional office functions only.

Dodson: Okay. Thank you.

Gasser: Or non-food use?

Hoaglun: Or non-food use. Well -- yeah. Non-food use. I mean -- yeah.

Gasser: Okay.

Hoaglun: If it's an office and they want to have a birthday party, I mean, you know, they can have cake.

Nary: Mr. Mayor? Again, I don't want to belabor this, but down the road we have these conversations. Non-food use does allow, then, a tap room. Is that okay? Because that -- tap rooms don't have food.

Gasser: I would like to have --

Nary: Okay.

Hoaglun: Okay.

Simison: The other thing that you mentioned that you could do is you -- you could limit the hours that would traditionally prohibit the restaurant or other things from that standpoint.

Gasser: Thank you.

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Simison: All right. Thank you. So, with that, Council, do I have a motion to close the

public hearing?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we close the public hearing.

Bernt: 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.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor, after considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0015 as presented in the staff report for the hearing date of July 19th, 2022, with the following conditions: That the applicant will place a six foot fence on his boundary line to HOA specifications, as well as level the ditch to match the neighbors' property. And, of course, there will not be a berm and -- and will meet landscaping requirements for the city in that 25 foot area. That the dumpster -- one of the dumpsters be placed in -- in -- between the buildings in the middle area and that the back offices would be no food use or tap room in those back buildings.

Simison: Do I have a second?

Cavener: Second the motion.

Simison: I have a motion and a second. Discussion? Seeing no discussion, Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ORDINANCES [Action Item]

8. Ordinance No. 22-1983: An Ordinance Amending Meridian City Code Section 3-3-3(C), Regarding Limitation on Release Fees; Repealing any Conflicting Ordinance; and Providing an Effective

Simison: Thank you. Mr. Clerk, do we have pins for the -- we already did? Awesome. With that we will move on to our final items of the evening. Next up is Item 8, Ordinance No. 22-1983. We ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance amending Meridian City Code Section 3-3-3(c), regarding limitation on release fees; repealing any conflicting ordinance and providing an effective date.

Simison: Thank you. You all heard this ordinance read by title. Is there anybody that would like it read in its entirety? Seeing none, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Since I have so kindly let my fellow Council Members make all the motions this evening, I will make one. I move that we approve Ordinance No. 22-1983, amending Meridian City Code Section 3-3-3(c) regarding limitation on release fees, repealing any conflicting ordinance and providing an effective date.

Cavener: Second.

Simison: I have a motion and a second to approve Ordinance No. 22-1983. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

9. Ordinance No. 22-1985: An Ordinance (Alamar Subdivision – H-2022-0004) for Annexation of a Tract of Land Located Within the Southeast ¼ of the Southwest ¼, Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho; and Being More Particularly Described in Attachment "A" and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 8.23 Acres of Land from RUT to the TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code;

Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

Simison: Next item up is Ordinance No. 22-1985. We will ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to Alamar Subdivision, H-2022-00004 for annexation of a tract of land located within the Southeast ¼ of the Southwest ¼, Section 10, Township 3 North, Range 1 West, Boise meridian, Ada county, Idaho; and being more particularly described in Attachment "A" and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 8.23 acres of land from RUT to the TN-R, zoning district in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. Council, you heard this ordinance read by title. Is there anybody that would like it read in its entirety? Hearing none, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Chris, if you need a side gig as an auctioneer I have a friend that owns a company.

Johnson: Sold.

Perreault: I move that we approve Ordinance No. 22-1985 with the suspension of rules.

Cavener: Second.

Simison: I have a motion and a second to approve Ordinance No. 22-1985 under suspension of rules. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

EXECUTIVE SESSION

Simison:	Item 1	0 was r	not adde	ed to	our agend	da. so i	t does	not exist.
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FUTURE MEETING TOPICS

CHRIS JOHNSON - CITY CLERK

Simison: Is there anything under future meeting topics? Or a motion to adjourn?						
Hoaglun: Mr. Mayor, I move we adjourn.						
Simison: Have a motion to adjourn. All in favor signify by saying aye. Opposed nay? The ayes have it. We are adjourned.						
MOTION CARRIED: FOUR AYES. TWO ABSENT.						
MEETING ADJOURNED AT 9:53 P.M.						
(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)						
MAYOR ROBERT E. SIMISON J J DATE APPROVED						
ATTEST:						



ITEM TOPIC: Approve Minutes of the July 26, 2022 City Council Work Session

A Meeting of the Meridian City Council was called to order at 4:34 p.m., Tuesday, July 26, 2022, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Caleb Hood, Scott Colaianni, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

X_	_ Liz Strader	X Joe Borton
X_	_ Brad Hoaglun	X Treg Bernt
X	Jessica Perreault	X Luke Cavener
	X Mayor	Robert E. Simison

Simison: Council, we will go ahead and call this meeting to order. For the record it is July 26th, 2022, at 4:34 p.m. We will begin this afternoon's work session with roll call attendance.

ADOPTION OF AGENDA

Simison: Next up is the adoption of the agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adoption of the agenda as published.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the July 12, 2022 City Council Regular Meeting
- 2. TM Crossing No. 5 Sanitary Sewer and Water Main Full Release of Easement No. 1

- 3. TM Crossing No. 5 Sanitary Sewer and Water Main Full Release of Easement No. 2
- 4. Final Plat for Pine 43 Animal Farm (FP-2022-0017) by J-U-B Engineers, Located at the Southeast Corner of N. Webb St. and E. Pine St.
- 5. Findings of Fact, Conclusions of Law for Centrepointe Mixed-Use MDA (H-2022-0035) by Givens Pursley, Located at 3100 N. Centrepointe Way and 3030 N. Cajun Ln. near the southwest corner of N. Eagle Rd. and E. Ustick Rd.
- 6. Findings of Fact, Conclusions of Law for Ferguson Townhomes (SHP-2022-0007) by Mathew Ferguson, Located at 1335 NE 4th St., Lot 1, Block 1 of the Olive Dale Subdivision No. 1
- 7. Development Agreement (Ferney Subdivision H-2021-0103) Between City of Meridian and Franklin Storage, LLC for Property Located at Parcel S1109438871, Near the Half-Mile Mark on the North Side of E. Franklin Rd. Between S. Eagle Rd. and S. Cloverdale Rd.
- 8. Development Agreement (Grayson Subdivision H-2022-0014) Between the City of Meridian and MM&T Holdings, LLC for Property Located at 1710 E. Amity Rd.
- 9. Agreement Between the City of Meridian and TFC Ten Mile Mister, LLC for Use of Reclaimed Water for Landscape Irrigation and Automated Car Washing at the Mister Carwash site at 4891 N Cortona Way
- 10. Settlement Agreement for Firenze Plaza Sewer Line Construction
- 11. Approval of Design Build AIA Agreement with American Ramp Company for the Discovery Park Bike Push Track Design Phase for the Not-To-Exceed Amount of \$71,500.00
- 12. Approval of Task Order 11230.F to Brown & Caldwell for Final Design of WRRF Aeration Basins 1-4 Retrofit and 9 & 10 Upgrade for the Not-To-Exceed amount of \$1,540,630.00 and Authorization for the Procurement Manager to Sign
- 13. City of Meridian Financial Report June 2022

Simison: First Item up is the Consent Agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move approval of the Consent Agenda and for the Mayor to sign and Clerk to attest.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

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

DEPARTMENT / COMMISSION REPORTS [Action Item]

14. Ada County Board of Commissioners: Ada County Proposed Impact Fees

Simison: So, we will move on to Department/Commissioner Reports. First item up is Item 14, the Ada County Board of Commissioners, Ada County proposed impact fees and invite Mr. Rutherford up to the podium.

Rutherford: Mayor, Members of the Council, thank you for having me. Steve Rutherford with the Ada County Commissioner's office. I have Leon Letson from our Development Services Department and our director Shawn Rayne. Hopefully we can answer all of your questions tonight about the proposed impact fees. We are back after a few months. We have got a revised CIP for the EMS impact fees. The old CIP referenced Station 7 and so we have generalized that a little bit and updated that CIP. Hopefully that was provided to you, so that you can see it. You all -- I guess in explanation, the county launched on our impact fees sometime ago. We have had a board change. Actually, we have had a couple board changes and so between working with the cities, because we have to get, you know, every -- every city on board and working with the new Commissioners to get them on board, we are -- we -- we have been at this a little while and you all got way ahead of us on Station 7 and 8. So, hopefully, this will take care of that. Again, we have revised that CIP as it relates to the EMS and I have Shawn Rayne here to talk to you about what's happening with seven and eight. I think you are aware, but I would like him to come up and tell you and, then, have him stand for questions as it relates to those two facilities.

Rayne: Mr. Mayor, Members of City Council, thank you for having us out this afternoon. Chief Blume and I have been working on plans for co-location at Station 7 and Station 8. Many of you probably saw, I was out at the groundbreaking ceremony for Station 8 and got up and talked about the cooperative effort. Basically that the tenants behind the -- the -- there is a draft agreement that has been sent to the -- the City Attorney's office, but

basically what we are looking at is 750,000 dollars that would come out of my fund balance as it stands now that would go towards Station 7 and, then, another 750,000 towards Station 8. You know, the terms on the agreement we are still working through, but it -- it would basically be a -- kind of a long-term lease agreement over a period of time, ten to 20 years, that we would basically lease that space. But the -- overall, the idea is that co-locating with the fire departments is smart for us. It saves taxpayers money. Allows us to maximize those resources and it also improves the relationship between my department and the fire department. When we are living in the same station 24 hours a day, having meals together, responding on the same call together, logically our relationship just gets that much better. It's really a pretty simple agreement. We did base it loosely on an agreement that we have with the Kuna Fire Department. A lot of the things we were able to take out of there, a lot of the details that we needed for Kuna, so, it -- I believe it's a fairly simple agreement. Mr. Nary would certainly know better than I am how simple it is, but -- and with that I would -- I would certainly stand for any questions you may have.

Simison: Thank you. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: So, does the structure work that if -- if this were to proceed and the city collects impact fees for these future stations, is that intended to replenish the funds provided for seven and eight?

Rayne: Mr. Mayor, Councilman Borton. Yes and no. Not specifically for those to replenish the funds for those stations right now. We historically have had to save up fund balance to be able to do any kind of capital project. One good example of that is the station that we have at Ustick and Linder. Medic 36. That was paid by cash, you know, out of fund balance and -- and so as building costs have come up so much, it -- it's becoming harder and harder for us to save that kind of money to be able to build a station on our own and so that doesn't mean that we won't do that again in the future. I -- I think, you know, plans for further growth somewhere along the Kuna-Meridian -- Kuna-Meridian Road corridor out south would make sense for a station placement, since we do cover both districts. It minimizes the -- the risk of an ambulance being pulled from Meridian into Kuna and we do provide the transport service in Kuna now, which certainly helps from dragging a unit out of Meridian to go down to Kuna, so -- but more along the lines of planning for future growth, if that makes sense.

Borton: Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Borton: Chief, I was just curious, you know, looking at the document you have provided us and showed proposed station locations. Does that station location take that into consideration or will there be adjustments by co-locating?

Rayne: Yeah. Mr. Mayor, Councilman Hoaglun, there probably will be some adjustments just based on growth and where growth actually occurs. You know, initially when we started down this path, like Mr. Rutherford said, Station 7 we thought we might be able to include in -- in the impact fees and so that's why we had that -- that station identified as one of them. But just timing didn't workout and we do have the fund balance to be able to use to contribute towards those stations. So, you know, every -- every year we are going to have to look at that CIP and make sure that there isn't an additional area. There is an area that we have identified now where call volume is occurring where it hasn't historically and that's in roughly that Five Mile to Cloverdale along Fairview has become a bit of a hotspot there. We are seeing very different patterns in our response where we are responding to calls. Historically if we saw 10,000 people move into the City of Meridian we would see an increase in call volume in the core of Boise, but not necessarily a big corresponding call volume jump in Meridian proper. But that's changed. Ever since the pandemic we have seen a lot more growth in Meridian. In fact, that station at Ustick and Linder is now the second busiest ambulance in the access system. Probably the second busiest ambulance in the state of Idaho. So, things have really changed for us. You know, we do maximize our response pattern though. So, the -- the ambulance at Station 10, which is at Cloverdale and McMillan, most of the time that's going to be coming west into Meridian. So, even though it's a -- a station that's located in Boise, because we are a district that is the entire county, you know, those resources will certainly come into Meridian as often as we need them to.

Simison: Council, any additional questions? Thank you. And I just want to say thank you for working with Chief Blume on finding a way to help get the service deployed as quickly as possible.

Rayne: Yeah. Thank you, Mr. Mayor. Thank you, Council.

Rutherford: Okay. Thank you. As it relates to EMS, unless there are other questions I'm happy to entertain any questions you have related to the other impact fees. Again, we have got jail that is in this for all county, including in cities and the coroner is also included. Relatively modest amount for the coroner, but -- but those are also part of our impact fees. And, then, of course, out in the county we are going to charge law enforcement for the sheriff's office like you all do for police. So, happy to answer any questions.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I haven't had a lot of time to look at the updated impact memo, just because it came like late this morning, but I did notice that some of the fees were not finalized yet. It looked like the coroner's office is TBD. I mean should we be ready to see an updated

version of this? What is your timing? Are these numbers finalized for the other impact fees? Maybe just an overview of where you are at in that process.

Rutherford: Absolutely. Thank you, Councilman. If you want to put those up, Leon, we have those, they are finalized, Mr. Mayor, Council Woman Strader. Those are fixed. That attachment was something that Leon put together earlier, but now the -- those are -- those are fixed. In fact, the coroner -- I was looking right before I got up here. The coroner's is 88 dollars per residential unit and four cents a square foot for nonresidential.

Letson: Oops. Sorry. Also learning how to use the mic. Ada county staff is learning how to use your system here. So, one second and I will have those pulled up for you. So, to Mr. Rutherford's point, I think there is an appendix within the EMS CIP that says TBD on the coroner, but we actually have finalized the coroner's CIP and so I will show you the fee table here. It is shown -- hopefully you can see my screen here on page 13. So, it's a proposed 88 dollars per residential unit and four cents per commercial square foot would be the impact fee that we were collecting.

Rutherford: Mr. Mayor, Council Woman Strader, as it relates to the other impact fees, Leon, in that attachment that -- that she mentioned, are those correct?

Letson: I believe so. I would probably want to go double check the EMS CIP appendix to confirm, but other than the coroner, I think everything else had been solidified. But I can take a quick look and confirm that for you, if that's the interest of the -- of the Council, Council Woman Strader.

Rutherford: Mr. Mayor, Council Woman Strader, so I have 88 dollars per coroner for residential unit, 181 per -- per residential unit for EMS, and 715 for the jail.

Letson: And -- yes. And looking at this Exhibit 4-1, that seems to align with what Mr. Rutherford said. The exception of the coroner and TBD is now, again, the 88 dollars per residential unit and four cents per square foot.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Yeah. In a rush I just wanted to go to the place where they were all together, so that's probably why we had a disconnect. I appreciate you walking through that.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Steve, if I remember from the last time that you guys were here, the impact fee for the Coroner's office is largely for vehicles. Is that -- am I remembering that correctly?

Because you have got the capital project that's already underway and funded, the intent is only use impact fees for vehicles? Has that -- has that changed or is that still the plan?

Rutherford: Mayor, Council Member Cavener, largely correct. The new facility is not going to be funded with -- with impact fees. It's underway as you mentioned. There are things that we are shelling out in that facility that we may add, large equipment at some point to help them deal with the caseload that may be impact fee eligible, but it will be vehicles and big equipment for that facility. The facility is scheduled to be built and go online well before we have enough 88 dollars to make anything happen, but -- but I do think over the long term there will be parts of that building that are -- that are built out internal.

Cavener: So, Steven -- and maybe that's a piece at least for me that I would like to get some more information about what the plan for that is. The -- the jail piece and there is a nexus there, I totally can get behind that and see that. Obviously, the work that you are doing for our county -- county only residents with the sheriff, the work here with the EMS, all those three it's easy for me to find that nexus. The coroner is the one that I'm just really struggling with to try and understand where that nexus lies and, you know, impact fees -- it sounds -- again, it sounds like that impact fees are going to be largely used just for vehicles and I -- I struggle with having an impact fee only paying for vehicles. If there is a larger capital plan for the space that you are building out, I think forecasting that to the cities would -- for me would be helpful. So, I'm just -- food for thought as to where I'm at and -- and where some of my questions are going to, is what are those added projects that you are going to need to rely on the impact fees to fund.

Rutherford: And, Mr. Mayor, Council Member Cavener, I will get you that. Absolutely.

Cavener: Thank you.

Simison: So, Steve, maybe what -- what is the -- from where you are now, the time frame, your hope for implementation, when you will be asking the city to make final decisions on these issues?

Rutherford: Yes. Thank you, Mr. Mayor. If you would permit me, I would turn it over to Leon. He is currently scoping that project right now.

Letson: Yeah. Mayor, Council Members, obviously, to Steve's point earlier, we have got to get everyone rowing in the same direction, which has been -- the coordination of all the cities to make sure they are on board with us moving forward with this. Basically if we have the green light to move forward we will be submitting application to our Development Services Department, scheduling that for hearing hopefully in September with board adoption in November would be our goal. So, based on the advice of our legal staff we kind of need to have this adopted and solidified before we go to our city partners and ask you to adopt it. But we will be working with you and your legal teams in advance to scope out inner -- those interlocal agreements, perhaps share language on the ordinance language that we are using. You know, obviously, at the end of the day you get to adopt

whatever ordinance for your jurisdiction language wise that makes sense, but key elements of that we will be sharing early. So, again, our adoption, hopefully, in November and as quickly as jurisdictions can make it through their system. Obviously, I believe it here would be a stop at your P&Z and, then, a final decision by this group. So, probably another three to four months after that. So, early 2023 everyone would have this adopted and everyone would be collecting those fees. That's where we are -- we are looking right now. Obviously, we would love to have had this happen about a year and a half ago and it's just been a lot of these discussions that we had to get in the right place to make sure everyone was on board.

Simison: So, plenty of time to get more questions answered is what I heard, if necessary. Okay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: So, like we have done our -- our parks and police and fire impact fees, if I understand that process right, you will adopt the capital improvement plan that incorporates each of these elements, will be presented the maximum allowable impact fee that we could impose and, then, we could -- in each city could independently choose to do less than the max, perhaps exclude one of them. I know that's not the intent, but that decision also can happen city by city?

Rutherford: Mr. Mayor, Council Member, Borton, yes. And that's where -- that's where it gets a little bit tricky; right? If -- if we recover less, you know, the Capital Improvement Plan kind of falters. So, that's why we are spending so much time trying to kind of cement everyone into the numbers and the projects and the plan we have, because that -- it kind of tips it over if we have cities collecting different amounts.

Borton: But you are -- but -- Mr. Mayor?

Simison: Councilman Borton.

Borton: I mean your plan is the same. You have the same capital needs for the county as a whole, regardless of whether you have a funding source from the city. I mean it might be nice -- I don't know if you are allowed to do this, but if, you know, one city participates and another doesn't, that -- the city that participates and the residents are paying those impact fees, that perhaps the location of a facility might be there, as opposed to a different community.

Rutherford: Mr. Mayor, Council Member Borton, the direction we have got from our board is they want the cities to all agree and stack hands and so we haven't left anyone in the dust. The city of Boise had some demands as it related to affordable housing and we spent a lot of time talking about how that looks and it's still -- still not really clear, although I think it's clear enough that we can start drafting, but the idea is really to kind of get

uniformity, realizing that you all have absolute authority to -- to say no or yes or something less.

Borton: Okay. Great. Thanks.

Simison: Council, any additional questions? Okay. Thanks. Thanks, Steve, and if you need to come back before for an update, please, let us know. Otherwise, Council may not see it until it comes through our process, so --

Rutherford: Thank you, Mr. Mayor. And, Council Member Cavener, I will get you that information.

15. Community Development and Public Works Department: Discussion of Potential City Code Update to Address City-Service Connections Outside City-Limits

Simison: Next item on the agenda is Item 15, Community Development/Public Works Department, discussion of potential city code update to address city service connections outside of city limits. It looks like I will turn this over to Mr. Hood.

Hood: Thank you, Mr. Mayor, Members of Council. I drew the short straw on this item, but have been working in a small team with Public Works and our Legal Department. I wanted to have a discussion, although in the packet for you today is an initial draft of some proposed language that could amend in a future agenda, Meridian City Code Title 9-1-16, which relates to water provisions and 9-4-26, really very similar language relating to sewer provision. And the -- the part of those sections of our code about requiring connection to city services when you are annexed or outside of the annexation process. Within each one of those sections I just mentioned there are two processes or two conditions, if you will. One is when someone petitions the city to connect with no change of use or development proposed. So, I think the most common case is when ACHD is doing a roadway widening project and someone's septic tank is in the way. They need to likely rebuild that septic system or hook up to our system and we would rather have them hook up than rebuild a septic system if we can provide that service. So, the property owner isn't proposing to develop anything or change anything, it's something else that comes up and an emergency or a safety concern arises and they would like to hook up and not annex, because they aren't developing and, then, the second one is requests that are proposed so property can intensify or develop. So, this is going through the county and county development usually, but city services are nearby and they would like to use our services, but they are not quite contiguous to city limits, so they are not eligible for annexation, sewer and water are just over there and we can bring them here, but we are not -- by statute have the ability to annex the property and -- and the first process works okay and -- and it seems to make some sense. The second process where there is development associated with that request is where we have some concerns and run into some issues sometimes and that's largely why we are here today is to talk to you about that and a potential change. So, again, been working pretty closely. So, I think at this point I'm just going to read to you a couple few paragraphs from -- from the packet. It's

-- it's not very long, but I think just so I don't miss anything. In the current process for both of those requests an applicant submits a written petition to the Public Works Department to connect to services. The Public Works city engineer models the request to determine if services could be provided. Other city departments mine, usually Fire and -- and Community Development are the -- the main ones -- are informally asked for feedback if the proposed use increases, intensifies or -- or redevelopment purposes. However, review of these projects for compliance with city standards is not always comprehensive, certainly not as comprehensive as it would be if it were a formal development application that were submitted to the city. So, couple that with -- that -- that we don't actually have a full submittal to the city with our requirements, the county's codes are -- are just different than the city's and many times the city's development standards aren't proposed by the developer. They are developing in the county, not the city, so that makes some sense. The county's codes aren't the same as the city's, so our landscaping requirements, pathway requirements, streetlight requirements, sidewalks design review standards are -- are different. So, while -- while some of that -- the need or the conditions may be included in the agreement that the city enters into with someone petitioning us, not all those things can be or should be included in a service agreement. So, the -- the real impact -- there is a couple. We -- we focused in on the fiscal impacts primarily. So, the -- that review and the coordination and the communication that happens at a staff level, is all done without any review fees being paid by an applicant. Not a big deal, but there are paying customers that we -- we -- we deal with and we tend to give them more service and so it is just something done when we can fit it in and -- and try to coordinate. For development projects in the county, the city loses out on fire, police, and parks impact fees. Yet, with the interagency agreements it's likely that if there is an emergency city resources will be dispatched to the property. So, like I said before, most of these requests come in when city limits are just there. So, you -- you typically have our police that are doing patrol in the general vicinity. Fire stations that are generally nearby. This -- this becomes combined as a lose-lose, basically, for the city where the property owner doesn't pay any property taxes over time, because they are still in the county, we lose out on the impact fees, development review fees, yet our fire and police are likely the first to respond. Further that with your -- they are responding to a project that likely isn't even built to our standards. So, there -- there really are kind of death by a thousand cuts, if you will, on a project that may or may not even be built to city standards consistent with our Comprehensive Plan that we are responding to in the case of an emergency. So, in summary, there are -- there are very few, if any, reasons why providing city services to facilitate development projects in the county is in the best interest of the city. Therefore, city staff would like to amend current policy to further clarify that development in the county with city services is highly discouraged, but when appropriate, like in the case of emergency for an existing use, a clear and concise process to request services is available. As I mentioned at the top, there are some underlying strike through draft provisions that Mr. Starman has put together, again, in consultation as a small team and just wanted to start that conversation there with you all to see if -- what's your -- your take on where this may be headed and I will stand for any questions you may have.

Simison: Thank you, Mr. Hood. Council, questions?

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Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just a comment. I thought the bright line principle you are trying to promote is really a wise one, discouraging an ask and determination up here I think is helpful. So, applicants know on the front end that we are not encouraging or even allowing perhaps this type of service outside of city limits. To be really clear early so folks know. Sort of the gist of what I think you are asking, to bolster the language so we have got clear language on the front end of what our policy is, which seems to make great sense. I never really understood outside of the emergency context why we would ever want to encourage folks to -- to try and do that. So, I think you are -- what you are doing makes great sense.

Hood: Mr. Mayor? I know there wasn't necessarily a question there, but, Mr. Borton, you know, I think the intent when we modified that was to not encourage the use of city services outside, but there may be a case where it is appropriate and not an emergency situation. It seems like we are getting more of them than we anticipated. You know, maybe one every few years or so and now we are getting multiples every year and it's like that's more than -- we thought we would leave the door open a crack just for that one project where it made some sense and now it's like, oh, I can go ask the Council for those services and still do it in the county and so we are kind of getting -- I don't want to say inundated, it's not that frequent, but it is multiple a year and so that's why we kind of want to back off that and go, you know what, this isn't the best practice and to further that thought even more, if we did have the Apple or Microsoft or whatever that -- that thing is where it made some sense, we could modify the code back and say, you know what, we changed our mind, we do -- we are okay with -- not that we would do that necessarily, but you have that ability as a Council to change this back. If this doesn't work we could go to something different. But I appreciate the comments and we think we are on the right track, too, again, with not encouraging it and even going further than discouraging it. prohibiting it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I -- just to respond to that, I mean I would hope future councils are really principle based and it's incredibly unfair to the existing taxpayers to make those exceptions. No matter how attractive a project might look, it doesn't make financial sense to start making those exceptions and so I wouldn't even leave that door open. I don't think we would ever entertain changing it back. This makes perfect sense to me. I think you are on the right track. If there is an emergency at a small residence that's not changing we could talk about it, like in the instance of the septic tank example, but this seems like the right -- the right track. So, I appreciate you pursuing this.

Simison: Council Woman Perreault.

Perreault: Thank you. I agree with my fellow Council Members that I think formalizing a process in this situation is very wise. It not only gives clarity to the public, but clarity to our own staff and city about what the expectations are as far as the how -- how it's handled. So, I appreciate that. One quick question for you. So, you had mentioned there not being a fee charged to review a request. Is there a reason why we wouldn't do that or can you share more about the thought process on that?

Hood: Mr. Mayor, Council Woman Perreault, you know, I don't think -- it's just never really come up. Certainly it's not an issue in those cases of an emergency, because there isn't any development proposed, but in the case of some of these that are coming through the county, it's part of our Title 9 agreement with the county, they just transmit to us their projects and it's just part of what we do for them or with them is review that. So, we don't have a mechanism. I guess we could explore, similar to us potentially collecting impact fees on their behalf, we could ask them to collect a project review fee on our behalf for a project that we review in the county, but, you know, up until last few years it really hasn't been much of a problem. We will get half a dozen of -- half a dozen requests a year, can respond back to the county, it's not a huge time sink, but we are getting more and more of these and they are complex a lot of times. So, it just really hasn't ever come back up and it really doesn't -- hasn't risen to the level of where we thought we need to recoup those costs.

Simison: Council, any additional questions on this item for staff? Mr. Hood, do you think you have enough direction?

Hood: Yeah. Thank you.

Simison: All right. Thank you very much. Unless Public Works has anything that they would like to add. Okay. All right. Thank you.

EXECUTIVE SESSION

16. Per Idaho Code 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated

Simison: So, with that, Council, we will move on to Item 16, Executive Session.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we go into Executive Session for Idaho Code 74-206(1)(f).

Borton: Second.

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

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

Simison: All ayes. Motion carries.

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (5:05 p.m. to 5:41 p.m.)

Simison: Council, do I have a motion?

Hoaglun: Mr. Mayor, I move we come out of Executive Session.

Borton: Second.

Simison: I have a motion and a second come out of Executive Session. All in favor signify by saying aye. Opposed nay? The ayes have it. We are out of Executive Session.

MOTION CARRIED: ALL AYES.

Hoaglun: Mr. Mayor, I move we adjourn.

Simison: I have a motion to adjourn. All in favor signify by saying aye. Opposed nay? The eyes have it. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 5:41 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT E. SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK



ITEM TOPIC: Approve Minutes of the July 26, 2022 City Council Regular Meeting

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, July 26, 2022, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Joe Dodson, Crystal Campbell, Scott Colaianni, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

X_	_ Liz Strader	X Joe Borton
X_	Brad Hoaglun	X Treg Bernt
X	Jessica Perreault	X Luke Cavener
X Mayor Robert E. Simison		

Simison: Council, I will call the meeting to order. For the record it is July 26, 2022, at 6:02 p.m. We will begin this 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: We had no one sign up for the community invocation.

ADOPTION OF AGENDA

Simison: So, we will move on to the adoption of the agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adoption of the agenda as published.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

1. Request for Reconsideration of Denial of Burnside Ridge Estates (H-2021-0070)

Simison: Okay. Then with that we will move into Action Items. The first item up is a request for reconsideration -- reconsideration of denial of Burnside Ridge Estates, H-2021-0070. Mr. Nary.

Nary: Thank you, Mr. Mayor, Members of the Council. So, you have a request for reconsideration of Burnside Ridge. It's in your packet. You have had opportunity to review it. So, tonight, again, it's not a hearing. This is mostly for the public, because I know all of you know this. This is not a hearing time. This is an opportunity to either grant or deny or remand the findings back for further consideration. If the decision is to rehear it, then, we would, then, set it up and notice it up for a future date. We don't have to pick that date today, because we will have to go through the noticing process. If the direction -- the motion is to -- to deny, that would be the motion. We will prepare some findings to that effect and, then, provide that to the applicant. If it's to remand for further -- further action on the findings themselves, we will send that back -- not to a date certain, we will prepare those and we will bring them back. Likely if we were to do that it would be in your first or second meeting in August, depending on what extent there is to changes. But that's what's before you tonight. I do see the applicant is in the audience, so they are here at least to hear what your discussion is.

Simison: Thank you. Councilman Hoaglun.

Hoaglun: Yes, Mr. Mayor. Thank you. Well, I did review the request by the applicant and looked into that and, of course, reviewed the minutes of our meeting and certainly one of the major issues was there -- are what we refer to as our growth areas and -- and we did refer to our growth areas several times during the deliberations, but it -- it was critical that -- to note that we did not, as a Council, expressly refer to the 2020 priority growth map when it was -- when denying the application and staff had made mention that we are not referring to the growth areas and so it was not -- not part of that. So, I -- I'm leaning towards making the motion to grant the request for consideration, but to limit it to the

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purpose of clarifying the findings of fact, conclusions of law, and not delving into that. I have been advised by legal counsel that we can tighten those findings of fact and I think that's probably something that -- that we should do, but just wanted to put that out there for -- for discussion.

Simison: Council, further discussion?

Hoaglun: So, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I would move that the City Council grant the applicant's request for reconsideration for the limited purpose of clarifying the findings of fact and conclusions of law concerning adverse impacts on public services.

Strader: I second the motion.

Simison: I have a motion and a second. Is there discussion on the motion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Was absent on the 7th, so I just feel it appropriate to abstain from the reconsideration request. So, I will abstain from the vote on this motion.

Simison: Council, any other discussion on the motion? Then Clerk will call the roll.

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

Simison: Five ayes, zero no's and one abstain, so motion for reconsideration for the purposes of findings of facts is agreed to. Thank you.

MOTION CARRIED: ALL AYES.

2. Public Hearing for Community Development Block Grant Program Year 2022-2026 Consolidated Plan

Simison: Next item up is -- is Item 2, public hearing for Community Development Block Grant program year 2022-2026 consolidated plan. We will open this public hearing with staff comments. Ms. Campbell.

Campbell: Thank you, Mr. Mayor, Members of the Council. I'm just going to give you guys a quick overview of the consolidated plan that goes from October of this year through September 2026 and, then, I will move into the changes that have been made since the

last time we presented. So, just a quick reminder. The con plan identifies the goals and strategies for the next five years and the action plan identifies the specific projects that we will take in the upcoming year. So, our five year goals, which are basically the different types of projects that we will be funding, are housing, public services, public facilities and infrastructure improvements and program administration. We have identified some projects for this upcoming year. Under housing we identified housing repair and home buyer assistance. For public services there is youth scholarships, emergency rental assistance, senior transportation. And for public facility and infrastructure improvements there is two separate streetlight modernization projects. And, then, just basic program administration and fair housing activities. So, there were some changes to all the documents, but most of it was just wordsmithing basic things. Expansion to discussion items, but I did want to point out a few things. The first one is on the con plan under the citizen participation, we updated the methods of outreach that we used and who we have contacted. Under the number of housing units, there was an analysis from HUD, but we took that out, because it was old and it didn't reflect our current situation and how difficult our housing market is right now. And under barriers to affordable housing, we updated it to include the list of priorities -- of priority policies addressed in the city's comprehensive plan. On the action plan we updated one of the projects. It was Franklin and the street project and we -- we moved the location so that it provides services to a low to mod area, instead of the major thoroughfare, so that the CDBG benefits are directly for the low to moderate income area. And the final change was on the citizen participation plan. We updated the substantial amendment criteria to tie that directly to a project goal, instead of an individual activity. So, the final steps on this -- we have our public hearing and public comment period for the con plan, action plan, and analysis impediment tonight -- that closes and, then, on the August 9th Consent Agenda, then, I will have those final documents and resolution for you. August 15th. The public comment period for the citizen participation plan closes and I will have that final document and the resolution on the August 23rd agenda. Consent Agenda, by the way. And with that I will stand for questions.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Crystal, can you refresh my memory why the request is to close the public hearing tonight, as opposed to waiting until August 9th?

Campbell: I did not call out the citizen participation plan in the original one and so I just wanted to make sure I noticed it effectively for everyone, instead of giving a shorter time frame.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

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Cavener: I guess, Crystal, is there any reason why we couldn't keep the public comment period open through the 9th when we would be taking action -- or be asked to take action?

Campbell: So, I -- I misunderstood your previous question.

Cavener: Okay.

Campbell: Sorry. So, the reason that we are closing that one is because we have to make all the updates and we have to update it in HUD's system, which can take some time and so we just wanted to give ourselves enough time to incorporate all the comments that were in there.

Cavener: Okay. Thank you.

Campbell: So, if you -- if you guys want to, then, we could. It would just take a little bit of extra work to make sure we got it in on time.

Cavener: All right. Thanks, Crystal. I appreciate that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Crystal, can you go back to the slide that shows the changes -- the major changes? The change that takes some -- let's see. Keep going. Maybe you didn't put it on here, but the 20 percent -- yes. The 20 percent from the -- for the annual funding, if it's being reallocated. Project goal would be an entire category; right? Versus individual activity. Is that something the federal government changes part of like our compliance with the comp plan or is that something that -- that we have just decided to do that the city has decided as part of their criteria?

Campbell: We adjusted it. The federal government doesn't require it to be super strict. The 20 percent we can define what that looks like and in the past, then, we have had it related to a specific activity. But sometimes that makes it a little bit more difficult to respond when maybe a project closes out under budget or something and we have to go out for -- we have to do a substantial amendment, which requires 30 days of public notice and everything to reallocate those funds to a different activity. So, it could be like one streetlight project to another, but because it's a separate activity we can't just move that over. But with this we would be able to do that. But it would only be projects that were previously identified in our action plan.

Simison: Council, any additional questions? 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 Ralph Chappell.

Simison: Good evening, Ralph. I assume you know the drill.

Chappell: Ralph Chappell. 1899 South Swan. Looking at the first item here where it says public facilities and infrastructure, it says senior center. What -- what is the senior center? We already have one. So, is it going to help do something more with it? The other thing it says neighborhood facilities. What are those? And the last -- another one that says health facilities. What's -- what are those? On the next line down there you have child care. We are getting into the childcare business? It doesn't make any sense. Emergency rental assistance. Then the next one that says homeowner --No. homeownership assistance. We are going to help people buy their houses? Another one says homeowner repairs. Why? My thing is you are going to get this money from the government. Where does the government get the money at? They get it from China. So, then, we have to pay interest on that stuff. So, now you are going to say, okay, we are going to take that money, which we do have the money here in the -- in the city of Meridian, we can use our own money, but we are going to take it from the federal government. For what reason? It doesn't -- to me it doesn't make any sense. You could do the job, same thing, with the money the city has. With today's dollars, instead of borrowing that money, interest is going to be paid on it and who is going to have to pay it. Not you, you, It's going to be your kids or your grandkids. It doesn't make any sense. You -- you just -- all right. The other thing is do you really want to burden your kids and grandkids with this -- with this particular -- I don't know how many hundred thousand dollars it is. It's quite a bit. Whenever you could just do the same thing with -- with the city's money. So, my thing is if you approve this, have a good night's sleep, because your kids and grandkids are going to have to pay for it, not you. That's all I have.

Simison: Thank you, Thank you, Ralph. Council, any guestions?

Johnson: Mr. Mayor, next is Kay Baldwin.

Simison: And if you could state your name and address for the record and be recognized for three minutes.

Baldwin: My name is --

Simison: Can you get into one of the microphones.

Baldwin: My name is Tomi Kay Baldwin. I reside at 2938 West Santa Clara Drive and I was one of the recipients of the block grant this year. They came in and they saved my home. They -- two years ago in October of 2019 I was being responsible. I asked the company to come in and fix my furnace -- you know, do the -- do the update that you do in the fall and we had just bought our home. We had -- they discovered a drip -- a single drip and it turned out that we had to remove the entire HVAC, so the -- the water heater, the -- the water softener and at that same time we took in a disabled child from the system and it was a bad week. Bad bad week. While the insurance adjuster was there, one of the repairman popped his head out of the wall and said do you know you have polybutylene piping? I don't even know what that is. And we lost our home insurance

that day as well. We were unable to get home insurance until this grant came in and redid my plumbing. My -- I have three special needs children. They came in and leave my home safe for all three of my little boys and I am now off medication, because I am no longer living in a state of stress. My children are --

Simison: Kay, can you --

Baldwin: Because of this grant.

Simison: Keep saying -- on the microphone. Thank you.

Baldwin: Forgive me.

Simison: Okay.

Baldwin: My children will be grateful to pay in years to come, because they are safe

today.

Simison: Thank you. Council, any questions?

Johnson: Mr. Mayor, I'm not sure if the others wanted to testify, but I will call them. Lisa

Hansen. Tony Allison. Okay.

Simison: Okay. Is there anybody else that would like to provide testimony on this item this evening? And do we have any -- I haven't looked to see if we have any online. If you are online and would like to provide testimony, you can use the raise your hand feature. Okay. Seeing no one come forward or raise their hand, Crystal, would you like to make any final comments from the testimony that was provided this evening? Oh. If you would like to come forward. If you -- come -- come up to the mic. Everything has to be said into the mic on the record. So, if you can come forward, state your name and address and you will be recognized for three minutes.

Elam: My name is Paul Elam and my address is 5127 North Asissi Avenue in Meridian. This is my first attempt -- first time of attending a meeting, so I apologize, I don't know the process very well.

Simison: That's okay.

Elam: But just curious is do we get to hear all the details of the funding? Just like that gentleman said, like do we get to hear, you know, all the -- all the, you know, specific amounts of each one of those categories of that money that's going to be spent or do we just get to hear like a balloon number?

Simison: Crystal?

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Campbell: So, we have actually presented the exact numbers multiple times over the last several months -- yes. I can definitely get that information to you. I -- I think I have it printed out at my desk, if you would like me to get that for you.

Elam: This is the last time anybody can discuss it then? Is that -- you said this is the date when they close it, so there is no more public comments and nobody else can review it and, then, comment again or you are going to extend it?

Campbell: Are you needing to -- are you needing to have that extended so that you can review it?

Elam: Like I said, it's the first time I have ever attended a meeting, but just like the gentleman said, I would kind of like to know what money is being spent and how it's being allocated and, you know, who it's going to serve, that kind of thing.

Campbell: Yeah. I can definitely provide that information to you and I can also keep your comment and I can put it into the plan as well.

Elam: Okay. Thank you very much.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor, I would like to make a comment.

Simison: Council Woman Strader.

Strader: Yeah. Just -- Ralph and I didn't catch the gentleman's name who just testified. We had gone through a pretty extensive process in reviewing the plan, but just to give you like a couple of examples, some of the examples for the senior center -- that was like specifically to provide them with transportation. So that they could get needy seniors to their doctor's appointments and so forth. The bus that they use has broken down or the van that they use. And the childcare is -- it's not like Boise where they are giving grants to all childcare providers. That's specific to the Boys and Girls Club in downtown Meridian. But I think your point is well taken in a couple of fronts; right? The federal government's spending is totally out of control. I agree with you. But this money is going to go away if it's not used for positive things in Meridian and a lot of people in these programs depend on it and, then, I guess the other comment I would make is I do think we have the ability to keep the public hearing open tonight and that might be a good thing for us to do, to give folks a chance to review in more detail. So, I would suggest that the Council will consider that.

Simison: Thank you, Council Woman Strader. Is there anybody else that would like to provide testimony on this item at this time? Or, Council, do I have a motion to continue the public hearing?

Cavener: Yeah. Mr. Mayor?

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Simison: Councilman Cavener.

Cavener: Crystal, appreciate kind of helping to answer that question at the forefront. Kind of leads to where my question was coming from. I always like to give the public as much opportunity to comment and your explanation was spot on. We have had multiple hearings about this. The information has been made public. Oftentimes, though, people don't necessarily have the opportunity to pay attention to it until it's at the last minute. This is their -- was kind of their last chance to -- to provide testimony. So, I recognize it's going to create an extra burden onto you as staff, but I know you can capture the comments that we heard here tonight. If we receive any other communication between now and August 9th I know you will be able to incorporate that as well. So, Mr. Mayor, I would move that we continue the public hearing for the CDBG program year '22 to '26 consolidated plan to August 9th.

Strader: Second.

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

MOTION CARRIED: ALL AYES.

3. Public Hearing and First Reading of Ordinance 22-1988: An Ordinance Amending Meridian City Code Section 1-7-1(C) Concerning City Council Seats; Amending Meridian City Code Section 1-7-1(E) Concerning Staggered Terms; Amending Meridian City Code Section 1-7-11(B) Concerning Duties and Powers of the Meridian Districting Committee; Adding Meridian City Code Section 1-7-11(I) Concerning Modifications to City Council Seat Numbers; Voiding Conflicting Ordinances and Resolutions; and Providing an Effective Date

Simison: Next item up is Item 3, a public hearing and first reading of Ordinance 22-1988. We will open this public hearing with comments from Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I have a slide that I know Chris is going to pull up here in a second. Actually, I have two. Here we go. Can we go with the district one first. Thank you. So, Mr. Mayor, Members of the Council, and for members of the public, so tonight was a first reading of an ordinance change that's being proposed from the Mayor's Office and the Legal Department. So, I do want to clear up the first thing is there was a recent news story published about this exercise that we are going through and it started off -- the title of it was, oops, like we missed something. No one missed anything. The committee that we asked to volunteer their time to create these districts pursuant to state code did exactly what they were asked to do. They were asked to look at the districts and base it all on population and precincts, which is what the state law contemplates. It doesn't contemplate anything else. And so that was their charge. That was their direction and they took it very seriously. You heard the chair -- Chair Jo Greer talk about that and

the only consideration of anything -- and not as to where anyone lives, but where -- it was any consideration beyond population precincts, was the committee discussed on a -- a district that crossed the freeway. The only significant feature we have here, because there is no rivers, there is no mountains, there is nothing of that great of magnitude here, is the freeway and the conversation as -- as Chairwoman Greer stated, was do we have one or two districts that cross the freeway and the decision was ultimately made that one would cross the freeway, because it was inevitable that one had to, but we would try to keep it to just the one. So, that was the only consideration that was made beyond precincts and the population and that was -- what their reaction was and that was what the state law contemplated. So, these districts are what you approved a few weeks ago. They are not being proposed to change and they are not being proposed to go back to the committee to reconsider anything, because that's what their direction was. So, I do want to correct that the impression I got from reading the news story about it was that someone erred and now we are trying to fix an error. We are not trying to fix an error. We are not trying to do that. What we are proposing is to change seat numbers. State code also grants authority to the city clerk to designate the seat numbers, so there is no thought or process that went into the conversation by the committee as to where the numbers would go, whether they would start at the bottom left or the top right or the middle or whatever. There was no conversation. They went basically like a map one, two, three, four, five, six. They just went in a circular pattern. That was it. There was no reason to do it that way. There was no discussion about that pattern works better than this pattern or this direction is better in this location than that one. None of that was being considered. They just went that way just because it looks like a clock. That's about it. So, at the time all of the seats of the Council Members have a seat number. So, in Idaho you can either elect city councils by at large or by seat number. Some cities do at large, like Garden City and Kuna. Some do it by seat numbers, like us. So, we have always just designated numbers. So, for lack of a better way of doing it, they created the districts by the numbers, they just plugged all the Council Members by seats into the same numbers. No rhyme or reason, evaluating election terms or the staggered terms that are inherent in city elections. None of that. So, all of that was done completely blind to anything else and that was exactly what they were asked to do. So, again, there was no oops here. So, now once it was completed, the discussion point we had -- and we have had this prior to them being completed internally with my department, was is there a way to create the districts to be all -- all have representatives that actually reside in those districts and be completed by 2023? Right now -- Chris, could we hop to the next slide? Oh.

Johnson: An arrow.

Nary: Oh, there we go. Thank you. So, right now if we did nothing you would see there that districts one, two, three would change in the general election in 20 -- or excuse me. One, three, five would change in '23. That is the cycle that those seat numbers have been in the past. And then seats two, four and six would change in '25. By happenstance, the current member of seat four, which would be the corresponding District 4, happens to reside in that district today. In District 6 that person happens to reside in that district today. If we make the change, then, District 1 -- to what we are proposing where basically Seat 2 would now become Seat 1. Seat 1 would become Seat 2. The representative in District

1 lives there now. So, there is no -- there is -- so, again, we are meeting the intent of the state law sooner. District 1 would be represented by a person that resides there. District 2 would be represented by a person that resides there. District 3 would come up for the election cycle in the '23 election naturally anyway and currently no Council Members live in that district now. District 4 would be, as I stated before, would already be immediately with a representative. '23 for Seat 5, because, again, no current Council Member lives in Seat 5 today. So, that was -- would normally come up anyway. Seat 6 would, again, be immediate. So, the desire when this law was passed in 2020, our office had a lot of contact and a lot of conversation with Senator Winder, the -- the President Pro Tem of the Senate, who was the one who carried this forward through the Senate and to the House and got approved. His desire in both '20 and '21 when we were trying to create some changes that would make it a little bit cleaner for everybody was the sooner the better. That was his desire. He recognized with staggered terms it can be challenging to do that. Other -- other cities have chosen a different path that we did not choose to go down, because we didn't find the same comfort level of state law support for some other alternative paths. So, when this process concluded, as it was done, we looked at it and said if we make this one change of seat numbers, then, it's done. It's done now for most of them and it's done completely by the next election in '23. So, is that advantageous to the city? In our belief it's advantageous to our citizens. The intent of the code was to have a representative government by districts. The sooner the better. If we do nothing it will happen by 2025. So, three and a half years now -- from now it would be completed anyway. Our desire in bringing this forward to you to consider is that we could have this done here by the end of next year. By the cycle of election in November of '23 every person in every district would be representative and reside in the district as intended. So, one question is asked of me in the last week is do we have to do this? No, you don't have to do this. I mean you are not required to do any of it. But if the objective and desire is to get the representative government done sooner and completed and move on to the next -- the next cycle, which is at the next census, that, hopefully, I'm not standing here having this conversation with you then, it will -- it will be a natural evolution. As I stated last week, it may look odd to people for the next few election cycles that it's no longer one three and five and two, four and six. In ten years they can change that back, too. It doesn't matter. They could do that. We didn't recommend doing that now, because that doesn't seem necessary when the smaller change has support in the code, has a direction in the state law that contemplates a change of seat numbers and allows for that type of change. So, that's what's before you. That, hopefully, explains a little bit better. Hopefully from the public's perspective they understand that this is not trying to correct any error or mistake, it's trying to clear up an issue that could be done sooner than later and we believe as intended by the code, as intended by Senator Winder, this -- this accomplishes that sooner than later and that's a good, positive thing for what the code intends. So, I can answer your questions. And also our intent is so the public understands. This is just the first reading. We had planned on the second reading at your next meeting on the 9th and the third reading with another opportunity for public comment on that one. Obviously, written comments they can submit anytime. But our intent was to bring you back on the third reading on the 16th if the Council is of a mindset to approve it.

Simison: Thank you, Mr. Nary. Yeah. I -- I made my comments last week when -- when this first came forward and I think the newspaper reported on -- on those comments. But to me this is the way to fully implement representative government as quickly as possible in regards to how -- how the legislature had hoped, but also in my opinion it reflects the will of the people from the last election by aligning those who were elected into -- into those seats where they live and gives them that representation as well. So, I'm happy to also answer any questions from Council. From my perspective as well. But, Council, any questions for Mr. Nary?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would like to make a comment. Can you guys hear me okay?

Simison: Yes.

Strader: Great. You know, I just like to be upfront about things. I do think that this is very positive for the residents of what is currently designated as District 2 to have representation, but I cannot ignore the facts after thinking about this since I viewed the hearing last week, that this change would benefit me directly. It is specific to my seat and the district that I live in and I don't want to ignore that fact. It would specifically allow me to run for office two years earlier. I don't feel that it will be appropriate for me to vote on this and I will be abstaining from voting on it.

Simison: Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. I appreciate that comment, Council Woman Strader. I also live in District 2. Again, the commission was blind to where we lived. They didn't take that into consideration when both of us were put in, but I -- I -- I see it completely different. This allows the voters of the district to make that decision right away, instead of having someone who lives out of the district be their representative, they get to vote immediately on who they want, whether it's Council Woman Strader, me, or someone else. That's their decision and, then, they have a representative elected from that district, whatever they decide immediately, instead of waiting two years. So, I -- I just see it from that perspective. It gives them the opportunity to -- made their voice heard right away. So, just -- just a different perspective.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

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Perreault: So, Bill, when a resident sees the chart and it says that they now immediately have a representative in a district, what conclusion should they draw from that?

Nary: I guess, Council Member Perreault, Mr. Mayor, I -- I -- I guess if -- if -- if that's important to them, because that's what the whole purpose of the state code change was, then, it means that, again, they have got somebody who in theory -- and this is very theoretical -- that has a better understanding of what issues face them in where they live. You know, many of the things you hear are very centric to the location, whether it's traffic, whether it's schools, whatever that may be. So, I think if I'm a resident I would at least have the comfort level to know that the person representing me at the City Council probably has a better understanding of what I have to deal with everyday than somebody else who may live in a completely different part of the city and not really feel that, because, again, I know you have all heard that, you don't -- you have heard people say to you, well, you don't get it, you live here, I live there, I'm the one driving over here and you are not driving over here. So, I think that's what -- if -- if -- if you are that into this stuff I think that's what you would think is, okay, how I have got somebody that lives and represents me that kind of gets what I go through every day. That's the way I would think.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Because we -- none of us were elected in these seats and we didn't -- we didn't run with -- with a district specific message or, you know, we are -- we are not -- I don't think any of us would say, hey, we are specialists in the district in which we now currently live that these maps have been drawn. So, to -- to say I just -- I guess I just want to be careful representing to the public that we have some sort of specialized knowledge about our districts when we say that there is an immediate representative, because we weren't elected in that way originally. So, that's kind of what I was trying to get with that question is just to be clear that, you know, we weren't voted in in these districts originally. We may or may not have specialized information about that district currently. So, if somebody looks at this and has no history or understanding of -- of kind of what's gone on, they may look at it and go, oh, okay, so the current representative for District 1 clearly understands the concerns for District 1 right now. And so I would -- just curious, you know, your thoughts on that, because we really haven't had a discussion about how this looks for us in -- in -- in the sense of how we are interacting with members of -- of our districts.

Nary: So, yeah, absolutely fair question, Council Member Perreault. So, Mr. Mayor, Members of the Council, so the legislature on their own accord -- and -- and I will be honest, I have been in this business a long time. Nobody I have ever dealt with asked about this at this level. Everybody's been used to the state electing people that way and -- and -- but you are right. But the same thing can be said of state representatives. I don't know if this person lives across the street from me or moved here yesterday. I don't know. So, I don't know how -- how engaged everyone is in that conversation, but what I do think is the legislature made their independent choice absent what cities wanted or didn't want and said we are going to choose now that you no longer get elected in this form, you get

elected in this form, knowing full well no one -- no one in the state had a district system in place in 2020. No one. Not -- not Boise. Not us. No one. So, they didn't really ponder that I don't believe very long and hard on whether or not that would be a bother to somebody to say, well, I voted for this person for my seat, because the seat just was a number. It didn't have any meaning to anything, it was just a designation and as I stated earlier, cities could elect people by seats, so you have to run for a specific seat or you could elect them at large. There was no distinction between either one of those systems. And -- and there was never intended to be. So, they changed the rules at the state level, regardless of what cities may have thought, and decided that's going to be the way it goes from now on and now instead of having a choice, as we had before, we don't have a choice. We always had the ability to district before. No city chose to, because of other reasons. Or for whatever reason. But now we don't have a choice. We have to do it that way. So, we have to separate ourselves from the mindset of I voted for this person, because Seat 2 means so much to me -- I'm sorry. Seat 2 is this district if you -- if you -if you live in a different part of the city that's the way it goes. You are no longer in District 2 and you no longer represent Seat 2, you live in seat -- District 5. So, we are just changing our mindset from what a seat is to a district. Everything is the same.

Simison: There will be time for public comment and questions after we are done with the presentation.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You know, I -- I -- I felt that this made sense, but I'm really interested to see what the public has to say about this. Like the process that took place before, it was very transparent. Council and the Mayor's Office was a couple arm lengths away from it at all times and will continue to -- to -- to -- to approach it that way for sure, but I'm really excited to see what the public has to say about this and reserve my final thoughts until the -- the final reading, the final public hearing.

Nary: Anyone else?

Simison: Any other questions for Mr. Nary? Okay.

Nary: Thank you.

Simison: Mr. Clerk, do we have anybody signed up in advance to provide testimony?

Johnson: Yes, Mr. Mayor. First is Mike Luis.

Simison: And if you can state your name and address for the record and be recognized for three minutes.

Luis: Mike Luis. 5343 West McMurtrey Street, Meridian. I don't agree with this. I mean you guys selected a redistricting committee. There was five meetings, two public hearings, six drafts. You guys approved it and I think you guys should stick with it and the last election cycle, as a matter of fact, there was a issue Phil McGrain didn't rotate the names correctly and there was a very close race in one of the districts -- or one of the seats, so let it go to vote. It is what it is. It was selected. Let's go to the election.

Simison: Thank you. Council, any questions?

Johnson: Mr. Mayor, next is Phil Reynolds.

Reynolds: Good evening, Mr. Mayor, Members of the City Council. My name is Phillip Reynolds and I reside at 6423 North Salvia Way, Meridian. And I'm here to speak in opposition of this proposal. I think it gives an appearance of gerrymandering. I think the committee did a great job, they worked hard, they put things in place and all of you approved it and it -- it should remain. I believe the attorney just mentioned that most people don't even know about this. Most people don't care about this. They don't have a clue what's going on. Only the City Council does and a few political junkies that watch your agendas on a regular basis know this is happening. So, I think the ethical and proper thing to do would be just to leave it the way it is. It -- it -- it gives the appearance that it's going to benefit and we just heard from one of the Council Members, it's going to benefit Council Members, but it has no positive or negative impact on the citizens and it's going to give that appearance, it's only for the City Council. So, please, do the right thing. Please do not support this proposition. Thank you.

Simison: Council, questions?

Cavener: Mr. Reynolds? Just a -- a guick guestion, because I --

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. I appreciate your comment about, you know, the public -- your perception the public isn't aware of this and I think it's the -- very much the intention of the Mayor, the Council, our staff to communicate with the public about this, which is why we are having multiple public hearings. I guess I -- I would ask your advice or recommendations on things you think the -- the city should be doing between now and our next scheduled public hearing to better inform the public, so that they have an opportunity to weigh in.

Reynolds: Thank you for asking that. What I would like to see as a citizen is I would like to see our representatives out in the neighborhoods. I would like to see town hall meetings, go out to the HOA meetings, make a presence, inform the citizens of what's happening down here, because when I walk precincts, last year, I learned there is a lot of seniors. They are not on computers. Some of them don't drive. They don't have a clue what's happening down here and they have the right to know and it's -- the City Council and the city staff's job to keep that information going out to them. They don't all have

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access. So, please, keep that in mind, too. But they don't know this is happening and I -- I would bet -- if gambling was legal I would bet the majority of them don't have a clue about any of this right now. So, please, give the right appearance, be ethical, and do the right thing. Thank you.

Simison: Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question for Phil. Phil --

Reynolds: Sure.

Hoaglun: You know, one thing that this does, as this chart shows, is this would enact the ordinance for the legislature's desire to have us in districts to be representative of the people in 2023. By delaying it to 2025 that means we won't be doing those things, because you will have people in districts that they don't live in representing them and there is no incentive to be there, because they aren't going to be elected there. So, why would we not want to have representation by the people sooner, as opposed to later, as the legislature intended?

Reynolds: Again, the general public -- it doesn't matter to them and, Mr. Attorney, correct me if I'm wrong, but I believe that the mandates for districts started from a lawsuit -- or lawsuits to states and -- and it came from some attorneys in Texas and it started with some discrimination lawsuits requiring cities to break up into districts and now it's kind of making a wave across the United States. Is that -- is that information correct?

Nary: Mr. Mayor, Member of the Council, I have no idea. When the legislature discussed this in 2020 there was not a conversation about another state. All they talked about over and over again was they were elected in districts and they felt that cities over a hundred thousand people that had at large representation, which all cities had at that time, wasn't fair to the public. That the public elects legislators by districts, therefore, cities of the size of a hundred thousand or greater should do it that way. That would be more representative. There was no lawsuit in the state of Idaho over this issue. There was people in public that weighed in about it, but there wasn't a lawsuit and whether or not another state lawsuit -- certainly isn't going to drive anything we are doing in our state. Another state -- laws are different. The requirements are different. The rules are different. So, that wasn't really any conversation at the state level I'm aware of. All of it was they are too large to have one person, essentially, in theory, representing 1/6th of a hundred thousand people, when the legislative districts are nowhere near that size. So, that was their focus. They are elected by districts, then, the city representatives should be districts as well.

Reynolds: Okay. Well, I can't speak for Idaho, but I can speak for the state that I moved from. In the past at large worked out very well and we may find in the future -- I don't -- I'm not going to predict the future, but we may find that what districts create is little mayors. A mayor for this district. A mayor for this district. A lot of fighting over funding. It's -- it was difficult to get along. It -- it created problems from where I came from and -- and these are small towns that -- that had this. So, something that came in -- and -- and that's why the state that I came from was required -- the cities were required to break up into districts. Maybe -- I'm just guessing. Maybe Idaho jumped on board before the lawsuits got here. That -- that's a possibility. But I'm asking the City Council tonight to do the right thing and -- and present an ethical image to the citizens and -- and just go with what you approved the first time, because when you start making changes --

Bernt: Mr. Mayor?

Reynolds: -- it gives bad appearances.

Simison: Councilman Bernt.

Bernt: Phil, I -- I shared the same thoughts, really with regard to districts. I wasn't a fan. But it's the law, so it's something we have to do. But my -- my question to you is -- you mentioned gerrymandering. Could you provide clarity of why you think that the appearance of doing this would be gerrymandered?

Reynolds: Well, that's -- that's a political term. That's a political term.

Bernt: I know what it is. I know what it is.

Reynolds: And as people find out that -- you know, as citizens find out that's going to be the projected image. I'm not saying this is gerrymandering, but it -- it's a term that the public, as they learn, will -- will toss that term around. Good or bad. It -- it's a term that people know in their heads and it's -- it's -- again, are -- are you projecting a proper image by supporting this, making changes after you have already approved something. So, please, do the right thing and -- and just -- just leave it as it is. We will move forward. It will take some time, but I think it will be better on the long run.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: So, Mr. Reynolds, I appreciate you being here and -- and this is a big part of it. So, to the point of anyone in the public having some misperception on the process, you are one of the folks who is involved and -- and knowledgeable about the process that was utilized in the -- the distance and detachment of the Council and Mayor to it. I think that -- so, one, thanks for being here, but, two, as you go forward and you might -- if you talk to folks in the community and if -- and if they don't have the information that you have, we encourage you to share that about the process utilized to -- to create a fair -- it's not

gerrymandered, it's detached from any of our input. We always struggle trying to get folks involved and informed like you have, so I encourage you to do that and try and share that, so if folks say something with misinformation about how we got this far, that you will be able to speak up and help correct them as you watched it -- early in this process we went to great lengths to try and -- the seven of us discuss how this being forced upon us -- I don't think there is any of us that wanted to do this. None of us -- we have all been here a long time and Meridian is one community; right?

Reynolds: Right.

Borton: And even with -- quite frankly, I don't think districts change a thing for that. The mentality is we represent the city as a whole, each of us. At least that's the way I think for sure. But we were adamant from the start to be detached and to empower this community to go do basically an equal protection math equation and that's it, subject to the rules of the state that they forced upon us, quite frankly. So, I just encourage you to, one, keep involved like you are, but help us share that message to folks in the community. If you hear misinformation we are, obviously, doing the same thing. I thought, quite frankly, I don't want to hear -- I get cautious when you use the word ethical. I -- I don't think anything's unethical, quite frankly, about this. Councilman Hoaglun said it really well. Really, it -- it's a -- one minor change in the process that creates a quicker accountability and quicker voice to the folks within a community to directly elect their representatives. So, I thought what Brad said made good sense as far as the explanation for it. But I appreciate you being here and -- and -- and, hopefully, continuing to communicate with folks about the process.

Reynolds: I will continue my communication and in a positive manner, as I always do. But, again, the public doesn't know. Ninety-eight to ninety-nine percent are not going to be aware of any of this. So, the districts -- at this point and going forward for many of them are irrelevant. They -- they want proper representation and they want -- they want their streets paved. They want their sidewalks free of debris. No graffiti. Safe communities. That's what they want. They -- they don't want politics. They don't want to be involved in politics. They want a beautiful, clean city to live in and a safe city.

Borton: Mr. Mayor, if I could.

Simison: Councilman Borton.

Borton: The conversation fascinates me. A thousand percent agree. Two truths. This -- this legislation that was placed upon us by the legislature zero citizens in Meridian asked for it and anytime you can communicate with any of our state legislators about that concern we encourage all of our citizens to do that, to say you really created a solution for something that wasn't a problem, at least in our community. So, we are still committed to represent the city as a whole. No doubt. I got words for state representatives, too. The public wants to see them, too. The public wants to see their elected officials. They want to know what's going on. A lot of them feel uninformed and I -- I think our elected officials have to do a better job at that.

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Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you very much for what you are sharing. As Councilman Borton just mentioned, we -- we agree. We -- we don't -- we don't want the potential appearance of division that this could create. But in addition to communicating with your elected officials at the state level, always feel free as well to write in editorials to the media. We have -- we have had some pretty frequent articles, pretty -- pretty often articles are being written that aren't accurate as to what is being said, communicated by the city. So, don't hesitate to write those as well and your thoughts on this -- this is a big deal, it's going to affect this entire valley and, you know, Meridian, Boise, and -- and Nampa and I know for me it won't change how I will go about things here, you know, in -- in light of just wanting to make decisions -- good decisions for the city as a whole.

Reynolds: Well, I hope -- even if we -- after we break up into districts that you still take ownership of the city as a whole. I hope that continues, because that's really what the citizens want to see. They -- they don't see lines. They don't see their neighbor living in another district. The streets all connect the entire City of Meridian and that's what they want to see, that continuity. So, thank you very much for your time.

Simison: Mr. Clerk?

Johnson: Mr. Mayor, that was everyone.

Simison: Okay. That's everyone who signed up in advance. If anyone would like to provide testimony if you would like to come forward at this time. If you want -- you got to come up here if you want to speak, so -- have you state your name and address for the record again.

Elam: Paul Elam. 5127 North Asissi Avenue. Again, sorry, I'm just still learning the process, but it's been a great learning experience and I'm trying to prepare myself for an upcoming meeting. We expect because of a giant apartment complex that is going to be built near our -- our home, so that's why I wanted to start attending. But I was just wondering -- I think this would be addressed to you, sir, but about the law that was passed by the state -- I have only lived here for a year. Is that final, there is no getting around it, because I agree with a lot of the great points made by that gentleman and for me when I -- when I think about it I think the same kind of thing, that, you know, we could have two amazing council members that live in the same district and I hate to lose one, because they already care so much about the city, because of something that the citizens didn't even know was being voted on. So, is there any flexibility or is it -- we have to make this change automatically?

Nary: So, Mr. Mayor, Members of the Council, so -- Mr. Elam. There really -- there is no change that we can effectuate at the city level. So, the state does carry the -- the weight here. They have made this change. We did propose some changes in the

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'21 legislative session and those never got approved, so we don't really have a -- a change -- and I don't know if there is any desire at the state level to revisit this particular issue again.

Elam: It would have to be another vote at the state level to say we don't necessarily need that after all -- after citizens get involved like that gentleman was saying.

Nary: Yeah. It's -- it's certainly difficult to change state law without the legislative support and it is very difficult on a lot of issues that can -- for some reason get really divisive to get the change. So, we are doing the best we can. I mean -- and this is just my own personal editorial comment, not on behalf of the city, but I don't think it was accidental that no city in the state had districts. I -- I don't necessarily think that was a desire that was asked from the city level. It really, truly, was a state conversation.

Elam: Yeah. It's interesting. I think it was you that mentioned nobody had ever requested that in Meridian, which blows my mind, but I'm just curious, how many cities were affected by this new law or requirement?

Nary: Three.

Elam: Three. Okay.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I -- I -- I just have to speak up. Mr. Elam, I -- I just -- to be truthful, this was done -- and since you are new to the city -- politics occur everywhere.

Elam: Yeah.

Hoaglun: The legislature is conservative. Our capital city is less conservative.

Elam: Yeah.

Hoaglun: And this was aimed at them.

Elam: Oh.

Hoaglun: They had a number of Council Members from the same region of the city. So, that's why it does -- you cannot single out communities by name, so they picked the number, one hundred thousand at that time. Now, Nampa and Meridian have surpassed a hundred thousand. So, just to let you know how it works, that's how it happened, so --

Elam: Wow. That's good information. Thank you very much. I -- being new to the process, but starting to be aware, you know, we -- we love it here. Our family moved here

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and we are very thrilled to be in this community and so now we want to kind of learn what goes on and I agree with what many of you have said, so thanks you for your time.

Hoaglun: You're welcome.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Don't run away. Sir? First I want to say thank you very much for coming as a new resident to our community. Much appreciated. I just wanted to say that the residents do have -- if residents decide that they want their city to district they do have a method in which they can go about that. So, that's kind of what's being communicated as it's a little bit challenging to justify this law when none of the residents of any of the three communities that were affected were coming to their own cities and saying, hey, really think we should be districted, because we -- and so just wanted you to know that. I also wanted you to know that conversation about this has been going on for about four years. So, this isn't something that is -- the legislators were talking about this in 2018. They passed a bill that said cities over 150,000. That became an issue, because it, obviously, singled out Boise. Then -- then they -- they amended that bill and it became a hundred thousand and so this has been going on. So, it's not that residents probably aren't aware of it. It's been in the news for a very long time. I just don't know that residents really got why they -- it was necessary, because if we are not understanding why it's necessary, certainly the average person isn't understanding why it's necessary. But other cities have really done their best to communicate with our legislators about how it will affect the cities and the residents and -- and our concerns and thoughts about it and -- and don't know that we were -- were really heard in the manner that we hoped we would be, so I just wanted to give you that history, as well as what Bill had shared.

Elam: Yeah. Thank you for sharing that. It's really fascinating to kind of learn how these things happen and -- you know. And I agree with that gentleman that spoke and that I -- I haven't met any citizens that really keep up with what's going on, even in the city level very many. Where we live in our community I just happened that -- my wife spotted a Facebook group that talked about a new development and that's how I got involved, because I thought does anybody even know in our -- in our community that they are going to put this right next to our area, when there is only one lane each direction on this street that can't accommodate 450 new cars every day and -- and so we asked around the community and nobody had ever even heard that that was even being discussed. So, it -- to -- to the gentleman's point, so many people don't really know what's going on. So, it's good to hear and I hope things -- rules like that don't prohibit having great members across the board, just because of some lines being drawn. So, thank you all.

Simison: Thank you. Is there anybody else present that would like to provide testimony on this item? If so, please, come forward at this time. If you would state your name and address for the record.

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Hon: Mike Hon. 2134 East Summerridge Drive.

Bernt: How are you doing?

Hon: Hello. Thank you and good evening. Yeah. You know, to Phil's point, I don't think a lot of people even knew the map was being drawn. Like, boom, it appeared; right? From a committee that was created by the Mayor. So, from my perspective, you know, you chuck the dice, you created the map, it is what it is and I think you should just move forward with the map as it is. So, that's that. Thank you.

Simison: Any questions? No questions. Is there anybody else that would like to provide testimony on this item at this time? Or anybody online that would like to provide testimony, use your raise your hand feature on Zoom. Okay. Seeing no one wishing to provide additional comment, Council, I know the intention is to leave this public hearing open for each of the subsequent readings or decision points or if Council wants an off ramp at any point in time from that standpoint. So, do I have a motion to continue this public hearing? Or do we need -- do we need a motion to continue it, Mr. Nary?

Nary: Pardon me. Mr. Mayor, Members of the Council, it would be on your August 9th meeting for a second reading automatically.

Simison: Okay.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Some thoughts maybe to continue to -- maybe take some of the public feedback about public engagement. I'm -- I'm not sure what options exist, but particularly hearing from residents that would be impacted in District 1 and 2, if there is maybe some extra efforts the city could take to promote what's going on in those particular areas and invite public feedback from them would be helpful. I also think it's important -- and I may have misheard you when you first presented this, Mr. Mayor. But I was under the impression there was going to be some direct communication to the redistricting commission about this proposed change. At least when I checked in with one to kind of get their feedback they hadn't heard from anybody, so I just would invite that we reach out to the redistricting commission, make them aware of this, and I think also solicit their feedback as well.

Simison: Okay. All right. Then with that we will go ahead and move on to Item 4 -- or do we -- yeah. We don't need to do an additional first reading action. Okay.

4. Public Hearing for East Ridge Subdivision (H-2022-0037) by Laren Bailey, Located at North of E. Lake Hazel Rd. between S. Locust Grove Rd. and S. Eagle Rd.

A. Request: A Development Agreement Modification to remove single-level limitation on single family residences within Impressive East Ridge Subdivision No. 2 and No. 3 (Village Product Area).

Simison: All right. Item 4 is a public hearing for East Ridge Subdivision, H-2022-0037, and we will open the public hearing with staff comments.

Dodson: Mr. Mayor, Members of the Council. The applicant -- it's not my project, so I'm here on behalf of Alan just covering, because -- they are requesting continuance, because the applicant team couldn't -- have their availability tonight, so they are just requesting continuance to the August 9th hearing. Assuming they would have requested next week, but we are not having a meeting next week.

Johnson: Mr. Mayor. This is Chris. Also they did not post for tonight, so it was not legally noticed.

Simison: Okay. So, we can't open the public hearing regarding that. It just -- asked me to continue it. So, with that do I have a motion to vacate the item from the --

Cavener: Mr. Mayor?

Simison: What's our action, Mr. -- Councilman Cavener, if you know. Councilman Cavener.

Cavener: Thanks, Mr. Mayor. I -- before any motions are made I -- and perhaps we should have maybe chatted about this before we set the agenda. I don't know if there is people that are here that are able to testify and aren't going to be able to be here --

Simison: We can't open the public hearing.

Cavener: I understand that we can't open the public hearing, but I do think that we could poll the audience about the availability of being here at a future meeting. I think that -- for me, before we set a date, I want to make sure that the folks that if they are here tonight that they are going to be able to come back to provide testimony at a proposed evening.

Simison: Is there anybody here that was here for this item this evening? Or online if you can raise your hand to indicate that that's the case. Seeing no one -- okay. Mr. Nary?

Nary: So, Mr. Mayor, Members of the Council, what I would suggest to you is simply move this item to your next agenda. Then the noticing will get done appropriately for it, but we can't really take other actions, since, again, it wasn't properly noticed for tonight.

Simison: Okay.

Hoaglun: So, Mr. Mayor?

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Simison: Councilman Hoaglun.

Hoaglun: Do you need a notice for that or -- I mean a motion for that or --

Nary: Move it to the next available agenda.

Hoaglun: Okay. So, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we hold a public hearing for East Ridge Subdivision, H-2022-0037,

for August 9th.

Bernt: Second.

Simison: I have a motion and a second. Is there a discussion on the motion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is moved to the August 9th meeting.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

- 5. Public Hearing for Pickleball Court Subdivision (H-2022-0025) by The Land Group, Inc., Located at 4050 W. McMillan Rd. at the northeast corner of N. Joy Street and W. McMillan Rd.
 - A. Request: Annexation of 4.96 acres of land to be zoned from RUT in the County to the R-4 zoning district.
 - B. Request: A Preliminary Plat consisting of 14 single-family residential building lots and 4 common lots on 4.58 acres of land in the requested R-4 zoning district.

Simison: Next on the agenda is -- is Item 5, which is a public hearing for Pickleball Court Subdivision, H-2022-0025. I will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor. As noted, this next one is for Pickleball Court. It is a request for annexation of 4.96 acres of land, which is currently zoned RUT. They request the R-4 zoning district. And also a request for a preliminary plat -- preliminary plat consisting of 14 single family homes -- or I should say residential building lots and four common lots on approximately four and a half acres in the requested district. Now, typically, I don't discuss it, but there is about a half an acre difference of the annexation area and the plat area and that's because this abuts two public roads and zoning needs to go to the center line of the road. So, that's where the additional area is. The site is located at the northeast corner of Joy Street and McMillan, as seen in this picture here. Joy Street runs right along their west boundary and is a public road. The subject four and a half acres currently contains a barn or other agriculture building or two. Previous home

appears to have been removed according to the latest imagery. The subject site abuts two public roads as noted. McMillan to the south, Joy Street to the west. But in the north and east are two existing R-4 developments. Vicenza to the east and Summerwood Subdivision No. 2 to the north. The subject property is designated as medium density residential on the future land use map, consistent with existing development to the east and the north. The proposal for 14 building lots on four and a half acres of land constitutes a gross density of just over three units per acre, nearly the minimum density allowed within the medium density residential designation. So, again, not pushing the density on -- per our Comprehensive Plan. Minimum building lot size is 8,000 square feet, which is the minimum lot size for the requested R-4 zoning district. The adjacent developments are similar density and lot size, which make the project consistent with the existing development. With the existence of Joy Street along the west boundary, subject project should act as a transition towards the higher density approved further west at the corner of Black Cat and McMillan and with the underdeveloped properties in between that. Access is proposed via a new local street connection to Joy Street, noted as West Riva Capri. And there is no access proposed to West McMillan. Access to all proposed homes is from the new local street that ends in a cul-de-sac near the north boundary. opportunity for a stub street exists, because existing development did not provide one to this property. The applicant is required to dedicate additional right of way for McMillan and widen the paved surface area adjacent to this site for McMillan. The applicant is also required to reconstruct Joy Street as half of a 33 foot wide local street section abutting the site. ACHD has approved the proposed road connections and layout and staff also supports the proposed layout. The subject project is less than five acres in size. Therefore, the UDC does not require minimum amount of open space or amenities. However, the applicant is proposing some open space, which staff has analyzed. The applicant shows three main areas of open space. One, the required buffer along McMillan, an open space lot along the north boundary, which is Lot 12, and an additional grassy area in the southeast corner that's noted to hold a future gravity irrigation pond. The applicant should add an exhibit and more detail to the landscape plan that shows how this pond will be constructed and what it will look like to ensure compliance to UDC standards and there is an existing condition of approval regarding that. Within Lot 12, along the north boundary -- so, that would be this one here -- the preliminary plat notes that there is a pickleball court or a sports court. The applicant requested flexibility in the type of the sports court requested there. Therefore, the applicant -- or I should say they did request that. Staff did modify that DA per the Commission recommendation to modify the DA provision. So, I -- originally I specifically stated a pickleball court, because that's what was noted on the plat. The applicant wants flexibility on what kind of sports court, depending on what they end up doing. At the Commission hearing public testimony was only about the dust mitigation, I guess. There was a neighbor that was concerned with just having the dirt out there and not having it wetted. The Commission discussed that. They also discussed the difference of the height proposed of these homes to the existing and whether the applicant had an intention to match. The applicant -- the actual home builder was here for the Commission meeting and stated that they will try to match height where they can. They also asked are there -- are lights planned around the proposed sports court at the north end and the answer was no and, then, there was also a brief discussion on this project's location in relation to a project on the south side of McMillan

that was denied. They -- Commission specifically noted that the differences were pretty large in both its size, density, and that this has no direct access to McMillan Road. Again, Commission did note -- recommend modifying that provision regarding the sports court and these other things that the applicant requested, which were also noted and so this is what's shown here what -- is what's changed in the Commission recs that were sent to Council. There has been no written testimony for the project before the Commission or after. So, I will stand for any questions.

Simison: Thank you, Joe. Council, any questions for staff? Is the applicant here?

Thompson: Mr. Mayor, Members of the Council. Tamara Thompson with The Land Group. Our offices are at 462 East Shore Drive in Eagle. I'm here tonight representing the applicant, who is the property owner, and who -- who is also the home builder. I do have a PowerPoint, but Joe pretty much has all the same slides that I would have for you, so I think I will just go through with his and, then, if you have some specific questions I might have him put mine up. So, before you tonight is the annexation of just under five acres and a proposed zoning to R-4. That R-4 is consistent with the surrounding properties. This property is kind of landlocked. It has existing homes to the north and to the east and public streets on the south and the west. As Joe mentioned, the public improvements to those street frontages are required by ACHD, so road widening and sidewalks and landscaping will be constructed with the subdivision. We have 14 residential lots. They all have a minimum lot size of 8,000 square feet. We have aligned two existing homes to the north and to the east where possible. Some of those are kind of pie shaped, so we can't make them exact, but we have tried to line them up one to one and as Joe mentioned there is not opportunity for cross-access or stub roads, as all those homes are already -- all those lots are already developed. This proposed development is consistent with the existing developments to the east and -- and the north as far as lot sizes. This is logical and orderly expansion of the city and it's consistent with the Comprehensive Plan. Our proposed zoning is consistent with those surrounding properties as well. We have read the staff report and agree with staff's analysis and the recommended conditions of approval and we respectfully request your approval tonight. I will stand for questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Hello. Thanks for presenting this. I just wanted to know more detail about the pond. Any kind of irrigation pond I would just worry about like sitting water, mosquitoes, sometimes they are not done well. Could -- could you give us some more detail about what is intended?

Thompson: Mr. Mayor, Council Woman Strader, the pond is in this location right here. This property does have surface water rights and the -- with the surface water rights they

only get water once per seven days. So, we have to create a pond in order to have the capacity for the neighbors to be able to -- we will do a pressurized irrigation system and in order to have that storage in order to -- to hold that so that the people can sprinkler their lawns whenever they want to and not just every seven days. So, there is enough capacity, it just doesn't come very often. There is that limitation. So, we will, with the final plat, have the design for that and we -- we have done the calculations as far as the land area that's needed to have that storage, but the design we will do with the final plat. I don't have a design for you tonight for that.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Along those lines is it intended, then, that there is some type of aeration of the water to prevent mosquitoes? And, then, what is kind of your intended plan? We have one of these in our neighborhood, much to the frustration of mothers across our neighborhood, as our young ones like to kind of climb in there and they get muddy and stuff like that when it's empty. What are your plans to kind of, one, manage it as a safety issue and reduce like the impacts of mosquitoes and stuff like that?

Thompson: Mr. Mayor, Councilman Cavener, the -- we -- we design these quite often and this one will have fencing around it, so that it won't be easily accessible by children in the neighborhood and as far as aeration, I don't have a good answer for you on that. If -- if it -- it will -- it will depend on if they can and that kind of stuff. I don't -- I don't know exactly how they are going to design that. But that will be something that -- that we can address and I can sure pass that on to them. But staff, with the final plat, will -- we could have them be looking at that as well.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Sorry. Did Councilman Bernt says something? I just wanted to clarify that the code does require, if there is going to be standing water, the aeration will be required or some form of it in order to help with the mosquito issue. So, that's why I put in the condition that will take care of that and make sure it complies with code once they come back around with the final plat or -- or building a lot.

Cavener: Thanks, Joe.

Dodson: Absolutely.

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

Thompson: Thank you.

Simison: Mr. Clerk, do we have anybody signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not have anyone sign up in advance.

Simison: Okay. Well, if there is anybody present that would like to sign up, go ahead and come forward at this time and you will state your name and address for the record, be recognized for three minutes. You will always have that opportunity.

Elam: Thank you. Paul Elam. I live at 5127 North Asissi Avenue and this is actually the property that I came here tonight about. It -- it's maybe one block from our community. We are in Bridge Tower West, which is right there a little bit behind the Walmart on Ten Mile Road. Traffic is already a nightmare on that street, McMillan, and -- and it's funny when you talk about districts, it doesn't really matter -- kind of that gentleman said -- we don't really care which district it falls in, as long as the Council Members are kind of hearing our -- our interests in paving or whatever it is. But currently that -- where they have that plan there is only one lane each way on McMillan and -- and it's very congested. Many hours of the day you can barely even take a left or right off of Joy, which is the street that they indicate where that is, so -- I mean I literally -- we rode our bikes right by there. It's -- it's probably 500 yards or so from where we live and -- and it is very congested and so I would ask that -- as well as other areas that they want to build on -- and there is already another giant community going in about maybe one or two blocks west of there that already has paved streets close to Black Cat. I would ask that the city or this company that wants to put in the development, that they do a study on the transportation impact of that area, because already the roads are very crowded and -- and I'm sure there is a lot of other cornfields that people want to build on, but until they widen McMillan and Ustick and other areas nearby, it's going to be a big problem for the existing citizens that have already purchased in that area.

Simison: Thank you. Council, any questions?

Elam: So, I ask that they would delay this approval of this hearing until a study is done.

Simison: Thank you. Is there anybody else present who would like to provide testimony on this item? Anybody online, use the raise your hand feature. Seeing no one, would the applicant like to come forward?

Thompson: Mr. Mayor, Members of Council, to address the comments about traffic, as you know, ACHD has analyzed the project and has a staff report that they -- and conditions of approval that they have -- that your staff has, then, attached by reference. So, we have to comply with those conditions as well. With this development we are widening the streets in our -- along our frontage, providing sidewalks in those areas and for Joy we are redoing half of that road section, so there is considerable amounts of -- of improvements that are -- that are going on there. But, then, we also pay our impact fees, which is the system that we are in. So, this -- this project is complying fully with the ACHD report.

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Simison: Thank you. Council, any -- Councilman Cavener,

Cavener: Tamara, to this point what's McMillan rated by ACHD with this proposed development?

Thompson: Mr. Mayor, Councilman Cavener, I'm not sure what you mean by that. Rated? As far as the letter?

Cavener: Yes.

Thompson: Oh, I don't -- I didn't bring that report with me. Do you have that in front of you?

Dodson: Mr. Mayor, Members of the Council, I do not. I can pull it up, but I'm -- I know McMillan is a constrained corridor, so widening it ain't -- is not going to happen as far as I know.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Tamara, when you talk about why -- are you -- are you -- are they doing a right turn lane in -- from in front of your property onto Joy or is there just an additional lane being put in on the right side?

Thompson: Mr. Mayor, Councilman Hoaglun, a right turn lane was -- was not required at that location. What -- but the edge of pavement is getting widened and, then, a detached sidewalk is -- is being continued. It isn't in front of the properties immediately to the east of us, so it will continue to -- to and through our property to Joy Street and, then, turn the corner and it will be the entire length of Joy as well.

Hoaglun: Okay. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: For commentary, so I can get back to you, the ACHD staff report has it rated better than E. So, just for Council and for you -- that's not what I expected to see, so I thought it was important to share that with everyone.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just as someone who lives off of McMillan, just to pipe up, the traffic situation is so out of control on McMillan and the canal makes it so that widening it is just totally not feasible in the near future. I'm happy to see that this is R-4 and not a bunch of apartments. You know, I would have a lot more heartburn if this was a lot higher density. I appreciate that the lot lines, you know, match up with the surrounding neighborhood, et cetera. But, yeah, just felt like I had to say something as someone who experiences McMillan on a daily basis.

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

Hoaglun: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move that we close the public hearing on H-2022-0025.

Hoaglun: Second the motion.

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

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think this is a relatively straightforward small project. Sort of tucked in there. I agree with Council Woman Strader, seeing this as an R-4 is -- is refreshing. McMillan is a challenge for this generation and the next generation, no matter what you put on it, unfortunately. But I think it's a -- it's a well designed, thoughtful plat, appropriately zoned. Appreciate the open space and some of the flexibility on the sports court. I think that's well taken as well. So, it just seems to be a pretty clear cut application. I will make a motion that we approve H-2022-0025 as presented in the staff report of July 26th, '22.

Bernt: Second.

Simison: I have a motion and a second to approve H-2022-0025. Is there discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm in support of this request as well. I -- I always try and look at an application and see how it enhances our community and I think this one does. I think it's important,

because we have had a couple of people provide testimony that are newer to Meridian, just a good reminder -- the City of Meridian doesn't oversee our streets and roads. It's -- a personal frustration of mine is that we have to rely on staff reports from another agency. According to ACHD they view McMillan as better than E and E is an acceptable level of service. We are stuck in traffic. We sometimes use words that start with the letter F, maybe not the letter E, when we are stuck in traffic. So, I sympathize with where folks are coming from, but we have to somewhat rely on the traffic engineers for what that road can handle and I agree, I think this is a -- a well thought out project. It's small. The R-4 is a perfect fit for this part of town, so I'm in favor.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. The impacts on the roads are -- are negligible for a project like this. A person may not be aware that, you know, a few months ago across the road there was a major project planned, but there were certain items that Council did not agree to on ingress, egress, so other impacts that it had that was denied and it was a very large project. So, we just don't go about just any application that comes before us, we look at them thoroughly. And I also saw that the applicant agreed that they will make sure they are doing dust mitigation and will take care of that concern that a neighbor expressed. So, I'm in support of -- support of -- of this project as well.

Simison: Council, any further comments on the motion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

6. Public Hearing for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Ave. (Parcel #S1210417400)

- A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-8 zoning district.
- B. Request: Preliminary Plat consisting of 7 building lots and 1 common lot on 1.22 acres in the requested R-8 zoning district.

Simison: Next item up on the agenda is a public hearing for Pinedale Subdivision, H-2022-0001. I will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor. Last project tonight is for Pinedale Subdivision, located just east -- I guess the southeast corner of Chesterfield No. 2, just west of Ten Mile Road.

The request before you tonight is for annexation and zoning of 1.2 acres of land, with a request for the R-8 zoning district and a preliminary plat for seven detached single family building lots and one common lot on 1.2 acres. There has been some miscommunication about how many lots, because originally this was proposed with 12. Actually, it was proposed to me at 15 and I said good luck and, then, we got it down to 12 and, then, we got them down to ten and, then, nine and now we are at seven. This was remanded from you back to P&Z with the seven lot subdivision, which is now before you tonight. The -as I noted, the applicant has revised the plat multiple times to address current concerns voiced by both staff and neighborhood, as well as the Commission previously. The applicant is proposing to construct detached single family dwellings at a gross density of just over 5.7 units per acre and an average lot size of approximately 4,400 square feet, which previously with the nine lots it was approximately 3,200 and a minimum lot size of 4,000 square feet and it was previously 2,250. The proposed use is a permitted use within -- within the requested R-8 zoning district. Further, all of the existing homes to the west are also part of the R-8 zoning district. The access is proposed via extension of West Newland Street, which is an existing residential local street abutting the west property boundary. It is required to terminate within the site as a full cul-de-sac, to our dismay. The existing access is from a private access across from the Ten Mile Creek that goes up to Pine. This access will be terminated upon development. ACHD has previously approved the proposed access with the additional condition that the radius be widened to 50 feet, which the applicant has said can be accomplished and we will verify that with the final plat. Staff is not concerned that it will be able to fit on the site. Ten Mile Creek runs along the entire east boundary and requires a hundred foot total easement, which is shown on this plat here. They are showing 50 feet from the center line of the creek, which is per the irrigation district 50 feet is on each side. It does encumber the buildable area of the property further, so due to the encumbrances on the property, both the irrigation easement and the cul-de-sac, staff has included a DA provision requiring side loaded garages where possible. This type of design can force -- sorry. Can force longer driveways to go deeper into the site, which allows for more off-street parking for the homes. The design also creates an opportunity for the living area of the home to move closer to the street, as the living setback is 20 -- or, sorry, ten feet and the garage setback is 20 feet. So, overall that allows for more buildable area than is shown on the plat, which are -- it's kind of hard to read, but the little dotted lines are the applicant showing what the buildable area of each lot is. Staff does note that the building lots may not be wide enough to accommodate the required parking pad for side loaded garages. The applicant should continue to work with staff to mitigate these issues and revise the plat accordingly, unless Commission or Council removes staff recommended DA provision that require this. That was one of -- is pretty much the only discussion point by the Commission and staff at the Commission hearing was can we make that more flexible and based on Commission's recommendation I did revise that DA provision to allow the applicant and staff to work, instead of requiring it on all lots, which, again, seven divided by two doesn't work, but minimally three. I revised it to make it a little more flexible of just where it's applicable. Some areas just may not need it and may not be able to make it fit dimensionally. My understanding is that the applicant -- the -- the home builder is going to propose smaller'ish homes in order to help with some of these issues. There was one piece of public testimony -- one piece of written testimony submitted after the Commission hearing

and they just noted the same concerns that other neighbors had, which was just parking concerns in the neighborhood that exist already and a question about whether Pinedale will be part of the Chesterfield HOA as future residents will likely use their open space. That I do not have an answer for, but I will leave that to the applicant and I will stand for any questions.

Simison: Thank you, Joe. Council, questions for staff? Okay. Is the applicant with us this evening? State your name and address for the record, be recognized for 15 minutes.

Conti: Good evening. My name is Antonio Conti. Address 7661 West Riverside in Garden City. What we have in front of you is a perfect in-fill project. This is 1.2 acres, county property, surrounded by city. The project started, like Joe said, with 15 lots, with an R-15 type of zoning and, you know, after going back and forth in a few meetings we realized that that was not feasible. As it is, the lot right now there is a mobile home on site that was going to be removed and it's been a sore spot for the entire neighborhood. I don't know if you had a chance to go out there. It's a really sad looking area. Installing this cul-de-sac would help with fire truck turnaround. Right now it's just a dead-end street. We provided, as requested, a path, a travel -- a walkway that we connect across the bridge that is the current access to this property and we connect to the railroad right of way, which my understanding is going to be a future walkway for the City of Meridian. So, what we are here to ask for is for an R-8 zoning. The R-8 is the same as the property to the west. Seven lots, with a cul-de-sac, and -- and that walkway access to the common space within the right of way of the Ten Mile Creek. The question in regards to the side loaded garage, the challenge is, you know, like you said, small lots. Some we can do it, I don't see a problem on a couple of the lots, but others will be challenging, so we appreciate that you made it a little bit more flexible to allow us to work around this. If you can remove it at all it would be great for the client, but I understand, you know, flexibility is better than a rigid line. Any questions?

Simison: Council, any questions for the applicant?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Real quick, Joe. If we go back one slide to that. So, sir, I just want to make sure -- the access to the parkway looks like it's in that northeast -- about 1:00 o'clock, 1:30, 2:00 o'clock right there.

Conti: Correct.

Hoaglun: That's what you referenced earlier?

Conti: Yes, sir.

Hoaglun: Okay. Thank you.

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

much.

Conti: Thank you.

Simison: Mr. Clerk, do we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: If there is anybody present that would like to provide testimony on this item, if you would like to come forward or use the raise your hand feature on Zoom. Seeing no one coming forward or raising their hand, would the applicant like any final comments?

Conti: That was easier than the last time. Thank you very much. Any further questions, please, let me know. Thank you.

Simison: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I am happy to kick it off. I move that we close the public hearing.

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.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm happy to kick off the discussion. I think it's a big improvement. You know, having followed the -- the different iterations of this, I think it's a much better fit. It is a -- a little bit of a tricky layout as we have seen and with that, after considering all staff, applicant, and public testimony, I move that we approve -- approve file number H-2022-0001 for today's hearing date as outlined in the staff report.

Borton: Second.

Simison: I have a motion and a second to approve Item H-2022-0001. Is there discussion on the motion? If not, Clerk will call the roll.

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

yea.

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

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

7. Ordinance No. 22-1986: An Ordinance (Ferney Subdivision – H-2021-0103) for Annexation of a Parcel of Land Located in the Southwest Quarter of the Southeast Quarter of Section 9, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho; and Being More Particularly Described in Exhibit "A" and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian, as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 6.304 Acres of Land from RUT to the I-L (Light Industrial) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an **Effective Date**

Simison: Next item on the agenda is Item 7, Ordinance No. 22-1986. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to Ferney Subdivision, H-2021-0103, for annexation of a parcel of land located in the Southwest Quarter of the Southeast Quarter of Section 9, Township 3 North, Range 1 East, Boise meridian, Ada county, Idaho; and being more particularly described in Exhibit "A" and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian, as requested by the City of Meridian; establishing and determining the land use zoning classification of 6.304 acres of land from RUT to the I-L zoning district in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 22-1986 with the suspension of rules.

Cavener: Second.

Simison: I have a motion and a second to approve Ordinance No. 22-1986 under suspension of the rules. Is there discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

Ordinance No. 22-1987: An Ordinance (Grayson Subdivision – H-2022-8. 0014) for Annexation of a Tract of Land Situated in the Southwest Quarter of the Southwest Quarter of Section 29, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho; and Being More Particularly Described in Exhibit "A" and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 3.39 Acres of Land From RUT to the R-8 (Medium-**Density Residential) Zoning District in the Meridian City Code;** Providing that Copies of this Ordinance shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and **Providing an Effective Date**

Simison: Next item up is Ordinance No. 22-1987. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to Grayson Subdivision, H-2022-0014, for annexation of a tract of land situated in the Southwest Quarter of the Southwest Quarter of Section 29, Township 3 North, Range 1 East, Boise meridian, Ada county, Idaho; and being more particularly described in Exhibit "A" and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 3.39 acres of land from RUT to R-8 zoning district in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Meridian City Council July 26, 2022 Page 37 of 37

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 22-1987 with the suspension of rules.

Cavener: Second.

Simison: I have a motion and a second to approve Ordinance 22-1987 under suspension of the rules. Is there any discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries. The item is agreed to.

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics? Or do I have a motion to adjourn?

Hoaglun: Mr. Mayor, I move we adjourn.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 7:41 P.M.

CHRIS JOHNSON - CITY CLERK

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT E. SIMISON

DATE APPROVED

ATTEST:



ITEM **TOPIC:** Fairview Row Townhomes Sanitary Sewer Easement No. 1

ESMT-2022-0208 Fairview Row Townhomes Sanitary Sewer Easement No. 1

SANITARY SEWER EASEMENT

THIS Easement Agreement, made this 9th day of August 20 22 between Cottonwood Enterprises LLC ("Grantor"), and the City of Meridian, an Idaho Municipal Corporation ("Grantee");

WHEREAS, the Grantor desires to provide a sanitary sewer right-of-way across the premises and property hereinafter particularly bounded and described; and

WHEREAS, the sanitary sewer is to be provided for through underground pipelines to be constructed by others; and

WHEREAS, it will be necessary to maintain and service said pipelines from time to time by the Grantee;

NOW, THEREFORE, in consideration of the benefits to be received by the Grantor, and other good and valuable consideration, the Grantor does hereby give, grant and convey unto the Grantee the right-of-way for an easement for the operation and maintenance of sanitary sewer over and across the following described property:

(SEE ATTACHED EXHIBITS A and B)

The easement hereby granted is for the purpose of construction and operation of sanitary sewer their allied facilities, together with their maintenance, repair and replacement at the convenience of the Grantee, with the free right of access to such facilities at any and all times.

TO HAVE AND TO HOLD, the said easement and right-of-way unto the said Grantee, it's successors and assigns forever.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that after making repairs or performing other maintenance, Grantee shall restore the area of the easement and adjacent property to that existent prior to undertaking such repairs and maintenance. However, Grantee shall not be responsible for repairing, replacing or restoring anything placed within the area described in this easement that was placed there in violation of this easement.

THE GRANTOR covenants and agrees that Grantor will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers within the area described for this easement, which would interfere with the use of said easement, for the purposes stated herein.

THE GRANTOR covenants and agrees with the Grantee that should any part of the right-of-way and easement hereby granted shall become part of, or lie within the boundaries of any public street, then, to such extent, such right-of-way and easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of the aforementioned and described tract of land, and that Grantor has a good and lawful right to convey said easement, and that Grantor will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

THE COVENANTS OF GRANTOR made herein shall be binding upon Grantor's successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind.

IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their signatures the day and year first herein above written.

GRANTOR:

STATE OF IDAHO) ss County of Ada)

This record was acknowledged before me on 6/2/22 (date) by Steven Martinez (name of individual), [complete the following if signing in a representative capacity, or strike the following if signing in an individual capacity] on behalf of Cottonwood Enterprises LLC (name of entity on behalf of whom record was executed), in the following representative capacity: Member (type of authority such as officer or trustee)

(stamp)

Think K. NE WILL

Notary Signature

My Commission Expires: 6/5/27

MMISSION NOTAL STATE 705 REV. 01/01/2020

Sanitary Sewer Easement

GRANTEE: CITY OF MERIDIAN	
Robert E. Simison, Mayor 8-9-2022	
Attest by Chris Johnson, City Clerk 8-	9-2022
STATE OF IDAHO,) : ss. County of Ada)	
This record was acknowledge and Chris Johnson on behalf o Clerk, respectively.	ed before me on $8-9-2022$ (date) by Robert E. Simison of the City of Meridian, in their capacities as Mayor and City
(stamp)	Notary Signature My Commission Expires:



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105 2030 S. Washington Ave., Emmett, ID 83617

EXHIBITA

FAIRVIEW ROW TOWNHOMES Meridian Utility Easement Description

BASIS OF BEARING for this description is N. 89°58'49" E., between a brass cap marking the northwest corner of Section 8 and an aluminum cap marking the N1/4 corner of Section 8, both in T. 3 N., R. 1 E., B.M., Ada County, Idaho.

A 29.50-foot utility easement for the City of Meridian, located in the NW1/4 of Section 8, T 3 N., R. 1 E., B.M., City of Meridian, Ada County, Idaho more particularly described as follows:

COMMENCING at a brass cap marking the northwest corner of Section 8;

Thence N. 89°58′49″ E., coincident with the north line of the NW1/4 of said Section 8, a distance of 1491.57 feet;

Thence leaving said north line, S. 0°29′54″ W., 51.89 feet to a 5/8″ rebar with cap PLS 11574 on the southerly right of way of E. Fairview Ave. and the **POINT OF BEGINNING**;

Thence S. 89°30′25" E., coincident with said southerly right of way, 29.50 feet;

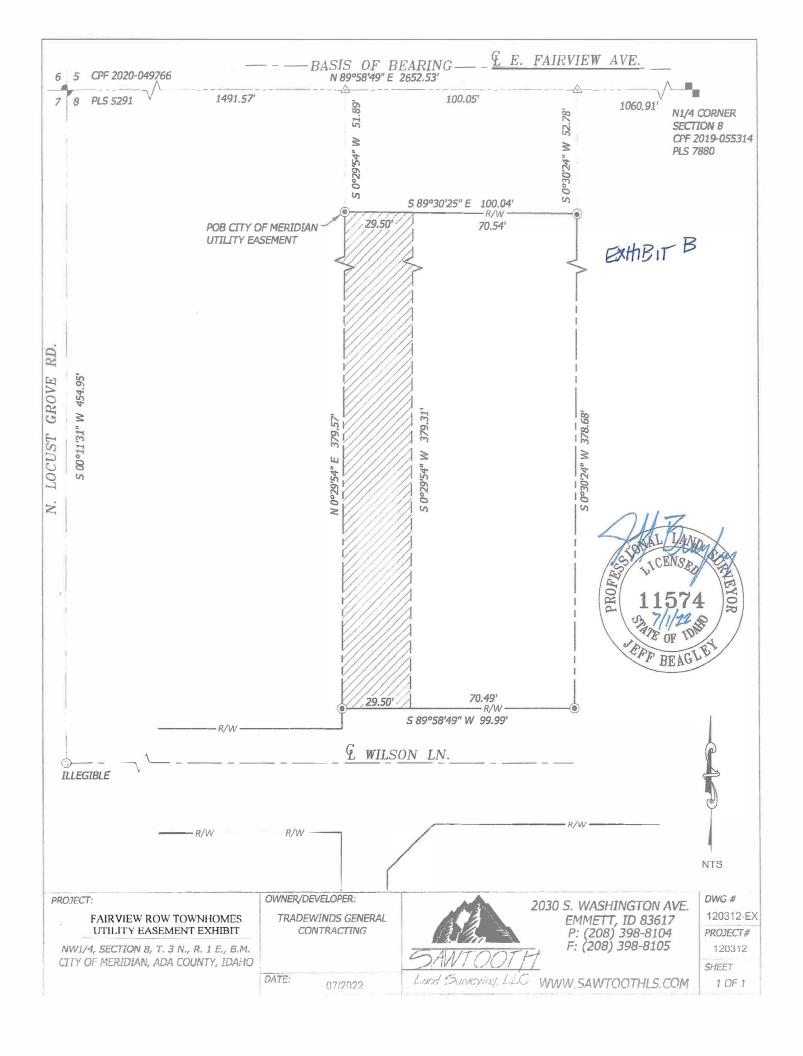
Thence S. 0°29′54″ W., 379.31 feet to the northerly right of way of Wilson Lane;

Thence S. 89°58'49" W., 29.50 feet to a 5/8" rebar with cap PLS 11574;

Thence N. 0°29'54" E., 379.57 feet to the **POINT OF BEGINNING**.

The above described easement contains 0.257 acres or 11,194 square feet more or less.







ITEM TOPIC: Impressive East Ridge No. 3 Sanitary Sewer and Water Easement No. 1

ESMT-2022-0179 Impressive East Ridge No. 3 Sanitary Sewer and Water Main Easement No. 1

SANITARY SEWER AND WATER MAIN EASEMENT

THIS Easement Agreement, made this 9th day of August 20 22 between G20 LLC ("Grantor") and the City of Meridian, an Idaho Municipal Corporation ("Grantee");

WHEREAS, the Grantor desires to provide a sanitary sewer and water main right-ofway across the premises and property hereinafter particularly bounded and described; and

WHEREAS, the sanitary sewer and water is to be provided for through underground pipelines to be constructed by others; and

WHEREAS, it will be necessary to maintain and service said pipelines from time to time by the Grantee;

NOW, THEREFORE, in consideration of the benefits to be received by the Grantor, and other good and valuable consideration, the Grantor does hereby give, grant and convey unto the Grantee the right-of-way for an easement for the operation and maintenance of sanitary sewer and water mains over and across the following described property:

(SEE ATTACHED EXHIBITS A and B)

The easement hereby granted is for the purpose of construction and operation of sanitary sewer and water mains and their allied facilities, together with their maintenance, repair and replacement at the convenience of the Grantee, with the free right of access to such facilities at any and all times.

TO HAVE AND TO HOLD, the said easement and right-of-way unto the said Grantee, it's successors and assigns forever.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that after making repairs or performing other maintenance, Grantee shall restore the area of the easement and adjacent property to that existent prior to undertaking such repairs and maintenance. However, Grantee shall not be responsible for repairing, replacing or restoring anything placed within the area described in this easement that was placed there in violation of this easement.

THE GRANTOR covenants and agrees that Grantor will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers within the area described for this easement, which would interfere with the use of said easement, for the purposes stated herein.

THE GRANTOR covenants and agrees with the Grantee that should any part of the rightof-way and easement hereby granted shall become part of, or lie within the boundaries of any public street, then, to such extent, such right-of-way and easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of the aforementioned and described tract of land, and that Grantor has a good and lawful right to convey said easement, and that Grantor will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

THE COVENANTS OF GRANTOR made herein shall be binding upon Grantor's successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind.

IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their signatures the day and year first herein above written.

GRANTOR:

STATE OF IDAHO)
) SS
County of Ada)
This record was acknowledged before me on 5-11-2022 (date) by
Jim Conger (name of individual), [complete the following if signing in a
representative capacity, or strike the following if signing in an individual capacity] on
behalf of G20 LLC (name of entity on behalf of whom record was
executed), in the following representative capacity: Member (type

Notary Signature My Commission Expires:

of authority such as officer or trustee)

GRANTEE: CITY OF MERIDIAN
Robert E. Simison, Mayor 8-9-2022
Attest by Chris Johnson, City Clerk 8-9-2022
STATE OF IDAHO,) : ss. County of Ada)
This record was acknowledged before me on 8-9-2022 (date) by Robert E. Simison and Chris Johnson on behalf of the City of Meridian, i their capacities as Mayor and City Clerk, respectively.
Notary Signature My Commission Expires:



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105 2030 S. Washington Ave., Emmett, ID 83617

Sewer and Water Easement No. 1 Description

BASIS OF BEARINGS for this description is N. 89°59′28″ W. between the 5/8″ rebar illegible cap marking the E1/16 corner common to Sections 32 and 5, and the brass cap marking the S1/4 corner of Section 32, both in T. 3 N., R. 1 E., B.M., Ada County, Idaho.

An easement located in the SW1/4 of the SE1/4 of Section 32, T. 3 N., R. 1 E., B.M., City of Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at a 5/8" rebar with illegible cap marking the E1/16 corner of said Section 32;

Thence N. 39°44'36" W., 763.02 feet to the POINT OF BEGINNING;

Thence N. 89°59'28" W., 30.00 feet;

Thence N. 0°00'32' E., 152.00 feet to the beginning of a curve to the left with a radius of 27.00 feet;

Thence 42.41 feet along the arc of said curve, with a central angle of 90°00′00″, subtended by a chord bearing N. 44°59′28″ W., 38.18 feet;

Thence N. 89°59'28" W., 450.60 feet;

Thence N. 0°00'32" E., 30.00 feet;

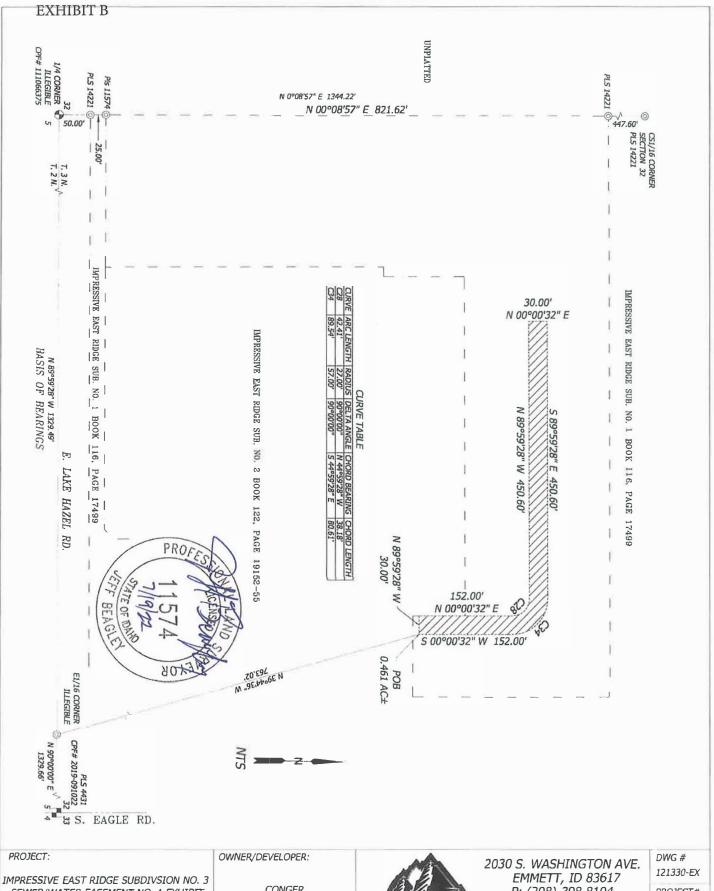
Thence S. 89°59′28″ E., 450.60 feet to the beginning of a curve to the right with a radius of 57.00 feet;

Thence 89.54 feet along the arc of said curve, with a central angle of 90°00′00″, subtended by a chord bearing S. 44°59′28″ E., 80.61 feet;

Thence S. 0°00′32″ W., 152.00 feet to the **POINT OF BEGINNING**.

The above described easement contains 0.461 acres, more or less.





SEWER/WATER EASEMENT NO. 1 EXHIBIT SW1/4 OF THE SE1/4 SECTION 32, T. 3 N., R. 1 E., B.M.,

CITY OF MERIDIAN, ADA COUNTY, IDAHO

CONGER

DATE: 7/2022



P: (208) 398-8104 F: (208) 398-8105

Land Surveying, LLC WWW.SAWTOOTHLS.COM

PROJECT# 121330 SHEET

1 OF 1



ITEM TOPIC: Lavender Heights Subdivision No.3 Sanitary Sewer Easement No. 1

ESMT-2022-0207 Lavender Heights Subdivision No. 3 Sanitary Sewer Easement No. 1

SANITARY SEWER EASEMENT

THIS Easement Agreement, made this 9th day of August, 20 22 between LH Development, LLC.

("Grantor"), and the City of Meridian, an Idaho Municipal Corporation ("Grantee");

WHEREAS, the Grantor desires to provide a sanitary sewer right-of-way across the premises and property hereinafter particularly bounded and described; and

WHEREAS, the sanitary sewer is to be provided for through underground pipelines to be constructed by others; and

WHEREAS, it will be necessary to maintain and service said pipelines from time to time by the Grantee;

NOW, THEREFORE, in consideration of the benefits to be received by the Grantor, and other good and valuable consideration, the Grantor does hereby give, grant and convey unto the Grantee the right-of-way for an easement for the operation and maintenance of sanitary sewer over and across the following described property:

(SEE ATTACHED EXHIBITS A and B)

The easement hereby granted is for the purpose of construction and operation of sanitary sewer their allied facilities, together with their maintenance, repair and replacement at the convenience of the Grantee, with the free right of access to such facilities at any and all times.

TO HAVE AND TO HOLD, the said easement and right-of-way unto the said Grantee, it's successors and assigns forever.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that after making repairs or performing other maintenance, Grantee shall restore the area of the easement and adjacent property to that existent prior to undertaking such repairs and maintenance. However, Grantee shall not be responsible for repairing, replacing or restoring anything placed within the area described in this easement that was placed there in violation of this easement.

THE GRANTOR covenants and agrees that Grantor will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers within the area described for this easement, which would interfere with the use of said easement, for the purposes stated herein.

THE GRANTOR covenants and agrees with the Grantee that should any part of the right-of-way and easement hereby granted shall become part of, or lie within the boundaries of any public street, then, to such extent, such right-of-way and easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of the aforementioned and described tract of land, and that Grantor has a good and lawful right to convey said easement, and that Grantor will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

THE COVENANTS OF GRANTOR made herein shall be binding upon Grantor's successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind.

IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their signatures the day and year first herein above written.

STATE OF IDAHO)

STATE OF IDAHO)

SS

County of Ada)

This record was acknowledged before me on wy 27, 200 (date) by warred (name of individual), [complete the following if signing in a representative capacity, or strike the following if signing in an individual capacity] on behalf of whom record was executed), in the following representative capacity:

Manager (type of authority such as officer or trustee)

(stamp)

Notary Signature
My Commission Evni

My Commission Expires:

GRANTEE: CITY OF MERIDIAN	
Robert E. Simison, Mayor 8-9-2022	
Attest by Chris Johnson, City Clerk 8-9-2022	
STATE OF IDAHO,)	
: ss. County of Ada)	
This record was acknowledged before me on $\frac{8-9}{1}$ and Chris Johnson on behalf of the City of Meridian, Clerk, respectively.	
(stamp)	
Notary Signature	
My Commission	Expires:

EXHIBIT A

<u>Legal Description</u> <u>City of Meridian Sanitary Sewer Easement</u> Lavender Heights Subdivision No. 3

An easement being located in the SE ¼ of the SW ¼ of Section 32, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southwest corner of the SW ¼ of said Section 32, from which an Aluminum cap monument marking the northwest corner of said SW ¼ bears N 0°32'17" W a distance of 2700.11 feet;

Thence S 89°57'01" E along the southerly boundary of said SW ¼ a distance of 1331.91 feet to a 5/8 inch iron pin monument marking the southwest corner of the SE ¼ of said SW ¼;

Thence S 89°58'24" E along the southerly boundary of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ a distance of 220.48 feet to a point;

Thence leaving said boundary N 0°01'36" E a distance of 1190.95 feet to the **POINT OF BEGINNING**;

Thence N 89°49'51" W a distance of 46.64 feet to a point on a curve;

Thence a distance of 38.77 feet along the arc of a 91.50 foot radius non-tangent curve left, said curve having a central angle of 24°16'30" and a long chord bearing N 49°18'34" W a distance of 38.48 feet to a point;

Thence S 89°49'51" E a distance 75.89 feet to a point;

Thence S 0°10'09" W a distance of 25.00 feet to the **POINT OF BEGINNING**.

This easement contains 1,479 square feet (0.034 acres) more or less and is subject to any other easements existing or in use.

Clinton W. Hansen, PLS Land Solutions, PC July 27, 2022





LAVENDER HEIGHTS SUBDIVISION NO. 3 CITY OF MERIDIAN SANITARY SEWER EASEMENT LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 32, T.3N., R.1E., B.M. 1/4 MERIDIAN, ADA COUNTY, IDAHO 31 🗃 32 **EXHIBIT B** S89*49'51"E 75.89' 20.10,08 N89'49'51"W 46.64 POINT OF BEGINNING 1,479 SF / 0.034 ACRES PROPOSED HEIGHT! LAVENDER HEIGHT! SUBDIVISION NO. LAVENDER HEIGHTS LAVENDER NO. 1 SUBDIVISION NO. 1 2700.11 90. N0.01'36' LOCUST GROVE RD. 100' 200' 400' ഗ E. LAKE HAZEL RD. 32 31 220.48'-W 1/16 S89'57'01"E 1331.91' S89*58'24"E 1331.96'

		CURVE	TABLE		
CURVE #	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	38.77'	91.50'	24'16'30"	N4918'34"W	38.48



231 E. 5TH ST., STE. A MERIDIAN, ID 83642 (208) 288-2040 (208) 288-2557 fax www.landsolutions.biz

JOB NO. 17-55



ITEM **TOPIC:** Final Plat for Outer Banks Subdivision (FP-2022-0014) by JUB Engineers, Generally Located at the Southwest Corner of W. Franklin Rd. and S. Ten Mile Rd.

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING

8/9/2022

DATE:

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner

208-884-5533

SUBJECT: FP-2022-0014

Outer Banks - FP

LOCATION: Generally located at the southwest corner

of W. Franklin Rd. & S. Ten Mile Rd. at

75 S. Ten Mile Rd., in the NE 1/4 of

Section 15, T. 3N., R.1E.



I. PROJECT DESCRIPTION

Final plat consisting of 24 building lots and two (2) common lots on 36.07 acres of land in the R-40 and C-C zoning districts for Outer Banks subdivision.

II.APPLICANT INFORMATION

A. Applicant:

Wendy Shrief, JUB Engineers – 250 S Beechwood Ave, Ste. 201, Boise, ID 83709

B. Owner:

10 Mile Franklin, LLC – 837 Jefferson Blvd., West Sacramento, CA 95691

C. Representative:

Same as Applicant

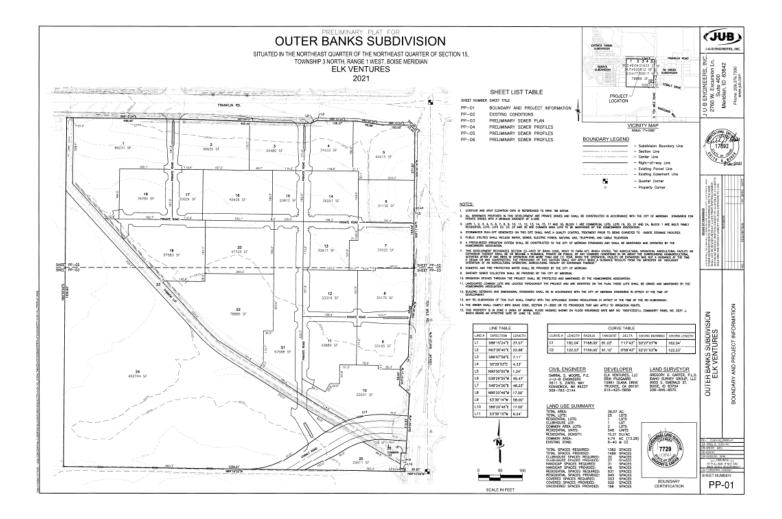
III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat (H-2021-0063) and associated conditions of approval as required by UDC 11-6B-3C.2. There are the same number of buildable lot and common open space depicted on the proposed final plat as shown on the approved preliminary plat. Therefore, Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

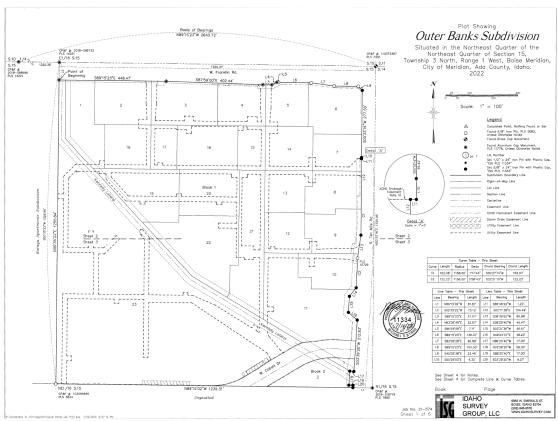
IV.	DECISION
	Staff recommends approval of the proposed final plat with the conditions of approval in Section VI of this report.

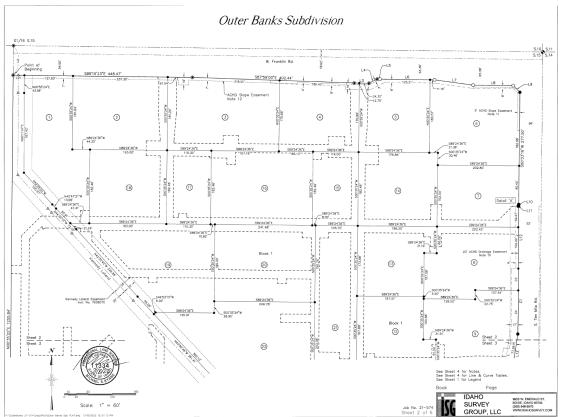
V.EXHIBITS

A. Preliminary Plat (date: 12/8/2021)

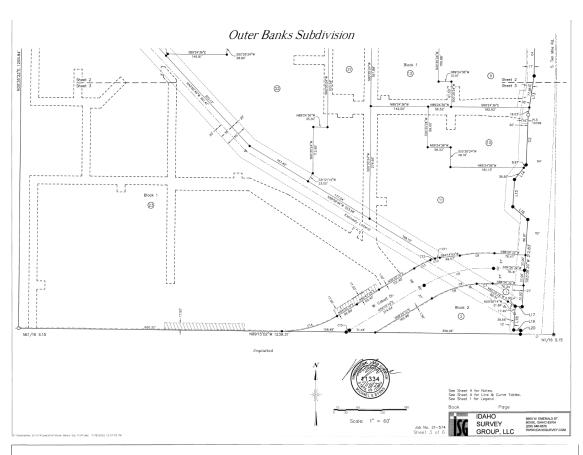


B. Final Plat (date: 7/18/2022)





Page 4



Outer Banks Subdivision

			Curve To	ible	
Curve	Length	Rodius	Delto	Chord Bearing	Chord Length
C1	162.08	7168.00	117'44"	S00'27'14"W	162.07
C2	122.23	7156.00	0"58"43"	502°21'10"W	122.23"
C3	54.12"	7168.00	0'25'57"	N00'01'20"E	54.12
04	107.95	7168.00	0'51'46"	N001401127E	107.95"
C5	178.75	300.00	34'08'17"	\$76"29"19"W	176.11
06	156.70	263.00	34'08'17"	S76"29"19"W	154.39"
C7	39.25"	263.00	8'33'01"	S8916'57"W	39.21"
C8	117.45	263.00	25'35'17"	\$7212'49"W	116.48"
09	86.05"	337.00	14'37'46"	S86"14"34"W	85.81"
C10	24.31"	79.50"	17"31"03"	\$75"29"22"W	24.21"
C11	12.04"	79.50"	8'40'35"	\$79'54'36"W	12.03
C12	12.27	79.50"	8"50"28"	S71'09'04"W	12.26
C13	44.41"	348.00	7"18"40"	S63'04'30"W	44.38
C14	142.54	263.97	30'56'17"	N74'53'19"E	140.81"
C15	9.36"	300.00	1'47'19"	N6018'49"E	9.36

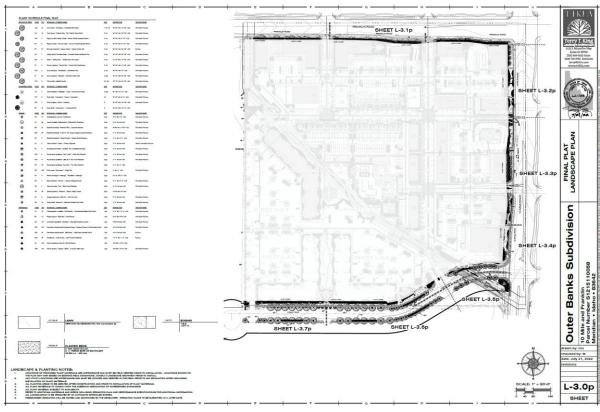
Line Toble		
Line	Bearing	Length
L1	N89"15"02"W	81.87
L2	500'35'22"W	73.12"
L3	S8915'23"E	37.07
L4	N63'36'49"E	22.67
L5	\$86'59'59"E	7.11"
L6	S8915'23"E	136.37
L7	S82'06'28"E	96.88
L8	\$8915'23"E	100.00*
L9	\$45°05"38"E	23.46
L10	S00°29'53*E	4.30"
L11	\$89'48'22"W	1.23
L12	S0011138°E	154.49
L13	508'39'52"W	95.98
L14	\$38'29'40'W	45.47
L15	903'31'36"W	66.61"
L16	S49'24'37*E	48.23
L17	N86'20'40"W	17.00
L18	S03'39'20'W	58.00
L19	S86'20'40"E	17.00
L20	503'39'20'W	9.27
L21	S89"15"23"E	28.00*

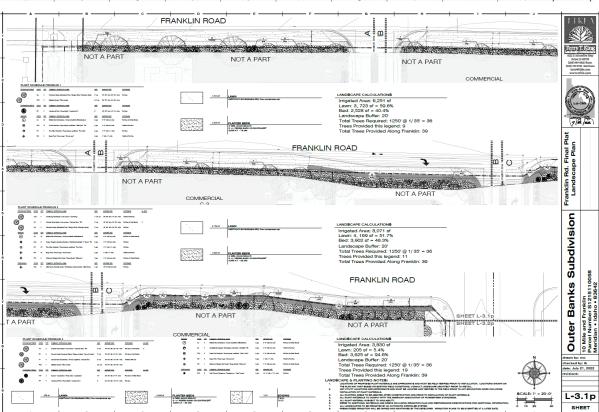
The purpose of this survey is to subdivide the property shown hereon. This survey is a partial retracement of ROSs 8843, 9058, & 11258.

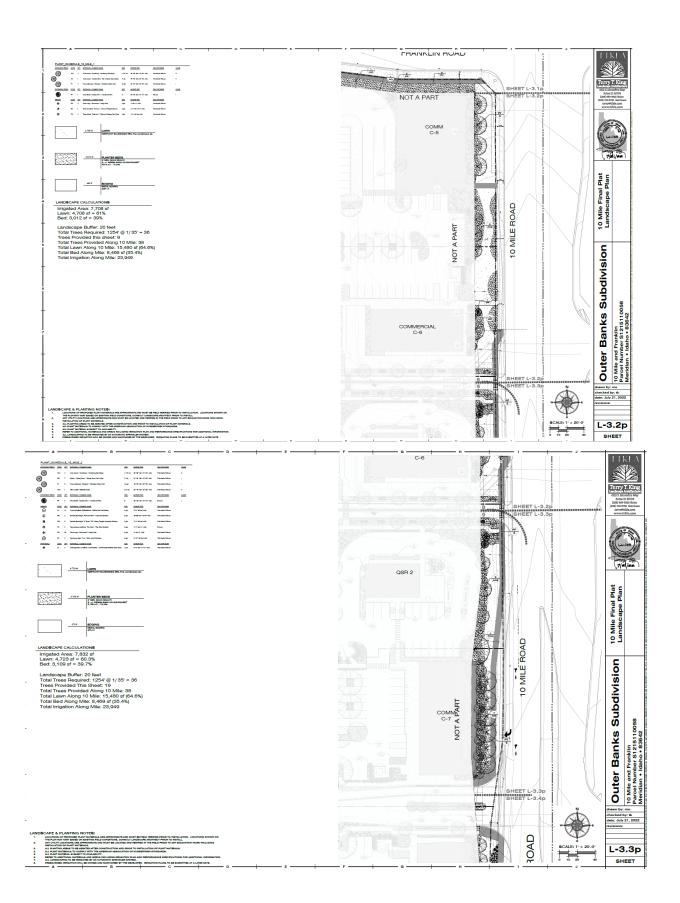


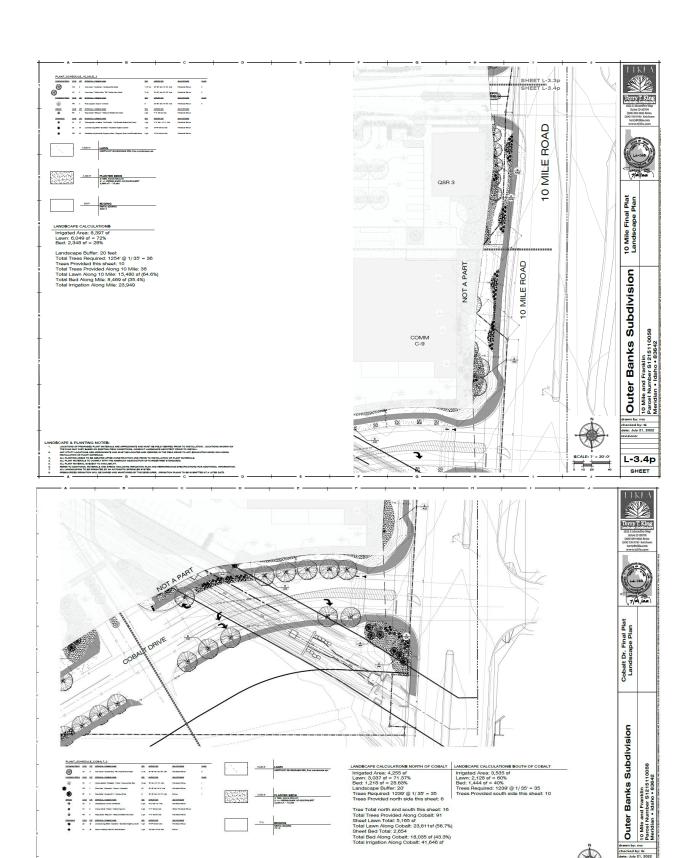
IDAHO SURVEY GROUP, LLC

C. Landscape Plan (date: 7/21/2022)

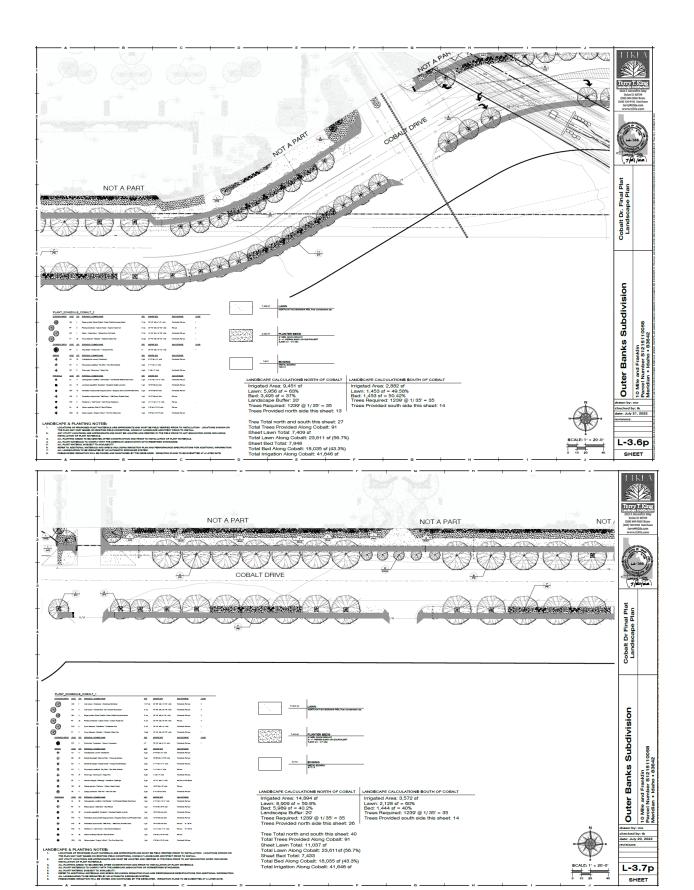




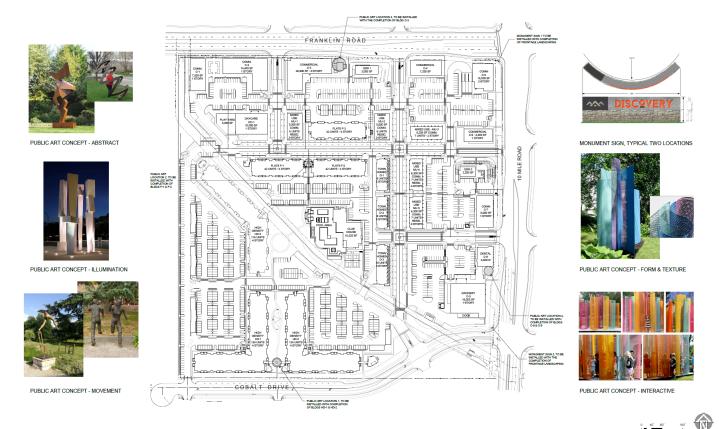




L-3.5p



D. Public Art – Conceptual Plan





OUTER BANKS SUBDIVISION MASTER SITE PLAN - PUBLIC ART LOCATIONS



VI. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

- 1. Applicant shall comply with all previous conditions of approval associated with this development [H-2021-0025 (DA Inst. #2021-132704); H-2021-0063].
- 2. The applicant shall obtain the City Engineer's signature on the final plat within two (2) years of approval of the preliminary plat (by January 11, 2024); or, a time extension may be requested.
- 3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
- 4. The final plat shown in Section V.B prepared by Idaho Survey Group, LLC, shall be revised as follows:
 - a. Note #5: Include W. Cobalt Dr. in the note.
 - b. Graphically depict all street buffers in a common lot or on a permanent dedicated buffer with a note stating they shall be maintained by the property owner or business owners' association, as set forth in UDC 11-3B-7C.2b. Required street buffers are as follows: minimum 25-feet wide along W. Franklin Rd., an arterial street; minimum 35-feet wide along S. Ten Mile Rd., an entryway corridor; and minimum 20-feet wide along W. Cobalt Dr., a collector street. Street buffers are measured from the back of sidewalk where attached sidewalks are provided and from the back of curb where detached sidewalks are provided per UDC 11-3B-7C.1a.
 - c. The street section for Cobalt Dr. shall include (2) 11-foot wide travel lanes, 6-foot wide bike lanes, 8-foot wide parallel parking, curb, gutter, 8-foot wide planter strips (i.e. tree lawn/parkway) and detached 6-foot wide sidewalks consistent with Street Section D in the *TMISAP* (see Pg. 3-21). Parallel parking shall be located to the west of the horizontal curve for Cobalt Dr. and be located beyond the sight distance required for the access proposed on Cobalt Dr. as required by ACHD. **Submit street section that demonstrates compliance with this condition.**

An electronic copy of the revised plat shall be submitted with the final plat for City Engineer signature.

- 5. The landscape plan shown in Section V.C, dated 4/14/22, shall be revised as follows:
 - a. Include shrubs, along with the trees and lawn or other vegetative groundcover, *within* the required street buffers as set forth in UDC <u>11-3B-7C</u>. The minimum required street buffer widths are as stated above in condition #4b (additional width may be provided); the correct buffer widths should be depicted in the Landscape Calculations tables.
 - b. Depict & dimension a minimum 8-foot wide tree lawn along S. Ten Mile Rd. and W. Franklin Rd. and pedestrian-scale street lights consistent with Street Sections A and B in the TMISAP (see pg. <u>3-22</u>). Include a detail of the proposed pedestrian lighting. Clearly depict the location of curb and sidewalk on the plans.
 - c. Depict & dimension a minimum 8-foot wide tree lawn along W. Cobalt Dr. with street lights in the dry utilities corridor on either side of the street consistent with Street Section D in the TMISAP (see pg. <u>3-23</u>). Clearly depict the location of curb and sidewalk on the plans.

d. Depict & dimension a minimum 6-foot wide detached sidewalk within the street buffer along S. Ten Mile Rd. consistent with Street Section A in the TMISAP (see pg. <u>3-20</u>). A 10-foot wide pathway is preferred based on ACHD's adopted Livable Streets Performance Measures but not required.

An electronic copy of the revised plan shall be submitted with the final plat for City Engineer signature.

- 6. The subject property shall be subdivided prior to issuance of the first Certificate of Occupancy for the development as set forth in the Development Agreement (Inst. #2021-132704, provision #5.1d).
- 7. The entirety of Cobalt Dr. from the east to the west property boundary, on-site and off-site, shall be constructed prior to or with the first phase of development in accord with the specifications noted herein.
- 8. All development shall comply with the dimensional standards for the R-40 and C-C zoning districts listed in UDC Tables <u>11-2A-8</u> and <u>11-2B-3</u>, respectively. *In the case where a wider easement exists, a greater setback may be required.*
- 9. All ditches are required to be piped in accord with UDC 11-3A-6A unless waived by City Council or used as a water amenity or linear open space. City Council approved a waiver to UDC 11-3A-6B.3 to allow certain sections of the Kennedy Lateral to remain open as approved with the preliminary plat.
- 10. A Certificate of Zoning Compliance and Design Review application shall be submitted for each structure (or group of structures if desired) and approved prior to submittal of application(s) for building permits. The plans submitted shall comply with the design elements of the Ten Mile Interchange Specific Area Plan (TMISAP) and the design standards in the Architectural Standards Manual (see the Application of Design Elements matrix on pg. 3-49 of the Plan) as required by the Development Agreement. The commercial portion of the development should incorporate similar design elements, colors and materials as the residential portion of the development.
- 11. Public art shall be provided within the development in accord with the plan in Section V.D, consistent with the Development Agreement and the TMISAP (pg. 3-49).
- 12. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

- 1. Easements are not showing up on sheet C-013 in the pdf. Ensure that all required easements are provided.
- 2. A streetlight plan will be required. Streetlights along Cobalt Dr are required.
- 3. End of the line requires minimum of 0.6% slope. Sheet C-209 and C-212 should be adjusted accordingly. Flow is committed.

General Conditions:

4. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service.

- Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 5. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
- 6. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 7. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
- 8. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
- 9. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 10. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 11. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
- 12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 15. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 16. All grading of the site shall be performed in conformance with MCC 11-1-4B.
- 17. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 18. The engineer shall be required to certify that the street centerline elevations are set a

- minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 19. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 20. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 21. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
- 22. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
- 23. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 24. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 25. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
- 26. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.

,	27.	. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.		



ITEM **TOPIC:** Final Order for Briar Ridge No. 1 by Kent Brown Planning Services, Located on the West side of S. Meridian Rd., between W. Lake Hazel Rd. and W. Amity Rd., near the midmile point

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: JULY 19, 2022 ORDER APPROVAL DATE: AUGUST 9, 2022

IN THE MATTER OF THE)	
REQUEST FOR FINAL PLAT)	
CONSISTING OF 59 BUILDING)	CASE NO. FP-2022-0011
LOTS AND 15 COMMON LOTS ON)	
14.14 ACRES OF LAND IN THE TN-)	ORDER OF CONDITIONAL
R ZONING DISTRICT FOR BRIAR)	APPROVAL OF FINAL PLAT
RIDGE SUBDIVISION NO. 1.	
BY: KENT BROWN PLANNING)	
APPLICANT)	
)	
)	

This matter coming before the City Council on July 19, 2022 for final plat approval pursuant to Unified Development Code (UDC) 11-6B-3 and the Council finding that the Administrative Review is complete by the Planning and Development Services Divisions of the Community Development Department, to the Mayor and Council, and the Council having considered the requirements of the preliminary plat, the Council takes the following action:

IT IS HEREBY ORDERED THAT:

1. The Final Plat of "PLAT SHOWING BRIAR RIDGE SUBDIVISION NO. 1,
LOCATED IN THE NE ¼ OF THE SE ¼ AND THE SE ¼ OF THE NE ¼ OF
SECTION 36, TOWNSHIP 3N, RANGE 1W, BOISE MERIDIAN, MERIDIAN,
ADA COUNTY, IDAHO, 2022, HANDWRITTEN DATE: 2/25/2022, by CODY

McCAMMON, PLS, SHEET 1 OF 5," is conditionally approved subject to those conditions of Staff as set forth in the staff report to the Mayor and City Council from the Planning and Development Services divisions of the Community Development Department dated July 19, 2022, a true and correct copy of which is attached hereto marked "Exhibit A" and by this reference incorporated herein.

- 2. The final plat upon which there is contained the certification and signature of the City Clerk and the City Engineer verifying that the plat meets the City's requirements shall be signed only at such time as:
 - 2.1 The plat dimensions are approved by the City Engineer; and
 - 2.2 The City Engineer has verified that all off-site improvements are completed and/or the appropriate letter of credit or cash surety has been issued guaranteeing the completion of off-site and required on-site improvements.

NOTICE OF FINAL ACTION

AND RIGHT TO REGULATORY TAKINGS ANALYSIS

The Applicant is hereby notified that pursuant to Idaho Code § 67-8003, the Owner may request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that this is a final action of the governing body of the City of Meridian, pursuant to Idaho Code § 67-6521. An affected person being a person who has an

interest in real property which ma	ay be adversely affected by this decision may	y, within twenty-
eight (28) days after the date of th	nis decision and order, seek a judicial review	pursuant to Idaho
Code§ 67-52.		
By action of the City Cour	ncil at its regular meeting held on the	day of
, 20	022.	
	By:	
	Robert Simison Mayor City of Maridian	
Attest:	Mayor, City of Meridian	
Chris Johnson City Clerk		
Copy served upon the Applicant, I Development Department and Cit	Planning and Development Services Division ty Attorney.	ns of the Community
By:	Dated:	

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING

7/19/2022

DATE:

TO: Mayor & City Council

FROM: Joseph Dodson, Associate Planner

208-884-5533

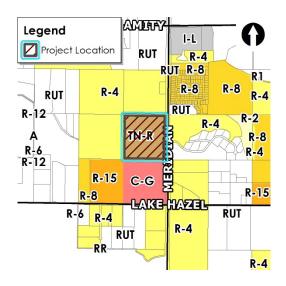
SUBJECT: FP-2022-0011

Briar Ridge No. 1 Subdivision

LOCATION: The site is located on the west side of

Meridian Road between W. Lake Hazel Road and W. Amity Road, directly south of the mid-mile point, in the NE ¼ of the SE ¼ of Section 36, Township 3N.,

Range 1W.



I. PROJECT DESCRIPTION

Final Plat request for 59 single-family residential building lots (24 townhome lots and 35 detached single-family lots) and 15 common lots on 14.14 acres of land in the TN-R zoning district, by Kent Brown Planning.

II. APPLICANT INFORMATION

A. Applicant/Owner:

Corey Barton, Endurance Holdings LLC – 1977 E. Overland Road, Meridian, ID 83642

B. Representative:

Kent Brown, Kent Brown Planning Services – 3161 E. Springwood Drive, Meridian, ID 83642

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat as required by UDC 11-6B-3C.2. The submitted plat includes the same number of buildable lots and open space as approved with the preliminary plat and conforms to the approved phasing plan. Furthermore, the submitted final plat application contains the necessary documents to satisfy preliminary plat conditions of approval.

Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

IV. DECISION

1	A.	Staff:
		Staff recommends approval of the proposed final plat with the conditions of approval in Section VI of this report.

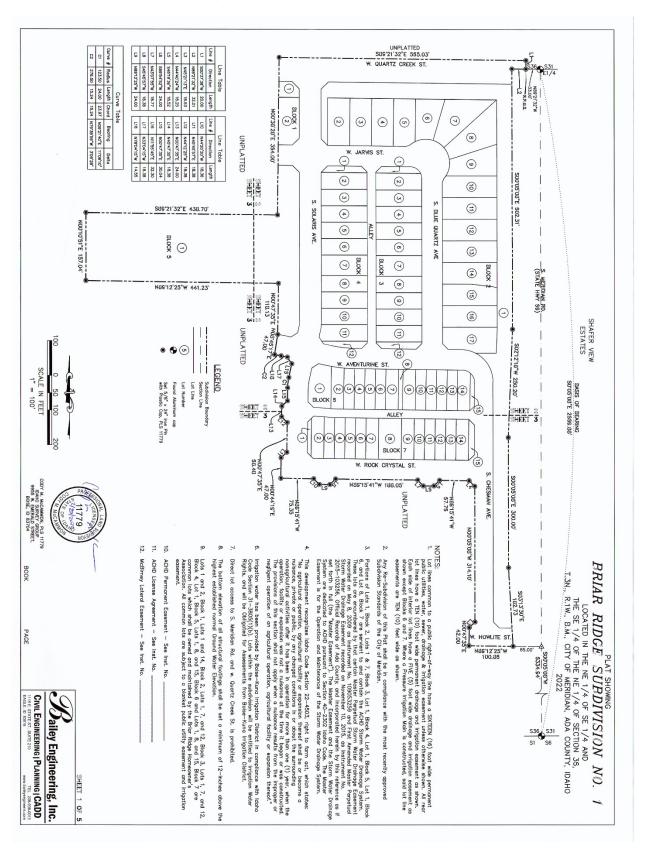
V. EXHIBITS

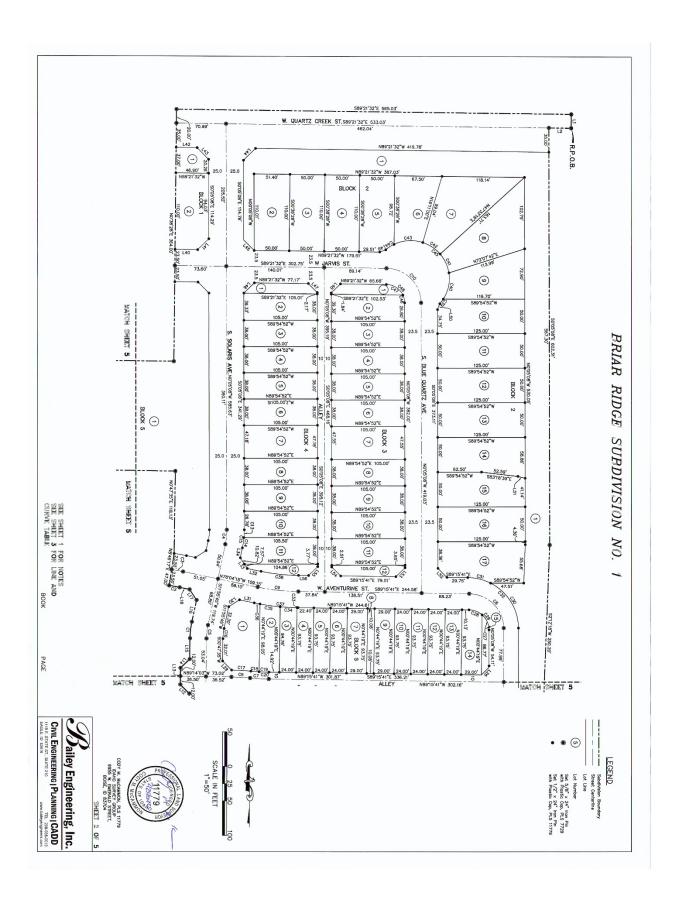
A. Preliminary Plat (date: 9/3/2021)

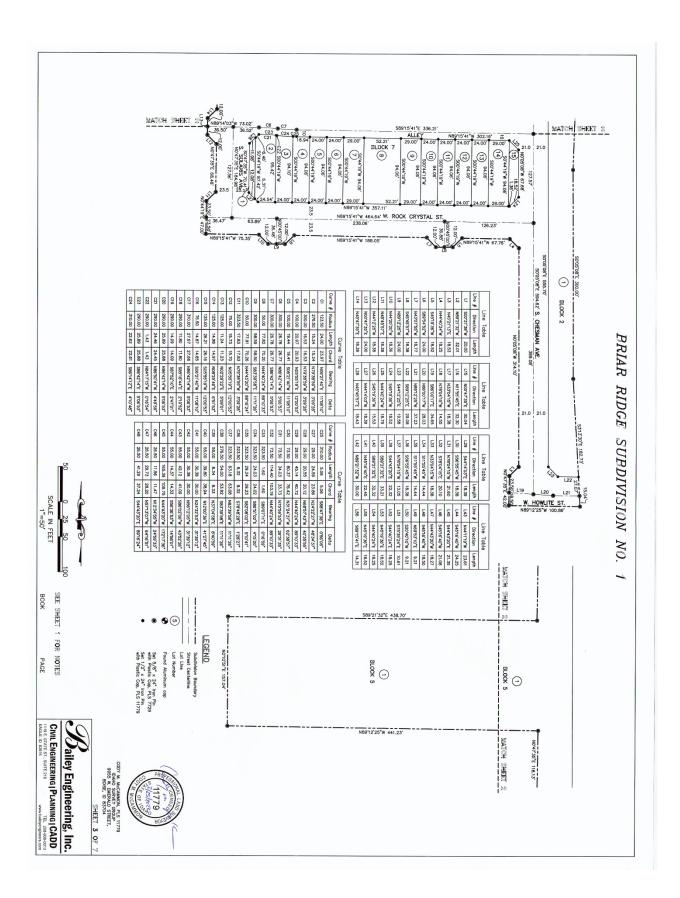




B. Final Plat (date: 2/25/2022)

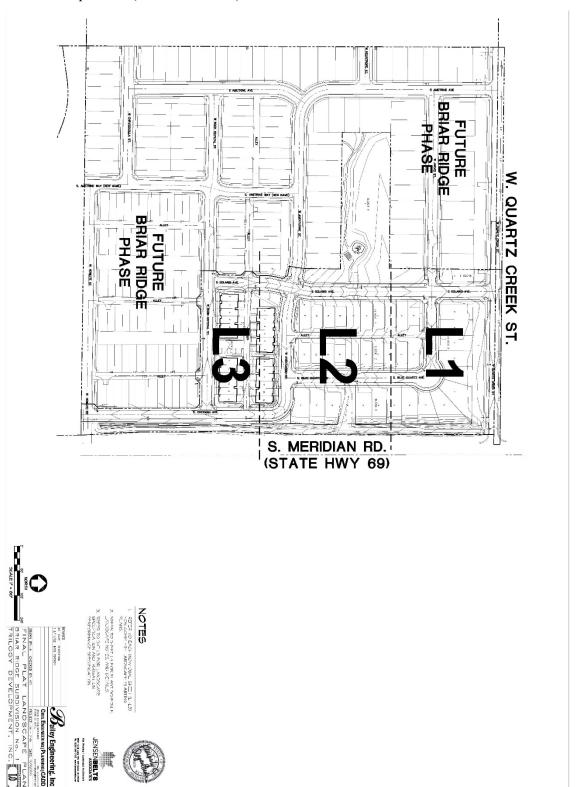


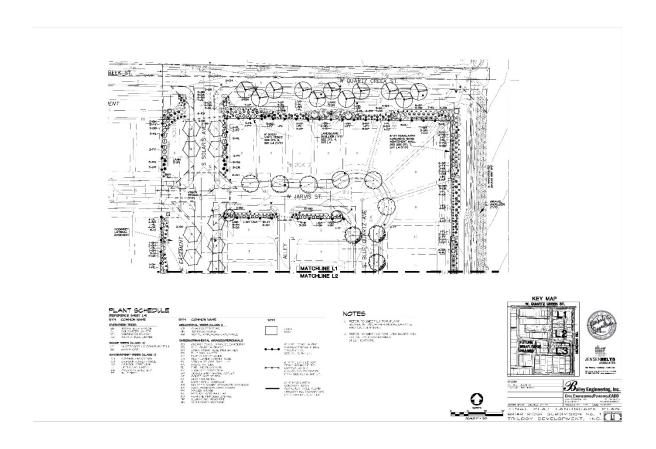


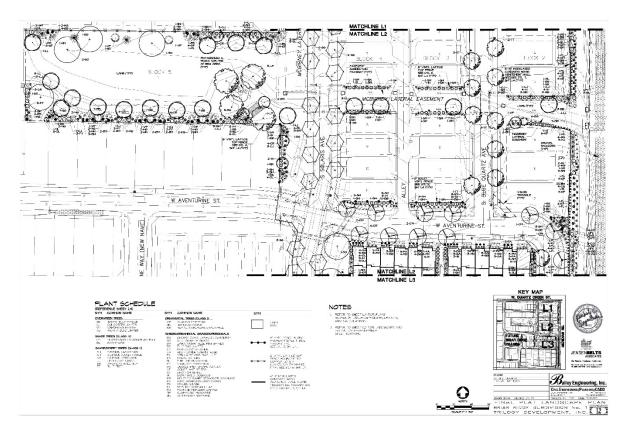


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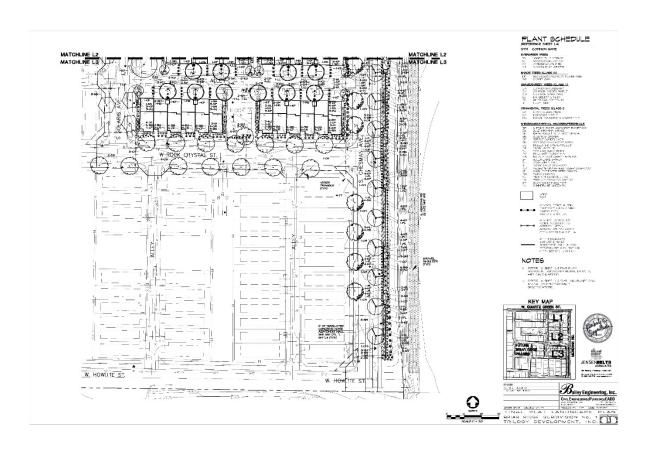
C. Landscape Plans (date: 12/20/2021)

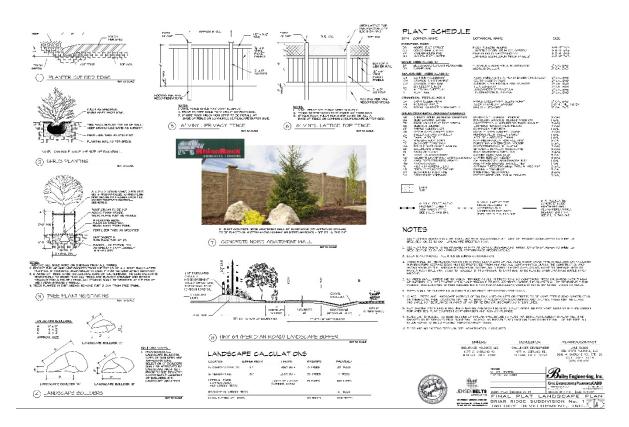




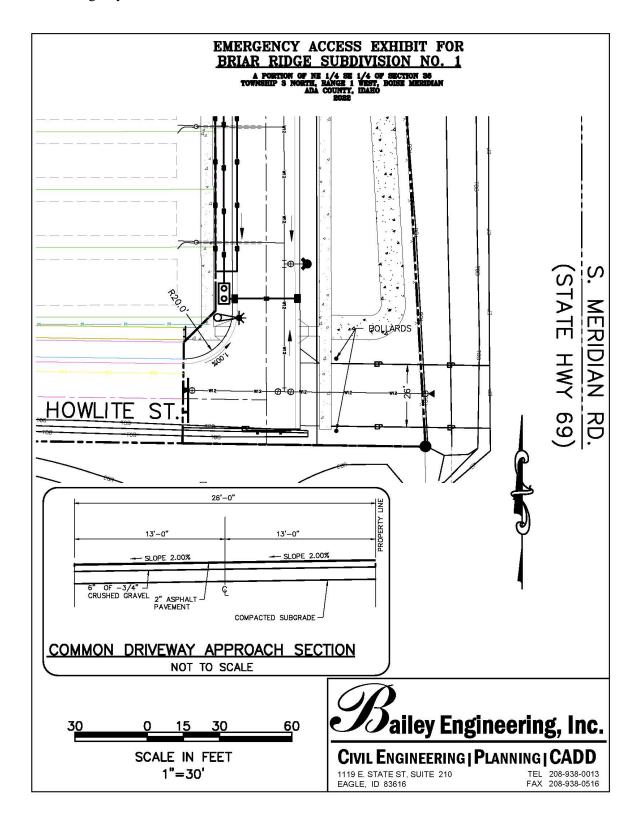


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D. Emergency Access Exhibit



VI. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

- 1. Applicant shall comply with all previous conditions of approval associated with this development: H-2021-0056 (AZ, RZ, & PP); H-2021-0091 (DA Modification); A-2022-0068 (DES).
- 2. The applicant shall obtain the City Engineer's signature on the final plat by September 28, 2023, within two (2) years of the date of approval of the preliminary plat findings (September 28, 2021), in accord with UDC 11-6B-7, in order for the preliminary plat to remain valid, or a time extension may be requested.
- 3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
- 4. The final plat shown in Section V.B, prepared by Bailey Engineering, Inc., stamped on 02/25/22 by Cody M. McCammon, is approved with the following conditions to be completed at the time of Final Plat Signature submittal:
 - a. Note #10: Include recorded instrument number.
 - b. Note #11: Include recorded instrument number.
 - c. Note #12: Include recorded instrument number.
 - d. Add a plat note stating "Development is subject to all provisions contained within the recorded Development Agreement (DA Inst. #2021-161803).
 - e. Add a plat note regarding the recorded Meridian Pathway Easement and note the encumbered common lot(s).
- 5. The Landscape Plan shown in Section V.C prepared by Bailey Engineering, Inc., dated 12/20/2021, is approved as submitted.
- 6. Prior to City Engineer signature on this final plat, revise the Emergency Access Exhibit (Exhibit V.D) to include enough bollards to keep the public from utilizing this access (exhibit appears to show two (2) bollards alongside the access drive but none preventing the public from utilizing access).
- 7. Future single-family attached and townhome units constructed in this phase shall comply with the elevations approved in the Administrative Design Review (A-2022-0068) with materials and architectural features to be the same or higher quality as shown in the elevations.
- 8. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster, Sue Prescott, at 887-1620 for more information.
- 9. Prior to submittal for City Engineer signature on this final plat, the applicant shall submit a public access easement for the multi-use pathway along Meridian Road/SH 69. Submit easements to the Planning Division for Council approval and subsequent recordation. The easements shall be a minimum of 14' wide (10' pathway + 2' shoulder each side). Use standard City template for public access easement. Easement checklist must accompany all easement submittals. Coordinate with Kim Warren from the City of Meridian Parks Department.

10. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. PUBLIC WORKS

SITE SPECIFIC CONDITIONS:

- 1. Water will be brought to the intersection of Meridian Rd and E Quartz Creek St as part of the Shafer View Terrace subdivision. Currently water is not available at the intersection.
- 2. Slope for 12 inch main must be 0.28%. No more, no less.
- 3. A streetlight plan must be provided conforming to the City of Meridian's standards and specifications. Type I streetlights along Meridian Road and Type II streetlights within the subdivision. Coordinate with the City of Meridian's Transportation and Utilities Coordinator for streetlight location assistance.

GENERAL CONDITIONS:

- 1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
- 3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
- 5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
- 6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the

- Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
- 9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 12. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
- 14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
- 19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.

- 20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 21. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
- 23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
- 24. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.



ITEM **TOPIC:** Final Order for Oaks North No. 12 (FP-2022-0019) by Toll Southwest LLC, Located at W. Burnt Sage Dr. (Parcel Number S0428325460)

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: JULY 19, 2022 ORDER APPROVAL DATE: AUGUST 9, 2022

IN THE MATTER OF THE)	
REQUEST FOR FINAL PLAT	
CONSISTING OF 83 BUILDING	CASE NO. FP-2022-0019
LOTS AND 16 COMMON LOTS ON	
23.4 ACRES OF LAND IN THE R-8	ORDER OF CONDITIONAL
& R-4 ZONING DISTRICTS FOR	APPROVAL OF FINAL PLAT
OAKS NORTH SUBDIVISION NO.	
12.	
)	
BY: TOLL SOUTHWEST, LLC	
APPLICANT)	
)	

This matter coming before the City Council on July 19, 2022 for final plat approval pursuant to Unified Development Code (UDC) 11-6B-3 and the Council finding that the Administrative Review is complete by the Planning and Development Services Divisions of the Community Development Department, to the Mayor and Council, and the Council having considered the requirements of the preliminary plat, the Council takes the following action:

IT IS HEREBY ORDERED THAT:

The Final Plat of "PLAT SHOWING THE OAKS NORTH SUBDIVISION NO.
 LOCATED IN THE N ½ OF THE SW ¼ OF SECTION 28, TOWNSHIP 4N,
 RANGE 1W, BOISE MERIDIAN, MERIDIAN, ADA COUNTY, IDAHO, 2022,
 HANDWRITTEN DATE: 04/07/2022, by CLINTON W. HANSEN, PLS,

SHEET 1 OF 4," is conditionally approved subject to those conditions of Staff as set forth in the staff report to the Mayor and City Council from the Planning and Development Services divisions of the Community Development Department dated July 19, 2022, a true and correct copy of which is attached hereto marked "Exhibit A" and by this reference incorporated herein.

- 2. The final plat upon which there is contained the certification and signature of the City Clerk and the City Engineer verifying that the plat meets the City's requirements shall be signed only at such time as:
 - 2.1 The plat dimensions are approved by the City Engineer; and
 - 2.2 The City Engineer has verified that all off-site improvements are completed and/or the appropriate letter of credit or cash surety has been issued guaranteeing the completion of off-site and required on-site improvements.

NOTICE OF FINAL ACTION

AND RIGHT TO REGULATORY TAKINGS ANALYSIS

The Applicant is hereby notified that pursuant to Idaho Code § 67-8003, the Owner may request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that this is a final action of the governing body of the City of Meridian, pursuant to Idaho Code § 67-6521. An affected person being a person who has an

interest in real property which ma	ay be adversely affected by this decision may	y, within twenty-
eight (28) days after the date of th	nis decision and order, seek a judicial review	pursuant to Idaho
Code§ 67-52.		
By action of the City Cour	ncil at its regular meeting held on the	day of
, 20	022.	
	By:	
	Robert Simison Mayor City of Maridian	
Attest:	Mayor, City of Meridian	
Chris Johnson City Clerk		
Copy served upon the Applicant, I Development Department and Cit	Planning and Development Services Division ty Attorney.	ns of the Community
By:	Dated:	

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING

7/19/2022

DATE:

TO: Mayor & City Council

FROM: Joseph Dodson, Associate Planner

208-884-5533

SUBJECT: FP-2022-0019

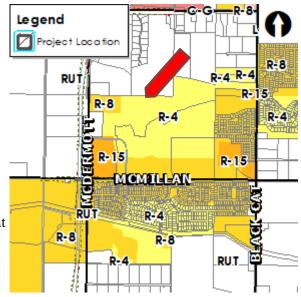
Oaks North No. 12

LOCATION: Generally located ½ mile north of the

half-mile mark of W. McMillan Road between McDermott Road and Black Cat

Road, in the NW 1/4 of the SW 1/4 of

Section 28, T.4N., R.1W.



I. PROJECT DESCRIPTION

Final Plat consisting of 83 single-family detached building lots and 16 common on approximately 23.4 acres of land in the R-8 & R-4 zoning district, by Toll Southwest, LLC.

II. APPLICANT INFORMATION

A. Applicant/Owner:

Toll Southwest, LLC – 3101 W. Sheryl Drive, Suite 100, Meridian, ID 83642

B. Representative:

Kyle Prewett, Toll Brothers – 3103 W. Sheryl Drive, Suite 100, Meridian, ID 83642

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat as required by UDC 11-6B-3C.2. This is the twelfth phase of development of the Oaks North Subdivision. The submitted final plat shows five (5) more buildable lots than were approved in the preliminary plat for this area of the site because these additional lots represent the five (5) lots that were lost in previous phases of development. Further, the Applicant received Rezone approval (H-2022-0010) to rezone a portion of this phase from the R-4 to the R-8 zoning district to accommodate these additional lots. The Applicant is proposing open space in excess of the area approved in the preliminary plat and is proposing a splash pad amenity in this phase consistent with the Rezone approvals. Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat and recent Rezone, as required.

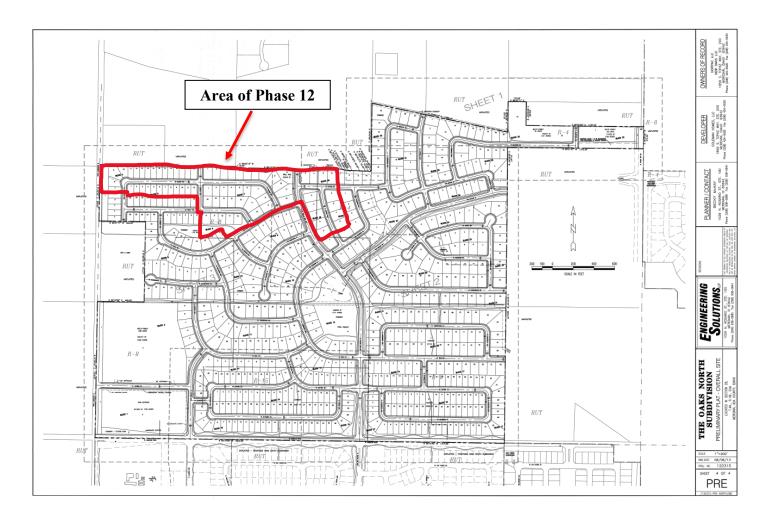
IV. DECISION

A. Staff:

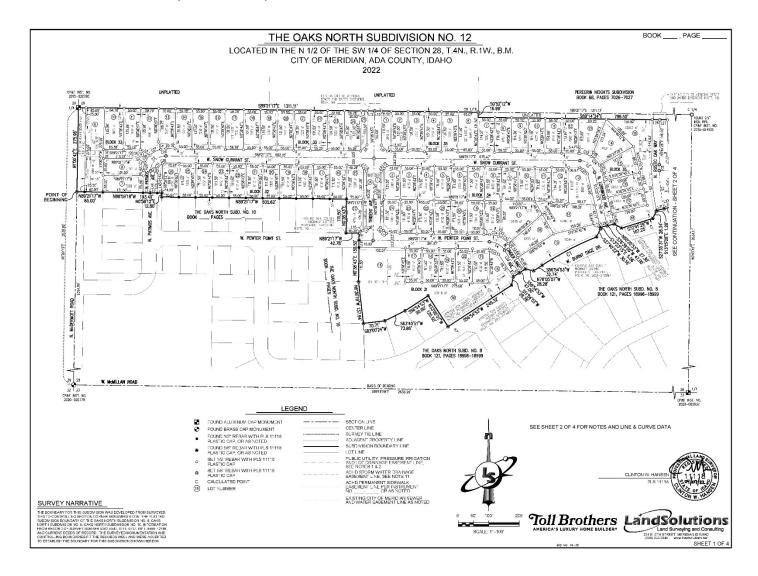
Staff recommends approval of the proposed final plat with the conditions of approval in Section VI of this report.

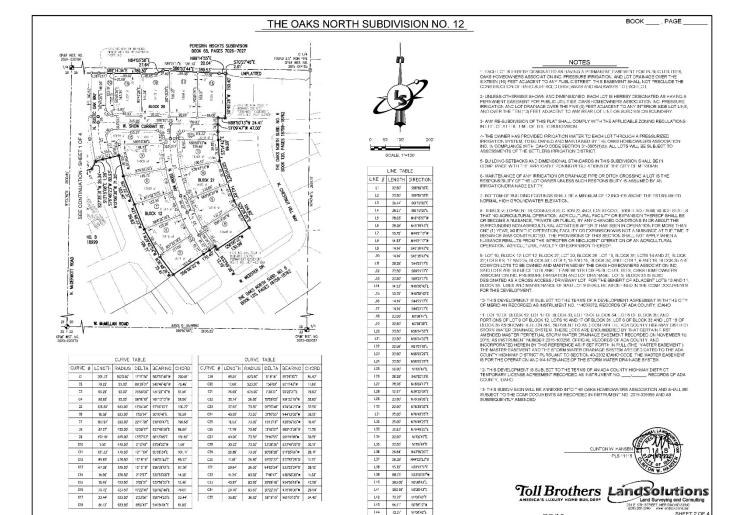
V. EXHIBITS

A. Preliminary Plat (date: 8/6/2013)

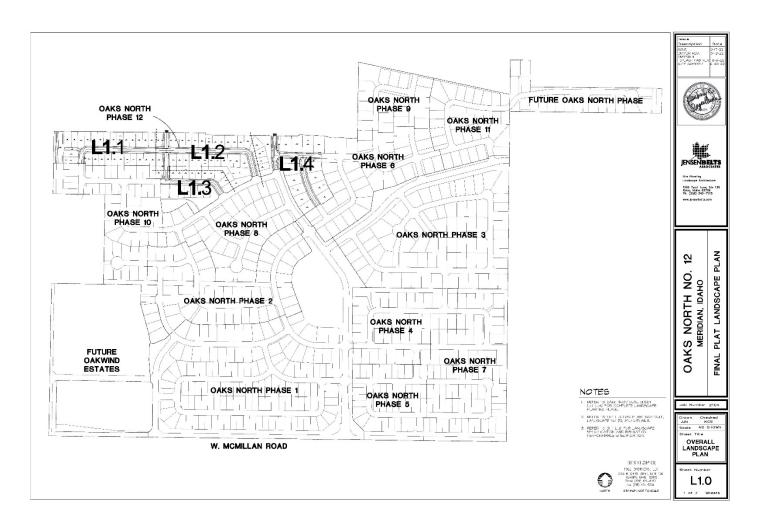


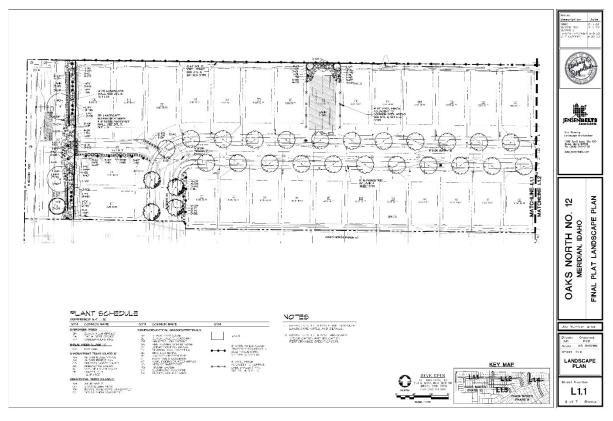
B. Final Plat (date: 4/7/2022)

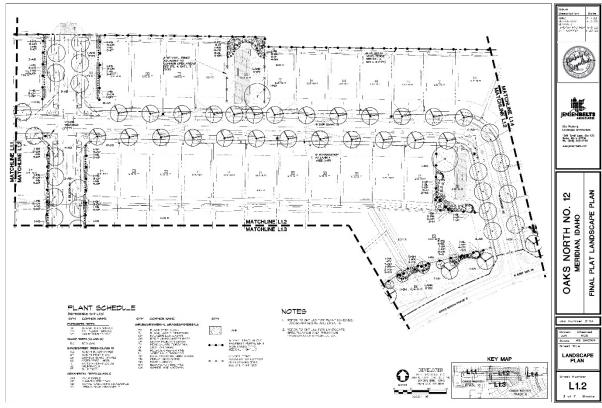


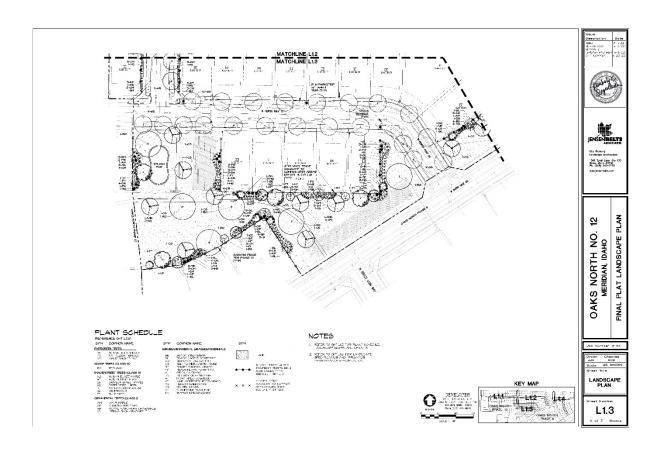


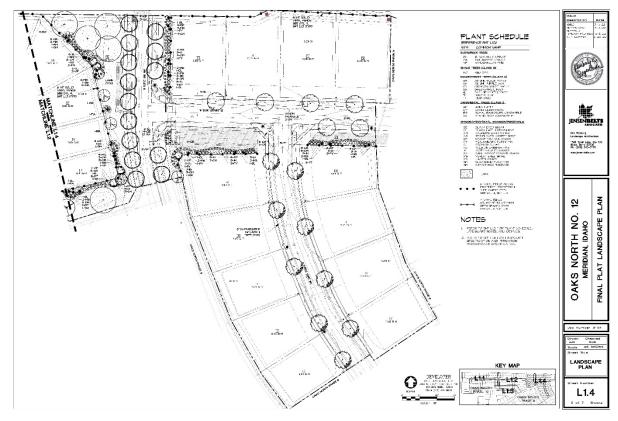
C. Landscape Plans (revision date: 6/20/2022)



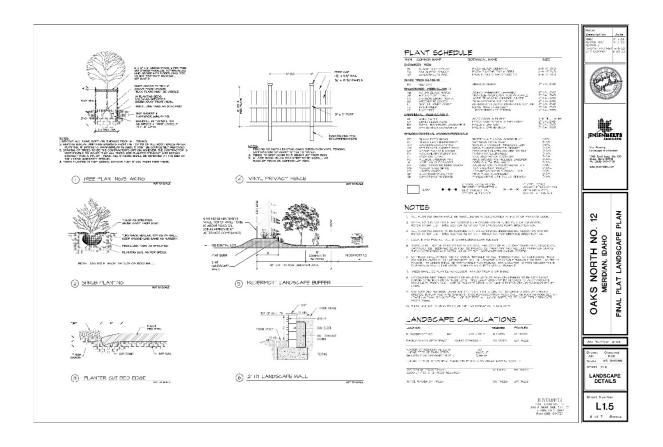




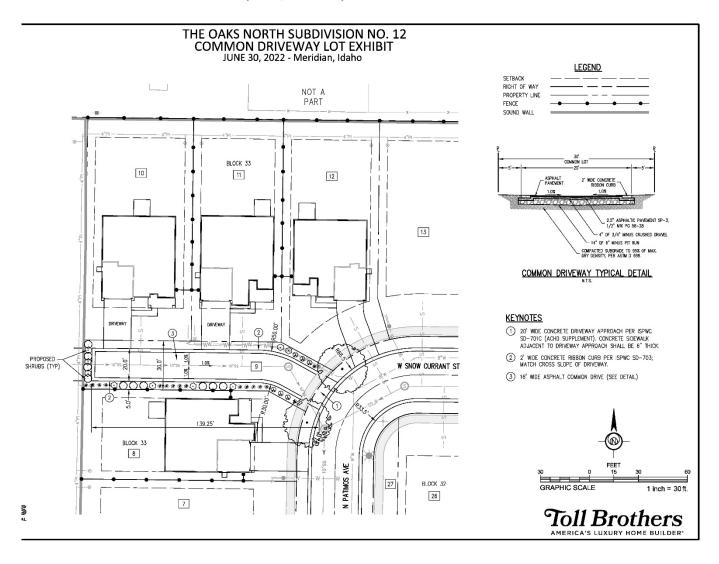




Page 7



D. Common Drive Exhibit (Lot 9, Block 33):



VI. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

- Applicant shall comply with all previous conditions of approval associated with this development (AZ-13-008, RZ-13-015, DA Inst. No. 114030972; PP-13-014; and H-2022-0010).
- 2. The applicant shall obtain the City Engineer's signature on the final plat within two (2) years of the City Engineer's signature on the previous phase final plat, in accord with UDC 11-6B-7 in order for the preliminary plat to remain valid or a time extension may be requested.
- 3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
- 4. The final plat shown in Section V.B prepared by Land Solutions, stamped on April 7, 2022 by Clinton W. Hansen, is approved with the following revisions:
 - a. Note #12: Include recorded instrument number.
- 5. The landscape plan shown in Section V.C prepared by Jensen Belts Associates, dated June 20, 2022, is approved as submitted.
- 6. Future homes constructed in this phase shall comply with the elevations included in the development agreement (Oaks North and South Subdivision Inst. No. 114030972) with materials and architectural features to be the same or higher quality as shown in the elevations.
- 7. Prior to the issuance of any new building permit, the property shall be subdivided in accordance with the UDC.
- 8. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster, Sue Prescott, at 887-1620 for more information.
- 9. Prior to submittal for City Engineer signature on this final plat, the applicant shall submit any relevant public access easement(s) for the multi-use pathway on Lot 10, Block 12 and Lot 20, Block 28. Submit easements to the Planning Division for Council approval and subsequent recordation. The easements shall be a minimum of 14' wide (10' pathway + 2' shoulder each side). Use standard City template for public access easement. Easement checklist must accompany all easement submittals. Coordinate with Kim Warren from the City of Meridian Parks Department.
- 10. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

- 1. Property is subject to the Oaks Lift Station and Pressure Sewer Reimbursement Agreement.
- 2. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
- 3. Manhole SSMH 12.24 at the NW corner of the site is not needed. Have sewer line end at SSMH 12.23.

4. For the common driveway located at the NW corner of the site provide a sewer easement that is the full width of the common drive due to the depth of the sewer line. No trees shall be present within this easement but shrubs are allowed; proposed fencing located over easement area should be constructed in such a way to minimize the length of fencing affected should the sewer main require access.

General Conditions:

- 1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
- 3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
- 5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
- 6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
- 9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.

- 10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 12. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
- 14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
- 19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
- 20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 21. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.

- 22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
- 23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
- 24. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.



ITEM **TOPIC:** Final Order for Pine 43 Animal Farm (FP-2022-0017) by J-U-B Engineers, Located at the Southeast Corner of N. Webb St. and E. Pine St.

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: JULY 26, 2022 ORDER APPROVAL DATE: AUGUST 9, 2022

CASE NO. FP-2022-0017
ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT

This matter coming before the City Council on July 26, 2022 for final plat approval pursuant to Unified Development Code (UDC) 11-6B-3 and the Council finding that the Administrative Review is complete by the Planning and Development Services Divisions of the Community Development Department, to the Mayor and Council, and the Council having considered the requirements of the preliminary plat, the Council takes the following action:

IT IS HEREBY ORDERED THAT:

1. The Final Plat of "PLAT SHOWING PINE 43 ANIMAL FARM SUBDIVISION, LOCATED IN THE NE ¼ OF THE SW 1/4 OF SECTION 8, TOWNSHIP 3N, RANGE 1E, BOISE MERIDIAN, MERIDIAN, ADA COUNTY, IDAHO, 2022, HANDWRITTEN DATE: 6/30/2022, by TIMIOTHY HARRIGAN, PLS, SHEET

1 OF 4," is conditionally approved subject to those conditions of Staff as set forth in the staff report to the Mayor and City Council from the Planning and Development Services divisions of the Community Development Department dated July 26, 2022, a true and correct copy of which is attached hereto marked "Exhibit A" and by this reference incorporated herein.

- 2. The final plat upon which there is contained the certification and signature of the City Clerk and the City Engineer verifying that the plat meets the City's requirements shall be signed only at such time as:
 - 2.1 The plat dimensions are approved by the City Engineer; and
 - 2.2 The City Engineer has verified that all off-site improvements are completed and/or the appropriate letter of credit or cash surety has been issued guaranteeing the completion of off-site and required on-site improvements.

NOTICE OF FINAL ACTION

AND RIGHT TO REGULATORY TAKINGS ANALYSIS

The Applicant is hereby notified that pursuant to Idaho Code § 67-8003, the Owner may request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that this is a final action of the governing body of the City of Meridian, pursuant to Idaho Code § 67-6521. An affected person being a person who has an

interest in real property which	may be adversely affected by this decision may, wit	hin twenty-
eight (28) days after the date of	of this decision and order, seek a judicial review purs	uant to Idaho
Code§ 67-52.		
By action of the City C	Council at its regular meeting held on the	day of
.	, 2022.	
	Ву:	
	Robert Simison Mayor, City of Meridian	
Attest:		
Chris Johnson City Clerk		
Copy served upon the Applicar Development Department and	nt, Planning and Development Services Divisions of t City Attorney.	he Community
Ву:	Dated:	

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING

7/26/2022

DATE:

TO: Mayor & City Council

FROM: Joseph Dodson, Associate Planner

208-884-5533

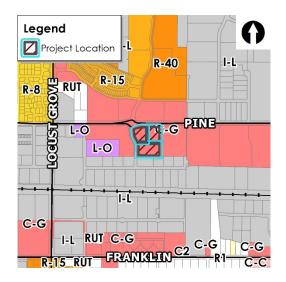
SUBJECT: FP-2022-0017

Pine 43 Animal Farm FP

LOCATION: The site is located at 2145 E. Pine

Avenue and 650 N. Webb Avenue, at the southeast corner of E. Pine and N. Webb, in the NE ¼ of the SW ¼ of Section 8,

Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Final Plat request for 2 commercial building lots on approximately 6.99 acres of land in the C-G zoning district, by J-U-B Engineers, Inc.

II. APPLICANT INFORMATION

A. Owner/Applicant:

Justin Touchstone, Hansen-Rice – 1717 E Chisholm Drive, Nampa, ID 83687

B. Applicant Representative:

Terry O'Brien, J-U-B Engineers, Inc. – 2760 W Excursion Lane, Ste. 400, Meridian, ID 83642

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat (Pine 43 AZ, RZ, PP, MDA – H-2017-0058) as required by UDC 11-6B-3C.2. The submitted plat includes one less buildable commercial lot for the subject area as was approved with the preliminary plat. Furthermore, the submitted final plat will correct the illegal subdivision currently in place for these lots.

Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

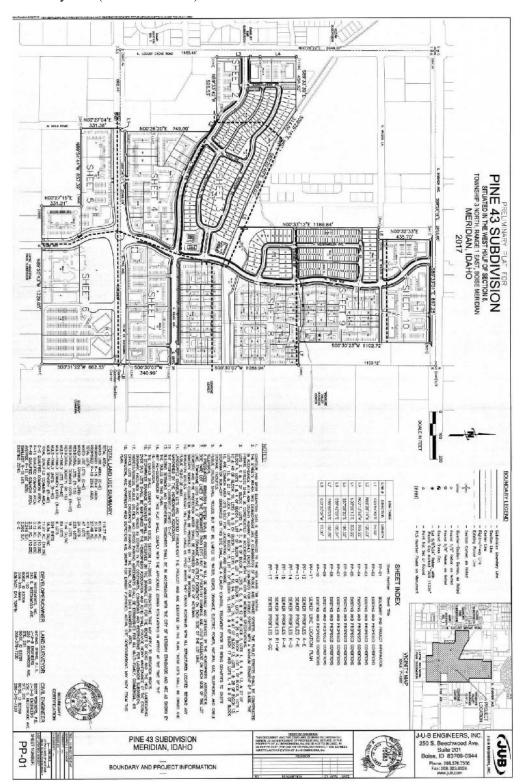
IV. DECISION

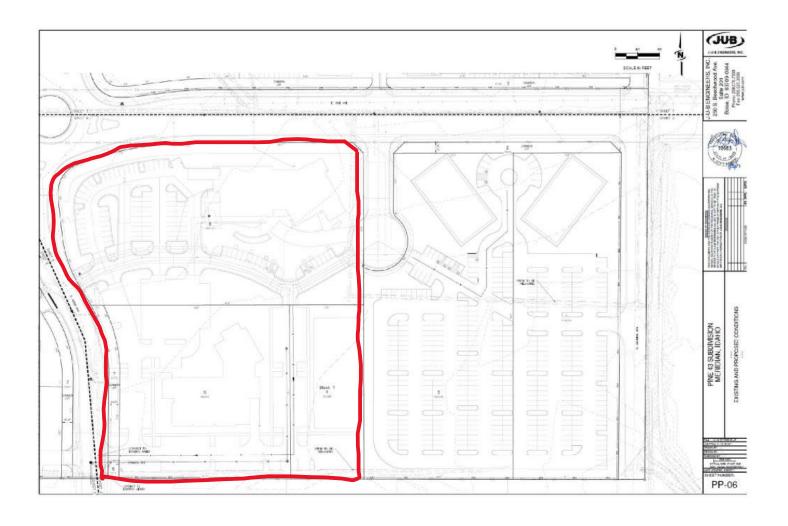
A. Staff:

Staff recommends approval of the proposed final plat with the conditions of approval in Section VI of this report.

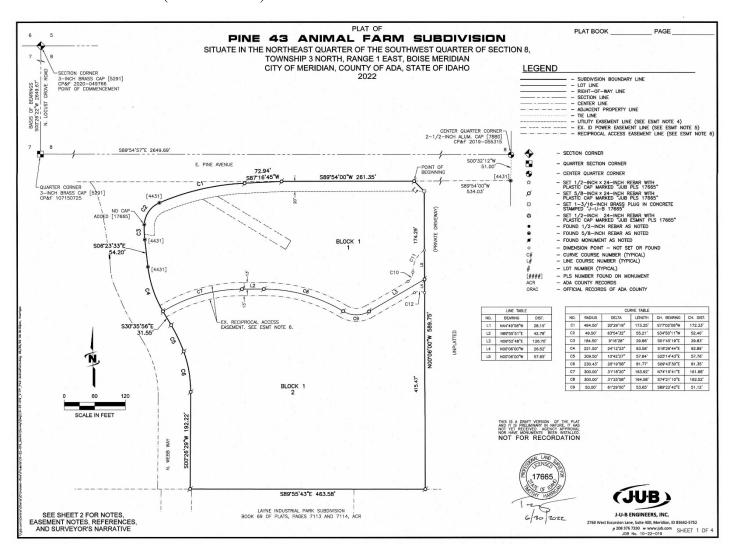
V. EXHIBITS

A. Preliminary Plat (date: 8/28/2017)





B. Final Plat (date: 6/30/2022)



PAGE

NOTES

- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION.
- MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE MITH THE CITY OF MERIDIAN ZONING ORDINANCE AT THE TIME OF ISSUMANCE OF THE BUILDING PERMIT. ALL LOT SIZES SHALL MEET DIMENSIONAL STANDARDS AS ESTABLISHED BY THE CITY OF MERIDIAN ZONING ORDINANCE.
- LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY AND THE CITY OF MERIDIAN.
- REFERENCE IS MADE TO THE PUBLIC HEALTH LETTER ON FILE WITH ADA COUNTY RECORDER REGARDING ADDITIONAL RESTRICTIONS. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN THE SANITARY RESTRICTION RELEASE.
- THIS DEPELOPMENT RECOGNIZES SECTION 22-4503 OF IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES, YO AGRICULTURAL PERATURAL FACILITY OR EXPANSION HEREOF SHALL BE OR BECOME A MUSINANCE, PRANTIC OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR AGOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE MEROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, A
- MANITAMADE OF ANY IRRIGATION PIPE. DRAIMAGE PIPE. OR DITCH CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION OR DRAIMAGE ENTITY OR DISTRICT.
- THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MERIDIAN ZONING ORDINANCE.
- THIS SUBDIVISION IS SUBJECT TO THE DEVELOPMENT AGREEMENT RECORDED AS 108022893, ORAC.

EASEMENT NOTES

- ALL UTILITY EASEMENTS SHOWN OR DESIGNATED HEREON ARE NON-EXCLUSIVE, PERFETUAL, SHALL RIN WITH THE LON, ARE APPURETUANT TO THE LOTS SHOWN HEREON, AND ARE HEREFY RESERVED FOR THE INSTALLATION, AMAYEMANTE, DEPOSITION, AND USE OF PUBLIC AND PRIVATE UTILITES. PRESSHEZED & CRAMITY IRRICATION, REGISTION WASTE DITCHES, SEWER SERVICE, CABLE TELEMISION/DATA; APPURITEMANCES THERETO; AND LOT DRAINAGE.
- NO ESSEMBIT SHOWN OR DESIGNATED HEREON SHALL PRECLUDE THE CONSTRUCTION AND MANITEMACE OF HARD-SURFACED DENCEMAS, LANDSCAPING, PARKING, SIDE AND REAR PROPERTY LINE TENCES, OR OTHER SLOCK NOW-PERMANENT IMPROVEMENTS.

2

- ALL EASEMENTS ARE PARALLEL WITH THE LINES, AND CONCENTRIC WITH THE CURVES THAT THEY ARE DIMENSIONED FROM UNLESS OTHERWISE NOTED.

- SEE INSTRUMENT NO. 110103724, ORAC FOR EXISTING PERMANENT PUBLIC UTILITY EASEMENT
- SEE INSTRUMENT NO. 111076577, ORAC FOR EXISTING IDAHO POWER COMPANY EASEMENT. ORAC FOR EXISTING RECIPROCAL ACCESS EASEMENT.

SURVEYOR'S NARRATIVE

- THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE LAND SHOWN HEREON IN ACCORDANCE WITH IDAHO CODE RELATING TO PLATS AND SURVEYS.
- 2. THE BOUNDARY LINES SHOWN HERE WERE ESTABLISHED BY HOLDING THE MONIBORTS FOUND REPRESENTING THE GOVERNMENT CORNERS AGNG ALGOVITS SECTION LINES, AND BY HOLDING THE MONIBORTS FOUND REPRESENTING THE CORNERS SHOWN ON RECORD OF SURVEY 8926, AND REPRESENTING CORNERS OF LAYNE MOUSTRAL PARK SUBDINISION.

THIS IS A DRAFT VERSION OF THE PLAT AND IT IS PEZIMINARY IN NATURE. IT HAS NOT YET RECEIVED AGENCY APPROVAL NOR HAVE MONUMENTS BEEN INSTALLED. NOT FOR RECORDATION 17665 17665 177 OF ORD

SUBDIVISIONS: LATME INDUSTRIAL PARK SUBDIVISION (BK 69 OF PLATS, PAGES 7113 AND 7114, ACR) SURVEYS: ROS NO. 8928 DEEDS: 2021—164190, ORAC EASEMENTS: 110103724 AND 111078577, ORAC

REFERENCE DOCUMENTS

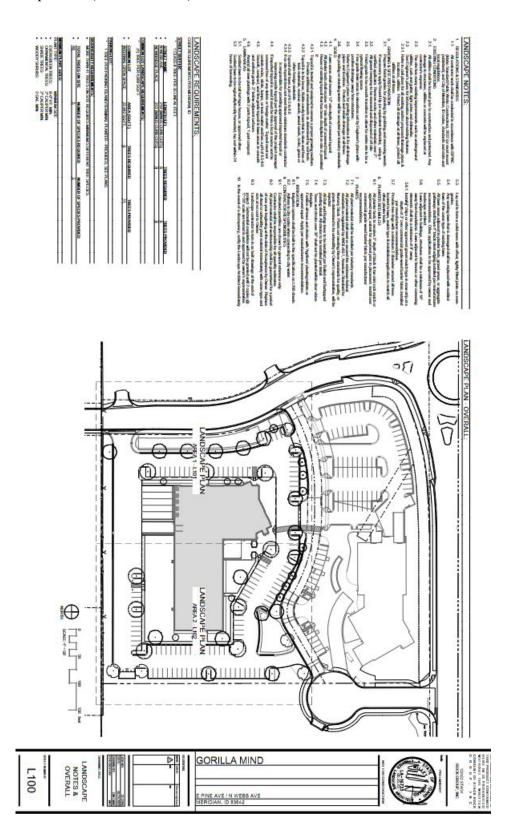
J-U-B ENGINEERS, INC.

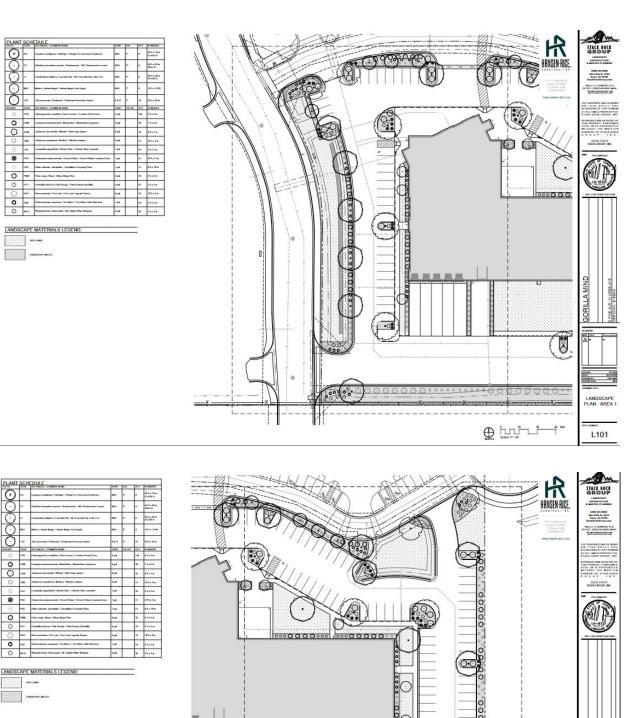
cursion Lane, Suite 400, Meridian, ID 83642-5752
p 208 376 7330 w www.jub.com SHEET 2

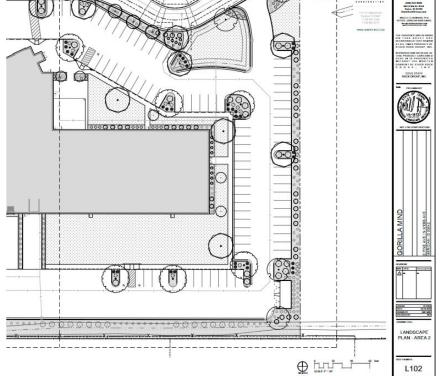
130222

SHEET 2 OF 4

C. Landscape Plans (date: 5/25/2022)







VI. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

- 1. Applicant shall comply with all previous conditions of approval associated with this development: H-2017-0058 (AZ, RZ, PP, MDA), DA Inst. #2018-000751.
- 2. The applicant shall obtain the City Engineer's signature on the final plat by June 8, 2023, within two (2) years of the date of approval of the last final plat signature (Pine 43 Subdivision No. 2) OR within two years following the Pine 43 phase 3 final plat signature not yet recorded (FPS-2022-0023), in accord with UDC 11-6B-7, in order for the preliminary plat to remain valid or a time extension may be requested.
- 3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
- 4. The final plat shown in Section V.B, prepared by J-U-B Engineers, stamped on 06/30/22 by Timothy Harrigan, is approved with the following conditions to be completed at the time of Final Plat Signature:
 - a. Correct note referencing the DA instrument number to reflect the correct DA (2018-000751).
 - b. Note #6: Include instrument number.
 - c. Depict and label the required landscape street buffers to E. Pine and N. Webb on the plat as required in the UDC for commercial properties, even if they are existing.
- 5. Prior to City Engineer signature on this final plat, revise the landscape plans shown in Section V.C, prepared by South, Beck & Baird, dated 5/25/22, as follows:
 - a. Depict existing landscaping that is within the boundary of the subject final plat in addition to the proposed new landscaping.
- 6. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. PUBLIC WORKS

SITE SPECIFIC CONDITIONS:

- 1. Fire line located at the NW corner of building The jurisdictional valve for the fire line must be down stream of the hydrant. Fire lines are private but hydrants are public.
- 2. 20' easement is required for water main and fire hydrant. Easement to extend 10' beyond hydrant.
- 3. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
- 4. On the Landscape Plans it appears that there are trees that would be inside the easement for hydrants. Adjust these accordingly.
- 5. Fire flow was modeled at 1,500 gpm. If more flow is required contact Public Works.
- 6. Flow is committed for Waste Water.
- 7. Commercial sites require 6" sewer service line.

8. Ensure no sewer services pass through infiltration trenches.

GENERAL CONDITIONS:

- 1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
- 3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
- 5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
- 6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
- 9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.

- 12. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
- 14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
- 19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
- 20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 21. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
- 23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or

- well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
- 24. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.



ITEM **TOPIC:** Findings of Fact, Conclusions of Law for Bountiful Commons East (H-2022-0015) by KM Engineering, LLP, Located at 5960 and 5984 N. Linder Rd.

CITY OF MERIDIAN FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION & ORDER



In the Matter of the Request for a Modification to the Development Agreement to Update the Conceptual Development Plan and Building Elevations; and Combined Preliminary and Final Plat Consisting of Three (3) Building Lots on 2.20 Acres of Land in the C-C (Community Business) Zoning District for Bountiful Commons East, by KM Engineering, LLP.

Case No(s). H-2022-0015

For the City Council Hearing Date of: July 19, 2022 (Findings on August 9, 2022)

A. Findings of Fact

- 1. Hearing Facts (see attached Staff Report for the hearing date of July 19, 2022, incorporated by reference)
- 2. Process Facts (see attached Staff Report for the hearing date of July 19, 2022, incorporated by reference)
- 3. Application and Property Facts (see attached Staff Report for the hearing date of July 19, 2022, incorporated by reference)
- 4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 19, 2022, incorporated by reference)

B. Conclusions of Law

- 1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
- 2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
- 3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
- 4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
- 5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
- 6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of July 19, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for a modification to the Development Agreement and combined preliminary and final plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 19, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of July 19, 2022

By action of the City Council at its regular meeting held on the 2022.	day of
COUNCIL PRESIDENT BRAD HOAGLUN	VOTED
COUNCIL VICE PRESIDENT JOE BORTON	VOTED
COUNCIL MEMBER JESSICA PERREAULT	VOTED
COUNCIL MEMBER LUKE CAVENER	VOTED
COUNCIL MEMBER TREG BERNT	VOTED
COUNCIL MEMBER LIZ STRADER	VOTED
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED
Mayor Robert Simis	son
Attest:	
Chris Johnson City Clerk	
Copy served upon Applicant, Community Development Depa Attorney.	rtment, Public Works Department and City
By: Dated:	

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING July 19, 2022

DATE: Continued from: June 21, 2022

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner

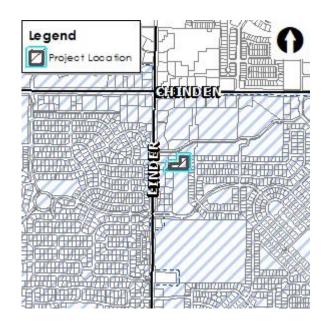
208-884-5533

SUBJECT: H-2022-0015

Bountiful Commons - MDA, PFP

LOCATION: 5960 N. Linder Rd., in the NW 1/4 of

Section 25, T.4N., R.1W.



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (Linder Mixed Use - Inst. #2018-052340) to update the conceptual development plan & building elevations; and combined preliminary and final plat consisting of three (3) building lots on 2.20 acres of land in the C-C (Community Business) zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	2.20	
Existing/Proposed Zoning	C-C (Community Business District)	
Future Land Use Designation	Mixed Use – Community (MU-C)	
Existing Land Use(s)	Vacant/undeveloped land	
Proposed Land Use(s)	Commercial (mixed use)	
Lots (# and type; bldg./common)	3 building/0 common	
Phasing Plan (# of phases)	1	
Number of Residential Units (type	NA	
of units)		
Physical Features (waterways,	None	
hazards, flood plain, hillside)		
Neighborhood meeting date; # of	2/1/22	
attendees:		
History (previous approvals)	<u>H-2017-0095</u> (AZ, Development Agreement Inst. # <u>2018-</u>	
	<u>052340</u>); <u>H-2018-0067</u> (PP); <u>H-2018-0084</u> (FP); <u>PBA-</u>	
	<u>2022-0004</u> ROS #1333	

B. Community Metrics

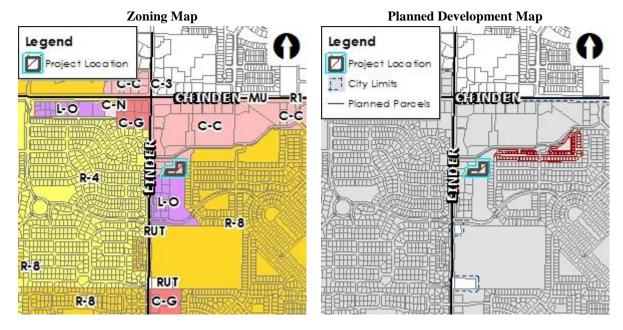
Description	Details	Pg
Ada County Highway		
District		
 Staff report (yes/no) 	No	
 Requires ACHD 	No	
Commission Action		
(yes/no)		
Access	Access is proposed via a private backage road/driveway along the	
(Arterial/Collectors/State	west boundary of the site.	
Hwy/Local)(Existing and		
Proposed)		
Traffic Level of Service	NA	
Stub	There are no stub streets that exist to this site and none are	
Street/Interconnectivity/Cros	required to be provided to adjacent properties.	
s Access		
Existing Road Network	A backage road/driveway exists along the west boundary of this site parallel to N. Linder Rd.	
Existing Arterial Sidewalks /	There are no existing arterial streets abutting this site.	
Buffers		
Proposed Road	NA	
Improvements		

West Ada School District	NA
Police Service	No Comment

C. Project Area Maps







A. Applicant:

Stephanie Hopkins, KM Engineering, LLP – 5725 N. Discovery Way, Boise, ID 83713

B. Owners:

TMEG Properties, LLC – 74 E 500 S, Ste. 200, Bountiful, UT 84010-0000

C. Representative:

Same as Applicant

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	5/3/2022	5/29/2022
Notification mailed to property owners within 300 feet	4/27/2022	5/23/2022
Applicant posted public hearing notice on site	5/7/2022	7/5/2022
Nextdoor posting	4/27/2022	5/25/2022

IV. COMPREHENSIVE PLAN ANALYSIS (Comprehensive Plan)

Land Use: The Future Land Use Map (FLUM) contained in the *Comprehensive Plan* designates this property as Mixed Use – Community (MU-C). The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood (MU-N) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to 3 or 4 miles). Employment opportunities for those living in and around the neighborhood are encouraged.

Developments are encouraged to be designed according to the conceptual MU-C plan depicted in Figure 3C. (See pgs. 3-11 through 3-16 for more information.)

The Applicant proposes to develop the subject property with four (4) multi-tenant commercial/office buildings with associated outdoor plazas and surface parking. The existing development plan was reviewed and deemed to be generally consistent with the Comprehensive Plan with <u>H-2017-0095</u>. Staff has reviewed the proposed conceptual development plan for consistency with the development guidelines in the Plan and recommends changes to the plan as noted below in Section V.A consistent with the following general guidelines for Mixed-Use and specifically MU-C developments:

- "In developments where multiple commercial and/or office buildings are proposed, the buildings should be arranged to create some form of common, usable area, such as a plaza or green space." (Pg. 3-13)
- "Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools that comprise a minimum of 5% of the development area are required. Outdoor seating at restaurants do not count toward this requirement." (Pg. 3-16)

The following Comprehensive Plan Policies are also applicable to this development: (Staff's analysis in italics)

- "Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services." (3.03.03F)
 - City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21. Urban services are available to be provided upon development.
- "Encourage compatible uses and site design to minimize conflicts and maximize use of land." (3.07.00)
 - The proposed commercial/office uses should be compatible with existing residential and church uses to the east and south; and with future commercial uses to the west.
- "Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability." (3.06.02B)
 - The proposed mix of commercial/office uses should provide needed services for nearby residents and employees.
- "Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development." (3.03.03A)

The proposed development will connect to City water and sewer systems; services are required to be provided to and though this development in accord with current City plans.

V. UNIFIED DEVELOPMENT CODE ANALYSIS (UDC)

A. Development Agreement Modification (MDA):

The Applicant proposes a modification to the existing Development Agreement (DA) for Linder Mixed Use (Inst. #2018-052340) to update the conceptual development plan & building

elevations for this site to accommodate the proposed development; and remove the Chili's restaurant conceptual building elevations from the agreement. No changes are proposed to the text of the agreement. *Note: The overall DA is for a larger 5-acre area; the portion subject to the proposed modification is the northeastern 2.93 acres.*

The existing plan depicts a 7,000 square foot (s.f.) and 10,000 s.f. buildings with a shared outdoor plaza area in between the two buildings with surface parking around the perimeter of the buildings. A dance studio and event center for dance recitals and performances were originally anticipated to develop on this site but is no longer planned (see Section VII.A below). Conceptual elevations are included in the existing DA for a Chile's restaurant, a couple of multi-tenant buildings and an event center.

The proposed development plan includes four (4) multi-tenant commercial/office buildings with individual outdoor plazas at the rear of each building, a pedestrian walkway around each building with a connection in between the two northern buildings and two southern buildings, and surface parking internal to the site. Conceptual elevations for the proposed structures are also included (see Section VII.B below). As part of the modification, the Applicant proposes to remove the conceptual elevations for the Chili's restaurant and the event center.

A north/south backage road exists along the west boundary of this site that provides an access from the collector street (W. Cayuse Creek Dr.) to the north to Linder Rd. at the south boundary of Bountiful Commons Subdivision. Staff is concerned the ten (10) parking spaces depicted on the site plan along the west boundary of the site will create a safety hazard by vehicles backing out into traffic; therefore, Staff recommends these spaces are removed from the plan.

An existing provision of the DA (#5.1b) requires a minimum of 5% of the development area to be developed with supportive and proportional public and/or quasi-public spaces and places. Based on 2.93 acres, a minimum area of 0.15-acre (or 6,382 square feet) would be required. In mixed use designated areas where multiple commercial and/or office buildings are proposed, the Comprehensive Plan also desires buildings to be arranged to create some form of common, usable area, such as a plaza or green space. To create more of a shared common usable area as desired, Staff recommends instead of individual outdoor plaza areas for each building, the parking areas in between Buildings A & B and C & D are removed and a plaza/green space is provided in these areas with seating, landscaping and shade structures.

Note: The conceptual development plan depicts a total building square footage of 31,488+/- s.f. between four (4) buildings. For a commercial/office use in a commercial district, a minimum of 63 off-street parking spaces would be required; a total of 154 spaces are proposed. Even with removal of 34 spaces as recommended, a total of 120 spaces will still be provided, which Staff believes will meet the needs of the development.

Staff has reviewed the provisions of the existing DA and finds the proposed conceptual development plan to be in compliance with these provisions if the Applicant complies with the recommended changes to the plan.

Staff is generally supportive of the proposed modification to the DA with the recommended changes to the conceptual development plan noted above. Staff recommends the Applicant revise the plans to incorporate these changes and submit a copy of the revised plan to the Planning Division at least 10 days prior to the City Council hearing.

B. Preliminary/Final Plat (PFP):

A combined preliminary and final plat is proposed to re-subdivide a portion of Lot 1 and all of Lot 4, Block 1, Bountiful Commons Subdivision. The current configuration of the property was created through Record of Survey #13333 associated with <u>PBA-2022-0004</u>. The proposed plat consists of three (3) building lots on 2.20 acres of land in the C-C zoning district.

Existing Structures/Site Improvements:

There are no existing structures on this site; the previous structures have been removed.

Dimensional Standards:

Development of the proposed lots is required to comply with the dimensional standards of the C-C zoning district in UDC Table 11-2B-3.

Subdivision Design and Improvement Standards (UDC 11-6C-3):

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3.

Access (*UDC* 11-3A-3)

Access to the site exists via a private driveway/backage road that runs parallel to N. Linder Rd. depicted in an easement on the plat. No stub streets exist to the site and none are proposed or required to be provided to adjacent properties. A cross-access easement agreement (Inst. #2018-108834) exists between all lots in the subdivision that grants access over drive aisles and parking areas per plat note #12.

Pathways (*UDC* 11-3A-8):

There are no pathways depicted on the Pathways Master Plan for this site. **The existing DA** (provision #5.1i) requires a pedestrian pathway connection to be provided to the church property (Parcel # R6905150070) at the south boundary of the site; the site/landscape plan shall be revised accordingly.

The existing DA also requires a walkway to be provided along one side of the north/south backage driveway for safe pedestrian access and connectivity. Because a sidewalk was constructed on the Beehive Credit Union (A-2020-0032) site to the west of the proposed development along the west side of the driveway, Staff is not including a requirement for a walkway to be constructed on the east side of the driveway on the subject property.

Sidewalks (*UDC* <u>11-3A-17</u>):

There are no public streets proposed within this site or that exist adjacent to the site; therefore, sidewalks are not required.

Landscaping (UDC 11-3B):

No streets are proposed with this application and none exist adjacent to this site; therefore, no street buffer landscaping is required. No pathways are proposed; therefore, no pathway landscaping is required.

A 25-foot wide buffer is required along the east boundary of Lots 7 and 8, Block 1 adjacent to existing residential uses as set forth in UDC <u>Table 11-2B-2</u>; the buffer should be landscaped per the standards listed in UDC <u>11-3B-9C</u> and may be installed at the time of lot development. The landscape plan depicts the 25-foot wide buffer planted with a mix of deciduous and evergreen trees with a 3-foot tall berm in accord with UDC standards.

Storm Drainage:

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a *Geotechnical*

<u>Engineering Report</u> for the proposed subdivision that was prepared in 2018 with the original subdivision. Stormwater integration is required in accord with the standards listed in UDC <u>11-3B-11C</u>.

Pressure Irrigation (UDC <u>11-3A-15</u>):

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15. This property lies within the boundary of Settler's Irrigation District.

Utilities (UDC 11-3A-21):

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21.

Waterways (*UDC* <u>11-3A-6</u>):

The North Slough runs along the project's north boundary and has been piped in accord with UDC 11-3A-6B. A portion of the easement (i.e. 10') lies on this property as depicted on the plat. This project is not within the flood plain.

Fencing (*UDC* <u>11-3A-6</u> and <u>11-3A-7</u>):

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing exists along the north, east and west property boundaries; no new fencing is proposed with this application.

Building Elevations (*UDC* <u>11-3A-19</u> | <u>Architectural Standards Manual</u>):

Conceptual building elevations were submitted for the proposed single-story commercial/office buildings as shown in Section VII.B; these elevations may change with future applications but provide a general idea of the type of architecture planned. Final design must comply with the design standards in the Architectural Standards Manual.

VI. DECISION

A. Staff:

Staff recommends approval of the requested development agreement modification with recommended changes to the conceptual development plan as noted above in Section V.A; and combined preliminary and final plat with the provisions noted in Section VIII, per the Findings in Section IX.

- B. The Meridian Planning & Zoning Commission heard the PP on May 19, 2022. At the public hearing, the Commission moved to recommend approval of the subject PP request.
 - 1. Summary of Commission public hearing:
 - a. In favor: Stephanie Hopkins, KM Engineering; Trevor Gasser, Applicant
 - b. In opposition: None
 - c. Commenting: None
 - <u>d.</u> Written testimony: Stephanie Hopkins, KM Engineering (response to the staff report not in favor of amending the concept plan as recommended by Staff)
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - ı. None
 - 3. Key issue(s) of discussion by Commission:
 - a. Discussion pertaining to the MDA application and the proposed design of the site in relation to Staff's recommendation for a more centralized common open space/plaza area to be provided and certain parking spaces to be removed. Commission was generally supportive of removal of the parking spaces along the west boundary of the site as recommended by Staff for safety reasons; but was in favor of the parking between the buildings remaining.

- 4. Commission change(s) to Staff recommendation:
 - a. None
- 5. Outstanding issue(s) for City Council:
 - a. The applicant submitted a revised site/landscape plan after the Commission hearing that depicts the removal of 10 parking spaces along the west boundary of the site as recommended by Staff and the Commission. Other changes as recommended by Staff were not included in accord with the Commission's discussion (i.e. removal of individual outdoor plaza areas for each building and the parking areas in between Buildings A & B and C & D in favor of provision of plaza/green spaces in these areas with seating, landscaping and shade structures).
- C. The Meridian City Council heard these items on July 19, 2022. At the public hearing, the Council moved to approve the subject MDA and PP requests.
 - 1. Summary of the City Council public hearing:
 - <u>a.</u> <u>In favor: Trevor Gasser, Applicant; Stephanie Hopkins, KM Engineering, Applicant's Representative</u>
 - b. <u>In opposition: None</u>
 - c. Commenting: Kelly Carpenter; Leonard Badigian
 - d. Written testimony: None
 - e. Staff presenting application: Joe Dodson, Associate Planner
 - <u>f.</u> Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - A. Kelly Carpenter: Concern pertaining to screening along the east property boundary adjacent to residential uses and headlights shining in their windows from cars in the development request for a solid wood fence to be installed; location of the trash enclosure adjacent to the berm along the east side of the property adjacent to residences preference for it to be located at the northwest corner of the site; preference for Buildings B & C not to be turned north/south as it would block the neighbors' view; the fence line on the adjacent residential properties being set in 3-feet from the property line due to the location of the irrigation ditch where a berm/buffer is now proposed to be constructed would like to gain that 3-feet of their property back; and the slope of the berm proposed along the east boundary and concern pertaining to drainage onto their lot and security concerns due to the height of the berm in relation to the fence (someone could jump over the fence into their property).
 - <u>b.</u> <u>Height disparity of the land between the subject property and the existing residential lots to the east and the choice between a berm and a fence;</u>
 - c. Previous approvals related to original discussion of lots and commercial development.
 - 3. Key issue(s) of discussion by City Council:
 - a. Trash dumpster and shared plaza/open space locations;
 - <u>b.</u> <u>Applicability of a fence or landscape berm along east boundary to help screen future uses:</u>
 - <u>Definition of "flexibility" in building orientation for future development of site;</u>
 <u>History and potential issues of shared east property line and fact existing residential fences are not on shared property line creating a 2-3 foot area of dead space should a fence be required by this Applicant;</u>
 - d. Anticipation of proposed uses on property and availability of parking.
 - 4. City Council change(s) to Commission recommendation:
 - <u>a.</u> <u>City Council required the removal of the provision requiring central plazas between the buildings;</u>

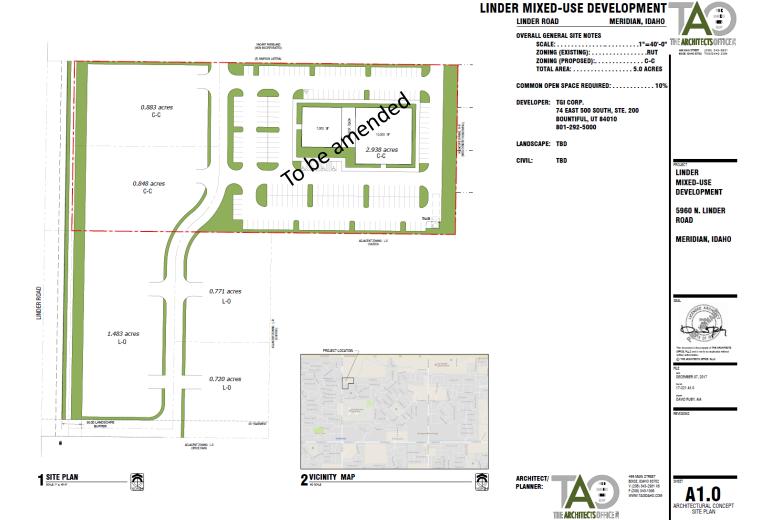
- b. Council required two new DA provisions: 1) No restaurant or taproom uses shall be allowed on either of the two eastern lots (Lots 7 & 8, Block 1); 2) Allow Applicant flexibility in the future site design to allow the reduction of buildings by one (1) or option to turn building orientation.
- <u>Council required additional conditions of approval: 1) Remove the landscape berm along the east boundary in lieu of a 6ft solid fence and level out irrigation ditch area; 2) No dumpsters allowed along east boundary and place dumpster between buildings or more centralized per future Republic Service approvals.</u>

VII. EXHIBITS

A. Existing Development Agreement Provisions, Conceptual Development Plan and Elevations

5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

- 5.1. Owners and/or Developer shall develop the Property in accordance with the following special conditions:
- a. Future development of the subject property shall be generally consistent with the conceptual site plan, building elevations, and provisions contained in the Staff Report that is attached to the Findings of Fact and Conclusions of Law attached hereto as Exhibit "B".
- b. Provide supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools that comprise a minimum of 5% of the development area within the site development area.
- Non-residential buildings should be proportional to and blend in with adjacent residential buildings.
- d. The existing homes and associated outbuildings shall be removed from the site prior to issuance of any building permits.
- e. If access isn't available to this site at the time of development, a temporary access will be allowed via N. Linder Road with approval from the Ada County Highway District. At such time as access from the north and/or south is available, the temporary access shall be removed and the use discontinued.
- f. The developer shall grant a cross-access/ingress-egress easement to the properties to the north (parcel #S0425223010) and south (parcel #S0425233810) in accord with UDC 11-3A-3 and the Comprehensive Plan (action item #3.03.02N). A recorded copy of the easement agreement shall be submitted to the Planning Division with the first Certificate of Zoning Compliance application for the development.
- g. Future development shall comply with the structure and design standards listed in UDC 11-3A-19 and in the Architectural Standards Manual (ASM).
- h. A 10-foot wide segment of the City's multi-use pathway is required along N. Linder Road in accord with the Pathways Master Plan. Landscaping shall be installed in accord with the standards listed in UDC 11-3B-12C on either side of the pathway.
- Provide a pedestrian pathway connection to the church property at the south boundary of the site.
- Provide a walkway along one side of the north/south backage driveway for safe pedestrian access and connectivity.
- k. Prior to removing any of the existing trees from the site, the developer/owner shall contact the City Arborist to determine mitigation requirements for any healthy trees 4" caliper and greater that are removed from the site in accord with UDC 11-3B-10C.5.
- The applicant shall submit and obtain approval of a Certificate of Zoning Compliance and Design Review application from the Planning Division, prior to submittal of any building permit applications.
- m. Prior to the application for any development on the subject site, sanitary sewer and water serviceability will need to be reviewed. This is due to the potential timing of development of adjacent properties and the ability or inability to create loops in the water system and to determine the routing of sanitary sewer.
- Provide a pedestrian walkway from the sidewalk along the north/south backage driveway to the
 entrance of the building proposed on the east side of the site (i.e. the dance studio/event center).





Commercial Buildings Fronting on Linder Road





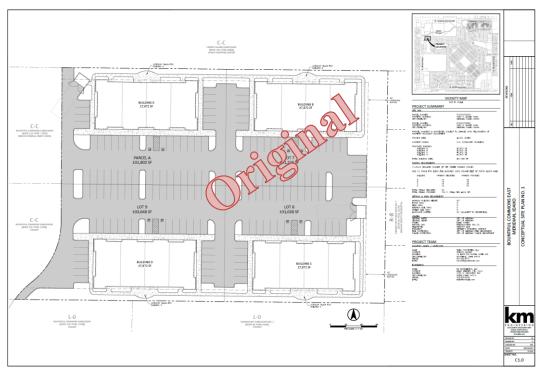
Event Center



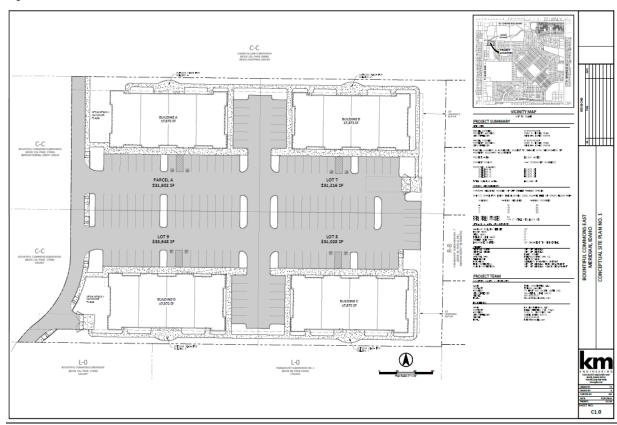


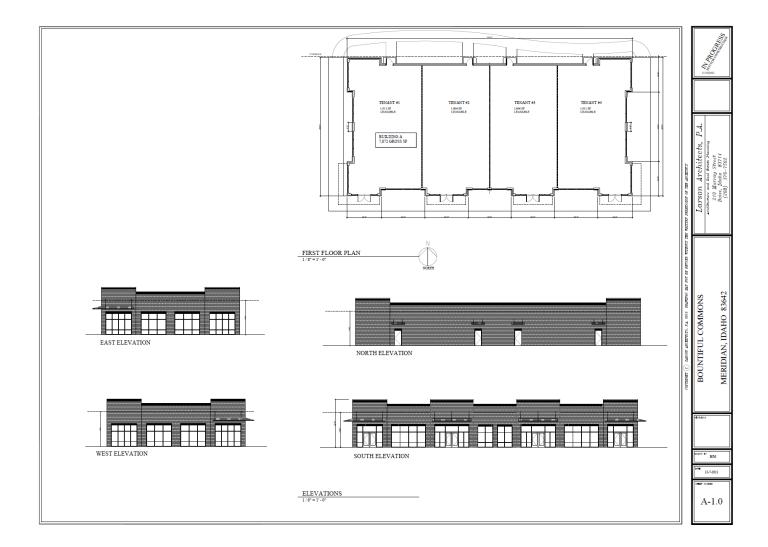
Page 12 -

B. Proposed Conceptual Development Plan (NOT APPROVED) & Elevations to be Included in Amended Development Agreement

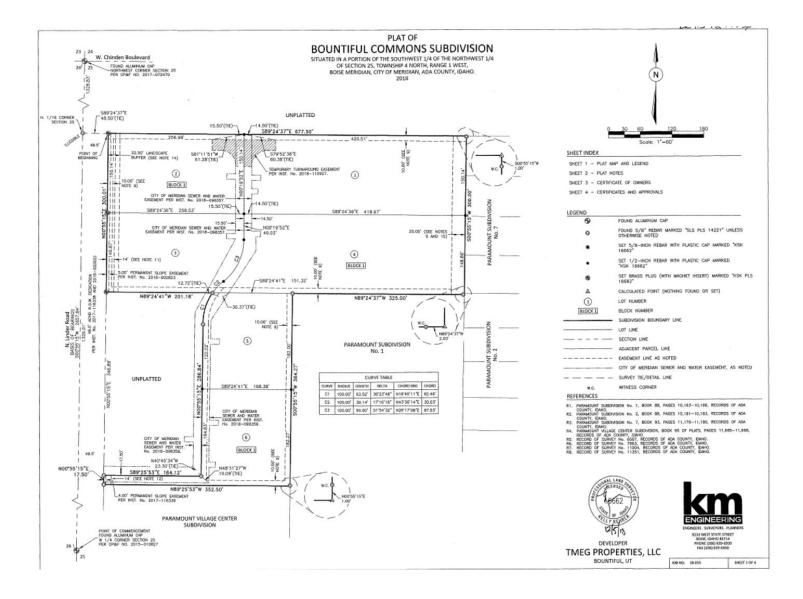


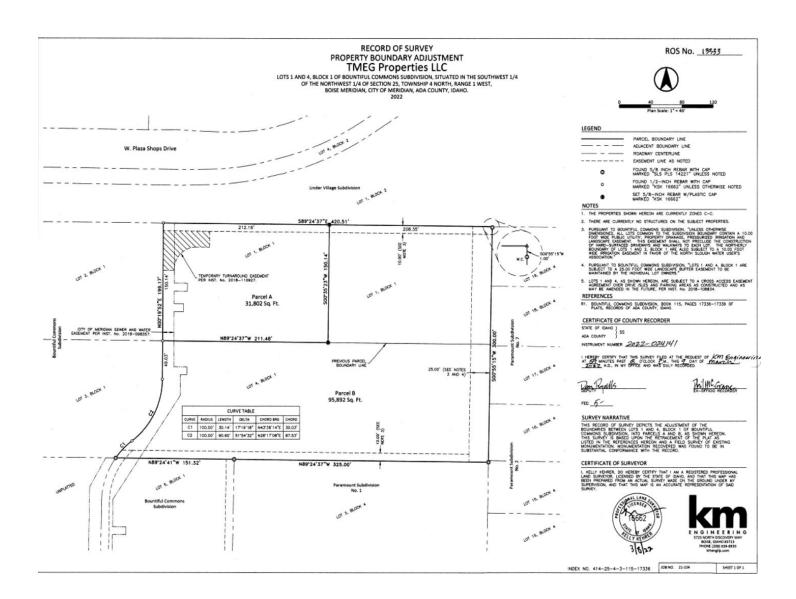
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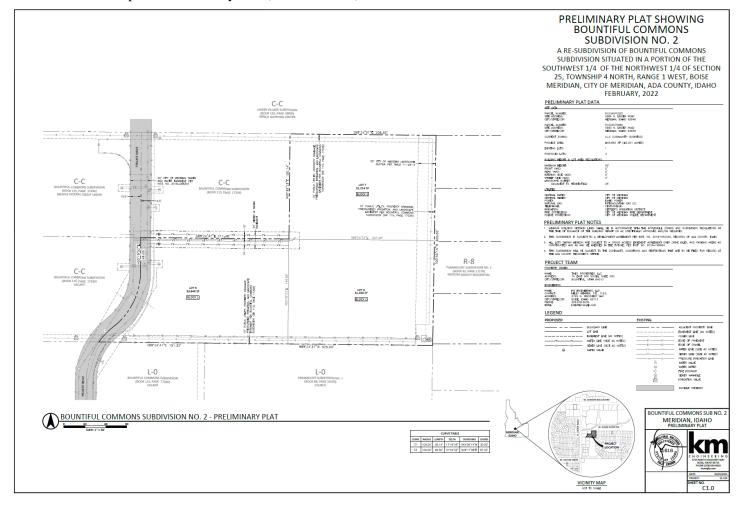


C. Existing Recorded Plat & Record of Survey

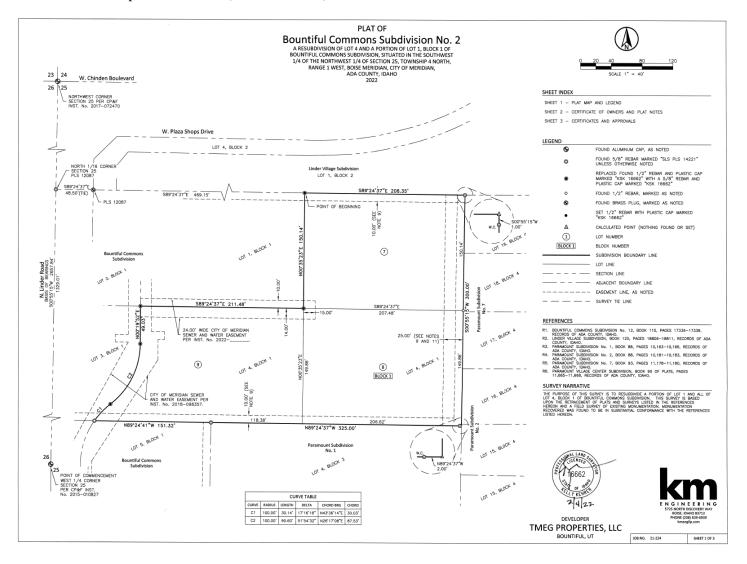




D. Proposed Preliminary Plat (date: 2/1/2022)



E. Proposed Final Plat (dated: 2/4/2022)



PLAT OF Bountiful Commons Subdivision No. 2

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MY COMMISSION EXPIRES

NOTES

- MINIMUM BUILDING SETBACK LINES SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN IN EFFECT AT THE TIME OF RESUBDIVISION.
- IRRIGATION WATER HAS BEEN PROVIDED BY THE OWNER OF THIS SUBDIVISION IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(b). LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM SETTLEY'S IRRIGATION DISTRICT.
- 4. THE DEVELOPMENT RECONNECTS SECTION 22-4003 OF THE DAYS COLD, BOUT TO FARM ACT, WHICH BY THE DEVELOPMENT RECONNECTS SECTION 22-4003 OF THE DAYS COLD, BOUT TO FARM ACT, WHICH BY THE DEVELOPMENT OF THE D
- LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY AND THE CITY OF MERIDIAN.
- NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN THE SANITARY RESTRICTION RELEASE.
- 7. REFERENCE IS MADE TO THE PUBLIC HEALTH LETTER ON FILE REGARDING ADDITIONAL RESTRICTIONS.
- 6. THE BOTTOM OF STRUCTURAL FOOTINGS SHALL BE SET A MINMAUM OF 12-INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUND WATER LIEUATION.
 9. PER THE PLAT OF BOUNTFUL COMMONS SUBDINSON, UNLESS OTHERWISE DIMENSIONED, ALL LOTS COMMON TO THE SUBDINSON BOUNDARY COMMON A TOOL FOOT WIDE PUBLIC UTILITY, PROPERTY DIMANAGE, TO THE SUBDINSON BOUNDARY COMMON TO THE SUBDINSON SOUNDARY COMMON TO THE SUBDINSON SOUNDARY COMPANY OF LOT A THE SUBDINSON SOUNDARY OF LOT A THE SUBDINSON SOUNDARY OF LOT A, BUSINESS DUMANAY OF LOT A, BUSINESS DU
- 10. THIS SUBDIVISION IS SUBJECT TO A DEVELOPMENT AGREEMENT PER INST. No. 2018-052340, RECORDS OF ADA COUNTY. IDAHO.
- 11. PER THE PLAT OF BOUNTFUL COMMONS SUBDIVISION, LOTS 7 AND 8, BLOCK 1 ARE SUBJECT TO A 25.00 FOOT WIDE LANDSCAPE BUFFER EASEMENT TO BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS.
- 12. PER THE PLAT OF BOUNTIFUL COMMONS SUBDIMISION, ALL LOTS SHOWN HEREON ARE SUBJECT TO A CROSS ACCESS EASEMENT AGREEMENT OVER DRIVE ISLES AND PARKING AREAS AS CONSTRUCTED PER INST. No. 2018-108834 AND AS MAY BE AMENDED IN THE FUTURE.
- THIS SUBDIVISION IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS PER INST. No. 2018—120223, RECORDS OF ADA COUNTY, IDAHO, AND AS MAY BE AMENDED IN THE FUTURE.

CERTIFICATE OF SURVEYOR

I, KELLY KEHER, DO HERBY CERTIFY THAT I AM A REGISTERD PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF DAHA), AND THAT THIS PLAT OF BOUNTFUL COMMON SUBBOSION IN 2. AS DESCRIBED IN THE CERTIFICATE OF OWNERS! AND AS SHOWN ON THE ATTACABLE PLAT, WAS DEARN FROM AN ACTUAL SURVEY MAJO ON THE GROUND LADES MY DRECT. AS THE STATE OF BOARD COOR RELATING TO PLATS AND SURVEYS. THE PROFITS PLATED THE STATE OF BOARD.

KELLY KEHRER P.L.S. 16662

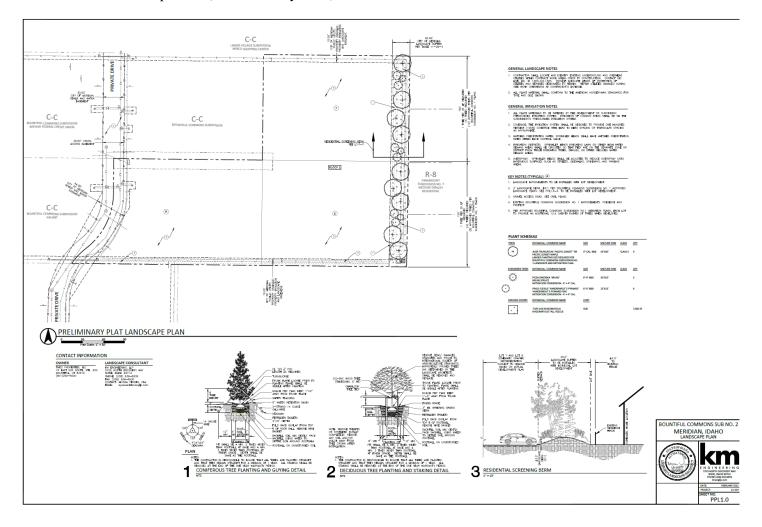




JOB NO. 21-224

SHEET 2 OF 3

F. Landscape Plan (date: February 2022)



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Staff recommends the Applicant revise the conceptual development plan depicted in Section VII.B to incorporate the changes noted in Section V.A and submit a copy of the revised plan to the Planning Division at least 10 days prior to the City Council hearing. A revised plan was submitted after the Commission hearing that incorporated some but not all of Staff's recommended changes (see Sections VI.B.5 and VII.B for more info). The Council did not require removal of the parking between the buildings in order to provide central plazas in those areas as recommended by Staff.

- 1. The existing Development Agreement (DA) (Inst. #2018-052340, H-2017-0095) for Linder Mixed Use shall be amended as proposed by the Applicant with the changes to the conceptual development plan-recommended by Staff required by City Council. The amended DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting approval of the amendment. The amended DA shall include the following provisions as required by City Council:
 - a. No restaurant or tap room (i.e. drinking establishment) uses shall be allowed on the two
 (2) eastern lots (i.e. Lots 7 & 8, Block 1). If the buildings along the eastern boundary of the site are turned parallel to the property line, the use(s) shall be limited to professional office functions only.
 - <u>b.</u> The Applicant shall have flexibility in the future site design to allow the reduction of buildings by one (1) and/or the option to change the orientation of the buildings.
- 2. The final plat shall include the following revisions:
 - a. Include the recorded instrument of the City of Meridian sewer and water easement graphically depicted on Sheet 1.
- 3. The landscape plan depicted in Section VII.F is approved as submitted. shall be revised as follows:
 - a. Remove the berm along the eastern property boundary and depict a 25-foot wide buffer to residential uses along the east property boundary, landscaped per the standards listed in UDC 11-3B-9C.
 - b. Depict a 6-foot tall solid fence that meets HOA specifications along the eastern property boundary and fill in the existing irrigation ditch and level it out to match the elevation at the property line of the adjacent residential lots.
 - c. Relocate the trash enclosure away from the eastern boundary of the site and place it in between the buildings in the middle area, as allowed by Republic Services.
- 4. Future development shall be consistent with the minimum dimensional standards listed in UDC Table *11-2B-3* for the C-C zoning district.
- 5. With development of Lots 7 and 8, Block 1, a 25-foot wide buffer shall be provided along the eastern boundary of those lots adjacent to residential uses as set forth in UDC Table 11-2B-2, landscaped per the standards listed in UDC <u>11-3B-9C</u>. Note: This buffer is not required to be constructed with the subdivision improvements.
- 6. As approved with Bountiful Commons Subdivision No. 1 tree mitigation plan, each lot shall provide an additional 12.5 caliper inches of trees, above the minimum standards, when

- developed. These trees shall be depicted on the landscape plans submitted with the Certificate of Zoning Compliance application for development of each lot.
- 7. All waterways on this site shall be piped as set forth in UDC <u>11-3A-6B</u> unless otherwise waived by City Council.

B. PUBLIC WORKS

Site Specific Conditions of Approval

- 1. Sewer mains must meet minimum separation requirements from other mains; which is 10 feet for parallel lines.
- 2. Sewer mains require a minimum 20-foot-wide easement whenever they're located outside of right-of-way.
- 3. Ensure no sewer services pass through infiltration trenches.
- 4. Ensure no permanent structures including, but not limited to trees, shrubs, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc. are built within any City utility easement.
- 5. The applicant must ensure that fire requirements are met and no fire hydrants or fire services lines are required for the eastern parcels. If any hydrants are fire lines are required, then an 8-inch diameter water main must be run to the eastern properties instead of service lines; the services, hydrants, and fire lines will then be stubbed from that 8-inch main extension. If main is added, a 20-foot-wide easement will be required over the main.
- 6. A streetlight plan will be required, and must conform with the Meridian City Standards and Specifications.
- 7. Three (3) new streetlights will be required within the right-of-way of North Linder Road.

General Conditions of Approval

- 8. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 9. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 10. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 11. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a

- single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.
- 12. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 13. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 14. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 15. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 16. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 17. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 18. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 19. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 20. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 21. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 22. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 23. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 24. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 25. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 26. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.

- 27. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 28. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 29. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259544&dbid=0&repo=MeridianCity</u>

D. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

 $\underline{https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259179\&dbid=0\&repo=MeridianCity}$

E. ADA COUNTY HIGHWAY DISTRICT (ACHD)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=260310&dbid=0&repo=MeridianCity

IX. FINDINGS

A. Combined Preliminary and Final Plat:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

- 1. The plat is in conformance with the Comprehensive Plan;
 - The City Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use and transportation. (Please see Comprehensive Plan Policies in, Section IV of this report for more information.)
- 2. Public services are available or can be made available and are adequate to accommodate the proposed development;
 - The City Council finds that public services will be provided to the subject property with development. (See Exhibit B of the Staff Report for more details from public service providers.)
- 3. The plat is in conformance with scheduled public improvements in accord with the City's capital improvement program;

Because City water and sewer and any other utilities will be provided by the development at their own cost, the City Council finds that the subdivision will not require the expenditure of capital improvement funds.

4. There is public financial capability of supporting services for the proposed development;

The City Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VIII for more information.)

- 5. The development will not be detrimental to the public health, safety or general welfare; and, The City Council is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis.
- 6. The development preserves significant natural, scenic or historic features.

 The City Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.



AGENDA ITEM

ITEM **TOPIC:** Findings of Fact, Conclusions of Law, and Decision Order for Request for Reconsideration for Burnside Ridge Estates (H-2021-0070) by Kimley-Horn and Associates, Inc., Located Near the Southwest Corner of S. Linder Rd. and W. Victory Rd., Including 2365 W. Victory Rd., 3801 S. Linder Rd., and Parcels S1226142251, R0831430030, R0831430022, and R0831430010

CITY OF MERIDIAN FINDINGS OF FACT, CONCLUSIONS OF LAW, FINAL DECISION, AND ORDER



Date of Order: August 9, 2022

Case No.: H-2021-0070 (Burnside Ridge Estates)
Applicant: Kimberly-Horn and Associates, Inc.

In the Matter of: Request for (1) annexation & zoning of 121.29 acres of land from RUT in

Ada County to the R-2 (11.76 acres) and R-4 (109.53) zoning districts and

(2) a preliminary plat consisting of 299 total lots (275 single-family

residential lots and 24 common lots) on 119.31 acres of land.

Pursuant to testimony and evidence received regarding this matter at the public hearing before the Meridian City Council on June 7, 2022, as to this matter, the City Council enters the following findings of fact, conclusions of law, final decision, and order.

A. Findings of Fact. The City Council finds that:

- 1. The facts pertaining to the 121.29 acres of land ("the Property"), the Applicant's request, and the process are set forth in the staff report for Case No. H-2021-0070, which is fully incorporated herein by reference.
- 2. The Property is not located within the incorporated area of the City of Meridian.
- 3. The Applicant is requesting annexation of the Property in order to develop a residential subdivision.
- 4. The proposed annexation is a Category A annexation under Idaho Code section 50-222(3)(a).
- 5. The Property is contiguous to land to the east ("Brundage Estates"), which serves as a point of contiguity for the Applicant's proposed annexation. The City approved a preliminary plat for Brundage Estates in 2016, but a final plat has not yet been recorded, leading the City Council to find that annexation of additional land to the west of Brundage Estates is not a logical expansion of the city limits at this time.
- 6. Based on the foregoing, the proposed annexation is not in the best interest of the City of Meridian.

B. Conclusions of law. The City Council concludes that:

- 1. The City Council takes judicial notice of Idaho Code section 50-222, which governs annexations by cities.
- 2. The City Council takes judicial notice of the Local Land Use Planning Act ("LLUPA"), codified at Chapter 65, Title 67, Idaho Code.

- 3. The City Council takes judicial notice of the Unified Development Code of the City of Meridian (UDC), all current zoning maps, the City of Meridian Comprehensive Plan, previous land use decisions, and all minutes and maps concerning the priority of growth in the City of Meridian's area of city impact.
- 4. In order to grant an annexation and rezone, the City Council must make certain findings as delineated in UDC section 11-5B-3, including a finding that the proposed annexation is in the best interest of the City of Meridian. UDC § 11-5B-3(E)(5).
- 5. Because the City Council found that the proposed annexation is not in the best interest of the City of Meridian, the requirements set forth in UDC section 11-5B-3 have not been satisfied, and the proposed annexation shall not proceed.
- 6. A city's decision to deny a Category A annexation is not subject to judicial review under Idaho Code section 50-222(6). *Black Labrador Investing, LLC v. Kuna City Council*, 147 Idaho 92, 97, 205 P.3d 1228, 1233 (2009).
- 7. The purpose of the UDC is to "[c]arry out the policies of the comprehensive plan by classifying and regulating the uses of property and structures within the incorporated areas of the City of Meridian[.]" UDC § 11-1-2(B) (emphasis added). Because the Property is not located within the incorporated area of the City of Meridian, and because the proposed annexation shall not proceed, the City Council is precluded from granting the Applicant's request for a preliminary plat.
- 8. Pursuant to Idaho Code section 67-6503, the City of Meridian has properly exercised the powers conferred by LLUPA.
- **C. Order.** Pursuant to the above findings of fact and conclusions of law, the City Council hereby denies Applicant's request for annexation and zoning of the Property. Further, because the Property is not located within the incorporated area of the City of Meridian, the City Council hereby denies Applicant's request for a preliminary plat.
- **D. Final decision.** Upon approval by majority vote of the City Council, this is a final decision of the governing body of the City of Meridian.
- **E. Judicial review.** Pursuant to Idaho Code section 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code section 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code section 1-7-10, seek judicial review of this final decision as provided by Chapter 52, Title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.
- **F. Notice of right to regulatory takings analysis.** Pursuant to Idaho Code sections 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

IT IS SO ORDERED by the City August, 2022.	y Council of the City of Meridian, Idaho, on this 9th day of
Robert E. Simison Mayor	Attacts
	Attest: Chris Johnson City Clerk



AGENDA ITEM

ITEM **TOPIC:** Findings of Fact, Conclusions of Law for Centerville Subdivision (H-2021-0046) by Engineering Solutions, LLP, Located at 4111 E. Amity Rd. (including the outparcel to the south) and 5200 S. Hillsdale Ave., at the Southeast Corner of S. Hillsdale Ave. and E. Amity Rd.

CITY OF MERIDIAN FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION & ORDER



In the Matter of the Request for Annexation & Zoning of 40.49 acres of land from RUT to the C-C (2.95 acres), R-8 (13.38 acres) and R-15 (24.17 acres) zoning districts and a Preliminary Plat consisting of 249 total lots (124 single-family residential lots, 79 townhome lots, 4 multi-family lots, 4 commercial lots, 34 common lots, and 4 other lots) on 38.95 acres of land, by Becky McKay, Engineering Solutions.

Case No(s). H-2021-0046

For the City Council Hearing Date of: July 19, 2022 (Findings on August 9, 2022)

A. Findings of Fact

- 1. Hearing Facts (see attached Staff Report for the hearing date of July 19, 2022, incorporated by reference)
- 2. Process Facts (see attached Staff Report for the hearing date of July 19, 2022, incorporated by reference)
- 3. Application and Property Facts (see attached Staff Report for the hearing date of July 19, 2022, incorporated by reference)
- 4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 19, 2022, incorporated by reference)

B. Conclusions of Law

- 1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
- 2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
- 3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
- 4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
- 5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
- 6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of July 19, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for Annexation and Zoning and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 19, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the

use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of July 19, 2022.

By action of the City Council at its regular meeting held on the _2022.	day of,	
COUNCIL PRESIDENT BRAD HOAGLUN	VOTED	
COUNCIL VICE PRESIDENT JOE BORTON	VOTED	
COUNCIL MEMBER JESSICA PERREAULT	VOTED	
COUNCIL MEMBER LUKE CAVENER	VOTED	
COUNCIL MEMBER TREG BERNT	VOTED	
COUNCIL MEMBER LIZ STRADER	VOTED	
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED	
Mayor Robert Simison		
Attest:		
Chris Johnson City Clerk		
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.		
By: Dated:		

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING 11/16/2021, 1/4/2022, & 7/19/2022

DATE:

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner

208-884-5533

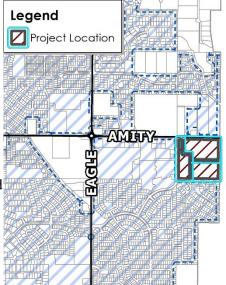
SUBJECT: H-2021-0046

Centerville Subdivision

LOCATION: The site is located at 4111 E. Amity Road

(including the outparcel to the south) and

5200 S. Hillsdale Avenue, at the southeast corner of S. Hillsdale and E. Amity, in the NW ¼ of the NE ¼ of Section 33, Township 3N., Range 1E.





I. PROJECT DESCRIPTION

Annexation & Zoning of 40.49 acres of land from RUT to the <u>C-C (2.95 acres)</u>, R-8 (13.3<u>58</u> acres) and R-15 (<u>27.14 24.17 acres</u>) zoning districts with a concept plan showing <u>159 single-family units and 168 multi-family units and a preliminary plat consisting of 190 total lots (124 single-family residential lots, 35 townhome lots, 2 multi-family lots, 1 commercial lot, 1 clubhouse house, and 27 common lots) <u>219 single-family units and 16 multi-family units and a preliminary plat consisting of 249 total lots (124 single-family residential lots, 79 townhome lots, 4 multi-family lots, 4 commercial lots, 34 common lots, and 4 other lots) on 38.95 acres of land.</u></u>

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	40.49 acres (R-8 – 13.35 acres; R-15 – 27.14 acres <u>; C-C – </u>	
	<u>2.95 acres</u>)	
Future Land Use Designation	Medium Density Residential & Mixed Use Neighborhood	
Existing Land Use(s)	County residential and vacant land	
Proposed Land Use(s)	Detached single-family residential; townhome residential;	
	future multi-family residential; and a Daycare.	
Lots (# and type; bldg./common)	190 total lots 124 single family residential lots, 35	
	townhome lots, 2 multi-family lots, 1 commercial lot, 1	
	clubhouse house, and 27 common lots 249 total lots (124	
	single-family residential lots, 79 townhome lots, 4 multi-	
	family lots, 4 commercial lots, 34 common lots, and 4	
	other lots)	
Phasing Plan (# of phases)	Proposed as four (4) phases	

Description	Details	Page
Number of Residential Units (type	327 219 total units – 159 single family; 168 apartment	
of units)	units (not technically a part of this application; 124 single-	
	family residential units, 79 townhome units, and 16 multi-	
	<u>family units (</u> future CUP application is needed <u>required for</u>	
	the MF)	
Density (gross & net)	Gross (overall) – 8.39 <u>6.01</u> du/ac. (327 <u>219</u> units/38.95	
	acre plat); Net 12.54 du/ac. (per submitted plans,	
	excludes: ROW, shared drives, daycare lot, and	
	common area)	
Open Space (acres, total	5.64 acres of qualified open space OVERALL	
[%]/buffer/qualified)	(approximately 14.48%). Further analysis below in	
	Section V.J.	
Amenities	At least four (4) five (5) qualifying amenities (does not	
	include future multi-family amenities) – Open space in	
	excess of the requirements, picnic area with benches and	
	shade structure, children's play structure, clubhouse and	
	pool, and public art.	
Physical Features (waterways,	Cunningham Lateral bisects the southwest corner of the	
hazards, flood plain, hillside)	property – no floodplain on property.	
Neighborhood meeting date; # of attendees:	June 3, 2020; June 16, 2021 – 23 attendees	
History (previous approvals)	No previous application history with City of Meridian	

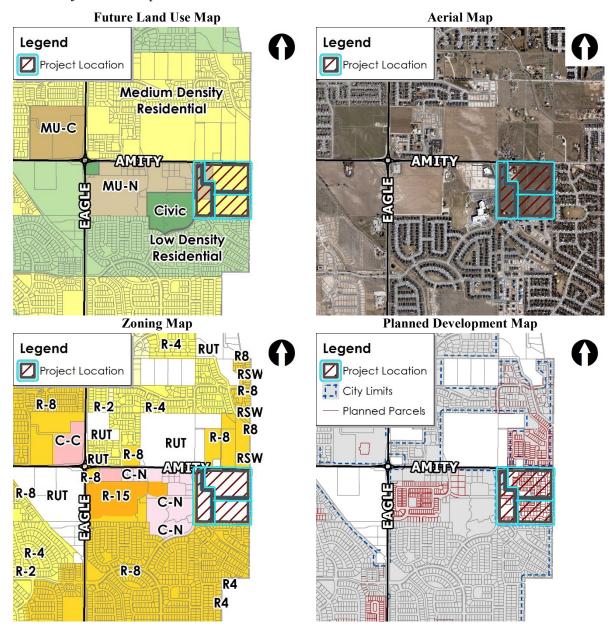
B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
Requires ACHD Commission Action	No	
(yes/no)		
• Traffic Impact Study (yes/no)	Yes (review ACHD Staff Report for specifics; Staff analysis is below in Section V.C)	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Two new accesses are proposed via new local street connections – One to E. Amity along the north boundary and one to S. Hillsdale along the west boundary. Other access is proposed via two stub street extensions.	
Stub Street/Interconnectivity/Cross Access	Applicant is proposing to extend two stub street connections – W. Macumbo St. from the east (Rockhampton Subdivision of Boise) and, S. Bleachfield Ave. from the south boundary (Howry Lane Subdivision).	
Traffic Level of Service	Amity Road (between site and Eagle) – Better than "E" (1.474/1,540 VPH) Amity Road (between site and Cloverdale) – Better than "E" (182/425 VPH) - Both segments of road are shown as level "F" when proposed project is added into existing traffic counts.	
Existing Road Network	Amity Road and S. Hillsdale are existing. All internal roads proposed would be new development.	
Existing Arterial Sidewalks / Buffers	No sidewalks or buffers along Amity Road frontage nor Hillsdale Avenue frontage (collector street)	-

Description	Details	Page
Proposed Road	Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):	
Improvements	Eagle Road is scheduled in the IFYWP to be widened to 5-lanes from Amity Road to Victory Road in 2021-2022.	
	 Cloverdale Road is schedule in the IFYWP to be widened to 5-lanes from Amity Road to Victory Road in 2025. 	
	• The intersection of Eagle Road and Amity Road is scheduled in the IFYWP to be reconstructed as a multi-lane roundabout with 4-lanes on the north leg, 4-lanes on the south, 4-lanes east, and 4-lanes on the west leg and is currently under construction.	
	• The intersection of Cloverdale Road and Amity Road is scheduled in the IFYWP to be reconstructed as a multi-lane roundabout with 4-lanes on the north leg, 4-lanes on the south leg, 4-lanes on the north leg, 2-laneson the east leg and 2-laneson the west leg in 2025.	
	Amity Road is listed in the CIP to be widened to 3-lanes from Eagle Road to Cloverdale Road between 2036 and 2040.	
Fire Service		
Distance to Fire Station	Approx. 2.9 mile from Fire Station #4 (Boise Station 14 is 2.7 miles away)	
• Fire Response Time	This project <i>does not</i> fall within the Meridian Fire response time goal of 5 minutes. If Station 7 is approved, response times will improve.	
Resource Reliability	Fire Station #4 reliability is 78% (below goal of 80%).	
Risk Identification	Risk Factor 2 – residential with hazards (multi-family and waterway)	
 Accessibility 	Proposed project meets all required access, road widths, and turnarounds.	
,	Proposed phasing plan shall be adhered to; any changes in the phasing shall be	
	approved by the Fire Department.	
	Applicant shall have strict adherence to proposed phasing plan.	
Police Service		
Distance to Station	Approximately 5.6 miles from Meridian Police Department	
Response Time	Approximately 4.5-minute response time to an emergency.	
• Call Data	Between 7/1/2019- 6/30/2021, the Meridian Police Department responded to 900 calls for service within a mile of the proposed development. The crime count on the calls for service was 71. See attached documents for details. Between 7/1/2019- 6/30/2021, the Meridian Police Department responded to 25 crashes within a mile of the proposed development. See attached documents for details.	
Additional Concerns	None	
West Ada School District		
Estimated Additional School Aged Children	123 estimated children at full build out (.7 per SF dwelling, .1 per MF dwelling)	
• Distance (elem, ms, hs)	0.2 miles to Hillsdale Elementary1.7 miles to Lake Hazel Middle School5. miles to Mountain View High School	
Capacity of Schools	Hillsdale Elementary – 700 students Lake Hazel Middle School – 1,000 students Mountain View High School – 2,175 students	
• # of Students Enrolled	Hillsdale Elementary – 626 students Lake Hazel Middle School – 1,029 students Mountain View High School – 2,457 students	
	Mountain View High School – 2,457 students	
School of Choice Options	 Christine Donnell Elementary (Arts) – 2.8 miles away (505 enrolled w/capacity of 500) Spalding Elementary (STEM) – 4.3 miles away (677 enrolled w/capacity of 750) 	

Description	Details	Page
Distance to Sewer	NA	
Services		
 Sewer Shed 	South Black Cat Trunkshed	
• Estimated Project Sewer ERU's	See application	
 WRRF Declining Balance 	14.17	
 Project Consistent with WW Master Plan/Facility Plan 	Yes	
Impacts/Concerns	 Additional 15,709 gpd committed to model. Ensure no permanent structures (including but not limited to trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easements. 	
Water		
Distance to Services	0'	
Pressure Zone	4	1
• Estimated Project Water ERU's	See application	
Water Quality Concerns	None	
 Project Consistent with Water Master Plan 	Yes	
Impacts/Concerns	• Ensure no permanent structures (including but not limited to trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.	
COMPASS – Communities in Motion 2040 2.0 Review		
Housing w/in 1 mile	3,190	
Jobs w/in 1 mile	670	
• Ratio	0.2 – Indicates an employment need (ratio between 1-1.5 is considered healthy ratio)	
Farmland Consumed?	Yes	
Nearest Bus Stop	2.6 miles	
Nearest Public School	0.1 miles	
Nearest Public Park	0.1 miles	
Nearest Grocery Store	2.4 miles (an Albertson's grocery store is under construction within 0.75 miles)	1
Recommendations	See agency comment section for link to full file.	
Distance to nearest City Park (+ size)	1/4 mile to Hillsdale Park and YMCA (9.54 acres in size) directly west of the project.	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Shari Stiles, Engineering Solutions – 1029 N. Rosario Street, Suite 100, Meridian, ID 83642

B. Owner:

Corey Barton, Endurance Holdings, LLC – 1977 E. Overland Road, Meridian, ID 83642

C. Representative:

Becky McKay, Engineering Solutions – 1029 N. Rosario Street, Suite 100, Meridian, ID 83642

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	7/23/2021	10/31/2021 <u>7/3/2022</u>
Radius notification mailed to properties within 500 feet	7/20/2021	10/28/2021 <u>6/30/2022</u>
Site Posting	8/1/2021	11/5/2021 <u>7/11/2022</u>
Nextdoor posting	7/20/2021	10/28/2021 <u>6/30/2022</u>

V. STAFF ANALYSIS

A. Future Land Use Map Designation (https://www.meridiancity.org/compplan)

The subject project area contains two future land use designations, Mixed-use Neighborhood (MU-N) and Medium Density Residential (MDR), with the MDR designation taking up a larger area of the project, approximately 80% of the project area.

Mixed-Use Neighborhood (MU-N) – The purpose of this designation is to assign areas where neighborhood-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to avoid predominantly single-use developments by incorporating a variety of uses. Land uses in these areas should be primarily residential with supporting non-residential services. Non-residential uses in these areas tend to be smaller scale and provide goods or services that people typically do not travel far for (approximately one mile) and need regularly. Employment opportunities for those living in the neighborhood are encouraged. Connectivity and access between the non-residential and residential land uses is particularly critical in MU-N areas. Tree-lined, narrow streets are encouraged.

Medium Density Residential (MDR) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The subject property has two future land use designations on the property, as noted directly above. The majority of the site is designated Medium Density Residential (approximately 31 acres to 8 acres of MU-N) which calls for a different type of lot size and density than the Howry Lane Subdivision directly to the south which is designated as low density residential (LDR).

The subject project is comprised of three county parcels located at the southeast corner of E. Amity and S. Hillsdale, directly east of Hillsdale Elementary and the South Meridian YMCA. The relatively small area of MU-N on this site is part of a larger mixed-use area further to the west that encompasses approximately 70 acres. Approximately half of this mixed-use area is approved for residential development (Hills Century Farms North) with the remaining area being comprised of commercial zoning that includes self-storage, an urgent care, medical/dental offices, assisted living facility and some vacant commercial lots. Therefore, the applicant has not proposed to incorporate additional neighborhood serving uses and meet all of the comprehensive plan policies for this designation. Instead, the Applicant is proposing a mixed-use residential project more in line with the MDR designation.

However, the proposed and approved commercial uses in this mixed-use area to the west have not been neighborhood serving uses and instead more community serving uses have been constructed; uses intended to be utilized by the nearby neighborhoods AND areas further away. The Applicant is including a lot along S. Hillsdale Ave. within the requested R-15 zoning district

to be a future daycare facility that is consistent with neighborhood serving uses envisioned by the comprehensive plan for this area. Staff is unaware of future uses in the undeveloped commercial lots along Amity that are part of the adjacent project however, additional neighborhood and community serving uses may develop in the area. In addition, Staff does not find it feasible to anticipate future residents of this development to walk to the new Albertson's grocery store being constructed at the northwest corner of the Eagle/Amity intersection which is approximately ¾ of a mile to the west because it will require three arterial street crossings with the new roundabout design. However, a grocery store within a mile of the proposed development is still a benefit to this development and this area of the community. Additional school capacity is anticipated by the school district who owns the 40 acres directly northwest of the proposed development.

Staff does have concerns with the lack of neighborhood serving uses in this area. Staff believes replacing two of the multi-family buildings at the southeast corner of Hillsdale and Hill Park with a multi-tenant commercial building may include neighborhood commercial users like a restaurant, salon, convenience store, or other retail businesses. Therefore, Commission and Council should determine if more commercial is desired for the development.

In addition to the preferred uses and some site design elements of the project, the future land use designations also determine the allowed gross density. The existence of two designations within the project determine how the calculation of density can occur for this project. Overall, the Applicant is proposing an overall gross density of 8.4 du/ac which, when rounded down per the comprehensive plan allowances, is at the maximum allowed density of the MDR designation (3-8 du/ac). In addition, it should be noted that this density includes 168 multi-family units that are not a part of the current application requests and will require future Conditional Use Permit (CUP) approval from the City. Staff has analyzed the density of this project with the inclusion of the multi-family units as that is the intended use and intensity of the site.

The MU-N designation allows residential uses at a gross density range of 6-12 du/ac and each designation's "boundary" can be used throughout the project because future land use designations are not parcel specific. The Applicant has proposed transitional lot sizes and density within this project along the perimeter to match the lot sizes of existing development to the east and south. Smaller lot sizes are proposed towards the interior of the project culminating in the multi-family lots (highest density) along the west boundary and at the very northwest corner of the development.

On the submitted preliminary plat, the Applicant has provided three (3) gross density calculations for the project based on overall area and the two requested zoning designations and their areas, the R-8 & R-15 zoning districts—all three calculations fall within the allowable ranges for the MDR and the MU-N designation. If you were to take only the multi-family area, the gross density is approximately 20 units to the acre. Because of the transitional density proposed in the project, Staff is taking the overall gross density calculation and analyzing it against the MDR density range (3-8 du/ac), the more restrictive density range of the two applicable future land use designations.

As noted above, the overall gross density proposed lies near the absolute maximum allowed (8.4 du/ac can be rounded down to 8 du/ac per the comprehensive plan) for the future land use designation of MDR. For this simple fact, Staff recommends a reduction in the maximum number of multi-family units allowed with a future CUP to bring the overall density below the 8 du/ac without needing to utilize the allowable rounding. Staff has calculated that this would require a loss of 16 multi-family units throughout the site. However, in addition to the general density discussion for the proposed development, Staff finds it pertinent to discuss the Community Planning Association of Southwest Idaho (COMPASS) data provided to the City for this development. In that document COMPASS has noted an approximate job to housing ratio within

one (1) mile of the project site of 0.2 which indicates a need for more employment in this area (a healthy ratio, according to COMPASS, is in the 1.0-1.5 ratio). Two factors play heavily into this calculation—the number of housing units and the amount and type of commercial uses in the area. Staff has already discussed concern with the amount of neighborhood serving commercial in the immediate area of the project site but neighborhood character, traffic, and overall density also play roles in the amount and design of the future multi-family component of this project.

Mixed-use designations call for multi-family residential to be nearby commercial development and arterial streets but with the proposed gross density, existing character of the surrounding areas, and E. Amity operating at a LOS E (worsening with the proposed development with no plan to expand until 2036), Staff finds that limiting a majority of the multi-family units to twostory structures instead of three-stories is prudent planning and would bring the overall density of the project down to a level that is more serviceable by existing transportation facilities, emergency services, and schools. Please see comments from applicable agencies and departments in regards to these points. Staff has included a DA provision in Section VIII,A1 to limit the heights of all of the apartment units to two-stories except for the two 24-plex buildings <mark>in the second row of the multi-family area, per these discussion points.</mark> If Commission and Council determine additional neighborhood serving uses should be incorporated into this development, this will also impact the number of multi-family units that can be constructed on the site. At a minimum, this would be a reduction of 40 multi-family units bringing the overall gross density of the Centerville Subdivision to 7.37 du/ac. It will reduce the number of cars on the road, the number of children in our overcrowded schools, and more appropriately match the heights of homes proposed in this development, detached or otherwise. If it is found by Commission and Council that additional neighborhood serving uses should be added and a further reduction in residential units is warranted, it would provide better transition from Hillsdale Avenue and help the project be more consistent with the Comprehensive Plan.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. In order to ensure the site develops as proposed with this application, Staff recommends a DA as a provision of annexation with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval by City Council and subsequent recordation. A final plat will not be accepted until the DA is executed and the AZ ordinance is approved by City Council.

B. Comprehensive Plan Policies (https://www.meridiancity.org/compplan):

As discussed above, the proposed project includes an area that is designated as Mixed-Use Neighborhood. Because this project has a relatively small area of this larger mixed-use area Staff does not find it necessary to discuss the project in accord with each mixed-use policy. However, some policies are still applicable and have been included below. The applicable Comprehensive Plan policies are cited below with Staff analysis in italics:

"Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City" (2.01.01G). Centerville Subdivision proposes different housing types and lot sizes within the project to include single-family detached, alley-loaded townhomes, front-loaded townhomes, and multi-family units (future Conditional Use Permit submittal). The Applicant is proposing the detached single-family with varying lot sizes that get smaller towards the interior of the site. Staff finds the proposed housing diversity would offer new housing types in the immediate area as a majority of the area is comprised of standard detached single-family lots.

"Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices" (3.07.01A). *The*

proposed site design incorporates transitional densities and lot sizes from the existing residential development to the south and east (Rockhampton Subdivision of Boise). The Applicant has matched the property lines of the properties directly abutting the east and south boundaries to ensure compatible lot and home sizes to those existing homes. The lot sizes decrease and the density increases towards the interior of the site culminating in an area of multi-family residential along S. Hillsdale Avenue and a commercial lot for a future daycare facility. Staff finds the proposed project is compatible with surrounding residential development because of the transitional densities proposed.

S. Hillsdale Avenue, a collector street, abuts the site along the west boundary with E. Amity Road, an arterial street, abutting the northern boundary. The Applicant's choice to place the highest density residential and the commercial lot along these corridors is a best design practice. Furthermore, as discussed above, other commercial uses are constructed or planned on the west side of Hillsdale in addition to a community park, a YMCA, and the Hillsdale Elementary School. Staff finds the inclusion of multi-family residential nearest to the commercial uses but separated by the required landscape buffer and a collector street creates a compatible project with all surrounding uses.

"Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks" (3.02.01G). All public utilities are available for this project site due to the existing network abutting the site to the east and north, per Public Works comments. Subsequently, all public utilities will be extended at the Applicant's expense in order to connect to the existing services within the right-of-way.

Currently, this project is not within the Fire Department's response time goal of five (5) minutes. Per Meridian Fire comments, construction of Station 7 next to Discovery Park would help in response times for this area. Currently, a majority of the residential development to the south and southwest are also outside of the response time goal.

West Ada School District has offered comments on this project and estimates 123 additional school aged children from this development. Hillsdale Elementary abuts the subject site directly to the west. In addition, there are schools of choice in this area and are noted in the community metrics section in Section II above. The Applicant has discussed with ACHD and the school district to incorporate a new dedicated crossing at E. Hill Park Street and S. Hillsdale to help elementary aged children and parents walk to the school and the YMCA.

The adjacent roadways will be impacted by this development, as discussed above and in the Access section in this report. Therefore, Staff has recommended lesser density and more commercial to improve the walkability of this area of the City.

See Section VII.F for access and transportation analysis, including Traffic Impact Study summary and analysis.

"Preserve, protect, and provide open space for recreation, conservation, and aesthetics" (4.05.01F). The proposed project offers open space that exceeds the minimum requirements in the unified development code (UDC) and includes a large centralized open space area that is slightly under 2 acres in size and is easily accessible via pedestrian connections from anywhere in the project. In addition, the entire development will share the open space and amenities which add to the walkability and usability of the open space within this development. The proposed centralized open space and pedestrian connectivity to it is an example of what the comprehensive plan and our development code currently aims to deliver to Meridian residents.

"Require pedestrian access connectors in all new development to link subdivisions together and to promote neighborhood connectivity as part of a community pathway system." (6.01.01H). The Applicant is proposing to extend the two streets stubbed to this property which includes extending

the attached sidewalks into this development. Around the perimeter and throughout this development, pedestrian facilities are proposed that would be needed additions to the sidewalk network in this area of development for both Meridian and Boise. In addition, the Applicant is proposing to work with ACHD to construct a dedicated crossing at Hill Park Street and Hillsdale so there is an additional safe route to Hillsdale Elementary on the west side of the adjacent collector street.

"Support the inclusion of small-scale neighborhood commercial areas within planned residential developments as part of the development plan, where appropriate." (3.06.02A). With the inclusion of the Mixed-Use Neighborhood future land use designation on this property, the Applicant has decided to propose one commercial lot with this project; the subject lot is shown as a future daycare facility. No other commercial uses are proposed for the development. Further analysis is above in the previous section including a recommendation that the development lose units and include more neighborhood serving uses.

Mixed Use Policies:

"Community-serving facilities such as hospitals, clinics, churches, schools, parks, **daycares**, civic buildings, or public safety facilities are expected in larger mixed use developments." *The Applicant is proposing one commercial building lot that is to be reserved for a future daycare facility. Staff appreciates its inclusion into the project.*

"Residential uses should comprise a minimum of 40% of the development area at gross densities ranging from 6 to 12 units/acre." The MU-N designation on this site is part of a larger mixed use area further the west and includes approximately 70 acres overall. Based on rough calculations and including the proposed future multi-family component of this project, this MU-N area will be comprised of approximately 58% residential development, exceeding the minimum amount of 40% noted in this policy.

"Three specific design elements should be incorporated into a mixed use development: a) street connectivity, b) open space, and c) pathways." Although no multi-use pathways are required with this development due to one already in existence on the west side of S. Hillsdale Avenue and none being shown on the Master Pathways Plan adjacent to the development area, the Applicant is proposing to construct a multi-use pathway segment along the Amity frontage. Furthermore, the subject development is proposed with sidewalks and micro-pathways throughout the project that connect open space, amenities, the commercial lot, and the perimeter pedestrian facilities. All of these facts make the open space and pedestrian connectivity component of the project compliant with this policy.

Staff finds this development to be generally consistent with the Comprehensive Plan.

C. Access (UDC 11-3A-3):

Main access to the project is proposed via two new local street connections – one to S. Hillsdale Avenue (collector street) and one to E. Amity Road (arterial street). In addition, the Applicant is extending two local stub streets into the site – one from the east (W. Macumbo Street) and one from the south (S. Bleachfield Avenue).

The two local street connections are both located near the southeast corner of the project but do not directly connect. Originally, they did connect more directly but at the first neighborhood meeting concerns were raised about cut-through traffic. So, the Applicant revised the road layout to replace that street connection with a pedestrian connection. The Access from Amity Road aligns with an approved access to the Shelbourne South Subdivision located on the north side of Amity and has been approved by ACHD (further analysis is below in the Traffic Impact Study section). The Hillsdale Avenue access aligns with E. Hill Park Street on the west side of the

collector street and is proposed to provide the main accesses to the future multi-family residential and the daycare facility. Upon review by ACHD, the successive driveways proposed on the Hill Park Street extension did not meet district offset policies for full accesses. So, the Applicant added a 10-foot wide landscaped median 75 feet into the site to restrict the first two driveways to right-in/right-out only accesses. ACHD approved this revision, as seen on the revised preliminary plat. Staff supports this change in the traffic patterns to help assist with ingress and egress for the multi-family area of the site. This does not affect the overall traffic patterns for the site.

Per the submitted plat and concept plan, the multi-family area of the site is separated by one of the main entrances to the site, E. Hill Park Street. This segregation of areas includes the Clubhouse and Pool being on the opposite side of Hill Park Street from the highest number of multi-family units. Although the Applicant is showing striping across this public road to help delineate the pedestrian walkway, Staff does not find this offers enough traffic calming for this anticipated high-trafficked pedestrian crossing. Therefore, Staff is recommending a condition of approval to add an approved traffic calming measure at the pedestrian crossing shown on the east side of the clubhouse lot traversing E. Hill Park Street.

Traffic Impact Study Analysis:

The proposed project proposes more than 100 units and therefore requires a Traffic Impact Study (TIS). The Applicant's traffic impact study has been analyzed by ACHD and specific conditions of approval are outlined in their staff report (see exhibit VIII.I). Despite ACHD analyzing and discussing the TIS in their own report, Staff finds it necessary to highlight the main points of discussion and road improvement requirements, specifically those related to the main access points for the project.

According to the TIS, the proposed development is estimated to generate 2,599 additional vehicle trips per day and 266 additional trips per hour in the PM peak hour. Both the TIS and ACHD recommend multiple improvements to the adjacent public roadways with the first phase of development for Centerville Subdivision due to the level of service on Amity Road reaching level "F" once 60 additional PM peak hour vehicle trips are generated, which equates to the first phase of development. Below are the required improvements that Staff is also including as DA provisions:

Summary of Improvements Required by ACHD

Intersection	Improvement	Threshold
Hillsdale Avenue/Amity Road	Interim Signal	60 PM peak hour trips
Amity Road/Amorita Avenue	Dedicated eastbound right-turn lane and westbound left-turn	
	lane	

Amity Road is scheduled to be widened to a 3-lane arterial between 2036 and 2040 and the TIS recommends placing this corridor as a high-priority corridor to move the road widening project up in the ACHD CIP. In the interim, the turn lane improvements will be required with the first phase of development to help mitigate traffic concerns and provide safer traffic movement at the Amity Road project entrance.

The Hillsdale Avenue/Amity Road intersection is shown on the Master Street Map to be reconstructed with a single-lane roundabout in the future but there is currently not enough right-of-way to require its construction at this time. Instead, the TIS and ACHD require an interim signal be installed at this intersection. Staff anticipates the improvements required by ACHD should help traffic flow and provide safer access to and from the proposed development.

In addition to vehicular improvements to the adjacent public roadways, safe pedestrian access to Hillsdale Elementary to the west is discussed within the TIS and was of great concern by adjacent residents. In response, ACHD recommends installing a Rapid Rectangular Flashing Beacon (RRFB) crossing at either the Rockhampton/Hillsdale intersection south of this project or at the Hill Park/Hillsdale intersection. The Applicant and West Ada staff have discussed this and the Applicant has proposed to construct this dedicated crossing at the Hill Park/Hillsdale intersection because there is an existing crossing just south of the Rockhampton/Hillsdale intersection. This would offer an additional safe crossing for current and future residents to access the public facilities on the west side of S. Hillsdale Avenue.

As additional residential density is added to this area, the mitigation methods utilized by the Applicant becomes increasingly important. In addition, expected road improvements and right-of-way requirements are important analysis factors in determining if a project should be annexed and approved for development. Therefore, Staff does have concern over the estimated increase of traffic from this development to this area with Amity Road in its current two-lane configuration. However, the required mitigation improvements may help disperse the added traffic from this development, according to the TIS and ACHD. As noted above, this factors into staff's recommendation to limit the future multi-family residential to 128 units (a loss of 40 units) and reduce the overall density by one (1) unit per acre to 7.34 du/acre.

D. Existing Structures/Site Improvements:

The subject development consists of 3 parcels and originally contained two homes with associated accessory buildings. The home located along Amity Road is still on the property and the property is currently being used for agricultural production—it will be removed prior to development of the property. The manufactured home in the southwest corner of the site was removed in 2021. No other site improvements are currently known.

E. Proposed Use Analysis:

The Applicant is proposing multiple uses and different types of residential uses within this development—daycare facility, detached single-family, front-loaded townhomes, alley-loaded townhomes, and multi-family residential. In addition, a clubhouse with a pool is shown on the preliminary plat and is intended to be used by entire development, not just the future multi-family. Multi-family residential is a conditional use in the R-15 zoning district per UDC Table 11-2A-2 and is not a part of the application requests at this time—the Applicant will be required to submit a future CUP application if the Annexation and Zoning and Preliminary Plat requests are approved and conceptually include the multi-family residential use as proposed. All other proposed residential uses are principally permitted uses in the R-8 and R-15 zoning districts. Townhome single-family residential requires Design Review so Staff will analyze the proposed elevations in more detail with that future application.

The Applicant has provided a phasing plan notating the project is to be constructed in four (4) phases and shows a majority of the single-family portion of the site to be developed in the first two phases and includes the accesses to Amity and Hillsdale Ave. and the large central open space in the first phase of development. The phasing plan shows the extension of the existing stub streets into the site and the remaining detached single-family occurring with the second phase of development. A majority of the multi-family is proposed with phase 3 and would also include the daycare facility. Lastly, the proposed clubhouse and pool, the remaining multi-family, and the only front-loaded townhomes (at the very southwest corner of the site) is proposed with the fourth and final phase of development and is located in the southwest quadrant of the project.

As discussed in the comprehensive plan analysis sections above, Staff finds the proposed uses and the proposed transitional densities/lot sizes offer appropriate and adequate transition from the

existing neighborhoods. With Staff's recommended revisions to the multi-family building heights, Staff finds the proposed development would not only be compatible with the surrounding neighborhoods but also enhance the existing character of this area.

Specifically, all of the detached single-family lots proposed along the south and east boundaries are nearly identical in size and almost align with the existing lot lines of the adjacent residential developments. The Applicant has proposed these homes and those directly across the new local street to be within the R-8 zoning district which matches the zoning to the south (Boise zoning is different than Meridian's but the R-8 zoning is comparable to that zoning of the Boise subdivision to the east). The remaining area of the site is proposed with the R-15 zoning district and the next band of building lots proposed are smaller in lot size as they move closer to the centralized open space and are still detached single-family building lots. West of the centralized open space and acting as a transitional housing type between the detached component of the project and the multi-family component is a block of alley-loaded townhomes that are multiple three-plex buildings. These homes have their front doors facing to the east towards a new local street and utilize the easternmost drive aisle of the multi-family development for vehicular access to a tuck under garage. This allows a parkway with street trees to be incorporated into the streetscape of this street (shown as S. Stockport Way) and offers both a more attractive streetscape and a different housing type for this development. In addition, Staff finds it is a practical and appropriate transitional housing type between traditional detached single-family and the proposed multi-family along Hillsdale Ave.

The Applicant is also reserving a building lot for a future daycare facility at the northeast corner of the Hill Park Street and Hillsdale Avenue intersection. This use is permitted by right in the requested R-15 zoning district so there is no need to propose any commercial zoning to include this use. To help ensure this use is constructed, Staff is including a DA provision that Lot 30, Block 1, per the submitted pre-plat, is reserved for a future daycare facility only. Staff notes that the inclusion of this commercial use is precisely what this area calls for and needs as more residential homes are constructed and because it is located so close to an elementary school. Because of these facts, Staff is recommending that this lot be platted with Phase 1 development instead of with Phase 3 as currently shown on the proposed phasing plan. Staff understands the daycare use is currently in high demand throughout the City so including its platting with Phase 1 is logical. This does not require that it is constructed with Phase 1 but it gives the Applicant more opportunity to construct it earlier in the process than with Phase 3 (likely years after Phase 1) as currently proposed.

With Staff's recommended revisions noted throughout the staff report, Staff finds the proposed uses within this development match and enhance the existing neighborhood and commercial character of the immediate area.

F. Dimensional Standards (*UDC 11-2*):

The proposed building lots appear to meet all UDC dimensional standards for the requested R-8 and R-15 zoning districts in lot size, lot frontage, and proposed uses.

All subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3).

The Applicant has proposed two common driveways as part of the detached single-family portion of the site (Lot 28, Block 3 & Lot 11, Block 5). Code has recently been revised to limit the number of units taking access from a common drive to four (4) total units, with no more than three (3) being allowed on one side of the drive. The submitted preliminary plat shows three (3) units taking access from each common drive.

Staff finds the proposed project complies with the subdivision design and improvement standards.

G. Parking (*UDC* <u>11-3C</u>):

Off-street parking is required to be provided in accord with the standards listed in <u>UDC Table 11-3C-6</u> for single-family and multi-family dwellings based on the number of bedrooms per unit.

The single-family portion of the site (townhomes and detached) must comply with these standards and will be confirmed at the time of building permit submittal. Note: all local streets are proposed as 33-foot wide street sections which allow for on-street parking where no driveways or mailboxes exist. On-street parking cannot count for the number of off-street parking spaces required for detached single-family residential.

The Applicant has provided data regarding the future multi-family portion of the site on the submitted preliminary plat and shows 28 parking spaces in excess of code requirements based on the original request of 168 units (358 total spaces proposed; 330 minimum required). It is not clear if this parking includes the spaces required for the clubhouse which has been required to include parking at the standard nonresidential ratio of one space for every 500 square feet of gross floor area. The Applicant is showing dedicated parking for the daycare facility but the size of the building is not yet known so Staff will ensure adequate parking is included for that use with a future Certificate of Zoning Compliance application.

A future CUP application will verify the minimum number of parking spaces required for the multi-family development based on the number of bedrooms per unit and the required guest parking (1 space for every 10 units) that should be in effect at the time of CUP submittal. Furthermore, with Staff's recommended reduction in multi-family units, parking should not be an issue for the multi-family area.

The Applicant did not submit a separate parking plan for review.

H. Sidewalks (*UDC* <u>11-3A-17</u>):

5-foot wide attached sidewalks are proposed along all of the proposed local streets serving the detached single-family homes. 5-foot wide detached sidewalks with parkways are proposed adjacent to S. Stockport Way (the dividing street between the detached and townhome products), along E. Hill Park Street (the entrance to the site from Hillsdale Ave.), throughout the future multi-family development, and along both Hillsdale Ave. and Amity Road. The proposed sidewalks meet the standards listed in UDC 11-3A-17.

The sidewalks in this development create connections throughout the project including to and from the multi-use pathway segment along Amity Road to the large open space area in the center of the development. All open space areas also appear to be directly adjacent to sidewalks and include micro-paths which add to the pedestrian accessibility of the development and surrounding neighborhoods. Specifically, this development would add additional and safe routes to Hillsdale Elementary by extending existing pedestrian facilities from the adjacent subdivisions.

In addition, the Applicant has worked with ACHD and West Ada School District to include construction of a dedicated Rapid Flashing Beacon (RRFB) crossing from this development to the west. This crossing is proposed at the intersection of E. Hill Park and S. Hillsdale and would provide an additional safe crossing for children from all areas east of Hillsdale Ave./Stockenham Way to get to and from school, the YMCA, and the public park safely.

Therefore, Staff supports the sidewalk and overall pedestrian facilities for this development.

I. Landscaping (*UDC 11-3B*):

A 35-foot wide street buffer is required adjacent to E. Amity Road, an arterial street and entryway corridor, landscaped per the standards listed in *UDC 11-3B-7C*. At least a 35-foot wide common

lot is depicted along Amity Road on the revised preliminary plat and the submitted landscape plans appear to show landscaping in excess of code requirements.

A 20-foot wide landscape buffer is required adjacent to S. Hillsdale Avenue, a collector street—the revised plat and landscape plans also show compliance with this requirement. The submitted landscape plans appear to show the correct amount of landscaping per the UDC standards for the landscape buffers.

Landscaping is required along all pathways (including micro-pathways) in accord with the standards listed in *UDC 11-3B-12C*. The total lineal feet of *all* pathways with the required and proposed number of trees are not included in the Landscape Calculations table on the submitted landscape plans. This should be corrected prior to Final Plat submittal. However, the correct number of trees appear to be shown on the submitted plans. *The Applicant has proposed a micro-path in the southeast corner of the site to connect two blocks and the correct number of trees is shown on the landscape plans but there are no trees shown adjacent to the pathway to offer any shade. The pathway segment is slight over 100' which requires only one tree adjacent so the Applicant should move one tree from a portion of this common lot and place it next to the pathway to comply with UDC 11-3B-12C.*

The Cunningham Lateral currently bisects the very southwest corner of the project site so the Applicant is proposing to pipe and reroute this lateral placing it along the southern and eastern property boundaries in this area of the site. To help this area be more than simply a wide swath of grass, the Applicant is proposing a gravel path over the lateral that circumvents the front-loaded townhomes and connects from S. Hillsdale to one of the internal streets. Because of the irrigation easement associated with the lateral, no trees are allowed within its easement which presents an issue since the Applicant's open space exhibit shows this area as qualifying open space. In order to qualify as open space, the Applicant is required to landscape this area per code. With the encumbrance of the irrigation easement, the Applicant should submit for Alternative Compliance with the first Final Plat application to propose how the existing landscape plan meets or exceeds code requirements or propose an alternative that meets these standards.

Common open space is required to be landscaped in accord with the standards listed in *UDC 11-3G-3E*. The total square footage of common open space and the required number of trees to demonstrate compliance with UDC standards is included in the Landscape Calculations table and meets UDC requirements.

J. Qualified Open Space (*UDC 11-3G*):

Despite multi-family residential being the focus of a *future* CUP application the open space exhibit submitted by the Applicant is intending to show compliance with the standards for both the standard 11-3G-3 and the multi-family specific use standards in UDC 11-4-3-27. A minimum of 10% *qualified* open space meeting the standards listed in UDC 11-3G-3B is required for the overall development, including the multi-family portion of the project. Based on the proposed plat of 38.95 acres, a minimum of 3.9 acres of qualified common open space should be provided to satisfy the requirements of 11-3G-3. In addition, because there is a multi-family development within a residential zoning district, the common open space standards listed within the specific use standards, UDC 11-4-3-27, also apply. Based on the requested number of multi-family units of 168, the minimum amount of open space required to satisfy the specific use standards is 0.96 acres of common open space. However, with Staff's recommended cap of 128 multi-family units, the minimum amount required would be 32,000 square feet, or approximately 0.74 acres.

Combined, the required amount of minimum qualifying open space that should be provided is 4.86 acres, without Staff's revisions in place. This is reduced to 4.64 acres if Staff's

recommendations are approved. The Applicant's open space exhibit shows a total of 5.64 acres (approximately 14.5%) of qualifying open space but it is unclear exactly how much of this area is for each code section. Regardless, the total amount exceeds the minimum required and it is clear per the open space exhibit and the landscape plans that the minimum 10% open space is met with this preliminary plat (see Exhibit VII.C). The future CUP application for the multi-family development will be required to show that the open space requirements in the specific use standards are met. The qualified open space consists of the required street buffers, the large centralized open space lot, and other smaller open space areas throughout the site that include additional pedestrian connectivity through the site. These areas exceed the minimum UDC requirements.

K. Qualified Site Amenities (*UDC 11-3G*):

Based on the area of the proposed plat (38.95 acres), a minimum of two (2) qualified site amenities are required to be provided per the standards listed in <u>UDC 11-3G-3C</u>. The future CUP application and Commission meeting will determine the number of amenities required per UDC 11-4-3-27 for the multi-family portion of the site because it is proposed with over 100 units.

The applicant proposes at least four (4) qualifying amenities to satisfy 11-3G-3 requirements; open space in excess of the requirements, picnic area with benches and shade structure, children's play structure, and public art. The Applicant is showing a clubhouse with a pool and tot-lot in the southwest area of the site and another tot-lot area in the northwest area of the site. These are located within the multi-family area of the development but all open space and amenities would be shared by everyone in the development. With the future CUP application, the Applicant will be required to show the amenities proposed throughout the entire site are enough to satisfy the specific use standards for multi-family development; additional amenities above what are being shown on the concept plan may be required.

L. Fencing (*UDC* <u>11-3A-6</u>, <u>11-3A-7</u>):

All fencing is required to comply with the standards listed in UDC 11-3A-7.

Fencing is proposed as shown on the submitted landscape plans and appears to meet UDC requirements.

M. Building Elevations (*UDC 11-3A-19* | *Architectural Standards Manual*):

The applicant has submitted conceptual renderings of the housing types proposed with this project. Attached single-family homes (townhomes) and multi-family structures require Administrative Design Review (DES) approval prior to building permit submittal and will be handled with those future application submittals.

The conceptual renderings submitted for all building types show multiple finish materials, roof profiles, home sizes, and color concepts. Based on the submitted renderings, Staff does not anticipate major issues or changes with future design review applications. Staff will ensure compliance with the ASM for both the townhome and multi-family residential when those applications are submitted.

N. Waterways (UDC 11-3A-6):

A segment of the Cunningham Lateral crosses the southwest corner of the subject project site. The Applicant is proposing to pipe and reroute this relatively small segment of the lateral and place it along the south and west boundaries of the site to provide more usable area for the development. Fencing and landscaping have been analyzed in other sections of the report that include analysis on the open space proposed over the new lateral easement area.

The Applicant's proposal has been analyzed against UDC 11-3A-6 and Staff finds the proposal to pipe this segment of the Cunningham Lateral is compliant with code.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement and approval of the requested preliminary plat application per the conditions of approval in Section VIII and the Findings in Section IX of this staff report.

- B. The Meridian Planning & Zoning Commission heard these items on August 12, 2021 and October 21, 2021. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning and Preliminary Plat requests.
 - 1. Summary of Commission public hearing:
 - a. <u>In favor: Becky McKay, Applicant Representative.</u>
 - b. In opposition: Please see public record *here*.
 - c. Commenting: Becky McKay;
 - d. Written testimony: A number of written testimonies were submitted, a vast majority of which were against the project. Please see the public record for these records testimony.
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - <u>f.</u> Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - <u>a.</u> Allocation of density and lot sizes throughout the site relative to existing residential in the area:
 - b. Desire to have more commercial and less high-density apartments within the project;
 - c. Overall concerns with additional residents in this area and the impact to the roadways and neighborhood elementary school, Hillsdale Elementary;
 - <u>d.</u> <u>Discussions on how Staff measures and analyzes density of projects when multiple future land uses are present within a project site;</u>
 - <u>e.</u> <u>Desire to reduce density further than Applicant proposed with the revised layout and removal of garden-style apartments;</u>
 - 3. Key issue(s) of discussion by Commission:
 - a. Density of project and inclusion of apartment units in this area of the City;
 - b. Amount of commercial originally proposed and analyzed by Staff and how it meets the
 - <u>c.</u> <u>Mixed-use Neighborhood future land use designation;</u>
 - <u>d.</u> <u>Ingress and egress for the project site relative to required road improvements to Hillsdale and Amit and subsequent timeline of required road improvements;</u>
 - e. Desire to have more commercial and less multi-family consistent with public testimony at both hearings;
 - <u>f.</u> Support of revised layout that includes more attached single-family, commercial, and a new multi-family use (three 4-plex buildings);
 - g. Amount and availability of parking for the areas surrounding the townhomes and increased commercial lots;
 - 4. Commission change(s) to Staff recommendation:
 - a. Commission did not make any additional changes to the Staff report beyond those noted within the Staff Memo dated October 15, 2021 subsequently, Section VII and Section VIII of this document have been revised to include the revised plans and recommended revisions to the conditions of approval noted in the memo.
 - 5. Outstanding issue(s) for City Council:
 - a. None

- C. The Meridian City Council heard these items on November 16, 2021, January 4, 2022, & on July 19, 2022. At the July 19, 2022 public hearing, the Council moved to approve the subject Annexation and Zoning and Preliminary Plat requests.
 - 1. Summary of the City Council public hearing:
 - a. In favor: Becky McKay, Applicant Representative.
 - b. In opposition: See public records linked below.
 - c. Commenting: Becky McKay; Numerous members of the public, please see the meeting minutes here for each Council meeting—11/16/2021, 1/4/2022, and 7/19/2022.
 - d. Written testimony: See public record *here*.
 - e. Staff presenting application: Joseph Dodson, Associate Planner.
 - <u>Other Staff commenting on application: Bill Nary, City Attorney; Kristy Inselman, ACHD Representative;</u>
 - 2. Key issue(s) of public testimony:
 - a. Consideration of future land use designations and how the City handles dual designations on the same property in terms of area, density, and required uses;
 - <u>Concerns with traffic study data implemented within the TIS and the anticipated traffic impact of proposed development;</u>
 - <u>c.</u> <u>School capacity and overcrowding throughout south Meridian, specifically with Hillsdale Elementary;</u>
 - <u>d.</u> <u>Desire for less density and a site design more consistent with the existing neighborhoods to the south and east;</u>
 - <u>e.</u> <u>School funding and the impacts the state legislature decisions have on projects in Meridian;</u>
 - <u>f.</u> <u>Safety issues surrounding streets adjacent to development and to and from elementary school;</u>
 - g. Location of the proposed RRFB crossing;
 - h. Sidewalk gap on west side of Hillsdale;
 - i. Desire for a general moratorium on development in Meridian;
 - 3. Key issue(s) of discussion by City Council:
 - <u>a.</u> Revisions made by the Applicant to remove apartments and reduce the overall density by removing 108 units;
 - <u>b.</u> <u>Future land use designations and their ability to utilized within sites when more than one exists within the same project area;</u>
 - <u>Can Council require more commercial within the project area regardless of the area of the future land use designations;</u>
 - d. Phasing of project and reasoning for placement of commercial, specifically the proposed flex space buildings;
 - <u>e.</u> <u>Location of project in relation to the nearby elementary school (Hillsdale) and arterial streets and capacity of nearby schools (main reason for two continuances of project);</u>
 - <u>f.</u> <u>Differences between West Ada report and information provided by board of trustee, ramifications thereof;</u>
 - g. Location of the proposed RRFB crossing:
 - <u>h.</u> <u>Timeline of adjacent roadway improvements including those required to be constructed by the Applicant;</u>
 - <u>i.</u> <u>Sidewalk gap on west side of Hillsdale that is in lifetime trust, timing of such redevelopment and potential of Applicant to construct this segment of sidewalk;</u>
 - j. Number of units approved south of the interstate and their anticipated future impact to the schools and transportation network for informational purposes only;

- <u>4.</u> City Council change(s) to Commission recommendation:
 - a. Require sidewalk along Hillsdale to be 10 feet wide instead of 5-foot;
 - b. Work with ACHD to install traffic calming along Hillsdale at appropriate locations;
 - c. Revise the provision concerning the timing of the RRFB installation at Hillsdale/E. Hill Park Street once sidewalk in front of the YMCA outparcel is constructed and not before;

VII. EXHIBITS

A. Annexation and Zoning Legal Descriptions and Exhibit Maps

<u>Legal Description</u> Centerville Subdivision – Annexation

A parcel being the NW % of the NE % of Section 33, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

BEGINNING at a Brass Cap monument marking the northwest corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, from which an Aluminum Cap monument marking the northwest corner of the of said Section 33 bears N 89°15'18" W a distance of 2660.59 feet;

Thence along the northerly boundary of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ S 89°14'44" E a distance of 1330.22 feet to a point marking the northeast corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$;

Thence along the easterly boundary of said NW % of the NE % S 0°22'10" W a distance of 1324.15 feet to a point marking the southeast corner of said NW % of the NE %;

Thence along the southerly boundary of said NW $\frac{1}{2}$ of the NE $\frac{1}{2}$ N 89°27'31" W a distance of 1329.05 feet to a point marking the southwest corner of said NW $\frac{1}{2}$ of the NE $\frac{1}{2}$;

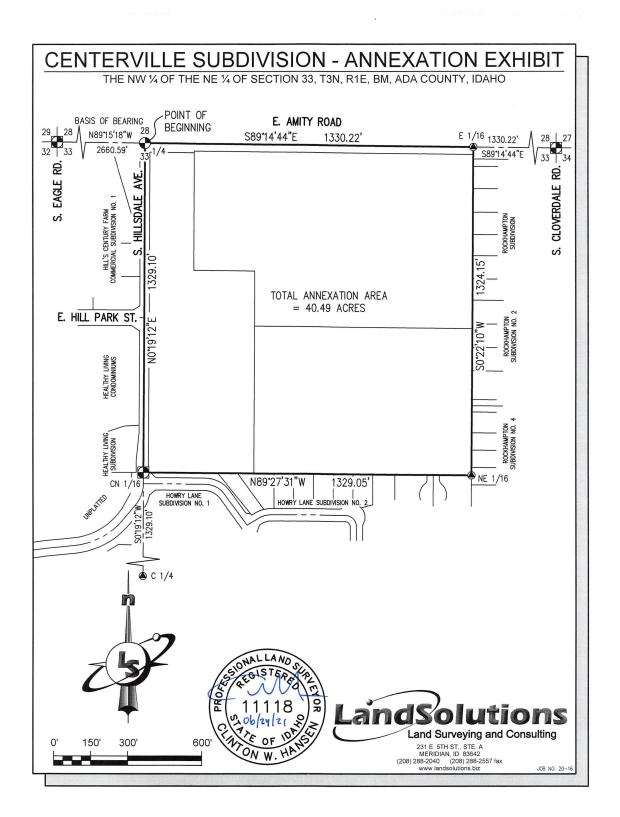
Thence along the westerly boundary of said NW % of the NE % N 0°19'12" E a distance of 1329.10 feet to the **POINT OF BEGINNING**.

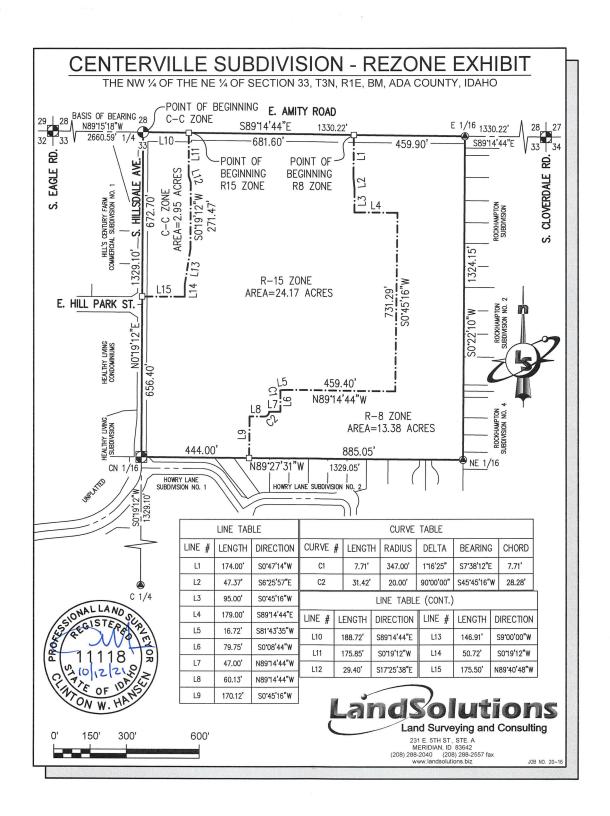
This parcel contains 40.49 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS Land Solutions, PC June 24, 2021









<u>Legal Description</u> Centerville Subdivision – C-C, R15 and R8 Rezone

Parcels being portions of Lots 1 and 2 of Block 1 of Garoutte Acres Subdivision as shown in Book 60 of Plats on Pages 5900 through 5901, records of Ada County, Idaho, and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 33, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

C-C REZONE

BEGINNING at a Brass Cap monument marking the northwest corner of said NW $\frac{1}{2}$ of the NE $\frac{1}{2}$, from which an Aluminum Cap monument marking the northwest corner of the NW $\frac{1}{2}$ of said Section 33 bears N 89°15'18" W a distance of 2660.59 feet;

Thence along the northerly boundary of said NW ¼ of the NE ¼ S 89°14'44" E a distance of 188.72 feet to a point;

Thence leaving said northerly boundary S 0°19'12" W a distance of 175.85 feet to a point;

Thence S 17°25'38" E a distance of 29.40 feet to a point;

Thence S 0°19'12" W a distance of 271.47 feet to a point;

Thence S 9°00'00" W a distance of 146.91 feet to a point;

Thence S 0°19'12" W a distance of 50.72 feet to a point;

Thence N 89°40'48" W a distance of 175.50 feet to a point on the westerly boundary of said NW $\frac{1}{2}$ of the NE $\frac{1}{2}$;

Thence along said westerly boundary N 0°19'12" E a distance of 672.70 feet to the **POINT OF BEGINNING**.

This parcel contains 2.95 acres and is subject to any easements existing or in use.

R-15 REZONE

Commencing at a Brass Cap monument marking the northwest corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, from which an Aluminum Cap monument marking the northwest corner of the NW $\frac{1}{4}$ of said Section 33 bears N 89°15'18" W a distance of 2660.59 feet;

Thence along the northerly boundary of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ S 89°14'44" E a distance of 188.72 feet to the **POINT OF BEGINNING**;

Thence continuing along said northerly boundary S 89°14'44" E a distance of 681.60 feet to a point;

Thence leaving said boundary S 0°47'14" W a distance of 174.00 feet to a point;

Thence S 6°25'57" E a distance of 47.37 feet to a point;



Centerville Subdivision Job No. 20-16 Page 1 of 3 Thence S 0°45'16" W a distance of 95.00 feet to a point;

Thence S 89°14'44" E a distance of 179.00 feet to a point;

Thence S 0°45'16" W a distance of 731.29 feet to a point;

Thence N 89°14'44" W a distance of 459.40 feet to a point;

Thence S 81°43'35" W a distance of 16.72 feet to a point;

Thence a distance of 7.71 feet along the arc of a 347.00 foot radius non-tangent curve right, said curve having a central angle of 1°16'25" and a long chord bearing S 7°38'12" E a distance of 7.71 feet to a point;

Thence S 0°08'44" W a distance of 79.75 feet to a point;

Thence N 89°14'44" W a distance of 47.00 feet to a point;

Thence a distance of 31.42 feet along the arc of a 20.00 foot radius non-tangent curve right, said curve having a central angle of 90°00'00" and a long chord bearing S 45°45'16" W a distance of 28.28 feet to a point of tangency;

Thence N 89°14'44" W a distance of 60.13 feet to a point;

Thence S $0^{\circ}45'16"$ W a distance of 170.12 feet to a point on the southerly boundary of said NW $\frac{1}{2}$ of the NE $\frac{1}{2}$;

Thence along said southerly boundary N 89 $^{\circ}$ 27'31" W a distance of 444.00 feet to a point marking the southwest corner of said NW $\frac{1}{2}$ of the NE $\frac{1}{2}$;

Thence along the westerly boundary of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ N 0°19'12" E a distance of 656.40 feet to a point;

Thence leaving said boundary S 89°40'48" E a distance of 175.50 feet to a point;

Thence N 0°19'12" E a distance of 50.72 feet to a point;

Thence N 9°00'00" E a distance of 146.91 feet to a point;

Thence N 0°19'12" E a distance of 271.47 feet to a point;

Thence N 17°25'38" W a distance of 29.40 feet to a point;

Thence N 0°19'12" E a distance of 175.85 feet to the POINT OF BEGINNING.

This parcel contains 24.17 acres and is subject to any easements existing or in use.

R-8 REZONE

Commencing at a Brass Cap monument marking the northwest corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, from which an Aluminum Cap monument marking the northwest corner of the NW $\frac{1}{4}$ of said Section 33 bears N 89°15'18" W a distance of 2660.59 feet;



Centerville Subdivision Job No. 20-16 Page 2 of 3 Thence along the northerly boundary of said NW ¼ of the NE ¼ S 89°14'44" E a distance of 870.32 feet to the **POINT OF BEGINNING**;

Thence continuing along said northerly boundary S 89°14'44" E a distance of 459.90 feet to a point marking the northeast corner of said NW $\frac{1}{2}$ of the NE $\frac{1}{2}$;

Thence along the easterly boundary of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ S 0°22'10" W a distance of 1324.15 feet to a point marking the southeast corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$;

Thence along the southerly boundary of said NW ¼ of the NE ¼ N 89°27'31" W a distance of 885.05 feet to a point;

Thence leaving said southerly boundary N 0°45'16" E a distance of 170.12 feet to a point;

Thence S 89°14'44" E a distance of 60.13 feet to a point of curvature;

Thence a distance of 31.42 feet along the arc of a 20.00 foot radius curve left, said curve having a central angle of 90°00'00" and a long chord bearing N 45°45'16" E a distance of 28.28 feet to a point:

Thence S 89°14'44" E a distance of 47.00 feet to a point;

Thence N 0°08'44" E a distance of 79.75 feet to a point;

Thence a distance of 7.71 feet along the arc of a 347.00 foot radius curve left, said curve having a central angle of 1°16'25" and a long chord bearing N 7°38'12" W a distance of 7.71 feet to a point;

Thence N 81°43'35" E a distance of 16.72 feet to a point;

Thence S 89°14'44" E a distance of 459.40 feet to a point;

Thence N 0°45'16" E a distance of 731.29 feet to a point;

Thence N 89°14'44" W a distance of 179.00 feet to a point;

Thence N 0°45'16" E a distance of 95.00 feet to a point;

Thence N 6°25'57" W a distance of 47.37 feet to a point;

Thence N 0°47'14" E a distance of 174.00 feet to the POINT OF BEGINNING.

This parcel contains 13.38 acres and is subject to any easements existing or in use.

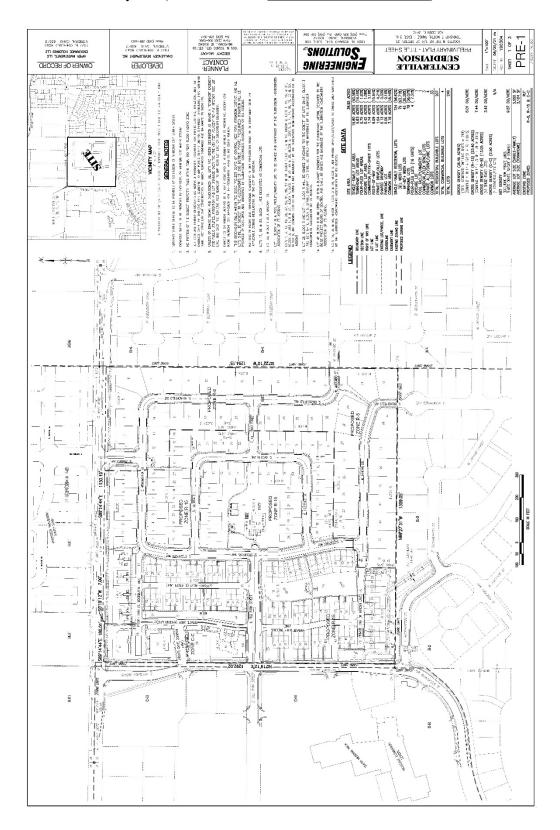
Clinton W. Hansen, PLS Land Solutions, PC Revised October 12, 2021

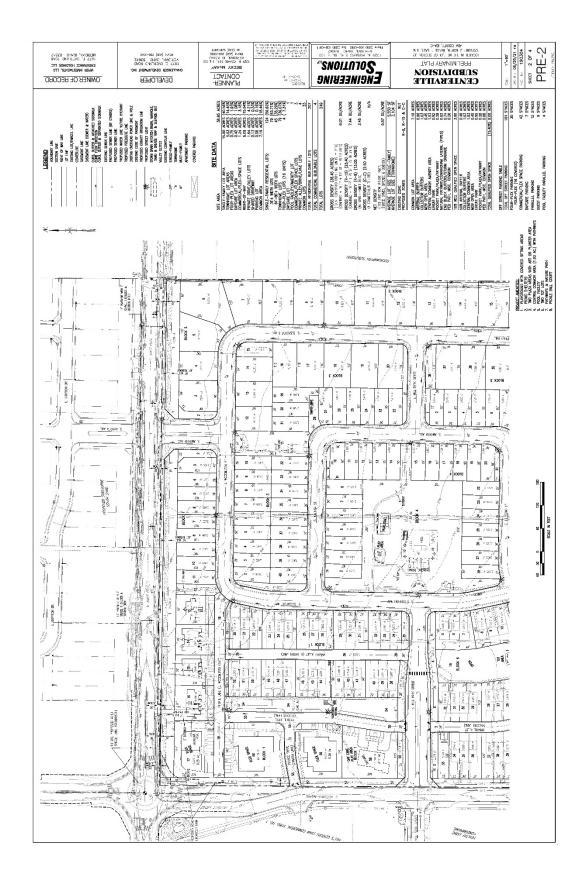


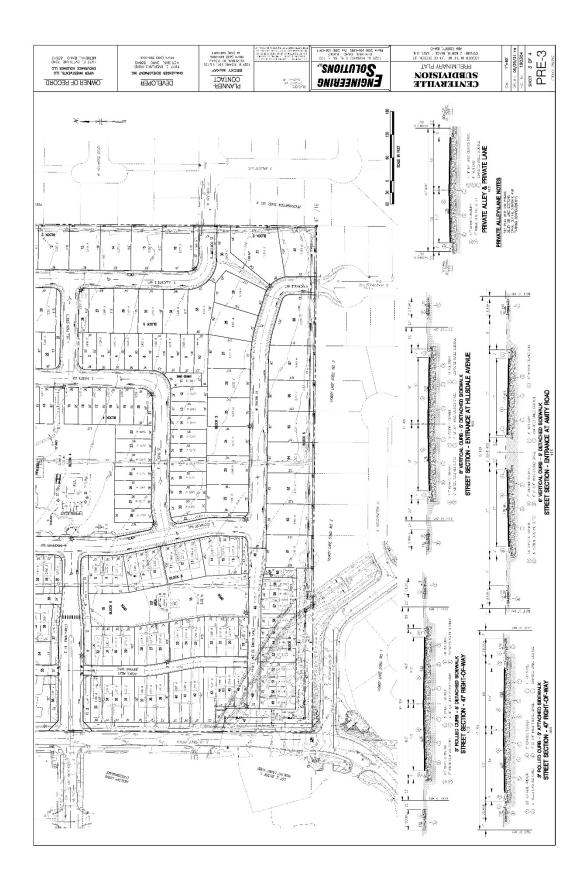
Centerville Subdivision Job No. 20-16 Page 3 of 3



B. Revised Preliminary Plat (dated: 7/30/2021 Revision date of 10/8/2021)

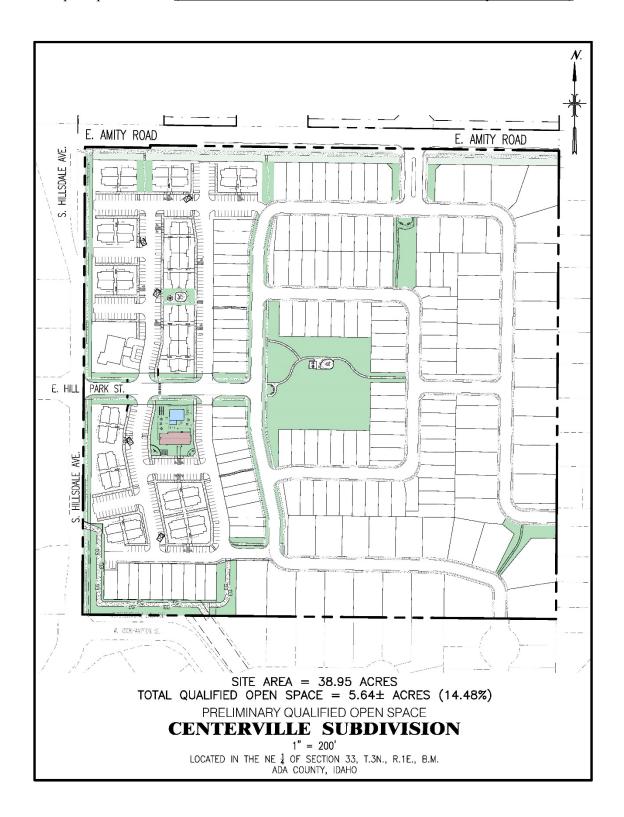








C. Open Space Exhibit (NOT APPROVED – needs to be revised to match layout revisions)



D. Landscape Plans (date: 6/07/2021 10/15/2021)



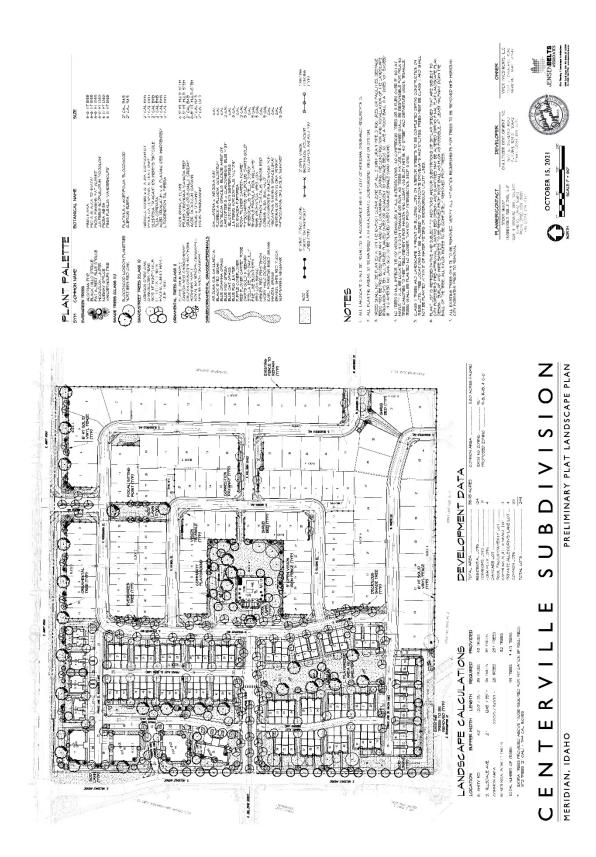
LANDSCAPE CALCULATIONS

LOCATION	BUFFER WIDTH	LENGTH	REQUIRED	PROVIDED
E. AMITY RD.	42'	1210' / 35' =	35 TREES	43 TREES
S, HILLSDALE AVE.	21'	1245' / 35' =	36 TREES	39 TREES
COMMON AREA	221,	515 / 8,000 =	28 TREES	257 TREES
ESIDENTIAL/STREET TREES				132 TREES
TOTAL NUMBER OF TR		99 TREES	* 471 TREES	

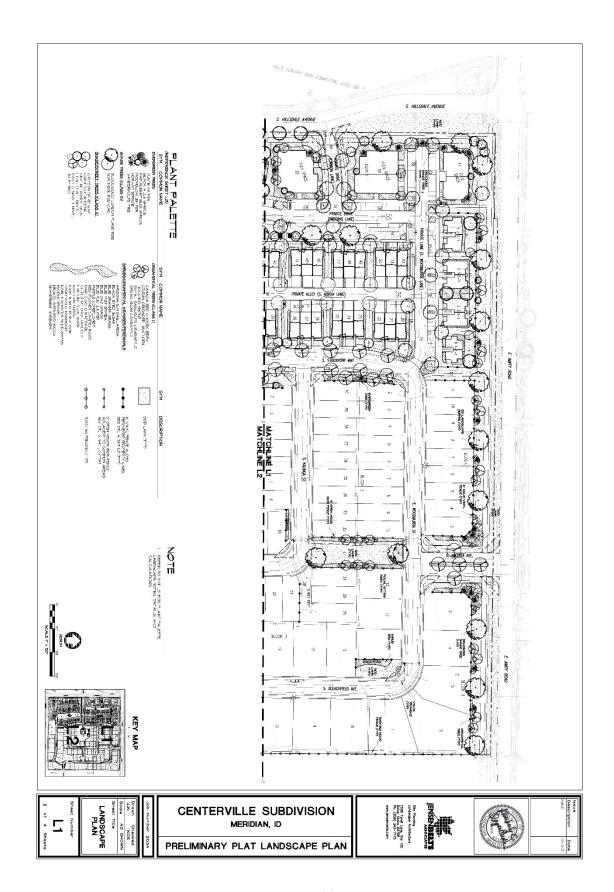
EXTRA TREES PROVIDED ABOVE THOSE REQUIRED FOR MITIGATION (IF REQUIRED). 372 TREES (2" CAL) = 744 CAL. INCHES

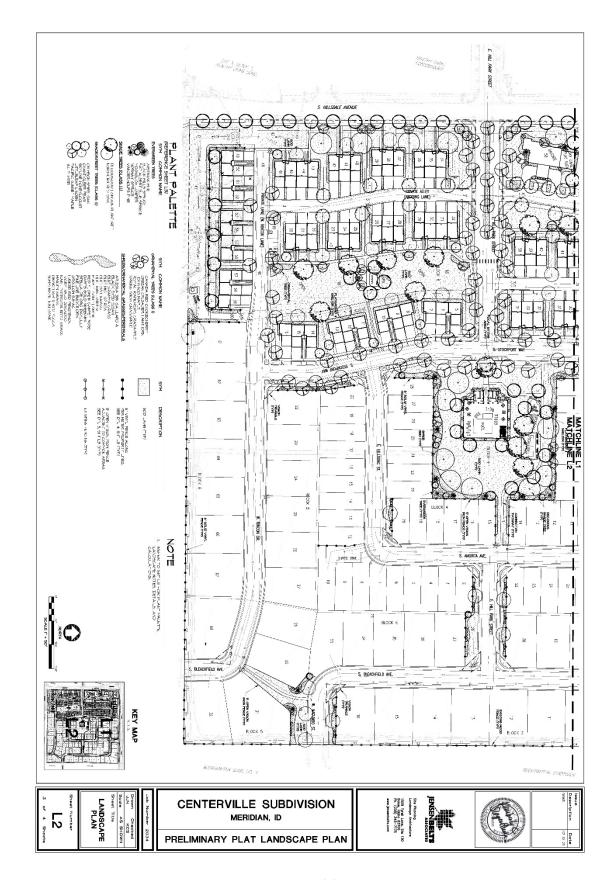
DEVELOPMENT DATA

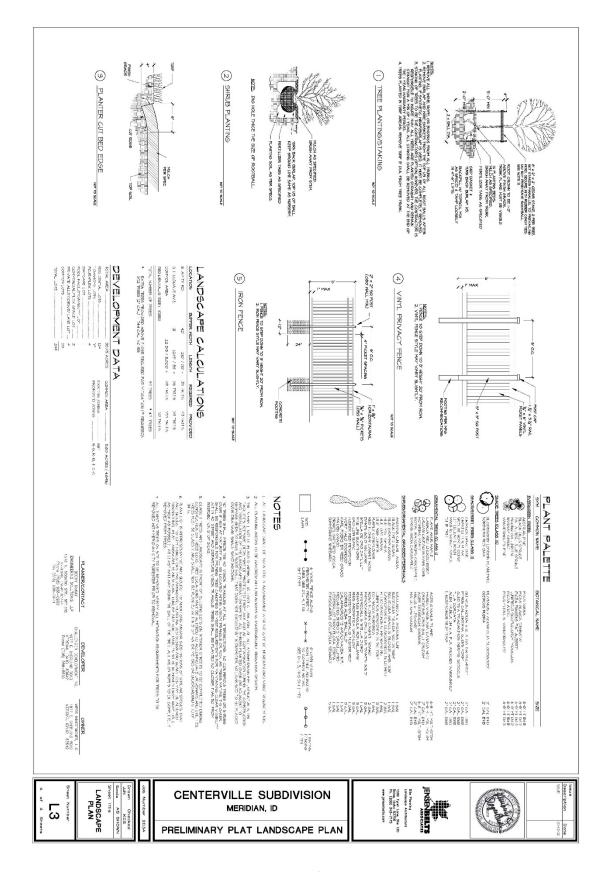
TOTAL AREA	38.45 ACRES	GOMMON AREA	5.80 ACRES (14.89%)
RESIDENTIAL LOTS	124	EXISTING ZONING	RUT
TOWNHOME LOTS	79	PROPOSED ZONING	
FOUR-PLEX LOTS	4		
DAYCARE LOT	1		
POOL FACILITY/AMENITY LOT	1		
COMMERCIAL/FLEX SPACE LOT	3		
PRIVATE ALLEY/DRIVE/ LANE LOT	4		
COMMON LOTS	33		
TOTAL LOTS	249		



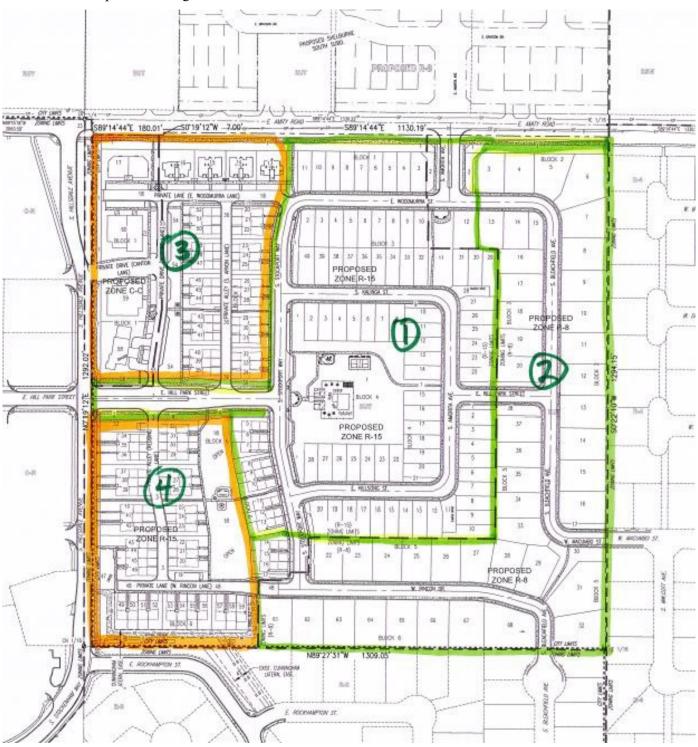
Page 32



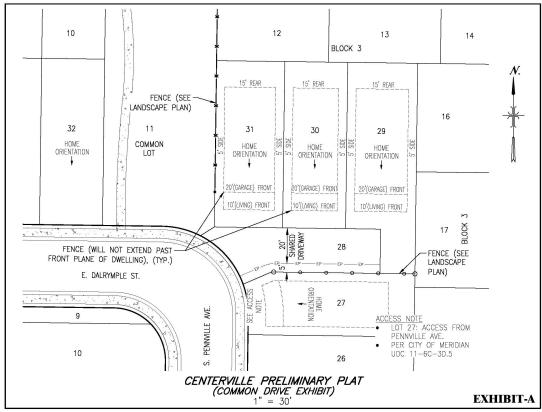


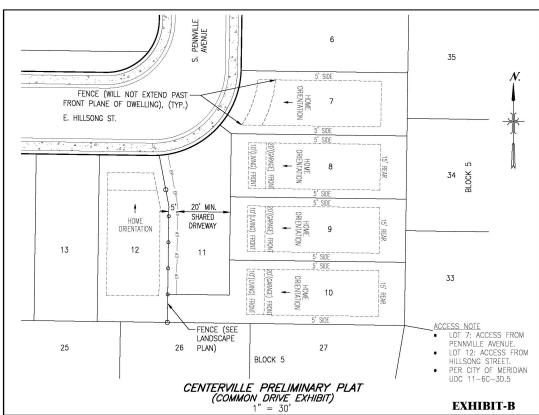


E. Proposed Phasing Plan



F. Common Drive Exhibits





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G. Conceptual Building Elevations

CBH HOMES

CENTERVILLE SINGLE FAMILY ON 50' WIDE LOTS



CBH HOMES

CENTERVILLE SINGLE FAMILY ON 36' WIDE LOTS







CBH HOMES

CENTERVILLE 3-UNIT TOWNHOME TYPE 1



CBH HOMES

CENTERVILLE 3-UNIT TOWNHOME TYPE 2



CBH HOMES

CENTERVILLE 3-UNIT TOWNHOME TYPE 3









VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be substantially consistent with the approved plat, phasing plan, concept plan, landscape plan, open space exhibit, and conceptual building elevations included in Section VII and the provisions contained herein.
- b. Future development shall be generally consistent with the proposed phasing plan, specifically that no more than 30 homes shall be constructed prior to both the Hillsdale Avenue and the Amity Road accesses being constructed.
- c. With the first phase of development, the Applicant shall construct a dedicated westbound and eastbound turn lane on E. Amity Road at the S. Amorita Avenue entrance (as labeled on the preliminary plat) and construct an interim signal at the E. Amity Road and S. Hillsdale Avenue intersection, per the ACHD staff report and the Traffic Impact Study.
- d. With the first phase of development, the Applicant shall construct a Rapid Rectangular Flashing Beacon (RRFB) crossing at the S. Hillsdale Avenue and E. Hill Park Street intersection when the sidewalk gap located at 5175 S. Hillsdale Avenue (Parcel R3530800300) is constructed.
- e. Per the submitted and revised preliminary plat, Lot 3058, Block 1 shall be reserved for a future daycare facility and Lots 17, 59, & 60, Block 1 shall be reserved for future commercial uses.
- f. All future pedestrian crossings within the <u>subdivision that traverse a driving</u> <u>surface future multi-family residential area of the site</u> shall be constructed with brick, pavers, stamped concrete, colored concrete <u>or similar</u> to clearly delineate the driving surface from the pedestrian facilities, per UDC 11-3A-19B.4b.
- g. No building permits shall be submitted until the final plat for the associated phase is recorded.
- h. The required landscape street buffers and detached pedestrian facilities shall be constructed and vegetated with the first phase of development along E. Amity Road and S. Hillsdale Avenue, including a 10-foot wide sidewalk along the Hillsdale frontage as required by City Council.
- i. The Applicant shall pipe and reroute the Cunningham Lateral segment present on this property and comply with the standards in UDC 11-3A-6, per the submitted preliminary plat and concept plan.
- j. The future multi-family development shall be constructed with no more than 128 units with all 12 plex buildings being no more than two stories in height.

- k. Multi-family residential is not approved with these applications and a future Conditional Use Permit is required per the use table in UDC 11-2A-2 for the R-15 zoning district.
- 1. All open space and amenities throughout the development shall be shared by the single family and multi-family all portions of the development; the future Conditional Use Permit application shall show continued compliance with all open space and amenity requirements for the development as a whole.
- m. The elevations/facades of 2-story structures that face E. Amity Road, an entryway corridor, and S. Hillsdale Avenue Street, a collector street, shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. Single-story structures are exempt from this requirement.
- n. Prior to the City Council hearing, the Applicant shall submit a Private Street application and pay the applicable fee for the proposed private streets in the west half of the site for access to the townhome units and commercial building lots.
- 2. With the first final plat submittal, submit documentation from ACHD that the Applicant and ACHD have worked to install appropriate traffic calming along Hillsdale Avenue and S. Stockenham Way.
- 3. The preliminary plat included in Section VII.B, dated July 30, 2021 October 8, 2021, is approved as submitted. shall be revised as follows with the first Final Plat submittal:
 - a. Provide traffic calming on E. Hill Park Street where a pedestrian crossing is shown between the south and north multi-family building lots (Lot 13, Block 1 & Lot 18, Block 6). Coordinate with Meridian Fire and ACHD as applicable.
- 4. The landscape plan included in Section VII.D, dated June 7, 2021 October 15, 2021, is approved as submitted. shall be revised as follows at least ten (10) days prior to the City Council hearing:
 - a. Revise the landscape plans to match the revised preliminary plat;
 - b. Per UDC 11-3B-12C, place at least one tree along the micro-path located on Lot 30, Block 5, as labeled on the revised preliminary plat.
- 5. The Applicant shall apply for Alternative Compliance with the first Final Plat submittal to propose an adequate alternative for the required pathway landscape requirements for the proposed gravel path over the Cunningham Lateral in the southwest corner of the site, in accord with UDC 11-5B-5.
- 6. An exhibit shall be submitted with the applicable final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common driveways (shown as Lot 28, Block 3 & Lot 11, Block 5); if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway shall be depicted on the opposite side of the shared property line from the common driveway as set forth in UDC 11-6C-3D.
- 7. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6, UDC Table 11-2A-7, <u>UDC Table 11-2B-3</u> and those listed in the specific use standards for the future multi-family development, UDC 11-4-3-27.

- 8. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit and for the proposed nonresidential uses at the applicable ratio.
- 9. The Applicant shall comply with all ACHD conditions of approval.
- 10. The Applicant shall obtain Administrative Design Review approval for the townhomes with submittal of the first final plat phase which contains this use.
- 11. The Applicant shall obtain Administrative Design Review and Certificate of Zoning Compliance approval for each commercial building consistent with UDC requirements prior to building permit submittal for each building.
- 12. Prior to issuance of Certificate of Occupancy on any building, the applicant shall submit a public access easement for the multi-use pathway segment along Fivemile Creek to the Planning Division for approval by City Council and subsequent recordation. The easement shall be a minimum of 14' in width (10' pathway and 2' shoulder on each side).
- 13. Comply with the outdoor service and equipment area standards as set forth in UDC 11-3A-12.
- 14. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
- 15. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
- 16. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.
- 17. Prior to building permit submittal for any structure in each phase, the Applicant shall record the associated final plat for that phase.
- 18. Prior to issuance of Certificate of Occupancy on any building, the applicant shall submit public access easements for any multi-use pathway proposed with the development to the Planning Division for approval by City Council and subsequent recordation.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 All water and sewer mains, fire hydrants, and water meters must either be located in public right of way or be covered by a minimum 20-foot-wide utility easement, or 30-foot-wide minimum combined water and sewer easement. Easements shall be centered on the main, with a minimum of 10 foot on each side of the main. Easements shall have no encroachments of permanent structures including but not limited to buildings, carports, trash enclosures, trees, shrubs, fences, etc.
- 1.2 A street light plan will need to be included in the final plat application. Street light plan requirements are listed in section 6-7 of the City's Design Standards. A future installation agreement is required for the streetlights on Pine Avenue and Ten Mile Road. Contact the Meridian Transportation and Utility Coordinator for additional information.

2. General Conditions of Approval

2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to

- provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.

- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. These standards can be found at http://www.meridiancity.org/public works.aspx?id=272.
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT (MFD)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=234511&dbid=0&repo=MeridianCity&cr=1

D. POLICE DEPARTMENT (MPD)

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=234049&dbid=0&repo=MeridianCity</u>

F. BOISE PROJECT BOARD OF CONTROL (BPBC)

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=233030&dbid=0&repo=MeridianCity</u>

G. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=233224&dbid=0&repo=MeridianCity

H. WEST ADA SCHOOL DISTRICT (WASD)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=267302&dbid=0&repo=MeridianCity

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=234509&dbid=0&repo=MeridianCity

J. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=234532&dbid=0&repo=MeridianCity

IX. FINDINGS

A. Annexation and/or Rezone (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

City Council finds the proposed zoning map amendment to annex the property into the City of Meridian with the R-8, R-15, and C-C zoning districts and subsequent development is consistent with the Comprehensive Plan, if all conditions of approval are met.

2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;

City Council finds the proposed zoning map amendment and request for different types of residential dwelling types will contribute to the range of housing opportunities available within the City and within this area. City Council finds the proposed development is generally consistent with the purpose statement of the residential districts included as part of the application.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

City Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

City Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

5. The annexation (as applicable) is in the best interest of city.

Because of the proposed addition of differing dwelling types, neighborhood serving commercial uses, and the general site design, City Council finds the annexation is in the best interest of the City.

B. Preliminary Plat Findings:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

City Council finds that the proposed plat, with Staff's recommendations and the Applicant's revisions, is in substantial compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

City Council finds that public services will be provided to the subject property with development. (See Section VIII of the Staff Report for more details from public service providers.)

3. The plat is in conformance with scheduled public improvements in accord with the City's capital improvement program;

Because City water and sewer and any other utilities will be provided by the development at their own cost, City Council finds that the subdivision will not require the expenditure of capital improvement funds.

4. There is public financial capability of supporting services for the proposed development;

City Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VII for more information.)

5. The development will not be detrimental to the public health, safety or general welfare; and,

Staff is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis and has approved the proposed internal road layout and has required road improvements adjacent to the site. So, City Council finds, if all recommended conditions of approval are met, the proposed development meets this finding.

6. The development preserves significant natural, scenic or historic features.

City Council is unaware of any significant natural, scenic, or historic features on the subject sites and therefore finds the development meets this finding.



ITEM **TOPIC:** Findings of Fact, Conclusions of Law for Pickleball Court Subdivision (H-2022-0025) by The Land Group, Inc., Located at 4050 W. McMillan Rd. at the northeast corner of N. Joy Street and W. McMillan Rd.

CITY OF MERIDIAN FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION & ORDER



In the Matter of the Request for Annexation of 4.96 acres of land to be zoned from RUT in the County to the R-4 zoning district and a Preliminary Plat consisting of 14 single-family residential building lots and 4 common lots on 4.58 acres of land in the requested R-4 district, by The Land Group.

Case No(s). H-2022-0025

For the City Council Hearing Date of: July 26, 2022 (Findings on August 9, 2022)

A. Findings of Fact

- 1. Hearing Facts (see attached Staff Report for the hearing date of July 26, 2022, incorporated by reference)
- 2. Process Facts (see attached Staff Report for the hearing date of July 26, 2022, incorporated by reference)
- 3. Application and Property Facts (see attached Staff Report for the hearing date of July 26, 2022, incorporated by reference)
- 4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 26, 2022, incorporated by reference)

B. Conclusions of Law

- 1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
- 2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
- 3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
- 4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
- 5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
- 6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of July 26, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for Annexation and Zoning and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 26, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as

determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of July 26, 2022.

By action of the City Council at its regular meeting held on the 2022.	e day of,		
COUNCIL PRESIDENT BRAD HOAGLUN	VOTED		
COUNCIL VICE PRESIDENT JOE BORTON	VOTED		
COUNCIL MEMBER JESSICA PERREAULT	VOTED		
COUNCIL MEMBER LUKE CAVENER	VOTED		
COUNCIL MEMBER TREG BERNT	VOTED		
COUNCIL MEMBER LIZ STRADER	VOTED		
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED		
Mayor Robert Simis	on		
Attest:			
Chris Johnson City Clerk			
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.			
By: Dated:			

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING

7/26/2022

DATE:

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner

208-884-5533

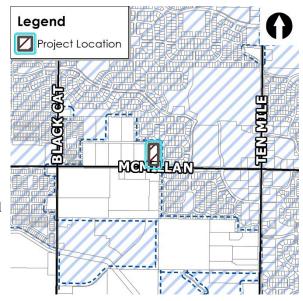
SUBJECT: H-2022-0025

Pickleball Court Subdivision

LOCATION: Located at 4050 W. McMillan Road, at

the northeast corner of N. Joy Street and W. McMillan Road, in the SE 1/4 of the SW 1/4 of Section 27, Township 4N,

Range 1W.



I. PROJECT DESCRIPTION

Request for Annexation of 4.96 acres of land to be zoned from RUT in the County to the R-4 zoning district and a Preliminary Plat consisting of 14 single-family residential building lots and 4 common lots on 4.58 acres of land in the requested R-4 district, by The Land Group.

II. SUMMARY OF REPORT

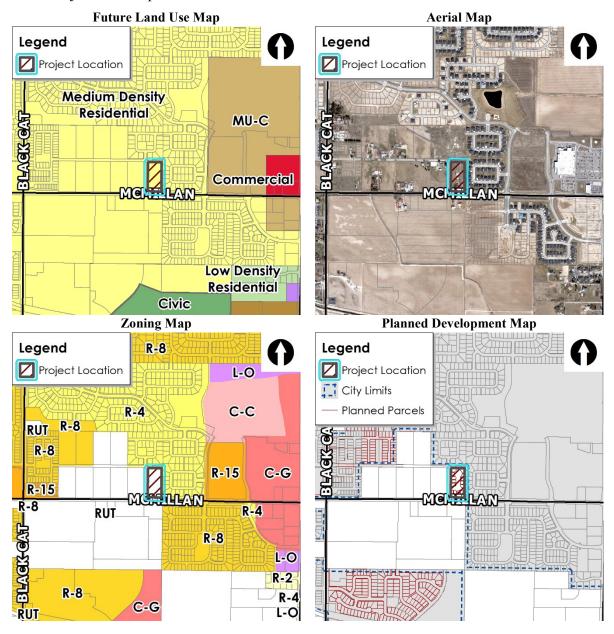
A. Project Summary

Description	Details	Page
Acreage	AZ – 4.96 acres; PP – 4.58 acres	
Future Land Use Designation	Medium Density Residential (MDR, 3-8 du/ac)	
Existing Land Use(s)	County Residential	
Proposed Land Use(s)	Detached Single-family Residential	
Lots (# and type;	18 total lots – 14 residential building lots and 4	
bldg./common)	common lots	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units	14 single-family units	
Density	Gross – 3.06 du/ac.; Net – 5.05 du/ac.	
Open Space (acres, total	None required – Approximately 29,600 square feet of	
[%]/buffer/qualified)	total open space proposed	
Neighborhood meeting date	February 1, 2022	
History (previous approvals)	No application history with the City	

B. Community Metrics

Description	Details	Page
Ada County Highway		
District	**	
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action	No	
(yes/no)		
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via a new local street connection to N. Joy Street, an existing local street that connects to W. McMillan Road, an arterial street. Access to all proposed homes is shown from new local street that ends in a cul-de-sac near the north boundary.	
Stub Street/Interconnectivity/Cross Access	No opportunity for a future stub due to existing development and no existing stub to property from existing development.	
Existing Road Network	No, except Joy Street and W. McMillan Road.	
Proposed Road Improvements	The Applicant is required to dedicate additional right-of-way for W. McMillan Road and widen the paved surface area adjacent to the site. Applicant is also required to reconstruct Joy Street as ½ of a 33-foot wide local street section abutting the site. Applicant is proposing a new local street to dead-end in a cul-de-sac.	
Fire Service		
• Distance to Fire Station	2.1 miles from Fire Station #2; project area will eventually be serviced by Fire Station 8, scheduled to be opened in late Summer 2023.	
• Fire Response Time	The project lies <i>inside</i> of the Meridian Fire response time goal of 5 minutes. Once Station 8 is constructed, response times will be reduced in this area.	
 Resource Reliability 	Fire Station #2 reliability is 85% (above the goal of 80%)	
• Accessibility	Proposed project meets all required road widths, and turnaround dimensions.	
Water & Wastewater		
Impacts/Concerns	See Public Works Site Specific Conditions	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Tamara Thompson, The Land Group, Inc. – 462 E. Shore Drive, Ste. 100, Eagle, ID 83616

B. Property Owner:

Matthew Gardner, Gardner Homes Idaho, LLC – 2078 W. Everest Lane, Meridian, ID 83646

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/31/2022	
Radius notification mailed to properties within 500 feet	5/26/2022	
Site Posting	6/4/2022	
Nextdoor posting	5/25/2022	

V. STAFF ANALYSIS

A. Future Land Use Map Designation (https://www.meridiancity.org/compplan)

Medium Density Residential (MDR) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The subject 4.5 acres currently contains a barn or other agricultural building or two; the previous home appears to have been removed according to the latest aerial imagery. The subject site is abutted by two public roads; McMillan Road to the south and Joy Street to the west. Abutting to the north and east property lines are two existing R-4 developments, Vicenza Subdivision to the east and Summerwood Subdivision No. 2 to the north. The subject property is designated as Medium Density Residential on the future land use map consistent with existing development to the east and north. Due to the existing local street along the west boundary, the Applicant is proposing to take access from this street and close any existing access to McMillan, which is consistent with City code.

The Applicant is proposing 14 building lots on 4.5 acres of land which constitutes a gross density of 3.06 units per acre, nearly the minimum density allowed within the MDR designation. The minimum building lot size proposed is 8,000 square feet which is the minimum lot size for the requested R-4 zoning district. The adjacent developments are of similar density and has building lots similar in size and also some that are larger than what are proposed with this project. There are no more than 2 building lots proposed adjacent to any single existing lot along the north and east boundaries and the Applicant has placed an open space lot along the north boundary and at the southeast corner of the site.

Because the proposed development is consistent with the existing development to the east and north and no access to an arterial street is proposed, Staff believes annexing this land into the City is in the best interest of the City and is a logical expansion of City zoning and development so long as the Applicant adheres to Staff's recommended DA provisions and conditions of approval.

Staff finds the proposed project to be generally consistent with the Comprehensive Plan, as discussed above. Specific Comprehensive Plan policies are discussed and analyzed below.

The City may require a development agreement (DA) in conjunction with an annexation and rezone pursuant to Idaho Code section 67-6511A. In order to ensure the site develops as proposed with this application, Staff recommends a DA that encompasses the land proposed to be annexed and zoned with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the

Council granting the rezone and annexation approval. A final plat will not be accepted until the DA is executed and the AZ ordinance is approved by City Council.

B. Comprehensive Plan Policies (https://www.meridiancity.org/compplan):

The applicable Comprehensive Plan policies are cited below with Staff analysis in italics. Staff is not analyzing the project against any mixed-use policies but is instead analyzing the project against general policies as the project is being reviewed with the MDR designation.

"Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City" (2.01.01G). The proposed project offers a density similar to the existing subdivisions to the east and north. Further, this property is part of a larger MDR area that is also redeveloping west of the site at the northeast corner of Black Cat and McMillan with smaller lot sizes than those proposed in Pickleball Court. Staff finds the density and lot sizes proposed on the subject 4.5 acres to be an appropriate transition from the existing subdivisions to the remaining county parcels to the west and those smaller developing projects further to the west.

"Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks" (3.02.01G). All public utilities are available for this project site due to the existing stub street on its east boundary. Applicant is required to dedicate additional right-of-way for future McMillan Road improvements (upgraded from two to three lanes in the future). The future Fire Station 8 will improve the response times in this entire area of the City and Fire has approved the accesses for the proposed plat. West Ada School District has not sent a letter regarding this application but with a relative low number of homes a large number of school aged children is not anticipated to be generated by this development. In addition, Pleasant View Elementary School is within walking distance of the subject site so any children in that age group would be able to get to school safely.

Staff finds that the existing and planned development of the immediate area create appropriate conditions for levels of service to and for this proposed project.

"Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity." (2.02.01D). Proposed project will construct attached sidewalks within the development as well as along the east side of the Joy Street for added pedestrian access to the north through the existing pedestrian facilities in Summerwood Subdivision and out to Gondola Street, a collector street with access to multiple subdivisions in this section of the City. Staff finds the proposed pedestrian facilities show compliance with this policy.

"Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction." (2.02.02F). As discussed, the Applicant is proposing lot sizes averaging over 8,000 square feet, significantly similar to those within the adjacent subdivisions to the east and north. Further, the Applicant is proposing a density at the bottom of the anticipated density in this area of the City. Staff finds these aspects of the project makes for a project consistent with the existing development to the east but also most consistent with the remaining county residential parcels on the west side of Joy Street that have not yet redeveloped.

"Require new development to establish street connections to existing local roads and collectors as well as to underdeveloped adjacent properties." (6.01.02C). The Applicant is proposing to construct a new local cul-de-sac street within the development for access to the proposed building lots. The new local street is proposed to connect to N. Joy Street, a county local street adjacent to the subject site. The Applicant is required to and is proposing to improve the existing right-of-way for Joy Street to include additional pavement, curb, gutter, and 5-foot wide attached sidewalks adjacent to the site. Further, the Applicant is required to construct 5-foot wide detached sidewalk along McMillan Road consistent with existing improvements to the east,

further extending the arterial street pedestrian facilities and safe pedestrian access to the commercial uses at the Ten Mile and McMillan intersection. In addition, the proposed road and pedestrian facility improvements will add to the safety of the underdeveloped county parcels that utilize Joy Street and Daphne Street, the local street that branches off and heads west of Joy at the northwest corner of the site.

Staff finds this development to be generally consistent with the Comprehensive Plan.

C. Existing Structures/Site Improvements:

According to GIS imagery, there appears to be a couple outbuildings on the subject site. Any and all structures and debris are proposed to be removed upon development of this project. Furthermore, the existing access for this site is via a driveway connection to W. McMillan Road that will also be closed upon development. No other site improvements appear to be present.

D. Proposed Use Analysis:

The proposed use is detached single-family residential with an average lot size of 8,620 square feet and a minimum lot size of 8,000 square feet, based on the submitted plat (Exhibit VII.B). This use is a permitted use in the requested R-4 zoning district per UDC Table 11-2A-2 and all lots are shown to meet the minimum lot size requirement of 8,000 square feet and minimum street frontage requirement of 60 feet. The Applicant has noted the development is expected to develop as one phase due to the size of the proposed project.

E. Dimensional Standards (*UDC 11-2*):

The residential lots are shown to meet all UDC dimensional standards per the submitted plat. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). Some of the lot dimensions shown on the submitted preliminary plat do not compute to the minimum lot size of 8,000 square feet. Prior to the City Council hearing, the Applicant should ensure all lots meet the minimum lot size requirement for the requested R-4 zoning district. Staff's calculations of the lot dimensions depicted show many of the lots are slightly under the minimum lot size—there are multiple areas in the subject site design where the needed extra area can be obtained by adjusting lot lines so Staff is not concerned with the Applicant being able to comply with this dimensional standard.

Per UDC 11-6C-3B.4, no dead-end street shall be longer than 500 feet. The subject project is proposed with a cul-de-sac as the only access to the proposed single family lots and is shown to be approximately 450 feet in length and compliant with this code section. In addition, the Applicant is proposing one (1) common drive in the southeast corner of the project for access to Lot 4. Lot 7 also abuts this common drive but is not shown to take access from it as required by UDC 11-6C-3D.5. With the final plat submittal, the Applicant should provide an exhibit that demonstrates Lot 7 taking access from the common driveway in accord with UDC standards.

F. Building Elevations (*UDC 11-3A-19* | *Architectural Standards Manual*):

The Applicant submitted conceptual building elevations for the proposed detached single-family homes. Note that detached single-family homes do not require Design Review approval therefore Staff does not review these for compliance with any architectural standards.

The submitted elevations depict a number of different architectural and design styles with field materials of lap siding and fiber cement board and differing accent materials, roof profiles, and overall varying home styles.

G. Access (*UDC* <u>11-3A-3</u>, <u>11-3H-4</u>):

Access is proposed via a new local street (shown as W. Riva Capri) connection to N. Joy Street approximately 200 feet north of the Joy and W. McMillan intersection. There are no existing stub streets adjacent to the site and Joy Street runs along the entire west boundary which is why the Applicant is proposing an access point to this local street and proposing Riva Capri to end as a cul-de-sac within the site, as shown on the submitted preliminary plat. Further, according to the proposed plat, Riva Capri is proposed as 33-foot wide local street with 5-foot attached sidewalks and Joy Street is shown to be improved with curb, gutter, and 5-foot wide attached sidewalk. The proposed street design complies with all UDC standards and ACHD conditions of approval.

H. Parking (*UDC* 11-3C):

Off-street parking is required to be provided in accord with the standards listed in <u>UDC Table 11-3C-6</u> for single-family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. In addition, there is opportunity for on-street parking where there are no driveways because Riva Capri is proposed as a 33-foot wide street section.

I. Sidewalks (*UDC 11-3A-17*):

5-foot wide attached sidewalks are proposed along the new proposed local street. W. Riva Capri and along the east side of N. Joy Street, consistent with UDC and ACHD requirements. The proposed sidewalk dimensions also meet UDC 11-3A-17 and ACHD standards. The Applicant is also proposing 5-foot wide detached along W. McMillan road consistent with existing sidewalk to the east and UDC standards. Staff supports the proposed sidewalk facilities.

According to the submitted plat and landscape plan, the proposed 5-foot detached sidewalk along McMillan directly abuts the ultimate right-of-way line. UDC 11-3B-7C.1a requires that all detached sidewalks shall have an average minimum separation of greater than four (4) feet to back of curb to allow for vegetative separation between the travel lanes and pedestrian facilities and to ensure these facilities are in fact detached from the vehicular right-of-way. In these instances, "back of curb" is in reference to the ultimate right-of-way line. Therefore, the Applicant should submit revised plans depicting the detached sidewalk to be at least 4 feet behind the future right-of-way line.

J. Landscaping (*UDC 11-3B*):

A 25-foot wide street buffer is required along W. McMillan Road, an arterial street, landscaped per the standards in UDC Table 11-3B-7C. In addition, a minimum 10-foot street buffer is required along the east side of Joy Street to ensure the abutting lots are not double fronting lots and should be landscaped per UDC 11-3B-7. All landscape areas should be landscaped per UDC 11-3B-5, general landscaping standards. Lastly, according to the submitted landscape plan, the Applicant is proposing a gravity irrigation holding pond which should comply with UDC 11-3B-11 standards.

The Applicant is showing a common lot along W. McMillan Road that is at least 25-feet in width and is depicted with 9 trees and one landscape bed at the corner of Joy and McMillan; this proposed landscaping does not fully comply with UDC requirements. The number of trees shown complies with UDC requirements but UDC 11-3B-7 also requires vegetative ground cover beyond that of grasses. Specifically, no more than 65% of the landscaped area is permitted to be grass and other area shall be comprised of additional planting beds for shrubs and other vegetative ground cover. The Applicant should revise the landscape plan to depict additional vegetative ground cover to meet this standard.

The Applicant is showing approximately a 15-foot wide landscape buffer along the west boundary abutting the east side of N. Joy Street, measured from the back of sidewalk. This buffer is required to ensure the lots internal to the project do not have frontage to two public roads. City code requires these buffers to be a minimum of 10 feet in width so the Applicant's proposal to construct a 15-foot buffer exceeds code requirements. Essentially, the 15-foot buffer is a local street buffer that is still governed by code but is not typically required; the proposed site design has created this situation so landscaping standards apply. For example, a total of 14 trees are required within this buffer and the Applicant is showing 16 trees. However, UDC 11-3B-7C.3 requires that at least 25% of street buffer trees are Class II trees and it is not clear from the landscape table that the trees noted along Joy are Class I or Class II. The Applicant should clarify this and correct this if additional Class II trees are needed within this buffer.

NOTE: The subject project is less than 5 acres in size, therefore the UDC does not require compliance with the qualified open space standards in UDC 11-3G. However, the applicant is proposing some open space which Staff has analyzed below.

There are two main areas of open space that would qualify under the UDC: 1) the required street buffer along McMillan, and 2) an open space lot along the north boundary of the project (Lot 12). In addition, the Applicant is showing an additional grassy area in the southeast corner of the site but this area is noted to be a future gravity irrigation holding pond. The submitted plans do not depict how this will be designed so Staff presumes it would not be qualified open space. The Applicant should add an exhibit and more detail to the landscape plan that shows how this "pond" will be constructed and what it will look like.

Within the Lot 12 open space lot along the north boundary, the preliminary plat has a notation that a pickleball court will be present. The Applicant should revise the landscape plans to depict this proposed amenity and its location. Staff is recommending a DA provisions requiring the applicant to comply with the open space and amenity as proposed.

K. Fencing (*UDC* <u>11-3A-6</u>, <u>11-3A-7</u>):

All fencing is required to comply with the standards listed in UDC 11-3A-7. The Applicant is proposing to protect and use the existing 6-foot solid fencing along the north and east boundaries and is proposing 6-foot vinyl fencing along the rear lot lines adjacent to N. Joy Street and W. McMillan Road. The Applicant is depicting 6-foot open vision fencing along the east property line of Lot 4 and a portion of the south property lien of Lot 7 where these properties abut an open space lot utilized for gravity irrigation holding pond, according to the landscape plans. The proposed fencing meets or exceeds all UDC requirements.

L. Utilities (*UDC* <u>11-3A-21</u>):

The Applicant is proposing and is required to extend necessary public utilities for the proposed detached single-family dwellings within the Pickleball Court Subdivision. Public Works has reviewed the subject applications for compliance with their standards and finds them to be in general compliance except for specific conditions outlined in Section VIII.B of this report.

Specifically, Public Works is seeking a 20-foot easement within Lot 12 and a 20-foot easement along the north side of Lot 13 for a potential future water loop back to Joy Street. This condition has been added to the conditions of approval in Section VIII.B.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and preliminary plat applications with the requirement of a Development Agreement per the conditions of approval in Section VIII of this report per the Findings in Section IX of this staff report.

- B. The Meridian Planning & Zoning Commission heard these items on June 16, 2022. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning and Preliminary Plat requests.
 - 1. Summary of Commission public hearing:
 - a. In favor: Matthew Gardner, Gardner Homes Applicant.
 - b. In opposition: None
 - c. Commenting: Theodore Lye, Neighbor;
 - d. Written testimony: None
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - <u>f.</u> Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - a. Plan to mitigate dust during construction if project is approved and moves forward;
 - 3. Key issue(s) of discussion by Commission:
 - a. <u>Difference in height of proposed homes to those existing to the east, is there intention to match them Applicant plans to attempt this where possible;</u>
 - b. Are lights planned around proposed sports court at north end of site;
 - <u>Discussion of project location in relation to recent denied project on south side of</u>
 <u>McMillan noted differences between projects in size, density, and no direct access to</u>
 McMillan Road.
 - 4. Commission change(s) to Staff recommendation:
 - a. Modify relevant provisions per Staff presentation at the hearing on June 16, 2022.
 - 5. Outstanding issue(s) for City Council:
 - a. None
- C. The Meridian City Council heard these items on July 26, 2022. At the public hearing, the Council moved to approve the subject Annexation and Zoning and Preliminary Plat requests.
 - 1. Summary of the City Council public hearing:
 - a. In favor: Tamara Thompson, Applicant Representative.
 - b. In opposition: None
 - c. Commenting: Tamara Thompson; Paul Elam, neighbor;
 - d. Written testimony: None
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - <u>a.</u> <u>Desire to delay project to study the traffic impact of proposed development due to constrained corridor of McMillan.</u>
 - 3. Key issue(s) of discussion by City Council:
 - <u>a.</u> <u>Design of future irrigation pond and purpose of pond will it be aerated and designed appropriately per code;</u>

<u>Level of Service rating of McMillan at time of ACHD report—Better than "E";</u> <u>Is there a right-turn lane required westbound on McMillan onto Joy;</u>

- 4. City Council change(s) to Commission recommendation:
 - a. None

VII. EXHIBITS

A. Annexation and Zoning Legal Description and Exhibit Map

LEGAL DESCRIPTION

Page 1 OF 1



April 19, 2022 Project No.: 121130

EXHIBIT "A"

PICKLEBALL COURT SUBDIVISION ANNEXATION / REZONE DESCRIPTION

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the South One Quarter Corner of Section 27 of said Township 4 North, Range 1 West, (from which point the southwest corner of said Section 27 bears North 89°35′49″ West, a distance of 2654.00 feet distant), said South One Quarter Corner of Section 27 being the POINT OF BEGINNING;

Thence from said South One Quarter Corner, North 89° 35′ 49" West, a distance of 334.34 feet on the South line of said Section 27 to a point common with the Centerline intersection of North Joy Street;

Thence North 00° 25' 00'' East, a distance of 646.62 feet on the Centerline of said North Joy Street;

Thence South 89° 15′ 37" East, a distance of 334.75 feet to a point on the north-south midsection line of said Section 27;

Thence South 00° 27' 09" West, a distance of 644.68 feet on said mid-section line to the POINT OF BEGINNING.

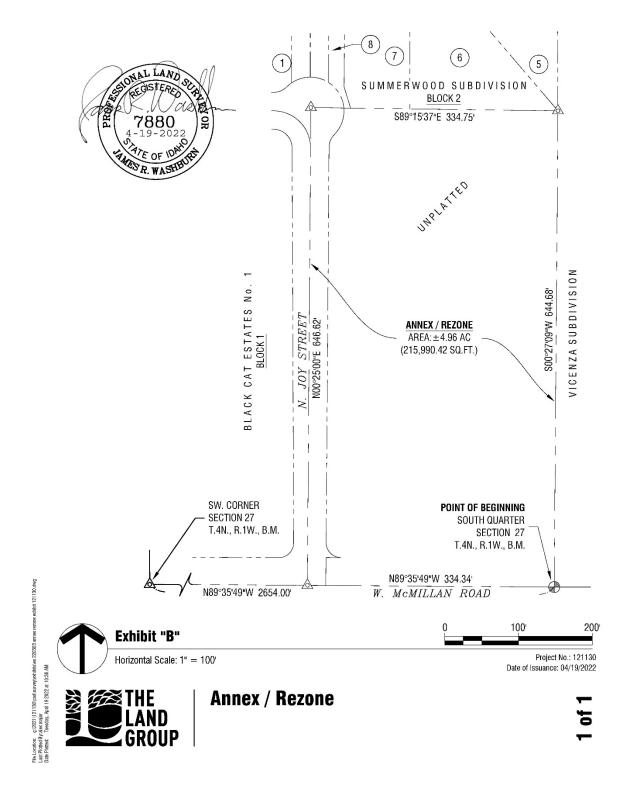
The above described contains 4.96 acres more or less.

PREPARED BY:

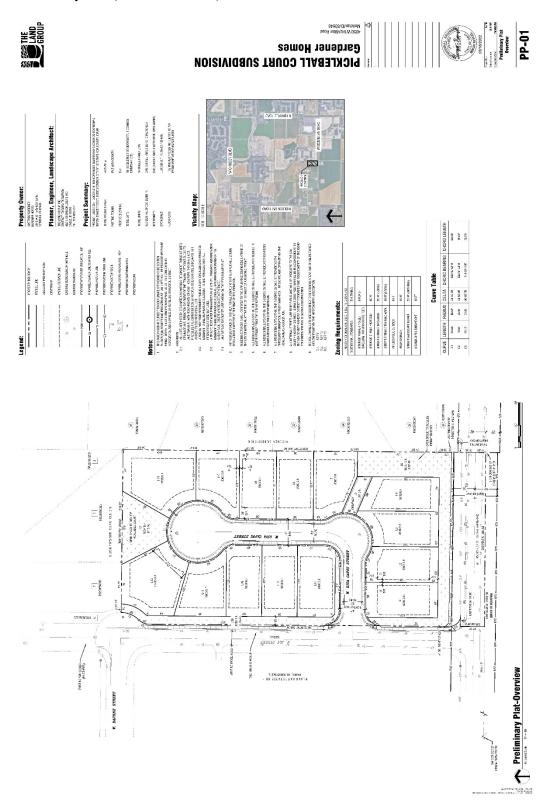
The Land Group, Inc.

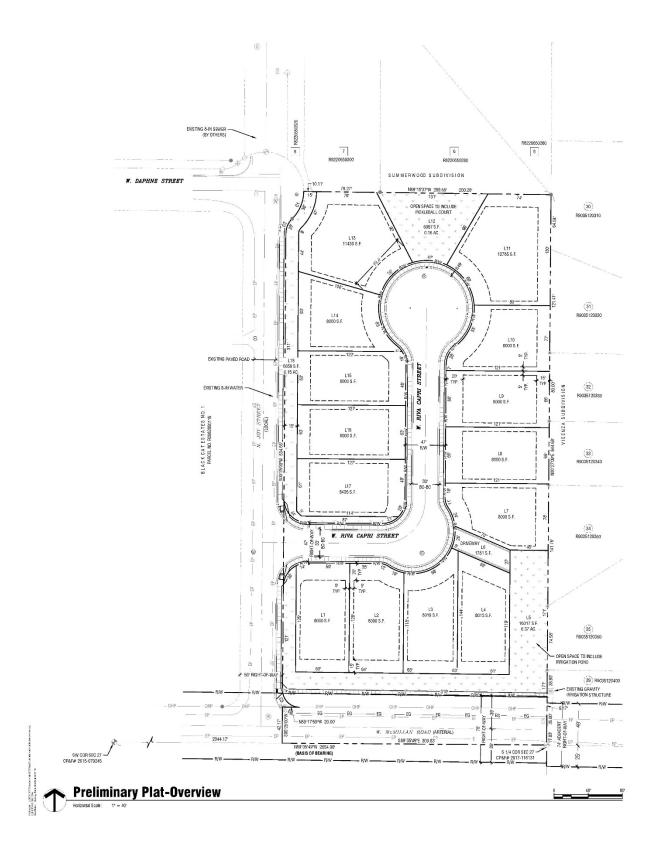
James R. Washburn





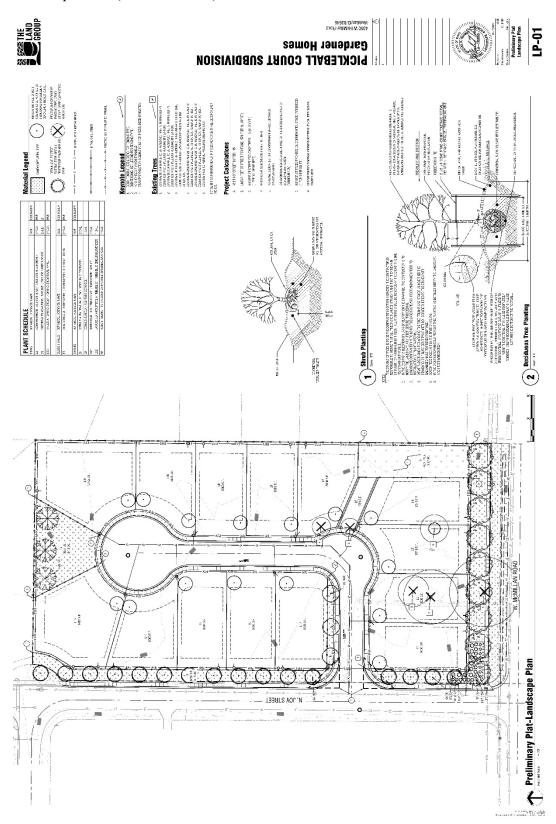
B. Preliminary Plat (dated: 3/18/2022)



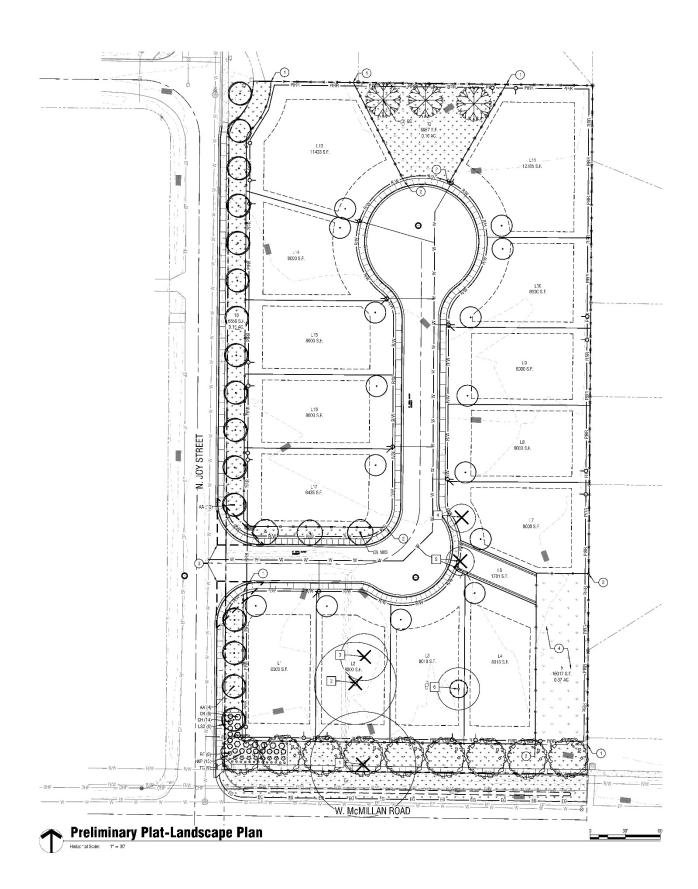


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C. Landscape Plans (date: 3/18/2022)



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D. Conceptual Building Elevations









VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian and the property owner(s)/developer at the time of annexation ordinance adoption, and the developer. A final plat will not be accepted until the DA is executed and the Annexation and Zoning ordinance is approved by City Council.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be substantially consistent with the approved plat, landscape plan (including proposed open space and pickleball sports court amenity), and conceptual building elevations included in Section VII and the provisions contained herein.
- b. The rear and/or sides of homes visible from W. McMillan Road (Lots 1-4) shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement*.

Preliminary Plat Conditions:

- 2. The preliminary plat included in Section VII.B, dated March 18, 2022, shall be revised as follows prior to submitting for Final Plat approval:
 - a. Ensure all lots meet the minimum lot size requirement for the requested R-4 zoning district of 8,000 square feet.
 - b. Any existing accesses to W. McMillan Road shall be closed upon development of the site.
 - c. Correct the plat to show Lot 7 to take access from the common drive, Lot 6 <u>OR revise the plat to show Lot 4 with the minimum required street frontage of 30 feet when along a curve and remove the common drive altogether.</u>
 - d. Depict the required 5-foot wide detached sidewalk within the landscape buffer along W. McMillan Road and place it at least four (4) feet north of the ultimate right-of-way line to allow for landscaping on both sides of the sidewalk and ensure it is detached from the roadway and allow the 25-foot buffer to be measured from the ultimate right-of-way instead of the back of the sidewalk, per UDC 11-3B-7C.1a OR place said sidewalk within ACHD right-of-way per the ACHD condition of approval.
- 3. The landscape plan included in Section VII.C, dated March 18, 2022, shall be revised as follows prior to submitting for Final Plat approval:
 - a. Depict the detached sidewalk along W. McMillan Road in accord with UDC 11-3B-7C.1a, as noted above.
 - b. Depict the location of the noted <u>pickleball sports</u> court amenity within Lot 12 and provide a detail of the amenity.

- c. Depict the correct amount of vegetative ground cover per UDC 11-3B-7 in the landscape buffers along N. Joy Street and W. McMillan Road.
- d. Clarify in the landscape calculations table the class type of the trees proposed and ensure the Joy Street buffer complies with UDC 11-3B-7C.3 that requires at least 25% of the required trees to be Class II.
- e. Include any and all tree mitigation information per UDC 11-3B-10 standards.
- f. Add an exhibit and detail to the landscape plan that shows how the gravity irrigation holding pond (a portion of Lot 5) will be constructed and what it will look like, consistent with UDC 11-3G-3B.6 standards.
- 4. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-5 for the R-4 zoning district.
- 5. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
- 6. The Applicant shall comply with all ACHD conditions of approval.
- 7. Lots 13-17 shall take access from the proposed internal local street (W. Riva Capri Street) and not to N. Joy Street, consistent with UDC 11-6C-3A.1.
- 8. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
- 9. An exhibit shall be submitted with the final plat application for the lots accessed by the common driveway (Lot 6) that depicts the setbacks, fencing, building envelope and orientation of the lots and structures in accord with UDC 11-6C-3D. Driveways for abutting properties that are not taking access from the common driveway(s) shall be depicted on the opposite side of the shared property line away from the common driveway. Solid fencing adjacent to common driveways is prohibited unless separated by a minimum 5-foot wide landscaped buffer.
- 10. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
- 11. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS

Site Specific Conditions of Approval

- 1. Water line in Joy Street in front of development is not existing and needs to be extended to W. McMillan Road.
- 2. Provide 20' easement in lot 12 and 20' easement along the north side of Lot 13 for potential future water loop back to Joy Street.
- 3. Ensure no sewer services pass through infiltration trenches.
- 4. The geotechnical investigative report prepared by Atlas Technical Consultants, LLC indicates some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations.

General Conditions of Approval

- Applicant shall coordinate water and sewer main size and routing with the Public Works
 Department, and execute standard forms of easements for any mains that are required to
 provide service outside of a public right-of-way. Minimum cover over sewer mains is three
 feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall
 be used in conformance of City of Meridian Public Works Departments Standard
 Specifications.
- 2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.
- 5. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.

- 10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 15. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public works.aspx?id=272.
- 21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 22. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=261475&dbid=0&repo=MeridianCity&cr=1

D. ADA COUNTY DEVELOPMENT SERVICES

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=261699&dbid=0&repo=MeridianCity</u>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=262292&dbid=0&repo=MeridianCity</u>

F. NAMPA/MERIDIAN IRRIGATION DISTRICT (NMID)

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=263094&dbid=0&repo=MeridianCity</u>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=261626&dbid=0&repo=MeridianCity

IX. FINDINGS

A. Annexation and Zoning (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

City Council finds the proposed zoning map amendment to annex the property into the City of Meridian with the R-4 zoning district with the proposed preliminary plat and site design is consistent with the Comprehensive Plan, if all conditions of approval are met.

2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;

City Council finds the proposed zoning map amendment and the request for the development complies with the regulations outlined in the requested R-4 zoning district and is consistent with the purpose statement of the requested zone.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

City Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

City Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

5. The annexation (as applicable) is in the best interest of city.

City Council finds the annexation is in the best interest of the City.

B. Preliminary Plat Findings:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

City Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

City Council finds that public services will be provided to the subject property with development. (See Section VIII of the Staff Report for more details from public service providers.)

3. The plat is in conformance with scheduled public improvements in accord with the City's capital improvement program;

Because City water and sewer and any other utilities will be provided by the development at their own cost, City Council finds that the subdivision will not require the expenditure of capital improvement funds.

4. There is public financial capability of supporting services for the proposed development;

City Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VIII for more information.)

5. The development will not be detrimental to the public health, safety or general welfare; and,

City Council is not aware of any health, safety, or environmental problems associated with the platting of this property.

6. The development preserves significant natural, scenic or historic features.

City Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.



ITEM **TOPIC:** Findings of Fact, Conclusions of Law for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Ave. (Parcel #S1210417400)

CITY OF MERIDIAN FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION & ORDER



In the Matter of the Request for Annexation and Zoning of 1.22 acres of land with a request for the R-8 zoning district and a Preliminary Plat for 7 building lots and 1 common lot on 1.22 acres in the requested R-15 zoning district, by Pine Project, LLC.

Case No(s). H-2022-0001

For the City Council Hearing Date of: July 26, 2022 (Findings on August 9, 2022)

A. Findings of Fact

- 1. Hearing Facts (see attached Staff Report for the hearing date of July 26, 2022, incorporated by reference)
- 2. Process Facts (see attached Staff Report for the hearing date of July 26, 2022, incorporated by reference)
- 3. Application and Property Facts (see attached Staff Report for the hearing date of July 26, 2022, incorporated by reference)
- 4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 26, 2022, incorporated by reference)

B. Conclusions of Law

- 1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
- 2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
- 3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
- 4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
- 5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
- 6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of July 26, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for Annexation and Zoning and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 26, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as

determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of July 26, 2022.

By action of the City Council at its regular meeting held on the 2022.	ne day of,
COUNCIL PRESIDENT BRAD HOAGLUN	VOTED
COUNCIL VICE PRESIDENT JOE BORTON	VOTED
COUNCIL MEMBER JESSICA PERREAULT	VOTED
COUNCIL MEMBER LUKE CAVENER	VOTED
COUNCIL MEMBER TREG BERNT	VOTED
COUNCIL MEMBER LIZ STRADER	VOTED
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED
Mayor Robert Simi	son
Attest:	
Chris Johnson City Clerk	
Copy served upon Applicant, Community Development Depa Attorney.	artment, Public Works Department and City
By: Dated:	

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING

7/26/2022

DATE:

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner

208-884-5533

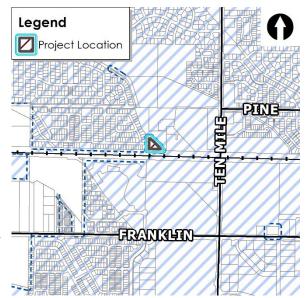
SUBJECT: H-2022-0001

Pinedale Subdivision

LOCATION: The site is located at 3275 W. Pine

Avenue (Parcel #S1210417400), at the east terminus of W. Newland Street in the Chesterfield Subdivision, in the NW

1/4 of the SE 1/4 of Section 10, Township 3N, Range 1W.



I. PROJECT DESCRIPTION

Annexation and Zoning of 1.22 acres of land with a request for the R-8 zoning district and a Preliminary Plat for 7 building lots and 1 common lot on 1.22 acres in the requested R-15 zoning district, by Pine Project, LLC.

NOTE: This application was remanded back to Planning and Zoning Commission from City Council at the request of the Applicant for the purpose of revising the preliminary plat in response to the discussions held at the March 3, 2022 Commission meeting. This staff report contains analysis on the revised preliminary plat and zoning request and should be treated as a new staff report for the Pinedale Subdivision—the original staff report can be reviewed within the public record.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.22 acres	
Future Land Use Designation	Mixed-Use Community (6-15 du/ac)	
Existing Land Use(s)	County Residential	
Proposed Land Use(s)	Detached Single-family Residential	
Lots (# and type;	8 total lots – 7 residential building lots and 1 common	
bldg./common)	lot	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units	7 single-family detached units	

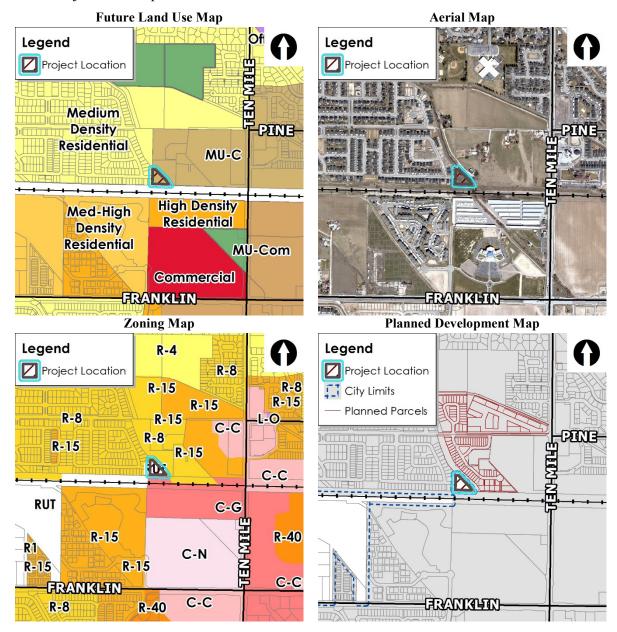
Description	Details	Page
Density	Gross – 5.74; Net – approximately 9.86	
Open Space (acres, total	Approximately 9,970 square feet of open space	
[%]/buffer/qualified)	(approximately 18.8%)	
Amenity	Micro-path connection to future multi-use pathway at	
•	north end of property	
Neighborhood meeting date; #	November 5, 2021 – 1 attendee	
of attendees:		
History (previous approvals)	No previous approvals with the City	

B. Community Metrics

Description	Details	Page
Ada County Highway		
District		
• Staff report (yes/no)	Yes	
 Requires ACHD 	No	
Commission Action		
(yes/no)		
Access	Access is proposed via extension of the existing stub street, Newland Street;	
(Arterial/Collectors/State	it is proposed to be extended into the site as a cul-de-sac.	
Hwy/Local) (Existing and		
Proposed) Stub	No appropriate for further multip street extension, Nevel and Street will	1
Street/Interconnectivity/Cross	No opportunity for further public street extension; Newland Street will terminate within the site as a full cul-de-sac.	
Access	terminate within the site as a run cur-de-sac.	
Existing Road Network	No	ĺ
Proposed Road	The Applicant is only required to extend Newland Street into the site. No	
Improvements	other road improvements are proposed or required.	
1		
Fire Service		
 Distance to Fire Station 	2.8 miles from Fire Station #2.	
• Fire Response Time	The project currently lies <i>outside</i> of the Meridian Fire response time goal of 5	
•	minutes. Once Pine Avenue is constructed over the Tenmile Creek, the	
	project will lie within the response time goal window.	
 Resource Reliability 	Fire Station #2 reliability is 85% (above the goal of 80%)	
 Risk Identification 	Risk Factor 2 – Residential with hazards (Tenmile Creek along east	
	boundary)	
 Accessibility 	Proposed project meets all required road widths, and turnaround dimensions.	
	Cul-de-sac is required to be signed "No Parking," per Fire Department	
Police Service	regulations.	
Police Service	N 1 1 1 C 1 C MDD	
	No report – see online record for any comments from MPD.	
Wastewater		I
	0,	
Distance to Sewer Sorvings	U	
Services		

Description	Details	Page
 Project Consistent with WW Master Plan/Facility Plan 	Yes	
WRRF Declining Balance	14.26	
• Impacts/Concerns	 Flow is committed See Public Works Site Specific Conditions Additional 510 gpd flow was committed to model 	
Water		
 Distance to Services 	0'	
Pressure Zone	2	
 Project Consistent with Water Master Plan 	Yes	
• Water Quality Concerns	None	
 Impacts/Concerns 	See site specific conditions in Section VIII.B	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Antonio Conti, Ackerman-Estvlod – 7661 W. Riverside Dr., Suite 102, Garden City, ID 83714

B. Developer:

Bruce Hessing, Pine Project LLC – 2338 W. Boulder Bar Drive, Meridian, ID 83646

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/31/2022	7/10/2022
Radius notification mailed to properties within 500 feet	5/26/2022	7/7/2022
Site Posting	5/31/2022	7/15/2022
Nextdoor posting	5/25/2022	7/8/2022

V. STAFF ANALYSIS

A. Future Land Use Map Designation (https://www.meridiancity.org/compplan)

Mixed-Use Community (MU-C) – The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric (residential dwellings are allowed at a gross density of 6-15 du/ac). The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles). Employment opportunities for those living in and around the neighborhood are encouraged.

The subject 1.2 acres is designated as mixed-use community but is part of a larger, 30-acre mixed-use designated area to the east that is west of Ten Mile and south of the future Pine Avenue extension (more MU-C acreage exists on the east side of Ten Mile as well). However, this site is physically separated from this MU-C area by the Tenmile Creek that abuts the east boundary of the subject site with only a future pedestrian connection available for any connectivity between this site and the MU-C parcels to the east. Because of the physical separation and the lack of connectivity to the east, Staff believes this project and site is more consistent with the existing subdivision to the west, Chesterfield Subdivision, than it is with any mixed-use project to the east (Foxcroft or Mile High Pines). Chesterfield and all of the residential to the west and northwest of this site is in the Medium Density Residential (MDR) future land use designation and contemplates residential development in the density range of 3-8 du/ac such as the proposed Pinedale Subdivision. Because of these facts, Staff finds it appropriate to analyze the subject project against the MDR designation instead of the MU-C designation by floating that designation to this site, as allowed per the Comprehensive Plan.

Since the original project description was published, the Applicant and Staff have worked together to respond to comments received from the Planning and Zoning Commission in regards to density, zoning, and parking concerns. In response, the Applicant has revised the plat and has proposed seven (7) building lots instead of 10 and has completely removed the previously proposed common drive. 7 lots on 1.22 acres of land has a gross density of 5.74 du/ac, within the allowed gross density in the MDR designation. Therefore, the Applicant is proposing a project consistent with the adjacent MDR future land use designation. Due to the site being at the end of an existing stub street, the only vehicular connection is via extension of the stub street (Newland Street) into the property which is required to terminate within the site as a full cul-de-sac, requiring a large portion of the site to be reserved for right-of-way and reduces the buildable area of the project. Despite this fact, the Applicant is proposing lots at least 4,000 square feet in size and is requesting the R-8 zoning district to be more consistent with the Chesterfield development to the west which is existing R-8 zoning.

Original discussions with the Applicant contemplated 15 building lots on the subject site but the Applicant submitted the preliminary plat with 12 lots after Staff voiced concerns over the proposed density, lot sizes, and overall livability of the project. Other discussions occurred following submittal of the subject applications and the Applicant reduced the number of building lots to 10. The Planning and Zoning Commission recommended denial of the project to City Council based on these same concerns so the Applicant requested to be remanded back to have an adequate opportunity to respond to the concerns noted. As noted, the requested seven building lots allows the project to further comply with the MDR designation by being less than 6 du/ac. Furthermore, the combination of this reduction in density and the requested R-8 zoning district should make Pinedale more consistent with the existing development to the west as Staff finds most appropriate.

Furthermore, the subject site is surrounded by existing City zoning in all directions with existing development to the south, west, and northwest and entitlements on the land to the east and northeast. Therefore, Staff believes annexing this land into the City to remove this small county enclave is in the best interest of the City so long as the Applicant adheres to Staff's recommended DA provisions and conditions of approval.

Staff finds the proposed project to be generally consistent with the Comprehensive Plan, as discussed above. Specific Comprehensive Plan policies are discussed and analyzed below.

The City may require a development agreement (DA) in conjunction with an annexation and rezone pursuant to Idaho Code section 67-6511A. In order to ensure the site develops as proposed with this application, Staff recommends a new DA that encompasses the land proposed to be rezoned and annexed with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the rezone and annexation approval. A final plat will not be accepted until the new DA is executed and the AZ ordinance is approved by City Council.

B. Comprehensive Plan Policies (https://www.meridiancity.org/compplan):

The applicable Comprehensive Plan policies are cited below with Staff analysis in italics. Staff is not analyzing the project against any mixed-use policies but is instead analyzing the project against general policies as the project is being reviewed with the MDR designation.

"Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City" (2.01.01G). The proposed project offers a density most consistent with the development to the west due to density, traffic, parking, and compatibility concerns outlined by Staff and existing residents. Despite the recent reduction in density and ability to match the zoning to the west, the proposed lot sizes will not match that of the Chesterfield Subdivision to the west. The subject site is encumbered by the requirement to construct a cul-de-sac entirely on this relatively small site so matching the lot sizes and the same look of Chesterfield would be difficult to attain. The impediments on this site allow the Applicant to propose a smaller building lot which subsequently allows a smaller home to be constructed than what exists in the surrounding area. Staff finds that despite not being an exact match to Chesterfield, the proposed layout and lot sizes should add to the housing diversity in this area.

"Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks" (3.02.01G). All public utilities are available for this project site due to the existing stub street on its west boundary. Road improvements currently under construction (i.e. Pine bridge over the Tenmile Creek) will place this project within the Fire Department response time goal and Fire has approved the access for the proposed plat. West Ada School District has not sent a letter regarding this application but, with a low number of homes, a large number of school aged children is not anticipated to be generated by this

development. Furthermore, Chaparral Elementary is within walking distance of this development should any elementary aged children live within this site.

Staff finds that the existing and planned development of the immediate area create appropriate conditions for levels of service to and for this proposed project.

"Preserve, protect, and provide open space for recreation, conservation, and aesthetics" (4.05.01F). Because the property is less than 5 acres, the Applicant is not required to provide any qualified common open space. However, the Applicant is showing a common lot containing a micro-path connection to a future multi-use pathway at the north boundary; this micro-path runs along the entire northeast property line for the length of the property. This area is tucked away behind the building lots so all adjacent fencing will need to be open vision or semi-private fencing. Staff anticipates this area being utilized as a quiet oasis due to its location against the Tenmile Creek. Staff is not aware if this site and future building lots will be part of the Chesterfield HOA for residents to access the amenities and open space within that project. However, Fuller Park is approximately ½ mile to the north of the subject property which offers a public amenity within walking distance of the proposed development. Further, the micro-path being constructed with the development ties into the multiuse pathway system that will connect to the park.

"Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity." (2.02.01D). Proposed project is extending the attached sidewalks along Newland Street and is proposing a micro-path connection to the north boundary to connect to a multi-use pathway segment from the Foxcroft Subdivision on the east side of the Tenmile Creek. Furthermore, the Applicant is preserving a potential connection point to the railroad corridor should the City ever decide to construct a regional pathway south of the site. All of these pedestrian facilities allow this small site, as well as the existing development to the west, to have multiple links to tie in together and promotes neighborhood connectivity overall.

"Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction." (2.02.02F). As discussed, the Applicant is proposing lot sizes smaller than the adjacent Chesterfield Subdivision to the west largely because of the requirement to terminate Newland Street within the site as cul-de-sac. The proposed lots directly abutting the existing homes do not match in lot size but they are abutting 1:1 in terms of lot to lot so the existing residents should not feel as though there are smaller lots directly to their east. Furthermore, because the property is at the end of an existing street and it will terminate on the subject site, Staff anticipates the project will feel cohesive in its livability despite not matching lot sizes and density of Chesterfield.

"Require new development to establish street connections to existing local roads and collectors as well as to underdeveloped adjacent properties." (6.01.02C). The Applicant is required to and is proposing to extend Newland Street into the site by constructing a cul-de-sac wholly on this property, terminating Newland Street. This is the only access point into the site and connects this project directly to the abutting Chesterfield Subdivision that has access up to Pine Avenue, a residential collector street that will be extended from west to east over the Tenmile Creek to Ten Mile Road.

Staff finds this development to be generally consistent with the Comprehensive Plan.

C. Existing Structures/Site Improvements:

According to GIS imagery, there appears to be an existing residential structure and an out-building on the subject site. Any and all structures and debris are proposed to be removed upon development of this project. Furthermore, the existing access for this site is via vehicular bridge over the Tenmile Creek at the very north property boundary that connects to a private drive that is

essentially Pine Avenue. This access will be closed upon development and the vehicular bridge will provide access for a regional pathway within the approved Foxcroft Subdivision to the east.

D. Proposed Use Analysis:

The proposed use is detached single-family residential with an average lot size of 4,399 square feet and a minimum lot size of 4,029 square feet, based on the latest submitted plat (Exhibit VII.B). This use is a permitted use in the requested R-8 zoning district per UDC Table 11-2A-2 and all lots meet the minimum lot size requirement of 4,000 square feet. The Applicant has not noted if this is a phased project, however Staff anticipates it to develop as one phase due to the size of the proposed project.

As discussed in the Comprehensive Plan analysis, the proposed use is the same as the existing detached single-family to the west in Chesterfield Subdivision but is proposed with smaller lots and subsequently smaller homes (approximately 4,000 square foot versus 6,000 square foot). According to the Applicant, the goal is to construct smaller homes at a lower price point to add more affordable options to the area and market.

E. Dimensional Standards (*UDC 11-2*):

The residential lots appear to meet all UDC dimensional standards per the submitted plat. In addition, all subdivisions are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). The proposed preliminary plat and submitted plans appear to meet all UDC requirements including lot frontage and lot size. Further, the Applicant has depicted the building envelope on each lot on the plat for the purpose of showing future building footprints. As noted, the Applicant is anticipating constructing smaller homes than seen in recent years and smaller than those within Chesterfield. In addition, the setback lines on Lot 2 do not depict how code handles setbacks within a triangle so this building lot will have a slightly smaller building envelope than shown.

F. Building Elevations (*UDC 11-3A-19* | *Architectural Standards Manual*):

The Applicant submitted conceptual building elevations for the proposed detached single-family homes. Note that detached single-family homes do not require Design Review approval therefore Staff does not review these for compliance with any architectural standards.

The submitted elevations depict a number of different architectural and design styles with all of the elevations depicting two-story homes and two-car garages. The elevations depict varying field materials of lap siding, brick, fiber cement board, and stucco with differing accent materials, roof profiles, and overall varying home styles. Staff finds the conceptual elevations should be adhered to closely in order to offer an array of potential home designs for this small subdivision.

G. Access (*UDC* 11-3A-3):

Access is proposed via extension of W. Newland Street (an existing residential local street) into the site and is proposed to terminate within the site as a full cul-de-sac. ACHD has previously approved the proposed access with the additional condition that the radius be widened to 50 feet instead of 48 feet as currently shown. This may reduce the lot size of Lot 6 below the minimum 4,000 square foot size. Staff finds that if this is the case, there is room to modify the lot lines to ensure continued compliance with the requested R-8 zoning district.

The existing access across Tenmile Creek and up to the private segment of Pine Avenue will be closed upon development of the site and converted to a pedestrian access as noted above.

H. Parking (*UDC 11-3C*):

Off-street parking is required to be provided in accord with the standards listed in <u>UDC Table 11-3C-6</u> for single-family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. In addition, it is important to note that no parking is allowed along the perimeter of the proposed cul-de-sac. So, there is virtually no opportunity for any on-street parking within this subdivision because it includes a cul-de-sac as its public access.

An option to help with potential off-street parking issues, the inclusion of shared driveways could be used in order to promote side-loaded garages. This type of design can force longer driveways that go deeper into each site which allows for more off-street parking. This design also creates an opportunity for the living area of each home to be moved closer to the street as the living setback is 10 feet while the garage setback is 20 feet; this allows for more buildable area than is shown on the submitted plat. However, Staff notes the building lots may not be wide enough to accommodate the required parking pad for side-loaded garages. The Applicant should work to mitigate these issues and revise the plat accordingly if Commission or Council add a DA provision consistent with this option.

I. Sidewalks/Pathways (*UDC 11-3A-17*; *UDC 11-3A-8*):

A 5-foot wide attached sidewalk is proposed along the Newland Street cul-de-sac, consistent with UDC and ACHD requirements. In addition, the Applicant is proposing a 5-foot wide micro-path along the east boundary that connects to the cul-de-sac for the purpose of providing a connection to the future multi-use pathway approved with Foxcroft Subdivision on the east side of the adjacent Tenmile Creek. The proposed sidewalks meet UDC 11-3A-17 and ACHD standards and the micro-path lot meets UDC 11-3A-8 standards.

J. Landscaping (*UDC 11-3B*):

The landscaping regulated by code within the proposed development is the micro-path area along the eastern perimeter; this area is not required landscaping as the project is less than 5 acres. However, the Applicant should still comply with UDC 11-3B-12 standards. The submitted landscape plan shows this area to be vegetated with grasses and no trees due to it being within the Tenmile Creek irrigation easement; the linear length of the micro-path requires 4 trees to comply with UDC 11-3B-12. Furthermore, the main purpose of this micro-path is to have access to the multi-use pathway at the north boundary which will have shade trees along its entire length up to Fuller Park. The Applicant should revise the location of this micro-path and work with the irrigation district to allow for the required trees along the east property lines at the furthest western edge of the irrigation easement. If the Applicant cannot obtain a license agreement with NMID to allow these 4 trees, the Applicant should submit for Alternative Compliance with the future final plat submittal to propose an alternative.

K. Qualified Open Space and Amenities (*UDC 11-3G*):

The proposed preliminary plat area is approximately 1.22 acres in size in size which does not require a minimum amount of open space nor an amenity, per UDC 11-3G-3. As noted, the Applicant is proposing a micro-path connection to the north boundary for future connectivity to a regional pathway segment.

L. Fencing (*UDC 11-3A-6*, *11-3A-7*):

All fencing is required to comply with the standards listed in UDC 11-3A-7 and 11-3A-6. Fencing is proposed as shown on the landscape plan and does not meet UDC standards.

6-foot tall wood fencing is proposed along the perimeter of the project—this complies with code for all areas except the east property lines adjacent to the Tenmile Creek irrigation easement. With the final plat submittal, the Applicant should revise the landscape plan to show open-vision fencing or semi-private open vision fencing along the east property lines of Lots 2 & 3. In addition, the Applicant should clarify if any fencing is proposed along the Tenmile Creek itself and coordinate with Nampa Meridian Irrigation District on where they would like any fencing located within their easement.

M. Waterways (UDC <u>11-3A-6</u>)

The subject site directly abuts the Tenmile Creek along its entire eastern boundary. According to Nampa Meridian Irrigation District (NMID), the easement width for this facility is 50 feet on either side of the centerline of the "drain" as depicted on the submitted plat. In addition, the Applicant has proposed to place the entire irrigation easement within a common lot along the east boundary consistent with the UDC.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and preliminary plat applications with the requirement of a Development Agreement per the conditions of approval in Section VII of this report per the Findings in Section IX of this staff report.

- B. The Meridian Planning & Zoning Commission heard these items on June 16, 2022. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning and Preliminary Plat requests.
 - 1. Summary of Commission public hearing:
 - a. In favor: Antonio Conti, Applicant Engineer
 - b. In opposition: None
 - c. Commenting: Antonio Conti;
 - <u>d.</u> Written testimony: Two pieces since remand concerns over density and parking.
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: Bill Parsons, Planning Supervisor
 - 2. Key issue(s) of public testimony:
 - a. None
 - 3. Key issue(s) of discussion by Commission:
 - a. Clarification on Staff's recommendations for side-loaded garages;
 - 4. Commission change(s) to Staff recommendation:
 - a. Relax Staff's recommendation for side-loaded garages to remove the requirement but allow the Applicant and Staff to work together on the best possible placement for side-loaded garages.
 - <u>5.</u> Outstanding issue(s) for City Council:
 - a. None
- C. The Meridian City Council heard these items on July 26, 2022. At the public hearing, the Council moved to approve the subject Annexation and Zoning and Preliminary Plat requests.
 - 1. Summary of the City Council public hearing:
 - a. In favor: Antonio Conti, Applicant Engineer;
 - b. In opposition: None
 - c. Commenting: Antonio Conti

- d. Written testimony: 15 pieces concern over originally proposed density of 12 building lots due to increased traffic and lack of parking in the subdivision—no testimony against revised layout of 7 lots.
- e. Staff presenting application: Joseph Dodson, Associate Planner
- <u>f.</u> Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. None
- 3. Key issue(s) of discussion by City Council:
 - a. None
- <u>4.</u> <u>City Council change(s) to Commission recommendation:</u>
 - a. None

VII. EXHIBITS

A. Annexation and Zoning Legal Description and Exhibit Map



WWW.ACKERMAN-ESTVOLD.COM

May 18, 2022

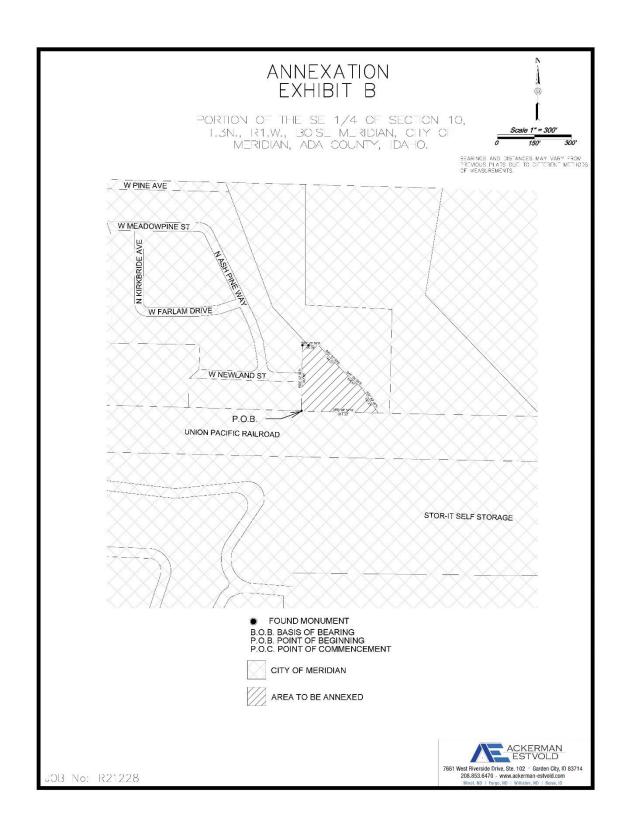
Pinedale Subdivision Annexation and Rezone to R8
Legal Description
3679 West Newland Street
Meridian, ID 83642

A parcel of land being a portion of the SE ¼ of Section 10, T. 3N, R.1W, Boise-Meridian, Ada Couty, Idaho, more particularly described as follows:

BEGINNING at a 5/8" iron pin marking the southeast corner of Chesterfield Subdivision Number 4; thence along the northerly right-of-way line of Union Pacific Railroad South 88°25'14" East a distance of 311.32 feet to a point on the westerly edge of Tenmile Creek; thence leaving said northerly right-of-way line of Union Pacific Railroad on the westerly edge of said Tenmile Creek North 32°49'09" West a distance of 120.21 feet; thence North 48°06'05" West a distance of 101.97 feet; thence North 43°31'33" West a distance of 144.27 feet; thence leaving said westerly edge of Tenmile Creek North 88°25'56" West a distance of 66.78 feet to a point on the easterly boundary of Chesterfield Subdivision Number 4; thence along said easterly boundary of Chesterfield Subdivision Number 4 South 00°52'04" West a distance of 267.00 feet to the **POINT OF BEGINNING.**

The above described parcel contains 1.22 acres, more or less.

HEADQUARTERS 1907 17TH ST SE MINOT, ND 58701 701.837.8737 4165 30TH AVE S SUITE 100 FARGO, ND 58104 701.551.1250 3210 27TH ST W SUITE 200 WILLISTON, ND 58801 701.577.4127 7661 W RIVERSIDE DR SUITE 102 GARDEN CITY, ID 83714 208.853.6470







January 10, 2022

Pinedale Subdivision Legal Description 3679 West Newland Street Meridian, ID 83642

A parcel of land being a portion of the SE $\frac{1}{4}$ of Section 10, T. 3N, R.1W, Boise-Meridian, Ada Couty, Idaho, more particularly described as follows:

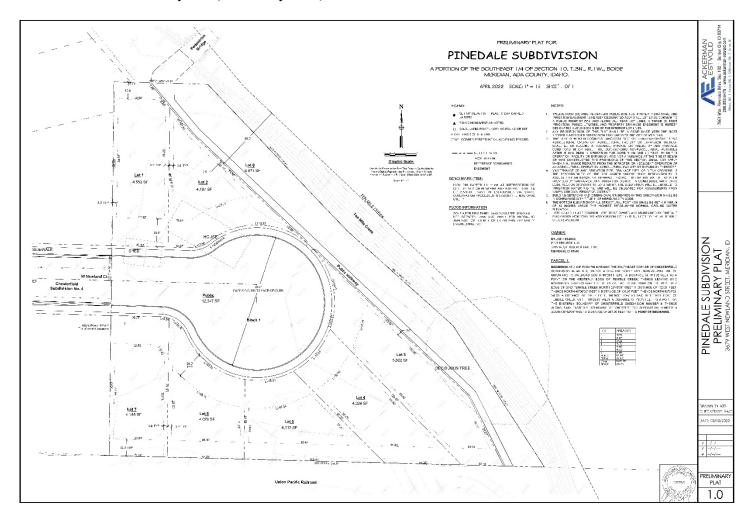
BEGINNING at a 5/8" iron pin marking the southeast corner of Chesterfield Subdivision Number 4; thence along the northerly right-of-way line of Union Pacific Railroad South 88°25'14" East a distance of 311.32 feet to a point on the westerly edge of Tenmile Creek; thence leaving said northerly right-of-way line of Union Pacific Railroad on the westerly edge of said Tenmile Creek North 32°49'09" West a distance of 120.21 feet; thence North 48°06'05" West a distance of 101.97 feet; thence North 43°31'33" West a distance of 144.27 feet; thence leaving said westerly edge of Tenmile Creek North 88°25'56" West a distance of 66.78 feet to a point on the easterly boundary of Chesterfield Subdivision Number 4; thence along said easterly boundary of Chesterfield Subdivision Number 4; thence along said easterly boundary of Chesterfield Subdivision Number 4 South 00°52'04" West a distance of 267.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains 1.22 acres, more or less.

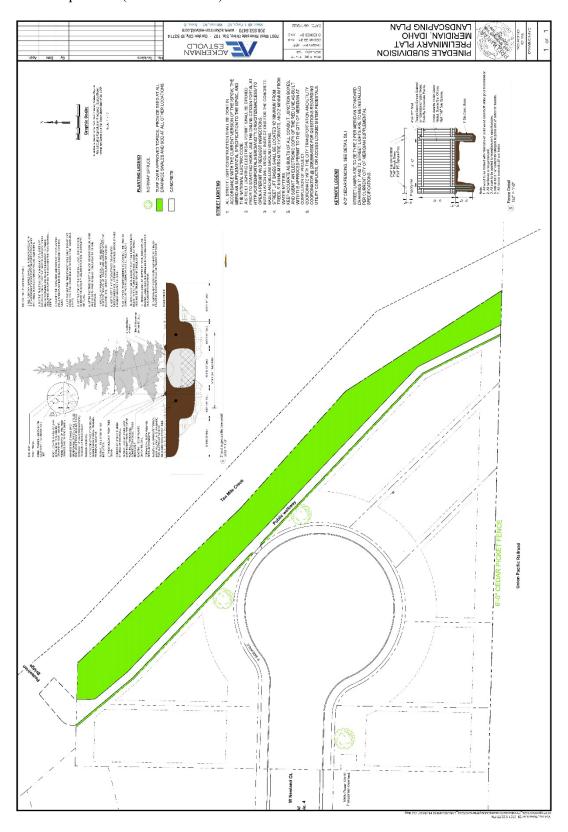


HEADQUARTERS 1907 17TH ST SE MINOT, ND 58701 701.837.8737 4165 30TH AVE S SUITE 100 FARGO, ND 58104 701.551.1250 3210 27TH ST W SUITE 200 WILLISTON, ND 58801 701.577.4127 7661 W RIVERSIDE DR SUITE 102 GARDEN CITY, ID 83714 208.853.6470

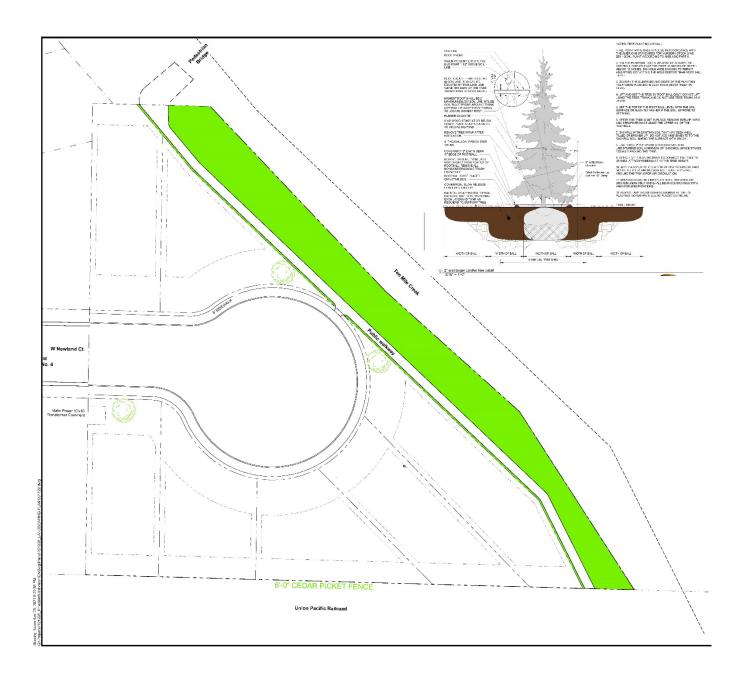
B. Preliminary Plat (dated: May 2022)



C. Landscape Plans (date: 5/11/2022)



Page 16



D. Conceptual Building Elevations













VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian and the property owner(s)/developer at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be substantially consistent with the approved plat, landscape plan, and conceptual building elevations included in Section VII and the provisions contained herein and shall be obligated to install and maintain the open space and amenity as proposed on the approved plans.
- b. The Applicant shall work with Staff to include shared driveways where feasible to help remove the number of driveways proposed, especially for those lots taking direct access from the cul-de-sac, W. Newland Court.
- c. With the Final Plat submittal, the Applicant shall provide proof to the Planning Division that the existing access for the property via the vehicular bridge north of the subject site has been approved as a pedestrian bridge for the future multi-use pathway segment in the adjacent subdivision and any vehicular access rights to this area have been relinquished.
- 2. The preliminary plat included in Section VII.B, dated May 2022, is approved as submitted.
- 3. The landscape plan included in Section VII.C, dated May 11, 2022, shall be revised as follows prior to submitting for Final Plat approval:
 - a. Depict open vision or semi-private vision fencing along Lots 2 & 3 in accord with UDC 11-3A-7A.7 standards.
 - b. Depict fencing along the Tenmile Creek in compliance with UDC 11-3C-6C or submit proof from NMID that fencing is not allowed.
 - c. Revise the landscape plan to show the micro-path in Lot 8 to be shifted at least 5 feet away from the proposed property lines so at least 4 trees can be added on its west side, consistent with UDC 11-3B-12 standards.
- 4. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6 for the R-8 zoning district.
- 5. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
- 6. The Applicant shall comply with all ACHD conditions of approval.
- 7. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
- 8. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.

9. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS

Site Specific Conditions of Approval

- 1. Sewer services should be 90 degrees to the main or connected to a manhole at a minimum angle of at least 90 degrees.
- 2. Manhole at end of run should have 0.60% slope minimum.
- 3. Locate water line at least 10 feet from the edge of right-of-way.
- 4. Ensure no sewer services pass through infiltration trenches.
- 5. A portion of this development is in the Floodplain Overlay District and floodplain development permit is required for land development. This property is in a FEMA "A" Zone without Base Flood Elevations. A hydraulic analysis has been completed for Foxcroft Subdivision. Applicant will need to compare base flood elevations for existing conditions in this analysis to the existing conditions survey on 3725 W Pine. This should form the basis for a Letter of Map Amendment (LOMA) application to remove the entire property from the floodplain. The quicker LOMA process is started the better, otherwise we will need floodplain permits and elevation certificates for any development in the current flood zone. If fill this property is not eligible for a LOMA, fill may be added for a FEMA LOMR-F application. In this case, floodplain permits and elevation certificates will be required for each structure in this zone.
- 6. As noted in the Geotechnical Engineering Report prepared by Atlas Materials Testing & Inspection, there are shallow cemented soils across the site. Particular attention needs to be focused on ensuring that all residences constructed with crawl spaces should be designed in a manner that will inhibit water in crawl spaces. This may include the installation of foundation drains, and the installation of rain gutters and roof drains that will carry storm water at least 10-feet away from all residences. Foundation drains are not allowed to drain into the sanitary sewer system, nor the trench backfill for the sewer and/or water service lines.

General Conditions of Approval

- 1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description

prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.

- 4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.
- 5. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 15. Developer shall coordinate mailbox locations with the Meridian Post Office.

- 16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public works.aspx?id=272.
- 21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 22. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251084&dbid=0&repo=MeridianCity

D. PARKS DEPARTMENT

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251081&dbid=0&repo=MeridianCity

E. ADA COUNTY DEVELOPMENT SERVICES

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251841&dbid=0&repo=MeridianCity</u>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251854&dbid=0&repo=MeridianCity

G. NAMPA/MERIDIAN IRRIGATION DISTRICT (NMID)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252550&dbid=0&repo=MeridianCity

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252743&dbid=0&repo=MeridianCity

IX. FINDINGS

A. Annexation and Zoning (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

City Council finds the proposed zoning map amendment to annex the property into the City of Meridian with the R-8 zoning district with the proposed preliminary plat and site design is consistent with the Comprehensive Plan, if all conditions of approval are met.

2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;

City Council finds the proposed zoning map amendment and the request for the development complies with the regulations outlined in the requested R-8 zoning district and is consistent with the purpose statement of the requested zone.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

City Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

City Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

5. The annexation (as applicable) is in the best interest of city.

City Council finds the annexation is in the best interest of the City.

B. Preliminary Plat Findings:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

City Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

City Council finds that public services will be provided to the subject property with development. (See Section VIII of the Staff Report for more details from public service providers.)

3. The plat is in conformance with scheduled public improvements in accord with the City's capital improvement program;

Because City water and sewer and any other utilities will be provided by the development at their own cost, City Council finds that the subdivision will not require the expenditure of capital improvement funds.

4. There is public financial capability of supporting services for the proposed development;

City Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VII for more information.)

5. The development will not be detrimental to the public health, safety or general welfare; and,

City Council is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis and has offered their support of the proposed development with the proposed road layout in mind.

6. The development preserves significant natural, scenic or historic features.

The Tenmile Creek is off-site of the subject property so City Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.



ITEM **TOPIC:** Approval of Purchase Order 22-0353 to Hughes Fire Equipment for One (1) new Pierce Velocity 100' Ascendant Ladder Truck for the Not-To-Exceed amount of \$1,698,277.00



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Keith Watts, Procurement Division **Meeting Date:** August 9, 2022

Presenter: Consent / Justin Winkler **Estimated Time:** N/A

Topic: Approval of Purchase Order 22-0353 to Hughes Fire Equipment for One (1) new

Pierce Velocity 100' Ascendant Ladder Truck for the Not-To-Exceed amount of

\$1,698,277.00.

Recommended Council Action:

Approval of Purchase Order 22-0353 and authorize the Procurement Manager to sign and issue the PO for \$2,059,641.99.

Background:

This PO is issued against the Sourcewell Contract #113021-OKC-1 per Idaho Statute 67-2807.



CITY OF MERIDIAN 33 EAST BROADWAY AVE. **MERIDIAN, ID 83642** (208) 888-4433

Vendor Address:

HUGHES FIRE EQUIPMENT INC 910 SHELLEY ST **SPRINGFIELD, OR 97477-1975**

Description

22-0353 Pierce Velocity 100' Ascendant Ladder Truck

Suth Wath

Purchase Order

8/9/2022

22-0353

Attention: Justin Winkler

Attn: Finance Billing Address:

33 E Broadway Ave Meridian, ID 83642

Shipping Address: City of Meridian Fire Dept. 33 E. Broadway Ave, Ste. 210

Meridian, ID 83642

Shipping Method: Contractor

> **Destination Pre-Paid** FOB:

Unit	Quantity	Unit Price	Total
Ea.	1.00	1,698,277.00	1,698,277.00

\$1,698,277.00 Purchase Order Total:

Purchasing Manager:

Special Instructions

100' Ascendant Ladder Truck per Quote dated 7/26/2022 and Sourcewell Contract # 113021-OKC-1 and Idaho State Statute 67-2807 Approved by Council 8/9/2022. Not-To-Exceed \$1,698,277.00. Price is contingent on an increase of 8% at delivery for Mat. Esc.

		Osnkosn Corpora	ation classificati	on - Restricted:		
CONTRACT PRICING WORKSHEET						
Source well	7	Contract N	No.	Date	Prepa	red
Awarded Contrac	t	#113021-OF	KC-1	7/2	26/2022	
Buying Agency:	City of N	City of Meridian, ID Dealer: Hughes Fire Equipmen		nt		
Contact Person:	Keith Wa	tts	Sales Rep:	<u> </u>		
Member Number:	141409		Phone:	541-747-0072		
Phone:	208-489-	0417	Email:	kbocik@hughesfire.com		
Email:	kwatts@	meridiancity.org	Pierce Bid #:	KB793		
			Base Spec.			
Sourcewell ID #			cription:		Dubl	ished Contract Price
			•	um Dadu	\$	
225		Aerial - 100' RMA		,	Ş	1,416,934.48
		Removed Op	tions fron	n Base Spec.		
Notes: (do not list op	tions remo	oved)			Bet	fore Discount Price
					\$	77,541.97
			With	Pierce Discount (5.5%)	\$	73,277.16
		Added On	tions to B	ase Snec		
Notes: (do not list on	Added Options to Base Spec. Notes: (do not list options added) Before Discount Price					fore Discount Price
Totes. (do not list options added)						
	\$ 415,781.0				415,781.67	
	With Pierce Discount (5.5%) \$				392,913.68	
Qty	1 Subtotal (Base Spec+Added/Removed Options)			\$	1,736,571.00	
		Oth	er Expens	es		
Description	escription Price				Price	
	Customer Trave			\$	6,075.00	
	Transportion Performance Bond			\$	5,800.00	
	Performance Bond			\$ \$	4,596.00	
				\$	-	
				Total Other Expenses	\$	16,471.00
Discounts						
Description				Price		
	Prepayment Discounts \$ 54,765.00					
	\$ -			-		
			\$			
Total Discount \$ 54,765.0					54,765.00	
Total Purchase Price (matches customer PO) \$ 1,698,277.0				1,698,277.00		

REV: 11/11/2020 7/26/2022 3:04 PM



ITEM **TOPIC:** Ada County Highway District Cost Share Permit: Eagle Rd., Lake Hazel to Amity



Agenda Topic on the City Council Agenda

From: Miranda Carson, Comprehensive Associate Coordination Planner Date: August 9, 2022

Topic: Community Development: Cost Share Permit Eagle Road, Lake Hazel to Amity

ACHD is designing the project to widen Eagle Road between Lake Hazel to Amity. The project will widen Eagle Road from two/three lanes to five lanes with curb and gutter with multi-use pathway. The project also includes the intersection design of Eagle Road and Taconic Drive which is currently planned as a roundabout. The project extents are from the southern limits of the roundabout at Amity Road (currently out to construction to be widened) to the northern limits of the widened intersection of Lake Hazel Road (currently in design by ACHD in house design).

Per standard coordination ACHD and City staff prepared a Cost Share Permit. Non-transportation components included in the agreement include: detached sidewalks, consideration for Ten Mile Pathway, conduit and junction boxes, and landscaping (interim along County parcels and permanent where landscaping already exists, in City limits, and in the roundabout).

The Eagle Road, Lake Hazel to Amity Cost Share Permit is attached for your review. After coordination with staff in Planning, Public Works, Parks, and Legal my recommendation is approval of this agreement.

ADA COUNTY HIGHWAY DISTRICT **COST SHARE PERMIT**



3775 Adams Street Garden City, Idaho Phone (208) 387-

Facsimile (208) 387-6289

ACHD Contact Person: Supervisor – Development

Review

Name: Amber Morales 3775 Adams Street Garden City Idaho 83714

Phone: (208) 387-6177

Date of Permit:

Permit No.: 01

Capitalized terms that are not defined in this Permit shall have the meanings given to them in the ACHD Cost **Share Ordinance No. 215.**

I. PERMITTEE INFORMATION			
This permit is granted to:	ACHD Project No. 521043	Partnering Agency Contact Person:	
City of Meridian		Miranda Carson	
33 E. Broadway Avenue		Comprehensive Associate Coordination	
Meridian, Idaho 83642		Planner	
		33 E. Broadway Avenue	
		Meridian, ID 83642	
		Phone: (208) 489-0319	
		Email: mcarson@meridiancity.org	

II. ROAD PROJECT AND APPROVED NON-TRANSPORTATION COMPONENTS

Name/Location of ACHD Road Project:

Eagle Road, Lake Hazel to Amity, ACHD Project No. 521043 as depicted in project plans attached hereto and incorporated herein as Exhibit A.

Approved Non-Transportation Components:

Pursuant to this Permit, ACHD authorizes, and, as a condition of issuing this Permit, requires, the following Non-Transportation Components:

1. Design and Perpetual Maintenance of Permanent Landscaping between back of the curb and front of sidewalk as development of or redevelopment of City parcels. ACHD authorizes and requires the design and perpetual maintenance of permanent landscaping associated with the detached sidewalks along Eagle Road between Lake Hazel and Amity when City parcels are developed or redeveloped. Plans for such landscaping will be presented to and approved by ACHD before installation and/or approval of proposed development plan presented to Partnering Agency. The Partnering Agency may wish to landscape the roundabout island at Taconic Drive at a future date and if such is approved by the City and ACHD, the Partnering Agency shall provide design, construction and perpetual maintenance of such landscaping.

2. <u>Design</u>, Construction, and Perpetual Maintenance of Conduit, Junction Boxes, Meters and any associated PVC pipes, as depicted on Exhibit A. ACHD authorizes and requires the construction, and design of the two-inch conduit the length of the Project in same trench as lighting and interconnect, associated junction boxes every 600-feet, and two four-inch sleeves and meter from water/electrical service locations to the roundabout island at Taconic for landscaping. The Conduit shall be for the sole use of Partnering Agency.

III. ACQUISITION OF RIGHT-OF-WAY OR REAL PROPERTY

Conditions of acquisition/contribution of right-of-way or real property by Partnering Agency and/or reimbursement to ACHD by Partnering Agency for said acquisition:

ACHD has already acquired or is in the process of acquiring right-of-way or real property adequate for the Non-Transportation Components. Therefore, the acquisition of right-of-way or real property is not required of Partnering Agency.

IV. DESIGN OF NON-TRANSPORTATION COMPONENTS

Party responsible for obtaining plans/design for Non-Transportation Components:

Partnering Agency shall be responsible for obtaining approval of the plans/designs for Landscaping of the roundabout island at Taconic Drive (if City approves such landscaping at a future date);

ACHD is responsible for design and construction of the following:

- (a) Permanent landscaping between the back of the curb and detached sidewalk;
- (b) Two-inch conduit and associated junction boxes; and
- (c) Two four-inch sleeves and meter from water/electrical service locations to the roundabout island at Taconic for landscaping.

The Conduit shall be for the sole use of Partnering Agency.

Additional conditions: All designs/plans prepared and obtained by the Permittee will comply with (i) established engineering standards, including the Idaho Standards for Public Works Construction ("ISPWC") including ACHD's supplements to the ISPWC; (ii) the American Association of State Highway and Transportation Officials ("AASHTO"); (iii) all adopted ACHD rules, regulations, and policies; and (iv) all state and federal laws. ACHD assumes no responsibility for any deficiencies or inadequacies in the

design or construction of the Fiber Optic Facilities. Permittee shall be solely responsible for all design costs for the Fiber Optic Facilities.

If Partnering Agency is responsible for providing plans/design, deadline for submitting plans/designs to ACHD for approval:

Partnering Agency shall submit the plans/designs, if any, for future landscaping that the City may install at the roundabout island at Taconic and receive approval from ACHD prior to installation.

ACHD is responsible for design and construction of the permanent landscaping between the back of the curb and detached sidewalk, necessary conduit, PVC pips and associated meters and junction boxes.

Additional conditions: All designs/plans submitted by Partnering Agency must comply with (i) established engineering standards, including the Idaho Standards for Public Works Construction (ISPWC); (ii) the American Association of State Highway and Transportation Officials ("AASHTO"); (iii) the Cost-Share Ordinance No. 215; (iv) all adopted ACHD rules, regulations, and policies; and (v) all state and federal laws. No designs shall be considered final until they are approved in writing by ACHD. Any modifications to the deadlines set forth above must be approved in writing by ACHD. By approving such design or construction of the Non-Transportation Components to the extent such Non-Transportation Components were not designed or constructed by ACHD.

Allocation of design costs for Non-Transportation Components (including, if applicable, any credits provided to Partnership Agency and application of any federal funding) and for reimbursement, if applicable:

Partnering Agency shall be solely responsible for all design and construction costs for the Non-Transportation Components, if any. Partnering Agency shall not be credited under this Permit for costs incurred for the design of the Non-Transportation Components.

V. CONSTRUCTION OF NON-TRANSPORTATION COMPONENTS

Description of construction work approved by ACHD to be completed by Partnering Agency (if applicable): (In addition to description, refer to designs and plans attached to this Permit as Exhibits, if applicable. If designs and plans are not complete at the time of issuance of this Permit, they must be approved in writing by ACHD and shall be incorporated into this Permit.)

ACHD shall construct the detached sidewalks and landscaping located between back of curb and front of sidewalk for County Parcels. The Partnering Agency will ensure that permanent landscaping materials are installed upon application of developer to develop or redevelop city parcels in the City. All application for such City parcels shall be approved by ACHD before any development application are approved and any construction begins.

ACHD shall construct the permanent landscaping between the back of the curb and detached sidewalk; two-inch conduit and associated junction boxes; and Two four-inch sleeves and meter from water/electrical service locations to the roundabout island at Taconic for landscaping.

If Partnering Agency is responsible for all or a part of the construction of the Non-Transportation Components:

- a. Date for submitting Partnering Agency's contractors and engineers to ACHD for approval:

 Not applicable due to the nature of the construction.
- b. Date for submitting Partnering Agency's contractors' and engineers' estimates to ACHD approval: Not applicable due to the nature of the construction.
- c. Date for submitting Partnering Agency's contractors' and engineers' contracts to ACHD for approval: Not applicable due to the nature of the construction.

Any modifications to the deadlines set forth above must be approved in writing by ACHD.

Allocation of construction costs for Non-Transportation Components, reconstruction costs of Transportation Components necessitated by the incorporation of Non-Transportation Components into the Road Project, ACHD construction, maintenance, administration, and overrun costs (including, if applicable, any credits provided to Partnering Agency and application of any federal funding), and time for reimbursement, if applicable:

Partnering Agency shall be solely responsible for all construction costs of the Non-Transportation Components. Partnering Agency shall receive no credits in connection with the construction of the Non-Transportation Components. Partnering Agency shall reimburse ACHD for the actual costs of all materials used, the cost of the relocation of any utilities necessitated by installation of the Non-Transportation Components. Payment by Partnering Agency shall be made to ACHD within 30 days following submission of any invoice by ACHD to Partnering Agency identifying such charges.

Relocation of utilities to be completed by Partnering Agency (if any):

Partnering Agency shall be solely responsible for the cost of relocating any utilities required in connection with the placement, incorporation, or construction of the Non-Transportation Components.

Storm water provisions (if applicable):

The buffer area between sidewalk and vertical curb shall be designed to prevent storm water from accumulating and ponding therein.

Additional conditions: Upon a determination by ACHD that the incorporation into the Road Project of Partnering Agency's Non-Transportation Components will have an adverse effect on storm water quantity or quality, Partnering Agency shall be solely responsible for either mitigating or funding the mitigation of any such adverse effects in a means determined by or acceptable to ACHD.

Schedule for completion of Road Project:

At this time, ACHD's schedule for completion of the Transportation Components of the Road Project completion is unknown but estimated to begin 2023-2024. The deadline for Partnering Agency's completion of Non-Transportation Components is undetermined until and when development or redevelopment applications are submitted to the Partnering Agency.

VI. MAINTENANCE OF NON-TRANSPORTATION COMPONENTS

Maintenance requirements of Non-Transportation Components by Partnering Agency:

Partnering Agency shall be, and is hereby, granted a non-exclusive, revocable license to maintain, repair, and replace the Non-Transportation Components, subject to the provisions of this Permit and during the term of this Permit. This includes the perpetual maintenance, repair, and replacement of the Permanent Landscaping between the back of the curb and the detached sidewalk, conduit, sleeves, meters and junction boxes.

Partnering Agency shall cause the Non-Transportation Components to be operated and maintained in good functioning order during the term of this Permit, in accordance with applicable law, the approved designs/plans, Partnering Agency's detached sidewalk and hardscape standards and specifications, and industry standards. This obligation includes, without limitation, grass and lawn care, pruning or replacement of gravel, trees, and shrubs, clean up of litter and debris, weed removal, and application for shrubs and trees, and groundcover, as applicable. Any replacement and/or installation by Partnering Agency of additional improvements shall be accomplished in accordance with designs, plans, and specification approved in advanced an in writing by ACHD, in its discretion, and as required to satisfy applicable laws, its policies, and good engineering and landscaping practices.

Additional conditions:

- 1. This Permit does not extend to Partnering Agency the Right to use any part of the ACHD Road Project area to the exclusion of ACHD for any use within its jurisdiction, authority, and discretion or of others to the extent authorized by law.
- 2. In accessing any part of the Road project that has been accepted as an open public highway (as the term "highway" is defined in Idaho Code Section 40-109(5), Partnering Agency's authorized use is subject to the rights of the public to use the highway.
- 3. The rights granted hereunder are subject to and subordinate to the rights of holders of easements of records and the statutory rights of utilities to use the right-of-way.
- 4. This Permit does not preclude or impede the ability of ACHD to enter into or grant easements or license agreements allowing third parties to access the Road Project area, or the ability of ACHD to redesign, reconstruct, relocate, maintain, and improve the Road Project and right-of-way as it determines necessary, in its sole discretion.
- 5. In consideration of the license granted by this Permit, Partnering Agency expressly covenants and agrees that the license granted herein is temporary and merely a permissive use of the ACHD right-of-way pursuant to the terms of this Permit. Partnering Agency assumes the risk that the license granted herein may be terminated before Partnering Agency has realized the economic benefit of the cost of installing, constructing, repairing, or maintaining the Non-Transportation Components,

- and by signing and accepting this Permit, Partnering Agency hereby waives and estops itself from asserting any claim, including damages or reimbursement, that the license is in any way irrevocable because partnering Agency has expended funds on the Non-Transportation Components and the Permit has not been in effect for a period sufficient for Partnering Agency to realize the economic benefit from such expenditures.
- 6. In the event Partnering Agency fails to replace, repair, maintain, and care for the Non-Transportation Components, ACHD shall have the following remedies in addition to any other recovery in law or in equity, provided that ACHD first gives Partnering Agency 30 days' notice and Partnering Agency fails to remedy such failure: (i) ACHD may revoke this Permit; (ii) ACHD may replace, maintain, and/or care for the Non-Transportation Components, and Partnering Agency shall reimburse ACHD fully for all associated costs; (iii) ACHD may remove, alter, redesign, or reconstruct the Non-Transportation Components or any part of the ACHD Road Project (including without limitation the right-of-way), or in the case of landscaping, replace the Non-Transportation Components with hardscape, and Partnering Agency shall reimburse ACHD fully for all associated costs; and (iv) ACHD may refuse to issue any further Cost Share Permits or any other permits for future ACHD Road Projects until Partnering Agency complies with the conditions of the Permit. In addition, in the event of an emergency caused by Partnering Agency's failure to perform required maintenance, ACHD may immediately perform any and all emergency repairs or take other measures in connection with an emergency and Partnering Agency shall reimburse ACHD fully for all associated costs.

VII. TERM

Term of Permit:

This Permit shall be perpetual, until terminated or revoked pursuant to the provisions of this Permit.

Upon termination or revocation of this Permit, upon the request of ACHD, Partnering Agency will either, as directed by ACHD, (i) promptly remove the Non-Transportation Components and restore the underlying area to at least the condition present as of the date of this Permit repairing and restoring all portions of ACHD's right-of-way, personal property, and real property, if any, that are damaged during such removal activities; or (ii) reimburse ACHD for its cost of redesigning, replacing, and/or reconstructing the right-of-way or real property underlying the Non-Transportation Components. Any portion of the Non-Transportation Components that remain in ACHD right-of-way or on ACHD real property 90 days after termination or revocation of this Permit shall be deemed abandoned, and ACHD shall have the right to remove them or redesign, replace, and reconstruct the right-of-way or real property underlying them and charge all costs to Partnering Agency.

VII. ADDITIONAL PROVISIONS APPLICABLE TO PROJECT

Additional provisions:

This permit provides terms upon which the incorporation of the Non-Transportation Components into the Road Project are approved.

IX. GENERAL CONDITIONS OF PERMIT

- 1. This Permit is issued conditioned on the Partnering Agency's compliance with ACHD's Cost Share Ordinance No. 215, the terms and conditions of this Permit and all applicable ACHD policies, standards and specifications and all certifications made by the Partnering Agency's pursuant to this Permit.
- 2. This Permit is subject to the provisions of state and federal law and all ACHD Ordinance, including but not limited to the Cost Share Ordinance No. 215, in effect as of the date of issuance of this Permit and those that may be adopted after the issuance of this Permit (the "Applicable Law"). In the event of any conflict between this Permit and Applicable Law, Applicable Law shall govern. In the event that any part of the obligations of the Partnering Agency or of ACHD in connection with this Permit or the Road Project are determined to be illegal or unenforceable by a court of competent jurisdiction, the remaining obligations of the Permittee set forth in this Permit shall still be applicable. Further amendments and restatements of the Cost Share Ordinance shall not be applicable to this Permit.
- 3. If any portion of the ACHD Road Project (including without limitation any portion of the right-of-way and ACHD personal property therein) is damaged as a result of Permittee's action or inaction with regard to the construction, operation, and/or maintenance of the Fiber Optic Facilities or the failure or neglect to construct, operate, and/or maintain the Fiber Optic Facilities, then the Permittee shall, at its sole cost and expense, correct such deficiency and restore the area to the same condition it was in prior thereto, and if Permittee or its successors or assigns shall fail or neglect to commence such correction and restoration within twenty-four (24) hours of notification thereof, ACHD may proceed to do so, in which event Permittee shall reimburse ACHD for the costs and expenses thereof, including, without limitation, reasonable compensation for the use of staff and equipment of ACHD.
- 4. Partnering Agency shall be liable to ACHD for any and all damages, fines, fees, obligations to third parties, costs, expenses, attorney fees, or any other liabilities whatsoever directly resulting from the Partnering Agency's failure to comply with any provision of this Permit and/or Cost Share Ordinance No. 215. Without limiting the foregoing in any manner, in the event Partnering Agency fails to comply with any provision of this Permit, then following any applicable notice and opportunity to cure set forth herein, ACHD shall have the right, in addition to all other rights and remedies elsewhere in this Permit, to redesign, replace, and/or reconstruct the Non Transportation Components and/or the right-of-way or real property underling the Non-Transportation Components, and in such event, Partnering Agency shall reimburse ACHD for all associated cost. The obligations in this Section shall survive the expiration, revocation, and/or cancellation of this Permit for any reason.
- 5. Partnering Agency may delegate any of its responsibilities hereunder to any third party so long as it gives prior written notice to ACHD that specifies in detail what responsibilities are being delegated and identifies the third party. Notwithstanding any delegation to a third party, the Partnering Agency shall remain and shall be ultimately responsible for the third party's compliance with the terms of this Permit, and no delegation shall absolve Partnering Agency of any duties or obligations of this Permit in any way. In addition, Partnering Agency fully assumes all legal risks of determining whether any such delegation is property under applicable law and/or regulations, and shall not be absolved of any responsibilities under this Permit if it is unable to complete or maintain any such delegation for any reason.

- 6. Partnering Agency will protect, defend, indemnify, and hold ACHD and its officers, directors, employees, members, and agents harmless from and against any and all liability, suits, losses, damages, claims, actions, costs, and expenses of any nature, including court costs and attorney fees, arising from or out of any acts or omissions of the Permittee, its agents, or contractors related to or in connection with the Non-Transportation Components and the exercise of any privileges or performance of any obligations by the Partnering Agency pursuant to the terms of this Permit. Partnering Agency's obligations in this Section shall survive the expiration, revocation, and/or cancellation of this Permit for any reason.
- 7. In the event the Non-Transportation Components will or may necessitate future maintenance, repair, relocation, or replacement that is not subject to this Permit, ACHD shall in its discretion issue Partnering Agency an amended or an additional Cost Share Permit to perform such work.
- 8. ACHD shall at all times have the right to relocate, reconstruct, remove, or redesign any and all improvements that are part of the Road Project. ACHD will use its best efforts to advise Partnering Agency of any anticipated actions within the Road Project that would be likely to cause a relocation, modification, or other adaptation of any of the Non-Transportation Components, and the parties, to the extent reasonably possible, shall agree to a priority schedule regarding the same and shall attempt to cooperate with respect to planning and coordination as related to any such relocation, modification, or other adaptation of any of the Non-Transportation Components. If ACHD ultimately determines that any part of the Road project must be relocated, reconstructed, removed, or redesigned, then Partnering Agency, at its sole cost and expense, shall be responsible for relocating, reconstructing, removing, or redesigning the Non-Transportation Components, as required by ACHD, which shall be accomplished by the Partnering Agency according to designs, plans, and specifications approved by ACHD in writing prior to any such work. Partnering Agency may also elect to remove all or a part of the Non-Transportation Components in lieu of any relocation, modification, or adaptation. Partnering Agency assumes any and all costs of itself and ACHD relating to any future relocation of the Non-Transportation Components.
- 9. ACHD shall at all times have the right to revoke this and any other Permit granted to the Partnering Agency to access the Highway or public right-of-way or real property. In addition, ACHD may immediately perform any and all emergency repairs or take other measures in connection with an emergency, in which case the Partnering Agency shall reimburse ACHD fully for all associated costs.
- 10. This Permit shall immediately be revocable and/or cancelable by ACHD by providing written notice to the Partnering Agency upon the occurrence of any of the following: (i) a determination by ACHD that any of the information submitted by the Partnering Agency in the Cost Share Application is false or inaccurate in any manner; (ii) a determination by ACHD that the Partnering Agency has failed to comply with any term or provision of this Permit; (iii) a determination by ACHD that the Partnering Agency has failed to replace, maintain, and/or care for the Non-Transportation Components, as required by the terms of this Permit. Except in an emergency situation, ACHD shall provide the Partnering Agency with thirty (30) days notice of the issue and an opportunity to comply prior to exercising such rights.
- 11. The issuance of this Permit shall in no way obligate ACHD to provide Partnering Agency with additional permits or rights, nor shall ACHD be obligation to utilize provisions or rights set forth in this Permit in connection with additional permits or rights that it may elect to provide to Partnering Agency

in the future.

- 12. All exhibits and any addenda to this Permit are incorporated herein.
- 15. This Permit is conditioned upon the signature of ACHD and the Permittee below.

SIGNATURES

This Cost Share Permit is issued by the Ada County Highway District on the date set forth above:

Ada County Highway District:

The person signing below represents that he or she has the authority on behalf of ACHD to issue this Permit and bind ACHD to the terms set forth herein.

By: Bruce S. Wong

Its: Director

City of Meridian

Acceptance/certification by Permittee:

The person signing below represents that he or she has the authority on behalf of the Partnering Agency to accept and agree to the terms of this Permit and bind the Partnering Agency to the terms set forth herein.

By: Robert E. Simison

Its: Mayor

EXHIBITS



ITEM TOPIC: Amendment to State/Local Agreement for Meridian Rail With Trail Pathway



MEMO TO CITY COUNCIL

Request to Approve Topic on the City Council Consent Agenda

From: Kim Warren, Parks and Recreation **Meeting Date:** August 9, 2022

Presenter: Kim Warren **Estimated Time:** Consent Agenda

Topic: Amendment to State/Local Agreement for Meridian Rail With Trail Pathway

Recommended Council Action:

In order to move forward on Meridian's Rail With Trail project, staff is requesting approval of an amendment to the original State/Local Agreement (2016). An amendment is needed due to changes in requirements since the original contract, and to officially start this new effort so the city can receive credit for project work that will count towards the required match.

Background:

In 2016, the City Entered into an Agreement with the state of Idaho to secure FHWA funding through the Idaho Transportation Investment Program for a Rail With Trail pathway in Meridian. This pathway (parallel to – not inside – the railroad easement) is proposed to run from 3rd Street to 8th Street, south of Broadway, west of City Hall.

Due to incomplete pathway right-of-way at the time of the funding award, funds could not be spent per the original time frame and were formally delayed until the remaining easement could be acquired. Now that the easement is on track for acquisition (estimated January of 2023) the agreement needs to be amended.

Amendments include:

- Appointing the Local Highway Technical Assistance Council as the contract administrator for the State. (A new requirement enacted after the original agreement was signed)
- A guarantee that any investments by the City for advance work on the project centered on federal approvals and project design may be counted towards the required match.

Staff needs to begin the design approval process as soon as possible to allow sufficient turnaround time for state and federal agencies and still meet the 2024 construction schedule.

STATE/LOCAL AGREEMENT (PROJECT DEVELOPMENT) PROJECT NO. A013(918) RAIL WITH TRAIL PATHWAY, MERIDIAN ADA COUNTY KEY NO. 13918

PARTIES

PURPOSE

The Sponsor has requested that the State include in its Idaho Transportation Investment Program Federal-Aid Project No. A013(918), described as Rail with Trail Pathway, Meridian. development is performed Project to be by Sponsor's staff/Consultant Engineers. The purpose of this Agreement is to set out the terms and conditions to accomplish the project development phase of this project.

The Sponsor acknowledges that this Agreement covers a project wherein federal aid funds will be allocated, and Sponsor will comply with the requirements of 23 U.S.C. §313, 23 CFR §635.410, and 28 CFR Part 35 (title II).

NOTE: Securing the services of a consultant for project development services must follow the process outlined in the Idaho Transportation Department Guidelines for Local Public Agency Projects.

Since certain functions under this Agreement are to be performed by the State, requiring the expenditure of funds, and since the State can only pay for work associated with the State Highway System, the Sponsor is fully responsible for all costs incurred by the State related to the project.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.



The Parties agree as follows:

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SECTION I. GENERAL

- 1. It is necessary to develop construction plans and specifications in order that federal participation may be obtained in the construction costs of the project. Federal-aid for project development is not available on this project. The cost of project development is the Sponsor's responsibility.
- 2. Federal participation in the Federal-aid portion of this project is at the rate of 92.66%; local participation is 7.34%. Scheduled Local Participation funds are 100% Sponsor responsibility. Scheduled funding for this project is listed on the approved Idaho Transportation Investment Program, and subsequent revisions. Current estimated funding is as follows:
 - a. Project Development (State, Consultant, Local) \$74,000 (Sponsor 100%)
 - b. Construction Engineering \$57,000 (92.66%/7.34%)
 - c. Construction \$444,000 (92.66%/7.34%)
 - d. Total Estimated Project Costs \$575,000
- 3. The Sponsor's match for construction of this project will be provided in cash in the amount of 7.34% of the construction costs. The Sponsor has earmarked and has placed in its fiscal budget at least the amount of the local match equaling to 7.34% of the construction cost.
- 4. The construction year for this project is listed on the approved Idaho Transportation Investment Program, and subsequent revisions. Currently the project is scheduled for construction in FY19, which commences October 1, 2018. The Sponsor will meet the project milestones shown below or on a subsequently approved CPM Schedule. Failure to meet these milestones may jeopardize availability of Federal participation.

Concept Approval - July 1, 2016 Environmental Approval - July 1, 2017 Plans, Specifications, and Estimate - October 1, 2018

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5. This project shall be designed to State Standards as defined in the current version of the Idaho Transportation Department's Roadway Design Manual, or as subsequently revised. The current version of the Design Manual can be viewed at the following web site: http://itd.idaho.gov/manuals/ManualsOnline.htm .

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- 6. All information, regulatory and warning signs, pavement or other markings, and traffic signals required and warranted will be developed as a part of the plans, regardless of whether the work is done as a portion of the contract or by the Sponsor's forces.
- 7. If the project is terminated prior to completion, the Sponsor shall repay to the State all federal funds received for the project, and shall be liable to the State for any un-reimbursed incidental expenses as provided for in Section II, Paragraph 1 of this Agreement.
- Sufficient Appropriation. It is understood and agreed 8. that the State and the Sponsor are governmental and this Agreement shall in no way be agencies, construed so as to bind or obligate either the State Sponsor beyond the term of any particular appropriation of funds by the Federal Government, the State Legislature, or Meridian City Council, as may exist from time to time. The State and the Sponsor reserve the right to terminate this Agreement if, in either party's respective judgment, the Federal Government or the legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for the State or Sponsor to continue payments. Any such termination shall take effect immediately upon notice and be otherwise effective as provided in this Agreement. The parties agree this clause does not invalidate or waive the obligations in Section I, Paragraph 7.

SECTION II. That the State shall:

1. Provide the following services incidental to the project development:

a. Assist Sponsor in the selection of a Consulting Engineer and negotiations as needed, and furnish the Agreement for Engineering Services and any supplements thereto, to be used between the Sponsor and Consulting Engineers on this project.

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- b. Review Preliminary Environmental Evaluation and recommend other appropriate environmental documentation.
- c. Provide a hearing officer to conduct a formal public hearing as necessary.
- d. File with the Federal Highway Administration applications for exceptions to AASHTO Standards when appropriate.
- e. If requested by the Sponsor, assist in negotiations with public carriers and utilities for agreements on behalf of the Sponsor.
- f. Review the consultant plans, estimates, reports and environmental studies, and issue notice of approval to the Sponsor and the engineer following the Concept, Preliminary and Final Design Reviews and the Design Study Report.
- g. Print and assemble plans, special provisions, specifications and contracts.
- h. Advertise for bids and let the construction contract. Prior to construction, the parties will enter into a separate agreement covering responsibilities of the parties relating to construction.
- 2. Within sixty (60) days of receipt of appropriate documentation from the Sponsor showing expenditure of funds for project development, reimburse the Sponsor at the approved Federal-aid rate for eligible expenses.
- 3. Bill the Sponsor for costs incurred by the State under this Agreement for project development, if those costs exceed the amount set out in Section III, Paragraph 1.

4. Bill the Sponsor for any federal funds to be repaid by the Sponsor if the project is terminated prior to completion, and the Sponsor has been reimbursed with federal funds for construction.

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SECTION III. That the Sponsor shall:

- Pay to the State, before the State begins 1. services referred in Section incidental to THOUSAND Paragraph 1, the sum of FIVE DOLLARS (\$5,000), estimated to be the total expense to the State. In addition, pay to the State the cost of all incidental services provided by the State upon receipt of the billing provided for in Section II, Para. 3.
- Funds owed by the Sponsor shall be remitted to the State through the ITD payment portal at: https://apps.itd.idaho.gov/PayITD.
- 3. Sponsor warrants that it will repay any federal reimbursements on this project if the project is terminated prior to completion.
- 4. With the assistance of the State, hire a consultant for development of the project.
- 5. Make timely payment of all consultant invoices throughout the design of the project. Periodically the Sponsor may submit allowable Consultant invoices and receipts to the State showing payment of same for credit towards the Sponsor's match on construction of the project.
- Advertise for formal public hearing if required.
- 7. Coordinate the relocation of utilities within the right-of-way of the project. Federal-aid utility relocations will be processed in accordance with the applicable provisions of 23 CFR and the Sponsor's utility policies and procedures.
- 8. Acquire all rights-of-way and easements needed to provide for construction and maintenance of the project.

9. Before advertisement for bids, provide a certification that all rights-of-way, easements, permits, materials sources and agreements necessary for the construction of the project have been acquired in accordance with the provisions of this Section. Provide a value of any right-of-way donations obtained, which may be credited as a matching share.

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- 10. Evaluate the impact the project might have on the quality of the human environment and prepare and furnish to the State an environmental evaluation, that includes cultural resources, and any other documentation required by the National Environmental Policy Act.
- 11. At all required public hearings, furnish all necessary exhibits and provide for a representative of the Sponsor to describe the project; present information about the location and design, including alternatives; discuss the economic, sociological, and environmental effects of the project; and answer all questions concerning the project.
- 12. Supply roadway summary sheets and such standard drawings as may be required to supplement the plans
- 13. Comply with Appendix A, Title 49 CFR, Part 21, attached hereto and made a part hereof. By this agreement Sponsor agrees to comply with and be bound to the Civil Rights provisions of Title VI of the Federal Code and to generally insert those provisions all contracts that it enters into that federally funded on this project. If property acquired for this project with Federal financial assistance is transferred, the recipient of the property will be subject to Appendix A if the property is used for the same purpose it was originally acquired or for another purpose involving similar services or benefits to the Sponsor should contact the State general public. prior to disposing of any property acquired under this agreement.
- 14. Maintain all project records, including source documentation for all expenditures and in-kind contributions, for a period of three (3) years from

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the date of final acceptance. If any litigation, claim, negotiation, or audit has been started before expiration of the three-year period, the records shall retained until completion of the action resolution of all issues that arise from it.

15. Comply with all other applicable State and Federal regulations.

EXECUTION

This Agreement is executed for the State by its Engineering Services Division Administrator, and executed for the Sponsor by the Mayor, attested to by the City Clerk, with the imprinted Corporate Seal of the City of Meridian.

IDAHO TRANSPORTATION DEPARTMENT

APPROVED BY

Engineering Services Division Administrator

RECOMMENDED BY:

CITY OF MERIDIAN

District Engineer

ATTEST:

(SEAL)

By regular/special meeting on May 24, 2016

Reviewed by FS: DW 2-2-16

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APPENDIX A

Non-Discrimination Agreement for Local Public Agencies

Title VI Program
Organization and Staffing

Pursuant to 23 CFR 200, the Sponsor has designated a Title VI Coordinator who is responsible for monitoring practices, procedures, policies, and documents for compliance with Title VI. This individual is the designated liaison for Title VI program activities and for coordinating compliance monitoring with the Idaho Transportation Department Equal Employment Opportunity Office.

Assurances of Non-Discrimination 49 CFR Part 21.7

The Sponsor hereby gives assurances:

- 1. That no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the Sponsor regardless of whether those programs and activities are Federally funded or not. The Federal-aid Highway Transportation Act of 1973 added sex to the list of prohibitive factors.
 Disability was added through Section 504 of the Rehabilitation Act of 1973. Age was subsequently added in 1975 under the Age Discrimination Act. Minority populations and low-income populations were added by Presidential Executive Order 12898. Limited English proficient persons was added by Presidential Executive Order 13166.
- 2. That it will promptly take any measures necessary to effectuate this agreement.
- 3. That each program, activity, and facility (i.e. lands change to roadways, park and ride lots etc.) as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
 - Further assurance is given that the Sponsor will comply with all requirements of **Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Vocational Rehabilitation Act of 1973.** Public agencies are required to have completed a self-evaluation of all their programs and services (including pedestrian facilities) by 1992. In addition, public agencies with 50 or more employees were required to develop an ADA Transition Plan describing in detail how corrections would be made. If corrections could not be made within one year (or 1993), the Plan was to include a detailed schedule of how corrections would be made (CFR 28 35.105 & 35.150).
- 4. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Sponsor by the Idaho Transportation Department (ITD) under the Federally-Funded Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants.
- 5. That the Sponsor shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federally-Funded programs and, in adapted from all proposals for negotiated agreements: The (Sponsor), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this

State/Local Agreement (PD) Rail with Trail Pathway, Meridian Key No. 13918 Page 1 advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, or disability in consideration for an award.

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- 6. That the Sponsor shall insert the clauses of Attachment 1 of this Agreement in every contract subject to the Act and the Regulations.
- 7. That the Sponsor shall insert the clauses of Attachment 2 of this Agreement, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
- 8. The Sponsor agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

Implementation Procedures

This agreement shall serve as the Sponsor's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

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- 1. grants and loans of Federal funds,
- 2. the grant or donation of Federal property and interest in property,
- 3. the detail of Federal personnel,
- 4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the Sponsor, or in recognition of the public interest to be served by such sale or lease to the Sponsor, and
- 5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The Sponsor shall:

- 1. Issue a policy statement, signed by the Sponsor's authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Sponsor's organization and to the general public. Such information shall be published where appropriate in languages other than English.
- 2. Take affirmative action to correct any deficiencies found by ITD or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The Sponsor's authorized representative shall be held responsible for implementing Title VI requirements.
- Designate a Title VI Coordinator who has a responsible position in the organization and easy access to the Sponsor's authorized representative. The Title VI Coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
- 4. Adequately implement the civil rights requirements.
- 5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin, sex, or disability; the nature of the complaint; the date the complaint was filed; the date the investigation was completed; the disposition; the date of the disposition; and other pertinent information. A copy of the complaint, together with a copy of

the Sponsor's report of investigation, will be forwarded to ITD's EEO Office – External Programs within 10 days of the date the complaint was received by the Sponsor.

- 6. Collect statistical data (race and sex) of participants in, and beneficiaries of the Transportation programs and activities conducted by the Sponsor.
- 7. Conduct Title VI reviews of the Sponsor and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
- 8. Attend training programs on Title VI and related statutes conducted by ITD's EEO Office.
- 9. Participate in an annual review of the Sponsor's Title VI Program, the purpose of which is to determine to what extent the Sponsor has complied with Title VI requirements including the ADA. This review is conducted one year from the date of approval of the Non-Discrimination Agreement and then annually on the same date. The format for the Title VI review will be provided each year to the Sponsor for completion. A determination of compliance will be made by ITD's EEO Office based on the information supplied in the review. This review of the Sponsor's Title VI Program may also include an on-site review in order to determine compliance.

Discrimination Complaint Procedure

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the Sponsor. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Sponsor's Title VI Coordinator for review and action.

In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:

a) The date of alleged act of discrimination; or

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b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the Sponsor or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the Sponsor, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the Sponsor's investigative procedures.

Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as ITD and USDOT.

The Sponsor will advise ITD within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to ITD:

- a) Name, address, and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating official(s).
- c) Basis of complaint (i.e., race, color, national origin or sex)
- d) Date of alleged discriminatory act(s).

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- e) Date of complaint received by the Sponsor.
- f) A statement of the complaint.
- g) Other agencies (state, local or Federal) where the complaint has been filed.
- h) An explanation of the actions the Sponsor has taken or proposed to resolve the issue raised in the complaint.

Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Sponsor's authorized representative. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, the Sponsor's authorized representative will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ITD, or USDOT, if they are dissatisfied with the final decision rendered by the Sponsor. The Title VI Coordinator will also provide ITD with a copy of this decision and summary of findings upon completion of the investigation.

Contacts for the different Title VI administrative jurisdictions are as follows:

Idaho Transportation Department
Equal Employment Opportunity Office – External Programs
EEO Manager
PO Box 7129
Boise, ID 83707-1129
208-334-8852

Federal Highway Administration Idaho Division Office 3050 Lakeharbor Lane, Suite 126 Boise, ID 83703 208-334-9180

Sanctions

In the event the Sponsor fails or refuses to comply with the terms of this agreement, the ITD may take any or all of the following actions:

- 1. Cancel, terminate, or suspend this agreement in whole or in part;
- 2. Refrain from extending any further assistance to the Sponsor under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Sponsor.
- 3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the Sponsor;
- 4. Refer the case to the Department of Justice for appropriate legal proceedings.

Distribution: EEO Office Appendix A revised: 03-09, 08-10

Attachment 1

This Attachment is to be inserted in every contract subject to Title VI of the Civil Rights Act of 1964 and associated Regulations.

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations

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The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to ITD or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance

In the event of the contractor's non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- Cancellation, termination, or suspension of the contract, in whole or in part

Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request ITD enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Attachment 2

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

* c * - 1 * 1 *

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Idaho will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation ITD (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d - 4) does hereby remise, release, quitclaim, and convey unto the state of Idaho all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the state of Idaho, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Idaho, its successors, and assigns.

The state of Idaho, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,)(and)* (2) that the state of Idaho, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination of federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned non-discrimination conditions, the department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

¹ Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

ADDENDUM TO STATE/LOCAL AGREEMENT (PROJECT DEVELOPMENT) PROJECT NO. A013(918) RAIL WITH TRAIL PATHWAY, MERIDIAN ADA COUNTY KEY NO. 13918

PARTIES

THIS	ADDENDUM	is ma	de and	ente	red in	to t	his		day	of
				, b	y and	l be	etween	the	IDZ	OHA
TRANSPORTA	ATION DEPA	RTMENT	, herea	fter	called	l the	State,	and	CITY	OF
MERIDIAN,	acting by	and t	through	its	Mayor	and	Council	, he	reaft	ter
called the	e Sponsor.									

PURPOSE

This Addendum will modify the State/Local Agreement entered into on the $15^{\rm th}$ day of June, 2016, (hereinafter "Agreement") between the same parties.

The parties agree to the following revisions:

- A. Section II of the Agreement will be amended by adding the following paragraphs thereto:
 - 5. Submit to FHWA a request for advance design approval for the cost of development of the project. FHWA approval of the advance design request will allow the costs of project development incurred by the **SPONSOR** as of the date of FHWA approval to be eligible for federal participation in a future Federal-aid project agreement with FHWA. The amount scheduled for advance design is \$120,000.
 - 6. If additional project development funds become available, upon receipt of appropriate documentation from the Sponsor showing expenditure of funds for project development, reimburse the Sponsor for eligible expenses at the approved Federal-aid rate.
 - 7. Appoint the Local Highway Technical Assistance Council as the contract administrator for the State.

- B. Section III of the Agreement will be amended by adding the following paragraph thereto:
 - 16. Agree that in the event future federal funding for the advance design portion is not available for the project, the Sponsor forfeits all claims for reimbursement of all funds paid for the project.
- C. All other terms and conditions previously agreed to and set forth in the Agreement shall remain in full force and effect.

EXECUTION

This Addendum is executed for the State by its Division Administrator, and executed for the Sponsor by the Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Meridian.

	IDAHO TRANSPORTATION DEPARTMENT
	Division Administrator
ATTEST:	CITY OF MERIDIAN
City Clerk	Mayor
(SEAL)	
By regular/special meeting on	

hm:13918 SLAPD Addendum

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the **STATE**, has submitted an Agreement stating obligations of the **STATE** and the **CITY OF MERIDIAN**, hereafter called the **CITY**, for development of Rail with Trail Pathway; and

WHEREAS, the **STATE** is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System when there is federal participation in the costs; and

WHEREAS, certain functions to be performed by the STATE involve the expenditure of funds as set forth in the Agreement; and

WHEREAS, The STATE can only pay for work associated with the State Highway system; and

WHEREAS, the CITY is fully responsible for its share of project costs; and

NOW, THEREFORE, BE IT RESOLVED:

- 1. That the Agreement for Federal Aid Highway Project A013(918) is hereby approved.
- 2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY.**
- 3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Res	solution passed at a <i>regular</i> ,	duly called special (X-out not
applicable term) meeting of the City Council, City of	f Meridian, held on	,
(Seal)		
	City Clerk	



ITEM **TOPIC:** Project Agreement Between the Nampa & Meridian Irrigation District and the City of Meridian for Boring Under the Eight Mile Lateral at Lakeview Golf Course

PROJECT AGREEMENT

This PROJECT AGREEMENT, made and entered into this ____ day of _____, 2022, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, party of the first party, hereinafter referred to as the "District," and

THE CITY OF MERIDIAN, a political subdivision and municipality of the State of Idaho,
33 East Broadway Avenue, Meridian, Idaho 83642

party or parties of the second part, hereinafter referred to as the "City,"

WITNESSETH:

WHEREAS, the parties hereto entered into a Master Agreement entered into March 18, 2014 and recorded as Instrument No. 114029168 in the records of Ada County, Idaho, hereinafter referred to as the "Master Agreement;" and,

WHEREAS, the District and the City intended by entering the Master Agreement to establish a process for the City's submission of encroachment proposals and the District's consideration of such proposals and to provide the general conditions for the District's approval and permission of encroachment proposals affecting the District's ditches, property, operations and maintenance; and,

WHEREAS, the City is the owner of the real property/ right of way/license (burdened with the easement of the District hereinafter mentioned) particularly described in the "Legal Description" attached hereto as Exhibit A and by this reference made a part hereof; and,

WHEREAS, the District controls the irrigation/drainage ditch or canal known as the EIGHT MILE LATERAL (hereinafter collectively referred to as "ditch or canal") together with the real property and/or easements to convey irrigation and drainage water, to operate and maintain the ditch or canal, and which crosses and intersects said described real property of the City as shown on Exhibit B attached hereto and by this reference made a part hereof; and,

WHEREAS, the City seeks permission to: 1) construct and install a pressure irrigation pipe across the Eight Mile Lateral at four (4) locations and within the District's easement for the Eight Mile Lateral where the Eight Mile Lateral crosses Lakeview Golf Course in Meridian, Idaho, under the terms and conditions of said Master Agreement and those hereinafter set forth,

NOW, THEREFORE, for and in consideration of the premises and of the covenants, PROJECT AGREEMENT Page 1 of 5

agreements and conditions hereinafter set forth and those set forth in said Master Agreement, the parties hereto agree as follows:

- 1. City may: a) 1) construct and install a pressure irrigation pipe across the Eight Mile Lateral at four (4) locations and within the District's easement for the Eight Mile Lateral where the Eight Mile Lateral crosses Lakeview Golf Course in Meridian, Idaho as shown in the attached project plans stated as Exhibit B-1.
- 2. Any construction or crossing of said ditch or canal shall be performed in accordance with the project plans shown in Exhibit B-1 and the "Special Conditions" stated in Exhibit C, attached hereto and by this reference made part thereof.
- 3. The parties hereto incorporate in and make part of this Project Agreement all the covenants, conditions, and agreements of said Master Agreement unchanged except as the result of the provisions of this Project Agreement.

The covenants, conditions and agreements herein contained and incorporated by reference shall constitute covenants to run with, and running with, all of the lands of the City described in said Exhibit A, and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

END OF TERMS - SEE FOLLOWING PAGES FOR SIGNATURES

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first hereunto duly authorized by resolution of its Board of Directors and the City has hereunto subscribed its corporate name to be subscribed and its seal to be affixed thereto, all as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

	By Its President
ATTEST:	its i resident
Its Secretary	
	THE CITY OF MERIDIAN
	ByIts
ATTEST:	

STATE OF IDAHO)	
County of Canyon) ss:	
County of Carryon)	
in and for said State, j me to be the Presiden DISTRICT, the irriga	personally appeared Dona t and Secretary, respectiv	022, before me, the undersigned, a Notary Public ald Barksdale and Michael Comeskey, known to rely, of NAMPA & MERIDIAN IRRIGATION the foregoing instrument and acknowledged to me.
	WHEREOF, I have here ertificate first above writt	unto set my hand and affixed my official seal, the en.
		N. 4 P. 1.1. C.
		Notary Public for
		Residing at,, My Commission Expires:
STATE OF IDAHO County of)) ss:)	
On this	day of, 2	022, before me, the undersigned, a Notary Public
known to me to be the The CITY OF MERII to me that such entity	DIAN, the entity that executed the same.	022, before me, the undersigned, a Notary Public and and, respectively, of cuted the foregoing instrument and acknowledged
IN WITNESS day and year in this co	WHEREOF, I have here ertificate first above writt	unto set my hand and affixed my official seal, the en.
		Notary Public for
		Residing at,
		My Commission Expires:

EXHIBIT A Legal Description

The City owns the property known as Lakeview Golf Course which is more specifically described in **Exhibit A-1** attached hereto and by this reference incorporated herein.

EXHIBIT B Crossing Location

See Exhibit B-1 attached hereto.

EXHIBIT C Special Conditions

- a. Construction of the gravity irrigation pipes provided for in this Project Agreement shall be in the locations and in accordance with Exhibit B-1, attached hereto and by this reference made a part hereof. One of the crossings will cross over the Eight Mile Lateral by attaching to the existing bridge crossing above the high-water mark. The other three crossings shall be installed by directional boring, shall cross below the existing pipe for the Eight Mile Lateral and shall be located a minimum of six feet (6') below the pipe for the Eight Mile Lateral.
- b. City shall notify the water superintendent of the District prior to and immediately after construction so that he or the District's engineers may inspect and approve the construction.
- c. City acknowledges that the District's easement for the Eight Mile Lateral includes a sufficient area of land to convey irrigation and drainage water, to operate, clean, maintain and repair the Eight Mile Lateral, and to access the Eight Mile Lateral for those purposes, and that, in the location of the City's project, NMID claims a minimum easement dimension for the Eight Mile Lateral of 80 feet, 40 feet to either side of the centerline.
- d. Construction authorized by this Agreement shall be completed within one year of the date of this Agreement. Time is of the essence.
- e. The duration of the permission granted by this Project Agreement shall be in perpetuity, for the life and maintenance of the encroachments including construction, operation, maintenance, repair and reconstruction.

END OF SPECIAL CONDITIONS

EXHIBIT A-1 LEGAL DESCRIPTION OF REAL PROPERTY – Lakeview Golf Course

Parcel I

A parcel of land being a portion of the West half Section 3, Township 3 North, Range 1 West, Boise Meridian, Meridian, Ada County, Idaho and more particularly described as follows:

Beginning at a brass cap marking the Southeast corner of the Northeast Quarter of Section 3, Township 3 North, Range 1 West, Boise Meridian, Meridian, Ada County Idaho; thence along the Southerly boundary of said Northeast Quarter of Section 3

North 88°55'29" West 2643.29 feet to a brass cap marking the Southwest corner of the Northeast Quarter; thence leaving said Southerly boundary

North 75°30'00" West 190.00 feet to a 2" iron pipe; thence North 40°00'00" West 40.00 feet to an iron pin; thence South 75°59'31" West 70.00 feet to an iron pin; thence South 25°00'00" West 64.19 feet to an iron pin; thence

North 89°25'06" West 254.51 feet to a point, said point also being the REAL POINT OF BEGINNING; thence continuing

North 89°25'06" West 100.01 feet to a point; thence South 00°30'11" West 407.92 feet to a point; thence

South 68°54'11" East 276.46 feet to a point marking a point of curve; thence along a curve to the right 59.46 feet, said curve having a central angle of 34°04'10", a radius of 100.00 feet, tangents of 30.64 feet and a long chord of 58.59 feet bearing

South 51°52′06" East to a point marking a point of tangents; thence South 34°50′01" East 292.99 feet to a point; thence

South 89°48'41" East 147.34 feet to a point; thence North 35°00'00" West 109.03 feet to a point; thence North 51°45'00" West 580.00 feet to a point; thence

North 00°29'44" East 335.18 feet to the POINT OF BEGINNING.

Parcel II

A parcel of land lying in portions of the South half of the North half and the North half of the South half of Section 3, Township 3 North, Range 1 West, Boise Meridian, Meridian, Ada County, Idaho and more particularly described as follows:

Beginning at a point marking the Northwest corner of the said North half of the South half of Section 3; thence

South 89°25'06" East 2,077.73 feet along the Northerly boundary of the said North half of the South half of Section 3 to a point also said point being the REAL POINT OF BEGINNING; thence South 0°29'44" West 335.18 feet to a point; thence

South 51°45'00" East 580.00 feet to a point; thence South 35°00'00" East 285.33 feet to a point; thence South 22°15'00" West 60.05 feet to a point; thence

South 43°58′10″ East 238.75 feet to a point; thence South 29°00′00″ East 110.00 feet to a point; thence North 61°00′00″ East 81.19 feet to a point of curve; thence Northeasterly along a curve to the left 147.14 feet, said curve having a central angle of 48°10′28″, a radius of 175.00 feet, tangents of 78.23 feet and a long chord of 142.84 feet bearing

North 36°54′46″ East to a point of ending of curve; thence North 56°30′00″ West 151.38 feet to a point; thence North 41°30′00″ West 203.92 feet to a point; thence North 17°15′00″ West 94.14 feet to a point; thence

North 22°15'00" East 147.00 feet to a point; thence North 65°50'00" East 45.00 feet to a point; thence South 87°20'00" East 78.40 feet to a point; thence South 68°00'00" East 61.48 feet to a point; thence South 71°33'25" East 88.05 feet to a point; thence

South 60°00′00″ East 108.33 feet to a point of beginning of curve; thence Northeasterly along a curve to the right 139.32 feet, said curve having a central angle of 25°35′19″, a radius of 311.95 feet, tangents of 70.84 feet and along chord of 138.16 feet bearing

North 56°12'20" East to a point of tangent; thence

North 69°00'00" East 115.08 feet to a point of curve; thence Northeasterly along a curve to the left 125.75 feet, said curve having a central angle of 24°25'22", a radius of 295.00 feet, tangents of 63.84 feet and a long chord of 124.80 feet bearing

North 56°47′19" East to a point of ending of curve; thence North 44°00′00" West 79.63 feet to a point; thence

North 67°45′00" West 160.00 feet to a point; thence South 65°50′00" West 244.67 feet to a point; thence North 50°30′00" West 114.35 feet to a point; thence North 44°00′00" East 90.00 feet to a point; thence North 17°00′00" West 175.00 feet to a point; thence North 12°00′00" East 280.00 feet to a point; thence North 77°30′00" West 170.00 feet to a point; thence

South 68°00'00" West 265.00 feet to a point marking the Northeast corner of the Southwest Quarter of the said Section 3; thence

North 75°30′00″ West 190.00 feet to a point; thence North 40°00′00″ West 40.00 feet to a point; thence South 75°59′31″ West 70.00 feet to a point; thence

South 25°00'00" West 64.19 feet to a point on the said Northerly boundary of the North half of the South half of Section 3; thence

North 89°25'06" West 254.51 feet along the said Northerly boundary of the North half of the South half of Section 3 to the POINT OF BEGINNING.

EXCEPT that portion lying within the following subdivisions:

Cherry Lane Village No. 1 Subdivision, according to the plat thereof, filed in Book 44 of Plats at Pages 3537 and 3538, records of Ada County, Idaho;

Cherry Lane Village No. 2 Subdivision, according to the plat thereof, filed in Book 46 of Plats at Pages 3791 and 3792, records of Ada County, Idaho;

The Lake at Cherry Lane, according to the plat thereof filed in Book 52 of Plats at Pages 4569 and 4570, records of Ada County, Idaho;

The Lake at Cherry Lane No. 2, according to the plat thereof filed in Book 54 of Plats at Pages 4882 and 4883, records of Ada County, Idaho;

The Lake at Cherry Lane No. 4 Subdivision, according to the plat thereof, filed in Book 74 of Plats at Pages 7674 and 7675, records of Ada County, Idaho.

Parcel III-A

A portion of the West half of Section 3, Township 3 North, Range 1 West, Boise Meridian, Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the corner common to Sections 4, 9, 10 and the said Section 3; thence North 0°38′11″ East 2651.19 feet to the quarter corner common to said Sections 3 and 4 as same was reestablished by LS 972 (CP & F Instrument No. 7852146, records of Ada County,Idaho); from which the Northwest corner of said Section 3 bears North 0°38′27″ East 2697.49 feet; thence

North 0°38'27" East 22.64 feet to a 5/8" iron pin; thence

South 88°55'31" East 379.53 feet to the REAL POINT OF BEGINNING; thence continuing South 88°55'31" East 182.65 feet to a point; thence

South 8°18′10″ East 440.66 feet to a point; thence South 16°18′25″ West 218.04 feet to a point; thence North 89°13′51″ East 540.22 feet to a point; thence North 71°43′34″ East 442.46 feet to a point; thence North 10°33′50″ East 487.84 feet to a point; thence South 88°55′31″ East 124.84 feet to a point; thence South 50°38′25″ East 89.99 feet to a point; thence 165.33 feet along the arc of a curve to the right, having a radius of 250.25 feet, a central angle of 37°51′08″, and a long chord bearing South 31°42′52″ East 162.34 feet to a point; thence

North 89°29'44" West 120.24 feet to a point; thence South 4°27'17" East 80.30 feet to a point; thence South 0°30'16" West 230.52 feet to a point; thence South 10°31'20" West 123.51 feet to a point; thence South 30°14'07" West 119.57 feet to a point; thence South 50°50'29" West 134.39 feet to a point; thence South 71°28'48" West 120.64 feet to a point; thence South 82°45'52" West 225.84 feet to a point; thence South 89°02'57" West 67.30 feet to a point; thence North 89°10'41" West 825.06 feet to a point; thence North 77°29'20" West 148.07 feet to a point; thence

North 89°10′41″ West 160.40 feet to a point lying 65.00 feet East of the West boundary of said Section 3; thence along a line 65.00 feet East of and parallel to the West boundary of said Section 3 North 0°38′11″ East 247.64 feet to a point, thence South 89°21′49″ East 156.03 feet to a point; thence North 45°03′16″ East 163.61 feet to a point; thence North 5°39′31″ East 502.42 feet to the POINT OF BEGINNING.

Parcel III-B

A portion of the West half of Section 3, Township 3 North, Range 1 West, Boise Meridian, Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the corner common to Sections 4, 9, 10 and the said Section 3; thence North 0°38′11″ East 2651.19 feet to the quarter corner common to said Sections 3 and 4 as same was reestablished by LS 972 (CP & F Instrument No. 7852146, records of Ada County,

Idaho); from which the Northwest corner of said Section 3 bears North 0°38′27″ East 2697.49 feet; thence

North 0°38'27" East 22.64 feet to a 5/8" iron pin; thence

South 88°56'31" East 1977.72 feet to a 5/8" iron pin and the REAL POINT OF BEGINNING; thence South 0°30'15" West 413.59 feet to a point; thence North 68°54'11" West 26.71 feet to a point; thence North 0°30'15" East 217.93 feet to a point; thence 211.88 feet along the arc of a curve to the left, having a radius of 249.75 feet, a central angle of 48°36'25" and a long chord bearing North 23°47'57" West 205.58 feet to a point; thence

South 88°55'31" East 109.62 feet to the POINT OF BEGINNING.

Parcel IV-A

A portion of the Southwest Quarter of the Northwest Quarter of Section 3, Township 3 North, Range 1 West; Boise Meridian, Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the corner common to Sections 4, 9, 10 and the said Section 3; thence North 0°38′11″ East, 2651.19 feet to the quarter corner common to said Section 3 and 4 as same was reestablished by LS 972 (CP & F Instrument No. 7852146, records of Ada County,

Idaho); from which the Northwest corner of said Section 3 bears North 0°38′27″ East, 2697.49 feet; thence

North 0°38'27" East 22.64 feet to a 5/8" iron pin; thence

South 88°55'31" East, 379.53 feet to the REAL POINT OF BEGINNING; thence

North 5°39'31" East, 290.28 feet to a point; thence 46.45 feet along the arc of a nontangent curve to the right, having a radius of 250.00 feet, a central angle of 10°38'46", and a long chord bearing South 49°22'43" East, 46.39 feet to a point; thence

South 44°03'20" East, 136.41 feet to a point; thence South 8°18'10" East, 165.80 feet to a point; thence North 88°55'31" West, 182.65 feet to the POINT OF BEGINNING.

Parcel IV-B

A portion of Government Lot 4 and the Southwest Quarter of the Northwest Quarter of Section 3, Township 3 North, Range 1 West Boise Meridian, Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the corner common to Sections 4, 9, 10 and the said Section 3; thence North 0°38′11″ East, 2651.19 feet to the quarter corner common to said Section 3 and 4 as same was reestablished by LS 972 (CP & F Instrument No. 7852146, records of Ada County, Idaho); from which the Northwest corner of said Section 3 bears North 0°38′27″ East, 2697.49 feet; thence North 0°38′27″ East 22.64 feet to a 5/8″ iron pin; thence

South 88°55'31" East, 834.71 feet to a point; thence

North 1°04′29″ East, 77.45 feet to the REAL POINT OF BEGINNING; thence 199.31 feet along the arc of curve to the right having a radius of 270.00 feet, a central angle of 42°17′41″ and a long chord bearing North 65°12′11″ West, 194.81 feet to a point; thence North 44°03′20″ West, 198.06 feet to a point; thence North 37°38′05″ East, 125.90 feet to a point; thence North 4°26′20″ West, 178.94 feet to a point; thence North 49°13′43″ West, 619.18 feet to a point; thence North 89°21′33″ West, 39.72 feet to a point; thence North 0°38′27″ East, 178.61 feet to a point; thence South 89°21′33″ East, 104.94 feet to a point; thence North 26°46′55″ East, 463.73 feet to a point; thence North 13°05′08″ East, 186.18 feet to a point; thence South 89°23′04″ East, 221.37 feet to a point; thence South 0°36′56″ West, 30.00 feet to a point; thence North 89°23′04″ West, 114.43 feet to a point; thence South 10°38′11″ West, 162.48 feet to a point; thence South 5°36′09″ East, 160.95 feet to a point; thence South 48°58′55″ West, 66.41 feet to a point; thence South 10°49′04″ West, 123.62 feet to a point; thence South 12°00′00″ East, 85.00 feet to a point; thence South 53°26′21″ East, 142.60 feet to a point; thence South 89°12′26″ East, 151.05 feet to a point; thence South 43°03′05″ East, 60.00 feet to a point; thence South 89°12′26″ East, 122.33 feet to a point; thence South 43°03′05″ East, 60.00 feet to a point; thence South 89°12′26″ East, 122.33 feet to a point; thence South 43°03′05″ East, 60.00 feet to a point; thence

Parcel IV-C

A portion of the Northwest Quarter of Section 3, Township 3 North, Range 1 West, Boise Meridian, Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the corner common to Sections 4, 9, 10 and the said Section 3; thence North 0°38'11" East, 2651.19 feet to the quarter corner common to said Sections 3 and 4 as same was reestablished by LS 972 (CP & F Instrument No. 7852146, records of Ada County,

Idaho); from which the Northwest corner of said Section 3 bears North 0°38′27" East, 2697.49 feet; thence

North 0°38'27" East 22.64 feet to a 5/8' iron pin; thence South 88°55'31" East, 1784.61 feet to a point; thence

North 1°04'29" East, 303.15 feet to the REAL POINT OF BEGINNING; thence North 66°28'40" West, 157.70 feet to a point; thence

North 56°56'39" West, 717.37 feet to a point; thence North 89°23'44" West, 36.12 feet to a point; thence

North 0°36'28" East, 5.00 feet to a point; thence 154.59 feet along the arc of a nontangent curve to the left, having a radius of 225.00 feet, a central angle of 39°22'00", and a long chord bearing North 19°04'45" West, 151.57 feet to a point; thence North 38°45'45" West, 39.00 feet to a point; thence North 51°14'15" East, 110.00 feet to a point; thence North 26°11'31" West, 134.78 feet to a point; thence North 4°04'20" West, 277.45 feet to a point; thence North 31°46'35" West, 241.56 feet to a point; thence North 0°36'56" East, 132.59 feet to a point; thence North 89°23'04" West, 110.00 feet to a point; thence North 0°36'56" East, 30.00 feet to a point; thence South 89°23'04" East, 175.94 feet to a point; thence South 78°05'29" East, 71.13 feet to a point; thence South 63°13'16" East, 65.34 feet to a point; thence South 56°28'32" East, 79.07 feet to a point; thence South 53°15'09" East, 86.07 feet to a point, thence South 42°31'18" East, 70.53 feet to a point; thence South 35°28'22" East, 77.08 feet to a point; thence South 5°49'06" East, 249.89 feet to a point; thence South 8°16'07" East, 125.42 feet to a point; thence South 13°56'20" East, 266.06 feet to a point; thence South 42°43'29" East, 283.07 feet to a point; thence North 61°49'13" East, 165.37 feet to a point; thence North 11°00'42" West, 399.24 feet to a point; thence South 89°18'49" East, 398.40 feet to a point; thence South 79°02'15" East, 61.16 feet to a point; thence South 60°40'15" East, 164.39 feet to a point; thence South 85°10'18" East, 136.30 feet to a point; thence South 0°30'15" West, 235.93 feet to a point; thence

North 89°29'45" West, 80.00 feet to a point; thence South 78°33'49" West, 182.71 feet to a point; thence South 11°45'15" West, 185.77 feet to a point; thence

South 0°30′15″ West, 154.10 feet to a point; thence 288.86 feet along the arc of a nontangent curve to the left, having a radius of 425.00 feet, a central angle of 38°56′31″, and a long chord bearing South 63°04′11″ West, 283.33 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM:

A portion of the Northwest quarter of Section 3, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho and more particularly described as follows:

Beginning at a brass cap marking the Northeast corner of the Northwest quarter of Section 3, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho;

thence along the Easterly boundary of the said Northwest guarter of Section 3.

South 00°27'29" West 1,365.57 feet to an iron pin marking the Southeast corner of the Northeast quarter of the Northwest quarter of Section 3, said iron pin also being on the Northerly boundary of The Lake at Cherry Lane No. 4 Subdivision as filed for record in the office of the Ada County Recorder, Boise, Idaho, in Book 74 of Plats at Pages 7674 and 7675;

thence leaving said Easterly boundary and along the said Northerly boundary of The Lake at Cherry Lane No. 4 Subdivision,

North 89°18′58″ West 301.76 feet to an iron pin marking the Northwest corner of said The Lake at Cherry Lane No. 4 subdivision; thence leaving said Northerly boundary and along the Westerly boundary of said The Lake at Cherry Lane No. 4 Subdivision,

South 00°30'18" West 486.13 feet to an iron pin, said iron pin being the Real Point of Beginning; thence continuing along said Westerly boundary,

South 00°30′18″ West 19.38 feet to a point; thence leaving said Northwesterly boundary, North 89°29′45″ West 79.95 feet to a point; thence

South 78°33'49' West 182.71 feet to a point; thence North 11°45'06" East 20.62 feet to a point; thence North 78°53'05" East 183.47 feet to a point; thence

South 89°29'54" East 74.99 feet to the Point of Beginning.

FURTHER EXCEPTING THEREFROM:

A portion of the Northwest quarter of Section 3, Township 3 North, Range 1 West, Boise Meridian, Meridian, Ada County, Idaho and more particularly described as follows:

Beginning at a brass cap marking the Northeast corner of the Northwest quarter of Section 3, Township 3 North, Range 1 West, Boise Meridian, Meridian Ada County, Idaho;

thence along the Easterly boundary of the said Northwest quarter of Section 3.

South 00°27′2.9" West 1,365.57 feet to an iron pin marking the Southeast corner of the Northeast quarter of the Northwest quarter of Section 3, said iron pin also being on the

Northerly boundary of The Lake at Cherry Lane No. 4 Subdivision as filed for record in the office of the Ada County Recorder, Boise, Idaho, in Book 74 of Plats at Pages 7674 and 7675;

thence leaving said Easterly boundary and along the said Northerly boundary of The Lake at Cherry Lane No. 4 Subdivision,

North 89°18'58" West 301.76 feet to an iron pin marking the Northwest corner of said The Lake at Cherry Lane No. 4 subdivision;

thence leaving said Northerly boundary and along the Westerly boundary of said The Lake at Cherry Lane No. 4 Subdivision,

South 00°30'18" West 486.13 feet to an iron pin; thence leaving said Westerly boundary North 89°29'54" West 74.97 feet to an iron pin; thence

South 78°53'05" West 183.47 feet to an iron pin, said iron pin being the Real Point of Beginning; thence South 11°45'06" West 206.39 feet to an iron pin; thence

South 00°30'06" West 154.08 feet to an iron pin, thence

Southwesterly 24.54 feet along the arc of a curve to the left said curve having a radius of 425.00 feet, a central angle of 03°18′29″, and a long chord bearing

South 80°53′03" West 24.54 feet, to a point on the Easterly right of way of the Eight Mile Lateral; thence along said Easterly right of way

North 00°42′19″ East 347.61 feet to a point; thence leaving said Easterly said right of way North 78°53′05″ East 64.54 feet to the Real Point of Beginning.

Parcel IV-D

A portion of the Southeast Quarter of the Northwest Quarter of Section 3, Township 3 North, Range 1 West, Boise Meridian, Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the corner common to Sections 4, 9, 10 and the said Section 3; thence North 0°38′11″ East, 2651.19 feet to the quarter corner common to said Sections 3 and 4 as same was reestablished by LS 972 (CP & F Instrument No. 7852146, records of Ada County,

Idaho); from which the Northwest corner of said Section 3 bears North 0°38'27" East, 2697.49 feet; thence

North 0°38'27" East 22.64 feet to a 5/8" iron pin; thence

South 88°55'31" East, 1614.53 feet to the REAL POINT OF BEGINNING; thence

North 10°33′50″ East, 72.37 feet to a point; thence 129.52 feet along the arc of a nontangent curve to the right, having a radius of 600.00 feet, a central angle of 12°22′07″, and a long chord bearing South 56°49′29″ East, 129.27 feet to a point; thence South 50°38′25″ East, 4.33 feet to a point; thence North 88°55′31″ West, 124.84 feet to the POINT OF BEGINNING.

Parcel IV-E

A portion of the Southeast Quarter of the Northwest Quarter of Section 3, Township 3 North, Range 1 West, Boise Meridian, Meridian, Ada County, Idaho, more particularly described as follows: Commencing at the corner common to Sections 4, 9, 10 and the said Section 3; thence North 0°38′11″ East, 2651.19 feet to the quarter corner common to said Sections 3 and 4 as same was reestablished by LS 972 (CP & F Instrument No. 7852146, records of Ada County,

Idaho); from which the Northwest corner of said Section 3 bears North 0°38′27" East, 2697.49 feet; thence

North 0°38'27" East 22.64 feet to a 5/8" iron pin; thence

South 88°55'31" East, 1977.72 feet to a 5/8" iron pin and the REAL POINT OF BEGINNING; thence North 88°55'31" West 109.62 feet to a point; thence 11.06 feet along the arc of a nontangent curve to the left, having a radius of 249.75 feet, a central angle of 2°32'16", and a long chord hearing North 49°22'17" West, 11.06 feet to a point; thence

North 50°38′25″ West, 94.32 feet to a point; thence 60.45 feet along the arc of a curve to the left, having a radius of 680.00 feet, a central angle of 5°05′36″, and a long chord bearing North 53°11′13″ West, 60.43 feet to a point; thence 30.13 feet along the arc of a curve to the right, having a radius of 20.00 feet, a central angle of 86°18′50″, and a long chord bearing North 12°34′36″ West, 27.36 feet to a point; thence

North 30°34′50″ East, 84.13 feet to a point; thence 269.77 feet along the arc of a curve to the right, having a radius of 375.00 feet, a central angle of 41°13′04″, and a long chord bearing North 51°11′21″ East, 263.99 feet to a point; thence

South 0°30'15" West, 369.89 feet to the POINT OF BEGINNING.

Parcel V

Lots 1 and 52 in Block 5, and Lot 11 in Block 9 of Cherry Lane Village No. 1 Subdivision, according to the plat thereof filed in Book 44 of Plats at Pages 3537 through 3538, records of Ada County, Idaho.

Parcel VI

Lots 12 and 21 in Block 9 and Lot 4 in Block 11 and Lot 53 in Block 5 of Cherry Lane Village No. 2 Subdivision, according to the plat thereof, filed in Book 46 of Plats at Pages 3791 and 3792, records of Ada County, Idaho.

Parcel VII

Lot 83 in Block 5 and Lot 14, in Block 13 Cherry Lane Village No. 3 Subdivision according to the official plat thereof filed in Book 58 of Plats at Pages 5473 through 5475, records of Ada County, Idaho.

EXCEPTING THEREFROM that portion of Lot 83 in Block 5 of the proposed Cherry Lane Village No. 3 Subdivision located in the SE ¼ of Section 3, T. 3N., R. 1W., B.M., Ada County, Idaho, and more particularly described as follows:

Beginning at a brass cap marking the Southeast corner of said SE ¼; thence

North 00°19'11" East 451.29 feet along the Easterly boundary of said SE ¼ and the centerline of Ten Mile Road to a point marking the intersection of the centerline of the proposed Woodmont Drive and said centerline of Ten Mile Road; thence along the following courses and distances along said proposed centerline of Woodmont Drive;

North 89°40′49″ West 136.00 feet to a point of curve; thence Northwesterly along a curve to the right 54.87 feet, said curve having a central angle of 21°40′49″, a radius of 145.00 feet, tangents of 27.77 feet and a long chord of 54.54 feet bearing North 78°50′25″ West to a point of tangent; thence

North 68°00'00" West 171.40 feet to a point of curve; thence Northwesterly along a curve to the left 78.86 feet, said curve having a central angle of 25°49'14", a radius of 175.00 feet, tangents of 40.11 feet and a long chord of 78.20 feet bearing North 80°54'37" West to a point of ending of curve; thence leaving said proposed centerline of Woodmont Drive along a non-tangent line,

South 05°35'15" West 25.40 feet to a point marking the Northwesterly corner of Lot 84, Block 5 of said proposed Cherry Lane Village No. 3 Subdivision, also said point being on the Southwesterly right-of-way line of said proposed Woodmont Drive, said point also being the REAL POINT OF BEGINNING;

thence continuing South 05°35′15″ West 66.64 feet along the Westerly boundary of said Lot 84, Block 5 to a point marking the Southwesterly corner of said Lot 84, Block 5, also said point being on the Southerly boundary of said proposed Cherry Lane Village No. 3 Subdivision;

thence North 60°50'49" West 3.00 feet along said Southerly boundary of the proposed Cherry Lane Village No. 3 Subdivision to a point; thence leaving said Southerly boundary,

North 05°13′51" West 62.96 feet to a point on said Southerly right-of-way line of proposed Woodmont Drive, also said point being a point on curve;

thence Northeasterly along a non-tangent curve to the right along said Southerly right-of-way line of proposed Woodmont Drive 15.01 feet, said curve having a central angle of 05°44′02″, a radius of 150.00 feet, tangents of 7.51 feet and a long chord of 15.00 feet bearing North 81°43′36″ East to the POINT OF BEGINNING.

Parcel VIII

Lot 28 in Block 11 and Lot 39 in Block 13 Cherry Lane Village No. 4 Subdivision according to the official plat thereof filed in Book 63 of Plats at Pages 6376 and 6377, records of Ada County, Idaho.

Parcel IX

Lot 9 in Block 1 of Record of Survey No. 802 of adjusted lot lines for Lots 8, 9 and 10, in Block 1 of The Lake at Cherry Lane, according to the plat thereof, filed in Book 52 of Plats at Pages 4569 and 4570, records of Ada County, Idaho.

EXCEPT that portion lying within the original Lot 8.

Parcel X

Lot 5 in Block 1 and Lot 13 in Block 2, The Lake at Cherry Lane No. 2, according to the official plat thereof, filed in Book 54 of Plats at Pages 4882 and 4883, records of Ada County, Idaho.

Parcel XI

Lot 24 in Block 2 of The Lake at Cherry Lane No. 3 Subdivision according to the official plat thereof filed in Book 70 of Plats at Pages 7167 and 7168, records of Ada County, Idaho.

Parcel XII

Lot 19 in Block 1 and Lot 46 in Block 2 of The Lake at Cherry Lane No. 4 Subdivision, according to the official plat thereof, filed in Book 74 of Plats at Page 7674 and 7675, records of Ada County, Idaho.





ITEM **TOPIC:** License Agreement Between the Ada County Highway District and the City of Meridian Regarding Downtown Trees and Flower Pots Additional Water Connection

(space reserved for recording)

Property Management No. <u>RWLA2022-0032</u> Street: 925 N Main Street T 3N, R 1E, S 07

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the "Agreement") is made and entered into this _____ day of _____, 20____, by and between the ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate of the state of Idaho, ("ACHD") and *City of Meridian*, ("Licensee").

WITNESSETH:

For good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties:

SECTION 1. RECITALS.

- 1.1 Licensee owns the real property adjacent to the public right-of-way located in Ada County, Idaho, municipally described as <u>925 N Main St, Meridian, ID 83642</u>, and more particularly described on Exhibit "A" attached hereto ("Licensee's Property").
- 1.2 ACHD owns and has exclusive jurisdiction over the public right-of-way adjacent to Licensee's Property, located in Ada County, Idaho, municipally described as <u>E State St & N Main St</u> more particularly described and/or depicted on Exhibit "B" attached hereto (the "Right-of-Way").
- 1.3 Licensee desires a license to use the Right-of-Way for the limited purposes hereinafter set forth, and, for the consideration and on the terms and conditions hereinafter set forth, ACHD is willing to extend such license to Licensee.

SECTION 2. LICENSE; LICENSE NOT EXCLUSIVE.

2.1 On the terms and conditions hereinafter set forth, ACHD hereby extends to Licensee a license on, over, across and under the Right-of-Way for the following uses and purposes ("Authorized Use") and no others as more particularly described on Exhibit "C" attached hereto. The parties contemplate that upon further development by Licensee, any additional licenses requested by Licensee shall be incorporated into this License Agreement by means of an addendum signed by both parties.

Licensee to place Sprinkler parts, valves, boxes, backflow and cage, in the Right-of-Way located at 925 N Main Street. The City of Meridian will be the responsible party to take care of

SH-2022

issues that may occur with the watering/irrigation system. This irrigation point of connection will be for the downtown trees.

Licensee is responsible for all maintenance, repair and/or replacement of licensed items. Any damage or destruction of existing public improvements that occur due to the construction of licensee's improvements or due to the existence of the licensed improvements are the sole responsibility and cost of the licensee to repair or replace affected improvements. Public improvements include but are not limited to the existing sidewalk, concrete curbing, drainage pipes, asphalt, grass, shrubs or trees.

ACHD is indemnified and will not be held liable from any claim due to including but not limited to injury and/or death on the items licensed to be constructed within the public Right-of-Way.

(Note to Licensee: NO trees have been proposed within ACHD R/W, Storm Drain Easement or Roadside Swales with this request. If Licensee wishes to amend this License Agreement to include the installation of trees, Licensee must provide to the District the License Agreement Request Application and attach the amended exhibit showing detail of trees to be installed. Roadside Swale Criteria: Only 1 tree per lot line is allowed located at the backside of the swale. Pressure Irrigation Systems shall include a dedicated irrigation line operated by the HOA).

Licensee to contact Digline Inc., prior to start of construction. Licensee to contact Construction Services at 387-6280 to verify if a construction permit is required.

2.2 This Agreement does not extend to Licensee the right to use the Right-of-Way to the exclusion of ACHD for any use within its jurisdiction, authority and discretion or of others to the extent authorized by law to use public right-of-way. If the Right-of-Way has been opened as a public Highway (as used in the Agreement the term "Highway" is as defined in Idaho Code § 40-109(5)) Licensee's Authorized Use is subject to the rights of the public to use the Right-of-Way for Highway purposes. Licensee's Authorized Use is also subject to the rights of holders of easements of record or obvious inspection on of the Right-of-Way and statutory rights of utilities to use the public right-of-way. This Agreement it is not intended to, and shall not, preclude or impede the ability of ACHD to enter into other similar agreements in the future allowing third parties to also use its public rights-of-way, or the ability of ACHD to redesign, reconstruct, relocate, maintain and improve its public rights-of-way and Highways as authorized by law and as it determines, in its sole discretion, is appropriate.

SECTION 3. CONSTRUCTION, OR INSTALLATION OF IMPROVEMENTS. Any repairs or maintenance, of the Licensee's improvements currently located in the Right-of-Way or the installation or construction of improvements by Licensee in the Right-of-Way as permitted by the Authorized Use, (the "Improvements"), shall be accomplished in accordance with designs, plans and specifications approved in advance and in writing by ACHD as required to satisfy applicable laws, its policies and good engineering practices. In approving such plans and specifications, ACHD assumes no responsibility for any

deficiencies or inadequacies in the design or construction of the Improvements, and the responsibility therefor shall be and remain in Licensee.

SECTION 4. WAIVER AND ESTOPPEL STATEMENT BY LICENSEE. Licensee acknowledges and agrees that the license granted herein is temporary, and merely a permissive use of the Right-of-Way pursuant to this Agreement. Licensee further acknowledges and agrees that it specifically assumes the risk that the license pursuant to this Agreement may be terminated before Licensee has realized the economic benefit of the cost of installing, constructing, repairing, or maintaining the Improvements, and Licensee hereby waives and estops itself from asserting any claim that the license is in any way irrevocable because Licensee has expended funds on the Improvements and the Agreement has not been in effect for a period sufficient for Licensee to realize the economic benefit from such expenditures.

SECTION 5. TERM.

- 5.1 The term of this Agreement will commence on the _____ day of _______, 202_, and will continue until terminated by ACHD, with or without cause, which termination shall be effective following THIRTY (30) DAYS advance written notice of termination given to Licensee. Upon expiration of the THIRTY (30) DAYS, ACHD shall record a Revocation of Master License Agreement in the Official Real Property Records of Ada County, Idaho.
- 5.2 If Licensee defaults in the performance of any obligations incumbent upon it to perform hereunder ACHD may terminate this Agreement and the rights extended to Licensee hereunder at any time, effective at the end of THIRTY (30) days following the date ACHD shall provide written notice of termination to Licensee, which notice shall specify such default(s). Licensee shall have such THRITY (30) day period to correct and cure the specified defaults, and if so corrected and cured, to the satisfaction of ACHD, this Agreement shall not be terminated but shall continue in full force and effect.

<u>SECTION 6.</u> There is no fee for the Licensee's Authorized Use of the Right-of-Way under this Agreement.

SECTION 7. MAINTENANCE: FAILURE TO MAINTAIN; RELOCATION OF UTILITIES.

- 7.1 At its sole cost and expense, Licensee shall maintain the Improvements in good condition and repair and as required to satisfy applicable laws, the policies of ACHD and sound engineering practices. Licensee shall have access over, across and under the Right-of-Way for the purposes of accomplishing such repair and maintenance.
 - 7.2 If the Highway on and/or adjacent to the Right-of-Way is damaged as a result of:
 - (i) the performance by Licensee of the maintenance required by section 7, or the failure or neglect to perform such maintenance; and/or

(ii) Licensee's design, installation or use of the Improvements, regardless of cause;

at its sole cost and expense Licensee shall forthwith correct such deficiency and restore the Highway and the surface of the Right-of-Way to the same condition it was in prior thereto, and if Licensee shall fail or neglect to commence such correction and restoration within twenty-four (24) hours of notification thereof, ACHD may proceed to do so, in which event Licensee agrees to reimburse ACHD for the costs and expenses thereof, including, without limitation, reasonable compensation for the use of staff and equipment of ACHD.

- 7.3 Notwithstanding the provisions of section 7.2, should an emergency exist related to the Licensee's use of this license which threatens the stability or function of the Highway on or adjacent to the Right-of-Way or the safety of the public use thereof, ACHD shall have the right to immediately perform, on behalf of, and at the cost of Licensee necessary emergency repairs.
- 7.4 Licensee will be responsible for the relocation of any existing utilities located on the Right-of-Way as may be required in connection with any construction or installation of Improvements by Licensee in the Right-of-Way.

SECTION 8. RELOCATION OF IMPROVEMENTS. If during the term of this Agreement ACHD requires, in its sole discretion, at any time, and from time to time, that the Highway on and/or adjacent to the Right-of-Way be widened and/or realigned, redesigned, improved and/or reconstructed, Licensee hereby accepts responsibility for all costs for relocating, modifying or otherwise adapting the Improvements to such realignment and/or relocation and/or reconstruction if required by ACHD, which shall be accomplished by Licensee according to designs, plans and specifications approved in advance by ACHD in writing; provided ACHD gives Licensee adequate written notice as necessary to allow Licensee to redesign, relocate, modify or adapt the Improvements to the realignment and/or relocation and/or reconstruction of the Highway and also licenses Licensee such additional area of its right-of-way, if any, as may be necessary for the proper operation of the Improvements.

<u>SECTION 9.</u> <u>PERMIT.</u> If the proposed construction and installation of the Improvements, or any reconstruction, relocation or maintenance thereof requires Licensee to obtain a permit under ACHD policies, Licensee shall first obtain such permit from ACHD (Construction Services Division) before commencing such work, and pay the required fees and otherwise comply with the conditions set forth therein.

<u>SECTION 10.</u> <u>NO TITLE IN LICENSEE</u>. Except as expressly provided herein, the terms and conditions of this Agreement shall not create any type of property right, title or interest in Licensee in or to the Right-of-Way other than the right to temporarily use the same pursuant to the terms of this Agreement.

SECTION 11. NO COSTS TO ACHD. Any and all costs and expenses associated with Licensee's Authorized Use of the Right-of-Way, or any construction or installation of Improvements thereon, or the

repair and maintenance thereof, or the relocation of Improvements or utilities thereon, or the restoration thereof at the termination of this Agreement, shall be at the sole cost and expense of Licensee.

<u>SECTION 12.</u> <u>TAXES AND ASSESSMENTS.</u> Licensee agrees to pay all special assessments and personal property taxes that may be levied and assessed on the Improvements during the term of this Agreement.

SECTION 13. RESTORATION ON TERMINATION. Upon termination of this Agreement, Licensee will promptly remove all Improvements and restore the Right-of-Way to at least its present condition. Should Licensee fail or neglect to promptly remove the Improvements and restore the Right-of-Way, ACHD may do so, and assess Licensee for the costs thereof. Provided, ACHD and Licensee may agree in writing that some or all of such Improvements are to remain on the Right-of-Way following termination, and by entering into such an agreement Licensee thereby disclaims all right, title and interest in and to the same, and hereby grants such Improvements to ACHD, at no cost. Further provided, if the Authorized Use of the Right-of-Way under this Agreement is for landscaping in ACHD right-of-way and the irrigation and maintenance thereof, and the general purpose government with jurisdiction has adopted ordinances, rules and regulations governing the landscaping and maintenance of such right-of-way by owners of the adjacent property, to the extent such owners are obligated to maintain and irrigate the landscaping Licensee need not remove the same from the Right-of-Way.

SECTION 14. INDEMNIFICATION. Licensee hereby indemnifies and holds ACHD harmless from and against any and all claims or actions for loss, injury, death, damages, mechanics and other liens, arising out of the failure or neglect of Licensee, Licensee's employees, contractors and agents, to properly and reasonably make Authorized Use of the Right-of-Way or properly construct, install, plant, repair or maintain the Improvements thereon, or that otherwise result from the use and occupation of the Right-of-Way by Licensee, and including any attorney fees and costs that may be incurred by ACHD in defense of such claims or actions indemnified against by Licensee hereunder. For claims or actions arising out of failures or neglect occurring during the term of this Agreement, Licensee's obligations pursuant to this section shall survive the termination of this Agreement.

SECTION 15. COMPLIANCE WITH LAW; WASTE AND NUISANCES PROHIBITED. In connection with Licensee's use of the Right-of-Way, throughout the term of this Agreement Licensee covenants and agrees to: (i) comply and observe in all respects any and all, federal, state and local statutes, ordinances, policies, rules and regulations, including, without limitation, those relating to traffic and pedestrian safety, the Clean Water Act and/or to the presence, use, generation, release, discharge, storage or disposal in, on or under the Right-of-way of any Hazardous Materials (defined as any substance or material defined or designated as hazardous or toxic waste, material or substance, or other similar term, by any federal, state or local environmental statute, regulation or occurrence presently in effect or that may be promulgated in the future); (ii) obtain any and all permits and approvals required by ACHD or any other unit of government; and (iii) commit no waste or allow any nuisance on the Right-of-Way. Licensee covenants and agrees to indemnify and hold ACHD harmless from and against any and all claims, demands, damages, liens, liabilities and expenses (including without limitation, reasonable attorneys' fees), arising directly or indirectly

from or in any way connected with the breach of the foregoing covenant. These covenants shall survive the termination of this Agreement.

<u>SECTION 16.</u> <u>ASSIGNMENT.</u> Licensee, upon the prior written consent of ACHD, may sell, assign or otherwise transfer this Agreement. Upon execution of the Assignment, the assignee assumes all obligations, warranties, covenants and agreements of Licensee herein contained.

<u>SECTION 17.</u> <u>ATTORNEYS' FEES.</u> In any suit, action or appeal therefrom to enforce or interpret this Agreement, the prevailing party shall be entitled to recover its costs incurred therein, including reasonable attorneys' fees.

SECTION 18. NOTICE. Any notice under this Agreement shall be in writing and be delivered in person, or by United States Mails, postage prepaid, or by public or private 24-hour overnight courier service (so long as such service provides written confirmation of delivery), or by facsimile verified by electronic confirmation. All notices shall be addressed to the party at the address set forth below or at such other addresses as the parties may from time to time direct in writing by notice given the other. Any notice shall be deemed to have been given on (a) actual delivery or refusal, (b) three (3) days following the day of deposit in the United States Mails, (c) the day of delivery to the overnight courier, or (d) the day facsimile delivery is electronically confirmed.

If to ACHD: Ada County Highway District

3775 Adams Street Garden City, Idaho 83714 Attn: Right of Way Division

If to Licensee: City of Meridian

Parks Maintenance Manager

33 E Broadway Ave Meridian, ID 83642

<u>SECTION 19.</u> <u>SUCCESSORS AND ASSIGNS.</u> This Agreement, the license herein extended, and the covenants and agreements herein contained shall inure to the benefit of and be binding upon the parties hereto and their successors and, if consented to by ACHD under section 16, Licensee's assigns.

<u>SECTION 20.</u> <u>EXHIBITS</u>. All exhibits attached hereto and the recitals contained herein are incorporated herein as if set forth in full herein.

SECTION 21. RECORDATION. N/A

SECTION 22. Warranty of Authority to Execute.

- 22.1 The person executing this Agreement on behalf of ACHD represents and warrants due authorization to do so on behalf of ACHD, and that upon execution of this Agreement on behalf of ACHD, the same is binding upon, and shall inure to the benefit of, ACHD.
- 22.2 If Licensee is not a natural person, the person executing the Agreement on behalf of Licensee represents and warrants due authorization to do so on behalf of Licensee, and that upon execution of this Agreement on behalf of Licensee, the same is binding upon, and shall inure to the benefit, of Licensee.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed the day, month and year first set forth above.

ADA COUNTY HIGHWAY DISTRICT

		By: David Ser Its: Right of V	dar Vay Supervisor	
STATE OF IDAHO)			
County of Ada) ss.)			
Right of Way Superviso	or for the Ada County I	Highway District, the persor	, a North Richard Transfer of the second of	nt on
IN WITNESS WHEREO first above written.	OF, I have hereunto s	et my hand and affixed n	ny official seal the day and	year
		Residi	Public for Idaho ng at: nmission expires:	

LICENSEE: Robert E. Simison, Mayor

	Robert E. Simison, Mayor
Attest:	
Chris Johnson, City Clerk	
State of IDAHO)	
) ss. County of ADA)	
This record was acknowledged before me on thisRobert E. Simison, Mayor.	day of, 202, by
(SEAL)	Notary Public for Idaho My commission expires:

EXHIBITS

Exhibit A - Description of Subject Property
Exhibit B - Depiction of ACHD's Right-of-Way

Exhibit C - Depiction of Vicinity

Exhibit D - Picture of Detail

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.

Property Management No. <u>RWLA2022-0032</u> Street: Main & State Ave

T 3N, R 1E, S 07

Exhibit "A"

Physical location of License Agreement:

ACHD Right of Way adjacent to:

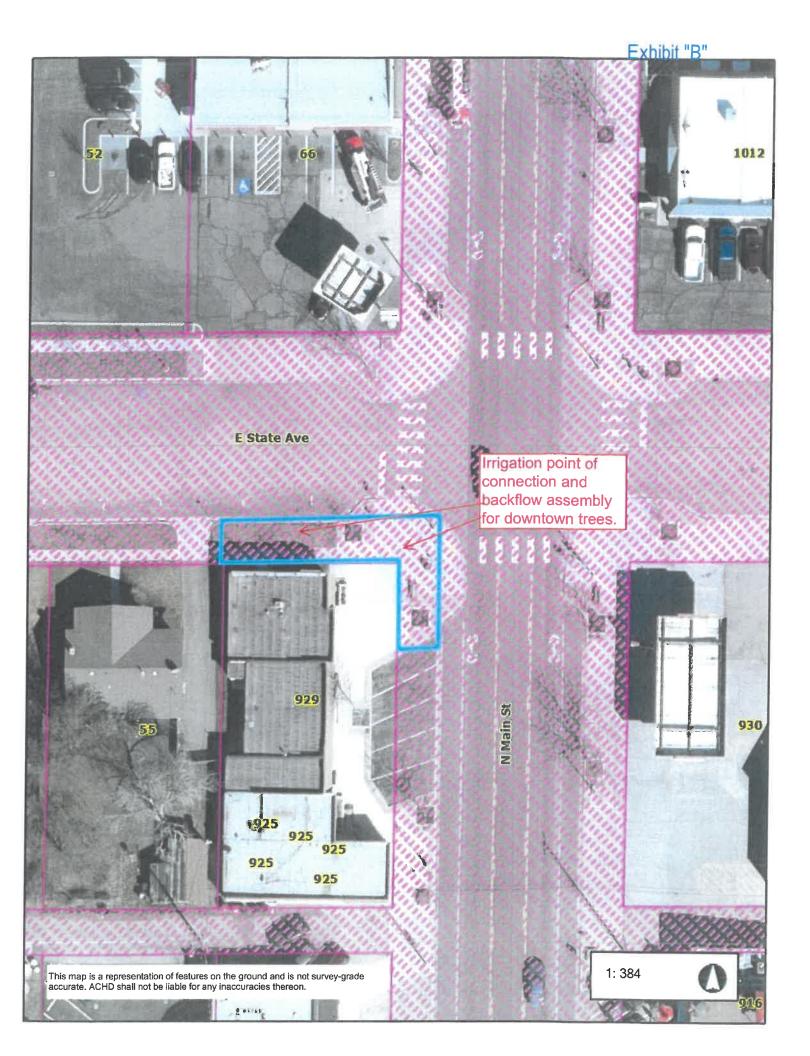
LOTS 16 & 17 BLK 1

F A NOURSES 2ND ADD

#96013161

PARCEL # R6129010005

EXHIBIT A



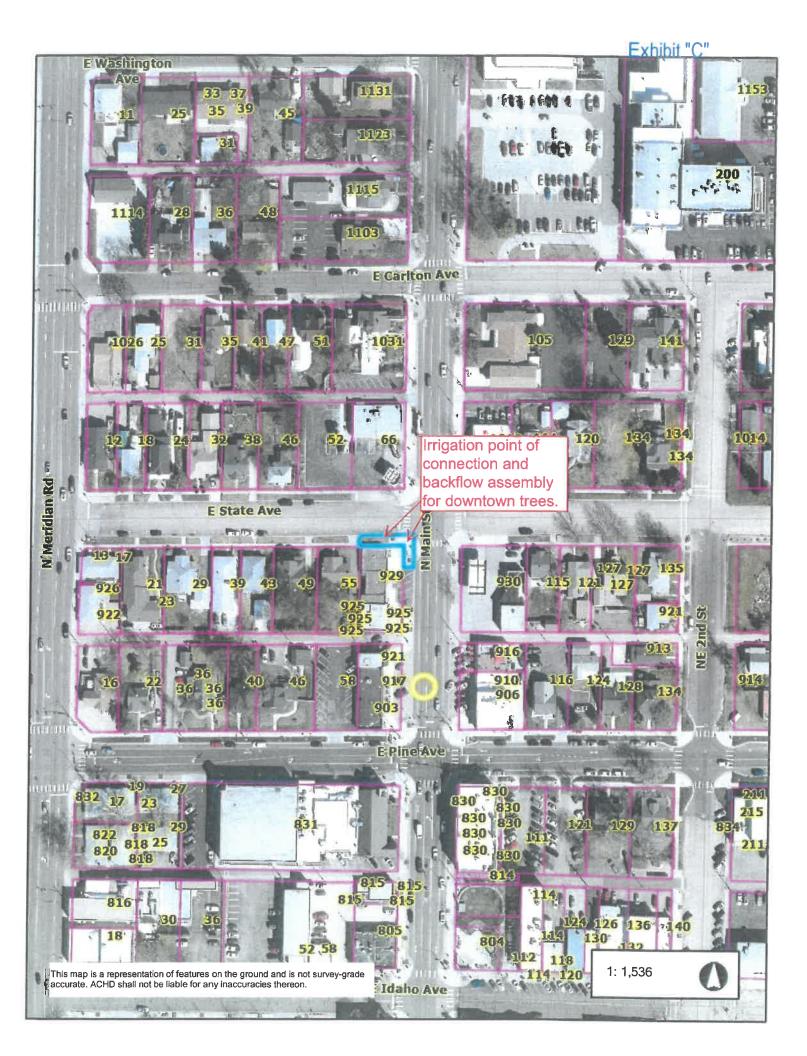
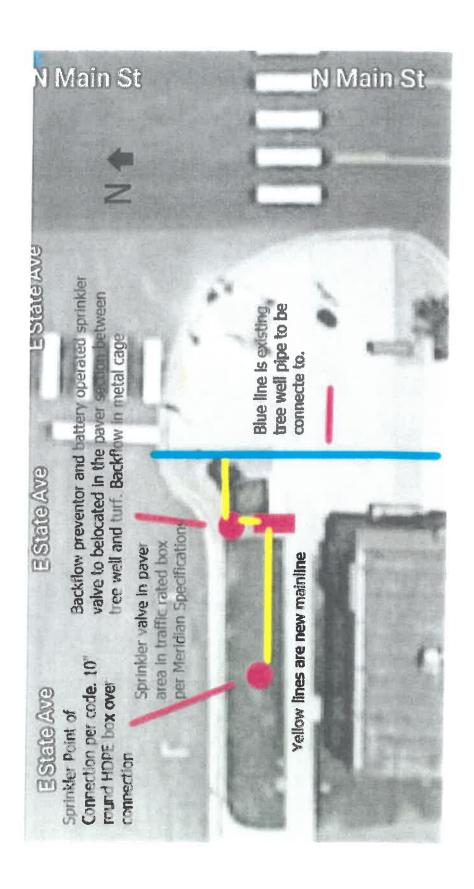


Exhibit "D"





ITEM **TOPIC:** Interagency Agreement Between the Ada County Highway District and the City of Meridian for Water and Sewer Improvements for Locust Grove Road, Overland Road To Victory Road, ACHD Project No. 519034.001 & 319043



Mayor Robert E. Simison
City Council Members
Joe Borton
Treg Bernt
Luke Cavener
Brad Hoaglun
Jessica Perreault
Liz Strader

TO: Mayor Robert E. Simison

Members of the City Council

FROM: Tyson Glock

Staff Engineer II

DATE: 7/21/22

SUBJECT: INTERAGENCY AGREEMENT BETWEEN THE ADA COUNTY

HIGHWAY DISTRICT AND THE CITY OF MERIDIAN FOR WATER,

AND SEWER IMPROVEMENTS FOR LOCUST GROVE ROAD, OVERLAND ROAD TO VICTORY ROAD. ACHD PROJECT NO.

519034.001 & 319043

I. RECOMMENDED ACTION

A. Move to:

- 1. Approve the attached agreement with the Ada County Highway District ("ACHD").
- 2. Authorize the Mayor to sign the agreement

II. DEPARTMENT CONTACT PERSONS

Tyson Glock, Staff Engineer II	208-489-0358
Kyle Radek – Assistant City Engineer	208-489-0343
Warren Stewart, City Engineer	208-489-0350
Laurelei McVey, Director of Public Works	208-985-1259

III. DESCRIPTION

A. Background

ACHD will be widening Locust Grove Road to five lanes between Overland Road and Victory Road including a roundabout at the intersection of Locust Grove Road

and Victory road as part of their 2022 roadway program. Both projects are being covered under one IAA. As part of the construction, City of Meridian utilities are being adjusted to meet required clearances, sewer main issues are being repaired, a water transmission line is being installed from Well 17 to Victory Storage Tank, and service connections will be made for interested parties. The construction will also allow the City to stub out utilities for future development.

B. Proposed Project

ACHD will improve Locust Grove Road from Overland Road to Victory Road, including the intersection of Locust Grove and Victory. During construction, ACHD will have City of Meridian water and sewer improvements installed by their contractor. The water portion will consist of the installing of approximately 3,000 ft of 8-inch, 12-inch, and 16-inch PVC pipe and 1,000 ft of 16-inch and 24-inch HDPE pipe, subsequent adjustments of water valves, stubbing water to an unserved area, and the installation of seven water service stubs will be included The sewer portion will consist of installing approximately 125 ft. of 8-inch gravity sewer main, repairing damaged gravity sewer at four locations and installing two sewer service stub and the subsequent adjustments to existing manholes within the road corridor. In addition to the water and sewer work, landscaping along the west side of Well 17, that will be removed as part of ACHD's project, will be replaced.

IV. **IMPACT**

A. Strategic Impact:

This project is aligned with the Public Works objective of being opportunistic in planning for growth and infrastructure needs.

B. Service/Delivery Impact:

During construction there will be limited service impact to both water and sewer user in areas of sewer repairs and water line extensions.

C. Fiscal Impact:

The costs of the City of Meridian infrastructure improvements are estimated to be \$1,353,500 and will be funded from the different accounts, as shown below. The actual costs will be presented to Council for approval following the bid opening for this project.

Project Costs:

Fiscal Year 2023		\$1,353,500
	Total Project Cost	\$1,353,500

Project Funding

Fiscal Year 2023	Account Code / Codes	
Water Main Extensions	3490-96140	\$1,091,800
Sewer Main Extensions	3590-93505	\$261,700
	Total Funding	\$1,353,500

VI. TIME CONSTRAINTS

ACHD plans to start construction on this project in January 2023. City approval of this agreement is required for ACHD to install sewer and water improvements as part of their project. ACHD plans to award the bid for this project in January 2023.

VII. LIST OF ATTACHMENTS

Interagency Agreement between Ada County Highway District and the City of Meridian for water, reclaimed water and sewer improvements.

Approved for Council Agenda: _	Miones	

/

INTERAGENCY AGREEMENT FOR: ROADWAY CONSTRUCTION/ WATER AND SEWER CONSTRUCTION

LOCUST GROVE, VICTORY RD/OVERLAND RD AND VICTORY RD & LOCUST GROVE RD ROUNDABOUT

ACHD PROJECT NO. 519034.001 & 319043

THIS INTERAGENCY AGREEMENT FOR ROADWAY CONSTRUCTION/WATER AND SEWER CONSTRUCTION ("Agreement") is made and entered into this _____ day of _____, 2022, by and between the ADA COUNTY HIGHWAY DISTRICT, a highway district organized under the laws of the State of Idaho ("DISTRICT" or "ACHD"), and the CITY OF MERIDIAN, a municipal corporation organized under the laws of the State of Idaho ("MERIDIAN" or "City"), regarding ACHD Project no. 519034.001 & 319043.

RECITALS

WHEREAS, ACHD is a single county-wide highway district, a public entity, organized and existing pursuant to Idaho Code Title 40, Chapter 14, as amended and supplemented, with the exclusive jurisdiction and authority to maintain, improve, regulate and operate public rights-of-way in Ada County;

WHEREAS, City is a municipal corporation organized and operating pursuant to Idaho Code Title 50, as amended and supplemented with jurisdiction, authority and police power to regulate and control municipal activities within the City;

WHEREAS, Idaho Code § 67-2332 provides that one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which each public agency entering into the contract is authorized by law to perform, provided that such contract is authorized by the governing body of each party and that such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties; and

WHEREAS, DISTRICT and MERIDIAN desire to undertake a cooperative effort to incorporate into the DISTRICT'S road construction projects known as LOCUST GROVE, VICTORY RD/OVERLAND RD AND VICTORY RD & LOCUST GROVE RD ROUNDABOUT ("Project" or "Project Boundaries"), certain modifications or improvements to City owned facilities, including constructing water and sewer mains, water and sewer services, adjusting water valve boxes covers, water meters, water main at conflicts points, and sewer manholes to grade, abandoning existing water main and water/sewer services, sleeving sewer crossing of the Ten Mile Creek, fiber optic conduit/boxes, water meter box, conduit, and landscaping for the Well 17 (collectively, "City Water and Sewer Improvements") as detailed in Project no. 519034.001 & 319043, to be constructed pursuant to a separately-executed agreement between DISTRICT and the selected Contractor ("CONTRACT"); and

WHEREAS, DISTRICT is willing to accommodate MERIDIAN'S request by including the City Water and Sewer Improvements in the Project plans, subject to the terms, conditions

Interagency Agreement for Roadway Construction and Water and Sewer Construction
Ten Mile Rd, Victory Rd to Overland Rd – ACHD – City of Meridian – Project no. 519034.001 & 319043

and obligations set forth in this Agreement and so long as DISTRICT receives assurances by the City that it will fully reimburse DISTRICT for all actual costs including, without limitation, any indirect costs and expenses that DISTRICT incurs as a result of the additional work attributable to the modification or installation of the City Water and Sewer Improvements within the Project Boundaries; and

NOW, THEREFORE, in consideration of the foregoing premises, mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. DISTRICT SHALL:

- a. Be the party responsible for soliciting, receiving and opening of bids and for executing and administering the construction CONTRACT for the roadway reconstruction and City Water and Sewer Improvements referenced herein, which CONTRACT shall include, inter alia, a provision that all work required for the City Water and Sewer Improvements shall be performed in conformance with the most current edition of the Idaho Standards for Public Works Construction (ISPWC) and the most current City of MERIDIAN Supplemental Specifications to the ISPWC. It is hereby specifically agreed that:
 - i. Adjustment of water valve boxes and covers to grade shall include reconstruction in conformance with ISPWC Section 404, and
 - ii. Adjustment of sewer manholes to grade shall include reconstruction in conformance with ISPWC Section 602.
- b. Provide MERIDIAN with a complete set of combined bid documents for the roadway reconstruction, and for the City Water and Sewer Improvements.
- c. Furnish MERIDIAN with an abstract of all bids received, and obtain MERIDIAN'S written concurrence with DISTRICT'S recommendation for award of the CONTRACT prior to making such award. MERIDIAN'S concurrence shall specifically acknowledge that the City Water and Sewer Improvements are and shall be subject to the terms and conditions of this Agreement. If MERIDIAN does not concur, DISTRICT shall remove the City Water and Sewer Improvements and if necessary, rebid the Project. MERIDIAN shall be responsible and shall reimburse DISTRICT for any and all costs suffered by DISTRICT attributable to the removal of the City Water and Sewer Improvements from the Project and if applicable, the rebidding of the Project.
- d. Include in the CONTRACT, a term providing that MERIDIAN will have the right and authority to work directly with the Contractor to resolve any claims relating in any way to the City Water and Sewer Improvements and that any such claims will be reviewed, approved or denied by MERIDIAN including enforcement of the two (2) year warranty period to be started at the date described in the final acceptance letter from MERIDIAN.

- e. Coordinate with MERIDIAN should any changes be made to DISTRICT's portion of the CONTRACT or work pursuant thereto that does or may impact the City Water and Sewer Improvements.
- f. Make monthly progress payments and the final CONTRACT payment to the Contractor in conformance with the terms of the construction CONTRACT.
- g. Submit to MERIDIAN a copy of each design consultant billing attributable to the City Water and Sewer Improvements if applicable and Contractor progress payment estimate, and the final CONTRACT payment estimate, as such estimates are approved by DISTRICT after obtaining MERIDIAN'S concurrence regarding MERIDIAN'S portion of the CONTRACT, together with an invoice for MERIDIAN'S share of the construction CONTRACT costs earned by and to be paid to the Contractor.
- h. As applicable, provide for the reference and replacement of all pre-existing survey monuments within the Project.
- i. Provide the field survey and grade control necessary for construction of the roadway. Centerline or offsets and stationing shall be established prior to the City staking any sanitary sewer or potable water service lines, water valve boxes, manhole locations, and other City facilities.
- j. At the conclusion of the Project, submit to MERIDIAN written documentation of expenditures with an invoice for payment of all costs and expenses the DISTRICT incurs, in addition to those provided under paragraph 1.g. above, as a result of the additional work attributed to the City Water and Sewer Improvements within the Project Boundaries, including but not limited to, costs or changed conditions, plan errors and omissions, and delays attributable to design and/or installation of the City Water and Sewer Improvements.
- k. Indemnify, save harmless and defend regardless of outcome, MERIDIAN from expenses and against suites, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees caused by or arising out of any negligent acts by DISTRICT or DISTRICT'S officers, employees, agents or contractors while acting within the course and scope of their employment, which arise from or which are in any way connected to the City Water and Sewer Improvements. Such indemnification hereunder by DISTRICT shall in no event cause the liability of DISTRICT for any negligent act to exceed the amount of loss, damages, or expenses of attorney fees attributable to such negligent act, and shall not apply to loss, damages, expenses or attorney fees attributable to the negligence of MERIDIAN. This duty to defend, indemnify and hold harmless is subject to the limitations of Idaho law, including Article VII Section 4, Idaho Constitution and Idaho Code Title 6 Chapter 9 (the Idaho Tort Claims Act), and to any other limitations set forth in the Agreement.

2. MERIDIAN SHALL:

- a. Provide the inspection, field survey and grade control required for the installation of all City Water and Sewer Improvements incorporated into the Project and installed and adjusted under the CONTRACT and provide copies of appropriate tests and construction diaries to the District Project Representative as designated by DISTRICT.
- b. Provide DISTRICT with the special provisions if applicable, and stamped plans, bid quantities and an Engineers Estimate (or pursuant to Paragraph 1.g. pay the DISTRICT the actual cost if the DISTRICT'S design consultant prepares the same) for the City Water and Sewer Improvements to be incorporated into the Project and included in the bid documents for the CONTRACT (all work required for the City Water and Sewer Improvements to be performed in accordance with the most current edition of the Idaho Standards for Public Works Construction (ISPWC), the City's Supplemental Specifications to the ISPWC, and the City's Revisions to the Standard Specifications).
- c. Remit to DISTRICT, within thirty-five (35) calendar days after the date of any invoice referenced in paragraph 1.g., all funds for which MERIDIAN is responsible pursuant to the approved progress payment estimate and the final CONTRACT payment estimate.
- d. Remit to DISTRICT, within thirty-five (35) calendar days after the date of invoice referenced in paragraph 1.j., all funds for which MERIDIAN is responsible pursuant to this Agreement.
- e. Reimburse DISTRICT five percent (5%) of MERIDIAN'S construction costs attributable to the City Water and Sewer Improvements as payment toward the additional costs incurred by DISTRICT, including overhead and benefits, and project administration costs which include but are not limited to: public advertisement of the Project, supplying bid plans, supplying construction plans, preparing and holding the preconstruction meeting, generating monthly pay estimates and paying the Contractor, preparing change orders, general construction project oversight, and maintaining construction project files.
- f. Reimburse DISTRICT for mobilization, traffic control, flagging, detours and weekly meetings on a prorated basis. The prorated basis for the above items will be calculated using the percentage of MERIDIAN'S project costs as they relate to the total project construction costs.
- g. Provide (at City's sole costs) trench compaction testing for the City Water and Sewer Improvements from one-foot (1') above the pipe zone to sub-grade of the roadway section; trench compaction testing shall be provided at the minimum frequency rate of one (1) test per one thousand (1,000) lineal feet, minimum one (1) for every three

- (3) transverse trenches; provide all re-testing required in any area that does not meet CONTRACT requirements; and provide copies of tests for the area along the alignment of the pipeline to the designated DISTRICT representative.
- h. Be liable for the cost of repairing any trench failure attributable to the City Water and Sewer Improvements within the Project Boundaries, and be liable for and indemnify, defend and hold DISTRICT harmless for any and all costs, claims, and damages resulting from any such trench failure.
- i. Reimburse DISTRICT for any additional costs to DISTRICT over and above costs specifically enumerated herein, where such costs are attributable to the installations, adjustments, relocations and abandonments of the City Water and Sewer Improvements or to the removal of any or all items from the CONTRACT that are associated with the installation of the City Water and Sewer Improvements.
- j. Indemnify, save harmless and defend regardless of outcome, DISTRICT from expenses and against suites, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees caused by or arising out of any negligent acts by MERIDIAN or MERIDIAN'S officers, employees, agents or contractors while acting within the course and scope of their employment, which arise from or which are in any way connected to the City Water and Sewer Improvements. Such indemnification hereunder by MERIDIAN shall in no event cause the liability of MERIDIAN for any negligent act to exceed the amount of loss, damages, or expenses of attorney fees attributable to such negligent act, and shall not apply to loss, damages, expenses or attorney fees attributable to the negligence of DISTRICT. This duty to defend, indemnify and hold harmless is subject to the limitations of Idaho law, including Article VII Section 4, Idaho Constitution and Idaho Code Title 6 Chapter 9 (the Idaho Tort Claims Act), and to any other limitations set forth in the Agreement.
- Work directly with the Contractor to resolve any claims relating in any way to the City Water and Sewer Improvements; any and all such claims will be reviewed, approved or denied by MERIDIAN and MERIDIAN shall indemnify, save harmless and defend regardless of outcome, DISTRICT from expenses and against suites, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees caused by or arising out of any and all such claims regardless of the outcome of the City's efforts to resolve said claims with the Contractor.

3. THE PARTIES HERETO FURTHER AGREE THAT:

- a. In accordance with Idaho Code § 67-2332, the purposes, powers, rights and objectives of each of the parties are as set forth in the Recitals above. Each of the Recitals above is incorporated into the body of this Agreement.
- the amount to be reimbursed to DISTRICT by MERIDIAN for MERIDIAN'S portion of the Project shall be based on the actual quantities of work acceptably performed

- and/or installed, as determined from field measurements made by MERIDIAN, and paid for pursuant to the unit, and or lump sum prices, established in the CONTRACT.
- c. DISTRICT shall obtain MERIDIAN 'S approval prior to commencement of any change order work involving the installations, adjustments, relocations and abandonments of City water or sewer facilities.
- d. Prior to commencement of work by the Contractor, the parties will, together with the Contractor, inspect within the entire Project Boundaries for the purpose of reviewing the Project to locate any unstable areas and to resolve any items of concern or misunderstanding.
- e. This Agreement may not be enlarged, modified, amended, or altered except in writing signed by both of the parties hereto.
- f. All signatories to this Agreement represent and warrant that they have the power to execute this Agreement and to bind the agency they represent to the terms of this Agreement.
- g. Should either party to this Agreement be required to commence legal action against the other to enforce the terms and conditions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs incurred in said action.
- h. Any action at law, suit in equity, arbitration, or judicial proceeding for the enforcement of this Agreement shall be instituted only in the courts of the State of Idaho, County of Ada.
- i. This Agreement shall be binding upon and inure to the benefit of the personal representatives, heirs and assigns of the respective parties hereto.
- j. Nothing in this Agreement shall be construed to be an indebtedness or liability in violation of Article VIII, Section 3 of the Idaho Constitution.
- k. The validity, meaning and effect of this Agreement shall be determined in accordance with the laws of the State of Idaho.
- I. This Agreement and the exhibits hereto constitute the full and entire understanding and agreement between the parties with regard to the transaction contemplated herein, and no party shall be liable or bound to the other in any manner by any representations, warranties, covenants or agreements except as specifically set forth herein.
- m. The promises, covenants, conditions and agreements herein contained shall be binding on each of the parties hereto and on all parties and all persons claiming under them or any of them; and the rights and obligations hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

- n. If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.
- o. The failure of a party to insist on the strict performance of any provision of this Agreement or to exercise any right or remedy upon a breach hereof shall not constitute a waiver of any provision of this Agreement or limit such party's right to enforce any provision or exercise any right. No acknowledgments required hereunder, and no modification or waiver of any provision of this Agreement or consent to departure therefrom, shall be effective unless in writing and signed by DISTRICT and MERIDIAN.
- p. The headings used in this Agreement are used for convenience only and are not to be considered in construing or interpreting this Agreement.
- q. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but both of which together shall constitute one and the same.
- r. The parties hereto agree that nothing herein contained shall be construed to create a joint venture, partnership or other similar relationship which might subject any party to liability for the debts and/or obligations of the others, except as otherwise expressly agreed in this Agreement.
- s. This Agreement is not intended to create, nor shall it in any way be interpreted or construed to create, any third-party beneficiary rights in any person not a party hereto.
- t. All parties have been represented by legal counsel, and no party shall be deemed to be the drafter of this Agreement for purposes of interpreting an ambiguity against the drafter.
- u. Time shall be of the essence for all events and obligations to be performed under this Agreement. Without limiting the foregoing, in the event that MERIDIAN does not timely comply with any of its obligations hereunder, DISTRICT shall have no obligation whatsoever to incorporate, facilitate, and/or complete the City Water and Sewer Improvements, regardless of whether prior approval has been given by DISTRICT to MERIDIAN.

IN WITNESS HEREOF, the parties hereto have executed this Agreement on the day and year herein first written.

ATTEST:	ADA COUNTY HIGHWAY DISTRICT
Ву:	Ву:
Bruce Wong	Mary May
Director	President, Board of Commissioners
ATTEST:	CITY OF MERIDIAN
Ву:	Ву:
Chris Johnson	Robert E. Simison
City Clerk	Mayor

STATE OF IDAHO)	
) ss. COUNTY OF ADA)	
undersigned, personally appeared Mary M Commissioners and Director respectively of politic and corporate, known to me to be	, 2022, before me, the lay and BRUCE WONG, President of the Board of the ADA COUNTY HIGHWAY DISTRICT, a body the persons whose names are subscribed to the e that they executed the same for and on behalf of
IN WITNESS WHEREOF, I have he day and year first above written.	reunto set my hand and affixed my official seal the
	Notary Public for Idaho Residing at, Idaho My commission expires:
STATE OF IDAHO)) ss. COUNTY OF ADA)	
municipal corporation, known to me to be	, 2022, before me, the eared and ond City Clerk respectively of MERIDIAN CITY, a the persons whose names are subscribed to the e that they executed the same for and on behalf of
IN WITNESS WHEREOF, I have he day and year first above written.	reunto set my hand and affixed my official seal the
	Notary Public for Idaho Residing at, Idaho My commission expires:

Interagency Agreement for Roadway Construction and Water and Sewer Construction
Ten Mile Rd, Victory Rd to Overland Rd – ACHD – City of Meridian – Project no. 519034.001 & 319043



AGENDA ITEM

ITEM **TOPIC:** Resolution No. 22-2338: A Resolution Vacating a Public Utility Easement Between Lots 11 and 12, Block 3 of Fairbourne Subdivision No. 3, Located in the Northeast ¼ of the Southeast ¼ of Section 21, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho; and Providing an Effective Date

CITY OF MERIDIAN

RESOLUTION NO. 22-2338

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER, HOAGLUN, PERREAULT, STRADER

A RESOLUTION VACATING A PUBLIC UTILITY EASEMENT BETWEEN LOTS 11 AND 12, BLOCK 3 OF FAIRBOURNE SUBDIVISION NO. 3, LOCATED IN THE NORTHEAST ¹/₄ OF THE SOUTHEAST ¹/₄ OF SECTION 21, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 19, 2022 the City Council of the City of Meridian held a hearing on the vacation of a public utility easement between Lots 11 and 12 of Block 3 of Fairbourne Subdivision No. 3, located in the northeast quarter of the southeast quarter of Section 21, Township 4 North, Range 1 West of the Boise Meridian, Ada County, Idaho; and

WHEREAS, after such hearing, the City Council, by formal motion, did approve said described vacation; and

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN CITY, IDAHO:

Section 1. That the public utility easement that was initially established with a public utility easement between Lots 11 and 12 in Block 3 of Fairbourne Subdivision No. 3, located in the northeast quarter of the southeast quarter of Section 21, Township 4 North, Range 1 West of the Boise Meridian, Ada County, Idaho, as attached in Exhibit A, is hereby vacated.

Section 2. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

Passed by the City Council of the City of Meridian, Idaho, this 9th day of August, 2022.

Approved by the Mayor of the City of Meridian, Idaho, this 9th day of August, 2022.

	Attest:	
Mayor Robert E. Simison	Chris Johnson, City Clerk	

EXHIBIT A

EASEMENT VACATION DESCRIPTION FOR FAIRBOURNE DEVELOPMENT, LLC

An existing easement located in the NE 1/4 of the SE 1/4 of Section 21, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, and being a part of Lots 11 and 12 of Block 3 of FAIRBOURNE SUBDIVISION NO. 3 as shown in Book 122 of plats at Pages 19189 – 19193 in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at a 1/2 inch diameter iron pin marking the northwesterly corner of said Lot 12, from which a 1/2 inch diameter iron pin marking the southwesterly corner of said Lot 12 bears S 9°16′20″ E a distance of 154.13 feet;

Thence S 9°16′20″ E along the westerly boundary of said Lot 12 a distance of 35.00 feet to the POINT OF BEGINNING;

Thence leaving said westerly boundary N 80°43′40″ E a distance of 5.00 feet to a point;

Thence S 9°16′20" E a distance of 106.55 feet to a point;

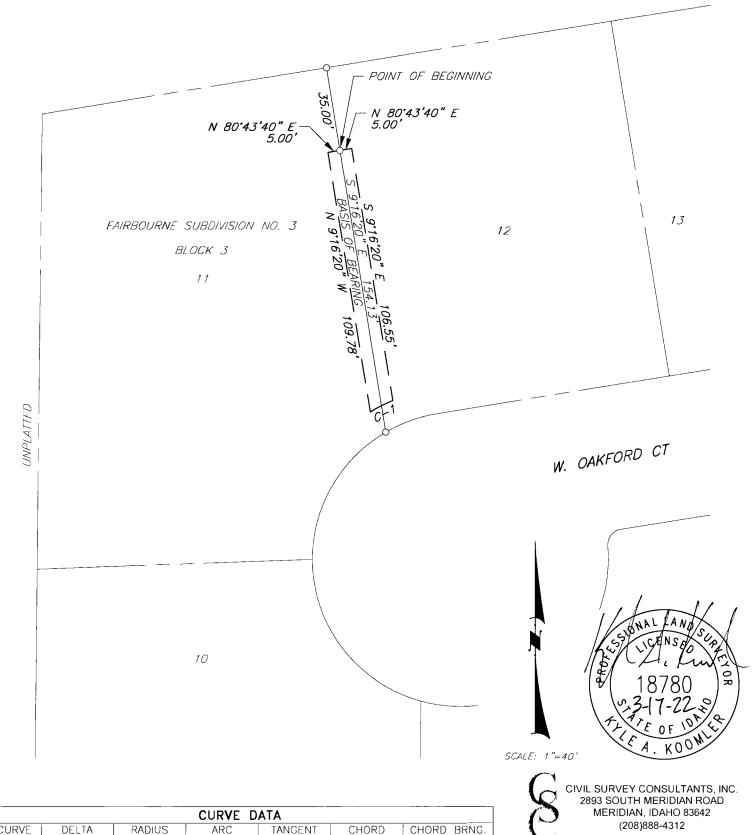
Thence a distance of 10.52 feet along the arc of a 72.00 foot radius non-tangent curve left, said curve having a radius point bearing S 22°58′59″ E, a central angle of 8°22′11″ and a long chord bearing S 62°49′55″ W a distance of 10.51 feet to a point;

Thence N 9°16′20″ W a distance of 109.78 feet to a point;

Thence N 80°43′40″ E a distance of 5.00 feet to the POINT OF BEGINNING.

This parcel contains 1,080 square feet (0.025 acres) and is subject to any easements existing or in use.

Prepared by: Kyle A. Koomler, PLS Civil Survey Consultants, Incorporated March 17, 2022 SKETCH TO ACCOMPANY EASEMENT VACATION DESCRIPTION
FOR FAIRBOURNE DEVELOPMENT, LLC, LOCATED IN THE
NE 1/4 OF THE SE 1/4 OF SECTION 21, TOWNSHIP 4
NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF
MERIDIAN, ADA COUNTY, IDAHO



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ITEM **TOPIC:** Finance Department: Approval of the Revised Fiscal Year 2022 Amended Revenues and expenditures of \$194,955,456.00



Interoffice Memo

08/1/2022

To: Mayor & City Council

From: Budget Manager, Brad Purser

Ref: FY2022 Revised Amended Budget

Action Needed:

1. Council to approve the Revised amended revenues and expenditures for Fiscal Year 2022.

\$194,955,456

One Hundred Ninety-Four Million, Nine Hundred Fifty-Five Thousand, Four Hundred Fifty-Six Dollars.



ITEM **TOPIC:** Fire Department: Memorandum of Understanding between the City of Meridian and IAFF Local 4627 to Establish a Permanent Position of Captain - Logistics



MEMORANDUM OF UNDERSTANDING TO ESTABLISH A PERMANENT POSITION OF CAPTAIN - LOGISTICS

This Memorandum of Understanding ("MOU") is entered into this 25 day of 2022, by and between IAFF Local 4627 ("UNION") and the City of Meridian ("CITY").

WHEREAS, the UNION and the CITY are parties to a Collective Labor Agreement effective February 23, 2021 – September 30, 2023 ("CLA") covering various terms and conditions of Employment of the Firefighter employees of the CITY; and

WHEREAS, the parties may enter into a Memorandum of Understanding (MOU) to address needs of the DEPARTMENT, CITY, or UNION during the course of the existing CLA; and

WHEREAS, any MOU shall only be for term described in the Agreement, but in no case shall exceed the expiration of the existing CLA; and

WHEREAS, the parties agree to the establishment of permanent position of Captain - Logistics; and

NOW THEREFORE, the CITY and UNION hereby agree as follows:

- 1. The position of Captain Logistics will be established as a permanent position, consistent with Article 1.3 of the current CLA; and
- 2. The selection process shall be defined by the DEPARTMENT; and
- If the temporarily assigned member is unsuccessful in the promotional process to Captain of Logistics the member shall return to their previous position as Captain-Suppression pursuant to Article 1.1; and
- 4. The duties and responsibilities of the position shall be established by the DEPARTMENT; and
- 5. The position shall report to the Division Chief of Logistics; and
- 6. The position shall be a Forty Hour per week position as described in Article 1.2 of the current CLA; and
- 7. The position shall be paid in the same manner as the other Forty Hour per week positions and shall enter the Pay Classification table with progression of step movement consistent with the individual's time and requirements to progress to the next step; and
- 8. The Captain of Logistics position will be consistent with terms and conditions of Captain of Inspection/Training as those positions pertain to the CLA; and
- 9. All other rights and privileges of the CLA shall remain in full force and effect for this position.

The parties agree that this MOU shall exp	gire upon the approval of a subsequent CLA between	n the parties
or September 30, 2023 unless otherwise e	ktended by mutual Agreement.	
Derek Nelson, President Local #4627	Date 2522	
PASSED by the City Council of the	he City of Meridian, Idaho, this day of	, 2022
APPROVED by the Mayor of the	c City of Meridian, Idaho, this day of	, 2022.
APPROVED:	ATTEST:	
Mayor Robert E. Simison	Chris Johnson, City Clerk	



ITEM **TOPIC:** Fire Department: Memorandum of Understanding between the City of Meridian and IAFF Local 4627 to Waive Time-In-Grade Requirements for Engineer Position



MEMORANDUM OF UNDERSTANDING

This Mamorandum of Understanding ("M	10U") is entered into this 25 day of
2022, by and between IAFF Local 4627 ("UNION	•
	re parties to a Collective Labor Agreement effective
February 23, 2021 – September 30, 2023 ("CLA") covering various terms and conditions of Employment
of the Firefighter employees of the CITY; and	
WHEREAS, there will not exist enough of	qualified candidates to staff upcoming vacancies for
promotion to the position of Engineer per time-in-	grade requirements of Article 15 for Engineer.
NOW THEREFORE, the CITY and UN	ION hereby agree as follows:
1. The CITY and UNION agree to waive the	time-in-grade requirement of 'at least the rank of
	in-grade requirement of 'at least the rank of
	r members who have completed the required Engineer
Development Program (EDP).	1
The parties agree that this MOU shall expire upon	the approval of a subsequent CLA between the parties
or September 30, 2023 unless otherwise extended	by mutual Agreement
	oy mataar rigioomoni.
	/
Derek Nelson, President	07/28/2022 Date
Local #4627	Date
DAGGED 1 at GU G H At GU	
PASSED by the City Council of the City of	of Meridian, Idaho, this day of, 2022.
APPROVED by the Mayor of the City of	Meridian, Idaho, this day of, 2022.
APPROVED:	ATTEST:
4	
Mayor Robert Simison	Chris Johnson, City Clerk

or September 30, 2023 unless otherwise exten	ided by mutual Agreement.	een the parties
Derek Nelson, President Local #4627	25/252 Date	
PASSED by the City Council of the C	ity of Meridian, Idaho, this day of	, 2022.
APPROVED by the Mayor of the City	y of Meridian, Idaho, this day of	, 2022.
APPROVED:	ATTEST:	
Mayor Robert E. Simison	Chris Johnson, City Clerk	



ITEM **TOPIC:** Ordinance Change Discussion: Water Recycling System Requirements for New Commercial Car Washes



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Workshop Agenda

From: Laurelei McVey, Public Works Meeting Date: August 9, 2022

Presenter: Warren Stewart, Public Works **Estimated Time:** 15 minutes

Topic: Ordinance Change Discussion: Water Recycling System Requirements for New

Commercial Car Washes

Recommended Council Action:

No official action required. Seeking direction for potential future ordinance change.

Background:

Public Works would like to modify the City of Meridian Ordinance section 9-2-2-10 related to commercial car wash water recycling units. The proposal would add the requirement that new commercial car washes install and maintain a water recycling unit. This ordinance change would not impact existing car wash facilities.

Commercial car wash recycling units clean and reuse water in the car wash. This accomplishes several important objectives:

- Reduces the amount of potable water demand saving our valuable groundwater
- Reduces the amount of car wash water being discharged to the sewer system and wastewater facility saving valuable system capacity

Commercial car washes, even with recycling units installed, are the most significant water users in the City, some regularly using over 1 million gallons of water each month.

In the last several years, all new commercial car washes have voluntarily installed these recycling units because they save the car wash facility on their water assessment fees (hookup fees) and their ongoing monthly water and sewer utility rates. Public Works has discussed this proposed ordinance modification with local car wash owners who understand the ongoing monetary value of these systems.

The conservation impacts on our water and wastewater systems is important. Allowing us to delay upgrades to our water and wastewater systems by more efficient uses, benefits all rate payers. Conserving our drinking water where possible, is invaluable.

Questions related to this proposal should be directed to:

Warren Stewart, Public Works, wstewart@meridiancity.org, 208-888-5500

Attachment:

Sample ordinance changes (MCC) 9-2-2-10

CITY OF MERIDIAN ORDINAL	NCE NO. 21
BY THE CITY COUNCIL:	BERNT, BORTON, CAVENER, HOAGLUN, PERREAULT, STRADER
AN ORDINANCE ADDING MERIDIAN REGARDING REQUIRING INSTALLATION RECYCLING SYSTEMS FOR COMMEN SAVINGS CLAUSE; AND PROVIDING AN I	ON AND MAINTENANCE OF WATER RCIAL CAR WASHES; ADOPTING A
WHEREAS, by recycling water for reuse impacts on the environment and on City water and producing less waste; and	, water recycling systems in car washes reduce d wastewater systems by using less water and
WHEREAS, the City Council of the City best interest of the public health, safety, and welfa	of Meridian finds this ordinance to be in the are;
NOW, THEREFORE, BE IT ORDAIN COUNCIL OF THE CITY OF MERIDIAN, A	
Section 1. That Meridian City Code section subsection (E), to read as follows:	on 9-2-2-10 shall be amended by the addition of
E. All new commercial car washes shall install an applicant shall provide plans and other inform reviewed and approved by the City Engineer of	nation as deemed necessary by the city to be
Section 2. That all City of Meridian ordin in conflict herewith, are hereby repealed.	ances, or resolutions, or parts thereof, which are
Section 3. That this ordinance shall be efficient.	fective immediately upon its passage and
PASSED by the City Council of the City of	of Meridian, Idaho, this day of
APPROVED by the Mayor of the City of, 2022.	Meridian, Idaho, this day of

ATTEST:

Chris Johnson, City Clerk

APPROVED:

Robert E. Simison, Mayor

CERTIFICATION OF SUMMARY:

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

William L. M. Nary, City Attorney

SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 21 -____

An ordinance adding Meridian City Code section 9-2-2-10(e), regarding requiring installation and maintenance of water recycling systems for commercial car washes; adopting a savings clause; and providing an effective date.



ITEM **TOPIC:** Ordinance Change Discussion: Maintenance Responsibility for Sewer Services on Private Property



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Workshop Agenda

From: Laurelei McVey, Public Works Meeting Date: August 9, 2022

Presenter: Warren Stewart, Public Works **Estimated Time:** 15 minutes

Topic: Ordinance Change Discussion: Maintenance Responsibility for Sewer Services on

Private Property

Recommended Council Action:

No official action required. Seeking direction for potential future ordinance change.

Background:

Public Works would like to modify the City of Meridian Ordinance section 9-4-34 that outlines the Point of Liability for Maintenance for sewer services.

The current ordinance indicates the point of maintenance responsibility being where the sewer service line crosses the property line.

Public Works recommends modifying this point of responsibility be changed to be when the sewer line crosses into the public right-of-way or sewer utility easement.

For most properties, this distinction makes no difference as the public right-of-way (usually beginning at the sidewalk) is also the property line. However, in serval circumstances such as apartment buildings, commercial buildings, and some common driveways this distinction better clarifies where the owner's responsibility begins and ends. In these circumstances, the sewer main may cross over other people's properties or through common lots before crossing into the public right of way or utility easement.

This ordinance change better clarifies that the City is not responsible for sewer infrastructure until it crosses into the public domain (right of way or easement).

Questions related to this proposal should be directed to:

Warren Stewart, Public Works, wstewart@meridiancity.org, 208-888-5500

Attachment:

Sample ordinance changes (MCC) 9-4-34

DRAFT - 6/11/2021

4	TTV	OF	MEDIDIAN	N ORDINANCE NO) 21
(OF	MEKIDIAL	N ORDINANCE NO	<i>). 2</i> l -

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER, HOAGLUN, PERREAULT, STRADER

AN ORDINANCE AMENDING MERIDIAN CITY CODE SECTION 9-4-34, REGARDING POINT OF LIABILITY FOR MAINTENANCE OF SEWER SERVICE LINE, ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is authorized by Idaho Code section 50-332 to operate and maintain a domestic sewer system, and the City does exercise such authority, including by the adoption and enforcement of Title 9, Chapter 4, Meridian City Code;

WHEREAS, the City is responsible for maintenance and repair of sewer infrastructure within the public right-of-way, and the private sewer system user is responsible for maintaining sewer infrastructure from the public right-of-way to the building connected to the City sewer system;

WHEREAS, it is necessary to clarify this point of liability as it is described in Meridian City Code;

WHEREAS, the City Council of the City of Meridian finds the following ordinance to serve the best interest of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, ADA COUNTY, IDAHO:

Section 1. Meridian City Code section 9-4-34 shall be amended to read as follows:

9-4-34: POINT OF LIABILITY FOR MAINTENANCE:

A. User Responsibility: All users shall have the responsibility of, and be liable for, and shall pay for, all costs and expenses of maintaining their own sewer lines extending from their property improvement (i.e., house or building) until such sewer lines pass the vertical plane of the user's property line-public right-of-way. This maintenance liability of the user includes ensuring that the entire sewer service line from the property line to the sewer main public right-of-way is clear and free from obstructions. The city shall be responsible for the structural repair of the portion of the sewer service line located in the public right of way-or outside the property which the sewer service is serving. If the sewer easement specifies maintenance liability other than as set forth in this provision, the provisions of the sewer easement shall prevail.

- **Section 2.** That all City of Meridian ordinances, or resolutions, or parts thereof, which are in conflict herewith, are hereby repealed.
- **Section 3.** That this ordinance shall be effective immediately upon its passage and publication.

DRAFT - 6/11/2021

PASSED by the City Council of the City of Meridian, Idaho, this day of, 2021.						
APPROVED by the Mayor of th, 2021.	e City of Meridian, Idaho, this day of					
APPROVED:	ATTEST:					
Robert E. Simison, Mayor	Chris Johnson, City Clerk					
	e City of Meridian, Idaho, hereby certifies that the end upon its publication will provide adequate notice					
William L. M. Nary, City Attorney						
And the state of t	N ORDINANCE NO. 21 Code section 9-4-34, regarding point of liability foing a savings clause; and providing an effective date.					