



CITY COUNCIL WORK SESSION

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Tuesday, July 20, 2021 at 4:30 PM

All materials presented at public meetings become property of the City of Meridian. Anyone desiring accommodation for disabilities should contact the City Clerk's Office at 208-888-4433 at least 48 hours prior to the public meeting.

Agenda

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/89828538883>

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

Webinar ID: 898 2853 8883

ROLL CALL ATTENDANCE

___ 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 6, 2021 City Council Work Session](#)
2. [Approve Minutes of the July 6, 2021 City Council Regular Meeting](#)
3. [Edington Commons No. 1 Sawtooth Middle School Connection to Linder Road Pedestrian Pathway Easement](#)
4. [Hill's Century Farm North No. 1 Water Main Easement No. 2](#)
5. [Final Plat for Poiema Subdivision \(FP-2021-0034\) by Civil Innovations, PLLC, Located at 3727 E. Lake Hazel Rd.](#)
6. [Findings of Fact, Conclusions of Law for Skybreak Neighborhood \(H-2020-0127\) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.](#)
7. [Development Agreement Between the City of Meridian and Idaho Auto Mall LLC \(Owner/Developer\) for Artemisia Subdivision H-2021-0014, Located at 1690 W. Overland Rd.](#)

8. [Agreement for Use of Kleiner Park for Special Event Between the City of Meridian and Soul Food Festival, Inc. for Soul Food Festival on August 7, 2021](#)
9. [Professional Service Agreement Between the City of Meridian and Nicole Goggins for Artwork for 2021 Traffic Box Community Art Project](#)
10. [Task Order Between City of Meridian and Ben Konkol for Mural Installation at Meridian Cycles](#)
11. [City of Meridian Financial Report - June 2021](#)

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

DEPARTMENT / COMMISSION REPORTS [Action Item]

12. Mayor and City Council Compensation Committee: Report and Recommendation
13. [Fire Department: Fiscal Year 2021 Budget Amendment in the Amount of \\$40,817.00 for One Additional FTE Firefighter](#)
14. [Finance Department: Approval of Fiscal Year 2021 Amended Revenues and Expenditures in the Amount of \\$133,440,148.00](#)
15. [Finance Department: Tentative Approval of Fiscal Year 2022 Proposed Revenues and Expenditures in the Amount of \\$191,686,966.00](#)
16. [Finance Department: Approval to Reserve All Foregone Revenue Associated to the Fiscal Year 2022 Budget in the Amount of \\$454,885.00 in Order to Utilize that Amount in Subsequent Years](#)
17. [Fire Department and Police Department: Construction and Design Discussion for Fire and Police Stations](#)
18. [Valley Regional Transit Fiscal Year 2022 Funding Request](#)

ORDINANCES

19. [Ordinance No. 21-1936: An Ordinance Amending Title 1, Chapter 6, Section 5 of the Meridian City Code Providing for Mayor's Compensation and Providing for Market Adjustments; and Providing for a Summary; Providing for a Waiver of the Second and Third Reading Rules; and Providing an Effective Date](#)
20. [Ordinance No. 21-1937: An Ordinance Amending Title 1, Chapter 7, Section 9 of the Meridian City Code Providing for City Councilmembers Compensation and Providing for Market Adjustments; and Providing for a Summary; Providing for a Waiver of the Second and Third Reading Rules and Providing an Effective Date](#)

ADJOURNMENT



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the July 6, 2021 City Council Work Session

Meridian City Council Work Session

July 6, 2021.

A Meeting of the Meridian City Council was called to order at 4:30 p.m., Tuesday, July 6, 2021, 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, Ted Baird, Cameron Arial, Tori Cleary, Dave Miles, Crystal Campbell, Jeff Brown, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call this meeting to order. For the record it is July 6, 2021, at 4:30 p.m. We will begin this afternoon's City Council Work Session with roll call attendance.

ADOPTION OF AGENDA

Simison: Next item is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: There are no changes to the agenda this evening, so I move that we adopt the agenda as published.

Hoaglun: Second the motion.

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: ALL AYES.

CONSENT AGENDA [Action Item]

1. **Approve Minutes of the June 22, 2021 City Council Work Session**
2. **Approve Minutes of the June 22, 2021 City Council Regular Meeting**

3. **Bainbridge Subdivision No. 12 Water Main Easement No. 2**
4. **Idaho Central Credit Union - Ten Mile Branch Water Main Easement No. 1**
5. **Impressive East Ridge Subdivision No. 2 Sanitary Sewer Easement No. 1**
6. **Impressive East Ridge Subdivision No. 2 Sanitary Sewer and Water Main Easement No. 1**
7. **Impressive East Ridge Subdivision No. 2 Water Main Easement No. 1**
8. **Lost Rapids Subdivision Water Main Easement No. 2**
9. **Millbrae Subdivision Pedestrian Pathway Easement No. 1**
10. **Final Order for Aegean Estates No. 3 (FP-2021-0031) by Engineering Solutions, LLP, Located at 4306 N. McDermott Rd.**
11. **Final Order for Oaks North Subdivision No. 10 (FP-2021-0035) by Toll Southwest, LLC, Generally Located at 6180 W. McMillan Rd.**
12. **Findings of Fact, Conclusions of Law for Prevail North Subdivision (H-2021-0021) by Schultz Development, LLC, Located at 5150 S. Meridian Rd.**
13. **Development Agreement Between the City of Meridian and Shafer View North, LLC (Owner/Developer) for Shafer View Terrace (H-2020-0117) Located at the East Side of S. Meridian Rd./SH 69, Midway Between E. Amity Rd. and E. Lake Hazel Rd.**
14. **Addendum to Development Agreement (Instrument #2019-0028376 recorded April 10, 2019) Between the City of Meridian and High Desert Development Linder Village, LLC (Owner/Developer) Located at 6308 N. Linder Rd, at the Northeast Corner of N. Linder Road and W. Chinden Blvd.**
15. **Second Addendum to Development Agreement Between the City of Meridian and William Bienapfl (Owner) and Flexspace, LLC (Developer) for Movado Mixed Use (H-2020-0123), Generally Located on the South Side of E. Overland Rd. Between S. Eagle Rd. and S. Cloverdale Rd.**

16. **Agreement Between City of Meridian and Nampa and Meridian Irrigation District for Five Mile Pathway along Five Mile Drain at Quartet Subdivision Northeast No. 1**
17. **Artwork License Agreements for the Traffic Box Community Art Project 2021 Series**
18. **First Addendum to Professional Services Agreement Between the City of Meridian and Sensus USA Inc. for Monitoring and Data Collection**
19. **Professional Service Agreements for West Ada School District Student Artwork for Traffic Box Community Art Project 2021 Series**
20. **Subrecipient Agreement Between City of Meridian and NeighborWorks Boise for Program Year 2019 Community Development Block Grant Funds**
21. **Task Order #3 for February 2, 2010 Professional Services Agreement with Idaho Information Consortium, LLC, dba Access Idaho, for Electronic Transactions and Access for Transaction Payments to Meridian Police Department**
22. **Resolution No. 21-2272: A Resolution Vacating a 5-Foot Drainage, Utility Construction and Maintenance Easement Within a Portion of Lots 2 and 3 as Shown on Heritage Subdivision No. 2, Book 23, Page 1453, Within the Southwest ¼ of the Northwest ¼ of Section 32, Township 4 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho; and Providing an Effective Date**

Simison: Next item is the Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve the Consent Agenda, for the -- for the Mayor to sign and for the Clerk to attest.

Hoaglun: Second the motion.

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]

- 23. Resolution No. 21-2273: A Resolution of the Mayor and the City Council of the City of Meridian, Idaho, Accepting that Certain Report on Eligibility for the Northern Gateway Area as an Urban Renewal Area and Revenue Allocation Area and Justification for Designating the Area as Appropriate for an Urban Renewal Project; Determining the Area Identified in the Report to be a Deteriorated Area or a Deteriorating Area, or a Combination Thereof, as Defined by Idaho Code Sections 50-2018(9) and 50-2903(8); Directing the Urban Renewal Agency of the City of Meridian, Idaho, also Known as the Meridian Development Corporation, to Commence the Preparation of an Urban Renewal Plan for the Area Subject to Certain Conditions, which Plan May Include Revenue Allocation Provisions For All or Part of the Area; and Providing an Effective Date**

Simison: So, we will move on to Item 23 under Department/Commission Reports. So, the first item up is Resolution No. 21-2273. Turn this over to Mr. Arial.

Arial: Oh. Thank you, Chris. Thank you, Mr. Mayor, Members of the Council. It's a pleasure to be with you. I'm also joined by our economic development administrator Tori Cleary and our team. So, two consultants. Phil Kushlan, who is a professional and a former executive director of CCDC in Boise, who helped us with the eligibility reports before you and, then, also Meghan Conrad, who is our specialty legal counsel in the urban renewal space. So, just real quick, a couple of points of clarification just on process. What you have before you are two resolutions. First for the Northern Gateway and, then, also for the -- the Union District and so we will take --- we will take them in stride. First the Northern Gateway one and as you will recall this is for just the eligibility reports that are kind of the step in the process that, then, kick us off to actually go and create specific plans for these areas. So, to the Northern Gateway one. Really, this kind of the -- the main point to consider here is the timing. The original district or the -- better known as the Meridian Revitalization District, the original downtown district is going to be sunseting soon here in 2026 and there is a number of things that, quite frankly, still need to be -- to be done in this area and so these two new proposed eligibility areas -- or that -- these areas that were studied by Mr. Kushlan really are areas that we want to focus on and as you -- as you know, the -- these two areas have challenges. There is some older buildings and other things that make redevelopment and funding of redevelopment less feasible, if you will, and, therefore, you know, the engagement of Mr. Kushlan to do these eligibility studies was -- was a move forward. So, wanted to kind of just highlight the Northern Gateway area. Hopefully -- let me just pull up the -- hopefully it will show the -- so, here is the -- the area for -- for your viewing. This is -- as you can see the northwest here is the Meridian and Cherry Lane intersections. It includes that -- that big field up there

owned by Doug Tamara and, then, move to the -- to the east there and, then, down into the -- into the downtown and, again, this -- this area was chosen primarily because of -- not only redevelopment opportunity, but also opportunity to do pretty significant public infrastructure improvements as well that will help accomplish the -- the downtown -- Destination Downtown plan of MDC. The -- I would focus you now on the -- the report itself and these are the -- again, you will -- you will note there are ten specific code sections that qualify an urban renewal area for -- or an urban renewal district for eligibility and as you can see the Northern Gateway includes eight of those and so the -- the ones that I want to kind of point out are, number one, just the -- the number of deteriorated or deteriorating structures and in my mind this really is the key element of a redevelopment opportunity and, then, just to kind of point out another one that I think will -- will be addressed via the plan as we get into that, but, really, it's just the -- the subsequently impaired or rest of this sound growth of the municipality. So, number ten. As you know, there is -- there is a lot of pathways or roadways that don't quite intersect, there is connectivity issues, and, really, in order to get the downtown in -- in an oriented infrastructure path, not -- not only in the roadways, but also in the underground utilities. This is a -- this is one that I think is -- will be a focus of the plan going forward. So, really, that is a -- that is the -- the meat of -- of this resolution is to seek your approval of the report and, then, also to move forward with the plan creation in the Northern Gateway and with that, Mr. Mayor, I will stand for any questions on -- on this one.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe just worth repeating a couple of questions I asked earlier, but process wise just for the record I wanted to make sure that this allows us to move forward on creating a plan, but that Council will be reviewing and voting on the adoption of that future plan.

Arial: Yes. Mr. Mayor and Council Woman Strader, that's correct. So, this -- this adoption of this eligibility report just kicks off that formal plan -- planning process and we really do anticipate a robust process there and look forward to the input of Council throughout that. We do have scheduled opportunities for your input and, then, ultimately, Council's discretion to -- to adopt the plan.

Strader: Mr. Mayor, one more.

Simison: Council Woman Strader.

Strader: And, then, the Northern Gateway District is -- the success of this feels very dependent on one particular large property. Do you feel like you will have buy in at that point in the process when we have a plan from that property owner that makes it more likely that this area will redevelop?

Arial: Mr. Mayor, Council Woman Strader, great -- great question. So, yeah, you have highlighted a lot of the strategy well in that question. So, you will -- you will note that -- that far northwest property there, that's Doug Tamara's property and he's been very proactive with us in, essentially, annexing into the city and is in the process of doing his public outreach right now to do so. So, we anticipate a formal submittal from him to develop that property.

Strader: Thank you.

Simison: Council, any additional questions? Okay. Thank you very much. Are we doing the readings at this point in time or are we looking for action on the resolution?

Baird: Mr. Mayor, we are hoping that you will take action on the resolution tonight so we can move forward. With that, Council, do I have any motions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think -- and maybe I'm misunderstanding what Ted said. But taking action on that this evening at our 6:00 o'clock meeting? You are looking to have action at that --

Baird: Actually, let me back up a minute. I don't want there to be any confusion about the -- the item that's the second reading of the de-annexation, which is on the 6:00 o'clock meeting. That is actually a precursor to forming these districts that the de-annexation has to take place. So, I would consider your action at that -- at 6:00 o'clock is totally separate from these two and what you are doing -- and, of course, you have only heard the presentation on Item 23 and not yet 24, but we are looking to have you take action so that if, indeed, you wish to go forward that the consultant can start with the -- the plans.

Cavener: Mr. Mayor, thanks, I appreciate it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It sounded like we can take action on Item 23.

Simison: Correct.

Strader: So, I would move that we approve Resolution No. 21-2273, resolution of the Mayor and City Council of the City of Meridian accepting the report on eligibility for the Northern Gateway area as an urban renewal area, revenue allocation area, and justification for designating the area as appropriate for an urban renewal project. Do I need to read this whole thing or -- that would be okay? Okay. Thanks, Ted.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I will second the motion.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: For the record I will be continuing to -- to abstain from any consideration or discussion of both Items 23 and Items 24 on this agenda.

Simison: Okay. With that any further discussion? Do we need a roll call or -- on one, Mr. Baird?

Baird: In the interest of thoroughness, let's go ahead and do a roll call.

Simison: Okay. Ask the Clerk to call the roll.

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

Simison: Five ayes. One abstain. Motion passes. Or resolution passes.

MOTION CARRIED: FIVE AYES. ONE ABSTAIN.

- 24. Resolution No. 21-2274: A Resolution of the Mayor and the City Council of the City of Meridian, Idaho, Accepting that Certain Report on Eligibility for the Idaho Block Annexation Area as an Urban Renewal Area and Revenue Allocation Area and Justification for Designating the Area as Appropriate for an Urban Renewal Project; Determining that the Area Identified in the Report as the Proposed Amendment Area Adjacent and Contiguous to the Existing Union District Revenue Allocation Area Within the City of Meridian, to be a Deteriorated Area or a Deteriorating Area, or a Combination Thereof, as Defined by Idaho Code Sections 50-2018(9) and 50- 2903(8); Directing the Urban Renewal Agency of the City of Meridian, Idaho, also Known as the Meridian Development Corporation, to Commence the Preparation of an Urban Renewal Plan Amendment, which Plan Amendment May Include Revenue Allocation Provisions For All or Part of the Area; and Providing an Effective Date**

Simison: Next up will be Item No. 24, which is Resolution No. 21-2274.

Arial: Thank you, Mr. Mayor, Members of Council. So, just continuing right on. This is -- as you know this is another area of downtown, which we feel is appropriate for eligibility review, as well as continued work in the interest of our downtown revitalization efforts. This is going to be annexed into the existing Union District that was formed last year and this study area, as you can see, is -- is only just a few parcels and the reason for this is that because it will be annexed into the existing Union District, which is small in and of itself, code only allows us to annex an additional ten percent of the existing district. So, that being said, this is a perfect alignment for an urban renewal project. That's, as we understand it, is already underway with some of these property owners and so I will kind of point out, just going back to the eligibility criteria, number one where it says the presence of substantial number of deteriorating -- deteriorating structures. We don't have a substantial number of them just by virtue of the fact that there is only a few properties here and a few buildings, but it is safe to say that this area that will be part of the Union District does represent this -- this criteria and as you can see there is four additional criteria that were met and as you recall only one is necessary to be considered for an urban renewal plan -- planning process. We do look forward to additional growth and opportunity in this area in particular, since its proximity to City Hall and what we consider the -- you know, the heart of downtown and we are looking forward to continued efforts in this -- in this regard. And with this, Mr. Mayor, Members of Council, this is also, again, seeking your approval of the eligibility report, so we can kick off the -- the additional planning effort to include this in the Union District. With that I will stand for any questions.

Simison: Thank you. Council, any questions? If not, do I have a motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we approve Resolution No. 21-2274.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I second the motion.

Simison: I have a motion and a second to approve Resolution No. 21-2274. Is there any discussion on the motion? If not, Clerk will call the roll.

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

Simison: Five ayes, one abstain, and the resolution passes.

MOTION CARRIED: ALL AYES.

Arial: Thank you, Mr. Mayor, Members of the Council.

25. Mayor's Office: Budget Amendment in the Amount of \$4500.00 for Production Room Computer Replacement, Software and Equipment

Simison: Cameron, thank you. Next item on our agenda, Item 25, is a Mayor's Office budget amendment in the amount of 4,500 dollars. Turn this over to Mr. Miles.

Miles: Good afternoon, Mayor and Council. Hope you are doing well. Quick budget amendment request for you all to consider. As you know the city maintains a video production room right over here. We have got a video production computer that, unfortunately, just recently blew up, which is unfortunate, but it's kind of serendipitous, I guess, as we have learned all the technology needs through COVID. We need a new computer to replace that one. New piece of software to run the video production behind the scenes, develop -- and through the communications program they have also been working to account for various equipment that we haven't had that we have had a need for. Most recent example was the Lakeview Golf Course -- is it still on? Lakeview Golf Course town hall that we held, we actually borrowed a bunch of electronic equipment from the chamber. Just looking at our operations, looking at an opportune time to say what do we really need and we were in that process, figured we would come to you tonight because of the computer replacement and put them all before you for a 4,500 dollar amendment. With that I will stand for any questions.

Simison: Thank you. And for the record this technically is in other government. Mr. Miles just is here from that standpoint from the Mayor's Office. Any questions? Councilman Bernt.

Bernt: Mr. Mayor, I move that we approve the budget amendment in the amount of 4,500 for production room computer replacement software and equipment.

Cavener: Second the motion.

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

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

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

MOTION CARRIED: ALL AYES.

26. Community Development Block Grant (CDBG) Program Year 2021 Action Plan Presentation

Simison: Next up is Item 26, which is our Community Development Block Grant program year 2021 Action Plan presentation and we will turn this over to Crystal.

Campbell: Thank you, Mr. Mayor, Members of the Council. So, I'm here for the fifth and final year for this current consolidated plan -- action plan. It's the PY-21 and it starts October 1st, 2021, and will go through September 30th, 2022. So, every year we have to submit the action plan and it's basically an application for the next year's funding. So, with this, the process to do it, we -- I mentioned that we have the Consolidated Plan, which is a five year plan. We take into consideration the analysis of impediments to fair housing and the market analysis for this and, then, the goals are developed while we work with stakeholders in the community to see what's needed. So, this plan will set up the framework for what we want to do for the next five years and, then, the action plan is what we are going to do each individual year to meet those goals at the end. The -- one of the core pieces of the CDBG program is citizen participation. So, that's what part of this is. We do two public presentations, a public comment period, and, then, a public hearing. So, this is the first of the two public presentations where we ask the public to give us feedback on how they feel we are doing with the goals that we have identified. We also consult with stakeholders. We have regular involvement with them and we also send our action plan to them for feedback. This year we have our PY-21 funds. HUD has said that they are planning on giving us 501,559 dollars and we will also be reallocating about 95,000 dollars from the current year's funding. The chart that's on there gives you kind of a breakdown of the activities that we have identified. Admin and fair housing, there is a federal cap of 20 percent and we are only using about 7.5 percent towards that. For public services there is a 15 percent cap and we are using about 7.5 percent for that as well. For housing activities it's around 29 percent and accessibility is 56 percent. For admin and fair housing we are looking at allocating 45,000 dollars and the majority of that is going to go towards our next five year plan. We have to do the housing market analysis and -- and we will also be putting some towards the Fair Housing campaign and we have just regular administration that we do. As far as public services, we have identified two projects that will be a total of 45,000 dollars. Both of these we have worked with before. The first one is emergency rental assistance through the Jesse Tree for households that are at risk of homelessness. The second one is with the Boys and Girls Club scholarships for extended care programs. For housing we are proposing allocating 171,000 dollars toward the homeowner repair program. This -- our current year is the first that we have done it and they have got one -- one home that they have almost completed and another one that's underway, so it's going really well and this will look more like what we are anticipating it to be going forward what we would need. We do have homebuyer assistance as a backup project, because it's just not viable in the housing market right now to put the funds toward this. We have had a hard time spending those funds the past -- past couple of years for that project. For accessibility we have identified the Chateau Park playground and pathway. With this we would be replacing the current playground with an all abilities playground and also developing a pathway that would connect the playground to the LMI areas that are right there. We also have a couple of backup projects. They are both streetlight projects. One is near Peregrine Elementary and the other one is near Meridian Middle. So, moving forward we are in the middle of our public comment period. That will conclude on July 20th at the public hearing. The following

week, then, I will submit the final report and resolution on the Consent Agenda and, then, as soon as that's approved, then, I will submit it to HUD. So, if there is any questions or comments people can contact me. I'm Crystal Campbell and this is my contact information. So, with that I will stand for comments.

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

Hoaglund: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just a quick question. When you were talking about housing, Crystal, you mentioned the housing market analysis. Can you describe, fairly high level, what that entails?

Campbell: So, we are actually working with a consultant who will go in and kind of do an analysis of what we have right now, what's affordable, what kind of -- just where it falls.

Simison: Council Woman Perreault.

Perreault: Thank you. On the section that has 20,000 allocated for rental assistance, that strikes me as maybe a little bit low for the need that's out there. So, can you help us understand how that number came to be. Was that the request that was made by the organization that's utilizing the funds or was there a limitation on how much could be contributed to that?

Campbell: So, it was -- they actually requested a little bit more, but they have not been able to spend their funds as much. There is a lot of -- there is a lot of funds on the market right now for rental assistance and it's -- it's been hard for them to identify Meridian households. They are just barely getting to their PY-19 CARES Act funds and they will be done with those in September. So, the group did suggest that they get a lower amount than what they had originally requested, but we will still have CARES Act funds if they do need more.

Perreault: One more question, Mr. Mayor.

Simison: Council Woman Perreault.

Perreault: If I understand correctly with the homebuyer assistance, one of the challenges is that -- is -- is that the -- the amount of downpayment assistance, for example, that can be utilized just isn't enough to really help that homebuyer and so, you know, perhaps the program is permitted to use a 25,000 contribution towards down payment. That's not enough to -- to qualify for the loan types that they are seeking. Is that a general understanding or maybe one of the issues we are running into with a market?

Campbell: That and maybe -- I think it's more around the fact that the housing costs are so high that they are not affordable to the people who qualify with the income eligibility requirements.

Perreault: Okay.

Campbell: So, the houses that are on the lower price point, then, they can't get in there and get the offers on the house quick enough before somebody else comes in and bids higher than that and has cash. So, it just takes longer for our clients to potentially get into those homes.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: With those assistance programs there is -- the assistance -- the individuals who are applying for them have income limitations that have to be abided by; is that correct? And so, therefore, the housing market is, essentially, priced them out even with the assistance that can be provided; is that generally what --

Campbell: Yes.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Crystal. I was curious actually if CDBG funds could be used for affordable housing projects in Meridian in other ways going forward. Just maybe a follow-up, but just what the options are and if there are other HUD funds available that we might be able to utilize toward building affordable housing, because to Council Woman Perreault's point, unfortunately, the housing market is so overheated here that these programs won't be effective.

Campbell: Right. Absolutely. And that's a great question. We are kind of limited as far as CDBG specific funds go towards affordable housing. We can't actually build any. We could help with the soft costs, but we couldn't actually build it. However, if we were to work with some of the home programs, then, we may be able to and we are trying to create a consortium with the local communities -- the other entitlement communities, but we have to have all of our borders touching before we can do that and, then, we have talked about once that happens, then, we would be able to do the bigger projects and kind of rotate them throughout the Treasure Valley or whichever city it is. But also during our next Consolidated Plan we are really focusing on what we can do with CDBG, because it's -- it's going to be a few years before we can use the home funds in Meridian. So, we are going to try to get some viable projects that we can actually complete with CDBG funds.

Strader: Thanks a lot.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: If I may address Council Woman Strader's question. It's my understanding that some of the organizations that have applied for the funds they do have the ability to build projects here in Meridian with a different source of funds. So, our allocating what we have to provide other services for homebuyer assistance and whatnot allows them to free up some of the funds that they can use to build with and so that's part of -- Neighborworks Boise specifically is looking to do some of those projects here in Meridian, looking for property to do that. So, since they have applied for CDBG funds for other parts of those services they provide, I think that that's kind of indirectly helping using those funds, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Yeah. It may be worth a future discussion, like a broader discussion at a later date, just on more direct -- direct efforts on affordable housing, as opposed to indirect efforts was my -- what my question was getting at. Thanks.

Campbell: So, coming soon to a Council meeting near you, then, we will be presenting the housing market analysis. So, there will definitely be opportunities to comment on it and have a bigger discussion then.

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

27. Transportation Commission: Pathway Crossing Concerns

Simison: Next item on the agenda is Item 27, which is Transportation Commission pathway crossing concerns. I understand, Mr. Steed, you are going to introduce the topic or the next person who is going to talk about the topic. I will turn this over to you.

Steed: Or both as the case may be. Mr. Mayor, Council Members, good to be here. I'm Walter Steed, president -- I mean chairman, rather, of the Meridian Transportation Commission. We have an issue that we would like to bring before you to see if we could possibly have some impact on a new pathway intersection design that ACHD has started using. The Transportation Commission looks at transportation budgets, plans, changes and development. We also listen to citizens, the police department, and staff regarding their concerns. This one is one brought to us by staff. The staff has met with ACHD on a couple of designs that have come through with a new way to have pathways cross intersections and they have concerns, talked to ACHD staff, and pretty much we were told we are doing what we have been told to do. It's got to go up another level before we

can change anything. So, with that the Transportation Commission wrote the memorandum that's in your packet to explain to you what we are attempting to bring forward. We have looked at this at a couple of different meetings since May and currently talking about Eagle Road in two places, at Lake Hazel and at East Levin. Our understanding is this change is going to be a permanent way of doing these intersections and it -- it concerns us. It pulls the crossing of pedestrians and bicycles, who are using the sidewalk, back from the intersection. Ron Lancaster, a member of the commission, would like to present you with some details on the situation and look forward to your assistance. Thank you.

Lancaster: Mr. Mayor, Council Members, it's a pleasure to be with you again. It's nice to see you all in person. Thanks for the introduction, Chairman Steed. So, I have a couple thoughts to share. I think Chairman Steed already addressed the topics pretty well. I will -- I will dive into a little bit more detail. So, I -- I titled this side path crossing concerns. It turns out a multi-use path or a shared use path is kind of a path on its own alignment, like the Boise Greenbelt, for instance, a path that parallels another alignment, like a road, is usually called a side path, so -- so, what -- what I'm asking -- or what we are asking of you today is to express to ACHD city preferences on these side path crossings. What we would like to see. And I will get into what our commission recommends here in a minute. As a matter of background, you may remember about a year ago last March all of you elected officials sent ACHD a letter stating your preferences for multi-use facilities that are preferred over bike lanes and narrower sidewalks. You may remember that letter. So, I took a few snips from it. So, your recommendation is -- is great, but it does present a few operational challenges. So, here on the screen at the moment is a conventional bike lane layout, for instance, where there is a lane on each side of the road that -- where the bicycle traffic runs parallel to the vehicular traffic next to it. Contrast that with -- oh. And where -- where there is right turning movements or -- or where there is conflicts between vehicles and bicycles, bicycles are moved away from that conflict. So, in this case moved to the left of the right turning vehicle. So, contrast that with a side path where, essentially, there is a new parallel two lane road next to the road and so on the left here with Driver A, a driver turning right from a minor street onto a major street was typically looking left; right? So, looking for vehicles on the left that -- that are going to be in conflict and won't see the bicyclist on the right traveling the opposite direction. Similar with Driver B. If Driver B's making a left turn from the major road to the minor road, they are typically looking down the road looking for a vehicle coming the opposite direction that will be in conflict and, therefore, can't see the bicyclist coming up behind their shoulder. Or Driver C making a right turn from the major road to the minor road is looking ahead for vehicles turning left in front of them or to the minor road for vehicles turning from the minor road, but isn't necessarily looking for the bicyclist again over their shoulder. Or this bottom figure, you know, a vehicle might block the path of a bicyclist or a pedestrian on this side path. So, those are some of the challenges. That's kind of the background of why this is even a topic. So, this is ACHD's solution. This is from their plans. This is what we have discussed in the Transportation Commission. So, their solution was to make a -- kind of a kink in the side path where it moves away from the intersection and, then, comes back tighter to the road. The idea here is that a vehicle can pull up to the intersection without blocking the path. That's the big reason for it. Or a vehicle turning from the major road

potentially has more time to see a user of the side path before crossing the side path. So, identify those conflicts. In your memo -- here is a couple of quotes from the memo in your packet that Chairman Steed has already summarized. So, Meridian staff has expressed concerns with ACHD staff about the new designs and the visibility conflicts it creates. ACHD staff are acting as they have been directed and any changes will have to come from the executive level. A little bit of information on where we think this design for ACHD came from. It appears to have originated from a Federal Highway Administration -- that's what FHWA stands for. So, an FHWA document entitled small town and rural multi-modal network. So, the title of that document, you know, sets off a few red flags immediately and that, you know, this -- this may not be applicable in an urban area. A second source for this is the Massachusetts Department of Transportation. They have a document called Separated Bike Lane Planning and Design Guide. So, this is a figure from the FHWA document showing this sort of treatment. I will note that in this treatment they -- they show a -- an elevated crosswalk. So, a speed table of sorts where the crosswalk is elevated to make it different than the -- the road that it intersects. Here is a figure from Massachusetts DOT, so very similar. This one showing a left turning vehicle has about a car's length before crossing the path. That brings us to this document from the American Association of State Highway Transportation Officials. So, the acronym for that is AASHTO. So, this is a consortium of the State Departments of Transportation. So, for instance, ITD is part of AASHTO and UDOT is part of AASHTO and Oregon and on and on. So, they develop these guides -- and -- and often these AASHTO documents are sort of the source documents for roadway design and so this is sort of the Bible of bicycle facilities and it admittedly probably lags a bit behind some of the other guidance documents. The AASHTO documents are usually a bit more conservative based more on research and experience, rather than trying out some new method or device. So, a few quotes of note from that document. On roads with speed limits of 50 miles per hour or greater, increasing the separation from roadway is recommended to improve path user comfort and potentially reduce crashes. So, that's for high speed facilities like a highway. These roads that we are talking about here in Meridian are not high speed facilities. That plan that I showed earlier was for Eagle Road where the speed limit is proposed to be 40 miles per hour with that project. So, it would fall into this next paragraph of lower speeds. So, this -- this one's important to note in that at lower speeds greater separation does not reduce crashes. I will stop there for a second. This is based on a study from the Florida Department of Transportation. So, if -- when we are having a conversation about safety or what's safest, you know, certainly crashes is what's of utmost importance. You know, near misses may be uncomfortable, but don't necessarily result in -- or they don't result in a loss of property or life; right? So, really, we are talking about crashes here. What -- what contributes to crashes or what prevents crashes. But they say at lower speeds greater separation does not reduce crashes. Therefore, the side path should be located in close proximity to the parallel roadway at intersections. So, motorists turning off the roadway can better detect side path riders. It's kind of the opposite approach as this FHWA document or the Massachusetts DOT document and that it's recommending to keep the path close to the parallel roadway to keep the side path users in the driver's direct view, rather than off to the side. Some additional concerns that are in the memo. You know, there is no urban examples of this or at least local urban examples and I have had some contact with Massachusetts DOT in preparation for this and they have sprinkled

this throughout their state where it makes sense. So, they may have some urban examples, but we certainly don't hear. So, this is kind of new for here. We are concerned about items that might impede either the view of side path users or the sight lines of drivers, you know, some -- some object that will obstruct the view in either direction, such as landscaping, fences, utility poles, signs, human behavior. There is potential concerns about -- we tend to like to take the shortest path if we are creating -- intentionally creating a longer path that may not be used. There is some concern that the design incorporates some of the elements that were shown in those -- those guides, but not all of them. For instance, the elevated crosswalk, that's not present in the ACHD design. I don't know why really. You know, perhaps it's snow removal, but it's -- it's something different; right? So, we are not quite comparing apples and apples. And some conflicting or -- or inappropriately used signs. And here is an example of this. So, this is back to that -- that engineering plan. This is a plan view. Noticeably absent from this is the stop sign. So, I added that. I don't know if that was an omission from the document or -- or what. But I would certainly hope there is a stop sign. But that kind of conflicts with the sign immediately upstream of it, the bicycle and pedestrian crossing warning sign. It may, you know, as designed here shield the stop sign, which is probably the more important of the -- the two signs. The sign circled there on the left is a sign that's reserved for traffic signal use and here it's used at a uncontrolled -- or at least a two way stop controlled intersection. So, admittedly, signs, markings, that sort of thing, that's -- that's my specialty as a traffic engineer by education, experience, and employment. So, you know, those -- those things stand out to me. There is just a couple things that are a little weird, you know, that are a result of trying something new. And, then, finally, there is this concern about who yields to who. So, by law motorists must yield to pedestrians in a crosswalk. I chuckle or cringe a little bit every time I see the signs in the road that say stop for pedestrians, because that's not the law in Idaho. In Idaho it's yield to. So, there is law concerning what vehicles and pedestrians do, but not necessarily vehicles and bicycles, because they are both considered vehicles. So, presumably, we have created this new intersection where the rules of the road at intersections apply as far as whoever gets there first is served first or if arriving at the same time the vehicle on the right. So, driver's ed stuff. So, that -- that starts to come into play here, because there is no control at this crossing, because the control at the intersection is beyond where the crossing is. Okay. So, this brings us back to the action requested of this group. Provide a follow-up to the March 3rd, 2020, letter that I paraphrased earlier with city preferences for side path crossing. So, this -- I'm seeing this as less of a brand new document, but sort of a continuation of the letter that this body sent before to address further specific topics, meaning the side path crossings. So, it's the Transportation Commission's recommendation to essentially follow the AASHTO guidance, that the side path should be located in close proximity to the parallel roadway at intersections. So, the opposite of -- of the ACHD approach. But to keep the -- the side path crossing close to the road, rather than pull it back. And with that, Mr. Mayor, that is the end of my presentation.

Simison: Thank you, Ryan. I'm going to start by just asking a couple questions. All in good fun, since we are here today. Does this type of experience happen when say roundabouts -- or does this happen anywhere in our city right now where roundabouts are not at play; to your knowledge? I mean that's the kind of the place where a roundabout

is, but it doesn't -- it doesn't go all the way through on the other side. So, I'm not exactly sure what that's looking like.

Lancaster: Mr. Mayor, are you referring to the similarity of -- where at a roundabout the pedestrian crossing is a vehicle car back?

Simison: Correct. Because that's really where this first came out, probably, was from -- from that element. So, I'm trying to get a better understanding about how this really -- is this all a function of design that is been spurned by roundabouts or is this -- is this separate from roundabouts, a new way that they are going to be looking at any crossing at any intersection, as a general rule, to your knowledge.

Lancaster: Yeah. Mr. Mayor, I will answer that the best I can. I think they are -- they are separate topics. We have seen them come together in the same project, these two topics, but I think they are separate. It's my understanding that this is the way Ada County Highway District will be approaching these side path crossings now and in the future.

Simison: So, any intersection, whether it's a roundabout or standard that's signalized, you would, essentially, put the pathway crosswalk behind all turning vehicle movements is how you would interpret their direction?

Lancaster: Yeah. Mr. Mayor, that's a good clarification. I wouldn't think that we would see a difference in how crossings are treated at signalized intersections, but specifically at two way stop controlled intersections like this where one way is not controlled and the minor road has stopped. I understand that that's where they are applying this.

Simison: So, one way could be to always just have regular standardized intersections to avoid these altogether as one option. Just an option. Not the option. Just say it for me. Just say it. I won't force you. I won't force you to do it. I won't force you to do it. I'm not going to put you on the record, but --

Lancaster: Mr. Mayor --

Simison: -- I could have gotten you there if I would have -- if I would have pushed it the right way. I'm not going to.

Lancaster: I will say this. You know that I'm an advocate of roundabouts having designed and -- and, yeah, certainly I'm an advocate. You know, this -- this is a different topic and I'm, you know, frankly here representing the Transportation Commission.

Simison: Yeah. I said it with some fun. But there are some similarities to the roundabout, which is kind of where this -- you know, trying to bring this into the larger context for Council to even consider from that standpoint.

Lancaster: Yeah.

Simison: So, Council, now that I'm done with my fun, any other questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: It would be really helpful if you could share a little more context as to how ACHD he came to want to make this change in the first place. Did this come out of public concerns? Did this come out of changing standards nationally? Can you give me a little bit of history on that?

Lancaster: Yeah. Mr. Mayor, Council Member Perreault, so I can't speak for ACHD, but I can give you a couple of guesses is probably the best I can do. You know, I think it's reasonable to say that ACHD is trying to be proactive in some of these bicycle and pedestrian design issues. They have their own pedestrian and bicycle committees. In fact, Commissioner Lewis from our commission is on the pedestrian advisory commission, whatever they call it, so it does seem like they are trying to be proactive there and they are probably seeking out some of these new documents and new guidance and trying them out. That's kind of the best guess that I have. The AASHTO document is dated 2012. So, it's getting a little bit dated now. You know, nine years old. These other documents are newer and so they are probably just seeing if they are any better.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Lancaster, appreciate you being here. Commissioners, appreciate you being here. The action that's being requested by the Commission, as I understand, comes with some encouragement from staff I guess. This is kind of a weird process that is playing out. I guess my question for you as kind of the Commissioner liaison to this particular project is a recommendation strong enough for the Commission to be satisfied that -- our staff, I guess, to be satisfied that the intended outcome will be achieved. Or do we need more stronger language in our request?

Lancaster: Mr. Mayor, Councilman Cavener, I think we are approaching this from three different ways. You know, I have heard commentary from this body. Certainly our commission has had discussions about this, some of which -- or all of which you have been present for and I -- I understand that staff has concerns also. So, it's not one -- one body alone, it seems to be all three. As far as, you know, strength of wording, we all know that ACHD owns the roads and eventually -- or they can make their own decisions without our input and they, you know, fortunately, asked for our input on -- on a lot of things and for the most part they seem to be very good partners. So, as far as strength of wording, I don't know exactly how to answer that, Councilman, other than to say I do think it appropriate for the city to state its preference at this time and -- and at least formally make it known to the Ada County Highway District.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Mayor, if other Council Members have questions, then, maybe I have got a comment at the end.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe a comment or question. I'm not sure. But, yeah, one thing I want to say -- I appreciate that I think ACHD is moving in a direction of being more considerate of pedestrians and bicyclists. I can tell that they are working on that through their endeavors to have these protected bike lanes and which I think actually moves closer to our philosophy of having these detached pathways. So, I want to make sure we are giving them credit for some of the positive changes that they are making and I actually wonder if -- yeah, I think sending a letter is fine, but I guess there are several new ACHD commissioners and I'm kind of just thinking out loud. Would it be better to have some sort of a workshop or more of a meeting where we can understand what direction they are going in? Why they are recommending these changes. Maybe bring up some of our concerns, similar to how we have done recently with -- you know, with the West Ada School District, just so we can get better alignment between our two institutions. I'm a little bit leery of sending a blank recommendation about side paths coming from our perspective if I don't have the context of why they made that change coming from their perspective a little bit more. So, I just think of more of a dialogue approach might be better.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Just to bring a little historical approach to this discussion, we did have a pretty frank discussion on the public record with regard to this issue. I brought it up and I don't remember who the gentleman was I was speaking toward at -- at ACHD, but I got some ACHD commissioners involved and -- and for some reason they just -- they just disagree and I don't know how more blunt we could have been speaking to them about this particular issue, but the response at that time was that they needed to get -- what was it, like a -- like a -- like a VPO or something like -- did get a new PO or -- to change the -- the design and they said they were going to work on that. I don't know that ever came to fruition or not. But as a Council we -- we definitely let them know our opinion on this -- on this -- on this look. It was -- we were pretty frank.

Simison: I would agree. I mean the conversation was there on Eagle Road. Again, similar. A little different, but same general concept, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Bernt: I'm curious if the Commission has had conversations with any of the other cities that are part of ACHD and if there is similar concerns, if they are having similar conversations on their commissions and councils and if this is going to become a joint effort on the various cities' parts or if you can give us some idea if that's going, how that's going.

Lancaster: Yeah. Mr. Mayor, Councilman -- or Council Member Perreault, as a commission we have not had any conversations outside of this room. I think Mr. Baird would probably slap our hands if we did; right? We -- we, essentially, follow the same rules you do; right? And that we talk about what's on our agenda. I don't know if city staff has or not, but as a commission we have not.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I know Brian's here. Brian, quick question. Maybe you can address it. Maybe you can state, you know, what formal communication we have had with the staff over at ACHD and what the response has been toward this -- this design aspect.

McClure: Mr. Mayor, Commissioner Bernt, you have been part of -- most of those formal communications. We have exchanged many e-mails with other staff persons over there. Miranda has been most recently coordinating with them on the design, which is where this comes from, for Eagle Road from Amity to Lake Hazel. Her understanding of their direction was they are not interested in staff's opinion. Well, I shouldn't say it like that. They have been directed that they are going to do this and unless something else changes that this is what they have decided. To your earlier question regarding some of the other intersection treatments, they are looking into doing some -- they are actively working on some designs for signalized intersections and how they bring together turn lanes, bike lanes, sidewalks in different configurations, but they are not doing that work for these multi-use pathways. This is what they are doing.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Do we need to send another letter? Do we need to have a Zoom meeting? What would -- what would -- what would be your recommendation going forward with regard to this?

Simison: Send the letter saying no more roundabouts and make everything straight the way it used to be?

Bernt: That's not what my question was, Mr. Mayor.

Simison: I think that would achieve a similar topic. Yeah. Because -- and I say this all honestly, at least where they are doing this now is where they are putting in their segment of roundabouts. So, from a treatment standpoint they are being consistent. That's the way I view this is that section along Eagle Road where you start having other turning movements where the vehicle is going to be in front of that turning movement, they are at least being consistent, which for drivers in that area I can actually support that concept. I don't support the larger concept, but I understand the reason why they are getting there from that element. But I'm here for the will of the Council on this one, because I feel like, you know, honestly, we can send a letter, we can have a joint meeting, I don't have a lot of positive hopes for the outcome for -- if the direction is we just want to go straight.

McClure: Mr. Mayor?

Simison: Yes.

McClure: And if it helps at all, this configuration that they are doing now is the result of the city's desire to do multi-use pathways. A lot of this, as was indicated earlier, comes down to sort of definitions. If we want multi-use pathways, at least in these residential corridors, we can continue to see this -- this -- this intersection treatment at nonsignalized section -- cross-sections, regardless of whether it's a roundabout or a signal. This -- we will see this more on these residential corridors if we want to use the multi-use pathway. The alternative would be to do bike lanes. ACHD's isn't doing traditional bike lanes on these type of arterials anymore, they are doing raised or buffered bike lanes. I think their preference is raised. But for multi-use pathways this is what we will see.

Simison: Brian, can we call them a template sidewalk without saying multi-use pathway to -- I mean it's really semantics at this point in time. I mean -- but in this part of our community people are going to ride on the sidewalk with their bikes. They are not going to get on Eagle Road with their kids. So, is it semantics?

McClure: Mr. Mayor, from staff's perspective we have thrown every dart we can. Naming hasn't seemed to sway that. I have appreciated some of the dialogue on side streets or side -- side pathways today. You know, maybe a direct reference to AASHTO would help, but using a terminology just sidewalks doesn't seem to work, because it is also a bike lane at that point and they have some additional criteria they feel they have to meet when you have integrated the bike way into the sidewalk.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A lot -- a lot has changed since March of 2020. Most particular their position on bike lanes and what you just referenced. That was not an element in consideration when we elected to go towards the multi-use pathway option. I don't think any of us ever

contemplated that option would sacrifice public safety by any means. But the fact that they now have support for a different manner of providing bike -- bike lane design, does that necessitate us revisiting our preference for the multi-use pathway?

McClure: Mr. Mayor and Councilman Borton, it's really up to Council. That letter was Council's request for Council's preference. If you guys have a new preference given the conditions and the constraints they are placing on us, then, that's certainly entirely up to you guys.

Borton: Mr. Mayor, the reason for the question is the options I recall considering was that bike lanes adjacent to the roadway, which would seem to have real safety challenges, so the detached sidewalk was the -- the lesser of two evils. But the more safe manner of providing the pedestrian and bike corridor now that we have a -- we have a different option available to us. But I'm supportive of staff and what the Commission is presenting. It makes great sense and the reasoning behind it is sound and I'm fully supportive of sending a letter in support of what you are all requesting, because, again, you have got a good basis for making the request, but the analysis has changed somewhat with their rates pretty monumental pivot in their policy, so -- does that necessitate us giving it a second look?

McClure: Mr. Mayor, Councilman Borton, their design currently -- I don't know that they are unwilling to change it, they have just not heard from us a compelling reason to do so at the levels those decisions are being made. So, I don't know that you have to give up requesting that, if you would prefer them to use multi-use pathways, but if you feel you have reached the end of that limit, then, certainly, yes, you could -- you could go for a safer approach if you are of the mind that you are okay with certain demographics riding in the street with a buffered or raised condition, instead of just attached.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Brian, just said something that was interesting, you know, and that was, you know, our compelling reason. The issue to me is we haven't heard a compelling reason why that is necessary. There is going to be conflicts no matter how you do it and maybe -- I was trying to wrap my brain around why would -- why would they do this and maybe it's because a bicyclist coming 20 miles an hour and you are going to make a right turn, you are not looking that far down and there is signs and all those issues that you bring up, Commissioner Lancaster, that if it's not detached there will be a crash and if it's detached there might be a crash. I -- but it would be nice to at least try to get an understanding of where they are coming from. I mean that's their business. You know, I think we ought to send a letter and with a note that -- let's kind of continue the dialogue and let's see if there is some understanding hear of each other's perspectives. It's just -- I'm thinking that it's just a situation we need to hear from them a little more than what we have heard and I think our approach is sound. We are -- we are about pedestrian safety and bicycle safety and it doesn't look safe and maybe they have some reasons for that,

that it is safe, but I haven't heard them. I'm not -- I haven't heard anything that would convince me, so --

Simison: Well, maybe what we could do -- it's kind of back to what was discussed is we could invite ACHD staff here to come explain the rationale. Is this -- is where, again, you know, from a practical standpoint of having a commission to council discussion on design -- I mean they are not the experts either from that standpoint. I think it would be good for us to at least hear before having an engaged conversation by having a staff member in a joint meeting trying to explain to us and, then, having everyone give their difference of opinions. I mean, honestly, I go either way on this, because, you know, I go up to -- just think about every time I leave my subdivision currently there is a T intersection, how often do I have a conflict with someone trying to cross. It's frequent, no matter where you put your car, whether you inch up to get out or you leave it back, there is always potential conflict with somebody. So, it's just a matter of what our community knows or expects at that point in time. So, my bigger concern is that is this a one off, you know, we are creating unicorns in our community that the other people if they visit won't be knowledgeable about it. But that's what I would maybe recommend if we want to next step is let's hear from ACHD staff before we take any direction towards the commission officially, if people will be -- if people want to hear more information.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I appreciate the information given to us by the Commission. I appreciate their insight. I would agree that we need to speak to ACHD and to resolve this issue. I remember one of the reasons why they were thinking about not providing that, you know, change in design was because they were so far along in the process. But I know for a fact that there are other places in the City of Meridian where -- where they are already using this design and wanting to use this pathway type connection that could have been avoided, you know, if maybe there was better communication between the bodies and maybe that's what we are lacking, but I thought I was pretty crystal clear when we spoke to the -- to ACHD last year and it's just not -- the pedestrian connection isn't safe. It flat out isn't safe. It's not tried and true in this valley and what -- what -- what Councilman Hoaglund mentioned is that we are not hearing compelling evidence of why from them and I grilled that guy -- I don't know -- I wish I could remember his name. But I asked him multiple questions and he did not give me a response and so I say we do this really quick before we get another response from ACHD saying they are too far along in the process that they can't change it. This needs to change now in -- in every inch of our city. It's just not safe. So, I don't know what we need to do, Mr. Mayor, to make this meeting, but in my opinion it needed -- like it needed to happen sooner than later.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Very well might be some of the content of the letter that gets sent asking to -- to stop consideration of this change until a discussion happens. You articulated a lot of the reason why. The commission and our staff has articulated the reason why, so if that's the blunt ask and the follow up immediately with an invitation to staff or whatever data we might need to see if it justifies their position --

Bernt: We will even buy lunch.

Borton: -- we are there. Whatever they want.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I tend to agree with the comments from -- from Council. I do not want to have the -- the opportunity pass and I kind of pinged on a comment from Council Member Strader about -- we got a new body and some of those commissioners may also not understand the why behind it and here is a -- I think two birds with one stone scenario. One they can learn, but, moreover, they can hear what cities are being told by their staff, so that everyone has a clear picture of how both staff are engaging with each other and how electeds are engaging with each other. So, yes, let's invite staff's presentation, but I will go halvesies on -- on cheeseburgers if Council President Bernt goes halvesies on cheeseburgers and let's invite them for lunch. Let's also make sure that we can get it on our commissioners agenda or radar, so if they want to be able to sit and watch we can -- we can open this up and I think that there can be some good from it and, then, from that very well may come a subsequent follow-up letter with some specific asks that we talked to -- talked about as a body in that meeting.

Bernt: Perfect.

Cavener: And, then, Mr. Mayor, if I may?

Simison: Councilman Cavener.

Cavener: I just -- I didn't want the moment to pass. I know we all sit as ex-officios on various commissions and I'm sure you all think that yours are -- are good and well, but I'm here to tell you the Transportation Commission is the GOAT of commissions in Meridian right now. I have been able to sit as an ex-officio I think now for almost four years and a couple of years ago they said we want to start getting our hands dirty. We want to start doing. And we have seen a lot of the results of their good work and so at least with three of those commissioners here I want to say good job. Keep it up. You are keeping us busy. You are bringing forth good ideas that cause us to wrestle and noodle and we appreciate your service to the commission.

Bernt: Amen.

Simison: Agreed. Well said. Mr. -- Chairman Steed, if you want to come forward, since you are raising your hand.

Steed: Thank you, Mr. -- Mr. Mayor, Council Members. Remembering the memo, it said that staff to staff, your staff to their staff. Your staff was told by their staff it's above their pay grade. So, I'm not sure that you meeting with their staff is going to get you much more. Our request was that this elected body comment, meet with whatever you wish to do -- their elected body, because that's where their staff has kicked it and which is why we brought it up to you. Thank you.

Simison: Just -- just speaking for myself, if you can't get their staff to come, though, I just asked you all to think about the direction you get to take from the staff here at the city that you value and you trust and take that into consideration, depending on how hard charging you want to go, if you expect us to want to see real results from that standpoint. I do think that there are -- that this will -- this will take time and conversation. It's not going to be a letter and we are going to solve this, so -- and, honestly, I don't think they are going to stop designing things if they are designing things, no matter what our letter says. If it's on -- on projects. So, we will take whatever action you want. But we need to be informed before we just take action. Otherwise, we are just going to get there and they are going to say, well, we have talked our staff and they agree and it's their decision and so we need to at least understand what their staff is saying and why in order to have decent arguments to make, in my humble opinion. So, with that I will do whatever direction Council wants. Letter, joint meeting, et cetera, and we can follow up tomorrow if we want. But I think we should at least --

Bernt: Mr. Mayor?

Simison: Yeah. Councilman Bernt.

Bernt: Can we send them a letter asking them to cease design of these -- of these projects until we sit down and speak with them and we can schedule a meeting to -- to get to the bottom of this and come to an agreement and in that letter if we could ask that, you know, the decision makers are involved in the decision -- you know, the conversation that would help out, too.

Simison: Well, we can if we understand what our ask is. I would ask staff to at least provide that, if what they believe our ask would be doing to what projects when and for how long. So, that's -- it's just -- it's as we learn it's more complex.

Bernt: Sure. And it's a process. I get it.

Simison: Yeah. But I will look to Brian to provide that information of what he is aware of where else this is being designed and impacted and moving forward, so we have a better understanding about what our ask would entail.

McClure: Mr. Mayor, I know that this is currently a topic for Miranda on Eagle Road. The section that hasn't been built yet between Eagle and -- between Amity and Lake Hazel. I'm not aware of any other corridors currently under design for multi-use corridors. I could be wrong, but I'm not aware of any. But I can -- I can make sure Miranda follows up and understands any other potential opportunities where that may -- or issues where that may be coming up.

Simison: Thank you.

McClure: Mr. Mayor, just so I'm absolutely clear and potentially Miranda understands completely, but I'm not. So, you guys are looking for a letter with some staff suggestion, direction, as to how we could potentially move forward with next steps? Or are you looking for a letter that more specifically asks them to do or stop doing something or would you like to have someone above project team staff come speak to you about why they are doing what they are doing?

Simison: Yeah. I was going to say the answer is yes, Brian. I would ask -- Council President and I will discuss appropriate next steps tomorrow morning to figure out the best approach and timing.

McClure: Thank you.

Simison: All right. With that do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Hoaglund: Second the motion.

Simison: Motion and second to adjourn to the meeting. All in favor signify by saying aye. Opposed nay. The ayes have it and we are adjourned.

MOTION CARRIED: ALL AYES.
MEETING ADJOURNED AT 5:44 P.M.
(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the July 6, 2021 City Council Regular Meeting

Meridian City Council

July 6, 2021.

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, July 6, 2021, by Mayor Robert Simison.

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

Also present: Chris Johnson, Ted Baird, Bill Parsons, Alan Tiefenbach, Jeff Brown, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call the meeting to order. For the record it is July 6, 2021, at 6:02 p.m. We will start tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Our next item will be our community invocation, which tonight will be delivered by Vinnie Hanke with Valley Life Community Church.

Hanke: Mayor and Meridian City Council, good evening. Thanks for the opportunity to come and pray for you and alongside of you this evening. Would you pray with me? God, I thank you for this evening. I thank you for the city that we live in. I thank you for the leaders that you have appointed to lead us. I pray that you would help them to be people of character befitting that of leadership and we pray a blessing upon the agenda tonight and ask that you would grant them wisdom, discernment, that you would help us as a community to support them and follow their lead. That we would be a city full of neighbors who love one another as themselves. We pray for those who are on the front lines, our police and fire and medical personnel, and we ask, God, that you help us to love kindness, to pursue justice, and to walk humbly before you. We ask these things in Christ's name, amen. God bless you. All have a good meeting.

ADOPTION OF AGENDA

Simison: Thank you. First up is our adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: There aren't any changes to the agenda, so I move we adopt the agenda as published.

Hoaglun: Mr. Mayor, I second the motion.

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.

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

Simison: Next item is our public forum. Mr. Clerk, do we have anyone signed up under the public forum?

Johnson: Mr. Mayor, no.

ACTION ITEMS

- 1. Second Reading and Public Hearing of Ordinance No. 21-1933: An Ordinance of the City Council of the City of Meridian, Approving the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project, Which Second Amendment Seeks to Deannex Certain Areas From the Existing Meridian Revitalization Project Area; Which Second Amendment Amends a Plan That Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to the County, Affected Taxing Entities, and State Officials; Providing Severability; Approving the Summary of the Ordinance and Providing an Effective Date**

Simison: Okay. Then we will move right into our Action Items for this evening. First item up is a second reading and public hearing of Ordinance No. 21-1933. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance of the City Council of the City of Meridian approving a second amendment to the Meridian Revitalization Plan Urban Renewal Project, which second amendment seeks to de-annex certain areas from the existing Meridian Revitalization Project Area, which second amendment amends a plan that includes revenue allocation, financing provisions, authorizing the City Clerk to

transmit a copy of this ordinance and other required information to the county, affected taxing districts, and state officials providing severability, approving the summary of the ordinance and providing an effective date.

Simison: Thank you. This is a public hearing. So, with that I will turn this over to Tori for opening remarks.

Cleary: Okay. Thank you. Good evening, Mr. Mayor, Members of Council.

Simison: Or, actually, one second. Do we need to open the public hearing officially or -- this is a public hearing. Mr. Baird?

Baird: Mr. Mayor, I think it's appropriate. We would treat this similarly to how we would do a land use sharing, so we would open the hearing prior to the staff report. So, now it's probably a good time.

Simison: Then I would open the public hearing on this item and turn it over to Tori for staff comments.

Cleary: Thank you, Mr. Mayor, Members of the Council. As the City Clerk read, this is the second amendment to the original Downtown Urban Renewal District. The Meridian Revitalization District. At this afternoon's 4:30 session you approved eligibility reports for the two geographic areas that are proposed to be de-annexed from this original district. Let's see. The district is scheduled to sunset in December 2026. So, these two areas will be pulled out. The larger area that's referred to as the Northern Gateway area is proposed to be included in a brand new urban renewal district, the Northern Gateway District, and the second smaller area is proposed to be included in an amended Union District. The Union District was adopted in 2020 and that was the first amendment to the downtown district plan. The first area of the Northern Gateway area will de-annex approximately 77 acres, 133 parcels, and the smaller area will de-annex 1.46 acres and 11 parcels. Pursuant to state statute urban renewal agencies are permitted to do a one time amendment for -- to add no more than ten percent of the existing area and the existing Union District is 16 acres. One of the things that will happen with this de-annexation is the base year will be reset for all these properties, meaning -- so, right now the current 2002 base year is in effect and all the increments since that time has gone to Meridian Development Corporation. The base year will be reset and so that annual increment will now go -- flow to all the taxing entities, the city included. So, as the new urban renewal plans are adopted, a new base here will be established. The de-annexation does not extend the life of the district for the remaining parcels. And let's see. Sorry about that. Let's see. Sorry. This is the Northern Gateway area that we talked about, the larger area, and this is the smaller Union District amendment and this -- the Union District is to the south and includes the -- or the Union Pacific properties and also to the east and that includes the civic block parcels. As long as this de-annexation is complete before the fourth Monday in July the increment value will merge back in with the base assessment roll. As I said, kind of that base year reset. So, this is the second reading and the official public hearing. Next week will be the third and final reading. And,

then, adoption and recording with the county. This is the timetable and process that we have run through to date. MDC adopted the resolution approving the second amendment. There have been the publishing and notification requirements. Also the city Planning and Zoning Commission has to validate the plan's conformity with the city's comp plan, since there were no change of use or zoning proposals or any proposals for specific development it remains consistent with the comp plan and that was validated by the Planning and Zoning Commission in June. Let's see. We had our first reading last week, second reading, and public hearing this evening and final reading proposed for next Tuesday. I believe we have at least one person here to speak, Sean Evans, executive director of the Meridian Chamber, who I believe might have a few comments to say during the public comment portion of the hearing. Also we have legal counsel Meghan Conrad and urban renewal fiscal consultant Phil Kushlan are here. Thank you for your time and with that I will stand for any questions.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Tori, I just wanted to clarify that public -- the public comments are specific to the de-annexation portion; correct?

Cleary: Correct.

Perreault: Not the new proposed URD boundaries or specifics --

Cleary: Correct. What will happen -- so, your approval -- I'm sorry. Council Woman Perreault, Mr. Mayor, Members of the Council. What will happen following your acceptance of those eligibility reports earlier this afternoon and following this de-annexation, MDC and city -- city staff will move forward to prepare those urban renewal plans. A new plan for the Northern Gateway District and an amended plan for the Union District and just like this process, the -- it will have to be approved by MDC through resolution. It will have to be validated as being consistent with the comp plan by Planning and Zoning Commission and, then, again, there will be three ordinance readings and a public hearing for each of those new urban renewal districts proposed.

Simison: Council, any additional questions for staff? Okay. Thank you very much. This is a public hearing. Mr. Clerk, do we have anyone signed up in advance on this item?

Johnson: Mr. Mayor, we had one, Randy Spiwak.

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

Spiwak: Yes, sir. Mr. Randy Spiwak. 1458 East Loyalty Street, Meridian. I came really to speak about just one section of the UDC that amendments are being recommended and that deals with the sections on side street and street parking and side yard parking of vehicles. I think it's in the next section.

Simison: It -- yeah. Well, there is still two public hearings away from that.

Spiwak: Well, I put on there three. Did you want me to -- I can wait.

Simison: Yeah. If you -- are you here to talk about the UDC de-annexation?

Spiwak: I thought I marked that on --

Johnson: I see that now. You signed on the page for number one, but wrote number three. I saw the three. I will move your name over to number three.

Spiwak: Thank you. Sorry.

Simison: Perfect. Thanks, Randy. Is there anybody that would like to provide testimony regarding this item for the de-annexation of the property at this time? Sean, would you like to come forward and state your name and address for the record. Business address is fine. Be recognized for three minutes.

Evans: Thank you, Mr. Mayor and City Council Members. My name is Sean Evans. I'm the president and CEO of the Meridian Chamber of Commerce. I represent a little over 600 members of the Meridian business community. We submitted a letter of support for this resolution and urge you to move forward with the de-annexation of the proposed area for the urban renewal district and the creation of the -- the new Northern Gateway Urban Renewal. The area of downtown is seeing tremendous amount of development and it's through projects like -- that are supported from the urban rural district that you are seeing the property owners and developers see the value and the interest in redeveloping downtown. Without this type of tool in the toolbox of the community I don't think you would see this type of redevelopment in our community and we commend you for using this tool in the proper way and being very efficient in your use of it. So, with that the Meridian Chamber of Commerce board of directors and our economic development committee commends you for your work and urge you to support and pass this resolution. Thank you.

Simison: Thank you. Sean, real quick, a question for you. If you wouldn't mind, can you maybe explain to the Council real quick why the emphasis on downtown would be specifically important to the chamber with recent decisions that the board has made regarding downtown?

Evans: Yes. Absolutely. So, just recently the Meridian Chamber of Commerce has helped move the Meridian Downtown Business Association in the right direction. It has been -- it has merged with the chamber and become a committee of the Meridian

Chamber of Commerce in order to give it some stability and some resources to move forward with the support and activities that are needed to bring people to downtown Meridian as a destination. The Meridian Chamber of Commerce, in support with these downtown business owners, will be activating engagement opportunities in downtown, creating support opportunities for the downtown merchants and really trying to establish downtown Meridian as a location to bring your family, your friends, and enjoy what Meridian has to offer.

Simison: Thank you for that. Council, any questions for Mr. Evans on this item?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Excuse me. Not a question, but a comment. Great job. Seriously. I mean that -- this is exactly what the downtown corridor needs is -- not that the Downtown Business Association didn't do a good job. They -- they did a great job. It's just that having the power, might -- you know, the resources of the chamber behind them now makes all the difference in the world and I -- I think it's going to be a great move going forward. So, great work.

Evans: Thank you, Council President. Thank you, Mr. Mayor.

Simison: Thank you, Sean. Appreciate it.

Evans: Thank you.

Simison: Is there anybody else that would like to provide public testimony on the item at this time, either in the room or online? It looks like we do have a few people online. If you want to provide testimony you can use raise your hand feature at the bottom of the Zoom platform so that we can recognize you and seeing no one wishing to come forward or raise their hands, Tori, would you like to make any final comments regarding this item?

Cleary: Mr. Mayor, Members of the Council, thank you for your consideration. One of the reasons that both city and MDC staff looked into amending the district is the -- the original downtown district has faced some challenges just from a timing perspective. It was established in 2002, has faced some pretty severe assessed valuation decreases during 2008, 2009, took a number of years for a recovery and, then, with the uncertainty following COVID there really just isn't enough time to have some meaningful impacts downtown and so that's one of the main reasons for these actions are before you this evening. Thank you.

Simison: Mr. Mayor, one quick question for Tori.

Simison: Councilman Bernt.

Bernt: So, just -- just to confirm, so when this -- when this -- the downtown -- the -- the -- the piece of property that's just near here, when it's de-annexed and moved into Union -- the Union District, it will -- the new base will be current; right? They are not going to go off the base that was original to the formation of the urban renewal district in 2002 or '3?

Cleary: Correct. So, those -- I'm sorry. Councilman Bernt, Mr. Mayor, Members of the Council, that's correct. So, when those initial properties were de-annexed that was a 2020 base year and so these will be -- these new properties will be 2021 base year.

Bernt: Okay.

Simison: Thank you. Thank you, Tori. Council, anything else? Or do I have a motion to close the public hearing?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we close the public hearing.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

Simison: So, with that, Council, we will bring back the third reading next week. Thank you.

2. Public Hearing Continued from June 22, 2021 for Speedy Quick (CR-2021-0003) by Clark Wardle, Located at 2560 S. Meridian Rd.

- A. Request: Council Review of the Planning Director's determination (DD2021-0004) that the reduced 5-foot interior side setback specified in UDC Table 11-2B-3 did not apply to the new structure proposed for construction on the property.

Simison: Moving on this evening we will -- our continued public hearing from June 22nd, 2021, for Speedy Quick, CR-2021-0003, and we will -- we will resume this public hearing with staff comments.

Tiefenbach: Good evening, City Council, Mr. Mayor. Alan Tiefenbach, a planner with the City of Meridian. This is a City Council review of the planning director's determination regarding a reduced side setback to construct a new accessory structure. I will give you

a quick background on what's happening here. Here is the project. It is on the east side of South Meridian, north of East Victory Road. A certificate of zoning compliance was issued in May to allow a mobile dispatch service to operate in the limited office zoning district. This was allowed by a conditional use that was issued back in 2017. The project includes an exterior facade improvement to an existing 1,700 square foot residence, a new 27 space parking lot and outdoor storage yard, some landscaping and a new 2,500 square foot storage building. So, this was a mobile dispatch kind of business. During the review of the CZC staff informed the applicant that the side setback for the new 2,500 square foot storage building must comply with the required ten foot interior side setbacks. This is required by the dimensional standards in the L-O zone district. This was a condition of approval that the CZC was issued on. If you look in the UDC, the applicants -- the applicants -- well, let me -- let me move forward on this first. So, here is a picture of the site plan. Meridian is -- south Meridian is here on the west. This is the residential structure that there was mostly exterior facade improvements. Very little improvements made to -- this is the parking lot and over here this is the accessory structure that is being discussed today and the photos on the left, that is what is being built, the 2,500 square foot accessory structure and, then, on the right this was, again, the existing residence, with mostly minor facade improvements. After staff issued the CZC with the condition of approval that the applicant has to meet the ten foot setback, the applicant asserted that the -- that, actually, the setback that they showed, which was a five -- five foot setback, was actually the correct setback. The explanation is that in our UDC in the table there is a footnote, basically, and what it says is that when a residential structure is being reused this minimum setback can be reduced. The applicant contends that because they are reusing an existing residential structure, that five foot side setback would apply to any structure on the property. The intent of this is that there were many properties that were residential that were converted into -- rezoned to office properties and when they were rezoned to office properties many of these properties maintained a five foot residential setback. So, this was intended to keep the existing houses that were converted into office buildings from being considered nonconforming. The intent of this -- at least staff's position was it was not to allow all of the structures -- it's not an incentive to reuse the residential structure by letting you construct all the structures -- new structures at a five foot setback. The -- following the CZC with the condition of approval, the applicant requested a director's determination regarding this matter. The director issued a letter and they agreed with staff's interpretation of the standard and, again, what it said is that the five foot setback is to address the existing homes that were converted into office uses, to allow the setback and not be nonconforming. It was never -- it was never intended to allow all structures on the property to be built at a five foot setback. With that, again, the CZC was approved with that condition. The UDC allows the applicant to request City Council review of this, which is what is happening tonight. So, the applicant is requesting that the City Council review what the director's determination is and whether or not the ten foot setback should be applied or the five foot setback should be applied and with that I will stand for any questions, Council.

Simison: Thank you, Alan. Council, any questions? All right. Then I will ask the applicant please come forward. If you could state your name and address for the record.

Leonard; Josh Leonard. 4099 Bavaria in Eagle. Mayor, Members of the City Council, my name is Josh Leonard, as I said, and I represent the appellant, the applicant, in this case. I thought staff did a great job of going through the history and the background on this and what -- and how we got here. You should have in front of you a packet of nine pages. Some -- do you have? Great. I'm going to go through those pages. But I'm going to skip around a little bit, just based on the fact that city staff did cover quite a bit of it. Page one is simply a depiction of the subject property. Page two. This is where we get into the basis of our appeal. It's in Table 11-2B-3 in Meridian's Uniform Development Code. The pink highlights and the red arrows in there are mine and they are just there to show you what we are -- what we are focused on. We are appealing the -- a director's determination, which upheld planning staff's interpretation and implementation of the interior side setback prescribed in that table and specifically we are asking the City Council to read and apply the plain and unambiguous language of that Footnote 2 in Table 11-2B-3. And, again, we would ask you to read that in context. Read that without the -- the narrative or the intent that was provided by -- by staff. Read that in context. It says minimum setback only allowed with reuse of existing residential structures. Moving to page three. That's a site plan. That shows what's proposed there and you have seen that in staff's slideshow as well. One thing I wanted to point out here -- you will note down in the bottom right-hand corner, the pink is the -- the setback -- the setback is only five feet, instead of ten feet. It also notes that that existing shed that's right next to it is nonconforming, because of exactly the reason according to staff and the director, that that footnote two is -- is in city -- is in city code. It is a prior existing, nonconforming structure that's going to be there after the -- the application -- or after this is completed. We are asking that -- that the setback for that shed that's existing there be the same as the one that's for the new storage building. Page four just shows the impacted area along that -- that property line for the setback. Again, page five back to that table in that footnote two. Page six shows several ways in which the intent could have been written into the code to provide applicants and appellants with notice of what was expected of them when they submitted an application. Any of those three accomplished what was said by staff, but isn't contained currently in city code. The next page, page seven -- I'm going to make a practical argument also as for why the five foot setback should be allowed here. If you look on page seven and also on page eight where it's magnified, immediately adjacent to -- on the -- on the adjoining property is an existing wireless tower. It's not adjacent to the side to residential, it's adjacent to a fixture that's going to be there for some time and if we apply the ten foot setback on the applicant's property we are simply wasting five feet of usable property that's available for him there. Again, we would ask you to read it -- read the plain and unambiguous language that's contained in city code and apply that in the -- to our appeal and find that the five foot setback applies and I would stand for questions.

Simison: Thank you. Council, any questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: Just to make sure I heard what you said, Mr. Leonard, and that is the existing shed will be in use?

Leonard: That is correct, Council Member Hoaglund.

Hoaglund: Thank you.

Simison: Council, any further questions at this time of the applicant? Okay. Thank you. This is a public hearing. Mr. Clerk, did we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, yes. Teresa Shackelford.

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

Shackelford: Can you hear me okay? Okay. I'm sorry. I apologize for my voice. I caught a cold. My name is Teresa Shackelford and I actually live at 3964 West Miners Farm -- a little closer? Okay. How is that? Can you hear me now? Oh, good. Okay. I want to have one of these at home to yell at my husband. This is great. He says I can't hear you. You got a bad voice. So, I am the co-owner of 2600 Meridian Road, which is where the veterinary hospital is. Just south of Mr. Blood's building where Speedy Quick is going in. We really are opposing reducing this setback for a couple of reasons. One is, yes, there is a cell tower there. We have allowed for fall space. I don't know that if you realize there is supposed to be fall space and we have allowed that on our side and have designed the access road that he's going to be depending upon in the future and it actually is -- abuts the -- what shed he wants to use, which is currently like a chicken coop. That's actually the access point -- the deeded -- the access point that we were obliged to provide when we did our development agreement. So, adding that to be closer -- he certainly isn't going to drive through the chicken coop to get to our -- onto Edmonds is fine. If -- if that's what he chooses, but I -- I'm a little concerned about the cell tower. We can't certainly ask them to take it down to accommodate that and it's already there. We have provided lots of space around our property, but we feel like the space should be where it was, because when they planned the cell tower we thought that they were back ten feet there.

Simison: Thank you. Council, any questions? And she did bring up the question that I was going to ask eventually is -- because I know this has come up with -- with county issues in the past regarding fall space for cell towers. Do we not have any provisions or take that into consideration for our applications?

Tiefenbach: One more time, Mr. Mayor.

Simison: Fall space. And it's come up in the past when we have had county parcels that have -- they have come in to put in cell towers on county parcels and, then, they would require I think 150 foot typically set back for their fall space at the county and we objected to those, because they seem to be overly ambitious. But do we have no fall space requirements for things coming on -- in this case?

Parsons: Yeah. Mayor, Members of the Council, we do have setback for cell towers in -- and in our code. I'm not an engineer, I can't explain as to how those poles collapse, if they do collapse, if they fall are they supposed to break in pieces? I don't know all the technology behind it. But, certainly, when we annexed in the Shackelford's property the cell tower was approved through the county and we accepted that condition, just like we are doing now when we annexed this other property in. So, yes, if a cell tower was to come into the city today we would apply a setback based on that zone. In this particular case -- I don't know exactly. I can pull up the code and get you what that would -- what that would look like. But, typically, we don't like cell towers next to the street. We want them pushed back on the property and, then, when it's -- depending on what zone they are in it's going to dictate what setback applies. So, they have to be a certain distance from a residential district as you mentioned, but it's not -- basically it's not due to fall zone, I think it's just due to just the appearance of the cell tower, more aesthetic than anything. But there is nothing in current city code that says you have to be X amount of feet to be clear of a fall zone in our code. But there are setbacks for that use being next to residential districts and the public street.

Simison: Okay. One thing for the applicant to at least address as to why not put this shed on the other side of the property that would be well outside the fall zone, because there doesn't appear to be anything on the property that would prohibit that at this point in time. Just one question. Mr. Clerk, anybody else that is signed up to provide testimony on this item?

Johnson: Mr. Mayor, that was all that indicated they wished to testify.

Simison: Is there anybody else in the audience or online who would like to provide testimony on this application at this time? If so use the raise your hand feature online or come forward. Okay. Would the applicant like to come forward?

Leonard: Again, Joshua Leonard for the applicant. The fall space required in the county is actually one foot of horizontal space for each ten feet of tower space and the reason it's not one to one is that towers don't tip. Towers are engineered so they have rings and drops straight. Even if they are going to tip they drop straight down. The -- the other thing about a fall zone for a tower is that it's required to be on the applicant's own property, not on the adjacent property owner's property. It's not allowed to burden my client's property, unless my client were to grant them a no build easement adjacent to that property line. I think that was the only real question that was raised. There was an access road issue, but that actually is a red herring in that the neighbors unilaterally relocated that easement without approval from the -- the dominant holder of that easement and so it's -- it's actually not in the correct place as you mentioned. Any further questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Leonard, if I remember correctly, this was continued because you were working with staff to try and address some of this. Can you give us a summary as to those conversations or am I incorrect as to the reason for the continuance?

Leonard: Mr. Mayor, Council Member Cavener, it's because I was in Maui.

Cavener: Sorry, what?

Leonard: I was in Maui.

Cavener: Oh. Maui. Maui. I don't think that's in Meridian. Thanks.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: On page three of the packet you gave us, can you help us understand the downside to -- to placing the building five feet to the north? I'm trying to understand exactly what it is that I'm looking at here on the -- on the right side of this drawing of a schematic.

Leonard: For the right -- Mr. Mayor, Council Member Perreault, the circle that you see there is a fire access issue and you can see it's right up to and abuts the building. That's the minimum circumference the fire apparatus would need to access that building.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Thanks, Josh, for -- for the presentation. The -- I will give you some comments and let you respond, but the -- the issue before us is really narrow and, Teresa, to your -- to your comments, whether there is a cell tower or a -- or a commercial store or even a house right up against, none of that really technically comes into play for the narrow decision we are being asked. All we are being asked here, as I understood it, was the application of that provision of the UDC and whether that exception applies to the entire property or not. I appreciate your materials and you are -- you are correct, obviously, in the two step process and try and -- for us to determine whether or not we can look at the intent of this language and what staff has provided is step two and step one is whether it's ambiguous and -- and, frankly, I found it to be ambiguous and the way I broke down that sentence -- the sentence says a minimum setback only allowed with -- and I stopped there and a minimum setback is allowed with what follows next and it could be minimum setback only allowed with any structure, new or old, that's upon the property. It could be it's only allowed with, quote, reuse of an existing residential structure. I think both interpretations could be reasonably acceptable. But the fact that one of those acceptable interpretations is that the use of the minimum setback is connected with the reuse of the existing residential structure I think you can interpret that to mean that the five foot is only

applicable to that existing structure. But it's ambiguous. So, I think it does open up the question of intent. I found staff's initial analysis and Mr. Hood's review to be spot on, understanding that it's ambiguous. I think there is the assumption that that first step is there is an ambiguity and because of that we look at the intent and I thought the explanation of intent, why it would be limited to an exception just for that existing structure, but not applicable to any new structure that might be developed on the parcel, I thought that was -- that was a compelling argument, I thought it was the more reasonable interpretation that the five foot setback was limited and the intent was that it would be limited to the residential structure. So, I find Mr. Hood's letter spelled that out well. So, whether there is a cell tower adjacent to it or -- or a residence or a commercial business, really, that's technically not relevant, because our analysis in applying this ten foot or five foot exception has to be the same city wide in this exact circumstance, regardless of what an adjacent use is. So, that's how I took it. I think the director was correct, I think staff was correct, and the five foot is limited only to the residence. So, that's how I found ambiguity. Understanding both sides could be argued and opened it up for the intent, how I got to that conclusion. So, I hope that answers -- I guess for Teresa kind of give you some context of what we are being asked to -- to decide and not decide. That's where I saw it, Josh.

Leonard: I appreciate that. Mr. Mayor, Council Member Borton, if I can respond. I understand and I agree with your -- your approach to it. I think that's exactly right. Phase one, phase two, whether it's ambiguous and, then, look at how to interpret it. The problem that I have with the intent argument is that the intent argument only applies to a residential building then. It doesn't apply to the existing shed that will be reused. It's an existing. It's not to be constructed in the future and as you know, the way that the law works with these things is if it's existing at the time the change is made it's a prior existing nonconforming structure without footnote two. It didn't -- didn't need to be there to be able to achieve that -- that lower standard. I appreciate you -- you referring to it as a narrow -- narrow problem, because it is narrow. It's only ten feet to five feet and it really is it -- we are not talking about 90 feet, we are not talking about a huge distance, we are just talking about those five -- those five feet and it may not seem important -- as mentioned earlier, it's important for the fire turnaround and it's important for the -- for the size of the shed and usability of the property. One thing I would correct is that this actually wouldn't apply city wide, it would just be zone wide, because it's in the L-O and that's the only place that that ten-five is, so --

Borton: The circumstances of a similar project and similar zone --

Leonard: Sure. City wide. Fair point. Fair point. Thanks for the question.

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

Leonard: Thank you.

Simison: Council, comments? Motions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Maybe just some discussion, but the public hearing seems to be complete. I move we close the public hearing on CR-2021-0003.

Perreault: Second.

Simison: 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.

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I have explained kind of the rationale behind the conclusion I think is appropriate, but we always want to make sure our code is clear. If there are ambiguities, unintended that there may be, that we can make new language clear. I know we are talking about changes to the UDC next that does that very thing. It's a continual process. So, we might be able to look at this language. At least talk about it, you know, in house and see if there is something we could do to make it more clear to avoid ambiguities. But I think the planning director's determination is correct in support of what staff had originally concluded and it's a -- it's an appeal -- the nature of the request an appeal? So, I think the appeal should be denied for the reasons previously stated.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm not going to be able to explain my thoughts nearly as well as Councilman Borton, but I -- I agree. My concern in making this decision -- although the purpose of alternative compliance, of course, is to allow for something that's not typically allowed for or -- or some sort of exception and -- which was also the intention of putting this footnote in here is to clarify an exception. So, my concern in overturning the director's decision is that we would, then, be inadvertently creating a change to the UDC by doing that and so my -- my preference in this would be that we do review how the code is written and -- and, then, in that case it would -- would or would not become applicable to the -- to the applicant. But I just have concerns about making this decision and how it does affect other potential similar situations. Perhaps I'm -- perhaps I'm incorrect in my belief that that would be the case and if that's -- if that's so I would like to hear some thoughts on that. But that's my concern in overturning. I don't disagree with the director's interpretation with a limited understanding of exactly how, you know, that -- these scenarios work. Every time we have an application like this it seems like it's a very specific

unique scenario and it's challenging to think that the decision will, then, not only benefit this applicant, but how it will affect the rest of the -- rest of the public.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Real quick. I believe that the intent and application of the code has been for existing structures only. But to Councilman Borton's point that it is ambiguous. It is not totally clear and, in fact, I would even wonder about the existing structure. It's a shed. It references residential. Does that include all nonconforming structures. If they were just leaving that as is and -- and it was -- they wanted to add on to that shed, can that be nonconforming? Because it's not the residence. So, I think there needs to be a rewrite and we have -- staff could take a look at that, just because of an issue like that may appear in the future. If they were to just remodel and expand that, say add another bay for a truck, you know, does that -- now is it nonconforming or is it conforming? So, just all those things that -- we just want to make sure it's -- it's as clear as possible, so -- but I agree with the end result is -- is to deny the appeal.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will make the motion that we deny the appeal of the director's determination in CR-2021-0003 for the reasons stated on the record.

Hoaglund: Second the motion.

Simison: I have a motion and a second. Is there any discussion on the motion? Clerk will call the roll.

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

Simison: All ayes. Motion carries and the appeal is denied. Thank you.

MOTION CARRIED: ALL AYES.

3. Public Hearing Continued from June 1, 2021 for 2021 UDC Text Amendment (ZOA-2021-0002) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.

- A. Request: UDC Text Amendment for text amendments to update certain sections of the City's Unified Development Code (UDC) pertaining to the Landscape Requirements and Common Open Space and Site Amenity Requirements in Chapter 3; Multi-family

Common Open Space Design Requirements in Chapter 4; and
Various other Amendments in Chapters 1-5 and 7.

Simison: Next item up is a public hearing continued from June 1st, 2021, for the 2021 UDC Text Amendment Modifications. I will turn this over to Mr. Parsons for any comments.

Parsons: Thank you, Mayor, Members of the Council. Pleasure to be with you tonight. As you mentioned, this item was continued from the June 1st hearing. Before I dive into my presentation, at least give you a synopsis of what has occurred since the June 1st hearing, I wanted to at least ask the Mayor and Council if we could maybe change the procedures up tonight. In looking at the public record -- as you recall we broke this out to -- and we continued this project to allow for more public feedback for open space and amenity standards and our RV parking. Well, looking at the public record it looks like we have -- we have gotten what we wanted. We have gotten that public input and so I was -- wanted to ask the Mayor and Council if we wanted to just focus on the RV parking first and, then, move towards open space and amenities, since that seems to be the bigger topic tonight and that way we can kind of progress and, then, get back to just some general business. But I just wanted to pause there and see if you guys were comfortable with that, because, again, looking at the public record, the majority of the comments that came in were in regards to the RV parking. So, Council, Mayor, what's your pleasure this evening? How would you like this to move forward this evening?

Simison: Well, let's go ahead and start with RV parking. Does that work for everybody?

Parsons: Perfect. Then I will -- I will focus on that part of the presentation. I do have Lacy Ooi, who is the code enforcement supervisor here. She's the one that took the majority of those e-mails from our citizens as to the proposed changes.

Ooi: Good evening, Mr. Mayor, Members of the Council. I was asked to respond in just a general format of the survey results that we got and e-mails that were concerns and try to give some clarification to some of that. Starting with the difference between city code and HOAs and CC&Rs, there was some confusion of whether the city made changes, if the HOAs also had to make those changes. As city codes are effective throughout the city, regardless of regulations of the HOA, an HOA can create more stringent -- stringent restrictions within their CC&Rs. Covenants, conditions and restrictions are commonly written within HOAs to mimic or mirror the city code, which gives a better enforcement side if they are not able to gain compliance on their own. Many of them are written similar to our code as it is currently, but the HOAs would not need to make changes to mimic our modifications if they don't wish to. So, they can enforce more restrictive regulations within their HOAs. Another section and confusion was parking standards versus parking regulations. So, what we are reviewing are parking standards for residential use, not parking regulations which are on the public roadway. So, the public roadway regulations are in Chapter 7 and are not being modified and currently allows recreational vehicles to be parked without moving for 72 hours at a time. Parking standards don't allow for any use of parking regulations on private property. The section of code being reviewed for

modifications is in regard to residential properties. Private property, most commonly known as your driveway, when we refer to it as a street yard, the survey was put out trying to make it more user friendly, but may have left some detail out that caused confusion. Mostly that it said to park in front of your property and a lot of the confusion in the surveys came back with people thinking that meant the front as in the public roadway, which is already allowed and not being changed. So, when it refers to the front that the survey stated, it's referring to the front street yard of the private parcel. Asphalt and concrete they are still restricted. So, it would be front property if they pave more of their front of their property they are allowed to, but it would still require them to be on an improved surface. This -- the modifications are to allow for your use of your property for any registered licensed operative vehicle and in addition to any of those vehicles you could have one additional vessel that is being outlined for an RV, a boat, a trailer. It also allows for one off-street, off-highway, or specialty off-highway vessel. These are vehicles that aren't registered, that aren't street legal, but it would allow for one of those or the other vehicles, which actually allows us to have more restrictions from people storing multiples of those, which currently are listed as private recreational use vehicles. It would just be to define them. But at least giving us an option of having one of those. It also -- the modifications also would allow -- if they don't have one of those vessels on their driveway that they could have an additional one on their side yard unscreened. So, a lot of the older neighborhoods don't have the space that allow for the screening requirements. So, it would allow them to store one on the side yard, but it ultimately would give us the ability to restrict it to one either in the driveway or on the side yard. So, that's the majority of what I received asking for feedback on. The survey results were not great in my favor, just 75 percent to 25 percent, but I do feel that when I look at these subdivisions, just looking at current calls and calls that we have handled recently, the older neighborhoods aren't necessarily going to be on NextDoor. Most of them don't have HOAs to operate a NextDoor feature. So, those communities that are looking to have the changes aren't being equally represented with the NextDoor survey. Personal opinion only. But I just think -- I looked at the list and there is four of them that we commonly go into weekly that aren't represented on the list that was sent the survey. My goal is not to have HOAs receive more responsibility for enforcing the CC&Rs, my request in having the rewrite is that the code as written is no more enforceable for us than it is for the HOAs to get any compliance for. All they have to do is move that vehicle onto the street for 72 hours, we clear our call and, then, it can go back in. Every time requires us to send a notice of violation, every time requires us to give a reasonable time frame and it just circles and rotates and so this request is just to, hopefully, make some modifications that help the public and help our enforcement. I stand for questions.

Simison: Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you very much for that explanation. That answered some of my questions and gave me some better context. So, I was also under the impression that --

that much of the feedback that we received was a misunderstanding that vehicles will be somehow permanently parked on the street and not in a driveway or a street yard and so that being said, my anticipation is that the 75-25 results that we got on NextDoor perhaps were not accurate, because there was common understanding -- misunderstanding that it would be allowing for street parking. The question I have is specific to the 11-3C-4B, where it gives specifics on the compacted gravel base being four inches thick and the type of surface that the vehicle would need to be parked on. I guess -- I feel like that -- that if we are going to get specific about those requirements we either need to get more specific or less specific. So, what I mean by that is it doesn't state specifically that the vehicle -- that the vehicle has to be entirely sitting on that hard surface, it -- I mean maybe they could pour a small pad and the vehicle is longer or shorter than that pad. So, I think that we need to clarify that the entire vehicle needs to sit on that surface. The other question I have is if we are going to have code enforcement being so specific as to four inches thick, how do we determine that on somebody that already has a concrete pad or an asphalt pad in place on their home that they will now use -- you know, I mean I can't imagine that we are going to be able to measure it that well. So, if somebody already has a hard surface that they can now park their vehicle on, if this is passed, are we -- and it's not four inches thick, are we going to come back and say, sorry, it's three inches, now you have to have four inches. I mean kind of how far do we go with that from an enforcement standpoint. So, can you give us some more specifics on how that came to be determined and how it will -- how code enforcement will manage the compliance for that?

Ooi: The reality is that section of the code was already written. So, this code came into effect in 2005 and those modifications have not been changed. So, that is completely standing as it is. We are not engineers and we don't have a way of determining if it's four inches or two inches of concrete. The main product would end up breaking up, so if it was used over and over again and it wasn't four inches deep, the concrete and asphalt would probably have to be redone. It wouldn't lay flat so long. But that is not a modification that we have changed. That's the current code and one of our recommendations to people when they are having a struggle with cost of maybe paving or laying concrete is that the way that the code is written allows them to drive throughout to their parking space. So, if you were parking in your rear yard you need to have paved paths to get to there and those are also allowed to be parked on. So, if someone poured strips with the current code, they can park on strips. We recommend to people that they either pour strips or they park on pavers. They could lay in pavers. And the reason for the parking requirements anyway was for dust mitigation and so it's still utilizing that if they are making some sort of modification to park and not sink into grass or dirt.

Perreault: Mr. Mayor, follow up?

Simison: Council Woman Perreault.

Perreault: Thank you. So, if you could give me some background, if you are familiar, when this -- when this was implemented, then, in 2005 if we weren't permitting vehicles to be parked in the front of the homes why did we have a standard for the thickness of the concrete? So, I guess I'm not understanding why that existed if code has not yet to

this point permitted vehicles to be parked in front. Now, perhaps we are talking about automobiles that were being parked there --

Ooi: Right.

Perreault: -- versus recreational vehicles and so in this case I guess that's still a question. Why -- why is there a standard that -- if, you know, they were never permitted in the first place?

Ooi: I love your questions, because they are questions I have had my whole career. So, in 2005 it was enacted, but prior to that we allowed people to hook up electrical to their side of their houses and park on a pad that was approved for their permits and, then, the code was enacted in 2005. I wasn't responsible. I came on in 2009. So, I don't know the whole reason why, but when those changes were made it definitely caused problems. It was not -- because it's a standard, not a use -- Ted, you are going to have to help me out on this one. Stick with me. Because it's a standard not a use. So, if a property had a shed that was in a front yard and that came in -- and the code was put into effect in 2005 allowing that not to happen, that would be a use of the property that was occurring prior to 2005. But because it's a standard, every time they move a vehicle in or out it's the change of the property and the standard. So, it's not a use that can be nonconforming. So, when this code came onto effect, nobody got a nonconforming status to allow it to continue to occur. But what has happened over the years is that when we get multiple complaints in a neighborhood and one neighbor complains about another neighbor and another neighbor complains about the other one and we end up with this list of like 19 or 25 -- I know that there is some of you that were on -- when we had to do that and we got multiple complaints in of everyone saying it's not fair, they are harassing me, they are picking on me, we have been asked to pull back on that and only be complaint based. So, it makes it really unfair enforcement for those older areas, which is why with the HOAs having their own CC&Rs that are more restrictive and they can do that, it's easier to enforce because there is already a rule in place when the residential properties are getting built. So, this is kind of why I'm trying for this compromise is to say we need something that makes it more fair and more fairly enforced.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Yeah. I have been struggling with this and I think it's hard, because I definitely agree you have a big enforcement issue today. I'm just worried that the -- the solution might not be getting us there. It might be causing other unintended consequences. I guess I -- refresh my memory, but do we look at any other ways that cities have approached this? I can't remember if that came up in our last hearing, but I'm almost wondering about maybe a different approach to solve the enforcement, like instead of being specific to allowing an RV in one place for 72 hours, maybe something that's more proactive like -- if other cities have used a regulation where you could park on all Meridian streets for up to 24 hours at a time, a maximum time -- number of times per

month or something like that that might -- you kind of make it so people aren't gaming it by just moving their vehicle, a little bit outside of where it was parked, maybe something that applied to all Meridian streets or -- have you looked at some other approaches? I'm just a little bit nervous about, number one, safety. I find in our neighborhood that when we have any RVs parked out front we are getting some safety concerns from pedestrians, kids running by, we will say, hey, you can't block the sidewalk, but it happens anyway. It feels like it's a safety hazard. And, then, there -- there has been a concern articulated by people about, you know, folks living in structures and, then, taking up permanent residence there, whether it's in a side yard, a front yard, or on the street. With housing affordability questions, you know, that could come up, too. So, have you had any thoughts on those topics?

Ooi: In general your concerns regarding the vehicles being on the street or not being able to be there more often, that's going to be the parking regulation. So, it's already allowed for the 72 hours and that's not what's being reviewed under the UDC changes. If that was something that we wanted to be changed it would be difficult to enforce. So, the reason that the 72 hours resets is for people who can't park a vehicle on their driveway. So, if you have multiple people living in the home, you only have so much parking on the driveway, that you should be able to come home and park in front of your own house every night and if you come and go every night you should be able to know -- now if you had a neighbor that was persistent in believing that although you worked a grave shift, your car was never moving, we might get called to you multiple times in a month. Therefore, you would have to go find a place 500 feet or around the corner to be able to park to reset that time frame. So, those are different than what's being reviewed. Those are already allowed and it is a different battle, but this code gets reset once they move their vehicle off their private property onto the roadway and, then, we have to go through the cycle again. So, other things that we tried before changing the modifications was to change the penalties of the UDC, make them infractions and make them citable, instead of them being misdemeanors that required the notification. But when we talked to the courts about that they wouldn't proceed with summons for an infraction. It costs the courts too much to send out someone to serve and they wouldn't follow through with an infraction going through court. So, we couldn't change the penalties. We also discovered that the only UDC violation that code enforcement frequently gets called to is this code. The parking standards are in place for new development. So, when every home is built that they are built with a paved driveway, because if they weren't there, then, they wouldn't have to pave your driveway for you and people could just continue to park on the dirt. They wouldn't want to pay for their own concrete. So, parking standards in the UDC are utilized for good reason to make sure that developers are putting in the parking lot in the first place.

Perreault: Mr. Mayor?

Ooi: The living -- I was going to -- do you want me to address the living in them?

Strader: Maybe in a second.

Ooi: Okay.

Simison: Council Woman Strader.

Strader: Maybe if we could back up. So, I guess what I'm trying to see is -- is there another way to address the enforcement issue; right? So, if it's -- people are moving from their private property into the street, my question is can we try to tackle the piece on the street a little more broadly? Like could we look at that and say, okay, you know, there is a -- I don't know if we are able to regulate in that way, but that -- that would be my first question is is there a different way to say, okay, you can have your RV or whatever vehicle it is a certain maximum amount of time, maybe over a bigger time frame and try to do it that way?

Ooi: So, the procedures are outlined in the UDC that require that notification in the reasonable time frame. So, procedures would either have to change -- the code would have to be removed out of UDC and changed somewhere else that would give us different regulation standards and to be able to enforce it. When you're talking about time on a property, we get a lot of boats, fishers -- I'm not -- I'm not a fisher woman -- that have a season; right? So, they want their trailer and their boat to be in their driveway and so are we looking for storage? Are we looking at them for them to move it? So, when are they going to use it? Probably on the weekend. So, code enforcement is not there. We get the complaint on Thursday, we go out on Friday, we take a picture. The boat's there. It's gone. It comes back on Monday or Tuesday and it's there. So, on private property we can't go up and mark someone's tires. We can't sit there and photograph their tires in their driveway. We are going to be from a public view. So, a public street, public sidewalk, to be able to take that photo and we can't verify movement of that. Unless someone had surveillance 24 hours a day we can't prove how often it's being stored on their driveway.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It sounds like the frame work that we have to regulate this is -- is -- well, I know Councilman Cavener has been looking at this for a long time, too. I don't know. It just -- it feels like it really -- like this is tough to approach. You could address the question about -- and there was quite a bit of public comment about, you know, people living in RVs as well.

Ooi: It's also a separate code not being modified. So, it's called traveling sleeping quarters. So, traveling sleeping quarters is similar to like public disturbance. So, disorderly conduct is if someone's camping in a trailer without permission. So, if they are in a park and ride or if there is something that can be addressed and cited an officer on -- at the time. Traveling sleeping quarters is in the UDC and that's for the property owner and you could give someone permission, but, then, they are responsible for that violation. So, that requires us also to notify. So, it's still enforceable. It is a hard code to enforce. We usually require someone to give us a statement as to why they believe someone's

living in it, because we won't necessarily see it from the street. So, there will be a witness testify to it. But it's still enforceable. It's not being changed because of this code.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: But -- and I guess the question would -- and part of the feedback that I have received is that by doing this it may give people the impression that they can or that this somehow opens that up. Maybe we have the regulation in another place that they can't, but I think that there is definitely -- at least from -- from some feedback I have received in my neighborhood -- a lot of concern about this opening up ambiguity, that that is, then, permitted. So, I think whatever we do there would need to be a -- if we do anything there would need to be a big education campaign about what this does and doesn't do, because I'm receiving a lot of concern just about -- a lot of confusion in my own neighborhood and I, myself, am confused, being perfectly honest.

Simison: Maybe we will have three Council Members door knocking this fall making them hand out flyers and educate folks. Council, any additional questions at this point in time?

Ooi: May I respond to that? I think that there is a section in the code that states that it -- we won't allow people living in it. I think that it's actually written in there. It might be the nonmodified, but I think that there is a section that says that under no circumstance does this allow someone to live in the trailer.

Parsons: Yeah. Mayor, Members of the Council, Lacy's correct, if you look at the code. It prohibits people from living in -- in your RV, camper on the side of your home.

Simison: Are we ready to hear from the public? Mr. Clerk, do we have a sign-up list?

Johnson: Mr. Mayor, we separated these out and the ones labeled RV parking two people signed in. Both said no to wishing to testify and there were no online sign-ups.

Simison: Okay. Well, we know we have at least one that would like to testify. So, now you can come forward and be recognized for three minutes. And if there is anybody online that would like to provide testimony on this item you can raise your hand and we can bring you in. Yeah. Well, we will have -- there will be more people as well. There will be plenty of time. So, Randy, you are recognized for three minutes.

Spiwak: My name is Randy Spiwak. I live at 14580 East Loyalty Street in Meridian. Just a little bit of background. I retired as the president of Daytona State College in Florida, a school a little bit bigger than Boise State and was 41 years in higher education in Florida, so I'm very involved with the state -- state legislature and state department of education and rule promulgating and statutes. So, when we retired here back in 2010 after being a homeowner for 16 years and a place in McCall for 20, I got involved with the homeowners association. Served on the board for seven and a half years in one and two years now

on a second one and I was made aware of these amendments to the UDC and read through and I got to be a little bit concerned of the same ambiguity that we were talking about. What is an HOA going to do? I had formed a nonprofit corporation back in 2014 call ID-HOA. Idahoa. Not Idaho. And all I do is offer voluntary, at no cost, training or assistance to HOA boards all across the state. I have done about 149 just here in the valley and as far north as Coeur d'Alene and far east as Pocatello. But one of the things I tell boards is that -- HOA boards is it's our job as an HOA board member to uphold the CC&Rs that we all agreed to when we bought our property, not to enforce city code. That's what code enforcement does. Likewise, HOA boards should never ask code enforcement to enforce the CC&Rs. Ever. It's not their business. It's our business. When I read through this, because of the language in here, I thought, oh, lordy, here we go. Every homeowner who wants to park an RV in front -- in their yard, make a side area where the CC&Rs and majority of our homeowner associations do not allow that, then, it's the fight. It's not going to be the city that's going to stand tall for us, the HOA boards are going to have to stand tall for themselves and explain to homeowners, no, that code doesn't speak to you. Well, where does it not speak to us? Well, just out of curiosity I called Ted and I asked questions about where in the code do we speak to existing easements, covenants, things like that and the only section -- we never speak to homeowners association at all in the code and probably shouldn't. The only place we did I think is in 11.3 under interpretation and it's talking about the height of structures and things like that and it just says that if city code is more restrictive it shall prevail. It doesn't have paragraph -- the next paragraph that says that if the CC&Rs are more restrictive they shall prevail. It's -- it's intended. I also asked Ted in your notes -- the notes and reasons that are out here to the side, when are they ever promulgated in the code? They are not. They disappear. After this meeting, if this gets approved, none of that side of the page exists anywhere other than in your minutes. So, that nothing, again, that a homeowners association board can fall back upon and say, no, this really didn't make the CC&Rs less important, it doesn't -- it -- if they are more restrictive they stay in place. So, what I did for you -- and, then, I will just answer questions. I drafted two additional amendments to the code. One that really defines covenants. Covenants, conditions, and restrictions, CC&Rs, that could fall in the definition section. At least it would then -- our code would speak to existing code. HOAs make up 67 percent of your voters in the city. So, I think we probably ought to consider something like that. The second was should we have the quid-pro-quo? You -- we speak to the city code being a -- governing when it's more restrictive, but we don't speak directly to CC&Rs or other forms of covenants or easements or enforcement as governing when they are more restrictive. So, I have given you just two possible things. I think they are on file with the city clerk and I left copies. I will answer questions.

Simison: Thank you, Randy. Council, questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To that last point, that -- I think the confusion that's created by the proposed language would be if there is a CC&R provision that is more restrictive, both code and the CC&Rs both govern, you just have different entities that can enforce it. So, the language that says when it's more restrictive, the more restrictive shall govern, the intent is -- is correct, but I don't think it would be accurate necessarily to the public, because the reality is you are really going to have both provisions, you are just going to have two different entities that could --

Spiwak: The problem in the eyes of the public is they are going to look at city code as the code and CC&Rs as CC&Rs and, then, we are going to have to spend the time and legal fees to defend our CC&Rs, not the city.

Borton: The unintended consequence might be a citizen coming to the city and say, city, you said -- your code says this private language governs, so, city, make that happen and the reality would be it's not our deal, that's your -- that's a private contract. So, I get the intent, I just was thinking of an unintended consequence that might come from that language.

Spiwak: So, I think the greater of the unintended consequences is not addressing -- that other easements, covenants, and things do exist and the city is not trying to overrule them. I support the language that's in there. It will make it easier on code enforcement to do their job, but I just don't want to make it harder on 344 HOAs in the city to try to uphold the CC&Rs and that's what we are asking.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: To that point maybe either to Bill or Ted. Is there a way or a mechanism that we could place in code that says, look, the City of Meridian is not in the business of enforcing CC&Rs. We recognize that they exist as a civil contract between private parties and to Mr. Spiwak's comments that we are in no way, shape, or form trying to hinder or prohibit CC&Rs from enacting their own rules or, you know, covenants that make sense for the values of that particular neighborhood. Almost a declarative statement. I just don't know if -- if that's something we have explored and if we could do something along those lines.

Baird: Mr. Mayor, Councilman Cavener, I'm also interested in hearing Bill's -- Bill's opinion on this, but it operates by force of law that -- it's a contract between the homeowners amongst themselves to enforce amongst themselves and I'm just very cautious when we start making declaratory statements in our codes. You know, I get a couple phone calls a year from -- from folks asking about CC&Rs and we have our standard response that this is -- this is your contract. We don't get involved. I'm happy to help you hand out pamphlets that say the same thing, so -- but, again, I'm not saying we couldn't do it, I'm just saying let's be really cautious and -- you know, Bill is more of the keeper of the code,

so I kind of want to get -- get your thoughts on -- on if we want to go into that territory, Mr. Mayor.

Parsons: Yeah. Mayor, Council, certainly happy to provide some context on this. You know, from -- from planning's perspective we try to educate the public on CC&Rs and we are very clear in our messaging to them as well. We tell them that the city will not enforce CC&Rs, that's something that you as a homeowner bought into that subdivision, you knew what you were getting into, what -- the rules you had to follow when you moved into that subdivision and for me that's what this really comes down to. Do we really need to codify something or is it more of a public outreach? And I think from my perspective I think it's more of a public outreach, because I don't want to be in the business of maintaining or -- it doesn't feel good to tell somebody that we can't help you and that's what I feel like we are going to do if we put that in the code. I can enforce the code. I can say here are the rules, but without being a party to those CC&Rs and know what the homeowner signed in that contract, I wouldn't know how to advise them. It just -- to me it just seems to complicate things for us as far as planning. That's why we have always taken the stance of going back to even Ted's comments, that, you know, that's something that we are not going to enforce, it's something that -- it's more of a civil matter than a city issue. That's kind of been my experience with them.

Simison: Council, further questions for --

Hoaglund: Mr. Mayor, one more --

Simison: Mr. Hoaglund.

Hoaglund: Mr. Spiwak, thanks for being and here and your -- your experience and one of the things we -- I noticed throughout was some were saying -- of course the argument was, ah, you know, we are more restrictive, don't take that away from us, which we know now it's not being taken away from the local CC&Rs, but a lot of -- there are folks who wrote in and said, you know, my HOA doesn't enforce our CC&Rs and, you know, I would tell them -- you know, I didn't comment, because if it comes before us at the time, even though it's a UDC text amendment, but I would tell them that, you know, it's your HOA get involved. Is there any other advice you would give people if they are in a homeowner's association that just, yeah, they are not doing their job. I know it's -- it's their deal, but have any other suggestions for them?

Spiwak: Mr. Mayor, Councilman Hoaglund, you are seeing exactly what I tell them. You have to be involved. It's -- we are all volunteers. We are unpaid. But it's letting the homeowners know this is what it says. It's in writing. When you bought your home it was handled -- handed to you by the title company at closing and you accepted this to live in a better community, one that you don't have parked cars parked out in your front yard and 16 trailers and everything else. You live in a nice community, which is the vast majority in Meridian. This is a beautiful city and I think our HOAs go a long way to help that. But that's the advice we give is if you are going to run for office, then, do your job and if you

are not, don't, and, then, there are some that have a hard time getting board members for that reason.

Simison: So, if I could ask a related-unrelated question, but what we are here for -- in your opinion -- we are going to go on opinion -- what should be the standard for changing standards within the community, HOA and city? I mean when everyone moves here -- I mean these are standards that we have had for the last, you know, 14 years and if we are going to -- or 16. I can't do math. Seventeen years. If we are going to -- you know, HOAs, it's not uncommon to have a hundred percent requirement to change CC&Rs. You know, obviously, cities we are not going to have a hundred percent, but how do you go about changing a standard effectively in an HOA if you were to suggest it?

Spiwak: Mr. Mayor, it's extremely hard. Most HOAs require between 67 and 75 percent of the homeowners to agree to any change. It's difficult. I spend a lot of time helping soon to be HOAs dealing with a developer rewriting those -- the CC&Rs and bylaws before it's turned over to homeowners, going from developer centric to homeowner centric, then, you can manage it. But I think the group that you already have here in place, the HOA leaders committee, that Jodi heads up, I serve on that one, too. I think advise to them -- and I can give advice to as many HOA board members as I can get to on things that we ought to do as HOA boards to help support city code and not pass off our own problems on the city. Likewise, that do our jobs and do them correctly, it makes life a lot easier. People don't complain if you are fair and if you are not -- if you are just following the rules they all agreed to -- or they won't complain long. But I think we are doing some great things in the city that many cities don't do dealing with HOAs.

Simison: Council, any additional questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: One real quick one. Mr. Spiwak, University of Daytona in Florida?

Spiwak: It's Daytona State College. It was a community college years and years ago and, then, we went four years when I was their president to 17 bachelor degrees. Many of the community colleges did, because our flagship universities couldn't keep up with the demand, but we did.

Hoaglun: That's awesome. Well, thank you. Appreciate you -- that you made Meridian your home.

Simison: Thank you.

Spiwak: Thank you very much. Is there any other member of the public in the audience that would like to provide testimony on this item? Do I still have the deputy chief with his hand raised. Oh, yes. Come on up. Sorry. Just come on up to the podium and state

your name and address for the record, be recognized for three minutes. Deputy chief, we will get to you after the public.

Morris: Good afternoon. My name is Michael Morris. I live at 604 West Pennwood in Meridian. I have lived there for 15 years. I have been a citizen of Meridian since -- I'm not going to say how old I am, but Fairview and Eagle was a four way stop sign I used to catch the bus at. So, it gives you a little idea of how long I have been here. I want to speak on behalf of Lacy -- not on behalf of her, but to enlighten you on some of the things that I have come across in the current codes that are a little bit convoluted and it just takes a little common sense to look at it and you will understand that there is -- it does need to be examined. Maybe not changed, but just the language of it repaired. I will give you an example. It says that all boats must be registered if they are in your driveway. Now, number one, Park and Recreation has a barrage of boats that don't require registration. Canoes, kayaks, certain sailboats, what they call drift boats. They even have lidos, which are dinghies -- they are called dinghies that don't, but the current law says they do. So, you have got two opposing rules going on right now and, then, you have -- one of the other issues that I ran across was the gravel driveways, which, you know, there are a lot of older homes there, they are not -- we are going through tough times. People just can't dish out 15, 16 thousands to pave their driveway in the back and there is a -- what you mentioned strips, but was never mentioned. Does a strip have to go to a pad in the back? Can a strip go all the way in? And, then, even then what is the back of the house? Now there is different descriptions. There is codes that say this is where the subdivision said your backyard was, but people push forward to get more room, they put fences on the side of their house to cover the new trash cans. I have done that. So, it looks like my backyard is actually 25 feet, 30 feet in front of where it actually is. But as far as the gravel, I measured my gravel. It was put in four inches to code. It was put in in 1982. So, prior to any codes, but it was put in. Now, anyone in the right mind knows -- man, woman, knows that if you drive over gravel X amount of times it's going to cave in, it's going to drop down. So, I measured mine and I had three and one half inches of gravel. I just basically stuck a ruler in. Didn't shovel it out, just what it would fit in and it came to three and a half. But yet I still got a letter from the city saying it has to be four inches. So, there is a lot of things that need to be re-examined on that that are just common sense reasons, so -- I was working with Tammy. She was very helpful to me. She made a couple phone calls and I got some phone calls back within an hour, when I was working on it for almost two years and, you know, then, COVID came and everything went south on us. So, I'm not trying to complain or anything about that, but I do have code enforcement problems and Lacy came and talked to me and we had a discussion. It was a -- you know, it was about a hundred degrees out there and I could see she was getting hot and I was getting hot. I had iced tea in back. But, then, she doesn't remember that I was out there for five years doing the work myself out in the heat. So, I understand it was uncomfortable for her, but I'm out there every year cleaning and maintaining my yard and doing that stuff, investing a lot of time in the heat. So, I just wanted to make that statement as well. But I understand. I just hope that, you know, it can be looked at -- if not -- you know -- not rebuilt, but just the definition and the continuity of it examined, so that those details are worked out, so you are not saying this is against the law and Park and Recreation are

saying, no, this is not against the law and now I'm a citizen in the middle going what do I do? Who do I listen to? So, thank you very much for your time.

Simison: Thank you. Council, any questions?

Morris: My first time.

Simison: No problem. Thank you. Is there anybody else that would like to testify? I don't see anything over there. Okay. Deputy chief.

Bongiorno: This is different for me. It's only my second time coming and presenting. Joe Bongiorno. 5144 North Cunard Way, Meridian, Idaho. I just wanted to tie onto what Mr. Spiwak said and what Councilman Hoaglund said. So, I lived in the Sunburst Subdivision for 19 years. I was the HOA president for ten of those years. Long time. And for me -- we had 25 year old CC&Rs and so for me I couldn't enforce 25 year old CC&Rs and so as long as Lacy attests and her crew can attest, I called them a lot, because the only thing I had as an HOA president was the code and so that -- I used the code and code enforcement to help me with some of those issues, because my CC&Rs were old and they -- they -- they weren't enforceable. So, with the help of an attorney, we had them rewritten, but it took me three years to get them approved, because of what he said, you have to have 75 percent of the -- the whole community to approve them. So, it takes a long time. It just doesn't happen overnight. So, for me I just -- I just wanted to make sure that the people that live in the older subdivisions that have old CC&Rs that are not enforceable -- and they still have active HOAs, because our HOA was very active, but I just couldn't enforce it and so for me the code is very important for people like myself that needed to call code enforcement, because I needed help. So, that was all I wanted to comment.

Simison: Thank you. Resident Bongiorno.

Bongiorno: That's ex-president.

Simison: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question.

Bongiorno: Yes.

Strader: So, if -- if -- you are not currently in that role, but if you were, do you think that this would clarify and make that job easier or do you think that would actually complicate the parking situation, if you were in that role today? These changes.

Bongiorno: Oh, I think the changes are great. I support Lacy in what she's doing, again, because our CC&Rs are old and were not enforceable, it would definitely help.

Strader: Thanks, Mr. Mayor. And so like in that example, you wouldn't have found yourself in a position where you were trying to enforce a norm in your neighborhood that was more restrictive and, then, you wouldn't have found city code to be less restrictive, you are just saying you were in a position where you couldn't enforce it all?

Bongiorno: I couldn't enforce it all. Correct. Sorry. Mr. Mayor and Councilman Strader, yeah, I couldn't enforce it at all in my situation. So, out of the -- I forget what he said -- 340 whatever HOAs, there is a ton of them that are old and have been around the city for a long time and they have old CC&Rs that are not enforceable and either the HOAs have just died and don't exist any longer, so for us this -- this -- I utilized code enforcement. Now, my current HOA -- you know, obviously, I'm in the Oaks North, which is brand new, so they have a full -- you know, you got to submit paperwork and do everything. So, they -- they are there on it. So, different story there.

Simison: Thank you. And, Council, I know this is the last person that we signed up to testify, but I think -- at least from my standpoint, in terms of maybe framing the conversation -- maybe not framing the conversation, but it's really what is the standard that you want. To me the HOA conversation is good, but it's not -- it's really not what this is about. You know, HOAs they -- they can make -- do those. The HOAs come and go. I mean we have situations in Meridiam where we have all these HOAs that they have gone away. So, the standard long term -- it's fair to say HOAs are going to be the standard bearers for how all these -- how we are going to look and feel as a community, it may be correct and it may be different, because they can dissolve themselves and we know that, even with property, common areas. Councilman Hoaglun sent a question on a different, but related common property along those. What do we -- what would we want the standard to be that they -- the homeowner would be expected to maintain on those common properties if the HOA went away? So, it's really what -- what is the standard that we believe is appropriate for the community short term, long term, any term. That's what I hope that we would at least focus the conversation around and not about the HOA impacts, because each one of those is going to be different. Everyone has a got different HOA. Some have this -- you can't do this, some have other things. So, let's just at least try to focus on the impact city wide and not about the HOAs if possible. Two cents.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Process question. We have had one issue before us. We have heard public testimony. Do we want to -- staff, Mayor, are you looking for us to act on each one of these individually? And, then, we will max on one and, then, move on to the next?

Simison: That's what I think we talked about at least earlier was trying to resolve this, if possible, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I will start a conversation if that's okay, because -- and I think I will start -- Mr. Mayor, I think you asked a really good question about the values of our community and I think if you asked all seven of us that same question -- if you asked all seven of us what you want for lunch you are going to get eight different answers. For me one of the things that I really like about Meridian and about Idaho is that we are a community that focuses on the lightest hand of government and that's a value that I -- I hold really true to. Except for maybe when it comes to public safety and health and safety and I think that's a little bit of a different piece. But a lot of this is in UDC, which doesn't always regulate public safety, it's more about quality of life. So, some -- Council, I guess past and current, know I have talked a lot about this issue and, ultimately, I wanted to get us here to this point. You know, we have heard from our citizens who have asked about this, we want to be able to park our trailer, we don't want people to park their trailer. I think -- I'm just glad that we are having the conversation, so that we can say this is where the current Council stands. We are either in favor of it or against it. I don't have these toys. Maybe one day I will be lucky enough, but I don't, but what I do see is that a lot of our citizens do and I do actually think that the parking on the street poses a little bit of a -- of a life safety issue. Great example happened this morning. I'm taking Porkchop to Y camp and I'm driving through this beautiful neighborhood in south Meridian. It's trash day, so trash trucks coming through, we got a trailer, an RV parked on the other side of the road and there is a car and there is not enough space, really, for me to kind of navigate through and I worry about pedestrians or kids on bikes go into Y camp or a fire truck coming through, what that impact would be on life safety. Ultimately, I don't want these things parked on the streets at all. I don't want them parked in driveways at all. But the law is going to allow them to park on the street for three days and so to me I think what's being proposed is the lesser of the two evils. Council Member Strader, I applaud you so much for trying to find an alternative angle to make it work. I think I have got a spoiler alert. There is no silver bullet for this. There is no way we are going to solve this. People who are going to game it are going to find ways to game it. So, then, to me it boils down to two things. One is I personally take a little bit of exception when homeowner association management companies use taxpayer funded resources to enforce their CC&Rs and I know you all read the significant amount of testimony that we received, but I read one yesterday that really stuck out and I want to read it for the public, because I want them to hear it. This is a very challenging item for communities as well and with this change we won't be able to lean on the city to assist them with the enforcement. We are not in the business of enforcing CC&Rs. I don't like us talking about CC&Rs, but when it starts to involve taxpayer funded resources I guess I -- I pipe up a little bit. So, if there is no silver bullet, we don't want them parking anywhere, but they are going to, I'm going to default to -- it makes more sense for me to let these people park the things they own on their own property, as opposed to parking it on public property. I want to thank staff. This is -- I feel like the fact you don't have my haircut is a testament to your patience and your grace, because it's a really hard issue to solve. There is some things out there that I really like. There is some things that I kind of scratch my head on. But I appreciate what the staff is

trying to do is to try and capture what our community -- how they can best serve our citizens. We heard again, time and time again, the customer service that you bring. You want to try and solve this issue as best as you can and create some clarity so that you can do your job well and so that our public can follow it. So, I'm supportive of what's being proposed, but I'm really pleased that we are going to at least have the ability to answer this question tonight for the public.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Councilman Cavener. I love that discussion. So, yeah, there is -- there is not going to be a magical solution to it. I -- I also default to the safety concern for me. I guess what I'm wrestling with -- you know, I know we have in here -- and I'm reading -- you know, you can't encroach on the sidewalk. Is that really enough? And is this really safer is my concern, because part of my concern is these vehicles are huge and we are finding that there is a lack of visibility as kids are walking behind large vehicles on the sidewalk. So, I guess my concern is -- is this really safer? And are we dialed in enough to prevent that from happening?

Cavener: Mr. Mayor, maybe I will respond. I will play attorney for five seconds. It depends. Right? Huh? Not bad? Not bad? All right. All right. And I will give you an example. Because -- because this is something I have wrestled with. My next door neighbor has the coolest boat. Like it's amazing. It's got speakers and wakeboards and I -- I think it's a transformer. When he bought it it didn't fit in his garage and so he's parking it in his driveway and it extended out into the sidewalk. That was concerning. It was a safety issue. For me that's less of a concern than the large RV that's placed on a hard corner to the entrance in our neighborhood in part because I see more pedestrians accessing to go out of our neighborhood than in a cul-de-sac. So, I think -- I think it's going to be subjective. To me I think that you have a more consistent -- you have safety if those items are parked in a driveway where they are confined to the property than on a public street where they can move back and forth and all around. For me. And, again, I guess it somewhat depends.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, I want to make sure I'm clearly understanding what it is that we are deciding this evening. Is it only the proposed changes in this document that are underlined? And are we permitted to have discussions -- or I suppose we are permitted to have discussions, but are we permitted in this -- in this approval -- or not approval to modify anything else that's currently in code or does that need to be, then, some -- a future discussion that we have for another public hearing, et cetera? The reason I'm asking is I would like to continue the discussion about the requirements for the surface on which the vehicles are being parked. I don't think that it is -- I think we need some modifications of

that, but it's not currently in any of the vocabulary, any of the -- the changes to the wording that is being proposed in this application.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would -- I would propose that we stick to what's being underlined and, then, circle back in the future at some point talk about your concerns, because I think that you probably have support with -- with that, but I don't know if right now is the right time to have that discussion, is my opinion.

Simison: Well, question for -- I guess even -- so what about the stuff that is underlined to be modified? Or -- so, that -- so, what's -- what's the underlined we can amend and modify if we so choose, but what's being taken out -- for the other stuff that's not --

Bernt: Mr. Mayor?

Simison: Okay.

Bernt: My own -- I have only been on Council for four years and it seems much much quicker than four years, but I -- we have had this discussion at least two or three times. Maybe. I don't know. You know, talking about UDC changes and such and I would agree with Councilman Cavener, there is no real silver bullet to this. I mean we -- there is -- in my opinion, there -- there -- and also I can say that out of what's been presented to us for recommended changes, I believe this is, generally speaking, the best that we have seen and -- and I -- it's -- it's hard and Lacy's in a tough spot trying to enforce these -- our code and I do believe our staff and those on Lacy's team do a phenomenal job in what they do. Generally speaking, I am in support of what's been presented and so I will be voting -- if we are doing a vote or we are just taking head nods, I'm in support.

Cavener: Mr. Mayor, are you -- are you looking for motions then? Are you looking for head nods?

Simison: Looking for Council and anybody else -- I'm -- it's been requested I don't speak until other Council have spoken, so I'm trying to be reflective and let every Council Member get their comments out from that standpoint that would like to speak, so -- I don't know if we still have a few that are kind of maybe waiting. Maybe not. I don't know.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: As far as the language that has been proposed in this specific application regarding UDC pertaining to the RVs, boats, and whatnot, I'm in agreement with what is currently being proposed. However, I don't think that it's going to -- I think there are some

additional UDC changes that need to be looked at and made to the language that exists and I would propose that we review that in the future and I think it's -- I think there is going to be -- sorry. I think there are -- are still -- there is still a little ways to go on this. This -- being in -- in the real estate industry, have these conversations frequently with homeowners. Very familiar with questions regarding what can I and can't I do with my property. Is the HOA going to allow me to do -- there is not a lot of conversation, though, about what the city allows me to do and I think people -- that's sort of their last kind of question, they don't think the city even has anything to do with their private property within the boundaries of the real estate that they own and so I'm kind of thinking through from that perspective and how it might be easiest to enforce in that regard, so it's not uncommon, if there is not an HOA, for a homeowner to assume that they can already park a vehicle on their property. There is not -- it's -- it's really even questioned that there is an assumption that as long as there is not an HOA present that they have the right to do that and so if we are saying, indeed, you do have a right to do that, then, we need to be really clear about what has to happen prior to them exercising that right and that's my concern regarding paving and the gravel and whatnot and, then, it's clear for folks that they understand there is a prerequisite to allowing them to utilize their own property minus any HOA limitation. So, that being said, I agree with Councilman Bernt, I don't have any issues with the language that is being proposed in this specific application.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm not -- I'm not there yet on it. I will be voting against. I -- I think there is an enforcement issue that maybe should be addressed separately and, then, we could do more research to try to address that. I am not convinced that moving vehicles off the street and into the street yard is an improvement to safety and that -- that is my primary concern is the safety concern as well. I just view it differently. I do think having somewhat -- if we were to do this in the future I do think having some clarifying language just to direct the public that if their CC&Rs are more restrictive that those will govern them and be enforced by their HOA, if that's all contained together and clear who enforces it, I would strongly be in support of that, because I think this just creates a ton of confusion and I also think if we don't think it's -- if we are not convinced it's fundamentally solving the problem, my default to changing language like this that people rely on is to not change it until we think we have solved it.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. I think overall these are -- these are good changes. They are not a hundred percent. I mean nothing is and we are trying to do the best we can. You know, I look at the things where -- in Item B where, you know, if you don't have a recreational vehicle -- personal recreation item, boat, trailer, parked in the street, then, you can park on the side. There is going to be people who want to do both and, you know, it's just the

way it's going to be. You are always going to have to deal with some of those things and I think it's -- it's a good step and something I can -- I can get behind for -- for this.

Bernt: Mr. Mayor? Bill, can you -- can you scroll up so we can get that -- keep on going. Keep on going. Keep on going. Keep going. Down. Yeah. There -- is that it? Okay. Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve 11-3C-4A2 as amended.

Cavener: Second.

Simison: I have a motion and a second. I don't know that we need to do it officially now. I think there is enough recognition to leave it in towards -- to do it the end, as compared to an individual. What is -- Legal's preference would be to do it all at the end?

Baird: Yes. Mr. Mayor, because you have a file that you are taking action on, I think it makes sense to do exactly what you just did, capture that, somebody write it down and incorporate it all into a big enchilada at the end.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I have a question about the motion. Is Councilman Bent proposing that we only take action on one section of the code that's -- of the four that are in -- that's in our -- our sheet here?

Simison: I think he was just trying to put this one to bed, but what we just -- we are going to not take action until the end. That way if it is bad enough you can all vote no against all of it, instead of just portions of it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would be concerned about taking that approach, because I have an issue with this change to the code, but I might be okay with other topics, like our open space standards or things like that. So, I -- I mean I guess, yeah, I would have to decide how material this is to the whole package, but is that really the most efficient way to modify the UDC?

Simison: I think it's what you have in front of you at this point in time is in that fashion and you would have to probably restart separately if anything -- if the -- if that was the case,

as compared to voting individually, but I have been looking to the attorney and that's kind of what I gathered from a nonstatements statement.

Baird: Well, Mr. Mayor, that -- that was certainly my preference that I expressed. I am looking at -- at Bill who has to -- to write this up. You know, if you want to try to pull it apart tonight or --

Parsons: Yeah. Mayor, Members of the Council, that was the purpose of why I created Exhibit 1, 2, 3, 4, 5 is because I knew it was all intertwined into one application, but for simplicity -- for simplicity I was hoping that if you had concerns with Exhibit 1, you could state that as you deliberate in your motion. So, for example, you make a motion Exhibit 1, we want these changes, we don't want this change. Exhibit 2, we want these changes, we don't want these changes. So, that will give you that opportunity to say you don't like Exhibit 1, but you are good with the other changes. So, I don't want you to think that you can't do it that way, but as far as a motion goes, breaking it up in separate exhibits is easier for me to track the changes for you and allow -- allow me to get the right commentary for each of the changes that I'm sharing with you this evening. So, that's really the goal. It's still one motion, you just have to say Exhibit 1, 2, 3, 4, 5 and how you want to proceed with those changes is how I kind of saw the -- the night proceeding. And the reason why I had the procedural question tonight is because I knew this RV topic would spur a lot more conversation than potentially the -- the other four that we are going to be going through this evening. So, I just wanted to allow people to voice their concerns and, then, move on to the other ones. So, hopefully, as we progress through tonight things will provide additional clarity and get things moving along a little quicker.

Perreault: Mr. Mayor?

Simison: Councilman Perreault.

Perreault: For further clarification, each of the UDC sections that are proposed here -- my preference is to potentially address them one by one, because, for example, we have not had a discussion about 11-1A-1, the dismantled vehicle definition. We haven't had a discussion about 11-1A-1, vehicle wrecking or junkyard. So, I would hate to completely, you know, throw the baby out with the bathwater and those might be fine, we might be okay with approving those, but maybe there is another section that we are not okay with approving. So, I guess I'm curious planning's opinion on that as well. Do they want us to make a decision on each one of these UDC sections all together or can we possibly address them individually?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: What I think I hear everyone wanting to do, which makes great sense, is walk through them, discuss them, put a pin in changes, get some general consensus, move through them all, complete the public hearing. It's a single public hearing for all of the

considerations. Close the public hearing and, then, when we start taking action we can chip at them one at a time and a provision one -- one proposed provision can get approved. The next one. And that way it's not all or nothing. We might adopt one, two and six and not the others. It allows us to act on some of it.

Perreault: Mr. Mayor, for clarification.

Simison: Council Woman Perreault.

Perreault: What I heard Mr. Parsons say is that he proposes we address each exhibit separately. I was specific -- I was -- I was specifically referencing only Exhibit No. 1, so --

Parsons: Mayor and Council, I think -- it's anything that goes in those exhibits, it's not just specifically that exhibit. So, anything within that exhibit -- all of these changes if there is something you want to change you are allowed to do that.

Simison: I guess from a procedural practical standpoint I'm not aware of making actions to approve or disapprove until public hearings are closed. So, if you want to close the public hearing and start going that direction, but until you take that action I don't think there should be motions specifically that would be binding. I get the sense of where this one is. I got a four to two, five to one, it's going to stand, you know, but we can come back and make a difference, but I think at least make that determination. Close the public hearing, then, you can start making motions all you want, but I don't think that we are there yet. Does that work? Close the public hearing and, then, you can come back and do them one at a time?

Hoaglun: So, Mr. Mayor, we have officially withdrawn the motion -- maker of the motion --

Bernt: Withdraw it.

Hoaglun: Okay. Thank you.

Bernt: Terrible motion. Bad timing.

Hoaglun: And Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Before we move on to the next -- the open space discussion, are we able to take a few minute break?

Simison: We would love to do that. We can take a ten minute break, if that works, and we will recess until 8:10.

(Recess: 7:58 p.m. to 8:12 p.m.)

Simison: So, Council, we will go ahead and come back from recess. Bill, we will turn this back over to you for however you want to proceed down the next items.

Parsons: Thank you, Mayor, Members of the Council. Sorry for the confusion this evening. Tried to lay out a process for us all to follow, so we can get through all the changes, because I knew the last hearing was -- was fairly lengthy as well. So, the next couple slides really are just meant as updates. I know we -- as I mentioned, we -- we spent a lot of time and on the June 1st hearing going through all of the proposed changes and its language. But I did want to just remind the Council of some of the topics of discussion we had. So, if you -- if you recall, as I mentioned earlier, there is five -- really five exhibits associated with all of the UDC text changes for this round. Exhibit 2 really dealt with multiple sections of the code and they are just miscellaneous changes.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Bill, I'm sorry for interrupting. I think if -- if we are going to be talking exhibits, probably should give Council a moment to get that pulled up, so that we are able to kind of track along.

Parsons: And I can do that as -- as I get to that. So, let me make the point here and, then, I can pull up the exhibits for you. So -- so, really, as I recall on this particular exhibit, the biggest topic came down to some wording about staff wanting revised language -- or, excuse me, revised plans prior to transitioning either to Commission or Council when you guys have requested changes and I remember the Mayor bringing that quite a bit on wording versus shall or may. So, again, it's just more of a reminder of what we talked about as we transition to potential motions this evening. But, again, I will go -- kind of pause here, bring up those changes, show you what I'm talking about, so you guys can -- can look at all of the proposed changes with Exhibit 2. And, forgive me, it takes some time to navigate all this and pull it up over here. Is anyone seeing this one or is it still -- there we go. So, yeah, you can see here -- again, my intent tonight is not to go through all the changes. I think, again, we beat this to death on June 1st. I really just want to make sure that -- you know, give you guys a synopsis, again, what we talked about. There is quite a bit here to go through. But, again, one of the topics -- again, a lot of this we talked about. There wasn't really any -- any other concerns from the Council, except for really 11-5A-6G and that really came down to whether we wanted to soften that language from shall to may and at least -- it may be required, it may not. So, I think that was the conversation that I recall. So, however you see fit on changing this verbiage this evening. I just ask that you incorporate that as part of Exhibit 2 in your motion. Any question on any of these changes before we go to Exhibit 3?

Simison: Or direction?

Parsons: Or direction. Yes.

Simison: I think that's more important as -- Councilman Borton.

Borton: Is it a request for direction. I like all the changes you made and the shall we are talking about in this last paragraph, that last sentence, the project may be continued, is the one we were talking. Okay. Looks great.

Parsons: Perfect. And moving on -- move to Exhibit 3. And this is one that I -- I know we spent quite a bit of time on as well and I know a lot of these -- a lot of the changes with the UDC are -- there -- there is a lot of verbiage to go through. But, again, this is to make it more enforceable and easier to administer. But I think, as I recall from the discussion, the biggest topic that we discussed was the tree mitigation fund and whether or not we wanted to set that up in code and I will go ahead and scroll down to that section for you, just to -- so you guys can recall the conversation. Right now we have verbiage in this section of code that we are asking to keep it in code and, then, determine a fee at a later date. But I recall from this body that it was potentially the intent of Council to actually remove that language from the code. So, again, in a possible motion this evening, if that's something that you don't want to support as far as the UDC changes, then, I would just ask that you strike that language and that would be under tree mitigation.

Simison: Well, Council, at least from my conversation with the director, he has no issue, unless he left me a voicemail earlier, unless it was related to this and I didn't check, but the -- I don't think there is any expectation that we set up a tree mitigation fund. It was really more of a thought concept, I think, more than a hard proposal. Even if you are listening or parks, you can correct me, but it's been my conversation to this point in time and not including that moving forward.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think -- I think in our last conversation that -- that was where we landed. I'm not sure everybody was here. So, they have a different opinion. But it just felt like a way for somebody -- I was concerned it wasn't totally flushed out myself and putting it in doesn't seem like a great idea if it's not fully flushed out, is my recollection of it.

Parsons: Any direction or question on this exhibit?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If I understood that correctly, then, what we are looking at here is paragraph seven will be removed?

Parsons: That would be correct.

Borton: I agree with that. I think it's what Council Woman Strader is talking about as well.

Parsons: So, in rounding up the conversation this evening, certainly want to focus more on open space amenities for our residential and our multi-family developments. If you recall this item was continued from the June 1st hearing for the purpose to get more public input, feedback on the proposed changes to see if this was the right feel, right fit for our community. I recall at the last hearing that I shared with you that it's something that was brought up as a topic during our Comprehensive Plan update. You guys -- Council wanted staff to go out, do a survey, get a feel of what -- what the community wanted. I believe I sent both of these body -- both of you two surveys, one for public open space, but also one for private open space and, Council Woman Perreault, I did receive your e-mail this morning and I was able to get that in a better format to share with Council this evening. So, I don't -- I don't want to get us off on too much of a tangent of what the community wanted for public space, because these proposed changes are really what people want for private open space as part of multi-family and residential developments. So, hopefully, we don't get -- get sideboard or sidetracked on that conversation too much. I think everyone can agree that we all want more open space in our community and how that looks is different for every one of us. But certainly this body asked us to step back, have a town hall meeting, which we did on the 24th. You can see here that we had -- we didn't have a great turnout. We had about 30 people participate, either listening or providing questions. But the good thing is is we were able to explain those changes and so what I want to do for you tonight is do the same thing that I did at the town hall. I know some of you participated in that, but I don't think all the -- anyone listening on the phone or participating via Zoom this evening -- I think it would be a bit -- worthwhile benefit to kind of share where we are at now and where -- where the proposed changes are going, not only for you, but also for members in the audience as well. So, you can also note that at the last hearing we had a couple folks testify and some changes and proposed some new language for some of the changes to what we were proposing to the open space. I think a lot of the discussion, if I recall, stemmed around the number of homes fronting on open space and the way the current code is written it requires 50 -- 50 percent and I think the discussion landed around 25 to 30 percent, if I'm not mistaken. So, again, I'm going to transition to really where we are at today and how we got to where we are now -- or at least what the proposed changes are. So, as I will share with you current -- current code requires ten percent open space for any development over five acres or greater. This bottom -- the table below that shows you what we are proposing now. So, as I mentioned to you last hearing, there is a sliding scale here. R-2 we are looking at ten percent as we increase in density the expectation is that we increase in open space and, then, as -- as I also shared with you we also have -- expanded our amenity package and we also require, again, the number of amenities or points required per development is going to be based on acreage as well and, then, each amenity is weighted on a point system. Now, the areas highlighted in blue represent amenities that we currently have in code. So, that's really what I wanted to show at the town hall meeting is a lot of these are currently in code, but you can see how much we have expanded upon the amount of amenities

that the developer or property owner will have to choose from, which I think is a good thing.

Cavener: Mr. Mayor? Sorry.

Simison: Councilman Cavener.

Cavener: Mayor. Is it okay if we interrupt you through your presentation or do you want us to wait until we get to the end?

Parsons: It's up to you. I'm open either way. You know, typically these aren't that formal. I want to be able to answer any questions you have as we are discussing a specific topic.

Cavener: Mayor, a question for Bill. Can you give Council a little bit of back history on how points are derived? I mean why does a dog waystation equal half a point and an outdoor fire ring equal a point or bike storage is three and a clubhouse is six. I think a clubhouse probably costs more than two bike storage lockers. Help me understand how the point system was derived and what it's based on.

Parsons: Yeah. Mayor, Members of the Council, I can't give you all the specifics. As I mentioned to you I wasn't at every -- every open space committee meeting and these -- again I think a lot of the points system did come down to quality of life or how much recreation or amenity would be used throughout the year, because you are correct, if you have a pool you can only use that three months out of the year. But if you have a clubhouse you can use that year round. So, I think that's how we kind of derived as -- as to the point system where a lot of our bases were -- came down to that. I know Councilman Bernt was part of that committee, too. I don't know if he has any context to add to this discussion as well. But, again, I think that's where we struggled as -- or at least had the most discussion around those, like how do we come up with these points and I can't tell you if this is the right number or not. Again, this is where we landed. We had multiple meetings on this topic and we did adjust the point value based on those discussions.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Bill, on these points, it says maximum point value select the clubhouse 5,000 square feet or greater in size. So, it's either six -- if it meets that there is not a four or three or two; right? So, are all these -- it's either three or it's nothing or is there another ranking? I'm just trying to figure out a point value.

Parsons: Councilman Hoaglun, I think you are hitting it right on the head. I think that's a lot of the discussion we had is now I don't get credit for something if I don't meet these requirements and I think that's some of the commentary you heard at the last hearing is why does it have to be a maximum point -- or, again, if you look at the beginning of this

code -- and I'm certainly happy to pull up all the proposed changes, but the -- the onus is really upon the applicant to share what they are doing in their development. I think from -- from doing this so many years a lot of times we have applicants that do a very good job describing what they want, their vision for their community, and what they are wanting to do and we have some that don't do -- don't tell us all that information and so we are there at the 11th hour extracting that -- or trying to gather that information, which can delay a project and get -- get customers frustrated with us, because we don't have enough information to base a recommendation on and so if you look at a lot of this, I think the intent here is to give the developer greater flexibility. I don't think that we are going to not give them credit for doing something. An amenity is going to be an amenity. How we administer that is to be seen. We haven't -- we haven't -- I haven't tested the code against any projects, but I know members of the committee that sat on the open space committee did do that and they felt comfortable with what -- at least they felt they could still meet -- their products that they have on the books today meet some of the things that we are trying to achieve here. So, I don't want to think that -- I think there -- there is going to be some -- some ambiguous decisions made here. It is going to be subjective as to whether or not this is a premier community. We certainly don't want to do that in code. We like black and white as well and, again, these are topics that we have had multiple times. I don't know what the right answer is. I don't know what the right point total is. I don't know how to value something more important than something else. I know a lot of times this Council asks us to go to other communities and see if anyone has done something like this. I can't even tell you if that's occurred or not. I haven't seen a point system for amenities, but I know talking with other directors that some communities do do that for landscaping and Ada county is one of them.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, then, to -- to what you just shared and -- and to Councilman Hoaglund's point, if -- if an amenity is proposed -- and I assume staff is deciding whether they -- it receives the maximum value or not based on Section B under the -- B-2 the assigned point value may be decreased depending on size, quality of the feature, ease of the maintenance, durability, integration. Two questions in that regard. One, who is determining whether those criteria are met? Because I consider that really subjective. So, size we could, obviously, probably put some measurements on, but I determine a lot of that to be very -- I have concerns about those decisions being made and creating challenges for staff truly. I don't -- I don't want staff to feel like they are in a -- in a disagreement with applicants over -- over these specifics. So, that's question one, who makes that determination about whether the -- the amenity gets the -- the full amount of the points and has there -- was there consideration made to just assign a flat point value and, then, if the applicant proposes something that's extra special, that maybe there is some bonus points of some sort, instead of trying to do this sliding scale for each amenity, which seems very time consuming to me and also too subjective.

Parsons: Yeah. Mayor, Members of the Council, certainly -- you are right, staff is going to determine that, whether or not they -- they meet the definition of a premier community and whether or not we think it fits with the vision of the comp plan and meets the code requirements. Again, there is a component here. I mean like anything with annexation we have that discretion to do -- to require more or we have been asked to require more and so that will be something that we will analyze as part -- but, again, it's incumbent upon the applicant to share that with us. Why do you think this works in this situation? And I think for the most part applicants have done that. I think some of the developers in this room tell you that they feel amenities are more valuable than open space and that may be the option there. Maybe you value a dog park more than I would, because you love dogs and you have dogs or I like a pool and you don't, because you don't want the maintenance and upkeep. So, to you a pool site is valuable and that's -- that's the difficulty of this code -- or at least trying to balance that fine line of open space and amenities, because not every community is the same, not everybody wants the same thing, and that's why to me if they meet the criteria we are going to give them maximum points and, then, if they do a great job in their narrative explaining why they have gone a certain route or why they feel their open space meets -- I think we can at least document that and put that in the record and share that information to the decision making body and they can determine whether or not they met the test, the intent of the code. I don't want you to think staff is the only one making the decision. There is -- obviously, it's going to come before the Planning and Zoning Commission and City Council and you will have a bite at the apple, too, whether or not it's a premier community or meets the criteria that you -- you want to see in the City of Meridian. But as far as, again, a maximum or sliding scale, again, that's something that was discussed at the committee. A lot of -- again, this was run through my -- my staff, our team, and they had the same concerns. This is going to be very subjective and it's going to put us -- I mean we certainly want to work with our customers and applicants. We want to be mindful of what this -- how the citizens see us portrayed as well, because we want to be impartial. We want to look at the code, look at the comp plan, and say, yes, you are meeting these standards. That's what our job is and relay that information to you. But we have your -- we share your same concerns. We want to make sure whatever we do works for the community and that's why we are asking you, hey, is this the right fit for the community this evening.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Bill, putting -- putting this together, you know, it's -- it's something that you are -- you are working towards trying to figure out what do we assign, how do we assign it, those types of things. Have you taken that and, then, done trial runs on already developed facilities? Because I think of like Bridgetower, we have got two pools and lots of open space and a sand volleyball court, walking trails and, you know, nice playground, but, you know, for its size it may not stack up, because of huge amounts of open space, which is really wonderful, but, you know, it -- I'm just curious to see -- okay, did that play out in that -- in that scenario or if that -- and the other thing in assigning point value, I was just curious under C, ease of maintenance. I was -- I was mentally playing that around going do we

care about ease of maintenance? Should we care? I mean we understand, yeah, if it's durable -- even durability -- but ease of maintenance. That's a cost that the HOA is going to -- going to bear. I mean I would think they would want that and I think the developer would want that. Everybody wants that. But at the same time is that a matrix we should keep track of and utilize? So, it's just -- you know, just -- I'm just having a discussion here, just trying to get through some of this stuff, so if you don't mind.

Parsons: Yeah. Mayor, Council Member Hoaglund, that -- that's a good point. I mean certainly, as I mentioned earlier, we didn't ground truth any of this. We actually had participants of the open space committee look at their developments and they said it would work, what they have -- have already approved. So, they are confident in -- in how this was going to play out. But you are right, there is an extra credit if you do more than what the code allows. But, again, keep in mind that we always have alternative compliance and that's the one thing that we told the open space committee is alternative compliance isn't meant to get you out of code requirements, it's -- it's meant to allow you to do something new or innovative or allow you to do that in-fill or allow you to reduce open space if you are next to a city park. So, there is always going to be an outlier or some kind of situation that you don't anticipate when you change code and so that's what that alternative compliance is. So, that -- that's how I would guide somebody. Again, if they can't meet the letter of the law here and they want to do something different or new that we didn't think of, that's the avenue to take and, again, that's incumbent upon them to tell us how they think it works and why they think this is the right fit for Meridian and we will analyze that and bring it to you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I will pick up, if I can, just a couple seconds to bring a little perspective. I think -- I was on the committee, you're right, I remember going to this original meeting when this was first discussed. I was not at the meeting when it was ratified or agreed upon, but my first thought was, you know, the onus for sure is on the developer or the builder and I -- and my first thought was this maybe was a little too subjective to me and -- and I -- I think the reasoning for this was to create some flexibility, maybe promote some creativity and development. We talked about horse trading, you know, hey, if you want to do more amenities, but less open space or vice-versa, that was something that we could talk about and, you know, with alternative compliance. I think that was one of the things we spoke about. If the development committee for the most part is okay with this and staff is okay with it, then, I guess I would be okay with it. But to me it -- I get the -- I get the intent and I think the intent is good. I just -- my only worry is that this may be a hair too subjective and may create more problems. But I am not a member of -- I am not an employee of the city, in the Planning Department, nor am I a developer. So my thoughts.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: First I want to say, Bill, I want to clarify my question earlier. I think our staff is amazing. So, it certainly is not a -- for me a concern about how staff will handle that, it's just more that I don't want staff to kind of be defending their decision about the points they assign, always kind of being in that position, if that makes sense. But a question I wanted to ask and if you prefer to answer this at the end of your presentation that would be fine. It's a little bit more general. But what is the -- if -- if there is a situation where there is some phenomenal amenities that are proposed and the applicant requests a lower percentage of open space, are they permitted to do that? So, are they going to -- and how will those -- how will that be determined? Is that a case by case, application by application situation? So, if an applicant comes in and says, hey, I have twice the number of amenities or have some really phenomenal amenities, but I really only want the open space to be ten percent, instead of 15 percent in the R-8, how would that be handled? And is that a too lengthy of a response to share with us at the moment?

Parsons: I think, Madam -- or Mayor -- Madam Mayor. Sorry. Mr. Mayor, Members of the Council, certainly that's what that alternative compliance is for. So, again, we will have a staff report. Now, ultimately, as you know, alternative compliance is approved by the director. So, as we bring forward that recommendation to you we will let you know that the director has approved that reduction in alternative -- in open space in favor of that greater amenity package and, again, you have the ability to -- you know, if you don't agree or if the applicant doesn't agree or they like it or -- they can, again, ask you to overturn that decision if we -- if the director denies anything. So, you always have that. But, yeah, it will come in the form of an alternative compliance request with the plat or annexation plat discussion. More than likely the plat. Now, what I can tell you is I did ground truth some of the changes to our multi-family standards, which will go to my next part of the discussion as well. So, I have looked at the code that we are proposing for that and did some of that, where I have looked at other multi-family developments to make sure that we were on track for open space and amenities.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You know, I -- part -- part of me wishes we could take six months and do the new process side by side with our old process, just to take a look at it and have a comparison and see, okay, is this working. Like have a shadow rating of -- here is the new system, like we keep -- maybe we could delay this part of the UDC, but, actually, see the new framework, you know, layered over our applications to actually see if that works. Overall I appreciate the concept, though, and I -- I think what's really hard that you are trying to do is -- it is an art and not a science and you are trying really hard to make -- make it an art for a more scientific -- in terms of the quality of a premier community. So, I think I like the way that this effort is going and I think it's a positive direction. I just wish we had a way to bring it in a little bit softer, so we could actually see it in practice, you know, at least for a couple months and make sure we think that this is working well. But I -- overall I'm in support of it. One of my questions going back just to the overall open space requirements, I think this came up last time, but, you know, the concept was we

are increasing open space as we increase density and can you just refresh my memory what the discussions were on the committee regarding a change from R-8 to R-15 and how those percentages are the same here? Was that recommendation, you know, universally supported on the committee? Was there a discussion? How did we end up at 15 percent for the R-15 and the R-8?

Parsons: Yeah. Mayor, Members of the Council, it's a good question. I think a lot of times -- I think it really comes down to dimensional standards. An R-8 lot is really the minimum. It's 4,000 square foot lots. So, the intent behind it is you are going to have a small lot, you are not going to have as much open space on your own backyard to enjoy. On typical R-8 lots you have patio homes where you have a 12 foot rear setback. So, you imagine 40 feet by 12 feet, it's not a lot of area to -- to recreate. So, you are going to get increase in density. A lot of the same thing with the R-15. The minimum lot size is 2,000, but a lot of our development community has been using that to even get a smaller lot size to have smaller backyards. Again, it comes down to the number of homes you are getting on a piece of property and that's really what it comes down to, livability. If you have a small yard the idea behind this is that you make it up in community open space. And why it didn't change -- I mean really an R-15 is really multi-family. We haven't really seen a lot of townhomes. We have seen attached homes on a lot of the R-15 lots, but it really has been treated more as a single family development as well. So, that's only a speculation. Again, I wasn't part of the discussion where this sliding scale came from. I believe at the last hearing I had a different -- a different recommendation that wasn't taken to consideration or at least discussed and this is where the group landed. I don't know if Councilman Bernt was part of that discussion or not when the scale came up, but, again, I don't want to mislead the Council, if you do an R-2 development and your lots are 16,000 square feet, you still only have to provide five percent open space and that's still in the code. That's current code and that's remaining as part of this code. So, you can do an R-2 development, have larger lots, and still only have to provide five percent open space.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess I -- from my perspective I'm not sure in our last discussion that we landed on this table, if the -- or if that's exactly how it played out. I think it was kind of an open point. Jumping around a little bit, what I like about the multi-family open space standards is that it directly reflects density in how it's formulated and here I feel like we don't have that. A lot of -- you know, we have seen some R-15 lately that has easily exceeded 15 percent I think we have seen 18 percent in our last application, that one of our great developers did not have any issue meeting that standard. It just feels to me like considering that some of our surrounding communities have much higher standards, that 15 percent is an improvement, but seems a little bit on the low side to me.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: As to that point, Bill, if you could give me some historical perspective to the extent you know it, how did we come up with ten percent originally? Because when I was on Council before it was ten percent and it was just ten percent. So, I don't know how long that's been in and how that was derived. I was curious, too, about our surrounding communities. I tried to dig some around and in Nampa I found that under 10-27-4, qualifying open space, not less than five percent of total gross area of any residential in-fill subdivision shall be retained as permanent common open space. I'm thinking, oh, five percent, but, then, they have a quarter beautification requirement, which is open space and doing some things. So, I couldn't get -- you know, okay, what does that mean for Nampa and, then, I was curious about Boise and I totally got lost there. So, if you could -- historically for Meridian and what -- what folks do in the surrounding communities.

Parsons: Yeah. Mayor, Members of the Council, I think we discussed -- we -- we touched on that topic a little bit. I think Council Woman Strader has put me to task to look at some of that, too. So, historically when I started with the city -- the UDC was adopted in 2005. At that time it was five percent. In 2007 we increased that to ten percent and probably a lot of the same reasons. If you looked at our old PUD standards before we adopted the UDC, we required a minimum of ten percent open space. So, I'm not sure -- I wasn't part of that focus group when the UDC happened, so I'm not sure why we went from five -- went from ten down to five and, then, back up to ten. But, again, it comes down to probably livability, just adding more -- increasing our open space. I think this body can recall that I have been here numerous times trying to solve this issue. How can we get more open space and what can we do? One of my proposals was similar to this, where I had a point system, had it derived based on all -- I had all of this drawn up, too, many years ago and have it saved on my computer here and that's kind of where this came from was starting with that idea and just hiring a consultant and she came up with a lot of the -- the information that you see now. But, historically, looking at other areas, I think I have told you that Eagle requires 18 percent open space, but it all counts. It's -- it's not broken down like we have what we call qualified open space and I think that's what the development community would like, just count it all. Don't call it qualified, just agree to give us open space. It all should count. That's easy to administer. You give us an open space exhibit, we see what's green and we count it. That's certainly easy from our perspective, too. And, then, Eagle -- or looking at Kuna they are, again, ten percent with a PUD. Boise is ten percent with a PUD. You -- you already kind of quoted Nampa. But, again, they are ten percent with a PUD. That really seems that -- or actually, Nampa is 15 percent with a PUD. So, I stand corrected on that. So, again, it's all over the board here. Each one has different standards. If you recall a few years ago I was here proposing they not even allow street buffers to count as part of open space, because if you take out the arterial street buffers and the collector street buffers, those are governed under a different section of code. So, by code they would still have to do that, they just would not be able to count that and this body felt that wasn't the right decision and ultimately removed that from it not being counted. But if you took out landscape buffers you would ultimately -- would get increased open space within a development, because you no longer would be able to count a portion of it. So, again, I have played with this multiple different ways. We have heard from the community with the Comprehensive Plan update. They want more open space and so, again, we -- we hired a consultant, we

got the right people to the table, although some of the written testimonies would say differently. They thought there should have been more citizen representation and that's great. I think that's welcome and that's why we did the town hall meeting. But, ultimately, this is where we -- we kind of -- this is where we are going to go. This is the consensus. Let's move forward and put it in front of this Commission and City Council and, again, I think the Planning and Zoning Commission did -- did support the proposed changes. Ultimately -- I don't want to give you the impression that staff isn't in favor of these changes. We are confident we can understand the code. We can administer the code. We understand there is going to be a learning curve here. It's just going to have to be more robust discussions with the developer as we sit down with them and pre-application meetings and make it very clear with them what the expectation is and what they need to provide to us with their application submittal, because that's really what it comes -- it just comes down to communication and all of us being on the same page. It really does. And I think, you know, from my perspective we are getting there. I think developers are getting used to the new tools. They are getting used to new staff members. All of us -- again code can be interpreted differently from different staff going back to Councilman Cavener's, you know, you asked me what I want for dinner you are going to get seven different answers. I mean that's just the way we are. But, ultimately, I think from my perspective, again, I think we can administer the code. We have people that support that. You have heard time and time again we want more open space and this is what we have before you this evening.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Bill, can you summarize if there were any conversations at the open space committee about qualified open space versus counting at all and if that committee considered one option or the other or were they only presented with keeping that piece as it is?

Parsons: Councilman Cavener, I wish I could. I'm not familiar with that. Again, I don't -- I wasn't part of that, unless Councilman Treg was part of that. But, again, I know as staff members we have talked about -- from current planning staff it made a lot of sense, that it would be nice to count it all and, then, there is no -- you know, there is no gray area. It all counts, because you are doing X, Y and Z.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just also having similar questions as Councilman Cavener, really wanting to -- this is a big impact to request this additional five percent, not only on development community, but also on the homeowners who now have to fund HOA costs at a higher rate, because now there is fewer homes within the development. There is a lot of factors to this I believe from the -- the density that we are building -- you know, we -- we have

talked a lot about the importance of providing a variety of housing types and -- and bringing in some additional housing opportunities for our residents and this will affect that and maybe it doesn't seem like five percent as much on one application, but if you spread that over numerous applications over a year I think we are going to -- I think that there is going to be an effect there. So, my question is was there any consideration -- consideration made at leaving -- especially the R-8 and R-15 at ten percent and, then, possibly counting the additional open space as an amenity. So, it would be given a points factor. Maybe the highest point factor that there is, maybe a six or an eight and -- and allowing that -- that additional open space percentage to be considered an amenity. I just -- I would love to see as much beautiful space as we can have in our city, but I'm really trying to also balance whether -- so, we have had a lot of conversations about what open space is. We have had our surveys. We have had a -- we -- we understand that the definition of open space is far and wide depending on who you ask. I feel like what we are specifically talking about here are those open spaces within developments, which is a subset when we talk about open space and so I think to put a lot of these open space changes just on the -- the subdivisions is -- and I want to really discuss that as we are looking at our open space across the board, which I assume -- I mean that's not exactly what's in the application, but the point that I'm making is that I don't think that it is completely the development community's responsibility to provide more open space to Meridian. I think it's -- it's -- we have to look at open space in total and not just have it be up to new subdivisions to provide that additional park space and additional amenities for the community, if that makes sense. So, that being said, what -- do you know if there was any conversation or perhaps Councilman Bernt can share if there was any conversation about additional open space beyond ten percent being counted as an amenity and given a point -- a point sector.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You know, for me, just from our last conversation initially when I looked at this table, just some feedback. I felt like the R-15 was low, just because of the philosophy you use to create the table would lead you to think that you would require more. What makes me think I can live with it is that we do use our definition of qualified open space and that that's how I got there as a compromise, because I feel like, you know, some of our surrounding cities count everything, we are more specific about what we count. I don't think anyone is going to -- maybe a sign of a good negotiation is I don't think anybody comes away from this totally happy like they got a win. Our community has been really clear that they want more open space. I think we need to respond to that strong demand that we have heard and we have seen the statistics on, so -- so, for me I think I can live with this. It's a step in the right direction. I think it tries to increase the standard we are holding development to. It is still a minimum if we adopt it and I think that's important. A question I have -- and I think you had mentioned this, at least on multi-family, you have gone through and seen what percentage of our developments we have seen would meet the requirement. I'm curious if you did the same for these standards or refresh our memory about what percentage that we see that currently meet these requirements.

Parsons: Yeah. Mayor, Members of the Council, I have not done any of the standards. All I can convey to you is that other members have and I know maybe some of the -- our development partners here are -- can explain and let you know what their thought process was as well, because they have -- they have done it. They were part of the -- some of them were part of the committee, they can give you some insight to that as well. But if you would like I can certainly go through the multi-family standards if you want to kind of transition from single family at this point.

Simison: Just to two cents from the peanut gallery. If you will go back, Bill, to that previous slide, just -- and, granted, I have not been an elected official up here, but I have been around for 14 years, hearing what I think is the conversation -- and I could be wrong. But, you know, I have always been under the impression that Meridian was an R-4 city. That was -- that's what it seemed like when I came on in 2007 and ten percent was really kind of that threshold that seemed to be adhered to. But as we saw a lot more in the R-8, that ten percent didn't seem to be enough into that transition period, which I think -- and from my perspective is kind of what kicked that conversation into the discussion as we -- as the R-4 was no longer the standard and R-8 became the more standard for our community, how did -- how did that work? How was that changing from that standpoint? So, you know, my personal opinion, when I look at these -- because these are just subjective standards, just like parking, just like everything else, but based on what Bill said I could easily make an argument that should be five, ten, 15, 20, if you want to include everything, you know, without anything qualified. I could also make an argument that it should be eight, ten, 12 and 15, because, really, that R-4, ten, I never really heard people saying that the ten percent in an R-4 was out of place for our community, you know. That's not what I feel like I heard over time. It was really once you start getting to that R-8 and I guess I'm just kind of linear in my thinking from that standpoint that the R-8 and the R-15 at the same standard, I kind of question like, okay, does that seem appropriate. Maybe it is, maybe it's not, but I could -- I could make an argument for an eight, ten, 12, 15 with the qualified, because, again, even to Bill's point, the R-2 could really be a five percent. So, five, ten, 12, 15 or a sliding scale, if that's what we are trying to pin this more eaten up in one way, then, you give back the other way. But, again, it's all subjective standards from group conversation, group think elements that could be in there. But I just want to give what I felt was my historical impression. Joe has been around for a while, those -- back in the day and came back and I don't know if he's got an opinion on the R-4 conversation about what Meridian used to see more of, that we now see even less of. And maybe I'm off base from his perspective, but --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Correct. We weren't -- we just didn't get applications back in the day of R-15. It wasn't multi-family. So, the issues that we are confronted with in the last five to eight years weren't around 16 years ago. So, you are correct. That's how it's evolved.

Simison: Okay. Thank you. Just want to get that out there, why we are in this section.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: That raises an interesting point. If someone is an R-8 in their development, but they ask for R-15, because they want private streets, how do we -- how do we make the determination there, Bill? What -- what -- what would your thought process be for that?

Parsons: Yeah. Mayor, Members of the Council, if you -- and it's hard, because there is a lot of language proposed to this section, but if you recall there is a sliding scale in -- in the code that says if you are different zones, you divide them -- take the two and divide them and get a -- and get a number. So, you have to look at it as an aggregate, more than just one leaning towards the other. So, in this case it would be great, because it's all 15 percent. That's a no brainer. It's all R-8 and R-15. We are going to say 15 percent. So, that one would be easy, but it comes down to like you said, what if you had an R-2 in a portion, R-15 in another, you know, you have to get that sliding scale. You have to get a proportionate number to make it work and say this is what the code is going to require and that's -- that's specified in the code. We did build that in, because that's something I brought up at the committee as well, I was like -- we want to make sure whatever we do it's clear and we can enforce it and make it clear to people who use it day in and day out.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Well -- and I think if a developer were to come and do that, I think particular developers would show up with more than the minimum and, then, they wouldn't run into that issue. I mean when we saw that before that was an 18 percent qualified open space application, you know, so I -- based on applications we have seen in the past year, I -- I can think of very few that would not meet these minimum requirements.

Simison: Council, anything else before Bill moves on to the multi-family?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: From a process perspective, we are going to go through the presentation, I assume maybe come back and do some deliberation on this, is that how --

Simison: As well as take comment from the public.

Parsons: Perfect. Thank you. And I will try to shorten this up for open space -- or for the existing and proposed open space standards for multi-family developments. So, currently -- it's interesting. The current code, the way it works, is if the multi-family is in a residential district and it's five acres or larger, we actually have two standards. We require the

standards in what we just talked about, the ten percent, and, then, we also require specific open space in Chapter 4 of our code under the specific use standards. So, that's where you would get that cross-reference between our ten percent, plus whatever else was required in Chapter 4. So, you were getting that greater amount of open space and amenities, because of the way the current code is written. In this model that we are doing now is we are actually separating the multi-family out from the single family portion now, to make it clear. Before it was kind of convoluted and we wanted to make it clear to the development community, regardless of what zone you develop the multi-family in, you are going to provide a certain amount of open space, whether it's in a commercial district or a residential zoning district. So, again, in the proposed changes we are going to require ten percent open space if it's five acres or greater and, then, there is also a specific square footage or amount of open space required based on the square footage of the unit and, then, you take the aggregate of those two and you get your number. Now, I can tell you this came up at the open space committee and we had a subcommittee meeting and we met with a couple of folks and they were concerned about them -- staff double dipping in the open space requirement. So, again, if you just saw that table in the previous presentation, we are capping them at 15 percent. So, this is the same theory here, though. Again, the minimum will be if -- if the aggregate of ten percent, plus the additional open space per dwelling unit is greater than 15 percent, the applicant has the ability to propose 15 percent, but it doesn't mean that we would -- wouldn't accept more. So, there will be a minimum of 15 percent open space at that point or a cap, but, again, through the public hearing process we would request that the applicant come forward with more. The interesting part about this is as part of our multi-family standards we are requiring the development community to provide a central open space as part of a multi-family development, where we didn't require that before. So, there is a minimum expectation to have at least 5,000 square feet and, then, if that is a three or four hundred unit apartment complex, the decision making body and staff would have the discretion to say, no, we want more than that, because of the amount of units that you have. So, that's really the -- the changes in a nutshell for the open space standards and, then, as far as the amenities, again, the ones that are -- aren't underlined they are already in code. Anything underlined or struck through are -- are changes. So, staff -- Planning and Zoning Commission wanted staff to look at some of the proposed amenities that we had in our single family section and I just looked at -- saw what would be the best fit that I could see working in a multi-family development and added it to this section. So, again, just expanding amenities, not really taking anything away. And in this particular case there is not a point system. It's -- you get to choose from these categories and include it as part of your amenity. So, again, if you had a chance to look at the -- I'm going to wrap up my comments here and, then, turn it over to more questions and public testimony. But if you had a chance to look at the public record, you can see a lot of -- there was at least 88 entries in there. Some of them did reference the open space section, but a lot of it did pertain to the -- the RV parking standards. So, with that I will conclude my presentation and stand for any other questions you may have.

Simison: Council, any additional questions for staff?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Bill, on the open space for multi-family, maybe just give us a little background on -- this one seems a little off base on kind of the -- the single family. I guess kind of tracking the greater the density, the greater the open space. I guess on my post-it note I'm looking at this as more of a 15 percent minimum with a 20 percent cap and I'm just curious kind of what the deliberation of the discussion was around ten percent to a 15 percent cap.

Parsons: Yeah. Mayor and Members of the Council -- well, first of all, let me step back and let you know that a lot of the multi-family developments that I have looked at have been in excess of the, 15, 20 percent range. It really has. When you start looking at -- depending on where they are located. Again, if it was in a commercial district we didn't require the ten percent, we only required what was in code of the multi-family standards, which is a certain square footage per the size -- square footage of the unit, so -- so, in this particular case I don't want you to think we are capping them. We are trying to be consistent. So, again, if you look at the single family standards of an R-15 development, we said 15 percent. This was the discussion that we -- when we talked about -- with that subcommittee members, that's what we talked about. They are like how can I have 15 percent here, but now by virtue of not having a cap or, you know, at least a 15 percent, I'm actually going to be providing 18 to 20 percent on a regular basis. So, again, that was kind of the -- part of that negotiation or some of the consensus that we came around. I'm okay with doing 18 to 20 percent, but I want to know at least there is an expectation for this amount in code somewhere and that is really what it is. What is the minimum you want to see -- or maximum and, then, we landed on 15 percent. So, that -- that was where the discussion was. Again, they felt we were double dipping when, again, we have been applying this condition pretty regularly. We have been consistent on those standards. It was just contingent on where the development was located, whether in a residential district or a commercial district where there was some discrepancy. So, in our opinion we are going to get at least 15 percent and, then, again, as this goes through the hearing process the Commission or Council can require more. Or the applicant can propose more. We don't want to say don't provide any more than this, but do this or more than this is where we landed. So, that's why if you would looked at the specific language in the code, it's very specific, you know, you have to do this, but it's -- it's not -- the expectation is to do more.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I guess maybe some confusion on my part. It looks like some of the language I was looking at under .8C was actually from the P&Z document. I actually took it that the 15 percent was minimum and not a cap and I could understand there being a cap, because you are adding a density component on top of a minimum. But I don't think that a cap is appropriate at 15 percent, if we are requiring 15 percent in these other zones.

That just doesn't seem logically consistent to me. It feels like that minimum could be higher on multi-family.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Question for Council Woman Strader. You were referring to the minimum and caps for multi-family; correct?

Strader: Yes.

Perreault: Okay. Thank you. Question for Bill. In section 2-A it states that open grassy areas that are crooked or jagged in shape, disconnected or isolated, don't meet the standard. I know that -- I believe that's current code. Can you share why odd shaped parcels would not be counted as open space? It seems to me those would be ideal locations for additional open space. Why would we take that out of our qualified open space calculations?

Parsons: Mayor, Members of the Council, I can give you the thought process behind it is what we don't want -- and I had a discussion with Councilman Cavener on Friday about this -- is that the whole idea behind open space and these changes is to get quality open space and get it in the right location. Oftentimes what can be tricky sometimes is there is always going to be some kind of impediment on the land and you have to try to design around that and so a lot of times what will happen is -- at least from our perspective someone will come in, layout a lot, maybe might have a lot of waterways on it, may have some drainage issues and they start laying out lots and see how many lots they can get on it, but, again, the open space can sometimes come across as being an afterthought and not being well designed or part of the development and so it looks like a lot of the open space is misplaced or just remnant pieces, because it wasn't a thoughtful design or located in the right location and so keep in mind that not only is this driving quality, but it's also trying to guide design, if you will, try to make sure that it's usable, it's in the right location, we don't want open space tucked behind homes where police can't -- won't have eyes on it, it's not visible for the public. There is a whole lot of things that we need to take into -- into consideration when we are designing open space and so that's really why we are saying don't give us this jagged little piece out in the corner of the subdivision, when it's really not connected to the rest of the community. It's just -- it becomes to be an outlier -- outparcel of open space that just didn't seem to be a thoughtful placement of it. So, that's really why -- that's the intent behind that is to make sure that what you do is -- is placed in a thoughtful location and purposeful, if that makes sense. Not just a remnant drainage lot in the corner of the subdivision that no one really gets to use and it's not usable.

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

Simison: Council Woman Perreault.

Perreault: Bill, are you finding that most of those irregular shaped sections of the development are smaller? Could we not put some sort of minimum? I mean sometimes there are odd shaped pieces that are, you know, large enough to allow for usable open spaces. I just -- you know, if -- if our goal is to give flexibility to the developer, I feel like that's taking some of it away. So, I don't know if that was a consideration that was made, but it seems to me like, obviously, we want them to be located well, but every member of the subdivision, whether it's on the perimeter or in the interior, if there is -- there is going to be great access and perhaps we say something along the lines of, you know, if -- if there is an -- I don't know. I just feel like we could give some -- some allowances in that situation. But if we are only seeing, you know, one application every once in a while that has an odd shaped piece that's significant enough to be considered a qualified open space, then, do we bother to put it in code?

Parsons: Mayor, Members of the Council, if I can give you a little commentary on that. Certainly in our experience if we do see that under the current code and it doesn't count -- because right now we count 50 by 100 areas. So, if you have an irregularly shaped parcel it's hard to get those dimensions, because code says 50 by 100, there is no gray area there. But we have been able to work with our -- our applicants and say throw an amenity on it and it counts and for the most part applicants are willing to throw a sitting area on it or something to get that to qualify, because now they are putting in an amenity on it. So, I don't want you to think they can't count it. Under the current code that's how we have gotten around it or at least help -- help them get to what they -- because, like I said, everyone -- open space is subjective. What's great to you is not -- may not be great for me. I mean -- and a lot of times what we will do, too, is you might have two open spaces on the end of the subdivision and staff may recommend to consolidate those and put those in the middle. Well, Council may not want to do that. But it could get in a situation where those are remnant pieces and may not meet those national standards to count, so staff may be making a recommendation to do that to consolidate that with something else or reorient that in order to get credit for it.

Hoaglund: Mr. Mayor?

Parsons: I know some of the public testimony they want to have that discussion with you this evening on that topic.

Hoaglund: Bill --

Simison: Councilman Hoaglund.

Hoaglund: -- I'm curious how it works. I was on Council for the approval process of a development to the west on Ten Mile that ended up being Reta Huskey Park and the developer put that all together, added all the equipment, all -- everything like that. Is that part of their -- that development's amenity at the time? Does that count? How does that process? And I know it's been done before. Developers have been very generous about providing city park land, but how does that work in those developments in those situations? Is it counted? Is it not counted? How does that calculation work, if at all?

Jerome: Well, Mayor, Members of the Council, certainly dedication of a school site, dedication of a park, all of those things are public amenities and we have a definition in code for those and that still counts. If you look at the point structure you still get credit as part of your point system to do that, so I don't want you to think that we have not -- we have always included it as part of our open space, that you can count that towards your development. So, that's not changing. That's still in there.

Hoaglund: Mr. Mayor, just -- just a thought I had, as I think about it, because I thought it counted, but I couldn't remember, is the fact that in some ways it's -- it's pretty genius to go ahead and develop all that, turn it over the city, and there is no more -- there is no HOA dues, there is no -- you know, your residents have a beautiful park, very handy, so are we going to see more parks come about if we increase the percentage to a certain level where they are going, you know what, better just to do this. So, I don't know. Just -- just a thought. Could be wrong.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I know we are going to take heat -- amongst the things that don't get points are cat parks. We might have some comment coming soon, but we could hear from the public -- I know we have got some information -- that might help our discussion and dialogue as well. Cat parks not withstanding.

Simison: Do we have a remote testifier on the cat park issue?

Borton: I just know there is one in the audience.

Simison: Okay. All right. Are we ready to hear from the public on this topic? Okay. Mr. Clerk, do we have anyone signed up that would like to provide testimony first?

Johnson: Mr. Mayor, first we have Hethe Clark.

Clark: Hi, everyone. Hethe Clark. 251 East Front Street in Boise. This is the same handout that I handed out about a month ago. I am not going to cover the same ground. So, don't -- don't worry about that. But I did want to just emphasize a couple of things on this and, then, I will do something different that I think it would be important for the group to consider. You know, one item on this that I do think is important and Council Member Perreault hit this, we are very concerned about the maximum concept on the amenities table, because it really does put, in my view, almost an un -- an unfair burden on staff. If you look at the -- the way that that is defined -- and Council Member Perreault pointed this out -- you have -- you have to consider things like the -- the ease of maintenance, the durability and the year around usability and some of your highest point items are a swimming pool and a sports field, neither of which really meet any of those criteria, but both of which are very, you know, expensive and -- and -- and high quality amenities. Both would seem to me to be subject to that -- what I call the demerit system. So, you

know, my suggestion on that would be let's just identify what these amenities are, let's just set a flat number and let's move on with life, rather than putting that -- that burden on staff. One thing I want to really focus on, though, is that I want to speak to the fact that when I got out of my car today it was 108 out in the parking lot. You know, Mr. Mayor knows this, in my neighborhood last year the irrigation water was turned off early, we are expecting that this year it's probably going to get turned off in September and so as we are looking at these open space amenities and the requirements that we are going to be imposing, I think we have to really think about the qualified open space provisions and the way that we are defining it, because as we look at qualified open space there is really two usual suspects that you are going to be really dependent on in order to hit a ten or a 15 percent open space requirement and that's the 50 by 100 grassy areas and that's also going to be the linear open space. If you are talking about a natural waterway, if you are talking about a plaza, you know, those kinds of things -- their dimensions are probably going to be pretty well fixed. You are going to make up the difference by adding additional grassy areas in order to get this up to 15 percent and so we think -- or I think that there should be additional thought given to ways to promote nonwater intensive uses, rather than just saying we are going to go to 15 percent, I think it's going to be natural that that means we are going to have more green turf that's going in and we are going to have a greater burden on the irrigation system and if water is turned off early that's going to be a greater burden on the municipal water system for folks to be able to -- to cover those landscape or it's going to go away. Which leads to something that I think we have been discussing tonight, which -- and kind of dancing around, which is this idea of trading open space requirements for amenity requirements and actually tying those together and I just want to add to that conversation one item, which is it's been suggested that we should use alternative compliance to do that and I would just caution everyone when we -- when people see alternative compliance they think waiver, they think variance, and if you look at the requirements under the code requests for alternative compliance are only allowed when certain conditions exist and they read like the variance requirements and so I think we ought to be careful with going -- saying, okay, here is our get out of jail free card and pointing people towards alternative compliance. Rather I think we should give some more thought to some of these offsets between amenities and open space, then, make that explicit. With that I'm -- I will wrap up.

Simison: Council, questions?

Bernt: Hethe, can you elaborate --

Simison: Councilman Bernt.

Bernt: Sorry. Mr. Mayor, it's late. I apologize. That's bad decorum. I apologize. Hethe, can you elaborate a little bit more in regard to the horse trading between amenities versus open space and what your thought process is there?

Clark: Yeah. Mr. Mayor, Council Member Bernt, so, you know, my thought process would be that if you have a project where you have provided a number of high level amenities, we don't want to put yourself in a position where that's a zero sum game; right? So, if

you put in more high quality amenities and you have a difficult footprint for your project, you know, maybe it doesn't make sense for a 15 percent open space, so you have provided extra amenities and maybe we can -- we would shrink the amount of open space to trade for that. Now, in terms of -- I mean, obviously, this would be totally hypothetical, so I don't know that I have a specific example for you, but that's -- that was -- at least in my mind would be the concept.

Bernt: Mr. Mayor, follow up.

Simison: Councilman Bernt.

Bernt: And you would be in favor of something like that?

Clark: Right. I would be.

Bernt: Bill -- question for Bill. Sorry. One more.

Simison: Keep going.

Bernt: Thanks, buddy. So, would that require what we are talking about -- that would -- that would require alternative compliance; correct?

Parsons: Yeah. Mr. Mayor, Members of the Council, Councilman Bernt, that's correct and that's what we are talking about here. If you want to trade something for something else, that's why we have left it flexible. It would be the same thing if you -- again next to Kleiner Park and you -- why would you need 15 percent open space when you have a 60 acre park next door to you? You know, we could say, yeah, do -- but you are going to want amenities. You are not going to need the open space, but the community may want the amenities on some open space and that may be the value there. If I get my open space in the park, but I need amenities for my -- my residential subdivision next to it.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I really like this concept. The only thing that scares me is the lack of consistency as a Council in regard to what we are talking about, because that could turn into a huge cluster in my opinion, if we all have different points of view of what is important, not important, yeah, that could -- that could be -- you would have to be on the same page for that to be successful.

Perreault: Mr. Mayor?

Bernt: I just don't know if that's, I don't know, something we need to think about a little bit more. But I like it. We spoke a lot about that during the open space and amenities

discussion about horse trading and trading this for that. I know there is members out here -- builders who have done that in the past that -- that's worked. I like it personally.

Simison: Council Woman Perreault.

Perreault: Councilman Bernt, I apologize, I thought you were finished speaking.

Bernt: Oh, you are fine.

Perreault: In that regard, I agree, I would like something more substantial. I don't prefer to use the alternative compliance method, not only because I don't think that's what it was intended for, it was meant to be something used for exceptions and I think this -- we will have a lot of that happening and what that ends up doing, then, is if the -- if the director doesn't approve the alternative compliance and the applicant comes back here again asking Council to review that and now we have extended the time that the applicant takes to get their application processed, it's an additional hearing for Council, I don't like that as a method in which to determine if the applicant can have a greater percentage of amenities to -- and a lesser percentage of open space. I think we need a different system for that. Whether that is -- my concern, then, is if we allow that decision to be made at Council and we just take the application based on its merit and don't provide any kind of guidance as to percentage of amenities that could replace open space minimums, then, we have potential disagreement among members of Council. So, I think there still needs to be some guidelines put around how that's decided.

Strader: Mr. Mayor?

Bernt: Pickleball needs seven points.

Simison: Council Woman Strader.

Strader: Thanks, Hethe. I do think your point about maintenance and durability not really being something within our purview is a good point. I still think it would be great to do some sort of a trial run of this system to see how it works and maybe delay the implementation of this amenity table and to see applications come with both methods and see what we think and try it for a couple months to see how it works. I think it's going in a good direction. Your point about green turf is well taken, but I really felt like the changes to the landscaping in the UDC were directly addressing alternatives to not use turf and waterwise landscaping. Do you think there is more that needs to be done in that section of code?

Clark: Thank you, Mr. Mayor, Council Member Strader. So, I agree with you that the -- the landscaping comments about high -- you know, high efficiency uses and that sort of thing are good changes. They -- as I read it they are siloed off from these open space requirements. So, these -- these open space requirements still speak to a 50 by 100 grassy area. They don't give you the alternative -- oh, if I put in a drip system and blah, blah, blah, then, I can -- I can adjust, you know -- you know, the amount of turf that goes

in. So, I see them as being separate and not really being tied together. Similarly with this alternative compliance concept I don't -- I see that as a square peg in a round hole to try to get to where we are going as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think, you know, when we are talking about a usable open -- I think the real concern from a water perspective would be like the nonfunctional turf, right, like office parks that have tons of grass and no one's using it. If you have a 50 by 100 area where kids are playing soccer and playing ball and -- that's functional. So, to me that may be different. But I do think it's -- if there are changes we can make to the landscaping section that -- that you guys recommend, I think we need a functional green turf open space, but I think other areas I thought that this area in code really addressed, but if you think there are suggestions on -- you know, I would care to hear about them if you think there is something that can be done on that.

Simison: Just since Hethe is here and he provided this -- just two cents, because I think that there is some stuff on here for Council's consideration. We seem to have ponds in our parks. If they are good enough for our parks for people I don't know why they wouldn't be good enough for the communities that they serve or at least practical perspective. Now, stormwater detention facilities I would go the opposite way. I don't think that they should have any value towards open space, because that's there for a different purpose. What -- a couple of just little comments to some of these for consideration as you move forward.

Hoaglun: Mr. Mayor, the stormwater detention facilities, they are -- a lot of people in our subdivision were using it to shoot off fireworks the other night. Perfect use.

Simison: Again just commenting on value as open space.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate bringing this up. To be frank, I agree with -- I think with most of these. The one around regional parks, 11-3G-4B maybe want to modify the -- the distance away from a park before it qualifies. A lot of these that are proposed -- or these changes that are posted here, Hethe, would go away if the city just looked at open space as open space and kind of removed that qualifying piece and you didn't touch -- I mean you touch on -- if you want things to qualify, but you didn't touch globally about your opinions about qualified open space versus counting it all. It sounds like staff has vocalized at least some support for it. I'm just curious your opinion on that.

Clark: Yeah. Mr. Mayor, Council Member Cavener -- and Bill will know this from years of conversations. I don't think I have battles with staff over anything more than I have battles with staff over what's the definition of qualified open space. Like that -- that is -- I think -- am I right, Bill? I think that's the number one thing I have always had to debate over. So, yeah, I would absolutely like to see -- hey, it's green, it's open space standard. The -- a lot of this is catered toward the current document, you know, so if we were to go to a more flat approach I think we would want to revisit some of this, but certainly I think it would be easier on staff, easier on the applicant to have a flat standard and then -- and, then, go add more definition to the amenities and move ahead.

Cavener: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: So, Hethe, do I dare ask what would that number be? Put you on the spot.

Clark: Is this where I plead the Fifth? You know, I think I would allow some of my friends to speak to that one. I think that the ten percent works pretty darn well in the City of Meridian, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I also agree with the concept of allowing ponds to have a much greater eligibility as qualified open space. My question for you is to differentiate them from other water retention or, you know, other potential areas in which water is -- is present in the community. Would -- would it be permissible to differentiate say a pond -- or a drainage area with having, you know, some seating in that area or additional landscaping that -- that shows, hey, this is a pond -- I mean, honestly, you can go into some of the communities and the -- and the stormwater areas are full and they look like they are supposed to be a pond. I mean, honestly, I have been in some communities where I can't figure out if it's a pond or -- if it's supposed to be a pond or it's supposed to be retaining water for -- for storage or for drainage. So, is that something -- are those kinds of things, you know, modifications that would be considered? Has there been considerations made in that regard that -- are you tracking with me?

Clark: I think I am. So, I think -- I think the -- what I would point to would be the -- the way that open water ponds is described actually in the code right now. I think that that provides a pretty good delineation between what, you know, the -- I don't think that that is open for abuse the way that it's set up right now and, then, I -- you know, just making a point with regard to the stormwater detention facilities, I'm not suggesting that all stormwater detention facilities be eligible. What I'm suggesting is that all stormwater facilities that meet the 11-3B-11 landscaping requirements, which are pretty robust, that

in those instances that it would be eligible and so I think the example I used last time was the one in the Tuscany Subdivision across from Sienna Elementary School. It looks beautiful, gets used, seems to me like that should be used to -- qualify as open space. So, that's -- that's the delineation I'm trying to make there.

Simison: So, one of the questions I had -- you brought up our regional park. The issue I -- the question, does it feel like you are getting the development lottery, like if you get -- if you are doing something next to a regional park that there should be a different standard, that you don't have to do as much, because maybe the taxpayers paid for it and I know that they are taxpayers as well, but the taxpayers in this subdivision -- you know, this is always the issue when you start getting like distance specifics away about changing standards, which I'm not opposed to, but I'm trying to like what is the true -- what -- why? You know, we have -- help me understand at least from your perspective why those closer should be viewed differently.

Clark: Mr. Mayor, the -- the thought process there is that we, as a community, as the city council, you know, we are trying to identify and set incentives when we make these decisions to invest in community facilities; right? And we want the -- when we say we are going to put a fire station here or a police station there or, you know, a park in a particular location or, you know, in a larger city if you are putting in transit oriented facilities, we are saying we want development to be coming in in this location, because we are investing in that spot and so the thought process with the -- the regional park was that, hey, we as a community have said, okay, we are going to invest in this area, we are going to make this a facility that people can use, we want the development to be coming closer to that regional park. We want the most people to take advantage of it. So, rather than having a regional park that is bookended around by little tiny private parks that are mandated to be there, just because of a formula in code, instead let's have density around it and then push -- and, then, have people take advantage of the regional park that the communities have invested in, if that makes sense. It's a planning decision. You know, if it's -- in your planning for a community park you should be planning for folks to -- as much density to be around that park as -- and as many people to take advantage of it as you can.

Simison: Well, I'm personally not finding fault with that. Again, you don't have to convince me on that element. Council, further questions? Thank you, Hethe.

Clark: Thanks, everyone.

Johnson: Mr. Mayor, next was Jim Conger.

Conger: Mr. Mayor, Members of the Council, Jim Conger, 4824 West Fairview Avenue. I will try to keep my eyes open. I don't know -- I think I expired. So, we will give it a go here. I was lucky enough to be actually one of the members with Mr. Bernt and a few others on the open space code committee and I was also a member on the Comprehensive Plan stakeholder group. So, very appreciative of that. We do a lot in Meridian and are very very proud to develop in Meridian. So, it mattered a lot to us, not just as a developer, but all the homeowners that we -- you know, homeowner associations

we create. I'm still trying to understand the need or the purpose of the 50 percent increase in open space and that's really what we are talking about on the R-8 and R-15. I mean 50 percent -- I mean it's a big number and not to go and do lightly. I mean if you guys just did the budget committee meeting for the last two or three days, we all do personal budgets. If -- if your wife or spouse or in your city budgets you come in and change it 50 percent, that just doesn't work. I mean it -- it's a big big number. But yet that's what we are asking our homeowners associations budgets to do is they will increase by a little more than 50 percent in the R-8 and the R-15 neighborhoods. I have been told the residents want more open space. I have asked this question a lot for the city surveys that were performed. I said it when I was on the committees and I say today, I think there was a giant confusion of open space and, basically, public versus private. I think if that survey would have said do you want more private space -- private open space in a private subdivision that you do not live in or get to use, I think that would have had -- I mean there wasn't a pointed question like that, it was more about open space. We believe they want more open space. We all want more public open space. I want to be clear. The cost increases really aren't going to affect the developer and the home builder. We still have big machines to run. The margins can't change or we won't be in business in a year. At the end of the day the price of the lots, the price of the homes are going to increase. So, we are not here trying to make things cheaper for us. It won't matter to us. It doesn't matter to us. You don't see a roomful of builders, you don't see a roomful of engineers and surveyors and everybody that makes a living off of us, because it doesn't affect them. They make the same amount of money with what's going on today. We are here because we care about neighborhoods, we care about our homeowners associations and that's why you see a small group. It's not as -- I mean it is only a small group caring, but it's a group that knows the back end. Infrastructure is going to rise about 8,000 dollars a lot in the R-8 and R-15 area. The land costs will go up about that same amount. The HOA dues are going to increase by 50 percent and the city and ACHD will collect less impact fees and taxes that we have shown all of you before in our packets and that's tens of millions less in taxes and impact fees, because the bottom line going to 15 percent is going to decrease density. We are in the middle of a housing shortage, of course, really it's a pricing crisis going at a -- an increase of this which, is, again, going to increase the lot price, increase the home price and increase the HOA. Seems like this made sense when this all started rolling four years ago. It doesn't make sense to go by 50 -- it needs to be increased. I'm good with that. I'm wrapping up. The number -- if there is no qualified it's probably 15 percent. Meridian probably had it right at ten percent with qualifications compared to other cities and I know Bill gave you Boise and some others. But that's if you do PUDs. If you do straight subdivisions Boise is zero percent required open space. Eagle is at 20. We believe 15 probably fits that bill. We were just in front of you with one at 18 percent. We call that a high end neighborhood. We had to have certain amenities to fit it. You go to a more entry level and I will caution you entry level in Meridian is still a lot of money. So, entry level isn't to be used disparagingly. We can't be at 18 percent and still hit an entry level number, it doesn't -- it doesn't work that way. Amenities. That was our big push in the beginning. We always had four times the amount of amenities. Increased amenities is amazing. We push for that. I pushed for that when I was on the committee. That point system -- I'm with Ms. Strader. It is concerning and I -- what I have always said is it's not right. I don't know what is right. In a year I bet we are in front of

you again figuring out the point system. But it shouldn't be a maximum. I cannot have Bill and I arguing over my amenity is three points and Jon Wardle's is five points. I just can't keep doing that and that's all that's going to do. So, if you remove the word maximum, life's good.

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

Strader: Jim. Mr. Mayor?

Simison: Council Woman Strader.

Strader: A great example that came in front of us. But your point is that's a different category. Really high end. And could you estimate -- is there a big percentage of your developments that wouldn't meet these minimum requirements? Everything I think we have seen from you far exceeds these requirements. I just don't understand. Do you think this would affect your business? Is it -- is this a different price point. Other developers you think this would affect that would pass that price through to homeowners? Give me a flavor for the percentage of projects you think are in Meridian now that are at bare minimum that would be affected.

Conger: Mr. Mayor, Council Member Strader, thank you for that question. It's actually very good. On that one we were just in front of you was Sky Break. The moment we had that land under contract -- you know, we do two types of products with BlackRock Homes. We will do what I call the most affordable home in Meridian, which, unfortunately, is still 340,000 dollars, and you have seen that product with Verado, Solterra -- I can keep going. We just -- we are doing Eddington right now on Linder Road right next to the school there at Ustick. When we went to Sky Break that property was too special to do a Verado project. You can't put those homes on it. It's just too special. So, at our Eddington one that is underway, which is amazing, but it will be one of the most affordable homes in Meridian at 330,000 dollars. I just paved it. When we came in front of the Council we had qualified 10.2 percent that was approved. We have all our -- we had seven rate amenities with two required. I mean we still -- we are next to a school, which is public property people are going to play on. I mean every place is different. We are trying to create something that makes every development the same, which is always hard, right, to pigeon hole for the lowest quality factor. But no -- and -- and I would, you know, debate with anybody -- Brighton has never come in at ten percent qualified either, but their developments require it. Our Solterra and Verado is -- is a less open space, although still amply for what everybody's using, but that -- that's why free market lets someone choose where to buy, is -- is not every where is a family orientated Paramount versus a single level nonfamily orientated, has a different need of open space and not the same one.

Strader: Thanks for the feedback.

Simison: Council, any other questions for Mr. Conger? Thank you. So, that's everyone who has signed up officially. Is there anybody in the audience that would like to come forward and provide testimony on this item or anybody online that would like to provide

testimony? If you can use -- go ahead and come on up, Dave, and if there is anybody online that would like to provide testimony, please, use the raise your hand feature, so you will be prepared at the right time. State your name and address for the record.

Yorgason: Thanks, Mr. Mayor. My name is Dave Yorgason. Address is 14254 West Battenberg Drive, Boise. And I am here wearing multiple hats. I have developed subdivisions in the City of Meridian for over 20 years. Not very many very recently for a variety reasons. But I'm also here wearing the hat of the Building Contractor Association, the BCA, and so with that I want to just acknowledge a letter was submitted to the Planning and Zoning. Should be in your packet and in out of respective for time I will just highlight a few things, then, answer any questions. First of all, lots of discussion. This is very fascinating to me. I have been involved in a variety of open space committee discussions with a variety of cities, including Eagle and Boise. I'm very very familiar with their codes and so it is complicated. You have a goal and you are striving to achieve that goal and each one of you has different perspectives and your citizens have different perspectives. So, this is hard and it's complicated and the more you try it seems to be the harder it gets, frankly. Having said that, my observation with the amenity point value table, I don't know. So, let's try it out. We shall see. I support it in many ways to -- to encourage -- and that's why I see these as an incentive or an encouragement to have nicer amenities. Right now a large pool and a clubhouse is not the same as a park bench, if you want to look at it that way, and so there are -- there are some values to -- to go this direction. I don't know if it's the right answer, but I appreciate it. One of the -- a couple of key things I want to highlight. First of all, I'm really concerned about the irregular shape of open space and the amount of percent of -- of front yards fronting on parks to get qualified. What's written does not work. The developments we built, the Settlers Bridge and Baldwin Park, do not qualify. None of those open spaces qualify with these today. So, I ask that the reference to not counting irregular shape common areas be deleted and also the reference of percentages maybe just ought to be 25 percent or some number like that to be front-on housing for the park to be -- to be qualified. I can address that later. Last comment would be on the percentages. The table that I have seen -- I have seen a variety. It's on the screen right now. I have seen a variety of options. I have seen the ten, 15, I see now ten, 12, 15 -- 15 percent. I had mentioned before I'm very familiar with Eagle city and how they qualify -- everything is qualified. That 18 or 20 percent number that Mr. Conger referred to -- or Mr. Clark -- both did. It is all open space, including what's in the right of way. Not even common area. If you have parkway strips, if you have a landscaping along arterial frontage, pick any road, the landscaping in the right of way is counted towards that 18 or 20 percent and so I -- I'm struggling with the numbers here, not because I'm here to fight, but here to just say there will be absolute consequences. There is a reason why the HOA dues in Eagle are almost all above a thousand dollars per house. It's typically 900 dollar minimum HOA dues in Eagle city. You go to Two Rivers and, of course, that's a very different concept there, but those -- those would be my concerns of HOA dues and the impacts. I could provide a recommendation for you. My time is now up, so I will stand for any questions.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: What would be your recommendation?

Yorgason: Mr. Mayor and Councilman Bernt, thank you. This is not a BCA answer, because we didn't have a poll to answer. This is based on my experience, based on if you want to see more R-2 developments in your city and try to have a balance across your city, because, frankly, I have probably built more R-1 subdivisions in Eagle than most developers in this town. State. That's kind of my bread and butter is the more of the higher end type developments. Having said that I might suggest R-2 would be an eight percent and R-4 would be a ten and R-8s could be a 12 and, then, the R-15 could be 15 -- 14, 15 whatever. So, an eight to ten, 12 -- 12, 15 would be my recommendation. I'm not sure -- that's been bounced around by committee discussion. You can ask Mr. Wardle and others who may be coming and speaking later, who have opinions to that. But if you want to see more R-2 in your city I don't think the eight -- sorry -- the ten percent is going to get you there. I think you need a little more incentive, frankly. Otherwise, it will continue to not happen. That's just the market speaking. So, to answer your questions, I would go with an eight, ten, 12 and 15 percent. Having said that, again, a final answer, then, I will answer any other questions. I have zero applications -- zero pending applications, so I have zero interest in my answers. It's the market.

Simison: Council Woman Perreault.

Perreault: Thank you for being here, Dave. I want to make sure I'm understanding what you are proposing with the percentage of homes that are facing active open space. We heard from Mr. Clark that he recommended 30 percent. Am I understanding that you are recommending no requirement in that regard? I believe we are currently at 50 percent, if I understand correctly, Bill. Okay. So, you are proposing that we -- that it be at zero and could you share with us why?

Yorgason: Mr. Mayor and Council Member Perreault, that's actually not what I was saying. If I did I'm sorry if I misspoke. Twenty-five percent is the number I was suggesting. Twenty-five or thirty. That's about the same. I'm not sure there is a big difference there. The letter from the BCA said 25 percent. Thanks.

Simison: What is our current code on this one, Bill?

Parsons: Mayor, Members of the Council, zero.

Simison: The current code is zero and I still am concerned. I still don't understand why we are even contemplating anything in this one. I don't know what it gets us. But that's my personal viewpoint again.

Yorgason: Mayor, I appreciate that very much. Thank you for your comment.

Simison: Council, in any additional questions? And I -- just for the record I have not spoken to Mr. Yorgason. Apparently just great minds speak out wide -- speak out loud alike. Yes. Thank you.

Yorgason: Thank you, Mr. Mayor. I appreciate that.

Simison: Mr. Wardle.

Wardle: Mr. Mayor, Council, for the record my name is Jon Wardle. 2929 West Navigator Drive, Meridian. 83642. Thank you for letting me come back tonight. Just as a point, I did mention last time at our meeting that none of the open space in Paramount would qualify as a front on and that's true and 50 percent we wouldn't meet any of those requirements in Paramount and I think it -- Paramount is a good example of the way that a lot of different open space comes together. You know, I -- I have been on that committee since it began, over a year ago, with Mr. Bernt and Mr. Conger and a number of other people. Initially there was a jump -- it was just a flat jump. We are going to go from ten percent to 15 percent and, then, there were conversations about, well, does that really make sense and how do we get there and there was a lot of pushback by -- no -- no offense to Diane, but a lot of pushback from Diane of adjusting off the 15 and, then, we got to a scale. The scale kind of dropped in at the very last minute. The issue that always came up was is it quality open space and offset the quality, then, let's just add quantity and I think that's kind of where we jumped from ten to 15 percent. But I think we can all demonstrate that we can provide really good quality and not need the quantity and so I think there should be some allowance in there that, you know, if the standard or the sliding scale that was up there, even if it was what's there today, if I can come in and demonstrate that I'm giving the city something of really high quality, I probably don't need 15 or -- 15 percent open space. But if I'm going to do the bare minimum and not provide those amenities, then, maybe that open space is required. There is a trade off there. It is subjective and I know that everybody -- what we don't want is actually what's going on right now is we are debating these issues in front of Council. You don't want us coming to you to have you decide what is quality versus quantity. In here -- one of the good things that is stated in here is that we, the development community, need to make the argument -- we need to come in and sell you -- sell staff as part of that application process that we are checking the box on both quality and quantity. If some choose not to do that, then, we do need a minimum. Unfortunately, there are minimum standards out there that are going to be required and that's no -- that's not disparaging anybody. There -- there is a time and place for it. In some instances the quantity may be the better option than the quality. Anecdotally, I think we have all seen that there are -- you can go down to Home Depot and put up a little gazebo and that counts exactly the same as a swimming pool within that category and that's not what any of us were trying to do and so as the discussion came about we were also trying to understand how we can put a higher value on the swimming pool-clubhouse combo versus the small Home Depot gazebo, because, in reality, those things could count the same as you need this one or you need this one. I know I'm out of time and maybe I will just wrap up really quickly that there should be credit given when we are contributing to amenities that the city wants as a whole. Regional parks. Pathways. But they are given a minimal amount -- I shouldn't say

minimal amount. But the city has a great opportunity to continue to expand the pathway system on the laterals and drains and canals we already have. We should be giving a high incentive to provide connectivity, not just in my neighborhood, but among a lot of different neighborhoods and so I think we could debate what that amount should be. I'm just going to wrap up and maybe somebody can ask me a question and I can go from there. You may want to just step back, there is a lot of suggestions, and just do a bit of a workshop or allow us to come in and talk about those questions of how do the points work for existing? What does that really mean? And, in fact, in the conversations we have had with staff on both the single family and the multi-family, I think we have come in and demonstrated that, yes, we would qualify or we wouldn't qualify. I think in our case, in Brighton's project, we far exceed all the standards. Even the new standards. But we make a decision that that's what we want to do. That may not necessarily be the same approach for every single project. So, work session a little bit more, instead of trying to figure this out tonight, which I don't think you are going to do -- maybe choose not to do, but we may want to have a little bit more data points, just so we can say, yes, this would work or, no, this wouldn't work and provide a little bit more context. So, I will leave my comments with that.

Simison: Thank you, Jon. Council, questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: We rarely see you up here, so I want to take advantage of your time, because we appreciate it. A lot of conversations recently from -- from staff and Council about centralizing open space versus placing it kind of throughout a community. I'm curious kind of as a subject matter expert who has done neighborhoods large and small and have really placed a high value on open space, what do you think the right direction is? What should Council be thinking about? Are there unintended consequences or things that you forecast by continuing to follow that same philosophy?

Clark: Mr. Mayor, Councilman Cavener, I'm going to give you your answer you just gave. It depends. Okay? If it's a small project I say centralize it. But if it's a larger project, let's create opportunities throughout that community where you can put different pieces and elements. It may not make sense to centralize everything in the middle and you are forcing everybody to come to participate in all the activities you plan on, but if it's a small project, if it's a multi-family project, if it's -- I mean in-fill is a natural; right? I think the bigger the project spread the amenities out. The smaller projects bring them closer together and I think there are a variety of shapes and sizes. You can do a lot of programming in a very small space if you are strategic on the way that you do it. If it's just an afterthought, it's kind of a throwaway, but I think we are being asked to provide more context for the amenities and sell them as part of, you know, the overall community.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Good to see you.

Wardle: Good to see you.

Perreault: A couple of questions I would like to hear from you about. We have talked with -- with our other -- our other gentlemen here. First, what are your thoughts on the odd shaped spaces that are not currently allowed to be used as qualified open space? And, second, I have been sitting here mulling around the idea of counting all open space and not considering qualification and what keeps coming to my mind is the applications that we have that have -- that are very odd shaped to begin with where maybe it's ten acres and a big section of it is along an arterial and -- and all of that is -- a hundred percent of that 25 foot buffer is used as open space and we really don't have any and we have had some very odd shaped in-fill type of projects that would really -- there would really be some problems caused if we allowed all of their open space to be considered as qualified. So, curious your thoughts on both of those things.

Wardle: Mr. Mayor, Council Woman Perreault, there is a community in Phoenix called Eastmark. I don't think any of their common areas have a normal shape, except for their central park, and they are very odd shaped, but they are well detailed and understood and they are specific. So, if we just say odd shape, again, you know, what type of geometry metric are we going to use to determine if it's odd shaped or not? If it clearly is just a piece over in the corner and we put all of our backyards to it and you really can't get to it, then, I think we should consider if it has value or not. But if it's an odd shape, I don't -- I don't know that we can just use that term lightly. Sorry, your second question just slipped my mind. I wrote the first one down.

Perreault: Oh, yes. So, my second question was -- it's slipping my mind, too.

Simison: Arterial --

Wardle: Oh, arterials.

Perreault: Yes. Yes. And, then, actually, if you wouldn't mind addressing your thoughts on the front-on housing requirement for active open space.

Wardle: So, arterials, if I might. So, I think there is two -- two ways that the community benefits. There is the neighborhood internally that has spaces that they can go to, but the neighbors externally that are driving by also benefit from having good frontages. We -- we talked about this a lot as well, of enhancing the way that those frontages are designed. This is a perfect example that if you have an odd shape and let's just say it's a triangle and you have got two frontages on two different arterials, you have an opportunity to do something external that the community benefits from, instead of just seeing, you know, just the bare minimum. So, I think -- I do think it should be considered and if you can't make up your open space other places, let's look at how that could be

enhanced through landscaping, because I do think it is a benefit to the community. So, I think arterials definitely are -- through berming sometimes if it's just flat -- you know, I get the same 35 feet, but if I can elevate that four feet and put a six foot fence up on top of it, now we have created ten feet of screen with a lot of landscaping that can occur versus something just flat and I can look in everybody's backyards. Those are simple things that could be done to enhance that arterial experience.

Perreault: Mr. Mayor, a follow up to that.

Simison: Council Woman Perreault.

Perreault: Do you think, though, that that should be considered as qualified or that it should be -- should we take away the concept of qualified altogether?

Wardle: Mr. Mayor, Council Member Perreault, there are some jurisdictions that count it all. They just count. And I think the view is that it is beneficial. It has two parts -- two benefits to it. The -- the community gets a benefit from it that drives by and I think that we shouldn't diminish that either. So, if I can make just one note on multi-family we really haven't touched it -- on it. So, there is a standard in there that says as it exists today there is a ten percent minimum for multi-family. There is the nuances between whether it's zoned residential or commercial, but let's just call it ten percent. There is also another standard that says for every size unit you have to provide so much open space. In most of the communities that are -- you know, I would have to go back and look at it, but if it's greater than five acres in size, you are not going to have a problem getting over that ten percent hump. But do we really need to throw it at 15 percent if it's a fewer unit community? I ran the numbers recently on the multi-family projects that we have at Ten Mile -- so, again, the Ten Mile -- the requirement is ten percent. The minimum requirement that would be required for our communities averaging about 16 and a half to 18 percent based on the unit counts and how much open space we need to provide, we were well in excess of that, but I don't know that you want to go and say, well, everything should be 20 percent. Everything should be 18 percent. I think what staff is saying is let's have at least ten percent and, then, we do those calculations and you are going to need probably at least 15 percent in most cases to do that. But I don't know that we should throw on a whole bunch more when some of that open space really would be better suited if it was, you know, amenities type space and not just putting more grass around. Those spaces are important, don't get me wrong. We have benefited from a nice pathway system and providing a lot of open space anyways. So, we get that. But I think that's just something that needs to be evaluated a little bit more on just saying it needs to be a whole lot more. I'm not sure, once you start doing the calculations of how much open space is required by unit, I think you get there pretty quickly on some of these higher density projects. The lower density projects, you may not want to have a hard and fast rule that you got to hit a certain -- a certain point.

Simison: Jon, one thing that this Council has talked about over time is parking. I didn't see parking as an amenity in the multi-family, unless I missed it, but should that have a

value? Because, really, parking could be open space, you know, when it comes down to it. Should -- just thoughts.

Wardle: Mr. Mayor, I know that the parking was part of another UDC. I will tell you where the problem really comes out on parking is when you have three bedroom units. Three bedroom units today really mean you are going to have at least three, maybe four drivers and we have limited those down. In the -- in the projects that we do, you know, studios, ones and twos, there is more than enough parking, but I think you would -- if you went back and you looked at the data where you have the biggest parking deficits are when you are in the three bedroom units and you have a lot of those on site, because they have the same standard as two and three bedroom have the same parking standard. Really what you are doing is you are getting a lot of roommates, a lot of teenage kids that are all going to be there, all have cars and that's where you have a deficit. So, yeah, maybe -- maybe there should be a -- a bonus for providing more. I don't know if that's really viewed as an open space and it falls underneath this, but it's a good conversation.

Simison: I mean it wasn't an open space as part of an amenity conversation -- an amenity, because it is taking up that space that could be used for something else.

Wardle: Now, there is in where you would have the multi-family standard. You could consider -- I think it was the electric vehicles, parking for those. You could get some of that. So, maybe that's a possibility.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: One of the things I'm intrigued by, but also struggle with that balance is the open space, which is needed. You need that room to run and play and the amenities, which I think are more in demand and your facility -- or your developments have great amenities. How do we strike that balance of giving appropriate credit for amenities, because I have heard that from -- from several and also providing what is that amount, is it just the 50 by 100 or some different shape or that or square footage to counter the number of amenities, which are more desired in a development. What are your thoughts on that?

Wardle: Mr. Mayor, Councilman Hoaglun, I think the -- the important thing is to give people a reason to be there. I can provide them a lot of open space, but it's rarely used or I could provide a small -- small, but well thought out tot lot with good benches around where you have people just flocking there, because that gives them a place to be with kids or grandkids, but also that social moment. Sometimes when we have big parks -- and we have seen this. We are trying to be a lot more thoughtful on the way that we are designing parks and what we are doing. But we need to create that third place where people can go and meet somebody and socialize outside of their home and not just get lost in the middle of a big grassy area. One of the communities that we that -- we are really proud of, but I think we would have done a little bit differently, was Heritage Commons. You

come into Heritage Commons, it's got a beautiful park in the middle. A little gazebo that's in the middle of it, kind of an island, it's used for July 4th and rarely used. I think we would have been better served to chop that up into maybe a smaller park or brought that place where people could go and gather to the outside, instead of putting it inside. So, I just think those are lessons learned. It's not necessarily size, it's giving people a reason to be in a space, where they can meet their neighbors and not have to invite them to their home. That's safe to go to the park and visit with somebody. I don't need to bring them home.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: One other question. I want to throw out an idea that's not big, but it's been mentioned about pathways and the value they are to our community and serving on the Parks Department liaison last year, you know, I learned going through the budgeting process we don't have any external funding for pathways. We have impact fee for parks, but not pathways, and one idea I had in this process of, you know, open space standards -- let's say it's a 12 percent requirement for a particular development, that we have the developer say, you know what, we will only want to provide ten percent. That a fee is paid into a specific fund for pathway acquisition and maintenance or acquisition and improvement, not maintenance, and that way we start building a dedicated fund for pathways which benefit throughout all our community in some way and I'm hitting you cold with this. Any -- any thoughts on that? And -- and I'm hitting everybody cold with this, but, you know, it is important to our community for these pathways and we are using general fund dollars and maybe there is that trade off of, yeah, open space here, we reduce that because, then, we can provide an amenity for other people in a -- in an area that it's really needed. So, just -- just a thought.

Wardle: Mr. Mayor, Councilman Hoaglund, yeah, I mean it's a great -- it's a great idea. I know it's complicated by trying to bring that into an impact fee. Boise City has it within their impact fee, but it's -- it's -- it's a little convoluted on how that would work and how we would want to do that. With that said, however, for example, if I'm on the one side of a lateral and Jim Conger is on the other side of the lateral and his has the designation for the city. The city wants theirs -- the pathway to be on his side, but it's the same easement area; right? And if I wanted to contribute to that, so it can either get done sooner or I can participate in it and we are completing a system improvement that's desired, it's on the city's plan, there should be consideration for that. There should be some sort of way that I could participate in that and make -- make those facilities happen sooner than later. Even if it's not on my side, I just happen to get the wrong side of the canal, right, but it -- you know, there is benefit for having that completed sooner than later. I think there should also be some consideration given -- and I don't know how you quantify this, but I will put it out there. Keith Bird Legacy Park. Back in the day we made a contribution in terms of a reduced value of that land, so the city could buy it and when it came to finish it, we also contributed to the greening up at our facility. We got the benefit of the open space. But there was no consideration given -- and we didn't need the consideration, I mean we met

the minimum, but at the same time there are going to be opportunities within the community where a developer can come in and participate and make things happen a little sooner. So, how do we quantify that as well. It should be considered. It's hard to put in an ordinance. Then we are talking about potential winners and losers and that doesn't necessarily work. But there should be something outside of the alternative compliance that would allow for that to happen.

Simison: Council Woman Perreault.

Perreault: Thank you, Mr. Mayor. I wish I had actually asked this question of every individual who had come up here. We have had many conversations about parking with multi-family, but also storage space and I had the opportunity, let's put it, to live in a small apartment for a short time this -- this winter and would have absolutely loved a storage unit that was not going to be required for a vehicle or whatnot. Is that something that you believe would be -- would be an amenity that should be added to this list? I'm seeing a lot of developments come through that have garages for people to rent, but they are not allowed to put their -- their -- they are not allowed to store in there, that they are fully intended -- and the particular development I was in most of the garages were empty, because folks wanted to use it as storage and the manager said, no, it needs to be used for vehicles and, then, they got left -- most of them got left on rented. So, I -- that was the one -- one item on this -- on the multi-family that I thought was a -- for me that would have been a quality of life amenity. I'm curious to know -- and I know the other individuals have already presented, but I really would like some feedback on that.

Wardle: Mr. Mayor, Council Woman Perreault, I do think that storage lacks -- and I do know that we do -- you know, there is a requirement for covered parking and there is not necessarily a requirement for enclosed completely, like garages, and that's often offered up. When we have done garages we could put them on the perimeter, so it makes the project look nice, instead of just looking into a sea of parking. I think there is a time and place for it. But I absolutely think that, yes, it should be considered as an amenity that we have specific storage outside of the garages. Because I do know that a lot of the garages are leased and they are not used, so that -- then we are perhaps taking available parking out of the equation.

Simison: I would go even further. You may even want to consider that in HOAs to have places for garages for storage of vehicles that aren't on people's property as an amenity. I mean seriously. I mean that's -- we see that more and more with -- with the toys people have in our area, that they need a place for storage, but that's a different story. But I did want to follow up on two elements related. What I heard Councilman Hoaglund saying was kind of along the lines -- maybe I missed -- offsite amenity. You know, through -- through development, as even a way for compliance, for lack of a better term. It also kind of dovetails into the conversation -- one of the questions I want to ask was, you know -- I don't know if you see what Mr. Clark provided regard -- regarding the regional park and reduction and expectations and he talked about differences -- you know, there -- I think there is always a difference between if you donate to -- land to something, but what's your thoughts on should there be different standards for development that are near -- I mean

you could say a park, you could say a school, you could say, you know, next to Mountain View High School we don't need to have things, because there is a lot of open space over there. Thoughts on reductions near gathering spots we will just call it that.

Wardle: Mr. Mayor -- and sorry I'm not making eye contact very much tonight. I'm just dealing with a little bit of a headache and these lights always bother me. So, it's not because I don't want to look at you, I'm just a little -- dealing with a headache. But the city is making investments because they understand the population is going to grow a certain place. Whether that is a park, whether that is a school -- I know you don't handle schools, but, you know, schools are going places where that growth is happening. There is a public benefit to having growth happen around those areas. At the same time we still need to provide a place for residents internally. So, I don't know that that -- it just satisfies all of that by saying I'm going to put all of my eggs in Discovery Park and that's my amenity. I don't think that counts. I don't think that works. But I do think that there should be consideration given for, you know, maybe -- you know, if you -- if we are looking at a 15 percent, maybe 15 percent doesn't mean as much if I have got a large park next to me. I should still be providing something, but maybe not to the same extent. So, again, I don't know that there is a -- an easy way to quantify what that reduction could or should be, but I do think there should be a nod given to developing around the areas that the city is identified as a priority or also looking at in-fill -- I know that we are -- in some cases there is a minimum acreage. You know, if we are -- you know, in Old Town or somewhere close to Old Town and we have an opportunity, maybe -- maybe that overall percent isn't as critical, because we are filling from the inside out. Didn't answer it, but that's my own --

Simison: It's perspective. Just perspective. Council, any additional questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have a question. I just want to say thank you to everybody who is here speaking with us to be here late. Very much value what you shared this evening. Thank you for being here this late. We know you all get up early, as well as we do, so thank you.

Wardle: Mr. Mayor, if I can -- one last comment regarding the point system. Cats are under appreciated. But if you are going to get any points for them they have to have at least ten times as many points as dogs, because you can't control cats. So, if someone's going to do a cat park, it should be ten times as many points as a dog park.

Simison: Hope that was worth it. I think we do have one person online that would like provide testimony.

Johnson: Mr. Mayor, Denise LaFever. She should be able to unmute.

LaFever: Hello. Can you hear me?

Simison: We can barely hear you, Denise.

LaFever: Let me turn it up. Can you hear me now?

Simison: Yes.

LaFever: Like a Sprint commercial. Hi. My name is Denise LaFever and I'm at 6706 North Salvia Way and I just want to make the comment that I had the opportunity to be with staff when they were going through the Comprehensive Plan and go to all the different meetings and talk to the public and to -- I heard over and over again was the closeness of the houses and the disappearing of open space in the neighborhoods. I mean that was really really important to folks. I also will tell you that I live in a Brighton neighborhood and the pathway systems are phenomenal. They get a lot of use, all the way from younger to older, and they are fantastic. Over the years I had the opportunity to sit in on multiple P&Z meetings and years worth of City Council meetings and one of the things that I noticed is that the changes in the calculation over the years, like, for example, we -- we put in linear spaces, which reduce the usable spaces, but what I started to see over and over again is that I started to see a lot of holding ponds, storm drains, buffers, changes in the green space, you know, where they started fencing over tiled waterways and so really the area that used to be usable open space or green space started to diminish from some of the plans that I saw over -- over time. You know, we -- they just recently went back through and changed to non-tiling of laterals and canals, which I think is fantastic when you have the parkway systems and you are using it, but it's a huge cost savings and they just really need to be incorporated as -- as really viable usable spaces. So, I guess at the end of the day I just really think there is a lot of value for the people in the -- in the city, as well as the value to the homes, open space within your community and within your neighborhoods helps maintain the value of your open space and it also makes it very desirable. That's the biggest thing I hear when people come over and buy houses at Spurwing, they love the open space. So, I think this is a very important subject. It was a very important subject to our community members and I think we really need to look at both the quality of amenities, as well as the open space within the communities and I'm just going to close with the fact that we have these areas of -- we are getting smaller and smaller lot sizes through PUDs, gated communities, and private roads, which is really just a -- a use to make smaller lots. That is one area that there needs to be a need for more open space within those communities, especially pathways and benches and just a bunch of different amenities in it. I think it really holds your value of your property over time and I want to close by saying, Mayor and City Council and staff, thank you for going out to the public and doing a reach to the public to get more feedback on the open space and the parking. I greatly appreciate you looking to seek more public comment on this. Thank you.

Simison: Thank you, Denise. Council, any questions? Okay. Thank you very much. Okay. Well, Council, we are 10:22 -- '3 in the evening. I don't know where you all stand, if you need to take this any further or how you would like to proceed or next steps or are you just ready to move forward. So, thoughts, comments, perspectives? Break this up

between the different elements? Are there other elements we want to hold out and continue the conversation over time?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: First of all, I think that the amount of time and effort and energy that's been put in by our volunteers and our staff and our residents and our -- and the public that's come to share with us, I'm just -- what is fantastic about this city. It's amazing to see all of these recommendations and how much people care about making -- making all of these little details right, so that we have a beautiful place to be. So, I want to say that first. Second, I want to say there are items about each of these exhibits that I think are fantastic and changes that I think are fantastic, but also ones I'm not completely in agreement with. So, I can't say this evening that I would vote yes on any of these exactly as they are. My concern is that -- well, my -- my guess is that perhaps I'm not the only one here that -- that feels that way and that it would be continuing our meeting very late if we all specifically went section by section of each of these exhibits and explained what we -- what we are in favor of and what we aren't. So, I'm just going to, for myself, say that I don't feel comfortable voting yes or no specifically on each of these. I feel like that there is modifications I would like to see made. But if you -- if you and/or the Council decides that's the route that we are going to see evening, I can certainly do that.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think that it -- it's getting sort of late and I think it would be -- I think it would be prudent to continue this to another date to maybe have direction for Council to be prepared for discussions and -- with regard to what they like, what they don't like, in each of the exhibits. I think that maybe we should keep the -- the hearing open just in case there is more dialogue needed. So, that -- that would be my recommendation.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I, think you know, whatever the group wants to do, honestly, I will go along with it. If we think there are some we can get out of the way, but maybe what would be helpful -- kind of wondering if -- if in the future if going exhibit by exhibit is the right way or perhaps similar to some of the tables that we have on the RV standards, if we want to just have one consolidated table for the next meeting with every open issue that staff needs direction on, we could just go one by one really methodically, if it's just outlined in a table for each section, so we could, you know, get organized that way. If I were to make a suggestion that would be my suggestion.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. The RV thing I'm -- I'm okay with moving forward with that, but when it comes to the open space one, a couple suggestions were made that I'm interested in and Mr. Wardle mentioned about a workshop. Council Woman Strader had talked about parallel path or ground truthing it is my words I wrote down, because I do have a lot of what if we -- you know, what would that look like if we try this and we assign points to it and -- and paralleling that with -- and -- and maybe we do both. We plan a workshop, talk through some of these issues some more, at the same time using upcoming applications and applying what we have got here and see what does that look like? Will that -- will that really work? We think it will, but does it? And just trying to get more information. I mean there is a lot here and it's -- and this is very important and I'm just kind of interested in continuing the discussion, but at the same time kind of trying to make plans, okay, how are we going to come to a consensus and how can we answer the questions that we have on this? Is this really going to work or can we do practice runs and tweak it before we say this is what it's going to be? So, just my thought.

Perreault: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think that kind of falling in line with what Council Member Hoaglun is saying. We know what -- the more we noodle on this we will come up with something that we will adopt, but, then, we will all say, well, let's revisit this in six months and let's -- let's apply what we are doing now and revisited it at six months and I think, Council Member Strader, that's -- that's a really smart ideas. So, if we want to continue it to a date certain I'm okay with that, but if we also wanted to press pause on adopting any of this and run a parallel track for a few months and see what differences result and potential maybe decision points for the Council to make, I think that would be a very prudent practice for us. I'm happy to support what the body wants to do.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I agree. I think it's a fantastic idea for us to look at both. A couple of questions I have about that process, though, would be -- staff, I think that could potentially be a time add for them. Is that something that they are -- you know, that they don't find any challenges within? And, then, the second thing I would -- and I assume that the staff reports would, then, have analyses of both, so that the public could see that. What I would ask is that we would encourage any members of the public who come to speak on the land use application, when -- as we are assessing both, that we specifically ask them to comment on both, because I think it would be easy for a member of the public to be

confused about what standards we are using. So, just as long as we kind of have a good method for that, I'm -- I think it's a great idea.

Simison: I'm going to look to our legal -- I -- personally I have challenges with this approach of trying to do essentially two different application reviews and standards and comments through the public hearing without adopted standards.

Baird: Mr. Mayor, you would have your applicable standard that's currently adopted and the other would be merely advisory and some commentary and staff would be tracking it. so that whatever time period you choose you can say here is -- you know, it -- it's not going to be a factor in you making your decisions in the meantime, because you have got a currently adopted code, but I don't see any harm in doing this ground proofing or tracking --

Simison: Asking the comment -- the public to comment on two different concepts. That's what -- you know, I don't want to confuse what is our standard for the record.

Baird: Right. Right. Right. Right. So, that -- that may be just a staffing thing and, then, the chair would -- would reiterate that we are only taking comments on the current standards and you gather the data as you move forward. I think we can work something out if that's it -- if that's the choice. Take a certain time period and track that and report back.

Strader: Mr. Mayor?

Simison: I would like to go over here to ask the question about how to --

Baird: Right.

Simison: -- work it out.

Parsons: Mayor, Members of the Council, certainly I'm -- I'm definitely not in favor of having what the code requires and what it could be. That sets us up -- it's a bad precedent for us. We don't want to do double the work and not get paid for it either. But what we can do is, essentially, when a project comes in, we can have a table and just put the numbers -- crunch the numbers of the open space and amenities and, then, just share that and do it as a separate memo when we come back on a date certain I can maybe do a couple projects that we have in the hopper. I don't know if we need to ground truth it for six months, but we have projects in the hopper that I can look at now, put together numbers and say, yeah, there it works good, this does not work good and see if there is any concern.

Bernt: Mr. Mayor?

Simison: I think Council Woman Strader was --

Strader: Thank you, Mr. Mayor. Just real quick. My suggestion was going to be not to do two separate applications. That sounds like craziness. I -- what I was suggesting would be -- let's outline all these hot button issues in a table. Let's go through the table and try to flush out what we think we agree on now. The open item that I think should be tested was the amenity table and possibly the open space, if we can't come to consensus, and so there would just be a separate -- maybe it's one page table from planning staff about here is how this project would stack up on the amenity table versus our old method, just what -- like one page and not that that's our decision point, but to see how it would work in practice if we are comfortable.

Simison: Is it -- would it be better to go back and do that on the ten last projects we did, rather than integrating it into any of the current projects? I really don't want to confuse applicable standards, because if they did -- if they did that I would say, well, don't show it to you until after you vote on -- on the project. So, that's why I would rather -- and for expedite -- to be more expeditious towards a solution, at least that way we can work on it as time allows. But still Cameron can adjust many different resources to help determine these factors or we can even ask the development community to each go through and do two of their own projects, you know, if they want to help us figure this out.

Strader: That's a great suggestion and that would be even faster to go back --

Hoaglund: Mr. Mayor? Yeah. I --

Simison: Councilman Hoaglund.

Hoaglund: -- whether we go forward or use what we have done in the past six months, half -- in the past year -- and, again, site amenity points system, seeing how that plays out. I'm also interested in looking at some things if we apply 18 percent and it all -- and it qualifies. Okay. So, if we set the standard at 18 percent, what does that look like for all those things we passed, but everything qualifies? Or some other standards? I think we need to come up with some things. What are the matrix we want to gather, the data points that bring us that information to help us decide when we go forward, oh, this is what it would look like, that, no, we need to have 20 percent and everything qualifies for R-8 and above. If we go everything qualifies. And I'm interested in that all qualifies, because I hear from applicants -- past applicants and staff that make our life easier somehow. It would be great if we could. I don't know if we can, but what are some of the --

Simison: The majority of that is already captured and calculated, qualified versus unqualified open space. I don't know if there is some elements that we are not qualifying for unqualified that we would have to reconsider, but for the most part I think a lot of that stuff exists, so I think this can be done a lot quicker than we anticipate to get some value from these questions. If -- If Community Development feels like they know what they are looking for in those -- and it's really what is the current last ten projects, open space qualified or total or under scenarios, how would these have stacked up, looking at the point value amenities and applying them appropriately, those -- we could probably get to

some idea about what type of what we have been seeing and make -- will that work? Give it a month? Two months? How long do you think to go through ten, 15 projects?

Parsons: Mayor, Members of the Council, a couple suggestions. I like where you are going here. I like using past projects, because it's already approved and we are not trying to monkey new projects that you haven't heard yet. That gets -- the record gets crazy when you do that. So, certainly look -- I don't know if we need to look at ten or 15 projects. Let's -- let's pick a half a dozen or so, put the numbers together. What I'm going to do is not test it against all the standards, because we know a lot of the standards aren't going to count because of the fact 50 percent of the homes aren't going to be fronting on open space. We know that one. But what I want to do -- I like Council Woman Strader's suggestion of highlighting the issues that we talked about tonight. So, that way when I bring back that exhibit it will be yellow and say these are what we talked about, this range. So, for example, irregularly shaped open space, I can highlight that yellow or green and say this is something we want to look at. Keep it or take it -- remove it. If the percentages aren't right we will highlight that. So, I can bring back some of that documentation. But I think -- I think the story can be told with just maybe even six projects. A random sampling of that and see what we can have. Again I'm only going to look at the open space and the amenities and how that works with the point system and the current range we have now. I won't look at all the other standards at this point, because it's really a moot point. It's -- I think I'm -- everything else is pretty just -- everything else in the code -- and when you get past the point system is really just defining the quality of the amenity. It's -- you have to have these elements in order for that to meet that definition. It's more defining how you design that open space amenity. So, I think I can -- have pretty good clear direction and I just want to make it clear. It's not intended for multi-family single family only or would you like me to ground truth some of the multi-family, too?

Simison: I think multi-family would like to get some ideas.

Parsons: I know someone that can help me with that.

Simison: It looks like Cameron is looking to speak as well on this topic.

Arial: Yes, Mr. Mayor, Members of Council, just briefly. Just from the -- the development community partners we have in the room and -- and I know that we can get good information to you pretty quickly. I think we will work with them to analyze under these criteria and get back with you as quickly as we can with some good -- good data. So, work with Bill and the development community to make that happen.

Simison: So, from a time frame if we want to continue all elements, certain elements -- how far out? Thoughts?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: I -- I would want to get input from staff. I mean they have got current developments going on moving forward and now the look back, that adds to the workload. So, kind of would like input on even is it doable.

Parsons: Yeah. Mayor, Members of the Council, it's really your -- your realm, you know. Staff likes a quick decision and, obviously, we are not going to get there tonight, but if you feel like you need time -- obviously you see how much -- how many changes we have proposed with this text amendment and that certainly wasn't our intent. It just kind of got piled on and kept growing and growing like a snowball. So, this is an unusual text amendment to have this many changes coming before you. Typically it's -- it's a more methodical approach and we try to bring new pieces at a time throughout the year, so you are not overwhelmed like this and get so much information. So, I really -- I turn -- I turn it back over to you. I want to make sure you read -- you have all the information, you read everything, you understand what you are approving and I can bring you back the data. So, if you need a month I'm good with a month. If you need into July, I can bring back something into July. I don't think it's going to be critical. What I -- what I -- what I am a little hesitant is that we are starting to come into vacation season for my team and so I'm going to have to fill in where they are out of the office, so that's going to take a little bit of my time and put a little bit more burden on me. So, I would prefer possibly sometime mid August if that works for all of you. A month is prudent. I'm good with that.

Simison: So, what about -- because I think some of this information may exist to be quick. What if we brought back the -- maybe some of the information to Council for consideration in three weeks on the 27th and continue the public hearing to that second Tuesday, since our first one is cancelled because of National Night Out, so that -- the public hearing conversation gives us a few weeks between --

Parsons: Yeah. I think I could pull something together fairly quickly on that. Again, I have done the multi-family data, so it shouldn't take me long to pull together the single family. Again, I'm going to look at about a half -- half a dozen projects and move on. I will pick a variety of different projects.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Since our public hearing isn't closed, do we have any -- from Jon, Hethe, they have any comment on the direction we are going here? Are we good? Okay. Okay. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm just curious, so that we don't potentially hold up a portion of this that's unnecessarily so, because this is all one application are we permitted to vote on say the

-- the RV and parking portion in our next public hearings, so that we are not holding them up for the open space requirements or does that all need to wait and be decided at the same time, because it's one application?

Simison: Yes. One application. Unless we wanted to close the public hearing and renotice and have it come through a separate process. Yeah.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just in -- I guess closing comment. I have been very quiet. I -- I'm ready to -- I could act now. I could act at the next meeting. I think it's 99 percent there, quite frankly. I think Hethe's suggestions are spot on almost entirely and -- and there is some -- maybe some tweaks on some percentages, but I think we are there. So, I'm quiet because there has been a lot of good work to get us here. Staff and public meetings and the outreach to the development community has got us there. I don't know if a dog park is two points or one point. I will never know. And I'm not going to -- I'm not going to personally want to continue it until I figure out if it's one or two. I like the scoring system. I like how it tries to provide some objective measurements and encourages the development community to do X and not Y and X is worth a little more than Y. That's why we started this point system in the first place. We won't be changing this forever. The next six of us will be changing it forever. It's supposed to change. So, I like it. I think it's great work. I think there is a few changes, a few tweaks, a word here or there, some numbers here and there, but it is 99 percent there. So, I -- I don't -- I'm not going to be probably too engaged in debating the one point versus two on a drinking fountain. I think -- we -- we will never stop. We will never stop. So, I will be ready to act and vote at the next meeting. Great discussion. And thanks for sticking around. The input is awesome and the public input is fantastic. We are on the two yard line.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think most of us are -- I think similar to Councilman Borton, we are -- we are noodling over three to seven percent of this stuff. So, however we want to do that efficiently -- a week from now, a month from now, three months from now I guess is the question, but I -- I think that most of this could be settled with a brief conversation with Council -- not at 10:30 at night.

Simison: I don't hear Council talking about the numbers. I don't think that anyone is going to get into point values typically. I just think they just want to be proofed, to have an understanding about what it means. That's what I'm hearing more. Not let's redefine the numbers. At least that's what I'm hearing. Yeah. So -- well, yeah, exactly and that's why I don't think -- I think we have got some dates set forward on how to get this. I think we

are looking at the 27th of this month to come back with information, the analysis, and, then, looking at the second or third weekend, which is --

Perreault: Mr. Mayor?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I'm thinking that we can just -- if we get that data looked at I think that we can get it done on the 27th.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I won't be here, so I'm sure you guys will have plenty of time to be able to get it done. I won't be taking --

Bernt: I love the 27th.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have any thoughts on -- on the timing of it. If staff needs until mid August that's fine with me or we can get it all done. But as far as the -- the amenity point system, no, I don't want to get into the weeds as to what's one and what's two and what's five. I would like Council to consider whether we keep it a static number or whether we have a sliding scale for each amenity, a grade for each amenity. Because that's kind of is -- that's a pretty significant thing as far as how planning is going to end up adding up the points. So, I just want to throw that out there and hope that's in our parking lot of ideas that we are going to consider.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I'm good for making a decision for the 27th. We get that information and move forward.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue this public hearing, Item 3, ZOA-2021-0002 for July 27th.

Hoaglund: Second the motion.

Simison: I have a motion and a seconded continued 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 continued. Thank you all. We will see you with more information and back here soon.

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

- 4. Ordinance No. 21-1934: An Ordinance (H-2020-0117 – Shafer View Terrace) for Annexation of a Parcel of Land Being a Portion of the North Half of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Ada County, Idaho, and All of Lot 4, Block 1 of Shafer View Estates Subdivision as Recorded in Book 64 of Plats at Pages 9403 and 9404, Records of Ada County, Said Parcel is Located in the North Half of the Southwest Quarter of Section 32, Township 3 North, Range 1 East of the 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 10.66 Acres of Land from RUT to R-2 (Low-Density Residential) and 29.822 Acres of Land from RUT to R-4 (Medium-Low-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: Our last item of the evening is Ordinance No. 21-1934. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. An ordinance related to H-2020-0117, Shafer View Terrace, for annexation of a parcel of land being a portion of the north half of the southwest quarter of Section 31, Township 3 North, Range 1 East, Ada county, Idaho, and all of Lot 4, Block 1 of Shafer View Estates Subdivision as recorded in Book 64 of Plats at pages 9403 and 9404, records of Ada county. Said parcel is located in the north half of the southwest quarter of Section 32, Township 3 North, Range 1 East of the 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 10.66 acres of land from RUT to R-2 (Low-Density Residential) and 29.822 acres of land from RUT to R-4

(Medium-Low-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: Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Seeing none -- no request do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1934 with the suspension of rules.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve Ordinance No. 21-1934 under suspension of the rules. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the ordinance is agreed to.

MOTION CARRIED: ALL AYES.

Simison: Council, anything under future meeting topics? Or do I have a motion to adjourn?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.
MEETING ADJOURNED AT 10:47 P.M.
(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON
ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK



AGENDA ITEM

ITEM TOPIC: Edington Commons No. 1 Sawtooth Middle School Connection to Linder Road Pedestrian Pathway Easement

Project Name (Subdivision):
Edington Commons No. 1. SawtoothMS connection to Linder Rd

PEDESTRIAN PATHWAY EASEMENT

This Agreement (this “**Agreement**”) is made this 20th day of July, 2021, between Joint School District No. 2, doing business as West Ada School District, an Idaho School District and body corporate and politic of the State of Idaho (“**WASD**”), the City of Meridian, an Idaho municipal corporation (“**City**”), G20 LLC, an Idaho limited liability company (“**G20**”), and Edington Commons Homeowners’ Association, Inc., an Idaho nonprofit corporation (“**Edington**”). WASD, City, G20, and Edington are sometimes collectively referred to herein as the “**Parties**”, or individually as a “**Party**”, as the case may be.

WITNESSETH:

WHEREAS, WASD is the owner of real property located in Meridian, Ada County, Idaho, on portions of which the City desires to establish a public pathway (the “**Pathway**”) on property described on Exhibit “A” and depicted on Exhibit “B” (the “**Pathway Property**”); AND

WHEREAS, WASD desires to grant an easement to establish the Pathway and provide connectivity on the Pathway Property; AND

WHEREAS, G20 shall construct the Pathway upon the Pathway Property described herein and Edington shall provide for ongoing maintenance of the same.

NOW, THEREFORE, the Parties agree as follows:

WASD does hereby grant unto City an easement on the Pathway Property (the “**Pathway Easement**”).

THE PATHWAY EASEMENT hereby granted is for the purpose of providing a public pedestrian pathway easement for multiple-use non-motorized recreation, with the free right of access to such facilities at any and all times.

TO HAVE AND TO HOLD, said Pathway Easement unto City, its successors and assigns forever.

WASD and Edington hereby covenant and agree that they will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers within the Pathway Easement, which would interfere with the use of the Pathway Easement, for the purposes stated herein.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the Parties hereto, that G20 shall construct the Pathway described herein with the confines of the Pathway Easement in accordance with the requirements of City Case no. H-2019-0109, and that Edington shall thereafter repair and maintain the Pathway. During construction of the Pathway, G20 will install a fence along the north side of the Pathway connected to the existing fence and extending to Linder Road. G20 will also re-route sprinklers (if needed), repair any damage to sprinklers, and restore the landscape to existing conditions.

WASD hereby covenants and agrees with City that should any part of the Pathway Easement become part of, or lie within the boundaries of any public street, then, to such extent such 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.

WASD does hereby covenant with City that it is lawfully seized and possessed of the aforementioned and described tract of land, and that it has a good and lawful right to convey said Pathway Easement, and that it will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Parties have hereunto subscribed their signatures the day and year first hereinabove written.

[end of text; signatures to follow]

WASD:

WEST ADA SCHOOL DISTRICT,
a political subdivision of the State of Idaho

By: Mary Ann Ranelis
Name: MARY ANN RANELIS
Its: SUPERINTENDENT

STATE OF IDAHO)
)ss.
County of Ada)

This record was acknowledged before me on May 26, 2021, by Mary Ann Ranelis, as Superintendent of West Ada School District.



Cheri R. Newbold
Notary Public for Idaho
Residing at West Ada School District
My commission expires 2-11-22

CITY:

CITY OF MERIDIAN,
an Idaho municipal corporation

Robert E. Simison, Mayor 7-20-2021

Attest by Chris Johnson, City Clerk 7-20-2021

STATE OF IDAHO)
)ss.
County of Ada)

This record was acknowledged before me on July 20th, 2021, by Robert E. Simison and Chris Johnson on behalf of the City of Meridian, in their capacities as Mayor and City Clerk, respectively.

Notary Public for Idaho
Residing at Meridian, Idaho
My commission expires 3-28-2022

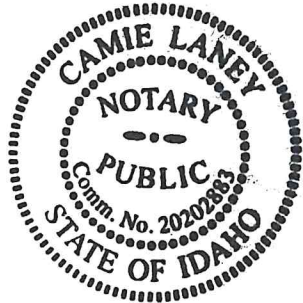
G20: [Signature]
G20 LLC, an Idaho limited liability company

By: [Signature]
Name: Jim Conger
Its: member & authorized agent

STATE OF IDAHO)
)ss.
County of Ada)

This record was acknowledged before me on May 14, 2021, by Jim Conger, as Authorized Agent of G20 LLC.

Camie Laney
Notary Public for Idaho
Residing at Bowl
My commission expires 8-3-2026



EDINGTON:

EDINGTON COMMONS HOMEOWNERS'
ASSOCIATION, INC.,
an Idaho nonprofit corporation

By: [Signature]
Name: Jim Conger
Its: Member

STATE OF IDAHO)
)ss.
County of Ada)

This record was acknowledged before me on May 14, 2021, by
Jim Conger, as Member of Edington Commons Homeowners'
Association, Inc.

[Signature: Camie Laney]
Notary Public for Idaho
Residing at Bow
My commission expires 8-3-2026



EXHIBIT A
Legal Description of Pathway Easement



Sawtooth Land Surveying, LLC

2030 S. Washington Ave. Emmett, ID 83617 P: (208) 398-8104 F: (208) 398-8105	1044 Northwest Blvd., Ste. G Coeur d'Alene, ID 83814 P: (208) 714-4544 F: (208) 292-4453	141 1 st Avenue East Jerome, ID 83338 P: (208) 329-5303 F: (208) 324-3821
---	---	---

Off-Site City of Meridian Pathway Legal Description

A 14-foot wide easement located in the NW1/4 SW1/4 of Section 36, Township 4 North, Range 1 West of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the S1/16 corner common to Sections 35 and 36, from which the southwest corner of said Section 36, bears South 00°14'51" West, 1318.78 feet distant;

Thence South 88°56'15" East, coincident with the south line of the SW1/4 SW1/4 of said Section 36, a distance of 48.00 feet to the easterly right of way line of N. Linder Road, marked by a 5/8 inch rebar/cap PLS 5291;

Thence North 00°14'51" East, coincident with said easterly right of way line, 52.88 feet to the **POINT OF BEGINNING**;

Thence continuing North 00°14'51" East, coincident with said easterly right of way line, 14.41 feet to the beginning of a non-tangent curve to the right;

Thence easterly, 34.17 feet along the arc of said curve to the right, having a radius of 52.00 feet, with a central angle of 37°38'42", subtended by a chord bearing South 82°34'34" East, 33.55 feet;

Thence South 63°45'13" East, 74.80 feet to the beginning of a tangent curve to the left;

Thence southeasterly, 20.43 feet along the arc of said curve to the right, having a radius of 188.00 feet, with a central angle of 06°13'38", subtended by a chord bearing South 66°52'02" East, 20.42 feet;

Thence South 69°58'51" East, 74.06 feet to said south line;

Thence North 88°56'15" West, coincident with said south line, 43.10 feet;

Thence North 69°58'51" West, 33.30 feet to the beginning of a tangent curve to the right;

Thence northwesterly, 21.95 feet along the arc of said curve to the right, having a radius of 202.00 feet, with a central angle of 06°13'38", subtended by a chord bearing North 66°52'02" West, 21.94 feet;

Thence North 63°45'13" West, 74.80 feet to the beginning of a tangent curve to the left;

Thence westerly, 27.88 feet along the arc of said curve to the left, having a radius of 38.00 feet, with a central angle of 42°02'05", subtended by a chord bearing North 84°46'15" West, 27.26 feet to the **POINT OF BEGINNING.**

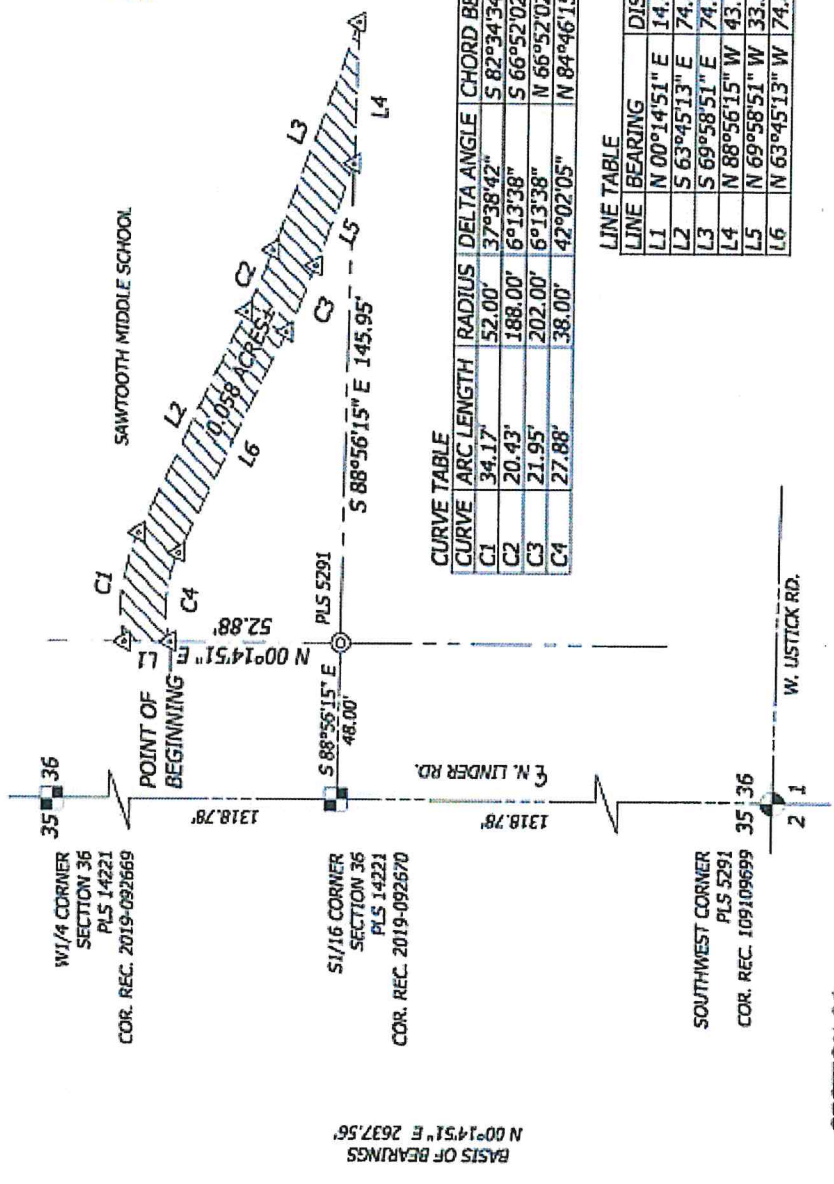
The above described easement contains 2,530 square feet or 0.058 acres, more or less.

BASIS OF BEARING for this description is North 00°14'51" West, between the southwest corner of Section 36 and the W1/4 corner common to Sections 35 and 36, Township 4 North, Range 1 West of the Boise Meridian.



LB

EXHIBIT B Depiction of Pathway Easement



CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	34.17'	52.00'	37°38'42"	S 82°34'34" E	33.55'
C2	20.43'	188.00'	6°13'38"	S 66°52'02" E	20.42'
C3	21.95'	202.00'	6°13'38"	N 66°52'02" W	21.94'
C4	27.88'	38.00'	42°02'05"	N 84°46'15" W	27.26'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°14'51" E	14.41'
L2	S 63°45'13" E	74.80'
L3	S 69°58'51" E	74.06'
L4	N 88°56'15" W	43.10'
L5	N 69°58'51" W	33.30'
L6	N 63°45'13" W	74.80'

SECTION 36
T. 4 N., R. 1 W., B.M.



PROJECT: OFF-SITE CITY OF MERIDIAN REGIONAL PATHWAY EASEMENT MERIDIAN, IDAHO	OWNER/DEVELOPER: CONGER GROUP	DWG # 19292-EX
	DATE: 8/2020	PROJECT # 19292
2030 S. WASHINGTON AVE. EMMETT, ID 83617 P: (208) 398-8104 F: (208) 398-8105		SHEET 1 OF 1
		WWW.SAWTOOTHLS.COM



AGENDA ITEM

ITEM TOPIC: Hill's Century Farm North No. 1 Water Main Easement No. 2

Project Name (Subdivision):
Hill's Century Farm North #1

Water Main Easement Number: 2
 Identify this Easement by sequential number if Project contains more than one Water Main easement.
 (See Instructions for additional information).

WATER MAIN EASEMENT

THIS Easement Agreement, made this 20th day of July, 2021 between Century Farm Development LLC, DWT Investments LLC and RG Enterprises LTD. CO. , (“Grantor”), and the City of Meridian, an Idaho Municipal Corporation (“Grantee”);

WHEREAS, the Grantor desires to provide a water main right-of-way across the premises and property hereinafter particularly bounded and described; and

WHEREAS, the water main 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 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 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 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.

[END OF TEXT; SIGNATURES TO FOLLOW]

GRANTOR:

DWT INVESTMENTS LLC
an Idaho limited liability company

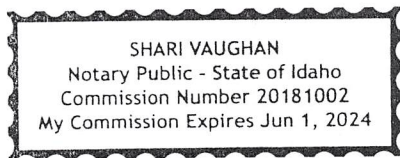
By: Brighton Corporation, an Idaho
Corporation, Manager

By: Robert L. Phillips, President

STATE OF IDAHO)
 : ss.
County of Ada)

On this 7th day of July, 2021, before me, the undersigned a Notary Public in and for said State, appeared Robert L. Phillips, known or identified to me to be the President of Brighton Corporation, the corporation that is the Manager of DWT Investments LLC, the limited liability company that executed the within instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in the certificate first written above.



Shari Vaughan
Notary Public for Idaho
My Commission expires: 6-1-2024

GRANTOR:

Century Farm Development LLC
an Idaho limited liability company

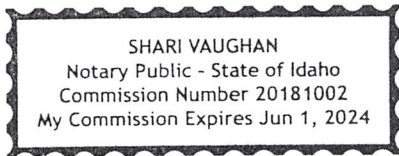
By: Brighton Corporation, an Idaho
Corporation, Manager

By: Robert L. Phillips, President

STATE OF IDAHO)
 : ss.
County of Ada)

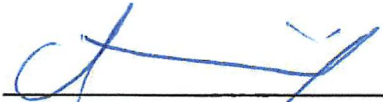
On this 7th day of July, 2021, before me, the undersigned a Notary Public in and for said State, appeared Robert L. Phillips, known or identified to me to be the President of Brighton Corporation, the corporation that is the Manager of Century Farm Development LLC, the limited liability company that executed the within instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in the certificate first written above.



Notary Public for Idaho
My Commission expires: 6-1-2024

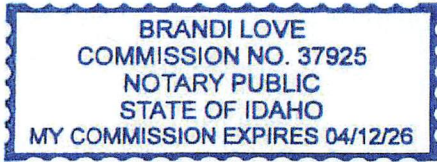
BV Management Services, Inc.,
Executive Manager



Cortney Liddiard, President

STATE OF IDAHO)
) ss
COUNTY OF Bonneville


This record was acknowledged before me on June 3, ²⁰²¹~~2020~~, by Cortney Liddiard on behalf of BV Management Services, Inc., Executive Manager, in the following representative capacity: President.



Brandi Love

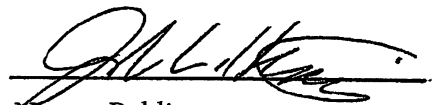
Notary Public
My commission expires: 4-12-2026

GRANTOR: RG Enterprises LTD. CO..


By: **Russell Griffiths, President**

STATE OF IDAHO)
) ss
COUNTY OF ADA)

This record was acknowledged before me on July 2, ²⁰²¹~~2020~~, by Russell Griffiths, on behalf of RG Enterprises LTD. CO., in the following representative capacity: **President.**


Notary Public
My Commission Expires: 9/1/23





November 18, 2020
Century Farm Development, LLC
Project No. 18-163
Legal Description

EXHIBIT A

A parcel of land for a City of Meridian Water Easement situated in a portion of the Northeast 1/4 of the Northwest 1/4 of Section 33, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at a found brass cap monument marking the North 1/4 corner of said Section 33, which bears S89°15'22"E a distance of 2,660.61 feet from a found aluminum cap monument marking the Northwest corner of said Section 33;
Thence following the northerly line of said Northeast 1/4 of the Northwest 1/4, N89°15'22"W a distance of 656.75 feet;
Thence leaving said northerly line, S00°44'38"W a distance of 205.19 feet to the **POINT OF BEGINNING**.

Thence S00°13'57"W a distance of 20.00 feet;
Thence N89°46'03"W a distance of 40.32 feet;
Thence S00°44'38"W a distance of 25.21 feet;
Thence N89°15'22"W a distance of 20.00 feet;
Thence N00°44'38"E a distance of 25.04 feet;
Thence N89°46'03"W a distance of 50.86 feet;
Thence N44°15'22"W a distance of 41.22 feet;
Thence N89°15'22"W a distance of 19.66 feet;
Thence N00°44'38"E a distance of 20.00 feet;
Thence S89°15'22"E a distance of 27.94 feet;
Thence S44°15'22"E a distance of 13.05 feet;
Thence N45°44'38"E a distance of 15.41 feet;
Thence S44°15'22"E a distance of 10.00 feet;
Thence S45°44'38"W a distance of 15.41 feet;
Thence S44°15'22"E a distance of 18.06 feet;
Thence S89°46'03"E a distance of 102.79 feet to the **POINT OF BEGINNING**.

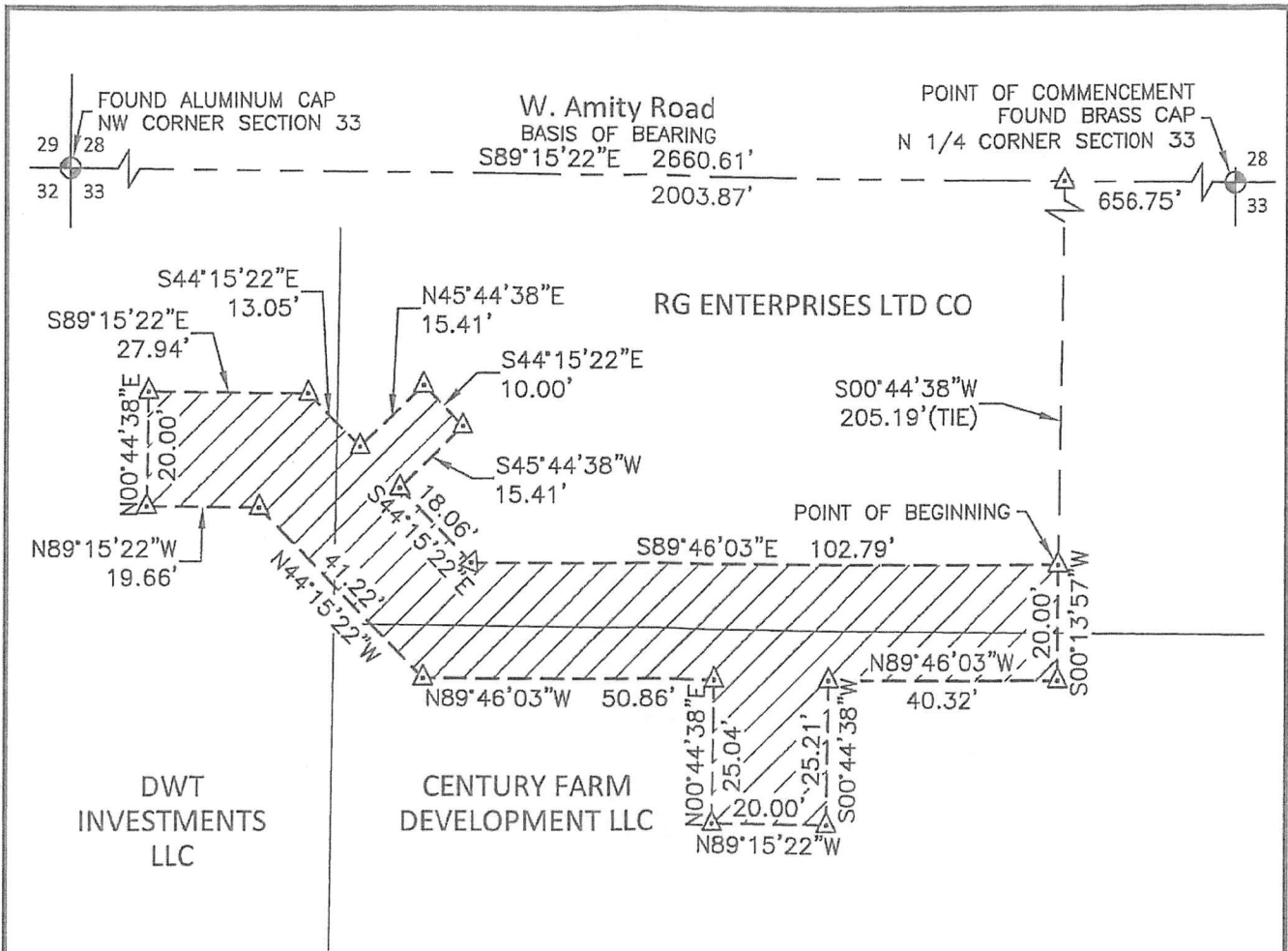
Said parcel contains 4,095 square feet (0.094 Acres), more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

Attached hereto is Exhibit B and by this reference is made a part hereof.



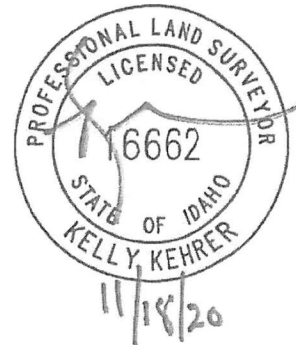
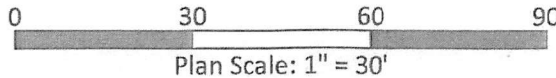
ENGINEERS | SURVEYORS | PLANNERS

Item #4.



LEGEND

- FOUND ALUMINUM CAP
- FOUND BRASS CAP
- CALCULATED POINT
- SECTION LINE
- LOT LINE
- PROPOSED WATER EASEMENT



km
ENGINEERING
9233 WEST STATE STREET
BOISE, IDAHO 83714
PHONE (208) 639-6939
kmengllp.com

DATE: 11/18/20
PROJECT: 18-163

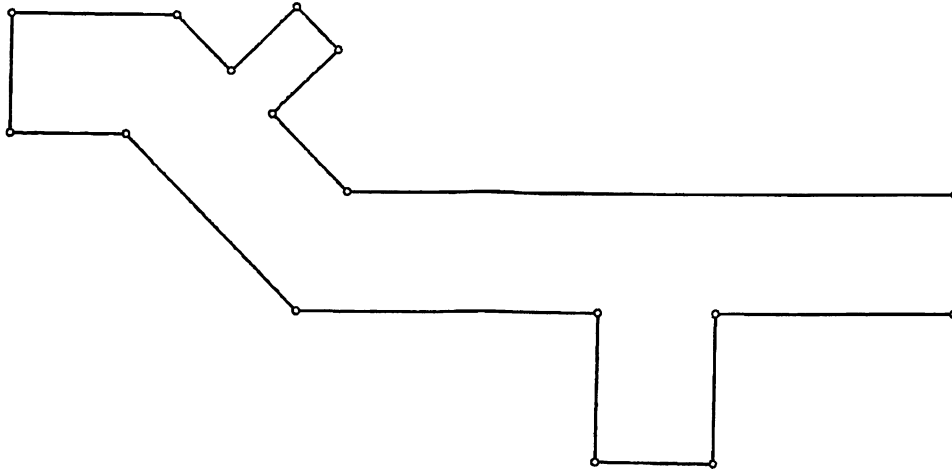
SHEET: 1 OF 1

**EXHIBIT B
CITY OF MERIDIAN WATER EASEMENT**

A PORTION OF THE NE 1/4, NW 1/4, SECTION 33, TOWNSHIP 3 NORTH RANGE 1 EAST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO

P:\18-163\CAD\SURVEY\EXHIBITS\18-163 WATER EASEMENT.DWG, PAUL KIM, 11/18/2020, TASKALFA 2550CI, ...

Item #4.



Title:		Date: 11-18-2020
Scale: 1 inch = 30 feet	File: Deed Plotter.des	
Tract 1: 0.094 Acres: 4095 Sq Feet: Closure = s37.5103e 0.02 Feet: Precision =1/29785: Perimeter = 465 Feet		
001=s00.1357w 20.00	007=n44.1522w 41.22	013=s44.1522e 10.00
002=n89.4603w 40.32	008=n89.1522w 19.66	014=s45.4438w 15.41
003=s00.4438w 25.21	009=n00.4438e 20.00	015=s44.1522e 18.06
004=n89.1522w 20.00	010=s89.1522e 27.94	016=s89.4603e 102.79
005=n00.4438e 25.04	011=s44.1522e 13.05	
006=n89.4603w 50.86	012=n45.4438e 15.41	



AGENDA ITEM

ITEM TOPIC: Final Plat for Poiema Subdivision (FP-2021-0034) by Civil Innovations, PLLC, Located at 3727 E. Lake Hazel Rd.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: July 13, 2021

Topic: Final Plat for Poiema Subdivision (FP-2021-0034) by Civil Innovations, PLLC,
Located at 3727 E. Lake Hazel Rd.

Request:

Final Plat consisting of 48 single-family residential building lots, one (1) Church lot, and 8 common lots on 14.88 acres of land in the R-15 zoning district.

Information Resources:

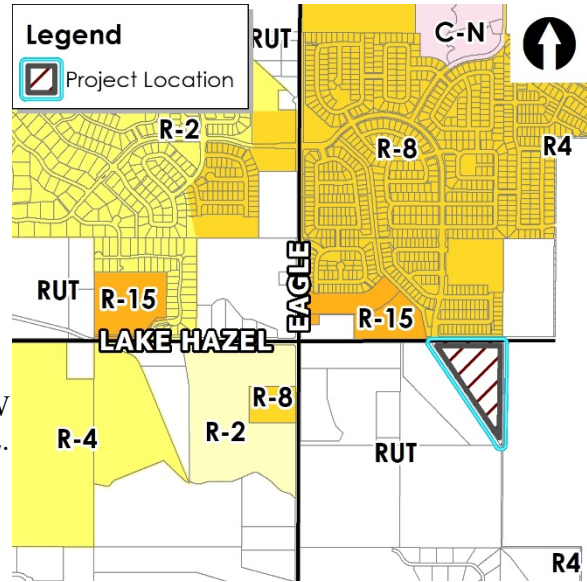
[Click Here for Application Materials](#)

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 7/20/2021
TO: Mayor & City Council
FROM: Joseph Dodson, Associate Planner
208-884-5533
SUBJECT: FP-2021-0034
Poiema Subdivision
LOCATION: The site is generally located at 3727 E. Lake Hazel Road, in the NE ¼ of the NW ¼ of Section 4, Township 2N., Range 1E.



I. PROJECT DESCRIPTION

Request for Final Plat consisting of 48 single-family residential building lots, one (1) Church lot, and 8 common lots on 14.88 acres of land in the R-15 zoning district, by Civil Innovations, PLLC.

II. APPLICANT INFORMATION

A. Applicant/Owner:

Evans Development, LLC – 7761 W. Riverside Drive, Boise, ID 83705

B. Representative:

Ben Thomas, Civil Innovations, PLLC – 1043 E. Park Blvd., Ste.101, Boise, ID 83712

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 one and only phase of development of the Poiema Subdivision that received preliminary plat approval in 2020 (H-2020-0035). **The same number of buildable lots, the same amount of open space, and the same amenity is proposed as were approved in the preliminary plat.** Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

Note: The Applicant Representative, Civil Innovations, revised the proposed stormwater drainage system to be an underground seepage bed instead of a retention pond. This change was made because the stormwater facilities are proposed within the large shared open space lot (Lot 3, Block 2) and cannot count towards the required open space if the drainage system is a retention pond of any kind.

Should ACHD not approve of the proposed seepage bed design, the Applicant may have to revise the plat or request a Development Agreement Modification.

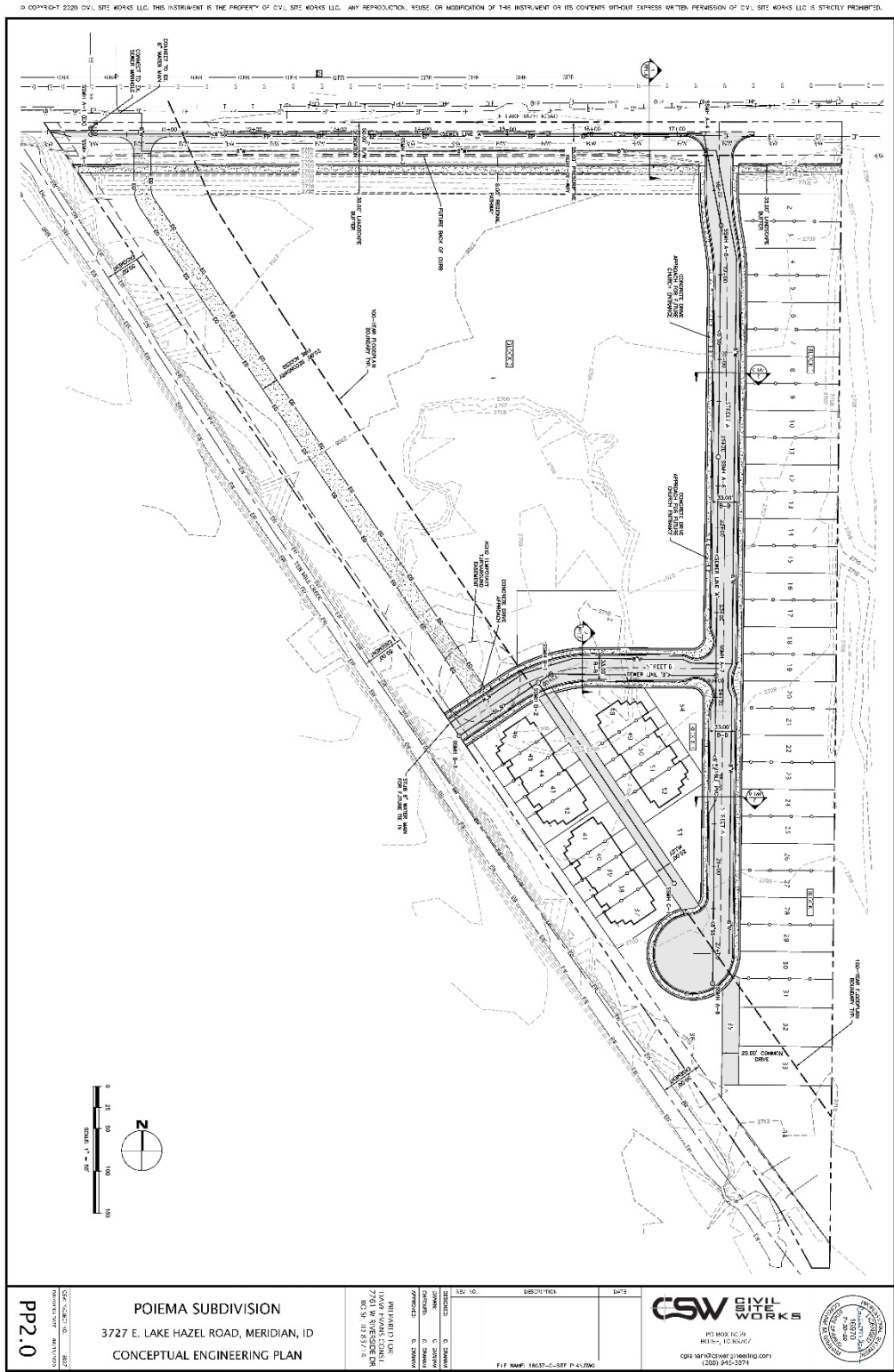
IV. DECISION

A. Staff:

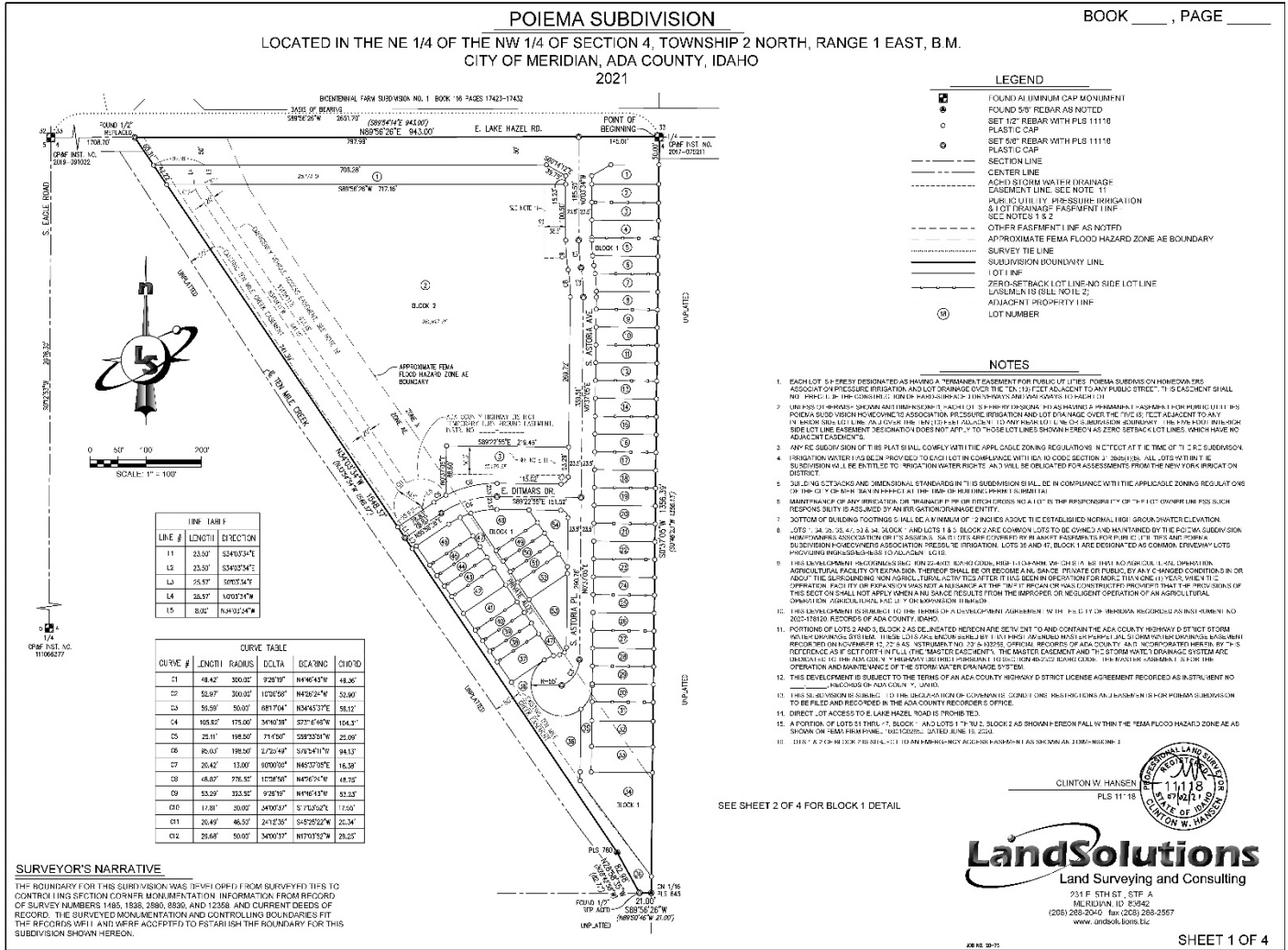
Staff recommends approval of the proposed final plat with the conditions of approval in Section VI of this report.

V. EXHIBITS

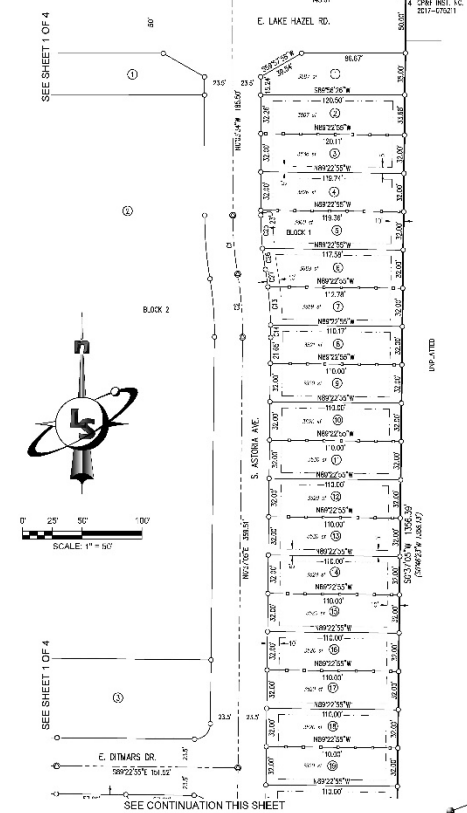
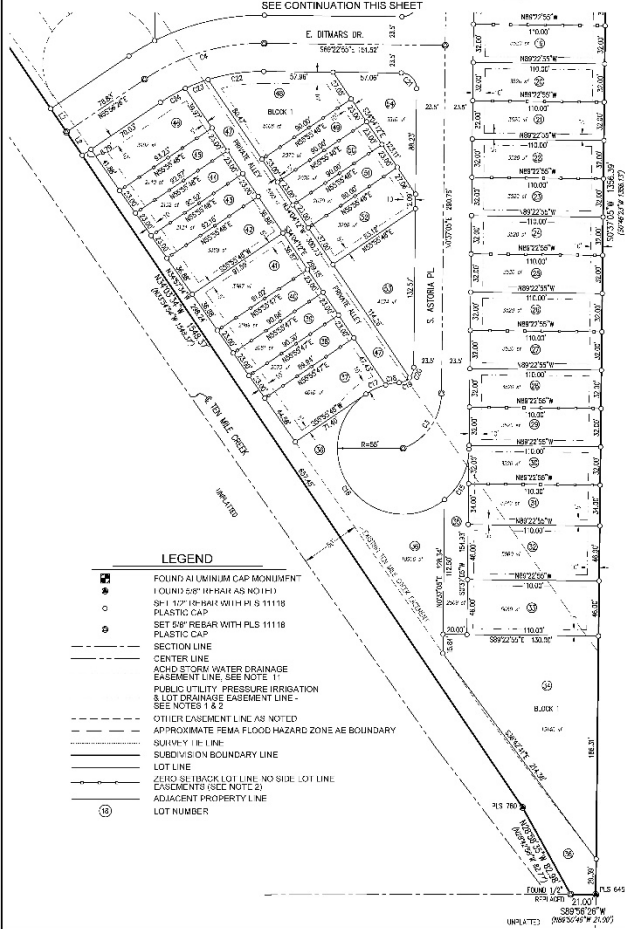
A. Preliminary Plat (date: 7/30/2020)



B. Final Plat (date: 7/2/2021)



POIEMA SUBDIVISION
 LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 1 EAST, B.M.
 CITY OF MERIDIAN, ADA COUNTY, IDAHO
 2021



INF TARI F

LINE #	LENGTH	DIRECTION
1	23.50'	S34°35'41"W
2	23.50'	S34°35'41"W
3	35.57'	S0°53'34"W
4	25.57'	N0°53'34"W
5	8.00'	S31°03'34"W

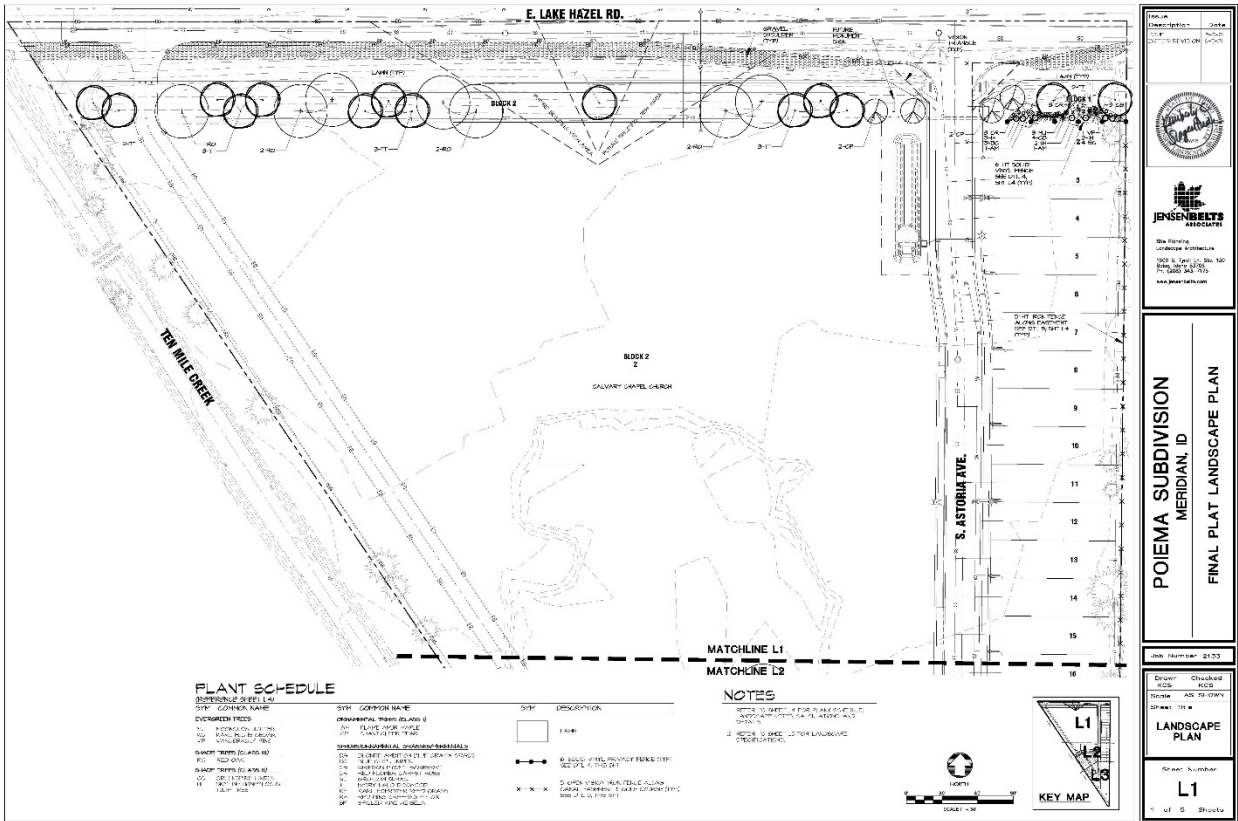
CURVE TARI F

CURVE #	LC+VS H	RADIUS	DELTA	BEARING	CHORD
C1	48.42'	325.00'	9°28'18"	N6°45'24"W	49.26'
C2	52.87'	325.00'	1°04'58"	N6°45'24"W	52.86'
C3	58.58'	52.00'	87°7'04"	N44°23'24"E	26.12'
C4	115.56'	115.56'	54°03'20"	S37°14'14"W	118.21'
C5	124.17'	198.35'	7°42'52"	S85°35'53"W	20.33'
C6	65.33'	188.56'	22°25'42"	S25°54'17"W	64.13'
C7	28.14'	13.25'	90°00'00"	N45°17'05"E	18.16'
C8	48.87'	278.50'	8°05'58"	N3°38'24"W	48.75'
C9	53.28'	322.50'	5°38'18"	N4°45'24"W	53.22'
C10	17.87'	32.00'	54°00'31"	S7°03'52"E	17.55'
C11	28.14'	48.00'	24°2'30"	S49°32'27"W	23.24'
C12	28.68'	52.00'	54°00'31"	N°7°32'52"W	28.25'
C13	32.32'	322.50'	5°41'23"	N4°53'32"W	32.17'
C14	16.33'	322.50'	15°00'00"	N01°13'52"W	16.35'
C15	48.14'	52.00'	52°28'44"	N25°19'27"E	45.80'
C16	177.68'	52.00'	194°28'18"	S3°40'03"E	169.62'
C17	18.14'	52.00'	185°58'05"	S68°01'35"W	18.02'
C18	11.44'	52.00'	1°25'00"	S88°28'33"W	1.42'
C19	5.96'	13.25'	1°23'45"	N45°27'12"E	5.72'
C20	9.57'	13.25'	41°57'14"	N2°27'42"E	9.29'
C21	20.14'	13.25'	90°02'00"	N4°22'59"W	18.26'
C22	47.33'	113.00'	17°51'12"	S81°41'29"W	47.62'
C23	20.51'	191.60'	7°49'23"	S68°52'32"W	20.57'
C24	23.95'	113.50'	9°02'25"	S80°09'00"W	23.62'
C25	27.89'	278.50'	5°45'23"	N49°35'35"W	27.82'
C26	13.72'	278.50'	2°40'17"	N7°34'44"W	13.71'
C27	14.84'	322.50'	7°33'38"	N47°24'07"W	14.84'

LandSolutions
 Land Surveying and Consulting
 231 E. 5TH ST. STE. A
 MERIDIAN, ID 83642
 (208) 288-2200 • Fax (208) 288-2557
 www.landsolutions.biz



C. Landscape Plans (date: 6/7/2021)







 Site Planning
 Landscape Architecture
 100 N. Park St., Ste. 100
 Portland, OR 97227
 P: 503.255.7975
 www.jensenbelts.com

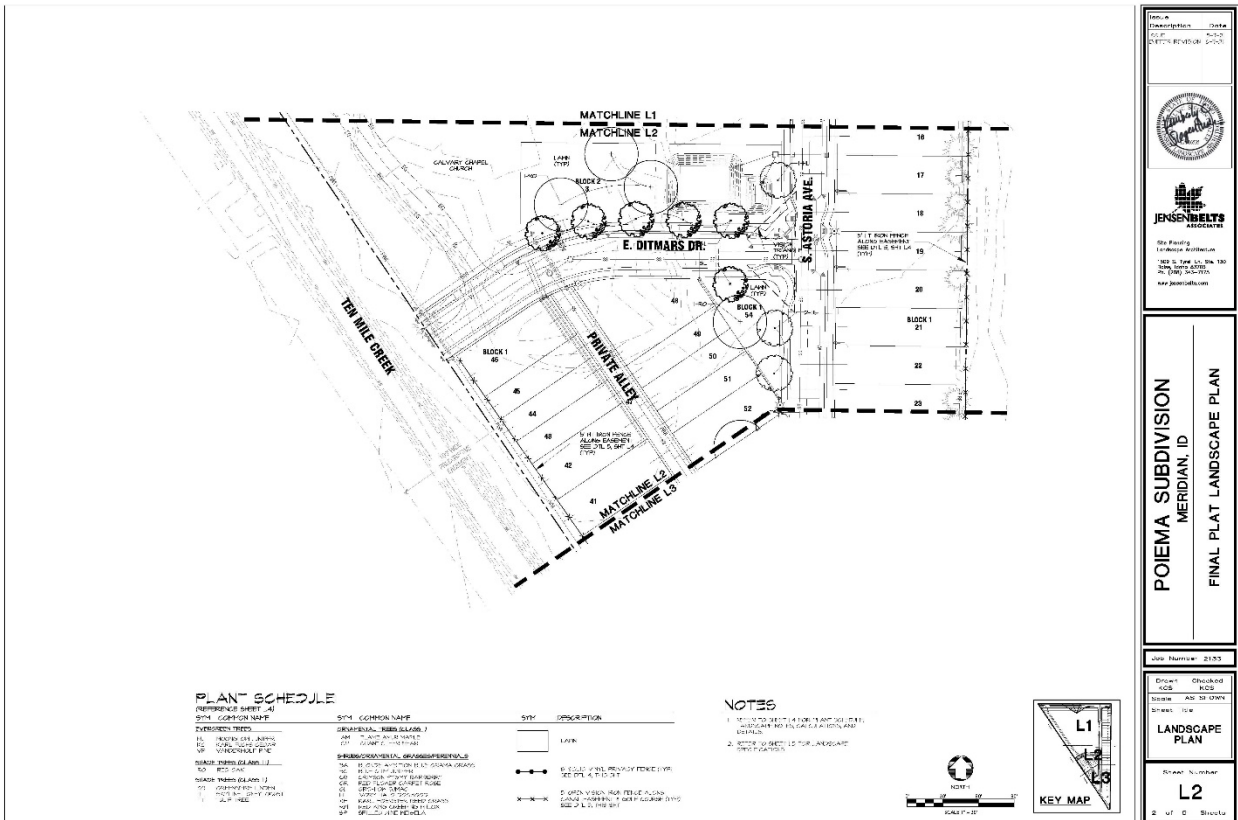
POIEMA SUBDIVISION
 MERIDIAN, ID
FINAL PLAT LANDSCAPE PLAN

Job Number: 2133

Drawn:	Checked:
Scale:	AS SHOWN
SYMBOL:	SEE PLAN

LANDSCAPE PLAN

Sheet Number:
L1
 of 2 Sheets







 Site Planning
 Landscape Architecture
 100 N. Park St., Ste. 100
 Portland, OR 97227
 P: 503.255.7975
 www.jensenbelts.com

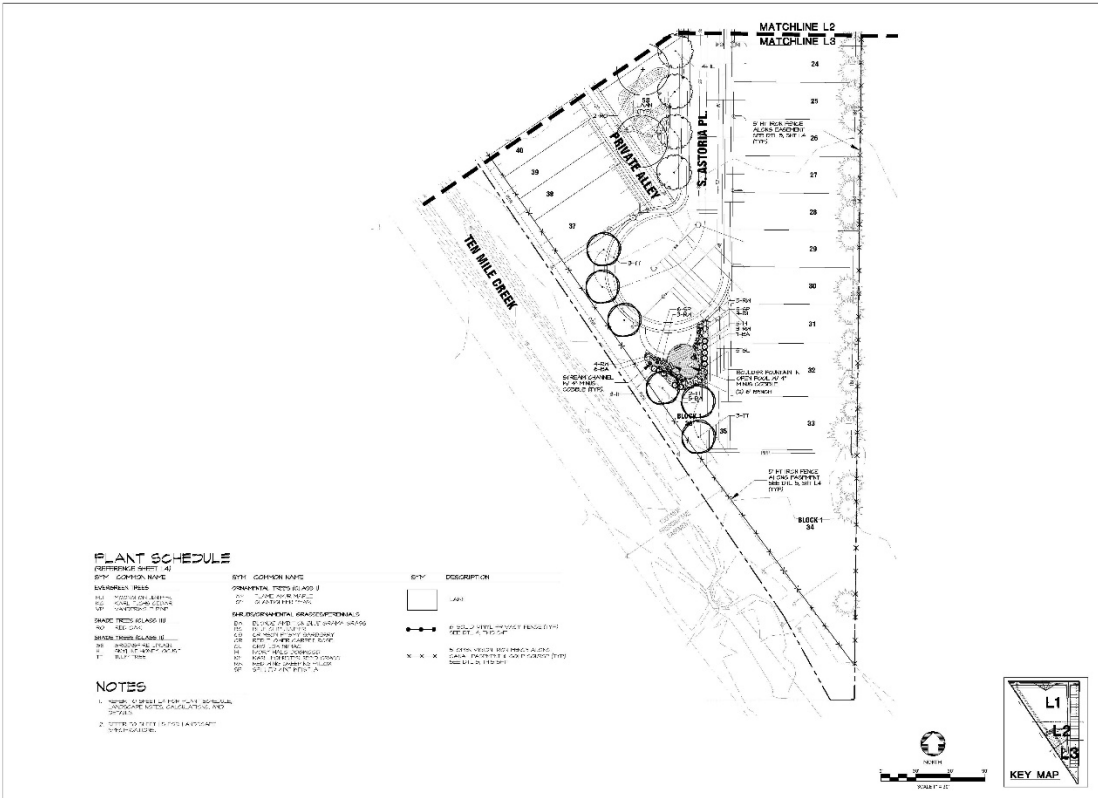
POIEMA SUBDIVISION
 MERIDIAN, ID
FINAL PLAT LANDSCAPE PLAN

Job Number: 2133

Drawn:	Checked:
Scale:	AS SHOWN
SYMBOL:	SEE PLAN

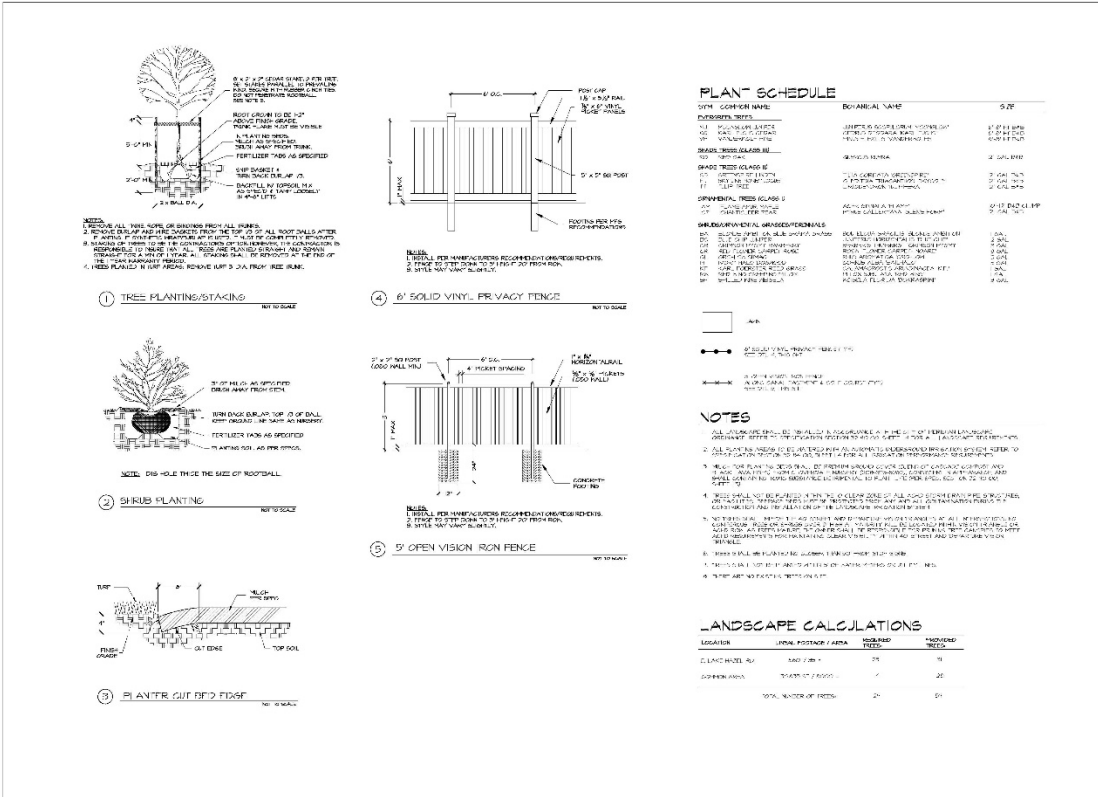
LANDSCAPE PLAN

Sheet Number:
L2
 of 2 Sheets



POEMA SUBDIVISION
MERIDIAN, ID
FINAL PLAT LANDSCAPE PLAN

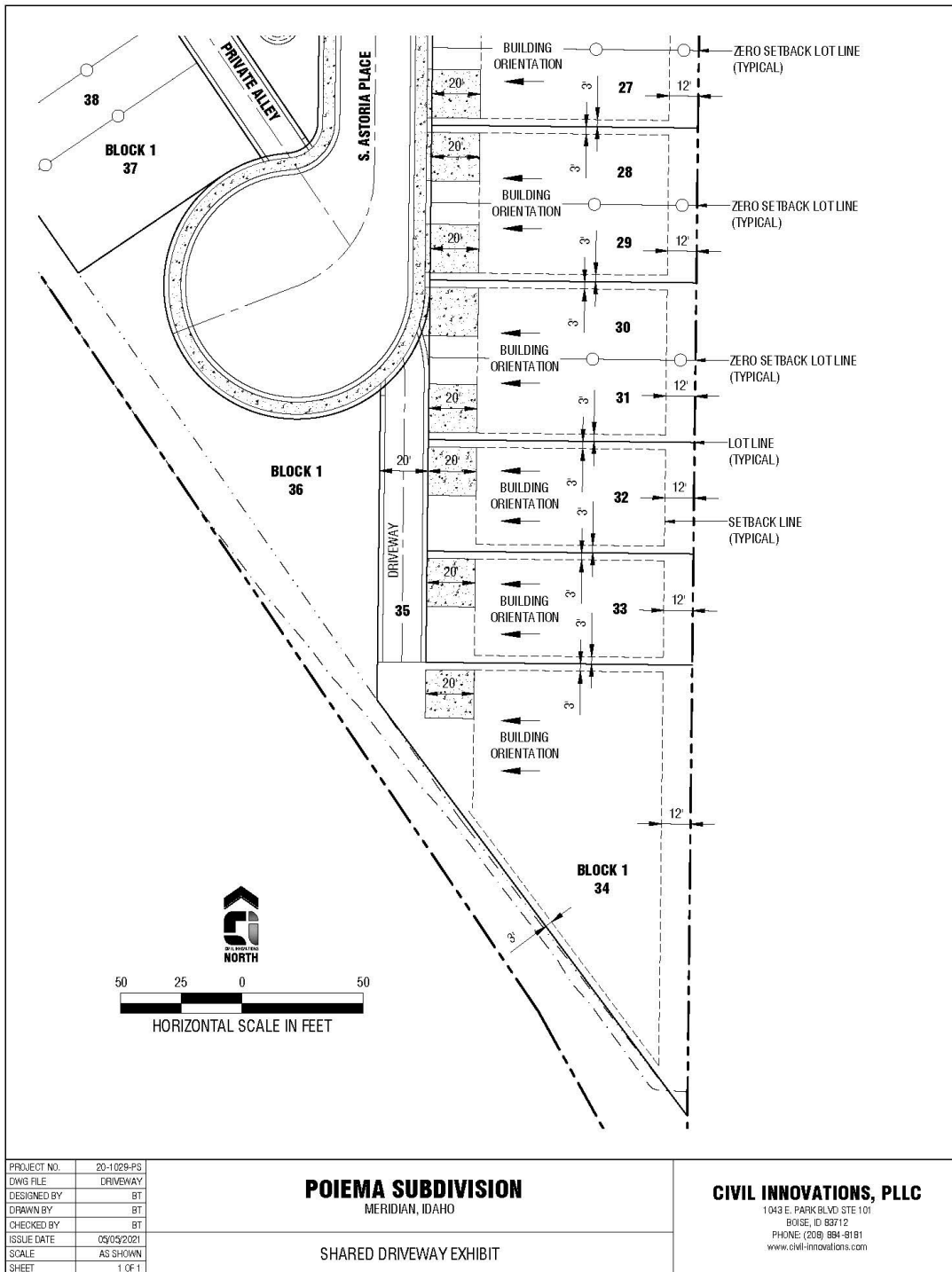
Sheet Number: L3
4 of 5 Sheets



POEMA SUBDIVISION
MERIDIAN, ID
FINAL PLAT LANDSCAPE PLAN

Sheet Number: L4
4 of 5 Sheets

D. Common Drive 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-2020-0035, DA Inst. #[2020-138120](#)).
2. The applicant shall obtain the City Engineer's signature on the final plat within two (2) years of the preliminary plat approval (August 25, 2022), 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 07/02/21 by Clinton W. Hansen, is approved with the following revisions:
 - a. Note #8: Correct the referenced common lots (remove Lot 34, Block 1 as a common lot per the final plat and construction drawings).
 - b. Note #12: Include recorded instrument number.
 - c. Note #16: Include recorded instrument number following easement documentation.
5. The landscape plan shown in Section V.C prepared by Jensen Belts Associates, dated 06/07/21, is approved as submitted.
6. Per the preliminary plat approval, future homes along the proposed S. Astoria Avenue shall provide variation in building setbacks to provide for an attractive streetscape. A master plan depicting varying building setbacks shall be submitted with the required design review applications
7. Prior to the issuance of any 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. The Applicant shall construct a temporary turnaround with a minimum turning radius of 45 feet at the end of the proposed western stub street (E. Ditmars Drive) in alignment with ACHD policies. The turnaround is required until such time that the stub street connects to future streets in the development to the west.
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. The sewer in private alleys must have a 20-foot private easement centered on the main. Easements cannot have any encroachments including but not limited to buildings, trees, bushes, drainage facilities, etc.
2. The water line at the western boundary of the subdivision must be looped through the property North to Lake Hazel Road.
3. The water line tee at Astoria Ave and Lake Hazel Road, going east, should be 8-inch diameter instead of 12-inch.
4. A future streetlight agreement is required for streetlights on Lake Hazel Road pursuant to Section 6 of the Meridian Design Standards. This section of Lake Hazel is scheduled to be widened by ACHD and current streetlights do not meet requirements for the ultimate build out. The agreement and funds shall be executed and paid prior to occupancy of any buildings.
5. A Floodplain Development Permit (FPDP) is required. The property is within an "A" approximate FEMA flood zone. The detailed flood study that has been submitted indicates much larger flood risk and requires a culvert of Lake Hazel to be replaced and LOMR completed. Optimized grading in phase 1 may mitigate some floodplain development requirements.

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-foot wide for a single utility, or 30-foot 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 8 1/2" 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.



AGENDA ITEM

ITEM TOPIC: Findings of Fact, Conclusions of Law for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

**CITY OF MERIDIAN
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION & ORDER**



In the Matter of the Request for Annexation, Zoning to R-8 and R-15 and Preliminary Plat for 316 residential lots, by DevCo LLC.

Case No(s). H-2020-0127

For the City Council Hearing Date of: June 29, 2021 (Findings on July 20, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of June 29, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 29, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 29, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 29, 2021, 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 June 29, 2021, 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, Zoning to R-8 and R-15 and Preliminary Plat for 316 residential lots is hereby approved per the conditions of approval in the Staff Report for the hearing date of June 29, 2021, 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. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of June 29, 2021

By action of the City Council at its regular meeting held on the _____ day of _____, [year].

COUNCIL PRESIDENT TREG BERNT VOTED _____

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED _____

COUNCIL MEMBER JESSICA PERREAULT VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER JOE BORTON VOTED _____

COUNCIL MEMBER LIZ STRADER VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert Simison

Attest:

Chris Johnson
City Clerk

Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: _____ Dated: _____
City Clerk's Office

June 21, 2021

MEMORANDUM

TO: Mayor and City Council
FROM: Alan Tiefenbach, Associate City Planner
RE: Skybreak Subdivision - H-2020-0127

At the May 26, 2021 City Council Special Meeting, the Council directed the applicant to revise the Skybreak Subdivision plans to address three elements:

1. Provide sidewalks on at least one side of all streets;
2. Provide a better transition between the southern perimeter of the subdivision and the Vantage Pointe Subdivision to the south. This should be done by extending the larger lots at the southeast corner of Phase 7 to the west across the southern boundary to the Farr Lateral;
3. Relocate some of the open space at the south to a more central location.

The applicant has provided revised plans. The plans reflect street sections of the private streets to show a minimum 5' wide sidewalk on at least one side of the street. The private street and open space oriented east-west at the southern boundary of the property (adjacent to Vantage Pointe) has been replaced with lots meeting a minimum square footage of 20,900 sq. ft. (thereby extending larger lots along the southern boundary). The open space that was originally reflected at the southern boundary has been relocated to the center of the development (shown as 19,925 sq. ft. Lot 170, Block 5). The open space exhibit provided by the applicant reflects a slight reduction in what is being credited as qualifying open space from 14.99 acres to 14.5 acres. The total number of buildable lots has decreased from 329 lots to 316 (including the existing single-family residence). The 112 lots served by private streets has been reduced to 106. As requested by the Council, proposed conditions of approval have also been provided with this memorandum.

Staff has prepared draft conditions of approval as directed by City Council.

ATTACHMENTS

Updated Preliminary Plat and Landscape Plan

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231293&dbid=0&repo=MeridianCity>

Updated Narrative

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231357&dbid=0&repo=MeridianCity>

PROPOSED CONDITIONS OF APPROVAL:

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. The Skybreak Neighborhood shall follow the approved phasing plan and/or obtain planning and fire department approval for any modifications.
 - b. The applicant shall submit a wildland safety plan for the hillside area to be approved by Meridian Fire Department with the first final plat.
 - c. The existing residence at 3487 E. Adler Hof Ln. (Lot 45, Block 5) will be required to abandon the well and septic system and connect to City water and sewer with development of the property.
 - d. The applicant shall not submit a final plat for Phase 8 and 9 until public street access is provided.
 - e. A 30' rear yard setback is required on Lots 74-83, Block 5, abutting Vantage Pointe.
 - f. A 15' (external) side yard setback and an increased rear setback (as shown in applicant's plans) is required for Lot 74, Block 5, abutting Vantage Pointe.
 - g. The rear and/or sides of any 2-story structures facing S. Eagle Rd (18-21 Block 1, 15-26 and 76-79 Block 9) 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. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.
 - h. Future development of this site shall substantially comply with the preliminary plat, landscape plan and conceptual building elevations for the single-family attached and detached dwellings included in the attachments contained herein.
2. Administrative design review will be required for all new attached residential structures containing two (2) or more dwelling units.

3. The City Council has approved alternative compliance from UDC 11-3F-4 that limits gated developments to 50 lots, to allow 106 gated lots.
4. The City Council has approved alternative compliance from UDC 11-3F-4 prohibiting common driveways off private streets, to allow 3 common driveways.
5. The City Council has approved a wavier from UDC 11-6C-3 limiting dead-end streets ending in a cul-de-sac to 500 feet to allow the Phase 8 cul-de-sac in the northeast corner to extend to approximately 610'.
6. The City Council has approved a wavier from UDC 11-6C-3 limiting block face to no more than seven hundred fifty (750) feet in length without an intersecting street or alley to allow Block 9, north of the Farr Lateral to be approximately 1,000 feet in length.
7. The City Council has approved a wavier from UDC 11-6C-3 limiting block face to no more than seven hundred fifty (750) feet in length without an intersecting street or alley to allow Block 5, along the southern boundary of the property, to be approximately 1,190 feet in length.
8. The City Council has approved alternative compliance from UDC 11-3B-12 and UDC 11-3G-3 requiring minimum landscaping along pathways and within common open space to allow the pathway area shown in Lot 46 of Block 5 to remain in a natural state.
9. The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B, 11-3G and maintenance thereof as set forth in UDC 11-3B-13.
10. The applicant shall construct all proposed fencing and/or any fencing required by the UDC, consistent with the standards as set forth in UDC 11-3A-7 and 11-3A-6B, as applicable.
11. Except as otherwise listed above, the development shall comply with the private street requirements as set forth in 11-3F, including the applicant or owner providing documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private street, including regulations for the funding thereof.
12. The plat shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6. The Farr Lateral is allowed to remain open as waived by City Council.
13. Except as listed above, the applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.
14. The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to cul-de-sacs, alleys, driveways, common driveways, easements, blocks, street buffers, and mailbox placement.

15. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit.
16. The Applicant shall have a maximum of two (2) years from the date of City Council approval to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
17. The Applicant shall comply with all conditions of ACHD.
18. 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

1. Site Specific Conditions of Approval

1.1 Preliminary plat conceptual site plans dated 12/11/2020 must be adjusted as follows:

- 1.1.1 The sewer main stub near intersection of Street C and D needs to end in a manhole.
- 1.1.2 The sewer main stub at the North end of Street E needs to end in a manhole.
- 1.1.3 The sewer on the south-eastern boundary (Street J) should not go to the property boundary.
- 1.1.4 The sewer main should run at 0.60% slope and end in a manhole short of the property boundary.
- 1.1.5 Water and sewer mains must be covered in a 20-foot-wide easement per utility.
- 1.1.6 Easements cannot have encroachments of any permanent structures including but not limited to buildings, carports, trash enclosures, fences, trees, deep rooting bushes, etc.
- 1.1.7 Maintain a minimum 90-degree angle into/out of all manholes.
- 1.1.8 Slope between manholes shall not exceed 5%. Slopes between SSMH G-3 to SSMH H-1, SSMH G-4 to SSMH J-1, and SSMH G-8 to SSMH K-1 exceeds this.
- 1.1.9 No public main is allowed in common driveways, sewer line A and F are shown going through private drives.
 - 1.1.9.1 If you have three or less lots on a common drive, services should be stubbed from the roadway.
 - 1.1.9.2 Four or more lots, sewer will be allowed in the common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manholes needed in the common drive shall be marked with "Private" on the lid.
- 1.1.10 A drainage plan is required to be provided and reviewed prior to plan approval.

- 1.1.11 Current design does not meet minimum fire flow. A possible solution is to upsize some 12'' mains and add two more connections, one at the southwest and one at the northeast corner of the development. These changes must be coordinated with Public Works.
- 1.1.12 A streetlight plan must be provided with the final plat application. Streetlight plan requirements are listed in Meridian Design Standards.
- 1.1.13 Phase 8 of the proposal is in Flood Zone A. This area requires extending the existing hydraulic and hydrology study and establishing base flood elevations. Other phases are not impacted by flood zone and will not require floodplain study or permits.

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-foot wide for a single utility, or 30-foot 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 8 1/2" 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 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. A copy of the 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.

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



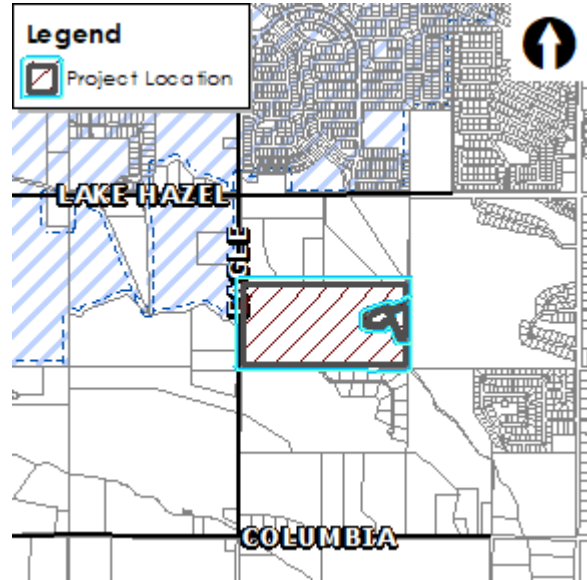
HEARING DATE: 5/26/2021 (Continued from 5/25/2021)

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner

SUBJECT: H-2020-0127
Skybreak Subdivision

LOCATION: 7020 S. Eagle Rd. & 3487 E. Adler Hof Ln., in the south 1/2 of the NW 1/4 of Section 4, T.2N., R.1E. (Parcels # S1404244250 & S1404233650)



I. PROJECT DESCRIPTION

The Applicant has submitted the following applications:

- Annexation of 80.46 acres of land with an R-8 and R-15 zoning district;
- Preliminary plat consisting of 328 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, one (1) private street lot and one (1) lot for the existing home).
- Private streets in the gated portion of the development serving 112 residential units with two (2) gates; and,
- Alternative Compliance to UDC 11-3F-4A.6, which prohibits common driveways off private streets, to allow such in three (3) locations within the gated area of the subdivision and UDC 11-3F-4A.b which limits all proposed gated developments to 50 units.

The applicant submitted a previous proposal in June of 2020 (H-2020-0079). This proposal consisted of 353 building lots, all of it single family detached. This proposal was scheduled for the October 15, 2020 Planning Commission meeting. Following staff's report to the Commission recommending denial, the applicant withdrew the application, and resubmitted the present one in January of 2021. This proposal is virtually the same except for 24 less lots, slightly enlarged open space in several areas, and 30 single family attached units in the northwest corner of the project.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	80.46	
Existing/Proposed Zoning	RUT in Ada County (existing), R-8 and R-15 proposed	
Future Land Use Designation	Low Density Residential (LDR) & Medium Density Residential (MDR)	
Existing Land Use(s)	Single-family residential/agricultural	
Proposed Land Use(s)	Single-family residential (SFR)	
Lots (# and type; bldg./common)	328 SFR buildable lots/40 common lots/14 other lots (i.e. 12 common driveway lots, 1 private street lot & 1 lot for the existing home)	
Phasing Plan (# of phases)	9 phases	
Number of Residential Units (type of units)	30 attached SFR homes 298 detached SFR homes (one is existing)	
Density	4.1 units/acre (gross)	
Open Space (acres, total [%]/buffer/qualified)	14.99 acres (or 18.8%) qualified open space	
Amenities	(2) dog parks; ¾ acre park with play structure, climbing rocks, a shade structure and benches; entry park, 1-acre sports park, passive open spaces and pathways	
Physical Features (waterways, hazards, flood plain, hillside)	The Farr Lateral crosses the southwest corner of this site; hillside/topography within southern rim area.	
Neighborhood meeting date; # of attendees:	5/27/20; 14 attendees, December 16, 2020; 9 attendees	
History (previous approvals)	Property boundary adjustment (Record of Survey #12358, Eisenman 2020), previous proposal similar to this one was withdrawn just prior to Planning Commission due to staff recommendation of denial. (H-2020-0079)	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
Traffic Impact Study (yes/no)	Yes	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) public street access (Street A) is proposed via S. Eagle Rd., an arterial street. <i>Eagle Rd. is currently improved with 2 travel lanes and no curb, gutter or sidewalk.</i>	
Traffic Level of Service	Eagle Rd. – Better than “E” (acceptable level of service)	
Stub Street/Interconnectivity/Cross Access	Stub streets are proposed to adjacent properties for future extension and interconnectivity as depicted on the plat. Southern stub streets only have emergency access. The area in the NEC of the proposed development (Phase 8)	

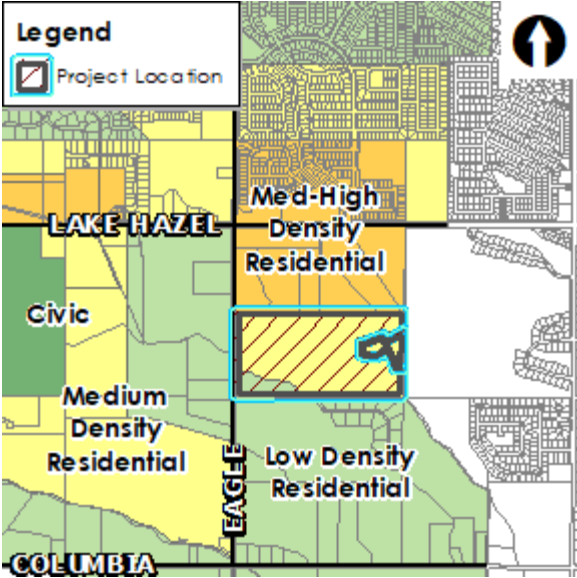
Description	Details	Page
Existing Road Network	cannot develop until Pura Vida extends a public street; Phase 9 of the development currently does not have the right to access the private lane and cannot develop until a public street is extended to the proposed development There is an existing private street (E. Adler Hof Ln.) that provides access from S. Eagle Rd. to the existing homes on this site. This roadway should terminate with development of the site as proposed.	
Existing Arterial Sidewalks / Buffers	None	
Proposed Road Improvements	<p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> • Lake Hazel Road is scheduled in the IFYWP to be widened to 5-lanes from Eagle Road to Cloverdale Road in 2024. • Eagle Road is scheduled in the IFYWP to be widened to 5-lanes from Lake Hazel Road to Amity Road in 2023. • The intersection of Lake Hazel Road and Eagle Road is scheduled in the IFYWP to be widened to 6-lanes on the north leg, 5-lanes on the south, 7-lanes east, and 6-lanes on the west leg, and reconstructed/signalized in 2023. • Lake Hazel Road is listed in the 2016 CIP to be widened to 5-lanes from Locust Grove Road to Eagle Road between 2026 and 2030. • The intersection of Lake Hazel Road and Locust Grove Road is listed in the 2016 CIP to be widened to 3-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 3-lanes on the west leg, and signalized between 2026 and 2030. 	
Fire Service		
<ul style="list-style-type: none"> • Distance to Fire Station 	2.9 miles (Fire Station #4) Fire has expressed concerns with only one point of access from S. Eagle Rd. Fire would <i>prefer</i> a second access to the north to E. Lake Hazel Rd.	
<ul style="list-style-type: none"> • Fire Response Time 	Fire has also expressed concerns with the private gates causing additional delays. <i>Most</i> (3/4+/-) of this development falls outside of the 5 minute response time goal from Fire Station #4.	
<ul style="list-style-type: none"> • Resource Reliability 	Current reliability is 77% from Station #4 – does <i>not</i> meet targeted goal of 80% or greater	
<ul style="list-style-type: none"> • Risk Identification 	2 – current resources would <i>not</i> be adequate to supply service. A wildfire safety plan is required.	
<ul style="list-style-type: none"> • Accessibility 	Project meets all required access, road widths and turnaround.	
<ul style="list-style-type: none"> • Special/resource needs 	Project will not require an aerial device; can meet this need in the required timeframe if a truck company is required (fire station is 5.9 miles away).	
<ul style="list-style-type: none"> • Water Supply 	Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.	
<ul style="list-style-type: none"> • Other 	In the event of a hazmat event, there will need to be mutual aid required for the development. In the event of a structure fire, an additional truck company will be required – this will require additional time delays as a second truck company is not available in the City.	
Police Service		
<ul style="list-style-type: none"> • Distance to Police Station 	5.5 miles	
<ul style="list-style-type: none"> • Police Response Time 	There is no call data in this area because the proposed development is at the edge of City limits.	
<ul style="list-style-type: none"> • Calls for Service 	7 (within a mile of site – between 2/1/19 and 1/31/20)	
<ul style="list-style-type: none"> • % of calls for service split by priority 	See Section IX.D	
<ul style="list-style-type: none"> • Accessibility 	No concerns	

Description	Details	Page																
<ul style="list-style-type: none"> Specialty/resource needs 	None at this time																	
<ul style="list-style-type: none"> Crimes 	1 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> Crashes 	9 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> Other 	Although located near the edge of City limits, service can be provided if this development is approved.																	
West Ada School District																		
<ul style="list-style-type: none"> Distance (elem, ms, hs) 	<table border="1"> <thead> <tr> <th></th> <th>Enrollment</th> <th>Capacity</th> <th>Miles Dev. to School</th> </tr> </thead> <tbody> <tr> <td>**Silver Sage Elementary**</td> <td>230</td> <td>425</td> <td>5.1 miles</td> </tr> <tr> <td>Lake Hazel Middle School</td> <td>928</td> <td>1000</td> <td>2.4 miles</td> </tr> <tr> <td>Mountain View High School</td> <td>2302</td> <td>2175</td> <td>4.8 miles</td> </tr> </tbody> </table>		Enrollment	Capacity	Miles Dev. to School	**Silver Sage Elementary**	230	425	5.1 miles	Lake Hazel Middle School	928	1000	2.4 miles	Mountain View High School	2302	2175	4.8 miles	
	Enrollment	Capacity	Miles Dev. to School															
Silver Sage Elementary	230	425	5.1 miles															
Lake Hazel Middle School	928	1000	2.4 miles															
Mountain View High School	2302	2175	4.8 miles															
<ul style="list-style-type: none"> Capacity of Schools 																		
<ul style="list-style-type: none"> # of Students Enrolled 	<p>**Enrollment at Hillsdale Elementary is currently capped. Students in this development will be attending Silver Sage Elementary until a new school is built to eliminate overcrowding at Hillsdale Elementary. **</p>																	
<ul style="list-style-type: none"> Predicted # of students generated from proposed development 	247 +/-																	
Wastewater																		
<ul style="list-style-type: none"> Distance to Sewer Services 	Sewer will be available with the development of Keep Subdivision on the West side of Eagle Road.																	
<ul style="list-style-type: none"> Sewer Shed 	South Black Cat Trunk Shed																	
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 	See Application																	
<ul style="list-style-type: none"> WRRF Declining Balance 	14.08																	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes																	
<ul style="list-style-type: none"> Impacts/Concerns 	<p>Water and sewer mains should not be in common driveways. Concerns have been expressed regarding the width of the private streets and that the required 30' easements may overlap onto private properties, rendering these areas unbuildable.</p> <p>The City is applying the following requirements for Common Driveways.</p> <ul style="list-style-type: none"> Three or less lots – services from main in adjacent road Four or more lots – Sewer in common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manhole needed in the common drive at the property boundary with "Private" on the lid. 																	
Water																		
<ul style="list-style-type: none"> Distance to Water Services 	Directly adjacent																	
<ul style="list-style-type: none"> Pressure Zone 	5																	
<ul style="list-style-type: none"> Estimated Project Water ERU's 	See application																	

<ul style="list-style-type: none"> • Water Quality 	No concerns
<ul style="list-style-type: none"> • Project Consistent with Water Master Plan 	Yes
<ul style="list-style-type: none"> • Impacts/Concerns 	<ul style="list-style-type: none"> • Common drives that have both water and sewer mains will require a 30' easement • As currently designed, most phases do not meet minimum fire flow pressure. There are multiple options to meet fire flow including upsizing some water mains to 12" and a secondary connections. • Coordinate with PW Engineering on main sizes, connection at the SW corner and connection at the NE corner.

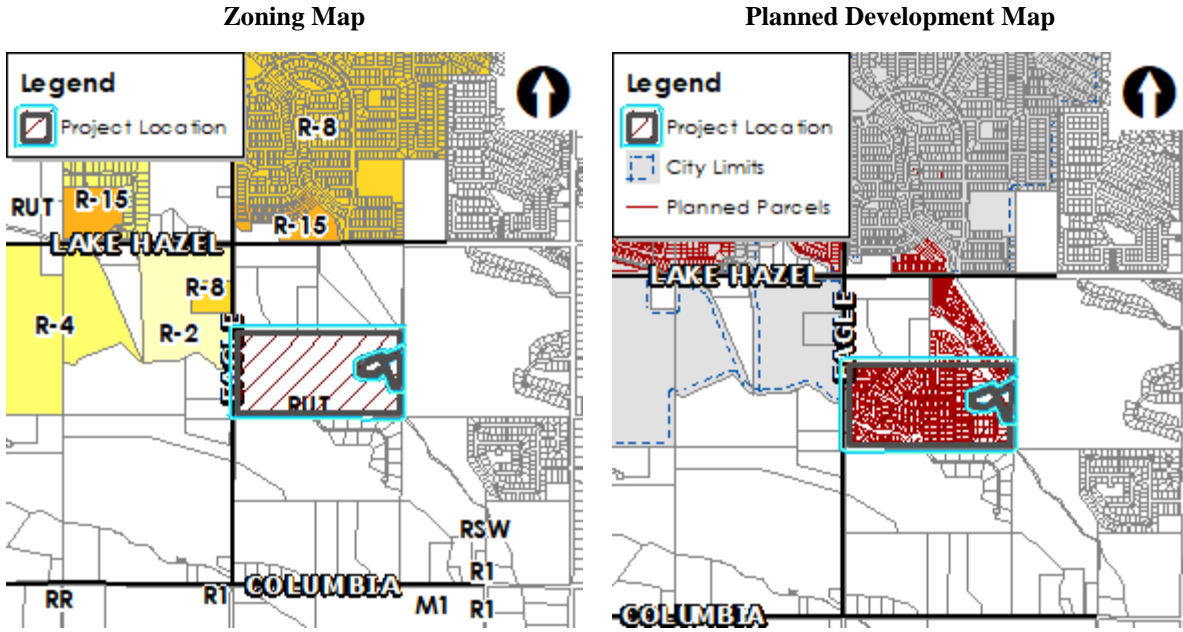
C. Project Area Maps

Future Land Use Map



Aerial Map





III. APPLICANT INFORMATION

A. Applicant:

Conger Group – 4824 W. Fairview Ave., Boise, ID 83706

B. Owner:

Peter and Dana Eisenman – 3487 E. Adler Hof Ln., Meridian, ID 83642

C. Representative:

Laren Bailey, Conger Group – 4824 W. Fairview Ave., Boise, ID 83706

IV. NOTICING

	Planning & Zoning	City Council
	Posting Date	Posting Date
Notification published in newspaper	2/26/2021	5/7/2021
Notification mailed to property owners within 300 feet	2/23/2021	5/4/2021
Applicant posted public hearing notice on site	3/5/2021	5/13/2021
Nextdoor posting	2/25/2021	5/3/2021

V. STAFF ANALYSIS

A. Future Land Use Map Designation

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the 6 +/- acres at the southwest corner of the site, south of the Farr Lateral, as Low Density Residential (LDR) and the remaining 74 +/- acres as Medium Density Residential (MDR). A City Park is designated in the general area at the southwest corner of the site.

Per the Comprehensive Plan, the LDR designation allows for the development of single-family homes on large and estate lots at gross densities of 3 dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area. The use of open spaces, parks, trails and other appropriate means should enhance the character of the area. *Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.*

The MDR designation allows for dwelling units at gross densities of 3 to 8 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 Applicant proposes to develop this site with 328 single-family residential homes at an overall gross density of 4.1 dwelling units per acre (An additional lot will contain the existing house). A total of 23 units are proposed within the 6 +/- acre LDR designated area for a gross density of 3.8 units per acre in that area, which *exceeds* the density desired of 3 or fewer units per acre. Smaller lots, instead of the large or estate lots as desired in LDR designated areas, are proposed along with open space areas along the southern boundary and along the northern boundary adjacent to the Farr Lateral. There are several larger one-half acre lots proposed at the southeast directly abutting the adjacent residences in Vantage Point Subdivision. However, the rectangular lots are oriented as such that the abutting lot lines are half or less than the width of the neighboring residential lots, so there are several lots abutting one neighboring lot. The applicant proposes to limit the height of the houses in this area to one story to help protect view sheds.

The units proposed in the MDR designated area meet a gross density of 4.1 units per acre in that area, which is consistent with that desired in MDR designated areas of 3 to 8 units per acre. A City park is not proposed, but the Park’s Department has determined a City park is not needed in this area.

B. Comprehensive Plan Analysis (COMPREHENSIVE PLAN)

The following Comprehensive Plan Policies are applicable to this development:

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

The applicant is proposing 328 lots, with 30 of the lots containing single family attached at the northwest portion of the site. The remainder of the 299 lots are intended for single family detached units.

The applicant’s narrative references housing types such as large rim lot houses, two story golf course houses, large lot homes, 255 single story homes and the attached single-family product. The single family attached product does contribute to the variety of housing types in the overall area. However, the remaining single family detached houses contribute to a diversity of housing styles, but not particularly the variety of housing types intended by the Comprehensive Plan for all needs, preferences and financial capabilities.

- “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 services are available and can be extended by the developer with development in accord with UDC 11-3A-21.

Currently, this development can be served by the Fire Department. However, most of the development is outside of response time goals, does not meet resource reliability goals, and has risk factors including a steep hill with a potential for wildfire if the hillside isn't maintained (see the Fire Department's comment in Section VII below). Additionally, with the main access and secondary access both from Eagle Rd., if access is blocked from the north via Eagle Rd. it may delay emergency services by having to travel 3.5+/- miles around the square mile to access the site, potentially creating a life safety issue. If the applicant is able to secure legal secondary access to the north this would alleviate concerns but this would be contingent upon whether those properties develop, and staff might recommend only some number of lots being developed until that occurs. The Southern Meridian Fire Station adjacent to Discovery Park is anticipated for construction in 2023; if this occurs, there will be significantly improved fire service to the subject property. The annexation is currently in process and scheduled for a public hearing.

- “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 subject property abuts Pura Vida Ridge Ranch to the northeast, the Boise Ranch Golf Course to the east, and Vantage Pointe Subdivision to the south.

This development proposes R-8 zoning and lot sizes of approximately 5,000 sq. ft. to 6,000 sq. ft. adjacent to Pura Vida Ridge Ranch, whereas Pura Vida Ranch includes lot sizes of comparable sizes and the same R-8 zoning. To the southwest (Phase 9), the development proposes lot sizes of approximately 6,000 – 6,500 sq. ft. whereas the adjacent Vantage Pointe Subdivision is comprised of lots one-acre in size and greater (although there are four lots proposed with this development directly abutting the south area and are ½ acre to ¾ acre in size).

The development does include private roads and common open space as a buffer of between 80 feet and 120 feet between the smaller lots of the subject property and the one acre lots to the south in Vantage Point. The development also proposes one story homes in this area. An abutting neighbor has submitted written testimony stating the buffer as proposed and the lot sizes are not appropriate transitions in this area. It is staff's opinion the lots should be at least one-acre in this area and have property line lengths that better orient to adjacent off-site properties. The Planning Commission and City Council should assess whether there is an appropriate transition in this area.

“Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

The proposed single-family attached homes at the northwest are generally compatible as they directly abut S. Eagle Road and there are no adjacent homes directly to the north. The single family detached homes are generally compatible with existing rural residential homes as they are all residential in nature. However, with the exception of the larger lots and open space on the south boundary, the proposed plat depicts smaller lots (i.e. 4,448-4,950 s.f.) than those of the lots in the abutting Vantage Pointe Subdivision. The Commission and Council should determine if the applicant has provided an adequate transition.

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

The Pathways Plan depicts a segment of the City’s multi-use pathway system along the eastern boundary of the site; a 10-foot wide multi-use pathway is proposed in accord with the Plan on the northern portion of the development but transitions to a 5-foot wide pathway to the south and does not stub to the south for future extension as shown on the Plan. However, the Park’s Dept. has indicated they are supportive of the proposed design. This pathway will eventually provide a connection to Discovery Park to the west and Hillside Elementary and the YMCA to the north. There is also a 10’ multi-use pathway proposed adjacent to the Farr Lateral, as is shown on the pathways plan. These pathways will be valuable amenities to the project. A golf cart pathway is shown as Lot 41 on Block 5, which terminates at the Boise Ranch Golf Course.

Proposed site amenities consist of children’s play equipment/structures, a picnic shelter, pathways, two dog parks and additional open space of at least 20,000 square feet above the minimum UDC requirements, which are located along the northern and southern boundaries of the site and are not centrally located. Although much of the open space meets the minimum dimensional requirements of the UDC (i.e. at least 20’ in width and 50’ in length with an access on each end) a significant portion of what is proposed as qualified open space consists of street buffers and end caps with parkways. Also, it is important to note that the applicant’s narrative contains a pedestrian connectivity exhibit which shows narrow private roads with no sidewalks and common drives as “pedestrian connections” which staff believes is somewhat misleading. However, the private street standards do not require them. Additionally, staff believes the entire development should contain public streets which would require the 5-foot sidewalks per City code. The Commission and Council should determine if the pedestrian circulation plan is adequate for the proposed development with the inclusion of the private system.

- “Evaluate open space and amenity requirement and criteria for consistency with community needs and values.” (2.02.01B)

Because the average lot size proposed in the development is only 6,280 square feet, Staff is of the opinion the end caps could be re-oriented/consolidated with other larger common lots to increase the usable open space within the development. This was discussed during the pre-application meetings with the applicant and they are of the opinion the open space as proposed exceeds UDC standards and is designed to meet the needs of the development.

- “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 through with this development.

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

The subject property abuts portions of the city limits at the northwest and northeast corner, but the majority of the property perimeter is surrounded by unincorporated Ada County. The proposed project is located near the fringe of the City and does not meet the definition of an infill development.

- “Encourage the incorporation of creek corridors as amenities in development design.” (4.05.02C)

The Ten Mile Creek crosses the northeast corner of the site; a common area is proposed for the creek area and a multi-use pathway is proposed along the creek in accord with the Pathways Master Plan.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

City sewer and water infrastructure and curb, gutter and sidewalks are required to be provided with the public road portion of this development. The cross sections provided for the private road portion do not depict sidewalks. The applicant contends that the private streets provide an intimate setting for the residents and narrower streets decrease traffic speeds which do not warrant the additional improvements. It is important to note that the director has not approved the private street application, thus the plat should be redesigned to incorporate public streets for the entire development.

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

The proposed project is in the City's “fringe” area; therefore, development in this area is not encouraged as are vacant/underutilized parcels currently within City limits. However, the City has recently approved several developments (Pura Vida and Poïema) north of the proposed development making this property more desirable to develop.

- “Evaluate comprehensive impacts of growth and consider City Master Plans and Strategic Plans in all land use decisions (e.g., traffic impacts, school enrollment, and parks).” (3.01.01A)

Eagle Rd. is currently a 2-lane roadway with no curb, gutter or sidewalks; no improvements are planned in the CIP/IFYWP to the segment of Eagle Rd. abutting this site. The Lake Hazel/Eagle Road intersection north of the site is planned to be reconstructed and signalized in 2023. The ACHD report states that the TIS estimates this development to generate an additional 3,343 trips per day resulting in an acceptable level of service (i.e. better than “E”).

WASD estimates this development will house approximately 247 school aged children – enrollment at Hillsdale Elementary is currently capped so students in this development would attend Silver Sage, which is currently under capacity; enrollment at Lake Hazel Middle School and Mountain View High School would be over capacity at build-out of this development according to the Community Development's school impact review included in Section VII.

Water and sewer are being extended consistent with the City's master plan as noted above.

Discovery Park, a 77+/- acre City Park, is located approximately a mile away from this site to the west on Lake Hazel Rd., which should be adequate to serve this development.

- “Annex lands into the corporate boundaries of the City only when the annexation proposal conforms to the City's vision and the necessary extension of public services and infrastructure is provided.” (3.03.03)

Two types of housing are proposed – single family detached and 30 single family attached units - which will provide diversity in housing, and the density in the MDR designated area falls within the desired range. The density proposed in the LDR designated area at the southwest corner of the site is above the 3 units or fewer per acre desired in that area. However, the Comprehensive Plan states future land use designations are not parcel specific. An adjacent, abutting designation, when appropriate and approved as part of a public hearing with a land development application, may be used. A designation may not must not be used on a parcel not directly abutting the designation, and may not apply to more than 50% of the land being developed. The predominate land use designation is MDR and the applicant has the ability to design the project to meet density perimeters of the MDR designations provided other goals of the Comprehensive Plan are being met.

As discussed below, R-15 zoning is proposed at the less dense eastern portion of the site to allow the option of private streets without sidewalks., Staff has concerns with the private streets, specifically the long-term maintenance and interconnectivity with surrounding developments. If these roadways are not constructed to ACHD standards, the likelihood of ACHD accepting these streets in the future is slim. Also, staff finds that although most of the open space meets the minimum dimensions, not all of it is quality open space (please see the qualified open space section below). The Fire Department has noted concerns with the access and serviceability of this project ahead of the fire station being constructed next to Discovery Park. Finally, public services are proposed to be extended near the fringe of the City rather than to vacant/underdeveloped infill parcels as desired. For these reasons, Staff is of the opinion the proposed annexation may not be the best interest of the City at this time.

C. Annexation & Zoning:

Portions of the annexation area are contiguous to a portion of the current City limits boundary and within the City’s Area of City Impact at the east boundary. Most of the surrounding properties are still within unincorporated Ada County. A legal description and exhibit map for the annexation area is included in Section VI.A.

The proposed annexation area consists of two (2) tax parcels containing a total of 80.46 acres of land designated as LDR and MDR on the FLUM and contains land to the section line of S. Eagle Rd. The Applicant proposes to annex the two (2) parcels, zone the western 43.85 acres with an R-8 zoning district, and the eastern 36.60-acre portion with a R-15 zoning district.

The R-8 zoning district allows lots as small as 4,000 sq. ft. with a minimum street frontage of 40’. The western 43.85 acres of the plat proposed for R-8 zoning reflects lots that meet this minimum lot and frontages requirements.

The R-15 zoning district allows lots as small as 2,000 sq. ft. and has no requirement for a minimum street frontage. This zoning is typically reserved for higher densities, including single family attached, townhomes and multifamily. It is important to note that with the previous application, staff informed the applicant that the private streets that are proposed with a significant portion of this development were not allowed under the R-8 zoning that was originally proposed for the entire development. The provisions for private streets apply only to properties that do not have frontage on a public street or where frontage is not required per UDC 11-3F-2. The applicant has subsequently revised their application to propose R-15 zoning merely for the purpose of being eligible for private streets whereas all other dimensional standards would comply with the requirements of the R-8 zone. Staff believes the development should incorporate public streets within the entire development and zone the property in accord with the more appropriate R-8 zone (Please see the access section below for more discussion regarding the private streets). In previous discussions with the applicant, staff has suggested the applicant either rezone to PUD, or initiate a code change in regard to requirements for private streets. The applicant has chosen to move forward with a request to rezone to R-15.

D. Existing Structures/Site Improvements:

There are two (2) existing homes and outbuildings on this site – the 5,892 square foot home constructed in 2002 at the east end of the site is planned to remain on a lot (Lot 64, Block 5) in the proposed subdivision; the home and accessory structures on the west end of the site are planned to be removed with development. These homes are accessed via a private lane (E. Adler Hof Ln.) from S. Eagle Rd. If annexed, the home proposed to remain is required to hook-up to City water and sewer service and change their address.

E. Proposed Use Analysis:

Single-family attached and detached dwellings are listed in UDC Table 11-2A-2 as a principal permitted use in the R-8 and R-15 zoning districts. The proposed use, with two housing types, is mostly consistent with the purpose statement of the residential district in that a range of housing opportunities and a variety of dwelling types would be provided consistent with the Comprehensive Plan and UDC 11-2A-1 and 11-6A-1. However, proposing to rezone a portion of the property to the R-15 zone when R-8 zone would suffice merely for the reason of being eligible for private streets is not consistent with the purpose statement of UDC 11-3F-1. While this isn't an uncommon practice, this section states that "it is not the intent to approve private streets for single-family, duplex and/or townhouse developments other than those that create a common mew through the site design or that propose a limited gated residential development" as no single family attached are in this area and no common mews are proposed. Further, a limited gated community as specified in the UDC is 50 or fewer homes. As noted below, the applicant is proposing that 112 homes utilize the proposed private street in an area that doesn't have an established street network and limited access. Therefore, the director has denied the private street application (see below for analysis).

F. Dimensional Standards (*UDC 11-2*):

The proposed preliminary plat consists of 328 building lots, 40 common lots, and 14 other lots (i.e. common driveway lots, 1 private street lot and 1 lot for the existing home) on 80.46 acres of land.

Development is subject to the dimensional standards listed in 11-2A-6 and 11-2A-7 for the R-8 and R-15 zoning districts. Lots in the western portion proposed for R-8 meet the minimum lot size of 4,000 sq. ft. with a 40' lot frontage. Although the lots in the 36.6-acre eastern portion proposed for R-15 meet the dimensional standards of that zone district (minimum lot size of 2,000 sq. ft. and no minimum frontage requirement) as presently proposed, they would also meet the minimum requirements of the R-8 zoning district.

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, including but not limited to streets, common driveways and block face.

Block length is required to comply with the standards listed in UDC 11-6C-3F. Block faces should not exceed 750' in length without an intersecting street or alley unless a pedestrian connection is provided, then the block face may be extended up to 1,000' in length. The City Council may approve a block face up to 1,200' in length where block design is constrained by certain site conditions as specified in UDC 11-6C-3F.3b. **The face of Block 9 on the north side of the Farr Lateral is 1,000'+/- and does not contain a pathway or intersecting street or alley. This is also true of the section of Block 5 that is south of private street A of more than 850 feet. Council approval would be needed, or the plat would need to be revised to comply with the standard.**

At the northeast corner of the site, a street ending in a cul-de-sac is proposed which will likely exceed the maximum 500' length allowed in UDC 11-6C-3B.4 depending on how the property to the north develops. Staff had recommended an internal street access to this portion of the development rather than the sole access being provided via a stub street from the north. The applicant has responded due to the topography in this area, they cannot provide the recommended internal access. However, just to the north of this cul-de-sac, the plat shows a golf cart path in this general area.

Twelve (12) common driveways are proposed; such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. A perpetual ingress/egress easement shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. An exhibit should be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common

driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway should be depicted on the opposite side of the shared property line from the common driveway. Address signage should be provided at the public street for homes accessed via common driveways for emergency wayfinding purposes. Where two (2) common driveways are proposed that adjoin, bollards (or other barrier approved by the Fire Dept.) should be placed at the common lot line to prevent a through connection between streets.

The applicant has submitted a phasing plan. The phasing plan shows nine phases, with the first phase occurring directly adjacent to S. Eagle Rd at the proposed public street. Number of lots being built out vary between 59 at the first phase, to 23 at the last phase. Phase 8 and Phase 9 are both disconnected from the rest of the subdivision, although staff does believe an access could be constructed across the Farr Lateral between Phase 1 or 2 and Phase 9.

UDC 11-3F-4 prohibits common driveways off of private streets whereas this proposal includes three common driveways served by private streets. The applicant has requested alternative compliance from this standard.

G. Access (UDC 11-3A-3)

The existing roadways in this area are rural in nature. Eagle Rd. is currently improved with 2 travel lanes and no curb, gutter or sidewalk. Improvements and a signal are planned for the Lake Hazel/Eagle Rd. intersection in 2023. Lake Hazel is planned to be widened to 5-lanes between Eagle and Cloverdale Roads in 2024; and to 5-lanes from Locust Grove to Eagle Roads between 2026 and 2030; no improvements are planned to Eagle Rd. south of Lake Hazel abutting the site. The applicant will be required to construct 5-foot-wide sidewalk on S. Eagle Rd abutting the site.

One (1) public street, Street A, is proposed for access via S. Eagle Rd. as a collector street to the intersection of Street C, also a public street. Three (3) stub streets are proposed at the north, and two (2) stub street are proposed at the south boundaries of the site for future extension in accord with UDC 11-3A-3. One of these southern stubs is a secondary emergency access to E. Vantage Pointe Ln. to be constructed with the first phase of development. There is also a cul-de-sac at the extreme northeast serving 15 additional lots, which is intended to connect to a public road through the recently approved Pura Vida Ridge Ranch. This area is shown as Phase 8 and does not connect to the rest of the Skybreak Subdivision, except for the connected pathway system.

There are two southern roads shown to connect from the subject property to E. Vantage Pointe Lane to the south. E. Vantage Point Lane is a private road, and the applicant has only demonstrated the legal right to use this road for emergency access (Inst. #2020-063349); public access is not allowed. This is adequate for emergency access to occur from the cul-de-sac shown at the end of the public street shown as Street J. However, this application also shows an additional 23 lots being served from a double cul-de-sac shown as Phase 9. **The applicant has not demonstrated they have primary legal access to these lots via E. Vantage Pointe Lane. The applicant has responded that they intend to eventually obtain this access and will build out this later phase when it is obtained, but staff is concerned with an application which proposes annexing and zoning 23 lots into the City without proof of access. The applicant should construct a roadway across the Farr Lateral to provide access to the portion of the development for better integration.**

The Fire Department has noted in a letter dated February 16, 2021 that they are concerned with a large subdivision with only one access out to S. Eagle Rd. Two of the three northern stubs go to properties within unincorporated Ada County which are not proposed for development at this time. The third northern stub only serves Phase 8 which does not connect to the rest of the subdivision. If access from the north via Eagle Rd. is blocked, in the event of an emergency, emergency vehicles would have to travel an additional 3.5+/- miles around the square mile to access the site creating a potential life safety

issue due to a delayed response time. Staff has recommended the applicant pursue a northern access to allow access from this subdivision via the public road in the Pura Vida Subdivision and to E. Lake Hazel Rd, but the applicant has responded that due to topography this is not feasible, although the applicant has managed to configure a golf cart path to the golf course at the north. In addition, the Fire Department has mentioned the majority of the subdivision is outside of the 5-minute response area, and the nearest station (Station 4) has a low reliability rating. This would improve if and when the southwestern fire station adjacent to Discovery Park is constructed in 2023. The applicant has submitted a phasing plan which shows each phase has at least two accesses for emergency service, but as mentioned, except for Phase 8 at the northeast corner, all the other phases rely on only S. Eagle Rd for access. Staff is aware that access will improve in this area over time however, it is contingent on other properties developing in the area to provide the necessary road network.

A combination of public and private streets are proposed for access within the development – public streets are proposed on the west and private streets serving 112 lots are proposed on the east end of the subdivision. Three (3) common driveways are proposed for access off private streets (see analysis below).

The applicant has provided sections of the private streets with this plat application (see Section VI). Although the plat does not indicate exactly which private street cross sections are proposed in which area, the street sections show private streets as narrow as 27', none of which include sidewalks. Since the time of the pre-application meetings, staff has responded that staff does not support this many lots being served by private streets. This is because this results in streets that would pass the maintenance costs on to the homeowners through the HOA, as ACHD would not accept these roads in the future if there were financial constraints. Staff has requested the developer state the reason for requesting private streets other than the additional costs to build them to the standard template, and the only responses staff has received thus far is that there is a demographic of senior home buyers that prefer the security a gated community can provide and that the gates and private streets will provide a more intimate setting. Staff agrees that there are probably buyers that would prefer gated communities and private streets, but still does not understand why narrow private streets are preferable to streets built to standard templates and containing landscaping and sidewalk. As noted above, staff finds the proposal is not a limited gated community, exceeds more than 50 homes. Therefore, the plat should be resigned to incorporate public streets for the entire development. As noted below the applicant has requested alternative compliance (ALT) to allow 112 homes as proposed. The director has denied the applicant's ALT request.

ALTERNATIVE COMPLIANCE

The applicant proposes 112 gated lots, and 3 common driveways off a private street. UDC 11-3F-4 states a proposed (gated) development shall have no more than 50 dwelling units, and no common driveways shall be allowed off of a private street. However, 11-3F-4 also allows the director to approve, or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this article and shall not be detrimental to the public health, safety, and welfare.

Requests for alternative compliance are allowed only when one (1) or more of the following conditions exist:

- a. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
- b. The site involves space limitations or an unusually shaped lot;
- c. Safety considerations make alternative compliance desirable;
- d. Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this article;

- e. The proposed design includes innovative design features based on "new urbanism", "neotraditional design", or other architectural and/or site designs that promote walkable and mixed use neighborhoods;
- f. Additional environmental quality improvements would result from the alternative compliance.

In order to grant approval for an alternative compliance application, the Director shall determine the following:

1. Strict adherence or application of the requirements are not feasible; or
2. The alternative compliance provides an equal or superior means for meeting the requirements; and
3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

The applicant's alternative compliance letter mentions there is a demographic of senior home buyers that prefer the security a gated community can provide and that the gates and private streets will provide a more intimate setting. Staff agrees that there is probably a demographic that would prefer gated communities, but this is not a condition required for alternative compliance. The Director finds the applicant has not demonstrated the need for a private versus public streets as noted above.

The plat indicates private street sections with no sidewalks and minimal landscaping, whereas ACHD templates require 5' sidewalks and landscaping. Also, the applicant proposes alternative compliance to allow three common driveways from the private streets, whereas this is not allowed by UDC 11-3F-4-6. Staff does not understand how what is being proposed is an equal or superior means to meeting requirements. Providing narrow private streets with no sidewalks, minimal landscaping, and common driveways from these private streets is not an innovative design features that promotes walkable neighborhoods.

Finally, as was already mentioned, gating the community will also slow response times when there are already fire access concerns, which would be materially detrimental to the public welfare.

H. Parking (UDC 11-3C):

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit. A parking plan is included in Section VIII.J that depicts a total of 334 on-street parking spaces along public and private streets; parking along private streets must be approved by the Fire Marshall.

I. Pathways (UDC 11-3A-8):

The Pathways Master Plan (PMP) depicts a north/south segment of the City's multi-use pathway system along the east side of the subject property and along the south side of the Farr Lateral at the southwest corner of the site. The Applicant has worked with the Park's Dept. pathway coordinator on the design proposed along the east boundary; the pathway along the south side of the Farr Lateral is consistent with the PMP. The pathways are required to be placed in a 14-foot wide public pedestrian easement or a note should be added to the plat which allows public access in the common lots intended for pathways.

Ten-foot (10') wide segments of the City's multi-use pathway are proposed within the street buffer along Eagle Rd., along the south side of the Farr Lateral, along the Ten Mile Creek and the northern portion of the east boundary of the site and a golf cart path. Other pathway connections are also proposed for pedestrian interconnectivity and access to common areas within the development. A pathway connection is proposed between the pathway on the eastern portion of the site to the sidewalks along internal public streets on the west end of the site. A total of 5,167 linear feet of pathways are proposed in this development (see exhibit in Section VI). All pathways are required to be constructed in accord with the standards listed in UDC 11-3A-8 and landscaped per the standards in UDC 11-3B-12C.

Where pathways are proposed in common driveways (i.e. Lot 25, Block 9) they should be located in separate common lots with landscaping on either side in accord with UDC 11-3B-12C.

J. Sidewalks (UDC 11-3A-17):

A 10' pathway is proposed along S. Eagle Rd. with a combination of detached and attached sidewalks along the internal public streets. No sidewalks are required or proposed along private streets except for along private Streets K & S where a detached sidewalk is proposed for a pedestrian connection between the pathway on the east end of the site to the sidewalk along public Street I on the west end of the site.

K. Parkways (UDC 11-3A-17):

Eight-foot wide parkways with detached sidewalks are proposed along the entry street (Street A) and in a few other areas; sidewalks are mostly attached with no parkways in this development. All parkways are required to be constructed in accord with the standards listed in UDC 11-3A-17 and landscaped in accord with the standards listed in UDC 11-3B-7C.

L. Landscaping (UDC 11-3B):

A 25-foot wide street buffer is required adjacent to S. Eagle Rd., an arterial street; a 20-foot wide street buffer is required along Street A where it is designated as a collector street (i.e. from Eagle Rd. to the intersection of Street C), landscaped per the standards listed in UDC 11-3B-7C. A 50' foot +/- wide buffer is proposed along Eagle Rd. and a 30-foot wide buffer is proposed along the collector street (Street A) landscaped with grass and deciduous and evergreen trees and shrubs in excess of the minimum standards.

Parkways are required to be landscaped in accord with the standards listed in UDC 11-3B-7C. Landscaping is proposed within parkways; calculations should be included in the Landscape Calculations table that demonstrate compliance with UDC standards.

Landscaping is required along all pathways in accord with the standards listed in UDC 11-3B-12C. Landscaping is proposed along pathways; calculations should be included in the Landscape Calculations table that demonstrate compliance with UDC standards.

Common open space is required to be landscaped in accord with the standards listed in UDC 11-3G-3E. Landscaping is depicted in common areas in excess of UDC standards except along the Farr Lateral and Lot 46, Block 5 (the ridge lot with the trail).

There are existing trees on the site within proposed building lots that are proposed to be removed that may require mitigation. The Applicant should coordinate with Matt Perkins, the City Arborist, to determine mitigation requirements per the standards listed in UDC 11-3B-10C.5.

M. Qualified Open Space (UDC 11-3G):

A minimum of 10% qualified open space meeting the standards listed in UDC 11-3G-3B is required. Based on the area of the proposed plat (80+/- acres), a minimum of 8 acres of qualified open space should be provided.

The Applicant landscape plan notes the development provides 14.99 acres (or 18.4%) of qualified open space. This open space consists of parks, street buffers, linear open space, parkways and common areas greater than 50' x 100' in area, including the slope area on the east end of the site (see qualified open space exhibit in Section VI). Although the open space complies with the minimum UDC standards in regard to dimensions,

some of the open space area being credited consists of unusable arterial/collector street buffers and end caps with parkways, the easement for the Farr Lateral, and areas that aren't centrally located for easy access. It is staff's opinion that the applicant has the opportunity to reconfigure the plat to consolidate additional open space to make it more accessible and useable.

UDC 11-3G-3-E requires that at a minimum, common open space areas shall include one (1) deciduous shade tree per eight thousand (8,000) square feet and lawn, either seed or sod. There are areas being credited on the applicant's open space exhibit as qualified open space, such as land within the Farr Lateral easement, and all the challenging and steeply sloping land in Lot 45, Block 5 at the east that do not meet the minimum landscape requirements. In addition, the pathway shown along Lot 45, Block 5 would need to be landscaped with one tree per 100 linear feet of pathway as required per UDC 11-3B-3-12 in order to be credited for qualified open space.

N. Qualified Site Amenities (UDC 11-3G):

Based on the area of the proposed plat (80+/- acres), a *minimum* of four (4) qualified site amenities are required to be provided per the standards listed in UDC 11-3G-3C.

Proposed site amenities consist of children's play equipment/structures, a picnic shelter/shade structure, pathways, two dog parks and additional open space of at least 20,000 square feet above the minimum UDC requirements. Dog owner facilities are required to be improved with a dog washing station with a drain to sanitary sewer system and trash receptacles and bags for dog waste disposal; or fencing to enclose a minimum 0.75 acre of open space for an off-leash dog park and trash receptacles and bags for dog waste disposal per UDC 11-3G-3C.h. Although the proposed amenities meet the minimum standards, they are primarily located along the northern and southern boundaries of the site or in the gated portion of the development and are not centrally located (see details in Section VII.D), which Staff is of the opinion is not ideal. Staff would prefer the open space be reconfigured to allow more useable open space and amenities toward the center of the development. Further, UDC 11-3G-3D.3 requires common open space and site amenities to be located in areas of high visibility to avoid hidden areas and corners, dark areas, unusable space and reduce the opportunity for crime. Staff does believe the sports park, playground and pathways are adequate amenities, but as mentioned above, believes more useable open space and centrally located amenities should be incorporated into this project.

O. Storm Drainage (UDC 11-3A-18):

An adequate storm drainage system is required in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practice as adopted by the City.

P. Irrigation (UDC 11-3A-15)

An underground pressurized irrigation system is required to be provided with development to each lot within the subdivision in accord with the standards listed in UDC 11-3A-15. Irrigation water is provided from the New York Irrigation District.

Q. Waterways (UDC 11-3A-6):

The Farr Lateral runs across the southwest corner of this site within a common lot (Lot 51, Block 9) and Ten Mile Creek runs along the northeast corner of the site. The Applicant proposes to leave these waterways open and improve them as linear open space with a 10-foot wide multi-use pathway. However, if these waterways are intended to be improved and credited as linear open spaces, they should be accessible and usable, and

landscaped in accordance with UDC 11-3B-12 and UDC 11-3G-3-E, including one tree per 100 pathway feet and one tree per 8,000 square feet of open area, as well as vegetated with seed or sod.

R. Fencing (UDC 11-3A-7):

All fencing is required to comply with the standards listed in UDC 11-3A-6C and 11-3A-7.

Six-foot tall open vision vinyl slat top fencing is proposed along connection pathways and the Farr Lateral, 4-foot tall open vision wrought iron fencing is proposed adjacent to the dog parks and 6-foot tall vinyl fencing is proposed along street buffers and the perimeter of the subdivision as shown on the landscape plan. UDC 11-3A-6C.3 requires open laterals to be fenced with an open vision fence at least 6-foot in height and having an 11-gauge, 2-inch mesh or other construction equivalent in ability to deter access to the lateral. Staff recommends open fencing is installed between the lateral and the pathway to preserve public safety.

S. Building Elevations (UDC 11-3A-19 / Architectural Standards Manual):

The Applicant submitted sample photo elevations of the types of homes planned to be constructed in this development which are included in Section VI. Homes depicted are predominantly single-story, some with a bonus room, with a few that are 2-stories in height proposed on the east end of the development on or near the rim. All but 44 of the homes are proposed to be restricted to single-story with the option of a bonus room; the larger lots on the east end of the development are not restricted to single-story homes (see exhibit in Section VII.J). Building materials consist of a mix of finish materials (i.e. horizontal and vertical siding and stucco) with stone/brick veneer accents.

VI. DECISION

A. Staff:

Staff recommends DENIAL of the requested annexation and preliminary plat based on the Findings in section IX. and the Director has denied the private street and alternative compliance based on the Findings in section IX.

B. The Meridian Planning & Zoning Commission heard this item on April 1, 2021. At the public hearing, the Commission moved to recommend DENIAL on the subject annexation request.

1. Summary of the Commission public hearing:

- a. In favor: Deborah Nelson
- b. In opposition: Kathy White, Stephen Rankin
- c. Commenting: Deborah Nelson
- d. Written testimony: Staff received 13 letters in opposition. Issues expressed include density, lack of transition to Vantage Pointe Subdivision, lack of sidewalks and narrowness of private roads, developer trying to fit in as many lots as possible without providing quality amenities and necessary infrastructure, emergency access, lack of cooperation with the adjacent neighbors, and a large higher density project being located on the fringe of the City.
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: Bill Parsons, Joe Bongiorno

2. Key issue(s) of public testimony:
 - a. Density and lack of sidewalks.
 3. Key issue(s) of discussion by Commission:
 - a. Commissioners expressed issues related to density, lack of transition, lack of sidewalks, amount of private roads, low fire station reliability and whether Station 4 will even be built and staffed, trying to pack in as many houses as possible, not walkable, lack of amenities, emergency access issues, past problems with HOAs taking on costs associated with private streets, and the project not being a “premier” community.
 4. Commission change(s) to Staff recommendation:
 - a. None
- C. The Meridian City Council heard this item on May 26, 2021 and June 29, 2021. At the public hearing, the Council moved to approve the subject annexation requests.
1. Summary of the City Council public hearing:
 - a. In favor: Laren Bailey, Jim Conger, Deb Nelson
 - b. In opposition: Ten citizens testified in opposition to this application.
 - c. Commenting: Laren Bailey, Jim Conger, Deb Nelson,
 - d. Written testimony: Staff received 13 letters in opposition.
 - e. Staff presenting application: Alan Tiefenbach
 - f. Other Staff commenting on application: Bill Parsons
 2. Key issue(s) of public testimony:
 - a. Density, lack of transition to Vantage Pointe Subdivision, lack of sidewalks and narrowness of private roads, developer trying to fit in as many lots as possible without providing quality amenities and necessary infrastructure, emergency access, lack of cooperation with the adjacent neighbors, and a large higher density project being located on the fringe of the City, grading and erosion issues allegedly caused by the present applicant on other projects, possible drainage impacts to Vantage Pointe Subdivision.
 3. Key issue(s) of discussion by City Council:
 - a. Lack of transition in density, lack of sidewalks, whether better open space could be provided, drainage issues.
 4. City Council change(s) to Commission recommendation:
 - a. City Council continued the application from May 26, 2021 to June 29, 2021 for staff and the applicant to address issues relating to lot transition at the south, lack of sidewalks, and to reorient open space.
 - b. City Council directed staff and the applicant to prepare conditions of approval, as staff had not prepared conditions due to their recommendation for denial.

VII. EXHIBITS

A. Annexation Legal Description & Exhibit Map (date 1/20/21)



Sawtooth Land Surveying, LLC
P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Skybreak Annexation Legal Description

BASIS OF BEARINGS is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4 and the centerline of S. Eagle Road, 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 1321.10 feet to a 5/8" rebar/cap PLS 4347, marking the CN1/16 corner of said Section 4;

Thence S. 00°37'07" W., coincident with the east line of said NW1/4, a distance of 1333.72 feet to a 3/4" rebar/cap PLS 645, marking the C1/4 corner of said Section 4;

Thence N. 89°48'12" W., coincident with the south line of said Section 4, a distance of 2632.71 feet to an illegible aluminum cap, marking the W1/4 of said Section 4;

Thence N. 00°12'52" E., coincident with said west line, 1326.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 80.461 acres more or less.



B. Rezoning Legal Description and Exhibit Map (date: 1/20/21)



Sawtooth Land Surveying, LLC
P (208) 398-8104 F: (208) 398-8105
2030 E. Washington Ave., Brimeth, ID 83617



Skybreak R-8 Zoning Description

BASIS OF BEARINGS is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4, a distance of 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 261.79 feet;

Thence S. 00°12'52" W., parallel with said west line, 137.56 feet;

Thence N. 89°47'08" W., 5.43 feet;

Thence S. 00°12'52" W., parallel with said west line, 454.70 feet;

Thence N. 89°41'23" W., 73.73 feet;

Thence N. 71°55'29" W., 35.46 feet;

Thence N. 89°44'25" W., 157.79 Feet;

Thence S. 00°12'52" W., parallel with said west line, 146.02 feet;

Thence S. 89°47'08" E., 22.31 feet;

Thence S. 00°12'52" W., parallel with said west line, 601.95 feet to the south line of said NW1/4;

Thence N. 89°48'12" W., coincident with said south line, 1334.42 feet to an illegible aluminum cap, marking the W1/4 of said Section 4;

Thence N. 00°12'52" E., coincident with said west line, 1326.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 43.858 acres more or less.



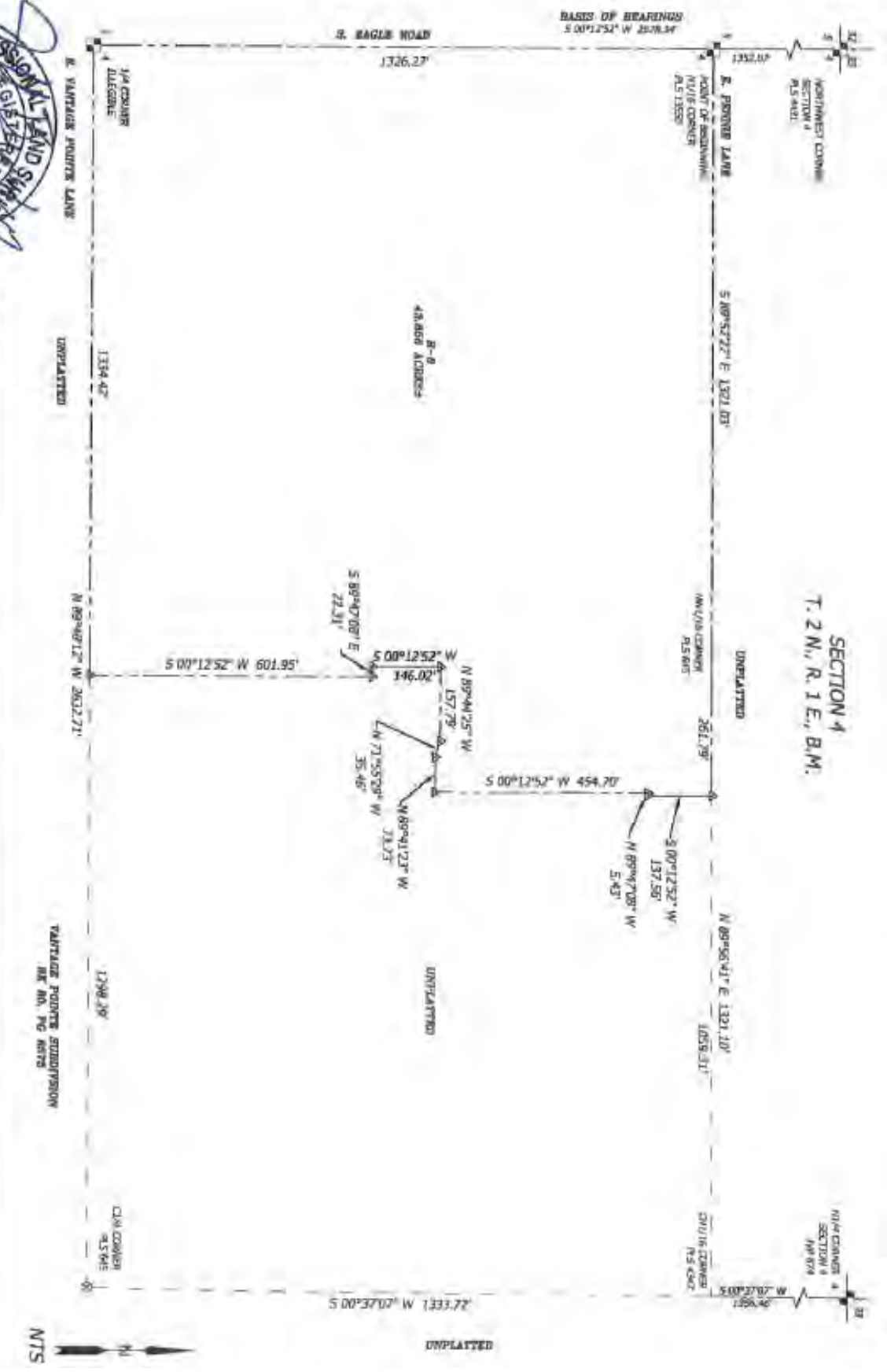
PROJECT:
 SKYBREAK SUBDIVISION
 R-8 ZONING
 ADA COUNTY, IDAHO

OWNER/DEVELOPER:
 CONGER



2030 S. WASHINGTON AVE.
 ENNETT, ID 83617
 P: (208) 398-8104
 F: (208) 398-8105

DWG # 19446-EX
 PROJECT # 19446
 SHEET





Skybreak R-15 Zoning Description

BASIS OF BEARINGS is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4, a distance of 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 261.79 feet to the **POINT OF BEGINNING**;

Thence continuing N. 89°56'41" E., coincident with said north line, 1059.31 feet to a 5/8" rebar/cap PLS 4347, marking the CN1/16 corner of said Section 4;

Thence S. 00°37'07" W., coincident with the east line of said Section 4, a distance of 1333.72 feet to a 3/4" rebar/cap PLS 645, marking the C1/4 corner of said Section 4;

Thence N. 89°48'12" W., coincident with the south line of said NW1/4, a distance of 1289.29 feet;

Thence N. 00°12'52" E., parallel with said west line, 601.95 feet;

Thence N. 89°47'08" W., 22.31 feet;

Thence N. 00°12'52" E., parallel with said west line, 146.02 feet;

Thence S. 89°44'25" E., 157.79 feet;

Thence S. 71°55'29" E., 35.46 feet;

Thence S. 89°41'23" E., 73.73 feet;

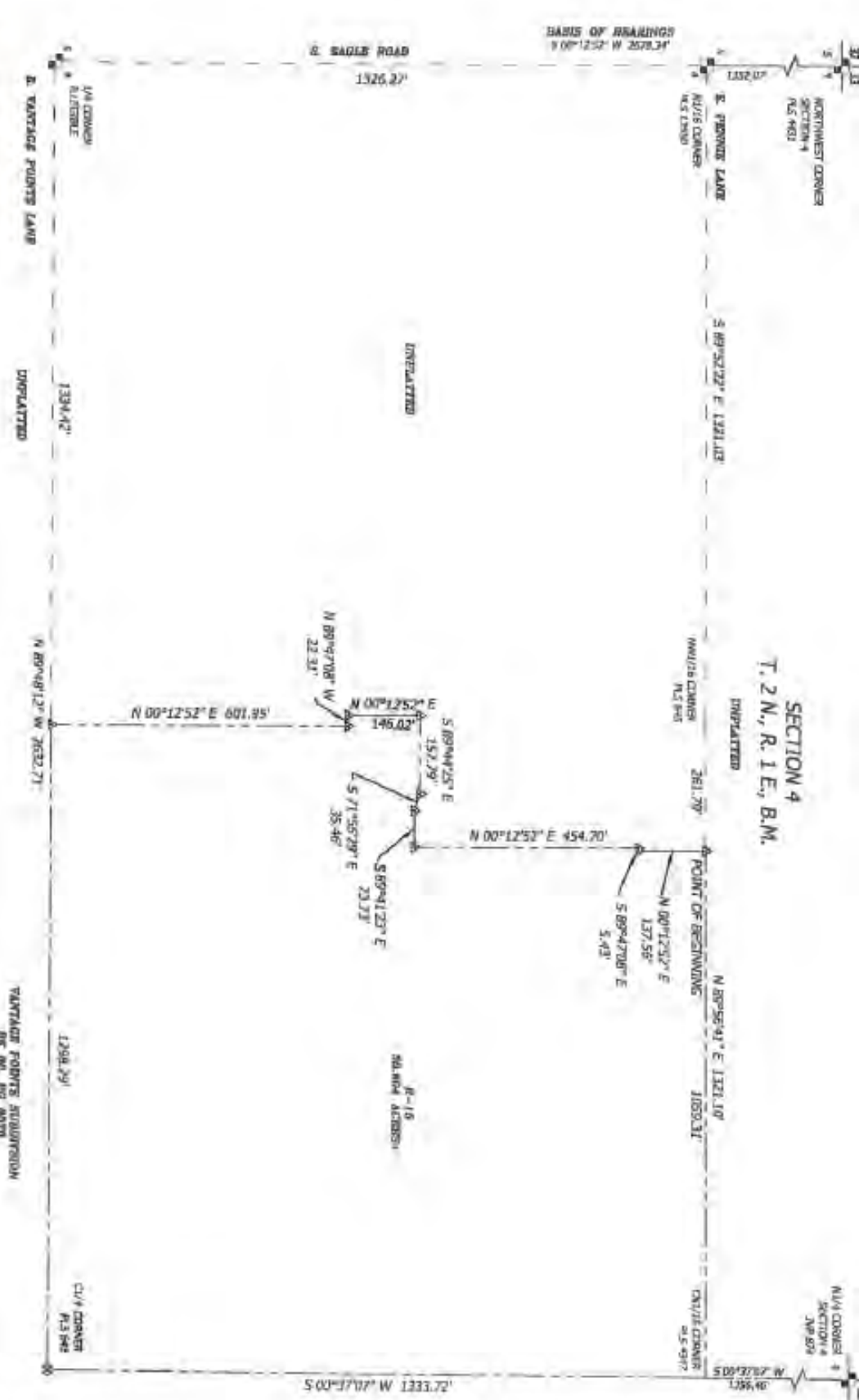
Thence N. 00°12'52" E., parallel with said west line, 454.70 feet;

Thence S. 89°47'08" E., 5.43 feet;

Thence N. 00°12'52" E., parallel with said west line, 137.56 feet to the **POINT OF BEGINNING**.

The above described parcel contains 36.604 acres more or less.

Item #6.



PROJECT: SKYBREAK SUBDIVISION R-15 ZONING ADA COUNTY, IDAHO	OWNER/DEVELOPER: CONGER		2030 S. WASHINGTON AVE. EMMETT, ID 83617 P: (208) 398-8104 F: (208) 398-8105
DWG. # 19A46-EX	PROJECT # 19A46		SHEET

C. Preliminary Plat (date: 12/11/2020-6/16/2021)



D. Landscape Plan (date: 12/11/2020-6/18/2021)



E. Gated versus Non Gated (date: 2/11/2020 6/18/2021)

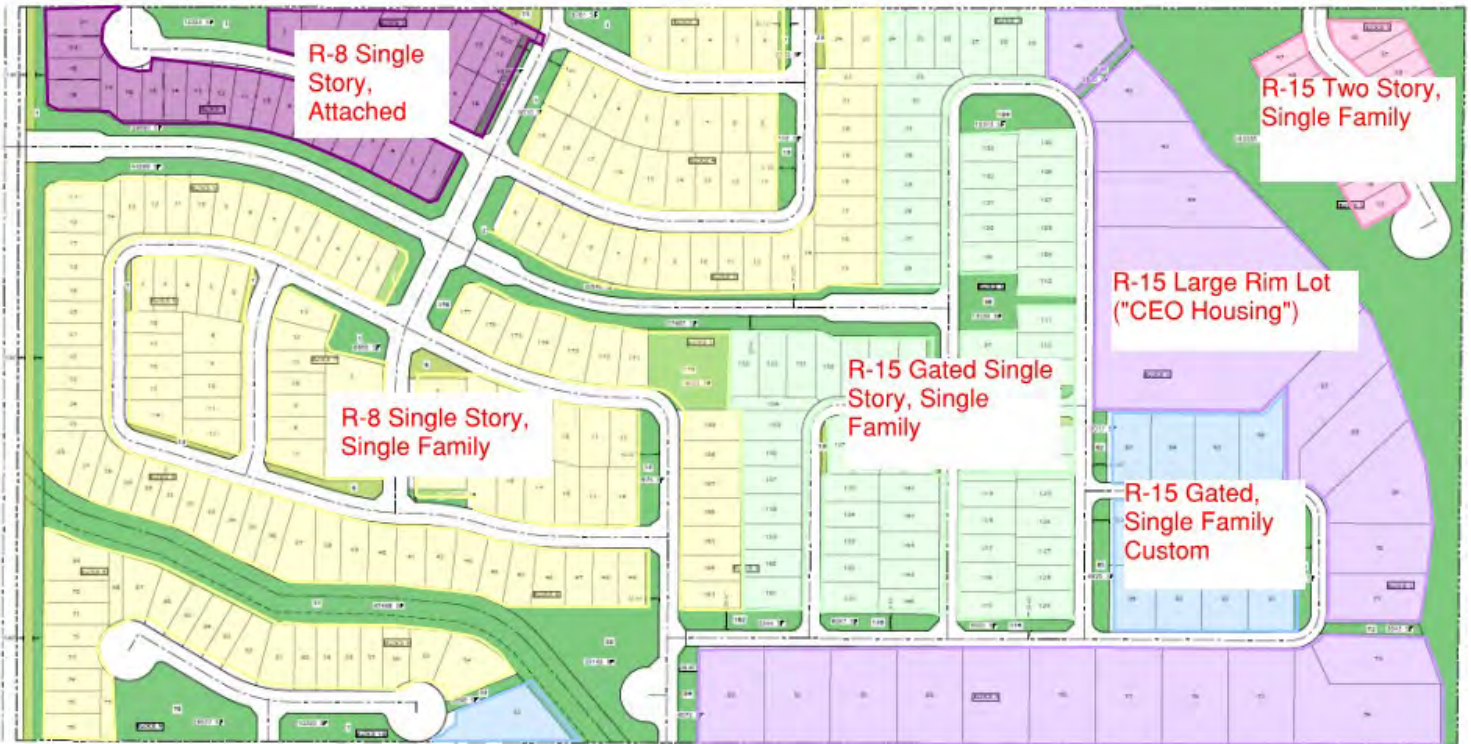
All streets shown in gated portion are private streets



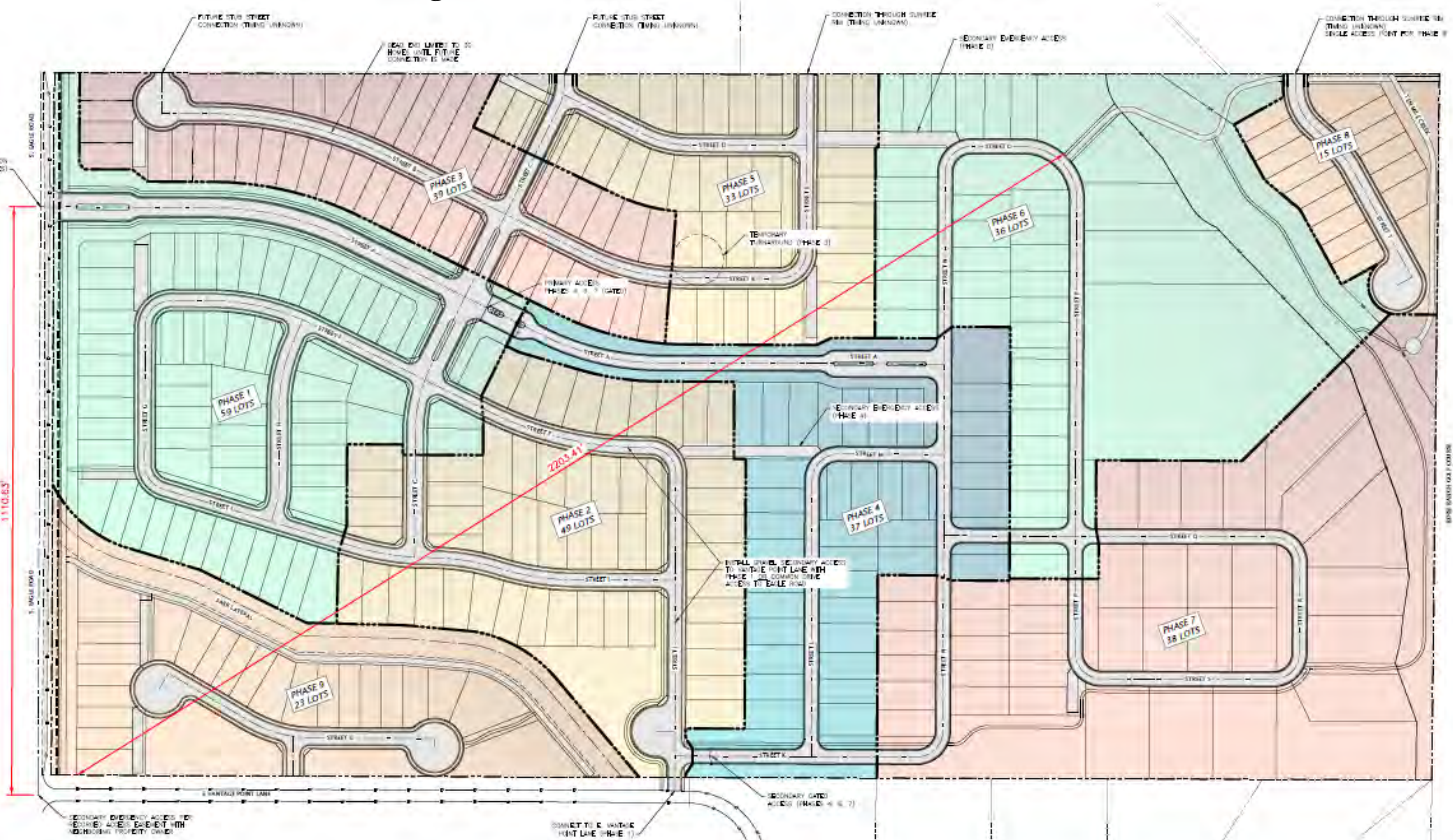
F. Open Space Exhibit (date: 12/30/2020 6/16/2021)



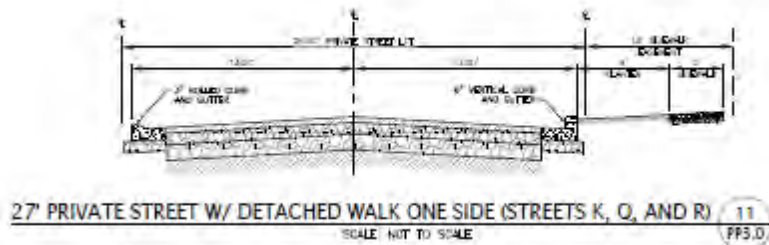
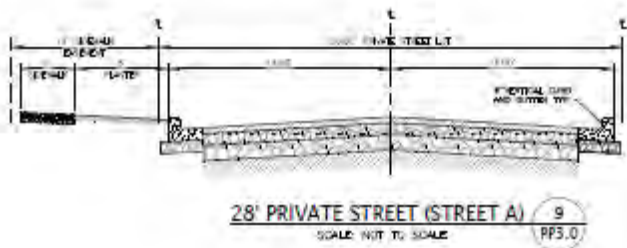
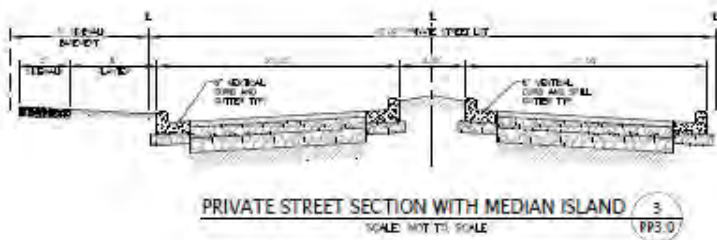
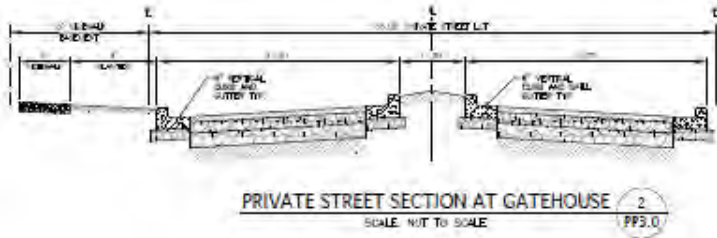
G. Zoning Exhibit (date: 12/10/2020 6/18/2021)



H. Phasing Plan (date 2/10/21)



I. Proposed Private Street Sections (date: 6/16/21)



J. Phasing Description (date: 12/10/21)

PROJECTED PROJECT TIMELINE

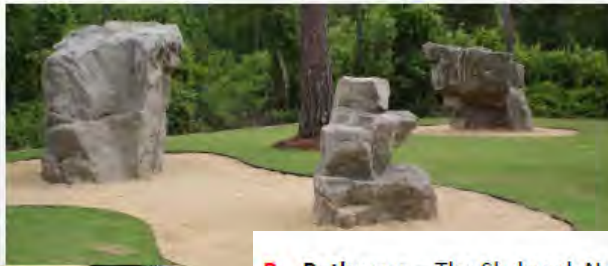
Milestone	Date
2021 -	
▪ City Council Approval (est.)	April 2021
▪ Eagle Road – Amity to Victory Road Widening to 5 Lanes	2021
2022 -	
▪ 20 Homes Occupied (1 st home available April 2022)	August 2022
2023 -	
▪ Lake Hazel Road and Eagle Road Intersection Construction	2023
▪ Eagle Road – Victory to Amity Road Widening to 5 Lanes	2023
▪ Fire Station #8 – Completed and Staffed	December 2023
▪ 50 Homes Occupied	September 2023
2024 -	
▪ Lake Hazel Road – Eagle to Cloverdale Road Widening to 5 Lanes	2024
▪ 100 Homes Occupied	June 2024
2025 -	
▪ 150 Homes Occupied	June 2025
2026 -	
▪ 200 Homes Occupied	June 2026
2027 -	
▪ 250 Homes Occupied	June 2027
2028 -	
▪ 300 Homes Occupied	June 2028
2029 -	
▪ Completion	December 2029

K. Proposed Amenities (date: ~~2/10/21~~ 6/18/21– please refer to Narrative for more details)



A. Large 3/4-Acre, Tot Park (Block 9, Lot 52) – The 35,142 Sqft Skybreak Neighborhood park will contain the following recreation facilities:

- **Play Structure**
- **Seating Benches**
- **Shade Structure**
- **Climbing Rocks**
- **Large Grass play area**
- **Attractive Landscaping**
- **Playground fencing for safety**



B. Pathways – The Skybreak Neighborhood will include the following pedestrian pathways:

- **10' Wide Regional Pathway Along Eagle Road – 1,326 LF**
- **10' Wide Regional Pathway Along the Farr Lateral – 1,120 LF**
- **10' Wide Regional Pathway Along Ten Mile Creek - 526 LF**
- **10' Wide Golf Cart Path - 760 LF**
- **Natural Path – 1,435 LF**

Pedestrian pathways within the Skybreak Neighborhood will total nearly one mile in length.

Item #6.

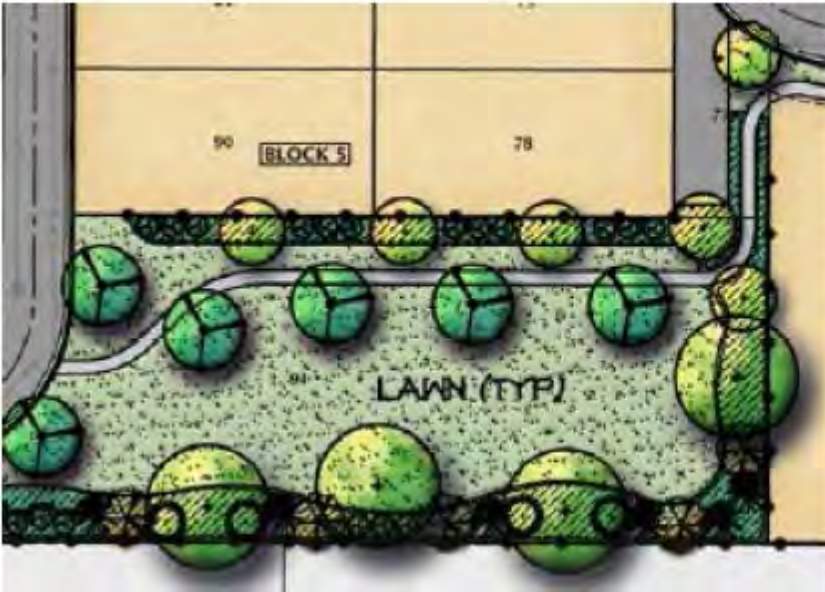
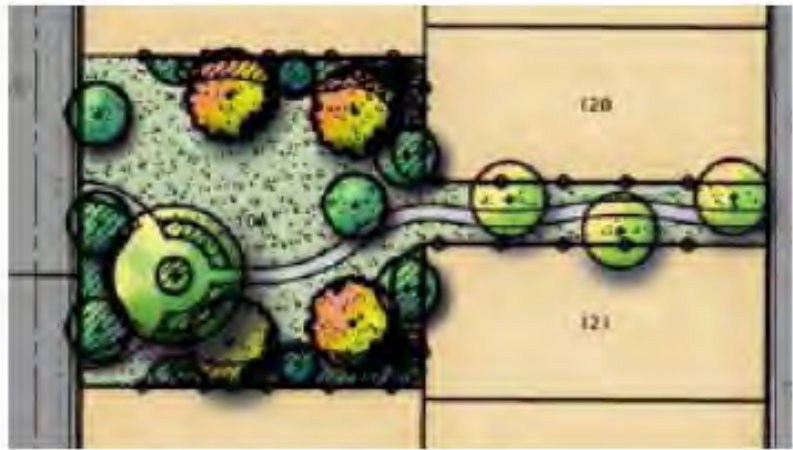
Dog Parks (Block 2, Lot 1 and Block 5, Lot 121) - The Skybreak Neighborhood park will contain two (2) 1/4 Ac small dog, dog parks that will include the following:

- Open Vision Fencing
- Dual Gate System
- Seating Areas
- Attractive Landscaping



D. Entry Park (Block 5, Lot 114) – The main Collector Roadway will terminate in an attractively landscaped open space that will provide for an aesthetically appealing entry statement that will convey a sense of arrival.

- Specimen Tree Plantings
- Seating Areas
- Attractive Landscaping
- Pathway



E. Open Sports Park (Block 5, Lot 97) – This park will include:

- Large 1-acre open sports area
- Pathway Connection
- Seating Areas
- Attractive Landscaping

Item #6.

Landscaped Passive Open Spaces – Located throughout the Neighborhood:

- Attractive Landscaping
- Buffering of side yards
- Premier Signage and Entry Monuments



H. Pedestrian Connection Exhibit

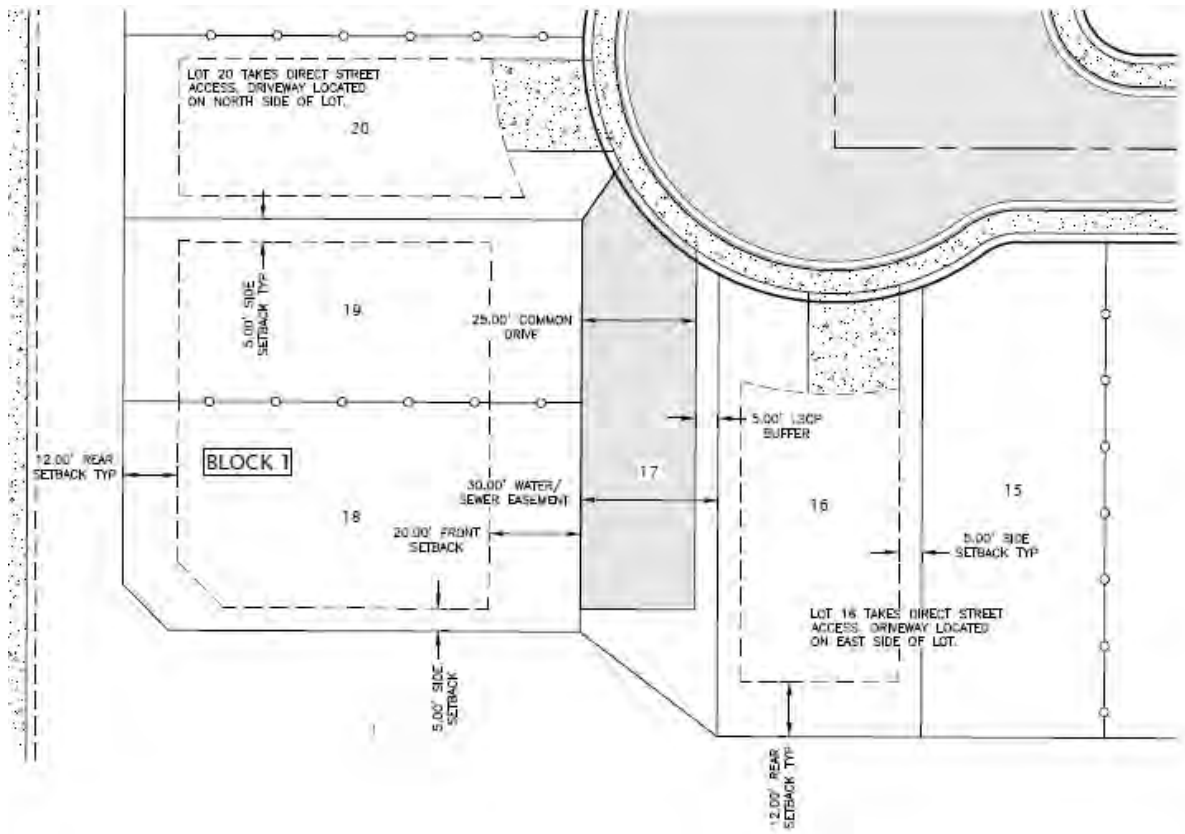
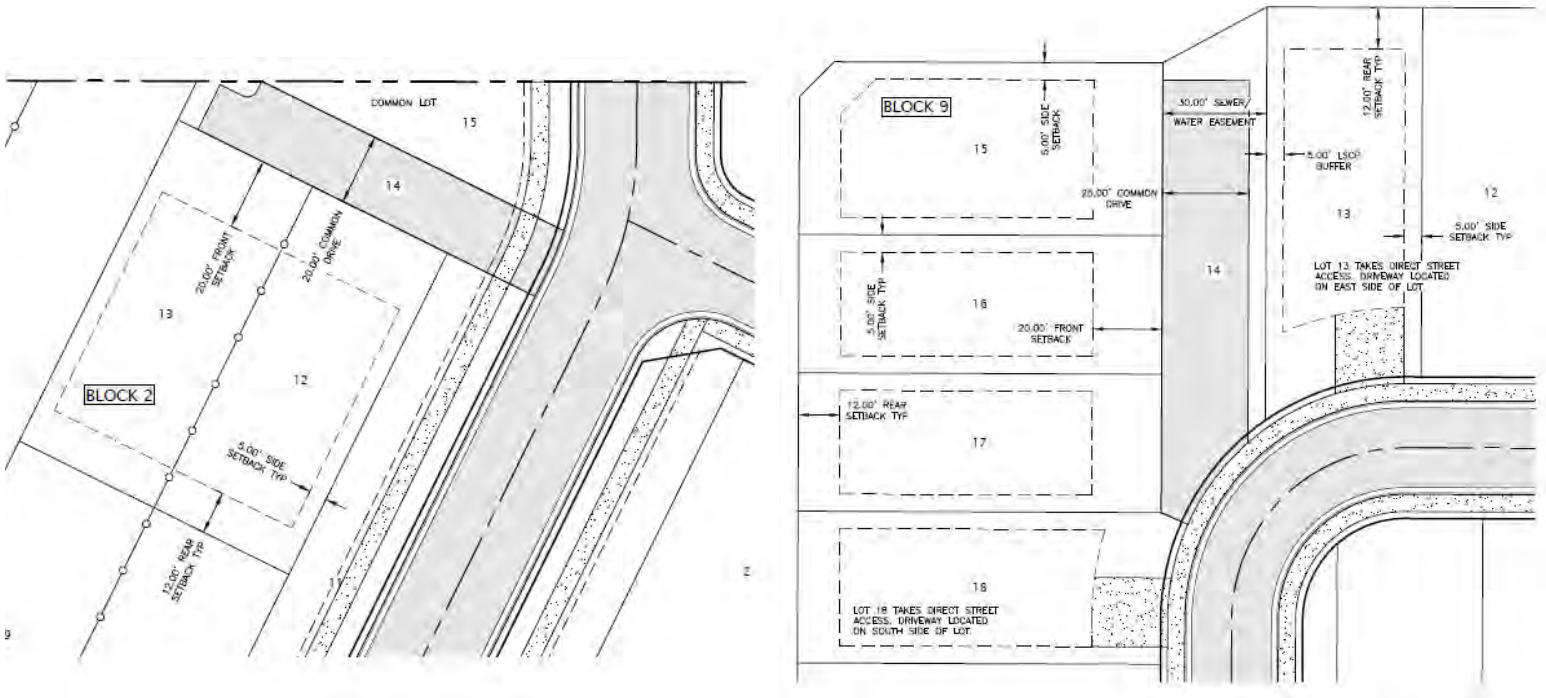


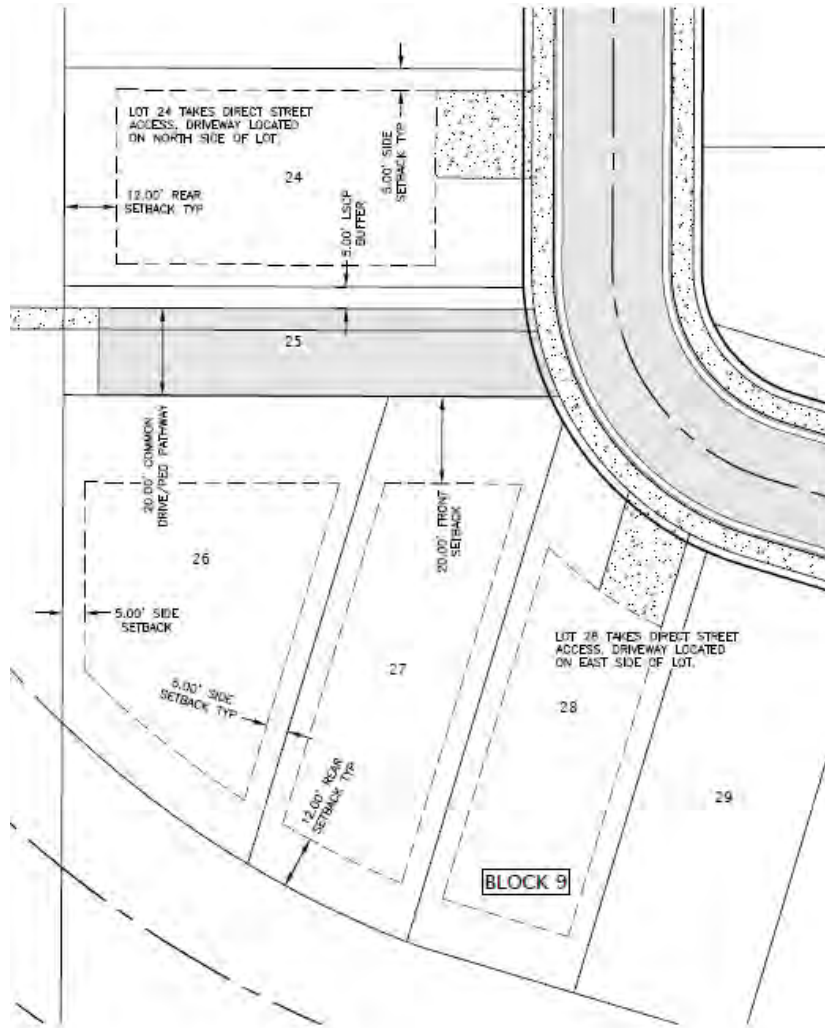
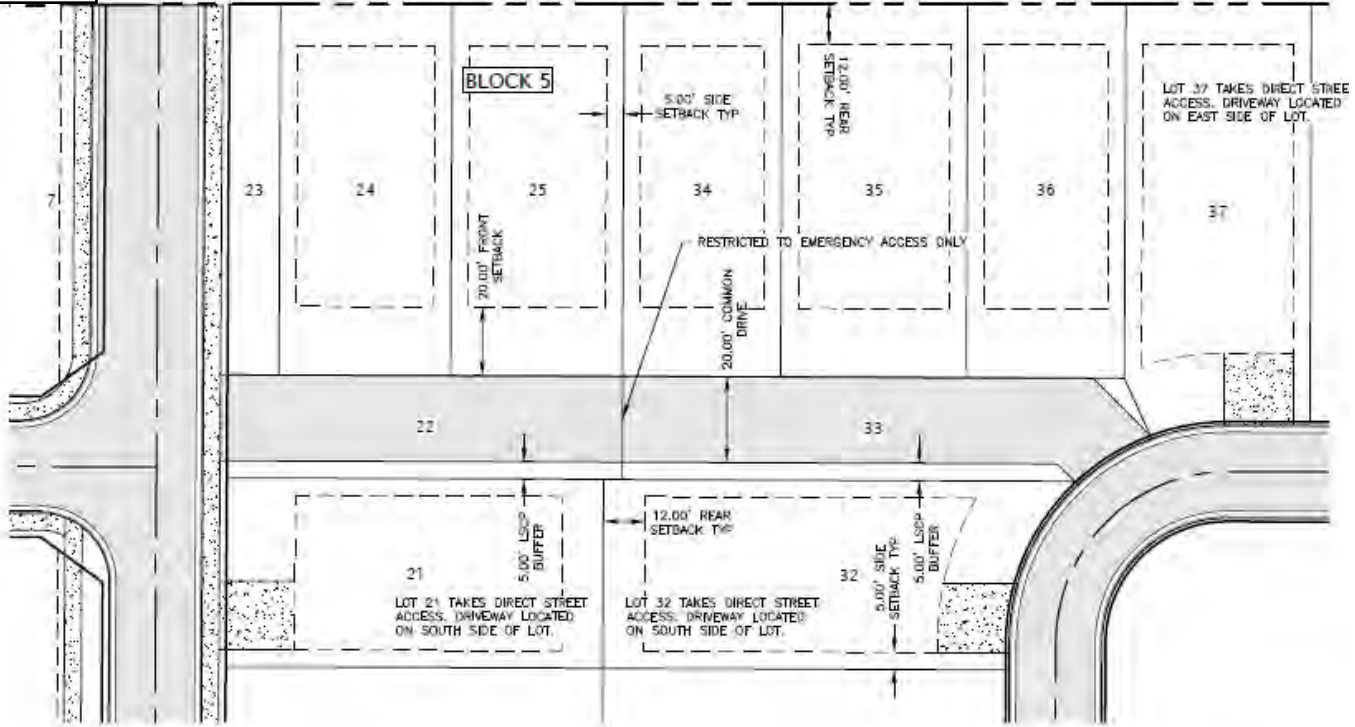
L. Parking Plan (date 6/18/21)



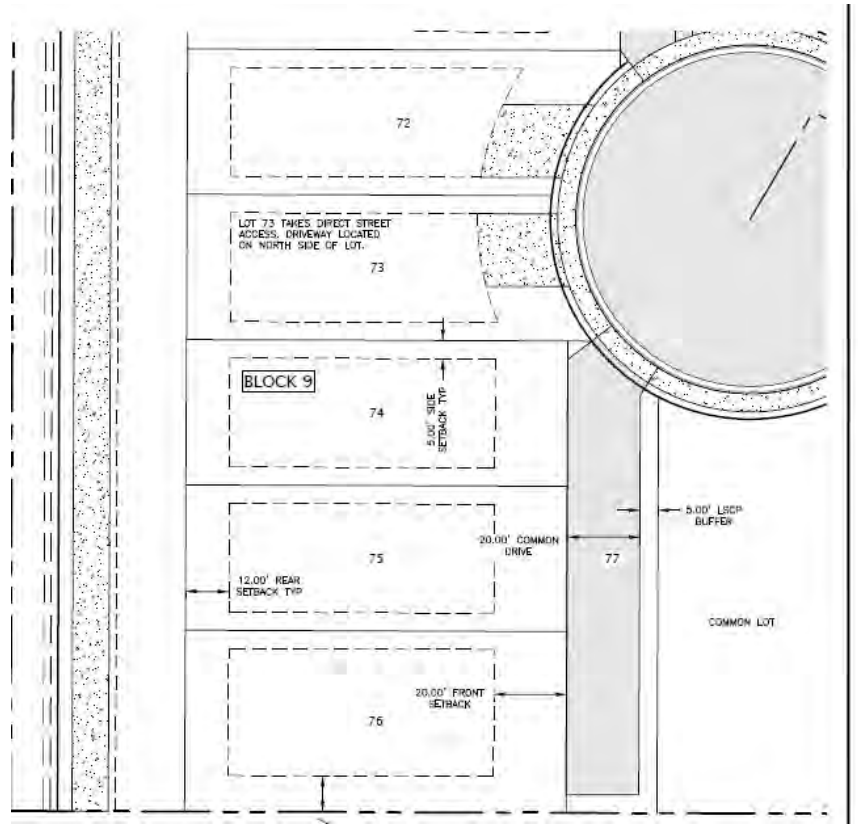
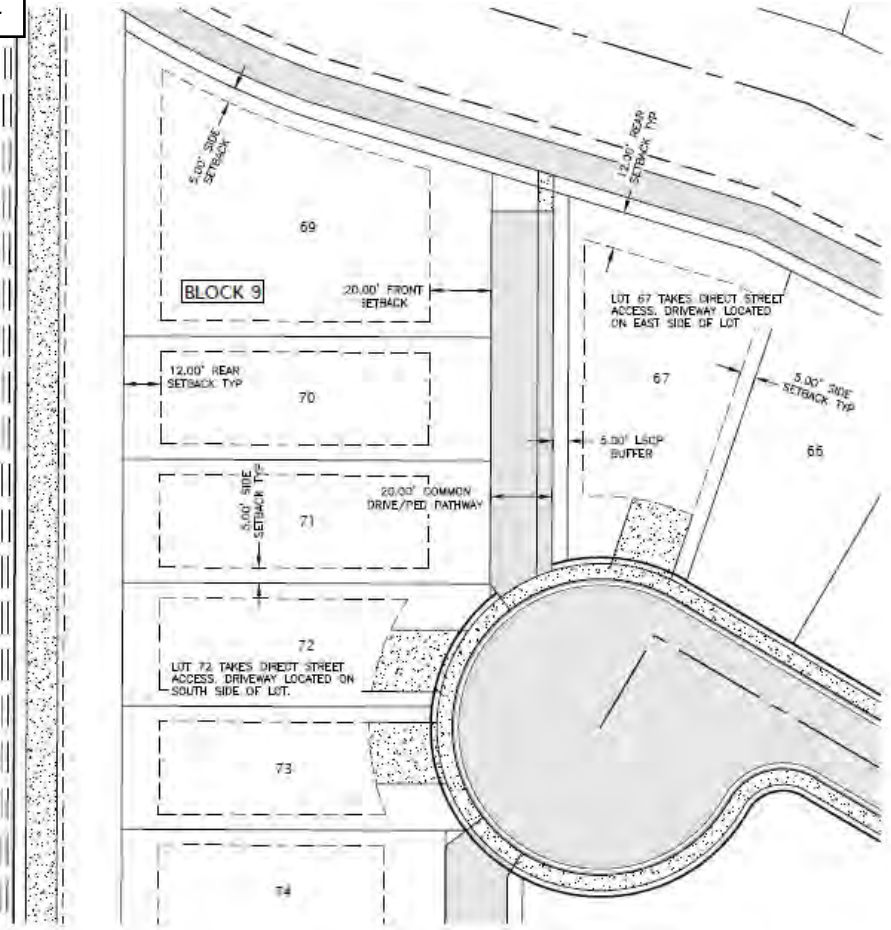
— On-Street Parking
338 Spaces

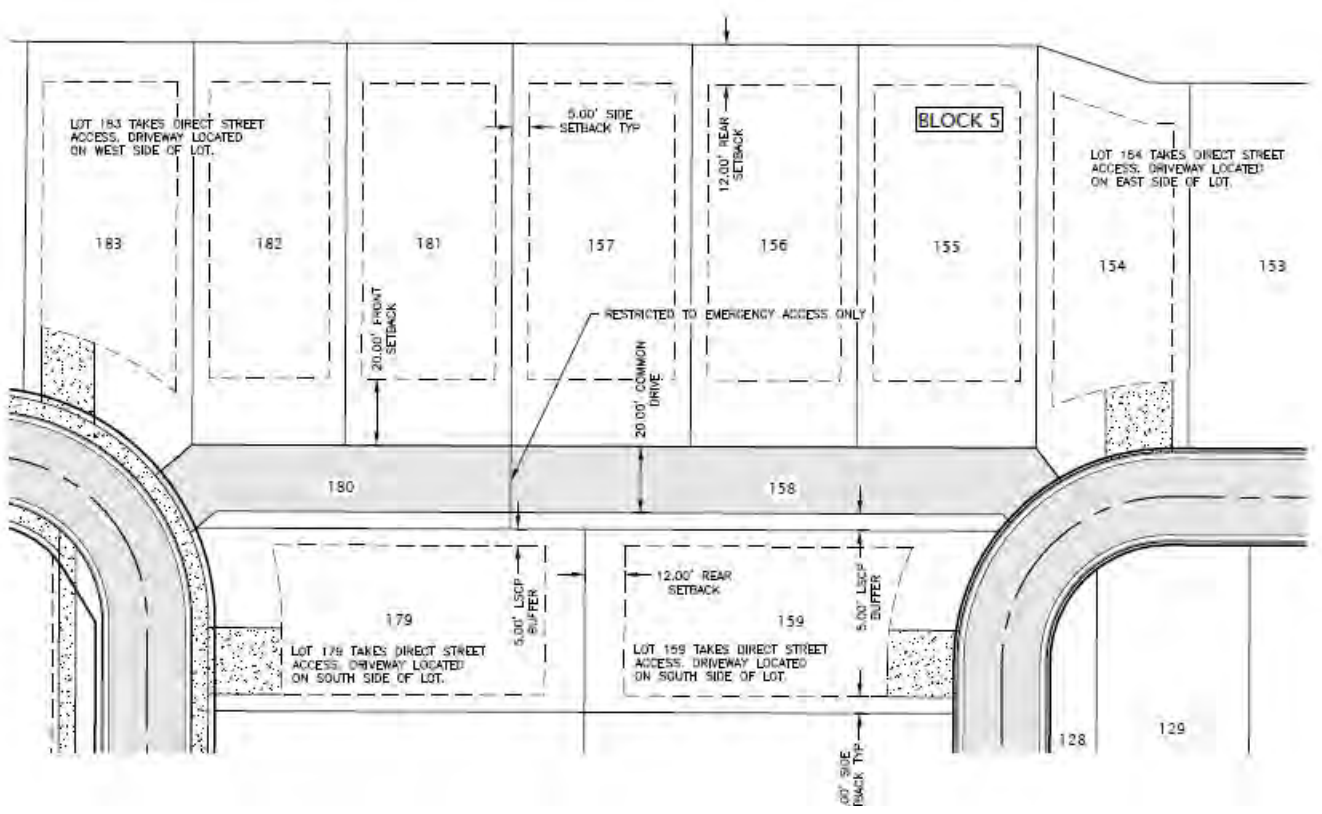
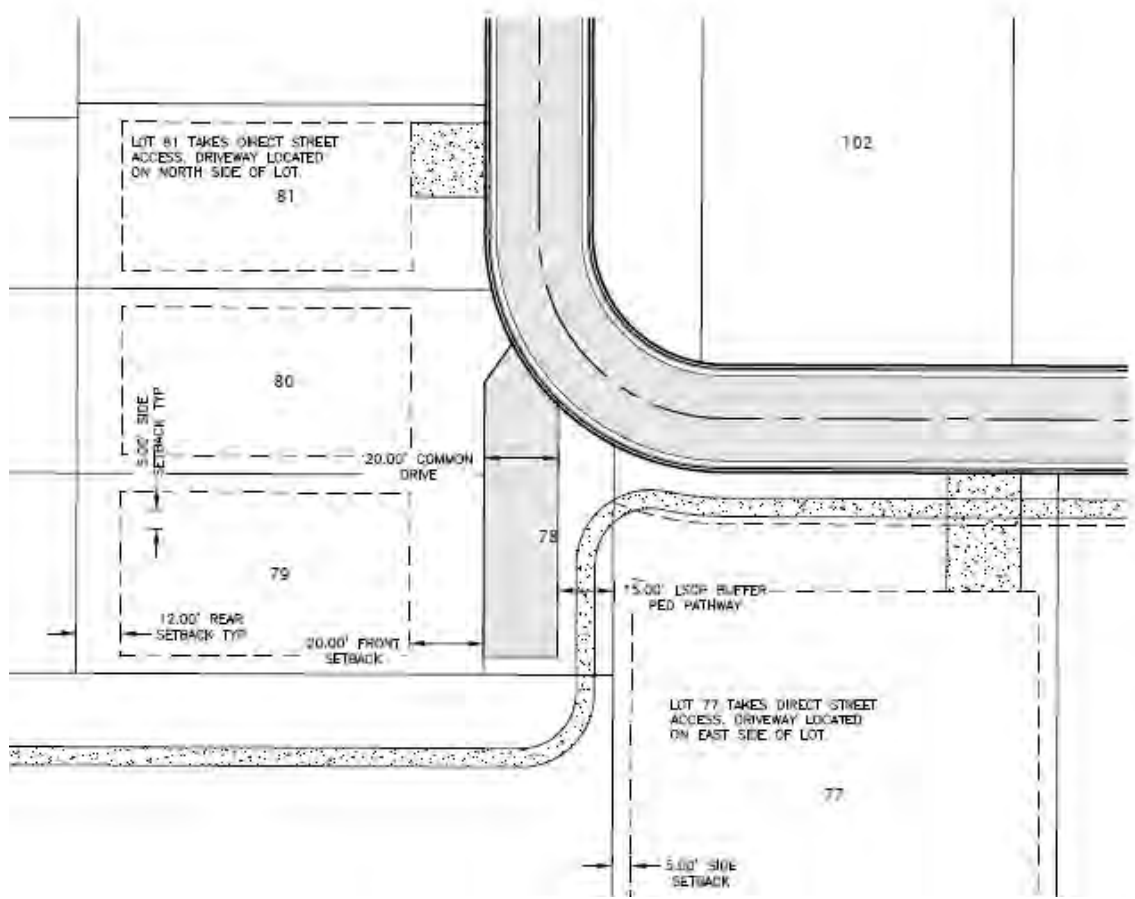
M. Common Driveway Exhibits

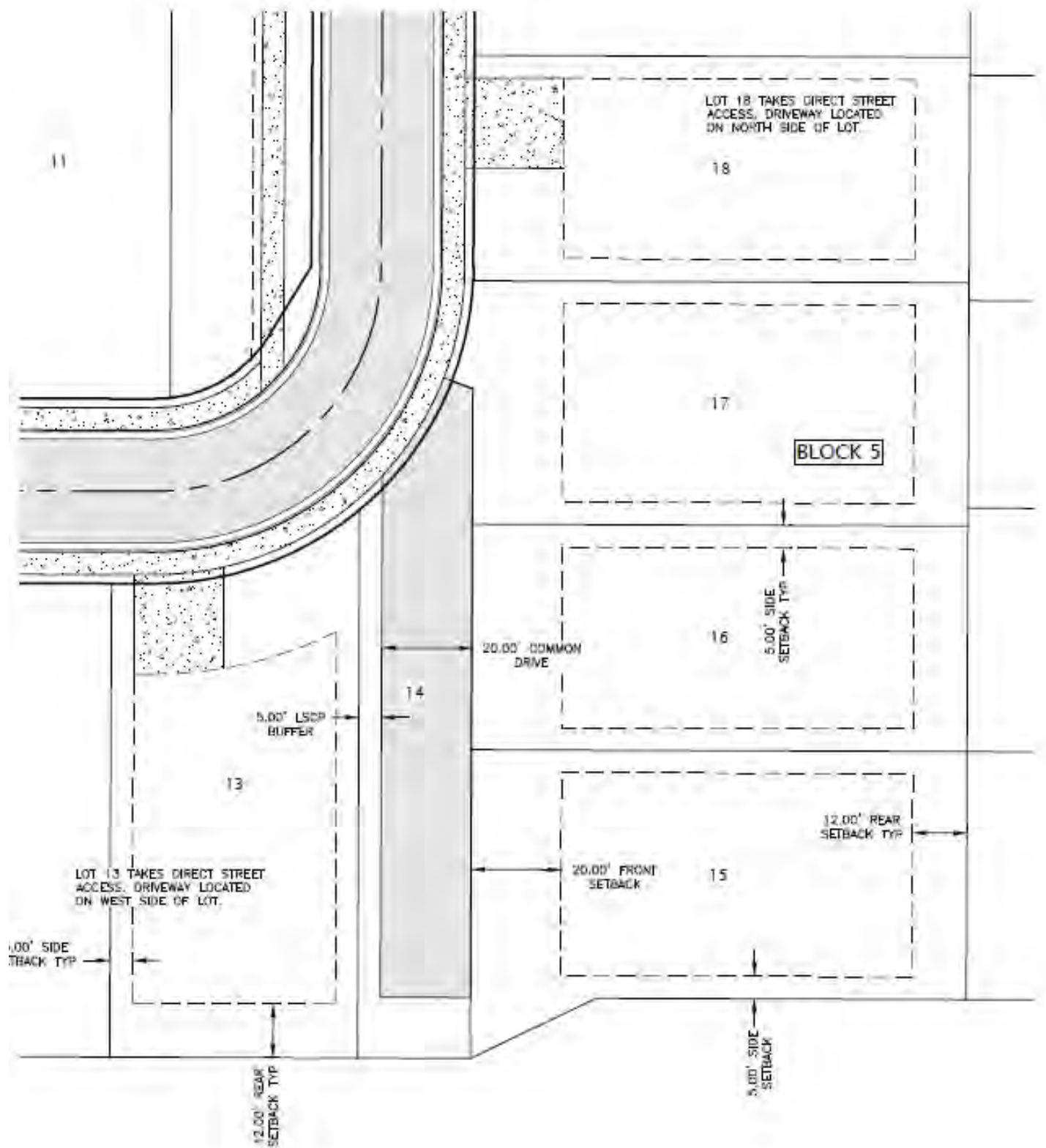




Item #6.







N. Building Elevations (date: 12/10/21)



Existing Home to remain (above)



Existing Home to remain (above)



RIDGEVIEW



AVONDALE



CHANDLER



SCOTTSDALE

Item #6.



TEMPE



KIERLAND 'A'



KIERLAND 'B'

VIII. CITY/AGENCY COMMENTS

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 The Skybreak Neighborhood shall follow the approved phasing plan and/or obtain planning and fire department approval for any modifications.
 - b The applicant shall submit a wildland safety plan for the hillside area to be approved by Meridian Fire Department with the first final plat.
 - c The existing residence at 3487 E. Adler Hof Ln. (Lot 45, Block 5) will be required to abandon the well and septic system and connect to City water and sewer with development of the property.
 - d The applicant shall not submit a final plat for Phase 8 and 9 until public street access is provided.
 - e A 30' rear yard setback is required on Lots 74-83, Block 5, abutting Vantage Pointe.
 - f A 15' (external) side yard setback and an increased rear setback (as shown in applicant's plans) is required for Lot 74, Block 5, abutting Vantage Pointe.
 - g The rear and/or sides of any 2-story structures facing S. Eagle Rd (18-21 Block 1, 15-26 and 76-79 Block 9) 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. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.
 - h Future development of this site shall substantially comply with the preliminary plat, landscape plan and conceptual building elevations for the single-family attached and detached dwellings included in the attachments contained herein.
- 2 Administrative design review will be required for all new attached residential structures containing two (2) or more dwelling units.
- 3 The City Council has approved alternative compliance from UDC 11-3F-4 that limits gated developments to 50 lots, to allow 106 gated lots.
- 4 The City Council has approved alternative compliance from UDC 11-3F-4 prohibiting common driveways off private streets, to allow 3 common driveways.
- 5 The City Council has approved a wavier from UDC 11-6C-3 limiting dead-end streets ending in a cul-de-sac to 500 feet to allow the Phase 8 cul-de-sac in the northeast corner to extend to approximately 610'.
- 6 The City Council has approved a wavier from UDC 11-6C-3 limiting block face to no more than seven hundred fifty (750) feet in length without an intersecting street or alley to allow Block 9, north of the Farr Lateral to be approximately 1,000 feet in length.
- 7 The City Council has approved a wavier from UDC 11-6C-3 limiting block face to no more than seven hundred fifty (750) feet in length without an intersecting street or alley to allow Block 5, along the southern boundary of the property, to be approximately 1,190 feet in length.

- 8 The City Council has approved alternative compliance from UDC 11-3B-12 and UDC 11-3G-3 requiring minimum landscaping along pathways and within common open space to allow the pathway area shown in Lot 46 of Block 5 to remain in a natural state.
- 9 The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B, 11-3G and maintenance thereof as set forth in UDC 11-3B-13.
- 10 The applicant shall construct all proposed fencing and/or any fencing required by the UDC, consistent with the standards as set forth in UDC 11-3A-7 and 11-3A-6B, as applicable.
- 11 Except as otherwise listed above, the development shall comply with the private street requirements as set forth in 11-3F, including the applicant or owner providing documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private street, including regulations for the funding thereof.
- 12 The plat shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6. The Farr Lateral is allowed to remain open as waived by City Council.
- 13 Except as listed above, the applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.
- 14 The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to cul-de-sacs, alleys, driveways, common driveways, easements, blocks, street buffers, and mailbox placement.
- 15 Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit.
- 16 The Applicant shall have a maximum of two (2) years from the date of City Council approval to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
- 17 The Applicant shall comply with all conditions of ACHD.
- 18 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 WORKSSite Specific Conditions of Approval

1. Preliminary plat conceptual site plans dated 12/11/2020 must be adjusted as follows
 - a. The sewer main stub near intersection of Street C and D needs to end in a manhole.
 - b. The sewer main stub at the North end of Street E needs to end in a manhole.
 - c. The sewer on the south-eastern boundary (Street J) should not go to the property boundary.
 - d. The sewer main should run at 0.60% slope and end in a manhole short of the property boundary.
 - e. Water and sewer mains must be covered in a 20-foot-wide easement per utility.
 - f. Easements cannot have encroachments of any permanent structures including but not limited to buildings, carports, trash enclosures, fences, trees, deep rooting bushes, etc.
 - g. Maintain a minimum 90-degree angle into/out of all manholes.
 - h. Slope between manholes shall not exceed 5%. Slopes between SSMH G-3 to SSMH H-1, SSMH G-4 to SSMH J-1, and SSMH G-8 to SSMH K-1 exceeds this.
 - i. No public main is allowed in common driveways, sewer line A and F are shown going through private drives.
 - j. If you have three or less lots on a common drive, services should be stubbed from the roadway.
 - k. Four or more lots, sewer will be allowed in the common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manholes needed in the common drive shall be marked with "Private" on the lid.
 - l. A drainage plan is required to be provided and reviewed prior to plan approval.
 - m. Current design does not meet minimum fire flow. A possible solution is to upsize some 12" mains and add two more connections, one at the southwest and one at the northeast corner of the development. These changes must be coordinated with Public Works.
 - n. A streetlight plan must be provided with the final plat application. Streetlight plan requirements are listed in Meridian Design Standards.
 - o. Phase 8 of the proposal is in Flood Zone A. This area requires extending the existing hydraulic and hydrology study and establishing base flood elevations. Other phases are not impacted by flood zone and will not require floodplain study or permits.

General Conditions of Approval

2. 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.
3. 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.
4. 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 8 1/2" 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.
5. 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.
6. 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.
7. 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.
8. 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. 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. All grading of the site shall be performed in conformance with MCC 11-12-3H.
 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 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.
 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. 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.
 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.

- 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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223367&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222919&dbid=0&repo=MeridianCity>

E. PARK’S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214368&dbid=0&repo=MeridianCity&cr=1>

F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193035&dbid=0&repo=MeridianCity>

G. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222788&dbid=0&repo=MeridianCity>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219402&dbid=0&repo=MeridianCity>

I. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193631&dbid=0&repo=MeridianCity>

J. CENTRAL DISTRICT HEALTH DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219402&dbid=0&repo=MeridianCity>

K. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=203469&dbid=0&repo=MeridianCity>

L. COMMUNITY DEVELOPMENT SCHOOL IMPACT REVIEW:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=203755&dbid=0&repo=MeridianCity>

M. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222984&dbid=0&repo=MeridianCity>

N. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222907&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;

The Council finds the proposed map amendment to R-8 is consistent with the Comprehensive Plan density recommendations of 3-8 dwelling units per acre. The Council finds zoning the property to the R-15 district for purpose of allowing private streets is suitable for providing the necessary infrastructure. The Council also finds this development would be considered infill. The proposed private streets serving a significant portion of the site would meet the intent of the Plan in regard to requiring urban infrastructure being provided for all new developments, including sidewalks.

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

Council finds there is a variety in housing types and diversity in lot sizes which is consistent with the purpose statement of the residential districts, which states a range of housing opportunities should be provided consistent with the Comprehensive Plan.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

Council finds the proposed zoning map amendment would not be detrimental to the public health, safety and welfare. The private streets would be funded by the homeowners through the HOA. Also, the Fire District has voiced they can serve this development when the southern fire station is constructed.

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

The Council finds the map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision.

5. The annexation (as applicable) is in the best interest of city.

Council has determined this annexation is in the best interest of the City.

B. Preliminary Plat (UDC 11-6B-6):

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 Council finds that the proposed plat is in substantial conformance with the adopted Comprehensive Plan in regard to maximizing public services by prioritizing infill development over parcels on the

fringe, provision of a variety of housing types, density in the LDR designated area, transitional densities, adequate provision of services (Fire Dept.), usable open space, and construction of infrastructure without sidewalks, etc.

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

The Council finds that public services are available and can be extended to accommodate the proposed development although services would be maximized by development of infill or underdeveloped parcels already in the City instead of on the fringe as is the subject property (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, 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 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).

5. The development will not be detrimental to the public health, safety or general welfare; and,

The Council is not aware of any health, safety, or environmental problems associated with the platting of this property. Public testimony has been submitted from adjacent residents to the south on 1-acre lots stating there is not an adequate transition in lot sizes or zoning to their properties/subdivision. ACHD considers road safety issues in their analysis.

6. The development preserves significant natural, scenic or historic features.

The Council finds the proposed development preserves the natural topography/hillside along the eastern boundary of the site. Council is unaware of any other significant natural, scenic or historic features that exist on this site that require preserving.

C. Private Streets (UDC 11-3F-5):

At the June 29, 2021 meeting, the Council overturned the Director’s denial of the private streets, with the following findings:

A. The design of the private street meets the requirements of this article;

The private streets meet the design requirements of not connecting to an arterial street, allowing sufficient maneuvering for emergency vehicles, and meeting the minimum width of 27 feet. However, the proposal exceeds the limitation of no more than 50 units being served by a gated development, and three common driveways are proposed whereas UDE 1103F-4-5 states common driveways cannot be allowed on private streets. The Council approved Alternative Compliance from these requirements.

B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity.

The Director had safety concerns in regard to whether there could be pedestrian safety issues with residents using private streets with no sidewalks. Per direction from the Council, the applicant added sidewalks on at least one side of all streets, and the Council found the private streets would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity.

C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

Council finds the private streets with sidewalks meet Comprehensive Plan policies such as requiring new residential neighborhoods to provide complete streets, developing a connected, comfortable, and comprehensive network of multi-purpose pathways, ensuring safe routes and access, encouraging safe, physical activity for pedestrians and bicyclists, and fostering a walkable and bikeable community and providing necessary infrastructure.

D. The proposed residential development (if applicable) is a mew or gated development.

The proposed development is a gated development.



AGENDA ITEM

ITEM TOPIC: Development Agreement Between the City of Meridian and Idaho Auto Mall LLC (Owner/Developer) for Artemisia Subdivision H-2021-0014, Located at 1690 W. Overland Rd.

DEVELOPMENT AGREEMENT

- PARTIES:**
1. City of Meridian
 2. Idaho Auto Mall LLC, Owner/Developer

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this 9 day of July, 2021, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642 and **Idaho Auto Mall LLC**, whose address is 3449 E. Copper Point Drive, Meridian, ID 83642, hereinafter called OWNER/DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit "A", which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner/Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code ("UDC"), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer has submitted an application for annexation and zoning of 25.87 acres of land to the C-G (General Retail and Service Commercial) zoning district on the property listed in Exhibit "A", under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council, as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested annexation and zoning held before Planning and Zoning Commission and the City Council, includes responses of government subdivisions providing services within the

City of Meridian planning jurisdiction, and includes further testimony and comment; and

- 1.7 **WHEREAS**, on the 15th day of June, 2021, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation are in accordance with the amended Comprehensive Plan of the City of Meridian on. December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein, the parties agree as follows:

2. **INCORPORATION OF RECITALS:** That the above recitals are contractual and binding and are incorporated herein as if set forth in full.

3. **DEFINITIONS:** For all purposes of this Agreement the following words, terms, and phrases herein contained in this section shall be defined and interpreted as herein provided for, unless the clear context of the presentation of the same requires otherwise:

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER/DEVELOPER:** means and refers to **Idaho Auto Mall, LLC**, whose address is 3449 E. Copper Point Drive, Meridian, ID 83642, hereinafter called OWNER, the party that owns said Property and shall include any subsequent owner(s) and developer (s) of the Property.

3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit “A” describing a parcel to be annexed and bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

4. **USES PERMITTED BY THIS AGREEMENT:** This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.

4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.

4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

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. Development of the subject property shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations submitted with the annexation application contained herein.
- b. Prior to development of the commercial/office portion of the development, the development agreement shall be amended to include a conceptual development plan that demonstrates consistency with the land use, transportation and design elements of the Ten Mile Interchange Specific Area Plan (TMISAP), including but not limited to the following:
 - (1) Provide minimum 6-foot wide parkways/planting strips and detached minimum 5-foot wide sidewalks along all streets within the development (Pedestrian & Bicycle System, pg. 3-27). *The minimum width of parkways planted with Class II trees is 8-feet; the minimum width of parkway planters for Class I and III trees is 10-feet. Planter widths for Class II trees may be reduced to 6-feet if root barriers are installed per the standards listed in UDC 11-3A-17E.*
 - (2) Sidewalks/pathways shall include dedicated crosswalks at the intersection with all streets within commercial activity centers and shall be distinguished from surrounding paving (Crosswalks, pg. 3-28).
 - (3) Street furnishings such as seating, newspaper racks, bollards, trash receptacles, bicycle racks and other elements important to the functioning of an effective pedestrian environment shall be provided (Street Furniture, pgs. 3-28 – 3-29).
 - (4) Exterior lighting should be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties. Site lighting should be architecturally compatible and consistent in design between sites. (Lighting, pg. 3-30).

- (5) Future development along Overland Rd. and internal local streets should incorporate street-oriented design consistent with the TMISAP for commercial developments.
- (6) Building orientation and setbacks should be close to the street with the main entrance of buildings oriented to the street (Street-Oriented Design, pg. 3-33).
- (7) A continuous unbroken frontage along required build-to lines to a minimum height of 30-feet should be constructed for at least 75% of the property frontage. Adjustments to this requirement may be allowed, such as modest setbacks to accommodate additional sidewalk space for café seating, or breaks in frontage for the creation of pocket parks.

New Buildings at street intersections should “hold the corners” and avoid introducing additional building setbacks unless a new public space is specified.

At least 40% of the linear dimension of the street level frontages shall be in windows or doorways; street level windows shall be clear or tinted visually permeable glass (mirrored or reflective glass is prohibited). Window sills shall be located no higher than 3’6” above adjacent exterior grade; headers shall be located no lower than 8’0” above adjacent exterior grade. No wall frontage shall continue uninterrupted by a window or a functional public access doorway for a linear distance of greater than 12’.

The principal doorway for public entry into a building shall be from the fronting street. Corner entrances may be provided on corner lot buildings (Commercial and Mixed-Use Buildings, pg. 3-33). No parking should be placed between a building and the fronting primary or secondary street (Commercial Activity Centers, pg. 3-37).

- (8) The space between a building façade and the adjacent sidewalk or walkway should be appropriately landscaped with a combination of lawn, groundcover, shrubs and appropriate trees (Building Facades, pg. 3-38).
- (9) Low-rise buildings of 2-4 stories over much of the area is desired (Building Heights, pg. 3-38).
- (10) Buildings should be designed with clearly delineated bases, bodies and tops (Base, Body and Top, pg. 3-39).
- (11) Comply with the general recommendations for Activity Centers noted on pg. 3-40.
- (12) Awnings shall be provided on building facades for climate protection for pedestrians and shall extend a minimum of 5-feet from the façade of the fronting structure – 8-feet is preferable in wider pedestrian environments (Awnings, pg. 3-45).
- (13) Signs should be designed to contribute to the overall character, identity and way finding system. The colors, materials, sizes, shapes and lighting of signs should be compatible with the architecture of the buildings and the businesses they identify (Signs, pg. 3-46).
- (14) High quality public art should be incorporated into the design of streetscapes, public buildings, parks, transit, infrastructure, and other public projects (Public

Art, pg. 3-47).

(15) Open civic spaces should be provided in commercial activity centers/mixed use environments and should be located adjacent to an accessible from at least one primary street (3-48).

- c. Minimum 5-foot wide pedestrian walkways shall be provided from the perimeter sidewalks along Overland and Linder Roads to the main building entrances in accord with UDC 11-3A-19B.4a.
- d. Internal pedestrian walkways shall be provided between buildings within the site for pedestrian connectivity. Internal walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks in accord with UDC 11-3A-19B.4b.
- e. All future structures constructed on this site shall comply with the design guidelines in the TMISAP and the design standards in the Architectural Standards Manual.
- f. The final plat shall be recorded prior to issuance of building permits for any structures beyond those on the Kendall Ford site (i.e. Lot 1, Block 1). *The Kendall Ford site is allowed to develop and obtain building permits prior to recordation of the plat, subject to approval by the Building Department.*
- g. Compliance with the specific use standards listed in UDC 11-4-3-38: Vehicle Sales or Rental and Service is required.
- h. If fencing is proposed for security around the Kendall Ford site, it shall be of a higher quality than chain-link (i.e. wrought iron).

6. **COMPLIANCE PERIOD** This Agreement must be fully executed within six (6) months after the date of the Findings for the annexation and zoning or it is null and void.

7. **DEFAULT/CONSENT TO DE-ANNEXATION AND REVERSAL OF ZONING DESIGNATION:**

7.1 **Acts of Default.** Either party’s failure to faithfully comply with all of the terms and conditions included in this Agreement shall constitute default under this Agreement.

7.2 **Notice and Cure Period.** In the event of Owner and/or Developer’s default of this Agreement, Owner/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.

7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice as described in Section 7.2, Owners and/or Developer shall be deemed

to have consented to modification of this Agreement and de-annexation and reversal of the zoning designations described herein, solely against the offending portion of Property and upon City’s compliance with all applicable laws, ordinances and rules, including any applicable provisions of Idaho Code §§ 67-6509 and 67-6511. Owner/Developer reserve all rights to contest whether a default has occurred. This Agreement shall be enforceable in the Fourth Judicial District Court in Ada County by either City or Owner/Developer, or by any successor or successors in title or by the assigns of the parties hereto. Enforcement may be sought by an appropriate action at law or in equity to secure the specific performance of the covenants, agreements, conditions, and obligations contained herein.

7.4 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

7.5 **Waiver.** A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

8. **INSPECTION:** Owner/Developer shall, immediately upon completion of any portion or the entirety of said development of the Property as required by this Agreement or by City ordinance or policy, notify the City Engineer and request the City Engineer’s inspections and written approval of such completed improvements or portion thereof in accordance with the terms and conditions of this Agreement and all other ordinances of the City that apply to said Property.

9. **REQUIREMENT FOR RECORDATION:** City shall record this Agreement, including all of the Exhibits, and submit proof of such recording to Owner/Developer, prior to the third reading of the Meridian Zoning Ordinance in connection with the re-zoning of the Property by the City Council. If for any reason after such recordation, the City Council fails to adopt the ordinance in connection with the annexation and zoning of the Property contemplated hereby, the City shall execute and record an appropriate instrument of release of this Agreement.

10. **ZONING:** City shall, following recordation of the duly approved Agreement, enact a valid and binding ordinance zoning the Property as specified herein.

11. **SURETY OF PERFORMANCE:** The City may also require surety bonds, irrevocable letters of credit, cash deposits, certified check or negotiable bonds, as allowed under the UDC, to insure the installation of required improvements, which the Owners and/or Developer agree to provide, if required by the City.

12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued in any phase in which the improvements have not been installed, completed, and accepted by the City,

or sufficient surety of performance is provided by Owner/Developer to the City in accordance with Paragraph 11 above.

13. **ABIDE BY ALL CITY ORDINANCES:** That Owner/Developer agree to abide by all ordinances of the City of Meridian unless otherwise provided by this Agreement.

14. **NOTICES:** Any notice desired by the parties and/or required by this Agreement shall be deemed delivered if and when personally delivered or three (3) days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

CITY:
City Clerk
City of Meridian
33 E. Broadway Ave.
Meridian, Idaho 83642

with copy to:
City Attorney
City of Meridian
33 E. Broadway Avenue
Meridian, Idaho 83642

OWNER/DEVELOPER:
Idaho Auto Mall LLC
3449 E. Copper Point Drive
Meridian, ID 83642

14.1 A party shall have the right to change its address by delivering to the other party a written notification thereof in accordance with the requirements of this section.

15. **ATTORNEY FEES:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney’s fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

16. **TIME IS OF THE ESSENCE:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the other party so failing to perform.

17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties’ respective heirs, successors, assigns and personal representatives, including City’s corporate authorities and their successors in office. This Agreement shall be binding on the Owner/Developer, each subsequent owner and any other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owners and/or Developer, to execute appropriate and recordable evidence of termination of this Agreement if City, in its sole and reasonable discretion, had

determined that Owners and/or Developer have fully performed their obligations under this Agreement.

18. **INVALID PROVISION:** If any provision of this Agreement is held not valid by a court of competent jurisdiction, such provision shall be deemed to be excised from this Agreement and the invalidity thereof shall not affect any of the other provisions contained herein.

19. **DUTY TO ACT REASONABLY:** Unless otherwise expressly provided, each party shall act reasonably in giving any consent, approval, or taking any other action under this Agreement.

20. **COOPERATION OF THE PARTIES:** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision in this Agreement, the parties agree to cooperate in defending such action or proceeding.

21. **FINAL AGREEMENT:** This Agreement sets forth all promises, inducements, agreements, condition and understandings between Owner/Developer and City relative to the subject matter hereof, and there are no promises, agreements, conditions or understanding, either oral or written, express or implied, between Owner/Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.

21.1 No condition governing the uses and/or conditions governing re-zoning of the subject Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

22. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective on the date the Meridian City Council shall adopt the amendment to the Meridian Zoning Ordinance in connection with the annexation and zoning of the Property and execution of the Mayor and City Clerk.

[end of text; signatures, acknowledgements, and Exhibits A and B follow]

EXHIBIT A

Legal Description Annexation & C-G Rezone – Proposed Artemisia Subdivision

A parcel being a portion of the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

BEGINNING at a Brass Cap monument marking the southeast corner of said Section 14, from which an Aluminum Cap monument marking the southwest corner of the SE ¼ of said Section 14 bears N 89°19'41" W a distance of 2661.68 feet;

Thence along the southerly boundary of said SE ¼ of the SE ¼, also being the centerline of W. Overland Road, N 89°19'41" W a distance of 923.89 feet to a point;

Thence leaving said centerline and southerly boundary N 0°40'19" E a distance of 1210.11 feet to point on the centerline of Interstate 84;

Thence along said centerline S 89°34'02" E a distance of 921.31 feet to a point on the easterly boundary of said SE ¼ of the SE ¼, also being the centerline of S. Linder Road;

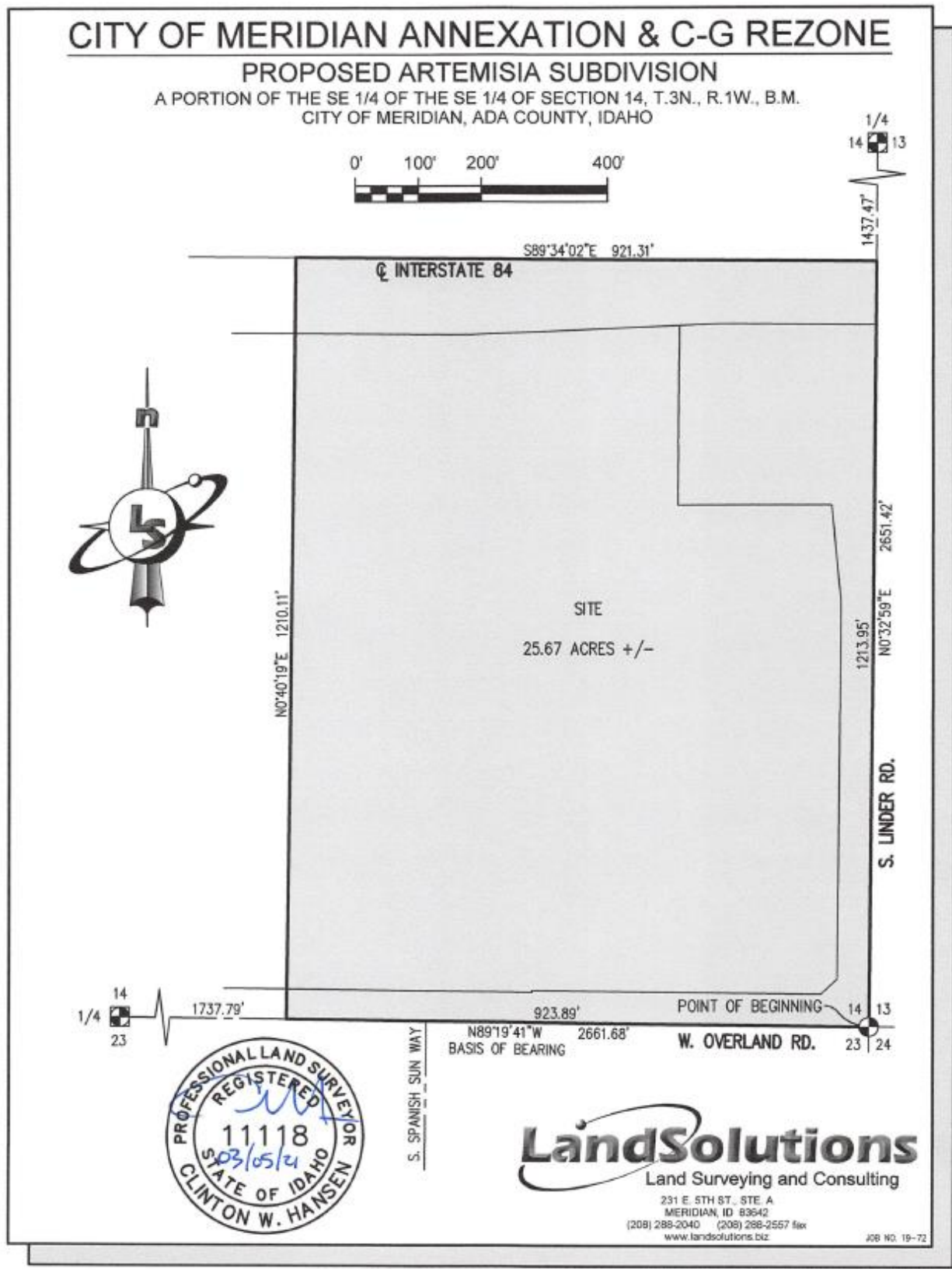
Thence leaving the centerline of said Interstate 84 and along said easterly boundary and S. Linder Road centerline S 0°32'59" W a distance of 1213.95 feet to the **POINT OF BEGINNING**.

This parcel contains 25.67 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
March 5, 2021



EXHIBIT A



**CITY OF MERIDIAN
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION & ORDER**



In the Matter of the Request for Annexation and Zoning of 25.67-Acres of Land with a C-G (General Retail and Service Commercial) Zoning District; and, Preliminary Plat (PP) Consisting of 9 Commercial Buildable Lots on 19.26-Acres of Land in the Proposed C-G (General Retail and Service Commercial) Zoning District for Artemisia Subdivision, by Engineering Solutions, LLP.

Case No(s). H-2021-0014

For the City Council Hearing Date of: June 1, 2021 (Findings on June 15, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of June 1, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 1, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 1, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 1, 2021, 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 June 1, 2021, 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 with the requirement of a Development Agreement per the provisions in the Staff Report for the hearing date of June 1, 2021, 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. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of June 1, 2021

By action of the City Council at its regular meeting held on the 15th day of June, 2021.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

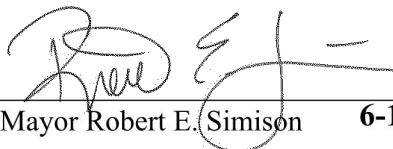
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE


COUNCIL MEMBER JOE BORTON VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



 Mayor Robert E. Simison 6-15-2021

Attest:


 Chris Johnson 6-15-2021
 City Clerk



Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

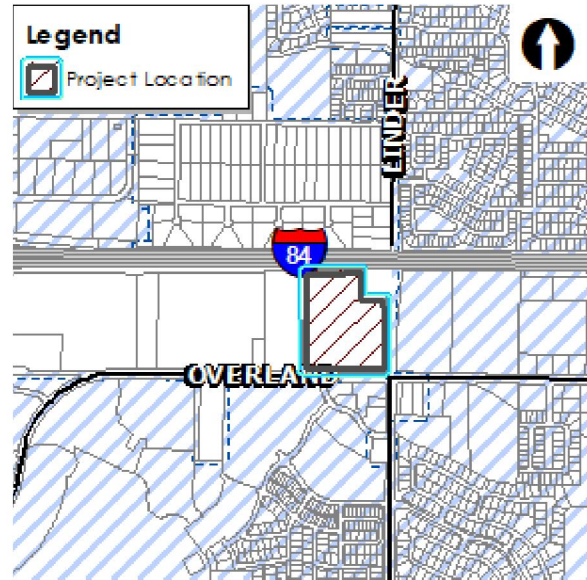
By: Charlene Way Dated: 6-15-2021
 City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: June 1, 2021
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0014
 Artemisia Subdivision – AZ, PP
 LOCATION: 1690 W. Overland Rd., in the SE ¼ of Section 14, T.3N., R.1W. (Parcel #S1214449107)



I. PROJECT DESCRIPTION

Annexation and zoning (AZ) of 25.67-acres of land with a C-G (General Retail and Service Commercial) zoning district; and, Preliminary Plat (PP) consisting of 9 commercial buildable lots on 19.26-acres of land in the proposed C-G (General Retail and Service Commercial) zoning district.

II. SUMMARY OF REPORT

A. Project Summary

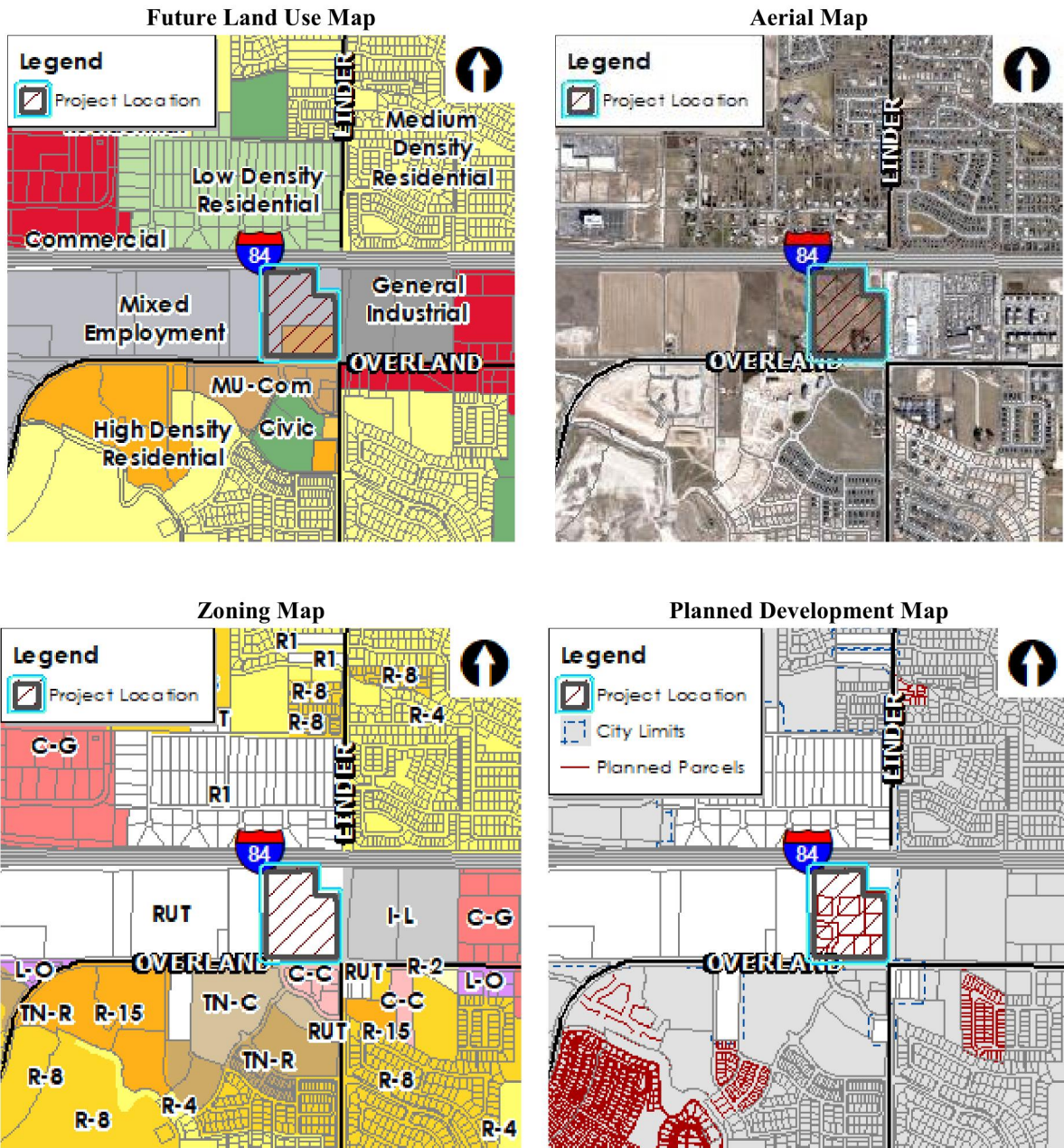
Description	Details	Page
Acreage	25.67-acres (AZ); 19.26-acres (PP)	
Existing/Proposed Zoning	RUT in Ada County/C-G	
Future Land Use Designation	Mixed Employment (ME) (13.4+/- acres) & Mixed-Use Commercial (MUC) (5.9+/- acres)	
Existing Land Use(s)	Single-family rural residential/agricultural	
Proposed Land Use(s)	Corporate office, parts sales, service, accessory center, RV maintenance	
Lots (# and type; bldg./common)	9 buildable lots/0 common lots	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units (type of units)	0	
Physical Features (waterways, hazards, flood plain, hillside)	The Hardin Drain runs along the northeast corner of this site.	
Neighborhood meeting date; # of attendees:	8/26/20; 3 attendees & 2/4/21; no attendees	
History (previous approvals)	None	

B. Community Metrics

Description	Details	Pg
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) Requires ACHD Commission Action (yes/no) 	<p>Yes</p> <p>No</p> <p>A Traffic Impact Study (TIS) was not required.</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One access is proposed via W. Overland Rd., a 5-lane arterial street along the southern boundary of the site.	
Traffic Level of Service	Better than “D” (acceptable LOS is “E”)	
Stub Street/Interconnectivity/Cross Access	One stub street (W. Tasa St.) is proposed at the west boundary of the site for future extension	
Existing Road Network	W. Overland Rd. runs along the southern boundary of the site	
Existing Arterial Sidewalks / Buffers	No sidewalks exist along W. Overland Rd. adjacent to this site.	
Proposed Road Improvements	<p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> Linder Road is scheduled in the IFYWP to be constructed as a new 4-lane I-84 overpass and widened to 5-lanes on each side of I-84 with a level 3 bike facility from Franklin Road to Overland Road in the future. The intersection of Overland Road and Linder Road is listed in the CIP to be widened 6-lanes on the north and south legs and 7-lanes on the east west legs and signalized between 2036 and 2040. 	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station Fire Response Time Resource Reliability Risk Identification Accessibility Special/resource needs Water Supply Other Resources 	<p>0.1 mile</p> <p>Falls within 5:00 minute response time area - nearest station is Fire Station #6 – <i>can</i> meet response time goals</p> <p>87% - <i>does</i> meet the target goal of 80% or greater</p> <p>4 – current resources would <i>not</i> be adequate to supply service (large building with high fire loading)</p> <p>Project meets all required access, road widths and turnaround.</p> <p>Project will require an aerial device; can meet this need in the required timeframe if a truck company is required.</p> <p>Requires 2,500 gallons per minute for two hours, may be less if buildings are fully sprinklered.</p>	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services Sewer Shed Estimated Project Sewer ERU’s WRRF Declining Balance Project Consistent with WW Master Plan/Facility Plan Impacts/concerns 	<p>Directly adjacent</p> <p>South Black Cat Trunk Shed</p> <p>See application</p> <p>14.08</p> <p>Yes</p> <ul style="list-style-type: none"> Flow is committed See Public Works Site Specific Conditions 	

Water	
• Distance to Water Services	Directly adjacent
• Pressure Zone	3
• Estimated Project Water ERU's	See application
• Water Quality Concerns	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	See Public Works Site Specific Conditions

C. Project Area Maps



A. Applicant:

Engineering Solutions, LLP – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

B. Owners:

Idaho Auto Mall, LLC – 8854 W. Emerald St., Boise, ID 83704-4830

C. Representative:

Becky McKay, Engineering Solutions, LLP – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	3/26/2021	5/14/2021
Notification mailed to property owners within 300 feet	3/24/2021	5/11/2021
Applicant posted public hearing notice on site	4/3/2021	5/15/2021
Nextdoor posting	3/24/2021	5/12/2021

IV. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#))

Land Use: The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the northern and western 13.4+/- acres of this site as Mixed Employment (ME) and the 5.9 acres at the southeast corner of the site as Mixed-Use Commercial (MUC). This site is within the area governed by the Ten Mile Interchange Specific Area Plan ([TMISAP](#)).

The purpose of ME designated areas is to encourage a diversity of compatible land uses that may include a mixture of office, research and specialized employment areas, light industrial including manufacturing and assembly, and other miscellaneous uses. These areas generally do not include retail and consumer service uses serving the wider community. However, a small amount of retail and service establishments, primarily serving employees and users of the ME areas or nearby industrial areas, are allowed.

ME areas should provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises. ME areas should be designed to encourage multimodal travel and convenient circulation to supporting uses located within the area. Buildings are anticipated to range in height from 1-4 stories, have total floor areas of 10,000-1,000,000 square feet, with a FAR that will exceed .75.

The purpose of MUC designated areas is to encourage the development of a mixture of office, retail, recreational, employment and other miscellaneous uses, with supporting multi-family or single-family attached residential uses. This designation requires developments to integrate the three major use categories – residential, commercial and employment. Traditional neighborhood design concepts with a strong pedestrian-oriented focus are essential. Development within these areas exhibit quality building and site design and an attractive pedestrian environment with a strong street character.

The northern portion of the site, designated ME, is proposed to develop first with two (2) single-story structures with a combined square footage of 92,307 for Kendall Ford Auto Center, a regional company; proposed uses include vehicle sales and service and retail sale of vehicle accessories. A

variety of lot sizes are proposed on the MUC designated southern portion of the site for future retail and office uses adjacent to W. Overland Rd.

Staff believes the proposed uses are generally consistent with the associated ME and MUC FLUM designations and will contribute to the variety of uses already in this area and with future uses. Existing uses consist of single-family and multi-family residential uses to the south and southwest, which provide the residential component of the mixed-use area although not an integrated part of the development; office to the south; recreational vehicle sales, retail parts/accessories sales and service to the east; and future mixed employment uses to the west. **Future development along Overland Rd. and internal local streets should incorporate street-oriented design consistent with the TMISAP for commercial developments.**

Transportation: The Transportation System Map in the TMISAP depicts arterial streets along the south and east boundaries of the site – Overland Rd. exists along the south boundary as a 5-lane roadway and Linder Rd. is listed in the IFYWP to be constructed as a 5-lane roadway and a 4-lane overpass in the future along the east boundary of the site. A local street is depicted through the western portion of this site from Overland Rd. to the west boundary of this site consistent with that shown on the proposed preliminary plat.

Mixed-Use Commercial areas must include an integrated system of sidewalks, walkways and pathways that provide access to all structures and spaces within a development. Sidewalks should *not* be located immediately adjacent to the curb – they should be separated from the curb by a minimum 4-foot wide planting strip planted with street trees and other landscaping. A loop pathway is proposed on the landscape plan around the perimeter of this site as an amenity for employees and the public.

Street furnishings such as seating, newspaper racks, bollards, trash receptacles, bicycle racks and other elements important to the functioning of an effective pedestrian environment should be provided as set forth in the TMISAP (Street Furniture, pgs. 3-28 – 3-29).

Exterior lighting should be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties. Site lighting should be architecturally compatible and consistent in design between sites. (See TMISAP, Lighting, pg. 3-30).

Design: In commercial developments, building orientation and setbacks should be close to the street with the main entrance of buildings oriented to the street (Street-Oriented Design, pg. 3-33).

For all new commercial and mixed-use buildings, a continuous unbroken frontage along required build-to lines to a minimum height of 30-feet should be constructed for at least 75% of the property frontage. Adjustments to this requirement may be allowed, such as modest setbacks to accommodate additional sidewalk space for café seating, or breaks in frontage for the creation of pocket parks. New Buildings at street intersections should “hold the corners” and avoid introducing additional building setbacks unless a new public space is specified. At least 40% of the linear dimension of the street level frontages shall be in windows or doorways; street level windows shall be clear or tinted visually permeable glass (mirrored or reflective glass is prohibited). Window sills shall be located no higher than 3’6” above adjacent exterior grade; headers shall be located no lower than 8’0” above adjacent exterior grade. No wall frontage shall continue uninterrupted by a window or a functional public access doorway for a linear distance of greater than 12’. The principal doorway for public entry into a building shall be from the fronting street. Corner entrances may be provided on corner lot buildings (Commercial and Mixed-Use Buildings, pg. 3-33). No parking should be placed between a building and the fronting primary or secondary street (Commercial Activity Centers, pg. 3-37).

The space between a building façade and the adjacent sidewalk or walkway should be appropriately landscaped with a combination of lawn, groundcover, shrubs and appropriate trees (Building Facades, pg. 3-38).

Low-rise buildings of 2-4 stories over much of the area is desired (Building Heights, pg. 3-38).

Buildings should be designed with clearly delineated bases, bodies and tops (Base, Body and Top, pg. 3-39).

Comply with the general recommendations for Activity Centers noted on pg. 3-40.

Awnings shall be provided on building facades for climate protection for pedestrians and shall extend a minimum of 5-feet from the façade of the fronting structure – 8-feet is preferable in wider pedestrian environments (Awnings, pg. 3-45).

Signs should be designed to contribute to the overall character, identity and way finding system. The colors, materials, sizes, shapes and lighting of signs should be compatible with the architecture of the buildings and the businesses they identify (Signs, pg. 3-46).

High quality public art should be incorporated into the design of streetscapes, public buildings, parks, transit, infrastructure, and other public projects (Public Art, pg. 3-47). The Applicant proposes a focal point at the northwest corner of Linder & Overland Roads with a sculpture and masonry signage (see detail on Sheet L1.40 of the landscape plan in Section VII.C).

Open civic spaces should be provided in commercial activity centers/mixed use environments and should be located adjacent to an accessible from at least one primary street (3-48). Linear open space with a pedestrian walkway is proposed around the perimeter of the development; additional common/gathering area(s) should be provided within the commercial/office portion of the development.

Comprehensive Plan Policies: The following Comprehensive Plan Policies are applicable to this development:

- “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.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

The proposed uses should be compatible with similar uses (Camping World & Bish’s RV) and zoning (I-L) to the east, future mixed employment uses to the west, and multi-family residential, office and future commercial uses to the south across Overland Rd.

- “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 anticipated retail uses should provide shopping opportunities for area residents and employees of the proposed auto center and offices. The proposed auto center will provide jobs within close proximity of single-family and multi-family residential uses to the south across Overland Rd.

- “Encourage the development of supportive commercial near employment areas.” (3.06.02C)

The proposed retail uses should provide supportive uses for the auto center and office uses.

- “Require pedestrian circulation plans to ensure safety and convenient access across large

commercial and mixed-use developments.” (3.07.02A)

*The landscape plan depicts a pedestrian walkway within the landscape buffers around the perimeter of the development and sidewalks along internal public streets. **Additional internal pedestrian walkways should be provided between buildings within the site for pedestrian connectivity and from the perimeter sidewalks along Overland and Linder Roads to the main building entrances.***

- “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 through this development in accord with current City plans.

- “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 services are available to this site and can be extended by the developer with development in accord with UDC 11-3A-21. The emergency response times for Police Dept. and Fire Dept. meets the established goals.

- “Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.)” (3.07.01C)

A 50-foot wide landscaped street buffer is required to be provided along the northern boundary of the site adjacent to I-84. The structures on Lot 1, Block 1 are proposed to be setback 315’+ from I-84.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks are proposed as required with this development.

In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan for this area per the analysis above.

V. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))

A. Annexation:

The proposed annexation is for 25.67-acres of land with a C-G (General Retail and Service Commercial) zoning district, which includes the ITD storm drainage area at the northeast corner of the site and the right-of-way to the section/center line of adjacent streets. The proposed C-G zoning is consistent with the associated ME and MUC FLUM designations as is the proposed uses.

The proposed use of the property will include sales and service for commercial fleet operations for large commercial trucks and motorhomes; vehicle accessory sales; an installation facility for customizing vehicles; parts department; and reconditioning facility for used cars for Kendall Ford Auto Center. The Applicant anticipates the future uses on the six (6) lots located along W. Overland Rd. and adjacent to S. Spanish Sun Way to be retail and office space.

Vehicle sales and service, minor vehicle repair, retail sales, and professional services (i.e. offices) are all listed as principal permitted uses in the C-G zoning district per UDC Table [11-2B-2](#),

subject to the specific use standards in UDC 11-4-3 as applicable. *Note: Major vehicle repair is prohibited in the C-G zoning district.*

The property is contiguous to City annexed land and is within the City’s Area of City Impact boundary. A legal description and exhibit map of the overall annexation area is included in Section VIII.A.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. To ensure future development is consistent with the Comprehensive Plan and with the development plan proposed with this application, Staff recommends a DA is required with this application, containing the provisions noted in Section VIII.A, as discussed herein.

B. Preliminary Plat:

The proposed plat consists of 9 commercial buildable lots on 19.26-acres of land in the proposed C-G zoning district. Lots range in size from 22,305 square feet (s.f.) (0.51-acre) to 422,643 s.f. (9.7-acres) with an average lot size of 87,625 s.f. (2.01-acres). The subdivision is proposed to develop in one (1) phase. *Note: The portion of the annexation area at the northeast corner of the site that is the ITD storm drainage area is not included in the proposed plat as it’s been dedicated as right-of-way.*

The Applicant requests approval to obtain building permits and develop the Kendall Auto site on Lot 1, Block 1, prior to recordation of the final plat. Staff is amenable to this request as the subject parcel is considered a legal parcel eligible for development; however, prior to issuance of building permits for any other lots within the subdivision, the final plat should be recorded.

Existing Structures/Site Improvements:

There are no existing structures on this site; the previous home and accessory structures have been removed.

Proposed Use Analysis:

A variety of uses are proposed on lots in the subdivision including vehicle sales and service and retail sale of vehicle accessories; retail; and office uses.

Vehicle sales and service is listed as a principal permitted use in the C-G district and is subject to the specific use standards listed in UDC [11-4-3-38](#). Retail sales and professional services (i.e. offices) are also listed as a principal permitted use in the C-G district. Other uses are allowed as noted in the Allowed Uses in the Commercial Districts Table [11-2B-2](#).

Dimensional Standards:

Development of the proposed lots is required to comply with the dimensional standards of the C-G 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](#))

One (1) public street access (S. Spanish Sun Way) is proposed via W. Overland Rd. in alignment with that to the south. Direct lot access via W. Overland Rd. and S. Linder Rd. is prohibited.

One (1) stub street (W. Tasa St.) is proposed to the west boundary for future extension in accord with the Transportation System Map in the TMISAP. A temporary cul-de-sac is required to be constructed at the terminus of Tasa St. until the street is extended in the future.

Cross-access/ingress-egress easements are required to be granted between all lots in the subdivision in accord with UDC [11-3A-3A.2](#).

Capital Improvement Plan (CIP)/Integrated Five Year Work Plan (IFYWP): Per the ACHD report, Linder Rd. is scheduled in the IFYWP to be constructed as a new 4-lane I-84 overpass and widened to 5-lanes on each side of I-84 with a level 3 bike facility from Franklin Rd. to Overland Rd. in the future. The intersection of Overland Rd. and Linder Rd. is listed in the CIP to be widened to 6-lanes on the north and south legs and 7-lanes on the east west legs and signalized between 2036 and 2040.

A future traffic signal is planned in the CIP at the Linder/Overland Rd. intersection and scheduled for 2031-2035 but may be accelerated if the Linder Rd. overpass becomes a priority. For this reason, and because Overland Rd. is fully built-out, a Traffic Impact Study (TIS) was not required by ACHD with this application.

Parking (UDC [11-3C](#)):

Off-street parking is required to be provided in accord with the standards listed in [UDC 11-3C-6B.1](#) for non-residential uses in commercial districts. Parking stalls and drive-aisles should comply with the dimensions in UDC Table [11-3C-5](#).

Pathways (UDC [11-3A-8](#)):

A 10' wide detached multi-use pathway is proposed as required within the street buffer along S. Linder Rd. in accord with the Pathways Master Plan. **The pathway should be placed in a 14-foot wide public use easement, which shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s).** If the pathway will be located entirely within the right-of-way, a public pedestrian easement is not needed.

Sidewalks (UDC [11-3A-17](#)):

Sidewalks are required to be provided adjacent to all streets as set forth in UDC 11-3A-17; detached sidewalks/pathway are required along W. Overland Rd. and S. Linder Rd., both arterial streets. and per the guidelines in the TMISAP.

In accord with the TMISAP and UDC 11-3A-17E, Staff recommends minimum 5-foot wide detached sidewalks are provided along all streets within the development.

Sidewalks/pathways should include dedicated crosswalks at the intersection with all streets within commercial activity centers and should be distinguished from surrounding paving as set forth in the TMISAP (Crosswalks, pg. 3-28).

Parkways (UDC [11-3A-17](#)):

Parkways are recommended along all streets within the development in accord with the TMISAP, planted with street trees and landscaping per the standards in UDC 11-3B-7C.

The minimum width of parkways planted with Class II trees is 8-feet; the minimum width of parkway planters for Class I and III trees is 10-feet. Planter widths for Class II trees may be reduced to 6-feet if root barriers are installed per the standards listed in UDC [11-3A-17E](#).

Landscaping (UDC [11-3B](#)):

A 50-foot wide street buffer is required adjacent to I-84; 25-foot wide buffers are required along W. Overland Rd. and S. Linder Rd., arterial streets; and a 10-foot wide buffers are required along S. Spanish Sun Way and W. Tasa St., local streets, per UDC [Table 11-2B-3](#), landscaped per the standards listed in UDC [11-3B-7C](#). Street buffers with detached sidewalks are measured from back of curb. All street buffers are required to be maintained by the property owner or business owners' association per UDC 11-3B-7C.2b.

If residential uses abut any of the lots at the time of lot development, a minimum 25-foot wide street buffer shall be provided, landscaped per the standards in UDC 11-3B-9C. A residential use currently exists on the abutting property to the west.

Landscaping is required adjacent to the pathway along S. Linder Rd. per the standards in UDC [11-3B-12C](#). A 5' wide landscape strip is required on both sides of the pathway planted with a *mix* of trees, shrubs, lawn and/or other vegetative ground cover.

Landscaping is required within parkways per the standards listed in UDC [11-3A-17](#) and [11-3B-7C](#).

There were existing trees on this site around the home that have been removed – the Applicant states these trees were diseased and trash trees that did not require mitigation. If any other trees exist on the site, mitigation may be required per the standards listed in UDC 11-3B-10C.5.

Contact the City Arborist, Matt Perkins, prior to removing any additional trees from the site to determine mitigation requirements.

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 Engineering Report](#) for the subdivision.

The preliminary plat depicts an existing ITD storm drainage facility at the northeast corner of the site that is proposed to remain.

Pressure Irrigation (UDC [11-3A-15](#)):

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 Nampa-Meridian Irrigation District; water delivery is from the Kennedy Lateral which is piped along Overland Rd. The Applicant proposes to install a pressure irrigation system along with a pump station adjacent to W. Overland Rd.

Utilities (UDC [11-3A-21](#)):

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21. An existing 12-inch water main is located within Overland Rd. with a second 12-inch water main within the Linder Rd. right-of-way. An existing 30-inch sewer main line is located within Overland Rd.

Waterways (UDC [11-3A-6](#)):

The Hardin Drain is a large open waterway that lies within a 40-foot wide easement across the northeast corner of the site that is proposed to be piped with a 36-inch reinforced concrete pipe in accord with UDC 11-3A-6B.3. This project is not within the flood plain.

Fencing (UDC [11-3A-6](#) and [11-3A-7](#)):

All fencing is required to comply with the standards listed in UDC 11-3A-7. A 6-foot tall chain-link fence exists around the ITD storm drainage facility which is proposed to remain. **No fencing is depicted on the plan around the Kendall Ford; Staff recommends if fencing is proposed for security that it be of a higher quality than chain-link (i.e. wrought iron) – the Applicant should clarify at the hearing if fencing will be proposed and if so, what type of fencing is proposed.**

Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

Conceptual building elevations were submitted for the Kendall Ford site as shown in Section VII.D. Two (2) single-story structures are proposed on Lot 1, Block 1 with building materials consisting of ACM panels (i.e. aluminum composite), corrugated horizontal metal panels, CMU in two (2) different colors; metal sunscreens and canopies are proposed over some windows.

Overhead doors are proposed on the north, east and west sides of the building. **Final design must comply with the design guidelines in the TMISAP and the design standards in the Architectural Standards Manual.**

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation with the requirement of a development agreement and preliminary plat per the provisions noted in Section VIII, per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on April 15, 2021. At the public hearing, the Commission moved to approve the subject AZ & PP requests.

1. Summary of the Commission public hearing:

- a. In favor: Becky McKay, Engineering Solutions
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Becky McKay, Engineering Solutions (in agreement with staff report)
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

3. Key issue(s) of discussion by Commission:

- a. In favor of the location of the proposed use and site design.

4. Commission change(s) to Staff recommendation:

- a. None

C. The Meridian City Council heard these items on June 1, 2021. At the public hearing, the Council moved to approve the subject AZ and PP requests.

1. Summary of the City Council public hearing:

- a. In favor: Shari Stiles, Engineering Solutions
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: None
- e. Staff presenting application: Sonya Allen
- f. 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

4. City Council change(s) to Commission recommendation:

- a. Council allowed one building permit to be issued for Kendall Ford prior to recordation of the plat with the caveat that it's subject to approval by the Building Department (see condition #A.1f in Section VIII).

VII. EXHIBITS

A. Annexation Legal Description & Exhibit Map

Legal Description
Annexation & C-G Rezone – Proposed Artemisia Subdivision

A parcel being a portion of the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

BEGINNING at a Brass Cap monument marking the southeast corner of said Section 14, from which an Aluminum Cap monument marking the southwest corner of the SE ¼ of said Section 14 bears N 89°19'41" W a distance of 2661.68 feet;

Thence along the southerly boundary of said SE ¼ of the SE ¼, also being the centerline of W. Overland Road, N 89°19'41" W a distance of 923.89 feet to a point;

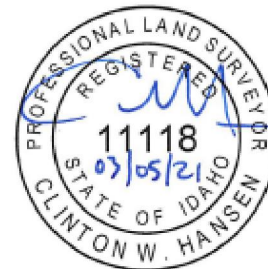
Thence leaving said centerline and southerly boundary N 0°40'19" E a distance of 1210.11 feet to point on the centerline of Interstate 84;

Thence along said centerline S 89°34'02" E a distance of 921.31 feet to a point on the easterly boundary of said SE ¼ of the SE ¼, also being the centerline of S. Linder Road;

Thence leaving the centerline of said Interstate 84 and along said easterly boundary and S. Linder Road centerline S 0°32'59" W a distance of 1213.95 feet to the **POINT OF BEGINNING**.

This parcel contains 25.67 acres and is subject to any easements existing or in use.

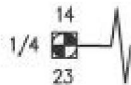
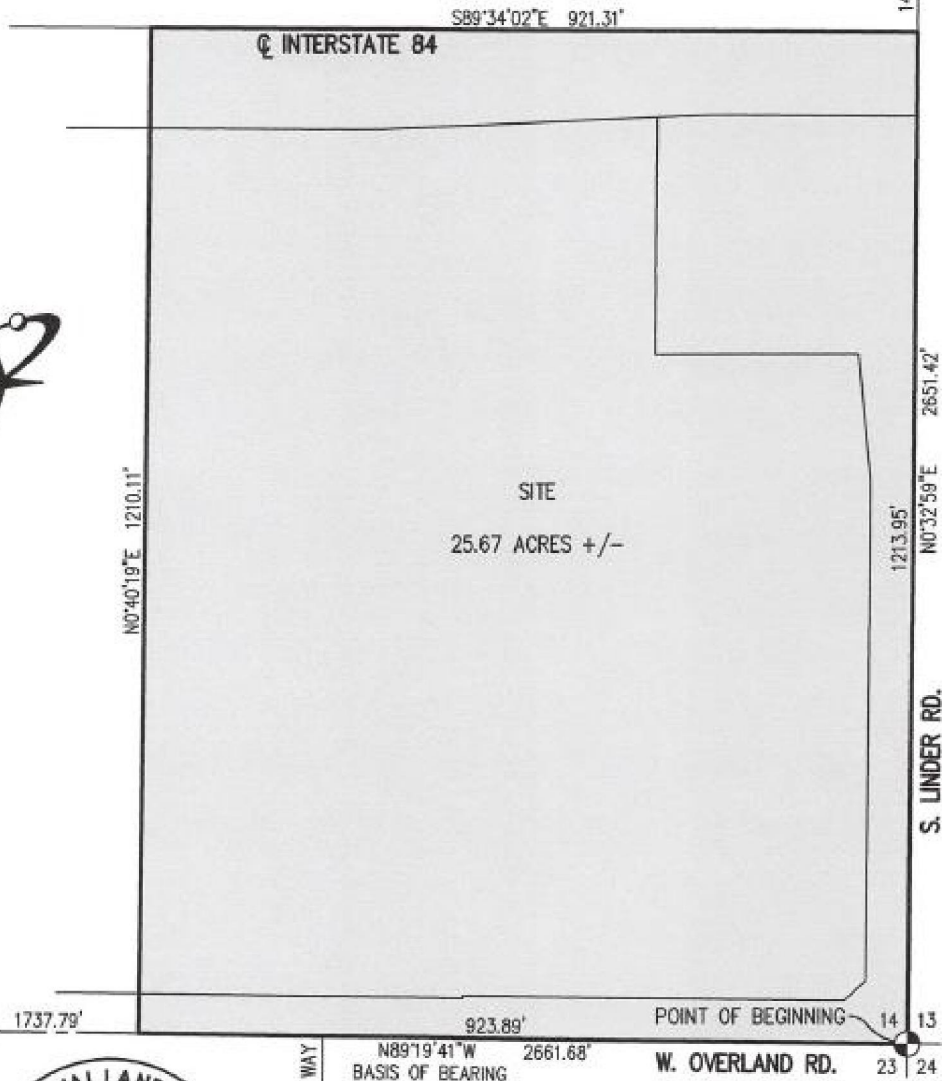
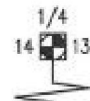
Clinton W. Hansen, PLS
Land Solutions, PC
March 5, 2021



CITY OF MERIDIAN ANNEXATION & C-G REZONE

PROPOSED ARTEMISIA SUBDIVISION

A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 14, T.3N., R.1W., B.M.
CITY OF MERIDIAN, ADA COUNTY, IDAHO

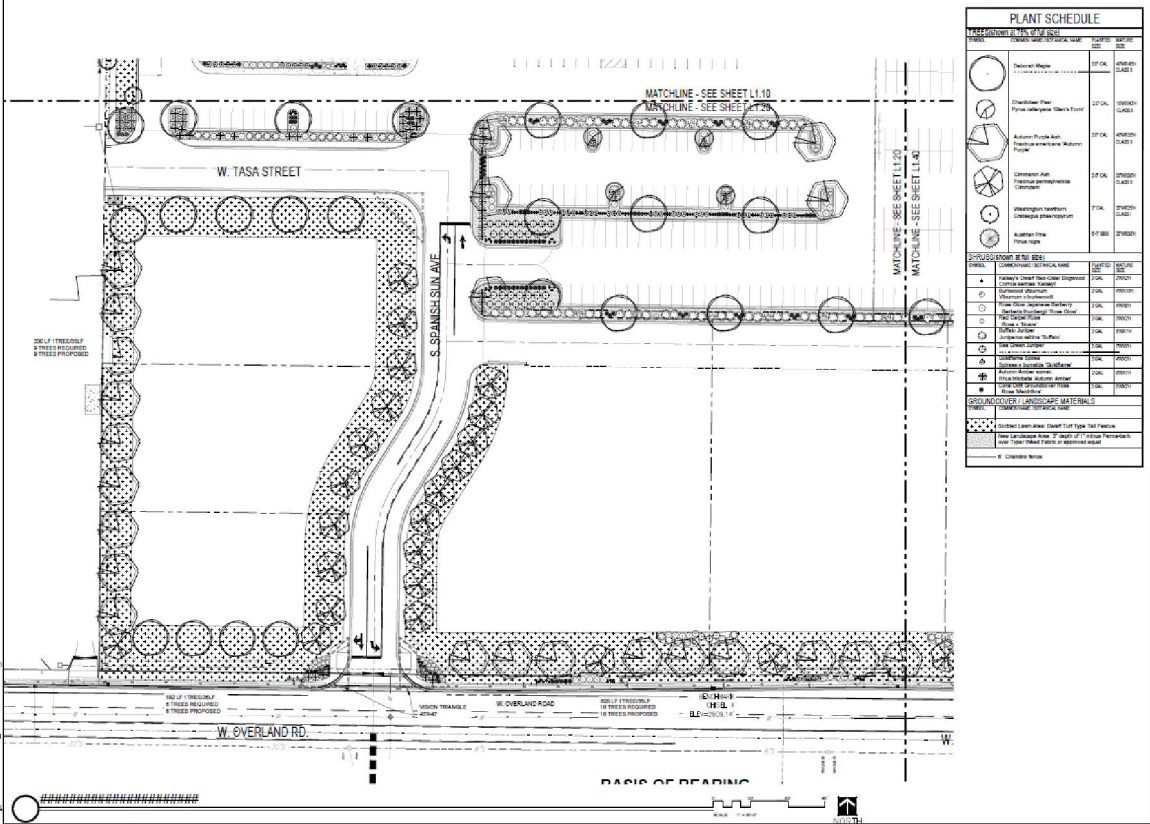


S. SPANISH SUN WAY

LandSolutions
Land Surveying and Consulting

231 E. 5TH ST., STE. A
MERIDIAN, ID 83642
(208) 288-2040 (208) 288-2557 fax
www.landsolutions.biz

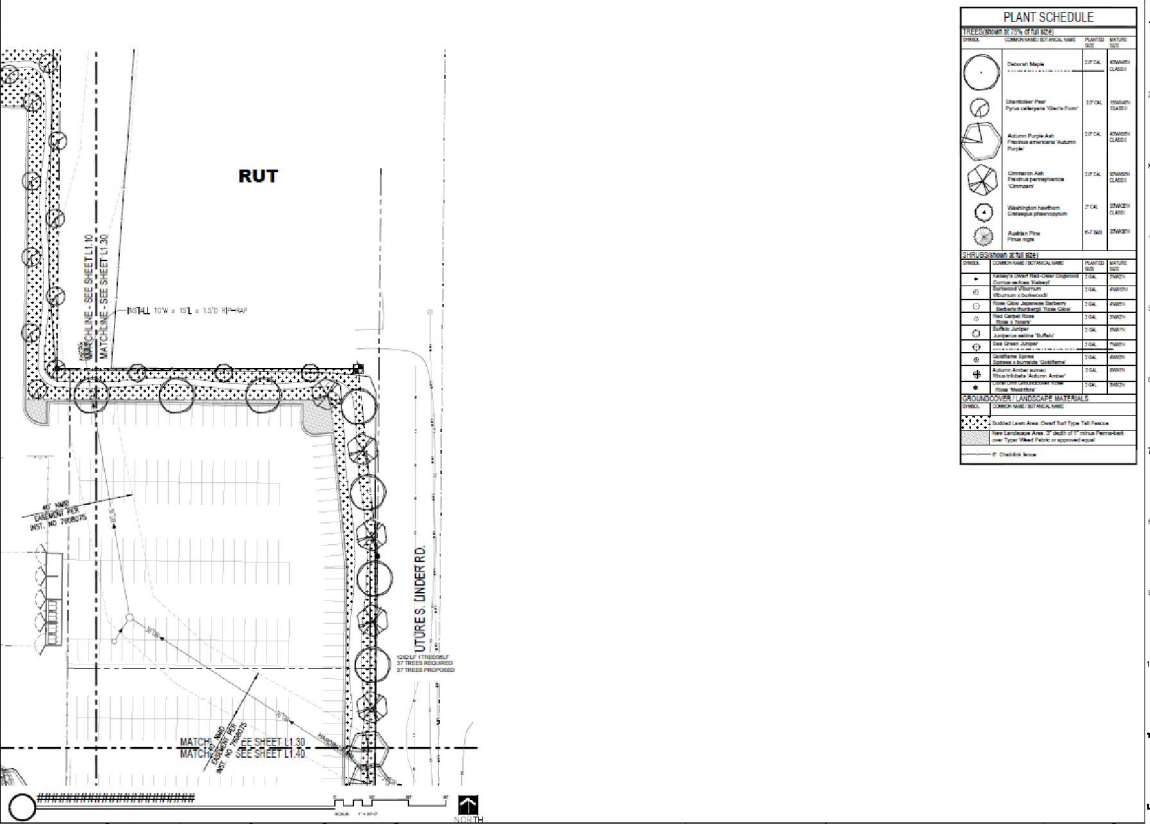
JOB NO. 19-72



South Beck & Baird
 1000 N. 10th St., Suite 100
 Phoenix, AZ 85004
 Phone: (602) 254-1100
 Fax: (602) 254-1101
 www.southbeckandbaird.com

Landscape Plan
Kendall Site

DATE: 11/11/11
 PROJECT: 10000
 SHEET: L1.20



South Beck & Baird
 1000 N. 10th St., Suite 100
 Phoenix, AZ 85004
 Phone: (602) 254-1100
 Fax: (602) 254-1101
 www.southbeckandbaird.com

Landscape Plan
Kendall Site

DATE: 11/11/11
 PROJECT: 10000
 SHEET: L1.30

D. Conceptual Building Elevations (dated: 2/2/2021)



PROPOSED KENDALL DEVELOPMENT
 OVERLAND ROAD
 MERIDIAN, ID

HOUSTON - BUGATSOH ARCHITECTS, CHARTERED

EXTERIOR COLOR ELEVATIONS

A3.1





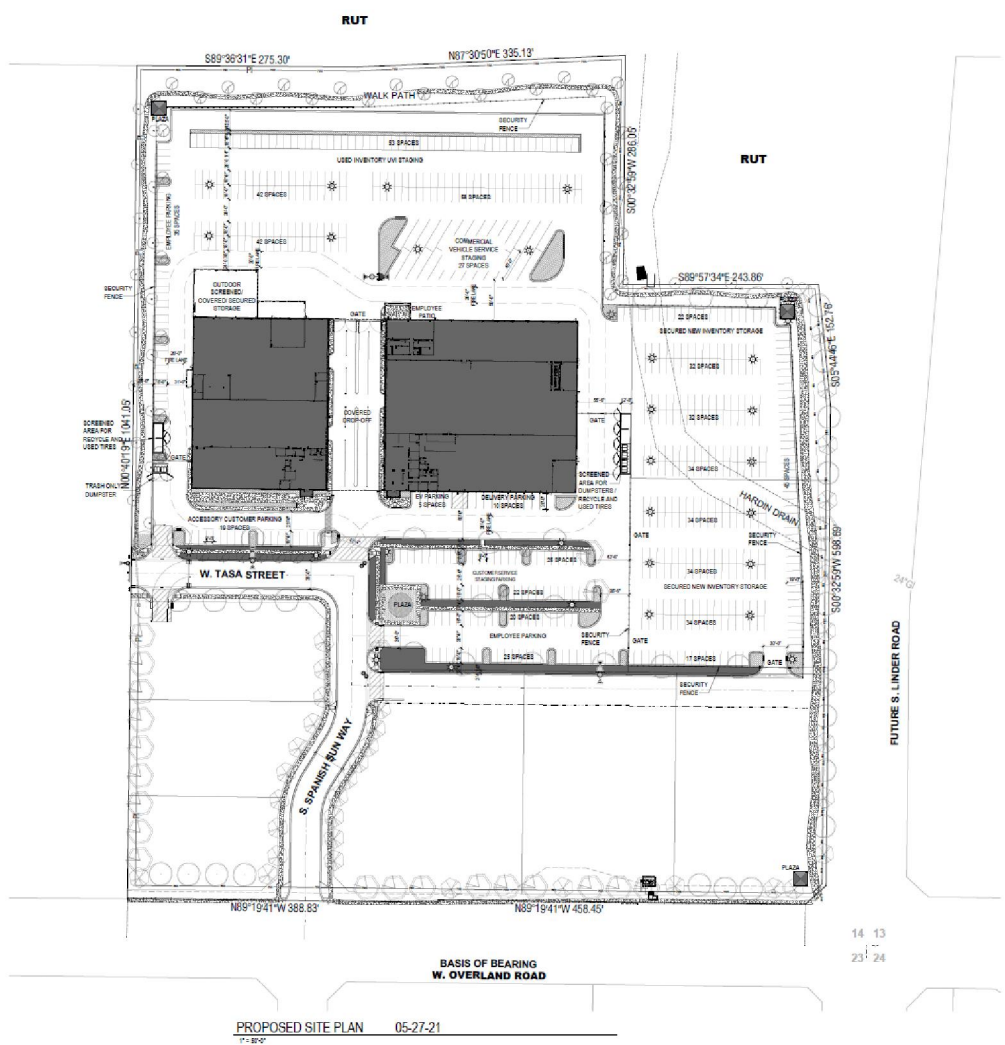


Item #7.



Item #7.

E. Updated Site Plan (dated: 3/2/2021) Presented at City Council Hearing – NOT REVIEWED OR APPROVED BY PLANNING STAFF



PROPOSED SITE PLAN 05-27-21
1" = 80'

PROPOSED KENDALL DEVELOPMENT OVERLAND ROAD MERIDIAN, ID	
<small> THIS PLAN IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL FEE RECEIVED FOR THIS PROJECT. </small>	
ARCHITECT & ENGINEER JAMES H. HARRIS ARCHITECTS & ENGINEERS 127 PARKWAY, SUITE 100 MERIDIAN, ID 83645	
Project No.	2020-001
Date	05-27-21
Scale	AS SHOWN
Job No.	100-000
Client	100-000
Overall Site Plan	
Sheet Number	A1.0

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) at the time of annexation ordinance adoption.

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. Development of the subject property shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations submitted with the annexation application contained herein.
- b. Prior to development of the commercial/office portion of the development, the development agreement shall be amended to include a conceptual development plan that demonstrates consistency with the land use, transportation and design elements of the Ten Mile Interchange Specific Area Plan (TMISAP), including but not limited to the following:
 - (1) Provide minimum 6-foot wide parkways/planting strips and detached minimum 5-foot wide sidewalks along all streets within the development (Pedestrian & Bicycle System, pg. 3-27). *The minimum width of parkways planted with Class II trees is 8-feet; the minimum width of parkway planters for Class I and III trees is 10-feet. Planter widths for Class II trees may be reduced to 6-feet if root barriers are installed per the standards listed in UDC [11-3A-17E](#).*
 - (2) Sidewalks/pathways shall include dedicated crosswalks at the intersection with all streets within commercial activity centers and shall be distinguished from surrounding paving (Crosswalks, pg. 3-28).
 - (3) Street furnishings such as seating, newspaper racks, bollards, trash receptacles, bicycle racks and other elements important to the functioning of an effective pedestrian environment shall be provided (Street Furniture, pgs. 3-28 – 3-29).
 - (4) Exterior lighting should be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties. Site lighting should be architecturally compatible and consistent in design between sites. (Lighting, pg. 3-30).
 - (5) Future development along Overland Rd. and internal local streets should incorporate street-oriented design consistent with the TMISAP for commercial developments.
 - (6) Building orientation and setbacks should be close to the street with the main entrance of buildings oriented to the street (Street-Oriented Design, pg. 3-33).
 - (7) A continuous unbroken frontage along required build-to lines to a minimum height of 30-feet should be constructed for at least 75% of the property frontage. Adjustments to this requirement may be allowed, such as modest setbacks to accommodate additional sidewalk space for café seating, or breaks in frontage for the creation of pocket parks.

New Buildings at street intersections should “hold the corners” and avoid introducing additional building setbacks unless a new public space is specified.

At least 40% of the linear dimension of the street level frontages shall be in windows or doorways; street level windows shall be clear or tinted visually permeable glass (mirrored or reflective glass is prohibited). Window sills shall be located no higher than 3'6" above adjacent exterior grade; headers shall be located no lower than 8'0" above adjacent exterior grade. No wall frontage shall continue uninterrupted by a window or a functional public access doorway for a linear distance of greater than 12'.

The principal doorway for public entry into a building shall be from the fronting street. Corner entrances may be provided on corner lot buildings (Commercial and Mixed-Use Buildings, pg. 3-33). No parking should be placed between a building and the fronting primary or secondary street (Commercial Activity Centers, pg. 3-37).

- (8) The space between a building façade and the adjacent sidewalk or walkway should be appropriately landscaped with a combination of lawn, groundcover, shrubs and appropriate trees (Building Facades, pg. 3-38).
 - (9) Low-rise buildings of 2-4 stories over much of the area is desired (Building Heights, pg. 3-38).
 - (10) Buildings should be designed with clearly delineated bases, bodies and tops (Base, Body and Top, pg. 3-39).
 - (11) Comply with the general recommendations for Activity Centers noted on pg. 3-40.
 - (12) Awnings shall be provided on building facades for climate protection for pedestrians and shall extend a minimum of 5-feet from the façade of the fronting structure – 8-feet is preferable in wider pedestrian environments (Awnings, pg. 3-45).
 - (13) Signs should be designed to contribute to the overall character, identity and way finding system. The colors, materials, sizes, shapes and lighting of signs should be compatible with the architecture of the buildings and the businesses they identify (Signs, pg. 3-46).
 - (14) High quality public art should be incorporated into the design of streetscapes, public buildings, parks, transit, infrastructure, and other public projects (Public Art, pg. 3-47).
 - (15) Open civic spaces should be provided in commercial activity centers/mixed use environments and should be located adjacent to an accessible from at least one primary street (3-48).
- c. Minimum 5-foot wide pedestrian walkways shall be provided from the perimeter sidewalks along Overland and Linder Roads to the main building entrances in accord with UDC 11-3A-19B.4a.
 - d. Internal pedestrian walkways shall be provided between buildings within the site for pedestrian connectivity. Internal walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks in accord with UDC 11-3A-19B.4b.
 - e. All future structures constructed on this site shall comply with the design guidelines in the TMISAP and the design standards in the Architectural Standards Manual.
 - f. The final plat shall be recorded prior to issuance of building permits for any structures beyond those on the Kendall Ford site (i.e. Lot 1, Block 1). *The Kendall Ford site is*

allowed to develop and obtain building permits prior to recordation of the plat, subject to approval by the Building Department.

- g. Compliance with the specific use standards listed in UDC [11-4-3-38](#): Vehicle Sales or Rental and Service is required.
 - h. If fencing is proposed for security around the Kendall Ford site, it shall be of a higher quality than chain-link (i.e. wrought iron).
2. The final plat shall include the following revisions:
 - a. Include a note prohibiting direct lot access via W. Overland Rd. and S. Linder Rd.
 - b. Include a note granting cross-access/ingress-egress easements between all lots in the subdivision in accord with UDC [11-3A-3A.2](#).
 3. The landscape plan submitted with the final plat shall be revised as follows:
 - a. Include a calculations table on the plan that demonstrate compliance with the standards for street buffer ([11-3B-7C](#)), pathway ([11-3B-12C](#)) and parkway ([11-3B-7C](#)) landscaping; include required vs. provided number of trees.
 - b. Include mitigation information for any existing trees that are removed from the site in accord with the standards listed in UDC 11-3B-10C.5. *Contact the City Arborist, Matt Perkins, prior to removing any trees from the site to determine mitigation requirements.*
 4. Future development shall be consistent with the minimum dimensional standards listed in UDC Table [11-2B-3](#) for the C-G zoning district.
 5. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council.
 6. A 14-foot wide public use easement for the multi-use pathway along S. Linder Rd. shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s). *If the pathway will be located entirely within the right-of-way, a public pedestrian easement is not needed.*

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 This project has been granted permission to sewer the northern portion of the property outside of its designated sewer shed.
 - 1.1.2 The applicant shall provide a deposit for the future construction of an 8-inch sewer main along the North portion of property. The deposit shall be 125% of the construction bid. The deposit must be provided to the City prior to signature of the final plat.
 - 1.1.3 The applicant shall provide a sewer utility easement for the future construction of an 8-inch sewer main along the North portion of the property. The easement shall be 20-foot-wide and free from any permanent structure including buildings, fences, trees, bushes, etc. There must also be a point of access provided for future access to the main.
 - 1.1.4 Provide a valve to the North and West side of the water tee located in the future Linder Road overpass.

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 then 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-foot wide for a single utility, or 30-foot 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 8 1/2" 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 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. A copy of the 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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224777&dbid=0&repo=MeridianCity>

D. CENTRAL DISTRICT HEALTH DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=225351&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=225372&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226077&dbid=0&repo=MeridianCity>

G. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224816&dbid=0&repo=MeridianCity>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=225900&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;

The City Council finds the proposed zoning map amendment to C-G and subsequent development is consistent with the Comprehensive Plan.

- 2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

The City Council finds the proposed map amendment will allow for the development of a mix of commercial/office uses which will provide for the retail and service needs of the community consistent with the purpose statement of the commercial districts in accord with the Comprehensive Plan.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

The 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

The 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.

The City Council finds the proposed 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;

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 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;

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: Agreement for Use of Kleiner Park for Special Event Between the City of Meridian and Soul Food Festival, Inc. for Soul Food Festival on August 7, 2021



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Emily Kane, Deputy City Attorney **Meeting Date:** July 20, 2021
Presenter: Bill Nary **Estimated Time:** .5 minutes
Topic: Agreement for Use of Kleiner Park For Special Event: Boise Soul Food Festival on August 7, 2021

Recommended Council Action:

Authorize the Mayor's signature to allow the City to enter into this agreement with Soul Food Festival, Inc.

Background:

For large-scale special events, Meridian City Code section 3-4-5(F)(3)(b) requires a mutually negotiated and agreed upon special event agreement between the City and the event organizer to establish the terms and conditions of City services and property to be used for the event, including estimated payment due. This agreement establishes terms and conditions of the event organizer's use of Kleiner Park and Meridian Parks and Recreation Department staff services for this event.

AGREEMENT FOR USE OF KLEINER PARK FOR SPECIAL EVENT

This Agreement for Use of Kleiner Park For Special Event (hereinafter “Agreement”) is made this ___ day of _____, 2021 (the “Effective Date”), by and between the City of Meridian, a municipal corporation organized under the laws of the State of Idaho (hereinafter “City”), and Soul Food Festival, Inc., a non-profit corporation organized under the laws of the State of Idaho (hereinafter “Organizer”).

WHEREAS, City and Organizer are mutually interested in enhancing the Meridian community’s quality of life by providing and supporting special event opportunities for members of the Meridian and greater communities;

WHEREAS, City and Organizer recognize that publicly-held facilities are resources requiring heightened stewardship and protection;

WHEREAS, Organizer has agreed to be responsible for any costs incurred by City in the course of the large-scale special event hosted by Organizer at Julius M. Kleiner Memorial Park (“Park”), located at 1900 N. Records Avenue, in Meridian, Idaho, on August 7, 2021, from 11:00 a.m. to 8:00 p.m.; and

WHEREAS, the Meridian City Council finds that it is fiscally responsible and in the best interest of the community to enter into a contractual agreement establishing the terms and conditions of Organizer’s use of Park;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, and in consideration of the mutual promises and covenants herein contained, and in consideration of the recitals above, which are incorporated herein, City and Organizer agree as follows:

I. PERMISSION GRANTED.

Subject to the terms and conditions set forth herein, City hereby grants to Organizer permission to utilize Park at the time, place, and manner set forth in this Agreement and in City of Meridian Temporary Use Permit no. TUP-21-0036 for a large-scale special event known as “Boise Soul Food Festival” (“Event”).

II. OBLIGATIONS OF ORGANIZER.

A. Reasonable use. Organizer shall employ best efforts to ensure that its use of Park and Park facilities, amenities, infrastructure, and/or vegetation is appropriate and reasonable. Where Organizer’s use of Park and Park facilities, infrastructure, and/or vegetation causes disproportionately excessive damage to same, Organizer shall reimburse City for the cost or proportionate cost of necessary repairs and/or replacement. Organizer shall exercise best efforts to see that any and all use of Park, to the extent reserved by Organizer, is in compliance with all laws and with City’s policies regarding use of City parks and/or

facilities, including, but not limited to, policies be adopted or enacted by the Director of the Meridian Parks and Recreation Department.

B. Permitting. In addition to compliance with all terms and provisions of this Agreement, Organizer shall separately obtain and comply with each and all of the following permits, as required by law:

1. City of Meridian Temporary Use Permit for Large Scale Special Event;
2. Any and all applicable licenses, permits, inspections, and/or certifications from the Ada County Highway District;
3. Any and all applicable licenses, permits, inspections, and/or certifications from the Central District Health Department;
4. Any and all reservations, permits, and inspections required by the Meridian Parks and Recreation Department.

C. Fees, costs. By noon (12:00 p.m.) on Friday, July 23, 2021, Organizer shall remit to City two thousand seventy dollars (\$2,070.00), which amount includes:

- \$1,590.00 Fee for reserving Park on August 7, 2021
- \$ 480.00 Fee for Meridian Parks and Recreation personnel to provide facility maintenance and janitorial services Park on August 7, 2021, from 9:00 a.m.to 9:00 p.m. (4 staff @ \$20/hour x 8 staff hours)
- \$ 2,070.00 Total due by noon (12:00 p.m.) on Friday, July 23, 2021**

If additional staffing or extended hours are required for the protection of public safety or maintenance of Park, Organizer shall reimburse City for all staffing costs within fourteen (14) days of City’s invoice for such costs. If Organizer fails to timely reimburse City pursuant to such invoice, the City may decline to provide extra-duty personnel staffing, decline to reserve City facilities, release existing reservations of City facilities, or decline to allow the subsequent use of City facilities for Event or any iteration thereof.

D. Time and place. The permission extended under this Agreement shall apply to the areas of Park detailed on the event site plan approved by City under City of Meridian Temporary Use Permit no. TUP-21-0036, from 9:00 a.m. to 9:00 p.m. on August 7, 2021. Pursuant to City Code, Park shall be closed between dusk and dawn.

E. Manner. The permission extended under this Agreement shall be subject to all terms and conditions as set forth in this Agreement, in City of Meridian Temporary Use Permit no. TUP-21-0036, and in any applicable laws and policies, including, without limitation, the Meridian Parks and Recreation Event Planners’ Handbook. Such terms and conditions shall include, but shall not be limited to, the following:

1. The public must have general access to all areas of Park at all times during the event, so long as such access does not unduly interfere with Organizer’s use of Park for Event.
2. Driving or parking vehicles on non-designated driving or parking surfaces shall be prohibited, except at the direction of Meridian Parks & Recreation Department staff. Further, Organizer or Organizer’s designee may operate one (1) golf cart at Park during

event, so long as such operation may be undertaken safely, and so long as the driver of such golf cart is eighteen years of age or older and holds a valid driver's license.

3. Where activities or equipment related to Event damage or destroy turf, landscaping, sprinklers, or other Park infrastructure or facilities, or otherwise require City to incur additional expenses, Organizer shall reimburse City for all costs of repair, replacement, or expense within fourteen (14) days of City's invoice for such costs.
 4. Organizer shall make every effort to provide and maintain access to Event for persons with disabilities.
 5. No smoking shall be allowed in Park, except in designated parking areas.
 6. Used water, grease, charcoal, and other materials and supplies must be carried out of Park at the conclusion of Event, and may not be disposed of at Park.
 7. Organizer is authorized to post signs for the purpose of identifying, promoting, advertising, or directing patrons to Event as represented and approved in City of Meridian Temporary Use Permit no. TUP-21-0036. Organizer acknowledges that the permission extended by City under this Agreement to post signs shall extend only to the locations approved in City of Meridian Temporary Use Permit no. TUP-21-0036, and that it is unlawful to post a sign identifying, promoting, advertising, or directing patrons to Event without the permission of the owner of such property. Organizer shall remove all signs identifying, promoting, advertising, or directing patrons to Event by noon on August 8, 2021.
 8. Organizer shall provide an adequate number of volunteers to staff the event area, designated parking areas, the crosswalks between the Meridian Village and the Park, and the temporary crosswalk between the designated parking area on Records Road and the Park.
 9. Organizer shall provide a medical services station at Event. Such station shall be staffed by at least two (2) personnel trained and certified to provide first aid. Such station shall be clearly marked and accessible to all Event participants.
 10. Organizer shall provide and install temporary "no parking" signs adequate to prevent parking in the bike lanes on Records Road.
- F. Insurance.** As required by Meridian City Code, Organizer shall submit to City proof of an insurance policy issued by an insurance company licensed to do business in Idaho protecting Organizer, Organizer's employees, and Organizer's agents from all claims for damages to property and bodily injury, including death, which may arise during or in connection with Event, including Event set-up and tear-down. Such insurance shall name City as an additionally insured party, and shall afford at least one million dollars (\$1,000,000.00) per person bodily injury, one million dollars (\$1,000,000.00) per occurrence bodily injury, and one million dollars (\$1,000,000.00) per occurrence property damage. The limits of insurance

shall not be deemed a limitation of the covenants to indemnify and save and hold harmless City as set forth in this Agreement or any permit. If City becomes liable for an amount in excess of the insurance limits herein provided due to the actions or omissions of Organizer or any Organizer employee, agent, contractor, official, officer, servant, guest, and/or invitee, or any participant in or observer of Event or related activities, Organizer covenants and agrees to indemnify and save and hold harmless City from and for all such losses, claims, actions, or judgments for damages or liability to persons or property.

G. Primary Source of Contact for Organizer. Organizer shall provide City the name, e-mail address, and telephone number of specific Organizer personnel (hereinafter “Organizer Contact”) who shall serve as Organizer’s primary contact between Organizer and City for all day-to-day matters regarding set-up, operation, and clean-up of Park. Organizer Contact for Event shall be:

Organizer Contact: Trish Walker
E-mail: trishjwalk@boisesoulfood.org
Phone: 208-921-6407

III. OBLIGATIONS OF CITY.

A. Facility operation. Except as otherwise set forth herein, City shall provide general maintenance, mowing, irrigation, and custodial services with regard to Park facilities, infrastructure, and vegetation. City shall provide all necessary utilities and services to Park facilities, including, but not limited to, electricity, potable water, sewage service, and/or typical waste and refuse removal. City shall cause the repair and/or replacement of any and all Park facilities, infrastructure, and/or vegetation that are physically damaged by acts of nature. To the extent that the cause of damage is attributable to Event activities, Organizer shall be responsible for the cost of repair or replacement.

B. Primary Source of Contact for City. City shall provide Organizer the name, e-mail address, and telephone number of specific City personnel (hereinafter “City Contact”) who shall serve as City’s primary contact between City and Organizer for all day-to-day matters regarding set-up, operation, and clean-up of Park. City Contact for Event shall be:

City Contact: Garrett White, Recreation Manager
Meridian Parks and Recreation Department
E-mail: gwhite@meridiacity.org
Phone: 208-888-3579

IV. GENERAL PROVISIONS.

A. Notice. Communication between Organizer Contact and City Contact regarding day-to-day matters shall occur via e-mail or telephone. All other notices required to be given by either of the parties hereto shall be in writing and be deemed communicated when personally served, or mailed in the United States mail, addressed as follows:

City:	Organizer:
City of Meridian	Soul Food Festival, Inc.
Attn: City Clerk	P.O. Box 45544

33 E. Broadway Avenue
Meridian, Idaho 83642

Boise, Idaho 83711

- B. Public park.** The parties hereto expressly acknowledge that Park is a public space, the management and scheduling of which shall at all times be within the sole purview of City. City shall have the right to allow the use of Park, and close all or any portion of Park, for any and all purposes and under any and all conditions.
- C. No right to exclude conveyed.** Any exclusive use granted to Organizer by this Agreement shall include neither the right to exclude any law-abiding person from Park where such person is not interfering with Organizer's use thereof, nor the right to interfere with any person's concurrent, lawful use of Park where such concurrent use does not conflict or interfere with Organizer's use. At all times Organizer shall be on an equal footing with the general public regarding its use of Park. Organizer shall exercise any exclusive use granted by this Agreement only in accordance with the terms of this Agreement and in accordance with any and all applicable laws and City policies.
- D. Assignment.** Organizer shall not assign or sublet all or any portion of Organizer's interest in this Agreement or any privilege or right hereunder, either voluntarily or involuntarily, without the prior written consent of City. This Agreement and each and all of the terms and conditions hereof shall apply to and are binding upon the respective organizations, legal representative, successors, and assigns of the parties.
- E. No agency.** Neither Organizer nor Organizer's employees, agents, contractors, officials, officers, servants, guests, and/or invitees shall be considered agents of City in any manner or for any purpose whatsoever in their use and occupancy of Park.
- F. Indemnification.** Organizer and each and all of Organizer's employees, agents, contractors, officials, officers, servants, guests, and/or invitees, including any and all participants in Event or related activities, shall indemnify and save and hold harmless City from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property and losses and expenses caused or incurred by Organizer or any Organizer employee, agent, contractor, official, officer, servant, guest, and/or invitee, or any participant in or observer of Organizer programming, at or in its use of Park or any lack of maintenance or repair thereon and not caused by or arising out of the tortious conduct of City.
- G. No warranty.** City makes no warranty or promise as to the condition, safety, usefulness, or habitability of the premises; Organizer accepts Park for use as is, both at the Effective Date of this Agreement and throughout the course of Event and all related activities.
- H. Compliance with laws.** In performing the scope of services required hereunder, City and Organizer shall comply with all applicable laws, ordinances, and codes of Federal, State, and local governments.
- I. Attorney Fees.** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be

granted, to court costs and reasonable attorneys' fees as determined by a court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

J. Time of the essence. The parties shall fulfill obligations described in this Agreement in a timely manner, as set forth herein. The parties acknowledge and agree that time is strictly of the essence with respect to this Agreement, and that the failure to timely perform any of the obligations hereunder shall constitute a default of this Agreement.

K. Termination.

1. **Grounds.** Grounds for termination of this Agreement shall include, but shall not be limited to: an act or omission by either party which breaches any term of this Agreement; an act of nature or other unforeseeable event which precludes or makes impossible the performance of the terms of this Agreement by either party; or a change in or occurrence of circumstances that renders the performance by either party a detriment to the public health, safety, or welfare.
2. **Process.** Either party may terminate this Agreement by providing twenty-four (24) hours notice of intention to terminate. Such notice shall include a description of the breach or circumstances providing grounds for termination. A twenty-four (24) hour cure period shall commence upon provision of the notice of intention to terminate. If, upon the expiration of such cure period, cure of the breach or circumstances providing grounds for termination has not occurred, this Agreement shall be terminated upon mailing or e-mailing of notice of termination.

L. Breach. Any act or omission by either party which breaches any term of this Agreement may provide grounds for termination. In the event of breach, the City may also decline to provide extra-duty personnel staffing, decline to reserve City facilities, release existing reservations of City facilities, or decline to allow the subsequent use of City facilities for Event or any iteration thereof.

M. Construction and severability. If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.

N. Entire Agreement. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

O. Applicable law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Idaho.

P. Approval required. This Agreement shall not become effective or binding until approved by both Organizer and by Meridian City Council.

Item #8.

P. Approval required. This Agreement shall not become effective or binding until approved by both Organizer and by Meridian City Council.

IN WITNESS WHEREOF, the parties shall cause this Agreement to be executed by their duly authorized officers to be effective as of the day and year first above written.

ORGANIZER:

BY: Shari Baber
Shari Baber, President
Boise Soul Food Festival

CITY OF MERIDIAN:

Attest:

BY: _____
Robert E. Simison, Mayor

Chris Johnson, City Clerk



AGENDA ITEM

ITEM TOPIC: Professional Service Agreement Between the City of Meridian and Nicole Goggins for Artwork for 2021 Traffic Box Community Art Project

**PROFESSIONAL SERVICES AGREEMENT FOR ARTWORK
FOR TRAFFIC BOX COMMUNITY ART PROJECT**

This PROFESSIONAL SERVICES AGREEMENT FOR ARTWORK FOR TRAFFIC BOX ART PROJECT (“Agreement”) is made this ___ day of _____, 2021 (“Effective Date”), by and between the City of Meridian, a municipal corporation organized under the laws of the State of Idaho (“City”), and Dan or Nicole Goggins, (“Contractor”), an individual person and parent or legal guardian of Autumn Goggins, a minor child (“Artist”).

WHEREAS, the City desires that public art will be a component of our community and to that end, has undertaken the Traffic Box Community Art Project (“Project”), within which artwork created by community members will be transformed into vinyl wraps and used to cover traffic control boxes at various locations throughout Meridian, with permission from the property owner Ada County Highway District, as a benefit to the public;

WHEREAS, Mayor Robert E. Simison selected a piece of art created by Artist entitled “*Going to the Sky*,” as depicted in *Exhibit A* hereto (“Artwork”), to become an installation as part of the Project; and

WHEREAS, Artist and Contractor wish to participate in the Project by allowing the Artwork to become a vinyl wrap installation on a traffic control box, subject to the following terms and conditions;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, the Parties agree as follows:

I. SCOPE.

A. Delivery of Artwork; purpose. Contractor shall allow City to temporarily take possession of Artwork for the purpose of creating a digital image of the Artwork, printing such image on a vinyl wrap, and installing the vinyl wrap on one or more traffic control boxes in Meridian, Idaho. City shall not provide insurance to cover loss, theft, or damage of original Artwork and/or of Contractor’s or Artist’s person, property, or interests. Insurance of Artwork shall be in Contractor’s sole discretion and responsibility. Contractor shall bear any and all risks of and actual loss, theft, and/or damage to the original Artwork.

B. License; alterations. Contractor grants to City an irrevocable license to digitally and/or photographically reproduce the image of the Artwork and to authorize third parties to do the same. Artist acknowledges and agrees that the process of photographing, digitizing, printing, and/or reproducing the image of Artwork on a vinyl wrap or wraps may require that the image, or portions thereof, be cropped, resized, or otherwise altered in order to transfer the image of the original Artwork onto a traffic control box, or for other purpose, in City’s sole discretion.

C. Copyright. Neither Artist nor Contractor shall make any claim to the copyright of the Artwork. Contractor expressly waives any and all right, title, or interest in the images or products created using Artwork. Contractor understands that this waiver includes waivers of the exclusive rights of reproduction, adaptation, publication, and display. Contractor agrees to relinquish and waive any and all rights, title, and interest to the Artwork, images thereof, or images of any portion thereof, including, but not limited to, the rights afforded artists under the Copyright Act of 1976 and the Visual Arts Rights Act of 1990, Title 17 U.S.C. §§ 101 *et seq.* Contractor understands and agrees that the right of attribution and integrity, as specifically set forth in 17 U.S.C. § 106A, are hereby

expressly waived except as otherwise provided herein. To the extent that the provisions of this Agreement differ with the Copyright Act of 1976 and Visual Arts Rights Act of 1990, the provisions of this Agreement will govern and any such differences in the rights and duties created thereunder are expressly waived.

- D. Limited edition.** Contractor warrants and represents that the Artwork has never before been created, published, produced, reproduced, or copied; that Artist is the sole creator of the Artwork; and that Contractor, as Artist's parent or legal guardian, is the lawful owner of all rights in the Artwork.
- E. Ownership.** City shall own the digital image created from Artwork and any portion or product thereof, including the vinyl wrap or wraps created therefrom. City shall also own the copyright to Artwork and any product or component thereof, including the vinyl wrap or wraps created therefrom. The installation location(s) of the vinyl wrap(s) created from Artwork, if any, will be selected in the City's sole discretion, and once installed, City or other duly authorized party may modify or remove, or allow modification or removal of same, in City's or other applicable agency's sole discretion. Contractor specifically waives the right to claim any remedy concerning the alteration of any image of Artwork or portion thereof, including the vinyl wrap or wraps created therefrom. City shall not be obligated by this Agreement to install any vinyl wrap or wraps featuring the digital image of Artwork or any portion thereof.
- F. Payment.** City shall make total payment to Contractor for services rendered pursuant to this Agreement in the amount of fifty dollars (\$50.00). This payment shall constitute full compensation from City to Contractor and to Artist for any and all services, costs, and expenses related to services performed under this Agreement. Contractor and/or Artist shall be responsible for payment of any and all taxes due and owing for payment received under this Agreement.
- G. Photographs.** Contractor consents to City's publication and/or use of any photographs or recordings of Artist, Artwork, or installations created using Artwork, for promotional purposes.

II. TERMS AND CONDITIONS

- A. Acknowledgment.** Contractor acknowledges that activity undertaken in conjunction with this Agreement presents risks, some of which are unknown, and agrees to assume all such risks.
- B. Indemnification; waiver.** Contractor shall indemnify, save and hold harmless, release and forever discharge City and its agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property and losses and expenses caused or incurred by Contractor or Artist in the course of any activity associated with this Agreement not caused by or arising out of the tortious conduct of City, regardless of the manner by which such claim may be brought.
- C. Relationship of Parties.** Contractor is an independent contractor and is not an employee, agent, joint venturer, or partner of City. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between Contractor and City or any official, agent, or employee of City.
- D. Entire Agreement.** This Agreement constitutes the entire understanding between the Parties. This Agreement supersedes any and all statements, promises, or inducements made by either

party, or agents of either party, whether oral or written. The terms of this Agreement may not be enlarged, modified or altered except upon written agreement signed by both parties hereto.

- E. **Agreement governed by Idaho law.** The laws of the State of Idaho shall govern the validity, interpretation, performance and enforcement of this Agreement. Venue shall be in the courts of Ada County, Idaho.
- F. **Severability.** If any provision of this Agreement is found by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remainder of this Agreement shall not be affected.
- G. **Successors and assigns.** All of the terms, provisions, covenants and conditions of this Agreement shall inure to the benefit of, and shall be binding upon, each party and their successors, assigns, legal representatives, heirs, executors, and administrators.
- H. **Advice of attorney.** Each party warrants and represents that in executing this Agreement, it has received independent legal advice from its attorneys or the opportunity to seek such advice.
- I. **Compliance with law.** Contractor and Artist shall comply with any and all applicable federal, state, and local laws.
- J. **City Council approval required.** The validity of this Agreement shall be expressly conditioned upon City Council action approving the Agreement. Execution of this Agreement by the persons referenced below prior to such ratification or approval shall not be construed as proof of validity in the absence of Meridian City Council approval.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the Effective Date first written above.

CONTACTOR:

ARTIST:



Dan or Nicole Goggins
Parent or Guardian of Autumn Goggins

Autumn Goggins

CITY OF MERIDIAN:

BY: _____
Robert E. Simison, Mayor

Attest: _____
Chris Johnson, City Clerk

EXHIBIT A *GOING TO THE SKY*





AGENDA ITEM

ITEM TOPIC: Task Order Between City of Meridian and Ben Konkol for Mural Installation at Meridian Cycles

TASK ORDER FOR MURAL INSTALLATION

This TASK ORDER FOR MURAL INSTALLATION (“Task Order”) is made this _____ day of _____, 2021 (“Effective Date”), by and between the City of Meridian, a municipal corporation organized under the laws of the State of Idaho (“City”), and Ben Konkol (“Artist”), whose address is 916 ½ N 12th Street, Boise, ID 83709.

WHEREAS, on January 19, 2021, Artist and City entered into a *Master Agreement for Professional Services: Mural Design, Installation, and Maintenance* (“Master Agreement”), which establishes terms and conditions under which City may invite Artist to provide services including consultations, design, installation, maintenance, and repair of murals, pursuant to separate project task order(s) setting forth specific conditions, compensation amount, and scope of work; and

WHEREAS, City and Team MC, LLC (“Owner”) have entered into a *Public Art Easement Agreement*, by which Agreement Owner agreed to allow City to engage an Artist for the purpose of designing a public art mural for potential installation at 1203 N Main Street, in Meridian, Ada County parcel no. R6129020215 (“Property”); specifically, on the north-facing exterior wall of the building located at Property;

WHEREAS, Artist has created a mural design that will establish a sense of place and local identity in downtown Meridian, and beautify public spaces, and Owner wishes to invite Artist to install the mural, as designed, on the north-facing exterior wall of the building located at Property, pursuant to the *Public Art Easement Agreement* entered into by Owners and City;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, and in consideration of the mutual promises and covenants herein contained, the Parties agree as follows:

I. SCOPE OF SERVICES. Artist shall install, on the north-facing exterior wall of the building located at Property, a large-scale, painted mural installation as depicted in *Exhibit A* hereto (“Mural”). Artwork design, fabrication, and installation, and Site Restoration shall comply in all respects with the RFP, with this agreement, with any applicable established industry standards, engineering standards, and with all established policies and ordinances of the City of Meridian.

II. COMPENSATION.

A. Total amount. The total payment to Artist for services rendered under this Agreement shall be two thousand dollars (\$2,000.00). This amount shall constitute full compensation for any and all services, travel, transportation, materials, fabrication, shipping, equipment, contingency, commission, artist fee, and costs of work to be performed or furnished by Artist under this Task Order.

B. Method of payment. Artist shall provide to City invoices for services and deliverables provided pursuant to the payment schedule set forth herein, which City shall pay within thirty (30) days of receipt. City shall not withhold any federal or state income taxes or Social Security tax from any payment made by City to Artist under the terms and conditions of this Task Order. Payment of all taxes and other assessments on such sums shall be the

sole responsibility of Artist.

C. Payment schedule. Artist shall be paid pursuant to the following benchmarks:

1. **Timeline:** \$1,000.00 shall be due to Artist within thirty (30) days of Artist’s delivery of a detailed timeline for installation of the Mural, describing the estimated date of completion of each phase of the installation process.
2. **Final Completion:** \$1,000.00 shall be due to Artist within thirty (30) days of upon Final Completion, which shall be defined as:
 - a. Complete installation of the completed Mural, as confirmed by City and Owner;
 - b. Final inspection and written approval of the installation of the Mural by City and Owner;
 - c. Artist’s submission to City of a recommended maintenance plan for the Mural; and
 - d. Execution of a mutually agreed-upon acceptance agreement, to be prepared by the City Attorney’s Office, to include affirmation of Artist’s indemnification of City and express waiver of Artist’s right, title, or interest in the Mural.

III. TIME OF PERFORMANCE.

A. Timeline. In the provision of services and deliverables under this Task Order, Artist shall meet the following deadlines:

1. **By 5:00 p.m. by August 12, 2021:** Artist shall deliver to City a detailed timeline for installation of the Mural.
2. **By 5:00 p.m. by September 30, 2021:** Artist shall deliver to City:
 - a. Completely installed Mural, as defined herein and as approved in writing by City and Owner;
 - b. Written recommended maintenance plan for the Mural; and
 - c. Signed acceptance agreement.

B. Time of the essence. The Parties acknowledge that services provided under this Task Order shall be performed in a timely manner. The Parties acknowledge and agree that time is strictly of the essence with respect to this Task Order, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of, and a default under, this Task Order by the party so failing to perform.

III. GENERAL PROVISIONS.

A. Master Agreement applies. All provisions of the Master Agreement are incorporated by reference and made a part of hereof as if set forth in their entirety herein.

B. Owner’s and City’s designated representatives. Stakeholders have vested in the following representatives the authority to provide to Artist input and approval under this Agreement. Any Stakeholder may change its authorized representative and/or address for the purpose of this paragraph by giving written notice of such change to Artist and to City.

1. Owner:

Paul McKenna, Member
Team MC, LLC
meridiancycles@gmail.com

- 2. **City:**
Audrey Belnap, Arts and Culture Coordinator
City of Meridian
abelnap@meridiancity.org

C. City Council approval required. The validity of this Task Order shall be expressly conditioned upon City Council action approving same. Execution of this Task Order by the persons referenced below prior to such ratification or approval shall not be construed as proof of validity in the absence of Meridian City Council approval.

IN WITNESS WHEREOF, the parties hereto have executed this Task Order on the Effective Date first written above.

ARTIST:

Ben Konkol
Ben Konkol

CITY OF MERIDIAN:

Robert E. Simison, Mayor

Attest: _____
Chris Johnson, City Clerk

EXHIBIT A MURAL DESIGN CONCEPT





AGENDA ITEM

ITEM TOPIC: City of Meridian Financial Report - June 2021

CITY of MERIDIAN FINANCE REPORT June 2021 - FY21

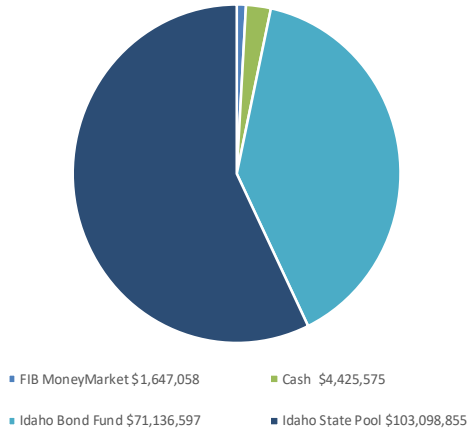
Report	PAGE #
Investment Graphs	2
Fund Balance	3



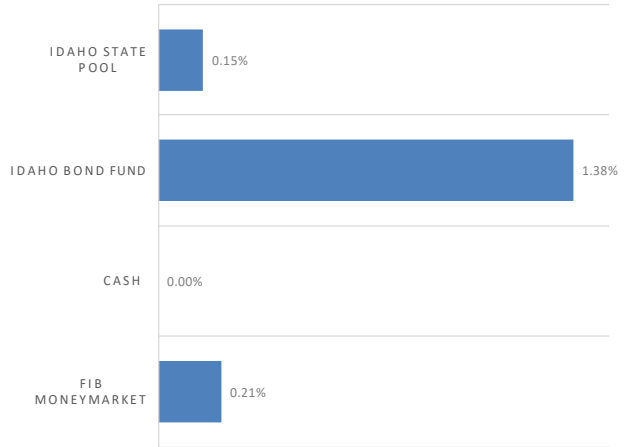
As of June 30, 2021



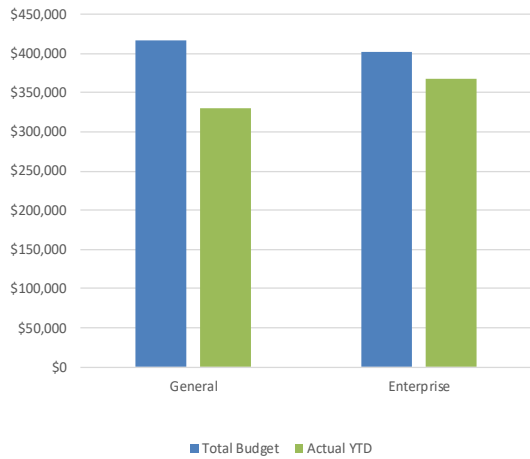
City of Meridian Investment Portfolio



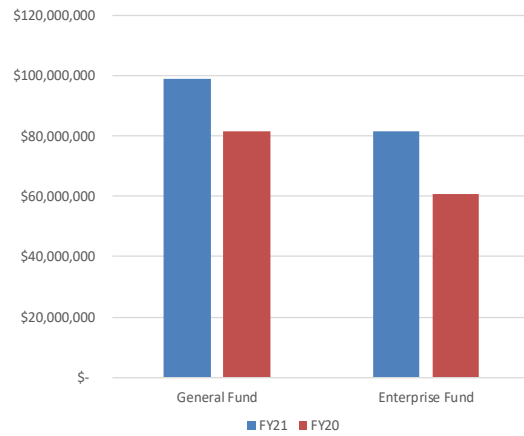
CITY OF MERIDIAN INVESTMENT PORTFOLIO YIELD BY INVESTMENT TYPE



City of Meridian Interest/Investment Income by Major Fund

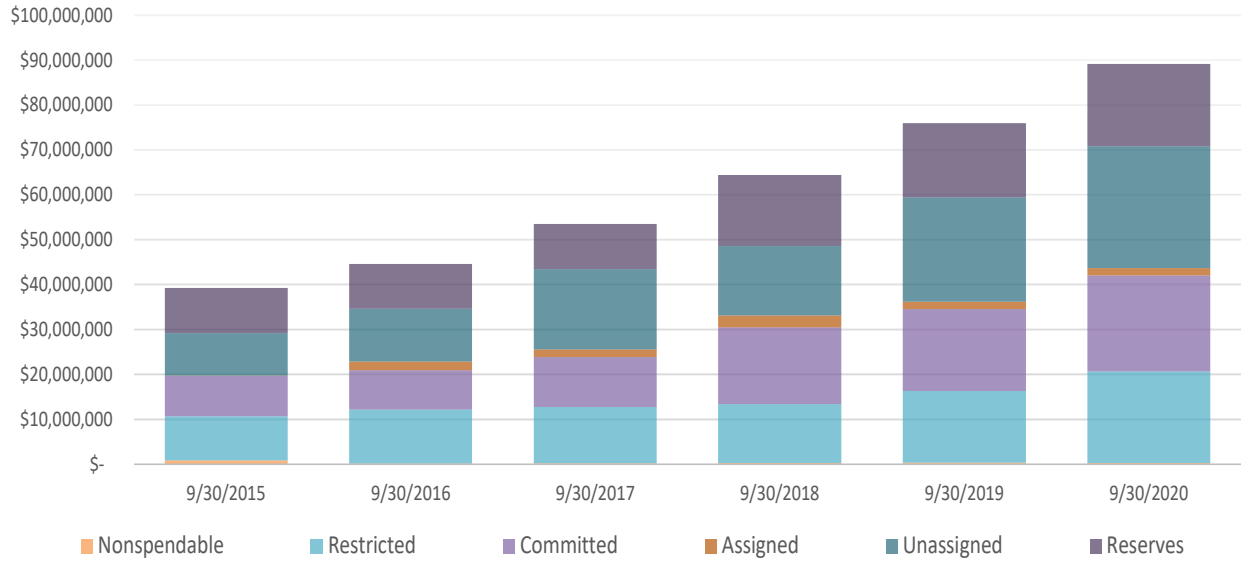


City of Meridian Cash/Investments Balance by Major Fund

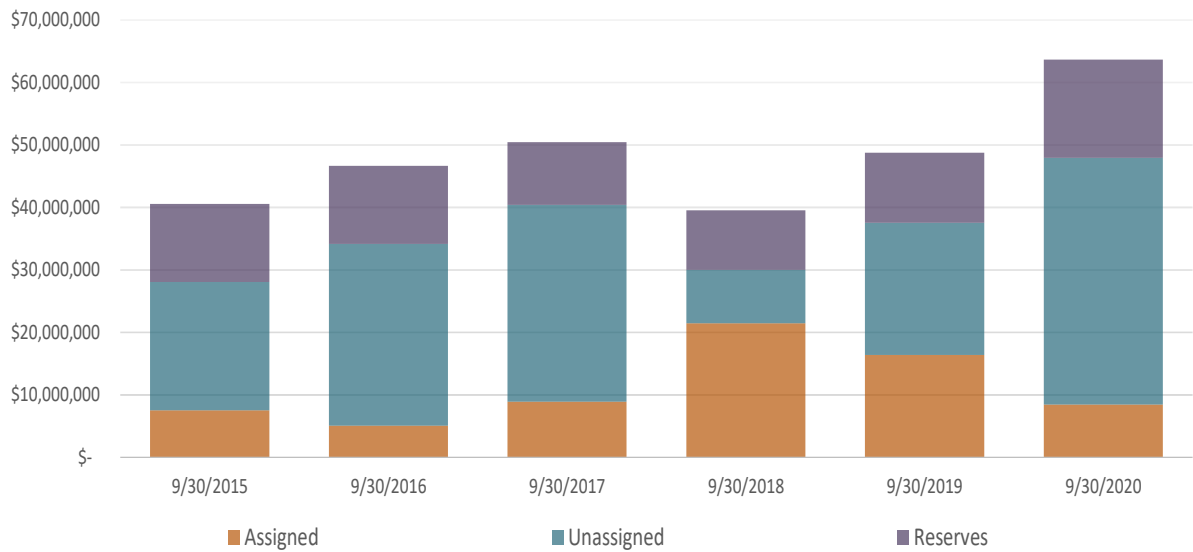




GENERAL FUND BALANCE ALLOCATIONS



ENTERPRISE FUND BALANCE ALLOCATIONS





AGENDA ITEM

ITEM TOPIC: Fire Department: Fiscal Year 2021 Budget Amendment in the Amount of \$40,817.00 for One Additional FTE Firefighter

Item #13.

7/15/2021 3:01 PM

City of Meridian FY2021 Budget Amendment Form



Personnel Costs

Full Time Equivalent (FTE): 1.0

Fund#	Dept.#	G/L#	Proj.#	G/L# Description	Total
01	2210	41200	0	Wages	\$ 12,202
01	2210	41206	0	PT/Seasonal Wages	
01	2210	41210	0	Overtime	
01	2210	41304	0	Uniform Allowance	
01	2210	42021	0	FICA	\$ 933
01	2210	42022	0	PERSI	\$ 1,498
01	2210	42023	0	Worker's Comp	\$ 527
01	2210	42025	0	Employee Insurance	\$ 2,776
Total Personnel Costs					\$ 17,937

Please only complete the fields highlighted

Amendment Details

Title: Additional Firefighter
 Department Name: Fire
 Presenting Department Name: Fire
 Department #: 2210
 Primary Funding Source: 1
 CIP#: _____
 Project #: _____
 Is this for an Emergency? Yes No
 New Level of Service? Yes No

Operating Expenditures

Fund#	Dept.#	G/L#	Proj.#	G/L# Description	One-Time	On-Going	Total
01	2210	51300	0	Office Expense	\$ -	\$ 50	\$ 50
01	2210	51400	0	Copier Expense	\$ -	\$ 10	\$ 10
01	2211	52013	0	Employee Recognition and Coffee	\$ -	\$ 60	\$ 60
01	2210	52300	0	Clothing Expense	\$ 3,000	\$ -	\$ 3,000
01	2210	52300	0	Clothing Expense		\$ 800	\$ 800
01	2210	52301	0	SCBA/Bottle/Co Tester	\$ 2,000		\$ 2,000
01	2210	52301	0	SCBA/Bottle/Co Tester		\$ 425	\$ 425
01	2210	54000	0	Equipment and Supplies		\$ 200	\$ 200
01	2210	54104	0	Turnout Equipment	\$ 4,000		\$ 4,000
01	2210	54104	0	Turnout Equipment		\$ 1,500	\$ 1,500
01	2210	54130	0	Furniture and Furnishings	\$ 500		\$ 500
01	2210	55301	0	Preventative Health Exp		\$ 430	\$ 430
01	2210	55410	0	Background/ Employment Testing	\$ 855		\$ 855
01	2250	57200	0	Employee Seminars/ Training /Licenses		\$ 250	\$ 250
01	2250	57202	0	Travel - Transportation		\$ 250	\$ 250
01	2250	57203	0	Travel - Lodging		\$ 250	\$ 250
01	2250	57204	0	Travel - Per Diem		\$ 250	\$ 250
01	2210	60101	0	Dues/ City Licenses/Publications		\$ 25	\$ 25
01	2210	69400	0	Holiday Expense		\$ 15	\$ 15
01	1840	69900	0	Misc Expense		\$ 10	\$ 10
Total Operating Expenditures					\$ 10,355	\$ 4,525	\$ 14,880

Clerks Office Stamp

Date of Council Approval _____

Capital Outlay

Fund#	Dept.#	G/L#	Proj.#	G/L# Description	Total
01	2210	94600	0	Capital - Communication Equipment	\$ 8,000
01	2210		0		
01	2210		0		
01	2210		0		
01	2210		0		
01	2210		0		
Total Capital Outlay					\$ 8,000

Revenue/Donations

Fund#	Dept.#	G/L#	Proj.#	G/L# Description	Total
01	2210		0		
01	2210		0		
01	2210		0		
Total Revenue/Donations					\$ -

Acknowledgement

Date

Keith Watts 7/15/21

Department Director

Keith Watts (in Todd's absent) via email 7.15.21 bp 07/15/2021

Chief Financial Officer

Approved Liz Strader 11:11 am 07/19/2021

Council Liaison

Liz Strader

7-19-21

Mayor

Total Amendment Request \$ 40,817

City of Meridian FY2021 Budget Amendment Form

Total Amendment Cost - Lifetime

	Prior Year(s) Funding	Fiscal Year 2021	Fiscal Year 2022	Fiscal Year 2023	Fiscal Year 2024	Fiscal Year 2025	
Personnel		\$ 17,937	\$ 107,621	\$ 107,621	\$ 107,621	\$ 107,621	
Operating		\$ 14,880	\$ 4,525	\$ 4,525	\$ 4,525	\$ 4,525	
Capital		\$ 8,000					
Total	\$ -	\$ 40,817	\$ 112,146	\$ 112,146	\$ 112,146	\$ 112,146	
Total Estimated Project Cost:							\$ 489,402

Department Name: Fire

Title: Additional Firefighter

- Instructions for Submitting Budget Amendments:**
- > Department will send Amendment with Directors signature to Finance (Budget Analyst) for review
 - > Finance will send Amendment to Council Liaison for signature
 - > Council Liaison will send signed Amendment to Mayor
 - > Mayor will send signed Amendment to Finance (Budget Analyst)
 - > Finance (Budget Analyst) will send approved copy of Amendment to Department
 - > Department will add copy of Amendment to Council Agenda using Novus Agenda Manager

Evaluation Questions

Please answer all Evaluation Questions using the financial data referenced above.

1. Describe what is being requested?	Authorize overstaffing of 1 entry level paramedic firefighter. Due to know upcoming retirement and current individuals out on extended leave which is causing additional significant overtime to fill these vacancies
2. Why was this budget request not submitted during the current fiscal year budget cycle?	The extended injuries were not foreseeable. The compounded effect of both retirement and injuries are prompting this amendment
3. What is the explanation for not submitting this budget request during the next fiscal year budget cycle?	We would like to address this before the upcoming year.
4. Describe the proposed method of funding? If funding is split between Funds (i.e. .General ,Enterprise, Grant), please include the percentage split. List the amounts and sources of anticipated additional revenue that will result from approval of this request.	General Fund
5. Does this request align with the Department/City's strategic plan? If not, please explain how this request was not included in the Department/City strategic plan?	yes
6. Does this request require resources to be provided by other departments? If yes, please describe the necessary resources to be provided by other departments.	No
7. Does this Amendment include any needed Equipment or Software that will utilize the City's network? (Yes or No)	No
8. Is the amendment going to result in the disposal of an asset? (Yes or No)	No
9. Any additional comments?	

Total Amendment Request \$ 40,817

Every effort should be made to avoid reopening the budget for an amendment. Departments will need to provide back up and appear before the City Council to justify budget amendments. Budget amendments are intended for emergency or mandatory changes to the original balanced budget. Changes to the original balanced budget may cause a funding shortfall.



AGENDA ITEM

ITEM TOPIC: Finance Department: Approval of Fiscal Year 2021 Amended Revenues and Expenditures in the Amount of \$133,440,148.00



Interoffice Memo

07/20/2021

To: Mayor & City Council

From: Budget Manager, Brad Purser

Ref: FY2022 Tentative Budget and FY2021 Amended Budget

Action Needed:

- 1. Council to approve the amended revenues and expenditures for Fiscal Year 2021.

\$133,440,148

One Hundred Thirty-Three Million, Four Hundred Forty Thousand, One Hundred Forty-Eight Dollars

- 2. Council to tentatively approve the proposed revenues and expenditures for Fiscal Year 2022.

\$191,698,966

One Hundred Ninety-One Million, Six Hundred Ninety-Eight Thousand, Nine Hundred Sixty-Six Dollars

- 3. Council elects to reserve all foregone revenue associated to the FY2022 budget in order to utilize that amount in subsequent years.

\$454,885

Four Hundred Fifty-four Thousand, Eight Hundred Eighty-Five Dollars



AGENDA ITEM

ITEM TOPIC: Finance Department: Tentative Approval of Fiscal Year 2022 Proposed Revenues and Expenditures in the Amount of \$191,686,966.00



Interoffice Memo

07/20/2021

To: Mayor & City Council

From: Budget Manager, Brad Purser

Ref: FY2022 Tentative Budget and FY2021 Amended Budget

Action Needed:

- 1. Council to approve the amended revenues and expenditures for Fiscal Year 2021.

\$133,440,148

One Hundred Thirty-Three Million, Four Hundred Forty Thousand, One Hundred Forty-Eight Dollars

- 2. Council to tentatively approve the proposed revenues and expenditures for Fiscal Year 2022.

\$191,698,966

One Hundred Ninety-One Million, Six Hundred Ninety-Eight Thousand, Nine Hundred Sixty-Six Dollars

- 3. Council elects to reserve all foregone revenue associated to the FY2022 budget in order to utilize that amount in subsequent years.

\$454,885

Four Hundred Fifty-four Thousand, Eight Hundred Eighty-Five Dollars



AGENDA ITEM

ITEM TOPIC: Finance Department: Approval to Reserve All Foregone Revenue Associated to the Fiscal Year 2022 Budget in the Amount of \$454,885.00 in Order to Utilize that Amount in Subsequent Years



Interoffice Memo

07/20/2021

To: Mayor & City Council

From: Budget Manager, Brad Purser

Ref: FY2022 Tentative Budget and FY2021 Amended Budget

Action Needed:

1. Council to approve the amended revenues and expenditures for Fiscal Year 2021.

\$133,440,148

One Hundred Thirty-Three Million, Four Hundred Forty Thousand, One Hundred Forty-Eight Dollars

2. Council to tentatively approve the proposed revenues and expenditures for Fiscal Year 2022.

\$191,698,966

One Hundred Ninety-One Million, Six Hundred Ninety-Eight Thousand, Nine Hundred Sixty-Six Dollars

3. Council elects to reserve all foregone revenue associated to the FY2022 budget in order to utilize that amount in subsequent years.

\$454,885

Four Hundred Fifty-four Thousand, Eight Hundred Eighty-Five Dollars



AGENDA ITEM

ITEM TOPIC: Fire Department and Police Department: Construction and Design Discussion for Fire and Police Stations



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Meridian Fire Dept **Meeting Date:** July 20, 2021
Presenter: Chief Blume, Dep Ch Butterfield and ESI **Estimated Time:** 20-minutes
Topic: Construction and Design Discussion for Fire & Police Stations

Recommended Council Action:

- Construction and design discussion for Fire & Police Stations.
 - Presenter: Engineered Structures, Inc.
 - ESI will have 5-10min presentation, then answer Council questions pertaining to Construction on the Fire and Police Stations.
 - Rice Fergus Miller will be at meeting virtually to answer any design questions

Both Fire and Police Department representation will be at meeting as well.

Background:

[Provide context and reasoning for the recommendation]



AGENDA ITEM

ITEM TOPIC: Valley Regional Transit Fiscal Year 2022 Funding Request



MEMO TO CITY COUNCIL

Agenda Topic on the City Council Agenda

From: Miranda Carson, Comprehensive Associate Coordination Planner **Date:** July 20, 2021
Presenter: Stephen Hunt, Valley Regional Transit **Estimated Time:** 15 minutes
Topic: Valley Regional Transit Fiscal Year 2022 Funding Request

Valley Regional Transit (VRT) sent the attached funding request for the 2022 Fiscal Year. Due to a change in forecasted directly generated revenue, the request is higher than what was anticipated. VRT also included the attached supplemental information to describe the impacts of this change in more detail.

Additional information was requested and VRT was invited to discuss the request with Council. Stephen Hunt will be in attendance to provide clarification and updates on VRT's budget.



May 28, 2021

City of Meridian
33 East Broadway Ave.
Meridian, ID 83642

Attention: Todd Lavoie, Chief Financial Officer

SUBJECT: Valley Regional Transit FY2022 Funding Request

Dear Mr. Lavoie,

The following table outlines funding requests for the **City of Meridian** for **FY2022**. Page two provides a description each type of funding request.

This information has been updated since our presentation to the Meridian City Council last month because the directly generated revenue forecasts were lowered. The effects of COVID-19 have been more long lasting than we anticipated requiring us to reduce our directly generated revenue assumptions for FY2022 by approximately \$471,000 In Ada County. We distributed this shortfall among our funding partners per the Cost Allocation Model, resulting in an increase of approximately \$18,000 for the Meridian Service Assessment compared to what was presented in May. This change was presented at the June Executive Board meeting and the attached supplemental document provides more detail on this issue.

Until our budgets are complete, the information provided is based on preliminary budget proposals. Through the budget process, requests may vary in response to changes in projected expenses, revenue assumptions, and further discussions with your staff and elected officials.

Type	Amount
General Assessment (<i>calculated by regional share of the population</i>)	\$ 67,052
Service Assessment (<i>calculated by share of miles serving your jurisdiction</i>)	\$ 367,531
Capital Assessment (<i>calculated by share of miles serving your jurisdiction</i>)	\$ 9,068
Special Assessment (<i>Negotiated</i>)	\$ 170,000
Total Request	\$ 613,651

Description of funding types in the request tables.

- **General Assessments** support regional overhead expenses (administration, finance, communications, etc.)
- **Service Assessments** support service operations and associated paratransit, preventive maintenance, planning and administration.
- **Capital Assessments** support capital procurement, design or construction projects for asset maintenance or enhancements
- **Special Assessments** are requested to support activities, programs or projects outside of the typical assessments (specialized transportation programs, planning projects, etc.)

Financial Assumptions

Through the Coronavirus Aid, Relief & Economic Security Act (CARES), Coronavirus Response and Relief Supplemental (CRSSA), and American Rescue Plan Act (ARPA), the Federal Government has provided resources to Valley Regional Transit (VRT) and other transit agencies across the country to mitigate the financial disruptions of the COVID-19 crisis. The VRT Board is committed to making sure existing and future resources are used in alignment with the strategic direction and priorities adopted by the VRT Board of Directors:

- **Direct Response:** fund existing administration, operations and respond to the direct impacts of the crisis, including health, sanitation, marketing, and loss of revenue
- **Resiliency:** invest in systems and infrastructure that secures the safety of the traveling public and ensure the agency can respond and recover to disruptions
- **Strategic Direction:** continue as much as possible the strategic investments identified in local and regional plans

VRT has used the local cost allocation model to determine the local contributions necessary to maintain existing and planned services in FY2022. For comparison a *Baseline* request has been provided which assumes typical revenue streams, as well as a *Proposed* request which leverages federal relief funding. This allows VRT to remain transparent in our allocation process, and work toward sustainable funding levels.

Type	Baseline	Proposed
General Assessment	\$ 67,052	\$ 67,052
Service Assessment	\$ 486,683	\$ 367,531
Capital Assessment	\$ 9,068	\$ 9,068
Special Assessment	\$ 170,000	\$ 170,000
Total Request	\$ 732,803	\$ 613,651

The attached supplemental document provides supporting data for the funding request.

- **Fixed Route & Special Services Summary** describes the services the requested contributions will support.
- **FY2022 Preliminary Budget Summary** outlines projected expenses, revenue sources, and local contribution requests both before and after the change in forecasted directly generated revenues.

- **Ridership Review** outlines ridership trends of supported services.

Should you have any questions or require additional information please feel free to contact me at (208) 258-2701 or shunt@valleyregionaltransit.org.

Thank you for your continued support of Valley Regional Transit.

Sincerely,



Stephen Hunt
Development Director
Valley Regional Transit

Cc:

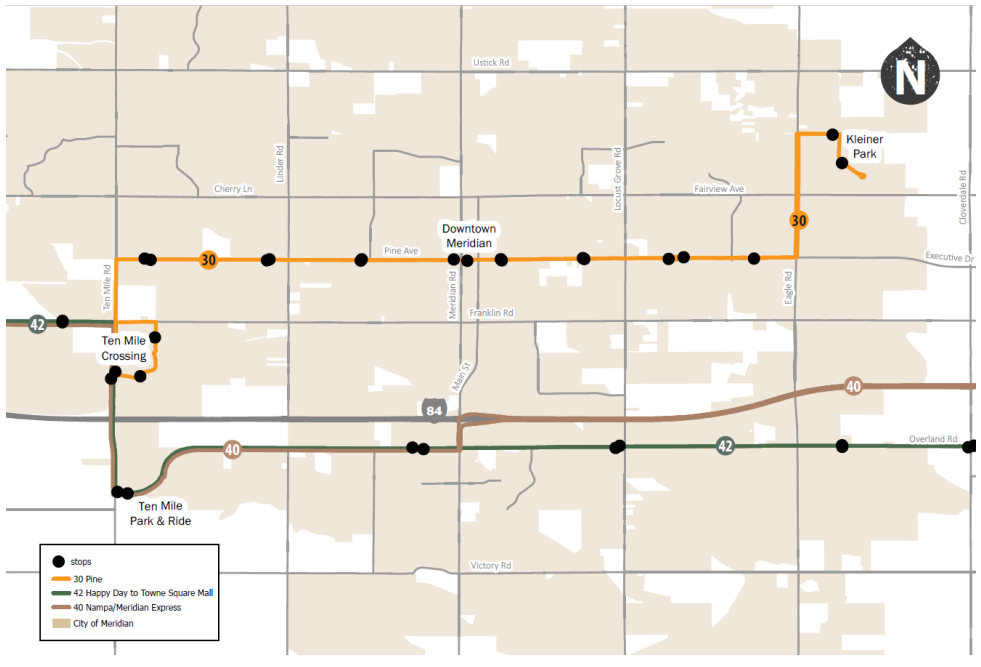
Councilman Luke Cavener – VRT Board Member - lcavener@meridiancity.org
Miranda Carson – Associate Planner, City of Meridian - mcarterson@meridiancity.org
Jill Reyes – VRT Programming Planner – jreyes@valleyregionaltransit.org
Jason Jedry – VRT Controller – jjedry@valleyregionaltransit.org

Valley Regional Transit FY2022 Supplemental

Fixed Route Services

Figure 1 below shows the proposed routes and stops in Meridian for FY2022.

Figure 1: Map of Proposed FY2022 Fixed Route Services in Meridian



Currently, Meridian is served by two intercountry routes;

- 40 Nampa/Meridian Express which runs Monday through Friday during the rush hour with stops in Meridian along Overland Road
- 42 Happy Day to Towne Square Mall which makes eight trips throughout the day every Monday through Friday, connecting Caldwell, Nampa, Meridian and Boise.

Starting October 1st of 2021 Meridian will also be served by the 30 Pine. This service will connect Ten Mile Crossing, Downtown Meridian, the Scentsy and Blue Cross of Idaho campuses and Kleiner Park.

VRT is currently planning the roll-out and marketing of this new service and will coordinate with City of Meridian on opportunities to increase public awareness of this new service. For example are working on getting a bus in the Meridian Dairy Days parade, reaching out to residential and commercial developers at Ten Mile Crossing, Downtown Meridian, and Kleiner Park, Scentsy and Blue Cross of Idaho to promote the services and market it to their residents and employees.

Specialized Services

In addition to the fixed route services in Meridian, VRT provides support to three other specialized transportation options. Those are;

- Harvest Transit which provides free transportation for seniors, persons with disabilities and veterans from 9 a.m. to 3 p.m. Monday through Saturday within a designated service area in Meridian.
- Rides2Wellness which provides shared-ride transportation to participating medical appointments. Rides must be scheduled 2 days in advance.
- Meridian Veterans Shuttle which provides transportation to Veterans in Meridian to the Veterans Hospital in downtown Boise.

FY22 Preliminary Budget Summary

Local contributions are pooled together with other local and federal funds to deliver all the services of Valley Regional Transit. The degree to which local contributions are leveraged depends on the type of expense, i.e. capital vs operating, the type of program, i.e. specialized vs fixed route, and the availability of federal funds. For example federal funds typically require at least 20% local match for capital expenses, while fixed route operations in Canyon County are matched 50%.

Table 1 below illustrates how Meridian's contribution is one part of a proposed \$24M budget for FY2022 and supported contributions from other jurisdictions, federal funds and directly generated and auxiliary funds.

Table 1: FY2022 Proposed Budget Revenues and Expenses

FY22 Proposed Budget Summary	FY22 Proposed Budget Summary w/ARPA
Expenses	\$ 24,682,320
Revenues	
Fares/Passes	\$ 562,577
Federal Relief	\$ 2,916,870
Federal Formula	\$ 10,353,875
Auxiliary Local	\$ 600,000
<i>Sub Total Federal and Directly Generated Revenues</i>	\$ 14,433,321
Special Non-jurisdictional Local	\$ 1,056,824
Jurisdiction Local (General, Service, Capital and Special)	\$ 9,192,175
<i>Sub Total Local Revenues</i>	\$ 10,248,999
Meridian Share (included in total jurisdictional revenues)	\$ 613,651
Grand Total Revenues	\$ 24,682,320

Tables 2 and 3 illustrate the proposed local contributions from other jurisdictions. Table 2 shows the proposed contributions before the reduction to directly generated revenues and is what was presented to the Meridian Council in May. Table 3 shows the proposed contributions after the reduction in directly generated revenues. The effect was an increase in total service assessment and the corresponding local contributions.

Table 2: FY2022 Funding Requests of Local Jurisdictions Prior to Reduction in Directly Generated Revenues

FY22 Local Funding Requests	General Assessment	Service Assessment	Capital Assessment	Special Assessment	Totals
Local Revenue Sources					
Ada County	\$31,882	\$52,579	\$ 2,011	\$ -	\$86,473
ACHD	\$5,420	\$ -	\$ -	\$ -	\$5,420
Boise State University	\$5,420	\$43,198	\$2,169	\$ -	\$50,788
College of Western Idaho	\$5,420	\$67,548	\$3,636	\$ -	\$76,605
CCDC	\$5,420	\$ -	\$ -	\$ -	\$5,420
City of Boise	\$126,665	\$6,606,955	\$144,326	\$250,000	\$7,127,946
City of Eagle	\$18,072	\$73,581	\$1,578	\$9,700	\$102,931
City of Kuna	\$14,455	\$ -	\$ -	\$27,000	\$41,455
City of Meridian	\$67,052	\$349,479	\$9,223	\$170,000	\$595,755
City of Star	\$7,026	\$ -	\$ -	\$ -	\$7,026
City of Garden City	\$6,590	\$ -	\$ -	\$ -	\$6,590
Meridian Development Corp	\$5,420	\$ -	\$ -	\$ -	\$5,420
TOTAL ADA COUNTY	\$298,842	\$7,193,341	\$162,945	\$456,700	\$8,111,828
Canyon County	\$27,326	\$19,372	\$989	\$ -	\$47,687
Canyon County Highway District	\$1,557	\$ -	\$ -	\$ -	\$1,557
City of Caldwell	\$33,429	\$111,082	\$5,964	\$ -	\$150,475
City of Greenleaf	\$472	\$ -	\$ -	\$ -	\$472
City of Melba	\$309	\$ -	\$ -	\$ -	\$309
City of Middleton	\$5,463	\$ -	\$ -	\$ -	\$5,463
City of Nampa	\$58,186	\$233,510	\$12,297	\$ -	\$303,993
City of Notus	\$299	\$ -	\$ -	\$ -	\$299
City of Parma	\$1,159	\$ -	\$ -	\$ -	\$1,159
City of Wilder	\$959	\$ -	\$ -	\$ -	\$959
Golden Gate Highway District #3	\$1,101	\$ -	\$ -	\$ -	\$1,101
Nampa Highway District #1	\$1,797	\$ -	\$ -	\$ -	\$1,797
Notus/Parma Highway District	\$965	\$ -	\$ -	\$ -	\$965
TOTAL CANYON COUNTY	\$133,023	\$363,963	\$19,249	\$ -	\$516,236
TOTAL JURISDICTION REVENUE*	\$431,865	\$7,557,304	\$182,194	\$456,700	\$8,628,064

Table 3: FY2022 Funding Requests of Local Jurisdictions with Reduction in Directly Generated Revenues

FY22 Local Funding Requests	General Assessment	Service Assessment	Capital Assessment	Special Assessment	Totals
Local Revenue Sources					
Ada County	\$31,882	\$58,160	\$2,019	\$0	\$92,061
ACHD	\$5,420	\$0	\$0	\$0	\$5,420
Boise State University	\$5,420	\$49,519	\$2,245	\$0	\$57,184
College of Western Idaho	\$5,420	\$74,184	\$3,624	\$0	\$83,228
CCDC	\$5,420	\$0	\$0	\$60,000	\$65,420
City of Boise	\$126,665	\$7,032,468	\$144,538	\$250,000	\$7,553,671
City of Eagle	\$18,072	\$82,683	\$1,670	\$9,700	\$112,125
City of Kuna	\$14,455	\$0	\$0	\$27,000	\$41,455
City of Meridian	\$67,052	\$367,531	\$9,068	\$170,000	\$613,651
City of Star	\$7,026	\$0	\$0	\$0	\$7,026
City of Garden City	\$6,590	\$0	\$0	\$0	\$6,590
Meridian Development Corp	\$5,420	\$0	\$0	\$0	\$5,420
TOTAL ADA COUNTY	\$298,842	\$7,664,545	\$163,163	\$516,700	\$8,643,251
Canyon County	\$27,326	\$21,240	\$980	\$0	\$49,546
Canyon County Highway District	\$1,557	\$0	\$0	\$0	\$1,557
City of Caldwell	\$33,429	\$121,448	\$5,918	\$0	\$160,796
City of Greenleaf	\$472	\$0	\$0	\$0	\$472
City of Melba	\$309	\$0	\$0	\$0	\$309
City of Middleton	\$5,463	\$0	\$0	\$0	\$5,463
City of Nampa	\$58,186	\$254,181	\$12,133	\$0	\$324,501
City of Notus	\$299	\$0	\$0	\$0	\$299
City of Parma	\$1,159	\$0	\$0	\$0	\$1,159
City of Wilder	\$959	\$0	\$0	\$0	\$959
Golden Gate Highway District #3	\$1,101	\$0	\$0	\$0	\$1,101
Nampa Highway District #1	\$1,797	\$0	\$0	\$0	\$1,797
Notus/Parma Highway District	\$965	\$0	\$0	\$0	\$965
TOTAL CANYON COUNTY	\$133,023	\$396,870	\$19,031	\$0	\$548,924
TOTAL JURISDICTION REVENUE	\$431,865	\$8,061,415	\$182,194	\$516,700	\$9,192,175

Ridership Review

COVID 19 and the associated physical distancing, teleworking and stay at home orders have had a significant impact on ridership. Table 1 below shows the first quarter change in ridership comparing 2020 to 2019 before COVID-19 hit and the first quarter change in ridership comparing 2021 to 2020 after COVID-19 hit. Although system ridership was down the first quarter of 2020, some routes and services were experiencing ridership gains. First quarter 2021 ridership shows how significant COVID-19 has been on ridership, particularly the commute oriented ridership with route 40 down 75%. Although the impacts of COVID appear to be lessening, we expect this service will still face COVID related headwinds initially.

Table 3: Quarterly Ridership Changes

	Q1 2020 vs Q1 2019	Q1 2021 vs Q1 2020
Fixed Route	# %change	# %change
System-wide	296,923 -6%	206,862** -31%
40	10,795 +.01%	2,719 -75%
42	6,653 +15%*	5,242 -21%
Specialized	26,654 +4%	14,409 -43%
Harvest Transit	2,524 +15%	1,471 -31%
Rides2Wellness	2020 2,334 -2%	2021 1,734 -27%

*Compared to combined ridership of routes 41 (which was discontinued) and 42

** Some of this decline is due to Canyon County fixed route service being reported under demand response in 2021 with the implementation of On-Demand service

Ridership Projections

Transit services typically take anywhere from 12 to 24 months to “mature.” Travel behaviors can be slow to change and the maturation process allows time for the public to become aware of and begin to utilize the new service. This can be particularly true when introducing new service in areas that have never had service before.

Using similar routes, VRT has prepared ridership projections for the new service but it is unclear how much COVID-19 will impact those estimates. Ridership projections for the new service was based on experience with similar routes but ridership projections can be unreliable in the best of times coming out of COVID

	Q1 FY 2022	Q4 2022	Q4 2023	Connected and mature
Fixed Route				
30	600	900	3,500	7,500



AGENDA ITEM

ITEM TOPIC: Ordinance No. 21-1936: An Ordinance Amending Title 1, Chapter 6, Section 5 of the Meridian City Code Providing for Mayor's Compensation and Providing for Market Adjustments; and Providing for a Summary; Providing for a Waiver of the Second and Third Reading Rules; and Providing an Effective Date

CITY OF MERIDIAN ORDINANCE NO. 21-1936

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER

AN ORDINANCE AMENDING TITLE 1, CHAPTER 6, SECTION 5 OF THE MERIDIAN CITY CODE PROVIDING FOR MAYOR’S COMPENSATION AND PROVIDING FOR MARKET ADJUSTMENTS; AND PROVIDING FOR A SUMMARY; PROVIDING FOR A WAIVER OF THE SECOND AND THIRD READING RULES AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. Pursuant to Idaho Code Title 50, Chapter 2, Section 3, Meridian City Code Title 1, Chapter 6, Section 5, of the Meridian City Code is hereby amended as follows:

1-6-5. - Compensation.

A. The annual compensation of the Mayor shall be as follows:

1. The Mayor shall receive an annual salary effective on January 1, ~~2020~~, 2022 a total annual salary of ~~ninety two thousand seven hundred and seventy six dollars (\$92,776.00)~~ one hundred and six thousand and four hundred and sixty-one dollars (\$106,461.00), and effective January 1, ~~2021~~, 2023 a total annual salary of ~~ninety four thousand six hundred and thirty two dollars (\$94,632.00)~~ one hundred and nineteen thousand seven hundred and sixty-nine dollars (\$119,769.00), until this section is amended as allowed by law.
2. Salary shall be paid in equal monthly amounts. Beginning with the fiscal year ~~2022~~ 2024 (FY24), if the city's annual budget provides for a "market adjustment" increase to the wages of general employees, the Mayor shall receive the same adjustment to the above salary.
3. ~~Employee benefits shall be the same as provided to all other full time employees of the city.~~

B. The Mayor shall receive the same employee benefits as any full-time city employee, except for accrual of vacation or sick leave, and any other benefits as directed by the City Council.

C. Human Resources shall be tasked to form a committee comprised of no less than five (5) various citizens, business leaders, and former elected or appointed officials of the City of Meridian prior to the budget workshop during every Municipal election year to make recommendations for adjustments, increases, or decreases to compensation for the Mayor and City Council. The committee may consider any or all of the following in making such recommendation: baseline salaries in comparison to select cities,

Mayor’s Compensation – Meridian City Code Section 1-6-5

appropriate increases or decreases based upon the market as determined by the committee, the current and potential impact to the city's budget, performance of the elected official while in office, recent or current increases afforded to all other city employees, and expectations of the public in general for the position that is being evaluated. The membership of the committee may be determined by the City Council with input from the Mayor. The City Council is not bound to follow the recommendations from the committee, but may use any feedback or recommendation as guidance for setting the budget for compensation.

Section 2: That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in fullbe, and the same is hereby, dispensed with as the second and third reading and they are thereforecombined as one (1), and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication

PASSED by the City Council of the City of Meridian, Idaho, this ____ day of July, 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this ____ day of July, 2021.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

STATEMENT OF MERIDIAN CITY ATTORNEY AS TO ADEQUACY OF SUMMARY OF ORDINANCE NO. 21-1936

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance no. 21-1936 of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this _____ day of _____, 2021.

William L.M. Nary, City Attorney

**NOTICE AND PUBLISHED SUMMARY
OF ORDINANCE PURSUANT TO I.C. § 50-901(A)**

CITY OF MERIDIAN ORDINANCE NO. 21-1936

An ordinance amending section to Meridian City Code, section 1-6-5 Mayor’s Compensation; adopting a savings clause; and providing an effective date.

City of Meridian
Mayor and City Council
By: Chris Johnson, City Clerk

First Reading: _____
Adopted after first reading by suspension of
the rule as allowed pursuant to Idaho Code
§ 50-902: YES _____ NO _____
Second Reading: _____
Third Reading: _____



AGENDA ITEM

ITEM TOPIC: Ordinance No. 21-1937: An Ordinance Amending Title 1, Chapter 7, Section 9 of the Meridian City Code Providing for City Councilmembers Compensation and Providing for Market Adjustments; and Providing for a Summary; Providing for a Waiver of the Second and Third Reading Rules and Providing an Effective Date

CITY OF MERIDIAN ORDINANCE NO. 21-1937

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER

AN ORDINANCE AMENDING TITLE 1, CHAPTER 7, SECTION 9 OF THE MERIDIAN CITY CODE PROVIDING FOR CITY COUNCILMEMBERS COMPENSATION AND PROVIDING FOR MARKET ADJUSTMENTS; AND PROVIDING FOR A SUMMARY; PROVIDING FOR A WAIVER OF THE SECOND AND THIRD READING RULES AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. Pursuant to Idaho Code Title 50, Chapter 2, Section 3, Meridian City Code Title 1, Chapter 7, Section 9, of the Meridian City Code is hereby amended as follows:

1-7-9. - Compensation.

A. The annual compensation of the members of the City Council shall be as follows:

1. Each member of the City Council shall receive an annual salary of ~~thirteen thousand five hundred dollars (\$13,500.00)~~ sixteen thousand one hundred and twenty-five dollars (\$16,125.00) effective January 1, ~~2020~~ 2022, and effective January 1, ~~2021~~ 2023, a total annual salary of ~~fifteen thousand dollars (\$15,000.00)~~ seventeen thousand three hundred and thirty-five dollars (\$17,335.00), until this section is amended as allowed by law.
2. The City Council President shall receive additional compensation of ten percent (10%) more than other Council members as compensation for the additional work involved in that role. The compensation shall be an annual salary of ~~fourteen thousand eight hundred and fifty dollars (\$14,850.00)~~ seventeen thousand seven hundred and thirty-eight-dollars (\$17,738.00) effective January 1, ~~2020~~ 2022, and effective January 1, ~~2021~~ 2023, a total annual salary of ~~sixteen thousand five hundred dollars (\$16,500.00)~~ nineteen thousand and sixty-nine dollars (\$19,069.00), until this section is amended as allowed by law.
3. Salary will be paid in equal monthly amounts. Beginning with fiscal year ~~2022 (FY22)~~ 2024 (FY24), if the city's annual budget provides for a "market adjustment" increase to the wages of general employees of the city, Council members shall receive the same adjustment to the above salary.
4. ~~Employee benefits shall be the same as provided to all other full-time employees of the city.~~

B. The City Council shall receive the same employee benefits as all full-time city employees, except for the accrual of vacation or sick leave, and any other benefits as directed by the City Council.

C. Human Resources shall be tasked to form a committee comprised of no less than five (5) various citizens, business leaders, and former elected or appointed officials of the City of Meridian prior to the budget workshop during every Municipal election year to make recommendations for adjustments, increases, or decreases to compensation for the Mayor and City Council. The committee may consider any or all of the following in making such recommendation: baseline salaries in comparison to select cities, appropriate increases or decreases based upon the market as determined by the committee, the current and potential impact to the city's budget, performance of the elected official while in office, recent or current increases afforded to all other city employees, and expectations of the public in general for the position that is being evaluated. The membership of the committee may be determined by the City Council with input from the Mayor. The City Council is not bound to follow the recommendations from the committee, but may use any feedback or recommendation as guidance for setting the budget for compensation.

Section 2: That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in fullbe, and the same is hereby, dispensed with as the second and third reading and they are thereforecombined as one (1), and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication

PASSED by the City Council of the City of Meridian, Idaho, this ____ day of July, 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this ____ day of July, 2021.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

**STATEMENT OF MERIDIAN CITY ATTORNEY AS TO
ADEQUACY OF SUMMARY OF ORDINANCE NO. 21-_____**

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance no. 21-_____ of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this _____ day of July 2021.

William L.M. Nary, City Attorney

**NOTICE AND PUBLISHED SUMMARY
OF ORDINANCE PURSUANT TO I.C. § 50-901(A)**

CITY OF MERIDIAN ORDINANCE NO. 21-_____

An ordinance amending section to Meridian City Code, section 1-7-9, City Council Compensation; adopting a savings clause; and providing an effective date.

City of Meridian
Mayor and City Council
By: Chris Johnson, City Clerk

First Reading: _____
Adopted after first reading by suspension of
the rule as allowed pursuant to Idaho Code
§ 50-902: YES _____ NO _____
Second Reading: _____
Third Reading: _____