



CITY COUNCIL REGULAR MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Tuesday, March 01, 2022 at 6:00 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/82471522559>

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

Webinar ID: 824 7152 2559

ROLL CALL ATTENDANCE

___ Jessica Perreault

___ Joe Borton

___ Brad Hoaglund

___ Treg Bernt

___ Liz Strader

___ Luke Cavener

___ Mayor Robert E. Simison

PLEDGE OF ALLEGIANCE

COMMUNITY INVOCATION

ADOPTION OF AGENDA

PUBLIC FORUM – Future Meeting Topics

The public are invited to sign up in advance of the meeting at www.meridiancity.org/forum to address elected officials regarding topics of general interest or concern of public matters. Comments specific to active land use/development applications are not permitted during this time. By law, no decisions can be made on topics presented at Public Forum. However, City Council may request the topic be added to a future meeting agenda for further discussion or action. The Mayor may also direct staff to provide followup assistance regarding the matter.

ACTION ITEMS

Public Hearing process: Land use development applications begin with presentation of the project and analysis of the application by Planning Staff. The applicant is then allowed up to 15 minutes to present their project. Members of the public are then allowed up to 3 minutes each to address City Council regarding the application. Citizens acting as a representative of a Homeowner's Association may be allowed up to 10 minutes to speak on behalf of represented homeowners who have consented to yielding their time. After all public testimony, the applicant

is allowed up to 10 minutes to respond to questions and comments. City Council members may ask questions throughout the public hearing process. The public hearing is then closed, and no further public comment is heard. City Council may move to continue the application to a future meeting or approve or deny the application. The Mayor is not a member of the City Council and pursuant to Idaho Code does not vote on public hearing items unless to break a tie vote.

- 1. Public Hearing** for Healthy Living Condominiums (SHP-2022-0001) by KM Engineering, LLP, Located at 5155 S. Hillsdale Ave.
 - A. Request: Short Plat to condominiumize portions of an existing building to create two (2) units for ownership purposes with five (5) limited common areas.
- 2. Public Hearing** Continued from December 21, 2021 for Black Cat Industrial Project (H-2021-0064) by Will Goede of Sawtooth Development Group, LLC, Located at 350, 745, 935, and 955 S. Black Cat Rd. and Parcel S1216131860.
 - A. Request: Annexation of 130.19 acres of land with R-15 and I-L zoning districts.

ORDINANCES [Action Item]

- 3.** Ordinance No. 22-1972: An Ordinance Repealing and Replacing Meridian City Code Section 1-7-1, Regarding Election; Districts; Terms of Office; Residency Requirement; Amending Meridian City Code Section 1-7-2, Regarding City Council Member Qualifications; Repealing and Replacing Meridian City Code Section 1-7-4, Regarding City Council Seat Vacancies; Adding a New Section to Meridian City Code, Section 1-7-11, Regarding Meridian Districting Committee; City Council Districts; Adopting a Savings Clause; and Providing an Effective Date

FUTURE MEETING TOPICS

ADJOURNMENT



AGENDA ITEM

ITEM TOPIC: Public Hearing for Healthy Living Condominiums (SHP-2022-0001) by KM Engineering, LLP, Located at 5155 S. Hillsdale Ave.

A. Request: Short Plat to condominiumize portions of an existing building to create two (2) units for ownership purposes with five (5) limited common areas.



PUBLIC HEARING INFORMATION

Staff Contact: Sonya Allen

Meeting Date: March 1, 2022

Topic: **Public Hearing** for Healthy Living Condominiums (SHP-2022-0001) by KM Engineering, LLP, Located at 5155 S. Hillside Ave.

- A. Request: Short Plat to condominiumize portions of an existing building to create two (2) units for ownership purposes with five (5) limited common areas.

Information Resources:

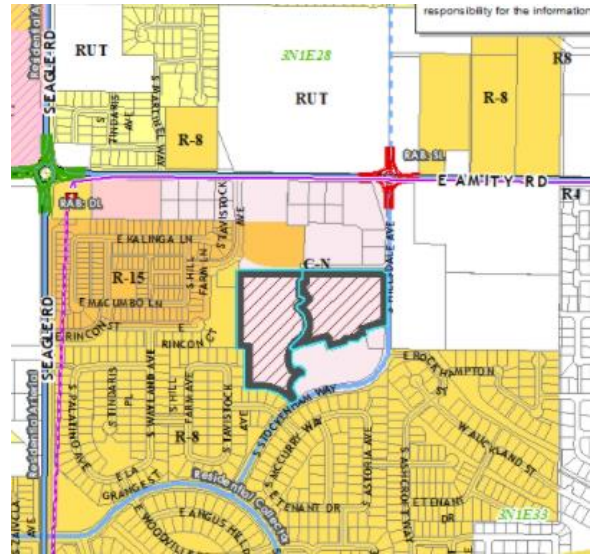
[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the Planning and Zoning Commission Public Hearing](#)

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/1/2022
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: SHP-2022-0001
 Healthy Living Condominiums No. 2
 LOCATION: 5155 S. Hillsdale Ave., located in the NW 1/4 of Section 33, T.3N. R.1E.



I. PROJECT DESCRIPTION

Short plat to condominiumize portions of an existing building to create two (2) units for ownership purposes with five (5) limited common areas, by KM Engineering, LLP.

II. APPLICANT INFORMATION

- A. Applicant:
 Nick Bruyn, KM Engineering, LLP – 5725 N. Discovery Way, Boise, ID 83713
- B. Owner:
 Young Men’s Christian Association of Boise City, Idaho – 1177 W. State St., Boise, ID 83702
- C. Representative:
 Same as Applicant

III. NOTICING

	City Council Posting Date
Legal notice published in newspaper	2/13/2022
Radius notice mailed to property owners within 500 feet	2/14/2022
Posted to Next Door	2/14/2022

IV. STAFF ANALYSIS

The Applicant proposes a re-subdivision of existing limited common areas (i.e. LC2 and LC3) of Healthy Living Condominiums ([H-2017-0075](#)). Portions of the existing limited common areas have been converted to tenant spaces resulting in the reduction and reconfiguration of limited common areas. The proposed short depicts subdivision of air space within an existing building on the YMCA property to create two (2) units (i.e. 8 and 9) for ownership purposes with five (5) limited common areas. In order to accommodate separate ownership and to delineate between limited common areas between the YMCA and St. Luke’s portions of the building, the air space in the existing structure is proposed to be condominiumized as shown on the short plat in Section VI.A.

Staff has reviewed the proposed short plat for substantial compliance with the criteria set forth in UDC 11-6B-5A.2 and deems the short plat to be in compliance with said requirements.

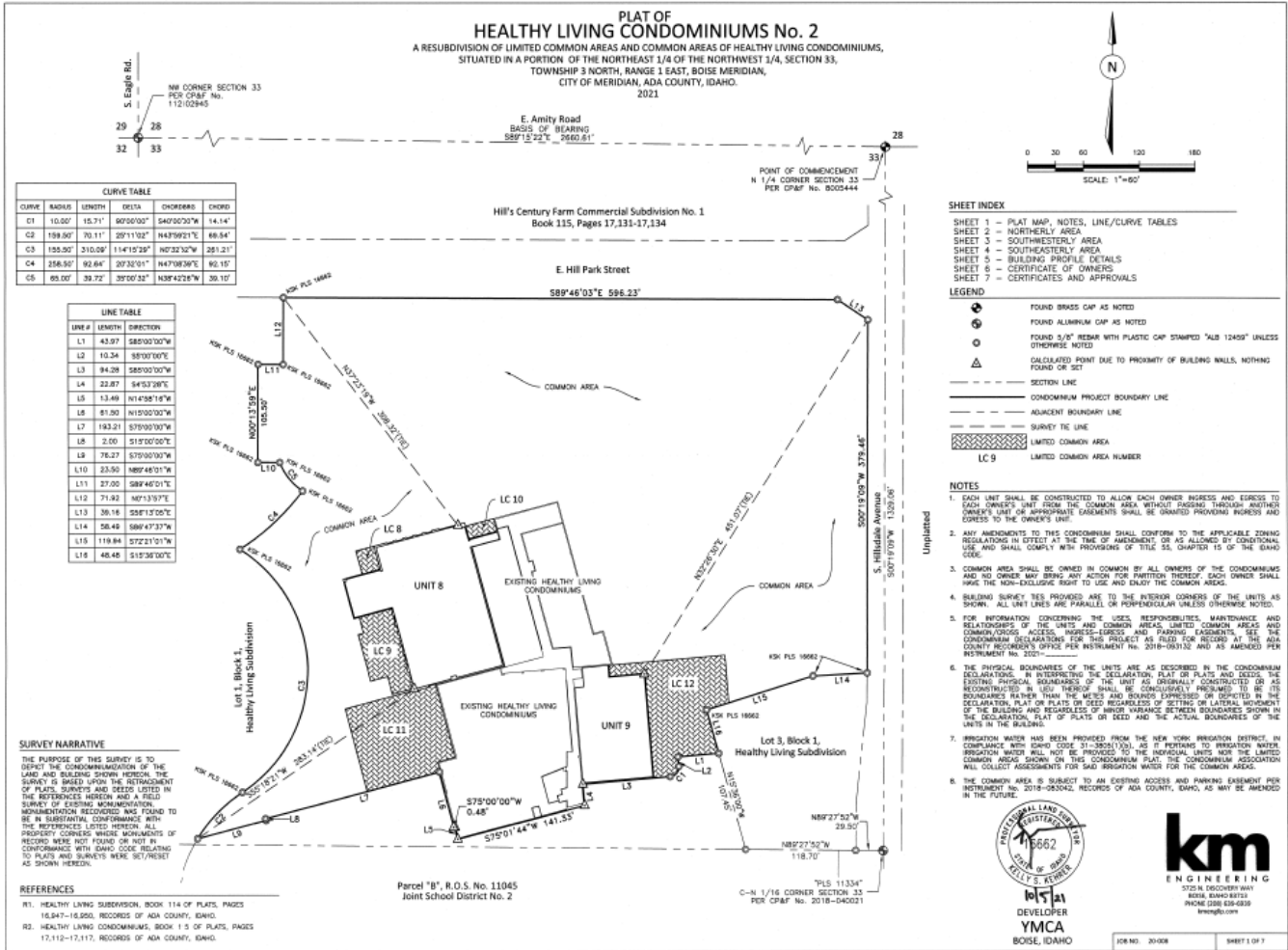
V. DECISION

Staff:

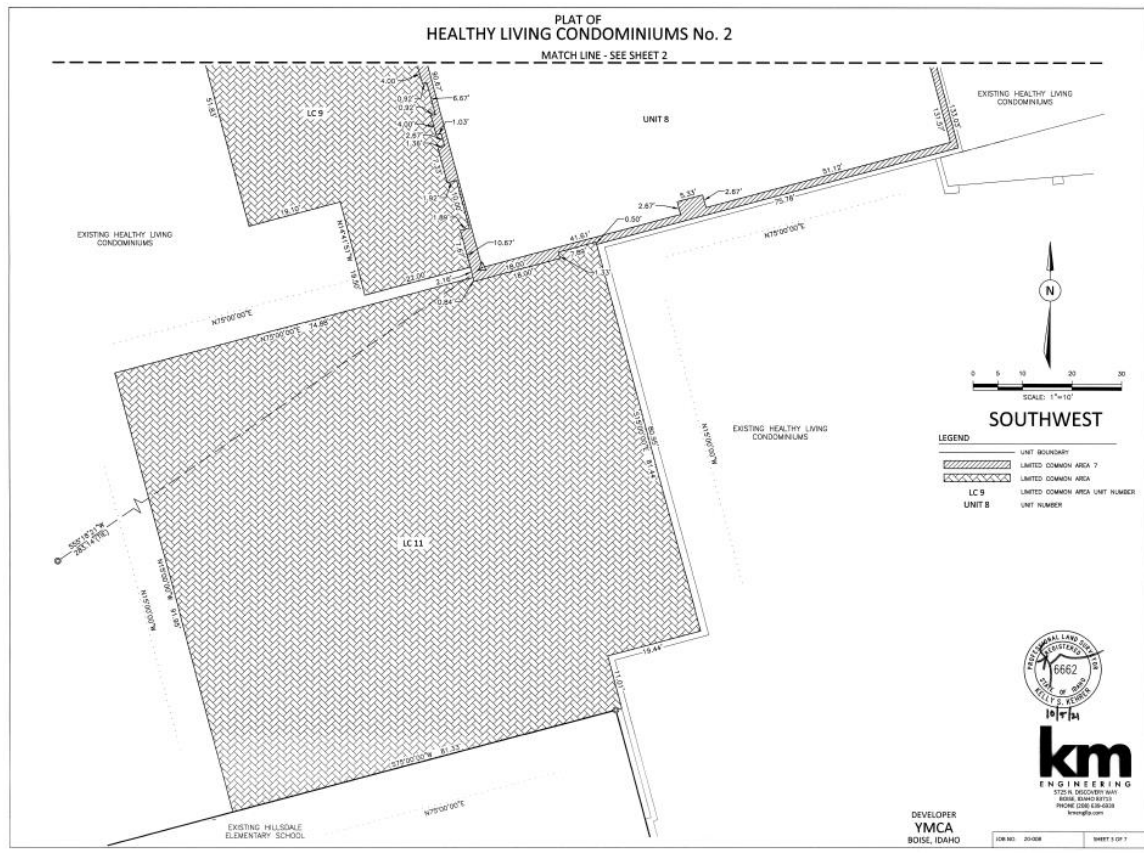
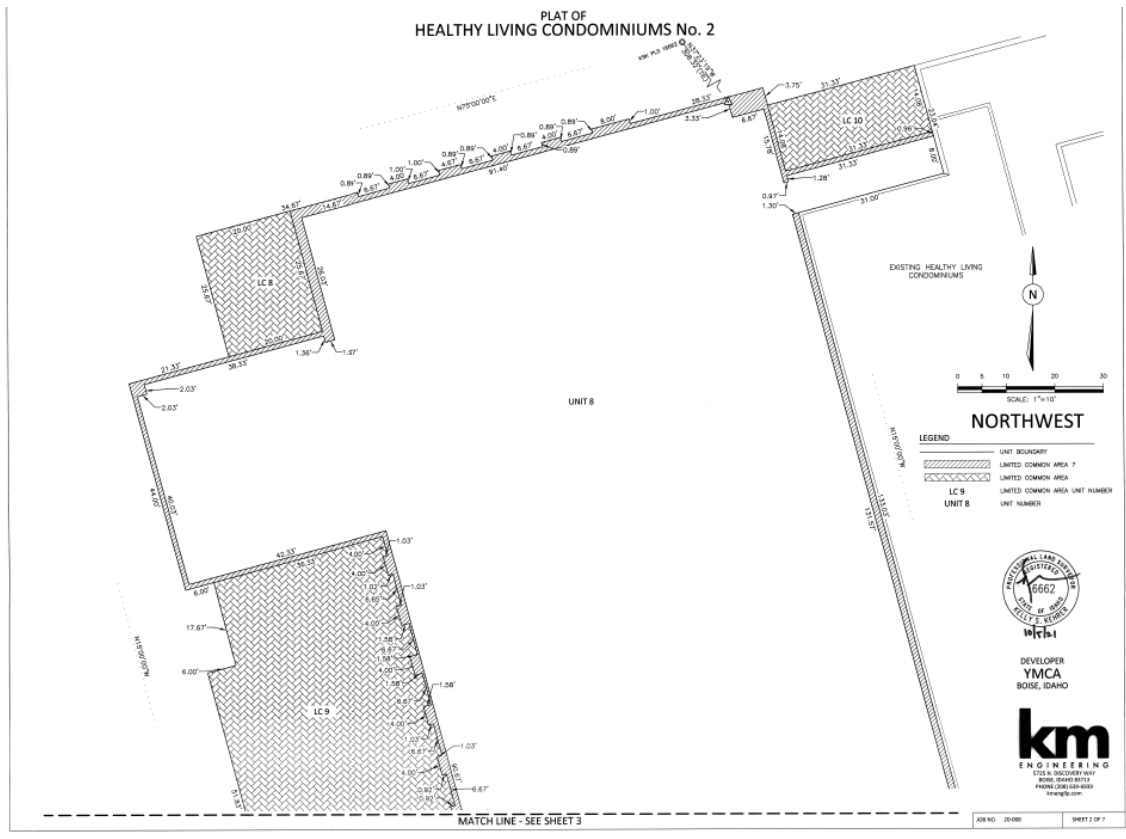
Staff recommends approval of the proposed short plat with the conditions noted in Section VII of this report and in accord with the findings in Section VIII.

VI. EXHIBITS

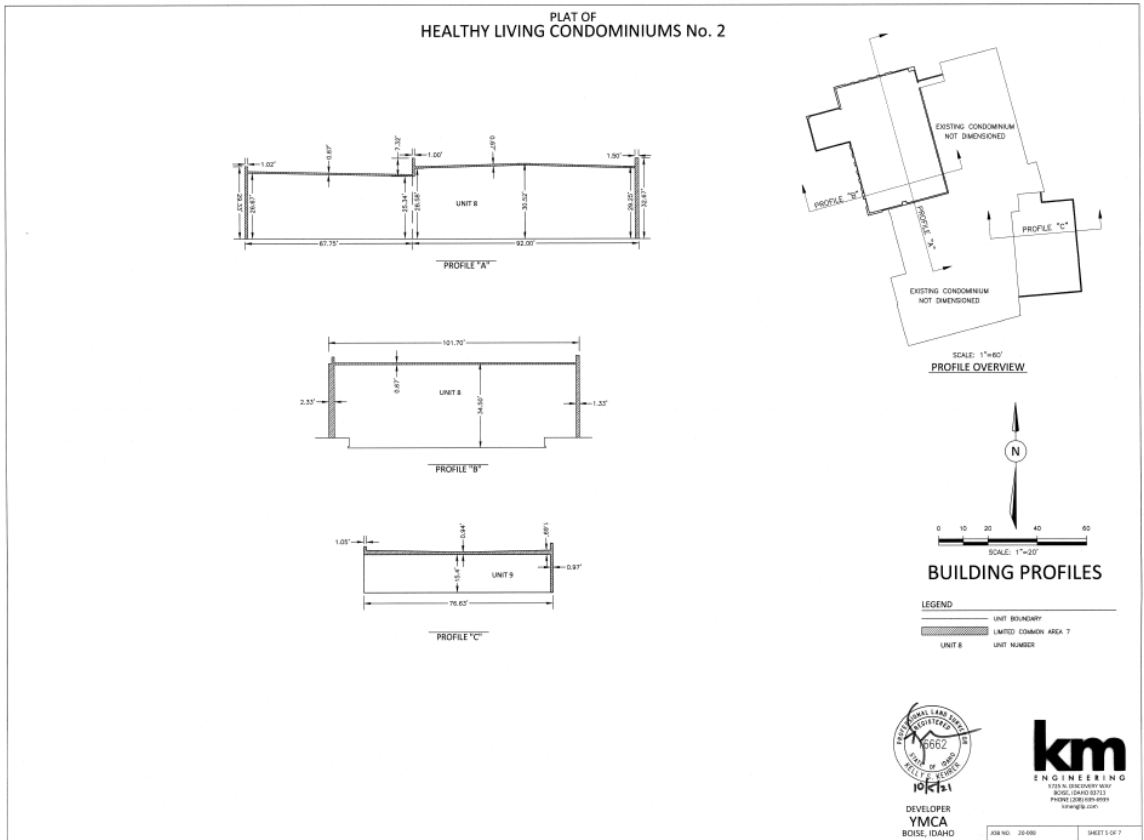
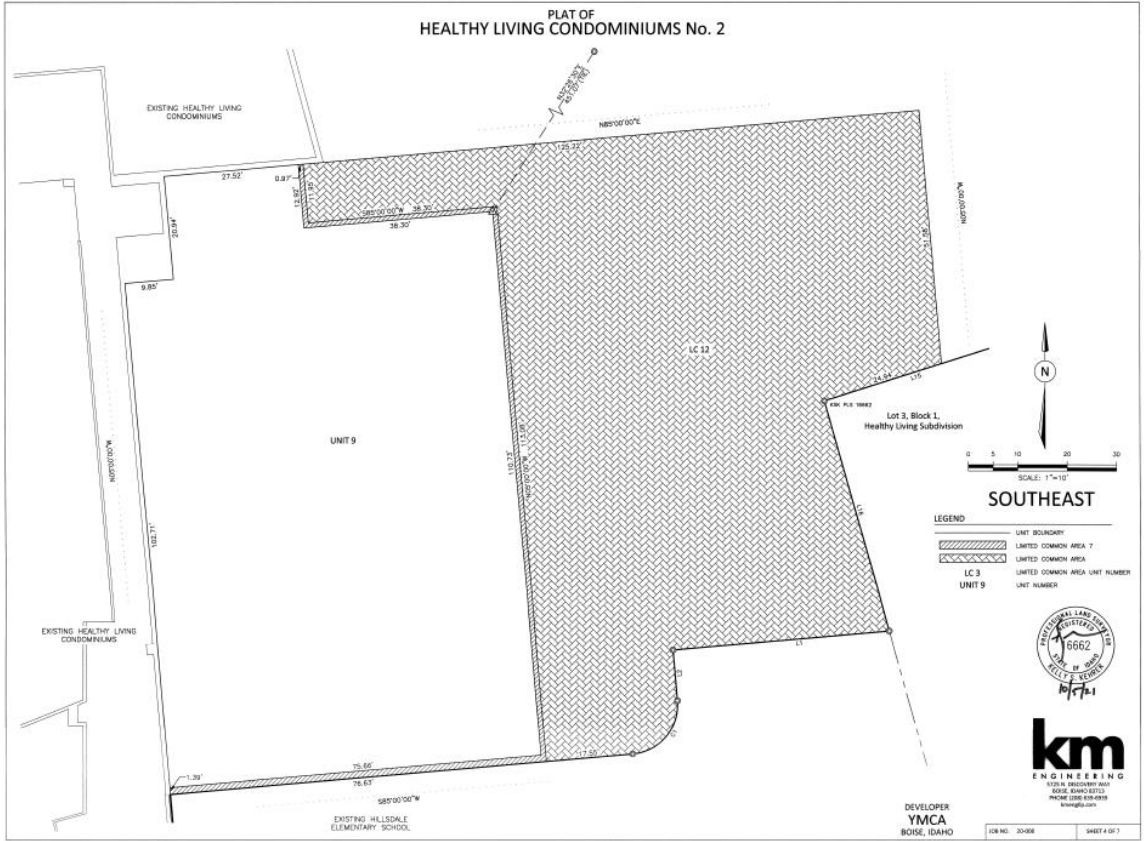
A. Short Plat (date: 10/5/2021)



Item #1.



Item #1.



VII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. Applicant shall meet all terms of the annexation & zoning and development agreement (AZ-14-012, Inst. #[2015-003138](#); PP-14-014; H-2017-0075) approved for this property.
2. The final plat prepared by KM Engineering, stamped on 5/11/2017 by Kelly S. Kehrer, shall be revised as follows:
 - a. Note #5: Include the recorded instrument number for the amended declarations.
3. If the City Engineer's signature has not been obtained within two (2) years of the City Council's approval of the short plat, the short plat shall become null and void unless a time extension is obtained, per UDC [11-6B-7](#).
4. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized, as well as the signatures of the Ada County Highway District and the Central District Health Department.
5. Staff's failure to cite specific ordinance provisions or conditions from the previous approvals noted above does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

1. There are no new changes to the domestic water or wastewater infrastructure serving this development. The City will not bill individual condos owners for water and sewer usage. There will be a single bill to the HOA, and it is the HOA's responsibility to bill tenants.

General Conditions:

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
 9. 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.
 10. 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.
 11. 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.
 12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
 13. Developer shall coordinate mailbox locations with the Meridian Post Office.
 14. All grading of the site shall be performed in conformance with MCC 11-1-4B.
 15. 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.
 16. 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.
 17. 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.
 18. 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.
 19. 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.

- 20. 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.
- 21. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 22. 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.
- 23. 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.
- 24. 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.
- 25. 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.

VIII. REQUIRED FINDINGS FROM THE UNIFIED DEVELOPMENT CODE

In consideration of a short plat, the decision-making body shall make the following findings:

A. The plat is in conformance with the Comprehensive Plan and is consistent with the Unified Development Code;

The Comprehensive Plan designates the future land use of this property as Mixed Use - Neighborhood. The current zoning district of the site is C-N. The City Council finds the proposed short plat complies with the Comprehensive Plan and the dimensional standards in the UDC for the C-N district.

B. Public services are available or can be made available and are adequate to accommodate the proposed development;

Staff finds that public services are adequate to serve the site.

C. The plat is in conformance with scheduled public improvements in accord with the City's capital improvements program;

Staff finds that the development will not require the expenditure of capital improvement funds. All required utilities are being provided with the development of the property at the developer's expense.

D. There is public financial capability of supporting services for the proposed development;

Staff finds that the development will not require major expenditures for providing supporting services. Sewer, water, utilities and pressurized irrigation already serve the project.

E. The development will not be detrimental to the public health, safety or general welfare; and

Staff finds the proposed short plat to condominiumize the existing structure will not be detrimental to the public health, safety or general welfare.

F. The development preserves significant natural, scenic or historic features.

Staff is not aware of any significant natural, scenic or historic features associated with short platting the structure on this site.



AGENDA ITEM

ITEM TOPIC: Public Hearing Continued from December 21, 2021 for Black Cat Industrial Project (H-2021-0064) by Will Goede of Sawtooth Development Group, LLC, Located at 350, 745, 935, and 955 S. Black Cat Rd. and Parcel S1216131860.

A. Request: Annexation of 130.19 acres of land with R-15 and I-L zoning districts.



PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: March 1, 2022

Topic: **Public Hearing** Continued from December 21, 2021 for Black Cat Industrial Project (H-2021-0064) by Will Goede of Sawtooth Development Group, LLC, Located at 350, 745, 935, and 955 S. Black Cat Rd. and Parcel S1216131860.

A. Request: Annexation of 130.19 acres of land with R-15 and I-L zoning districts.

Information Resources:

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 12/21/2021
 TO: Mayor & City Council
 FROM: Alan Tiefenbach
 208-884-5533
 SUBJECT: H-2021-0064
 Black Cat Industrial
 LOCATION: The site is located at 350, 745, 935, and 955 S. Black Cat Road and Parcel S1216131860



I. PROJECT DESCRIPTION

Annexation of 129.21 acres of land with the I-L zoning districts to allow industrial development. This application also includes a proposal to annex a 0.98-acre property with the R-15 zone district to provide the required annexation path.

NOTE: Staff has met with the applicant numerous times to discuss this project. Staff has expressed many concerns including the lack of compliance with the Ten Mile Interchange Specific Area Plan (TMISAP) in both use and design, potential traffic impacts, probability of low job generation, and whether the timing is right for a development of this magnitude in this location when other properties on the east side of N. Black Cat Road have not fully built out as approved.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	130.2 acres	
Future Land Use Designation	Medium High Density Residential for the 0.98-acre parcel to the east, Mixed Employment and Low-Density Employment for the 129 acres to the west.	
Existing Land Use(s)	Vacant and Single Family Residential	
Proposed Land Use(s)	Industrial business complex	
Lots (# and type; bldg./common)	5 existing lots, no platting proposed with this application	
Phasing Plan (# of phases)	Phase Plan indicates 3 phases	
Number of Residential Units (type of units)	One single family residence being retained.	

Description	Details	Page
Density (gross & net)	N/A	
Physical Features (waterways, hazards, flood plain, hillside)	The Rosenlof Drain is indicated along the northern property line, but not on the subject property.	
Neighborhood meeting date; # of attendees:	August, 9, 2021, 22 attendees including the applicants	

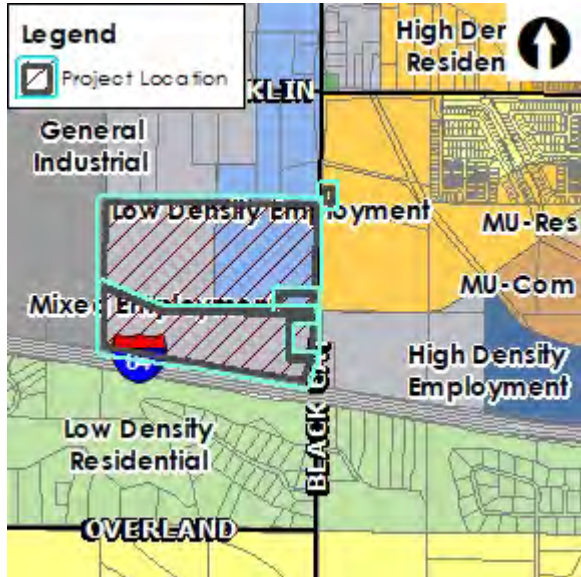
B. Community Metrics

Description	Details	Page
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>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	S. Black Cat Rd. is existing, concept plan indicates east-west collector through the middle of the site, and new north-south collector at west property line.	
Traffic Level of Service	Better than "E".	
Stub Street/Interconnectivity/Cross Access	East west collector bisecting the property, and a north-south collector running along western property line proposed.	
Existing Road Network	S. Black Cat Rd and W. Franklin Rd	
Existing Arterial Sidewalks / Buffers	There are no existing buffers or sidewalks along S. Black Cat Rd.	
Proposed Road Improvements	Applicant would be required to improve S. Black Cat Rd with 17 feet of pavement and curb, gutter and sidewalk. Applicant would also be required to construct two east-west collectors (one through the middle of the site, one along the northern property line, and one north-south collector along the western property line.	
Fire Service		
<ul style="list-style-type: none"> Fire Response Time Comments 	<ul style="list-style-type: none"> Project can be served, but will be out of 5-minute response time. Station 6 is closest at about 6 to 7 minutes away. All buildings will be sprinklered and may need fire pumps to meet fire flow. The entire project will require secondary access that meets the 2018 IFC. The proposed fire station property is in a good location for the MFD future station areas, but at this time there is no avenue to trade the property for impact fees. The city would need to purchase the property outright. 	
Police Service		
	No comments	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services Sewer Shed WRRF Declining Balance Project Consistent with WW Master Plan/Facility Plan Issues / Comments 	<p>Directly Adjacent</p> <p>South Black Cat Trunkshed</p> <p>14.21</p> <p>Yes</p> <ul style="list-style-type: none"> Flow is committed. 	

Description	Details	Page
	<p>Public works is okay with the building up of the site to accommodate sewer as long as surface slopes are no more than 3:1 All drainage is retained onsite.</p> <ul style="list-style-type: none"> • There are multiple 8" lines without easements. Easements must be provided for 8" mains, however, based off flows these could be decreased to 6" service lines. • Ensure no sewer services pass through infiltration trenches. 	
Water		
<ul style="list-style-type: none"> • Distance to Water Services 	340 ft.	
<ul style="list-style-type: none"> • Pressure Zone 	1	
<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"> • Water will be provided initially from pressure zone 1, but will be from pressure zone 2 when development from the east connects. Pressure change will be approximately 22 psi higher. • Provide for water connections at future road connections to east and west (blind flange or stub to PL as appropriate). • Ensure adequate valving is provided to allow future pressure zone change. • Existing wells must be decommissioned according to IDWR rules which include employing methods to ensure grout fills the annular space outside of the well casing. Record of abandonment must be provided to the City prior to final plat signature. 	

Project Area Maps

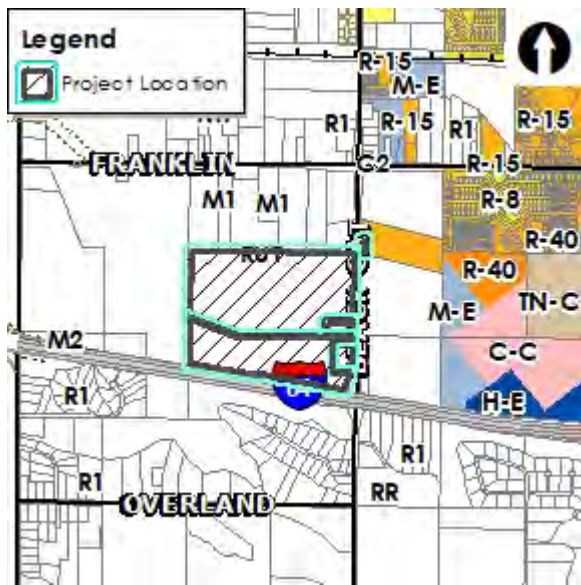
Future Land Use Map



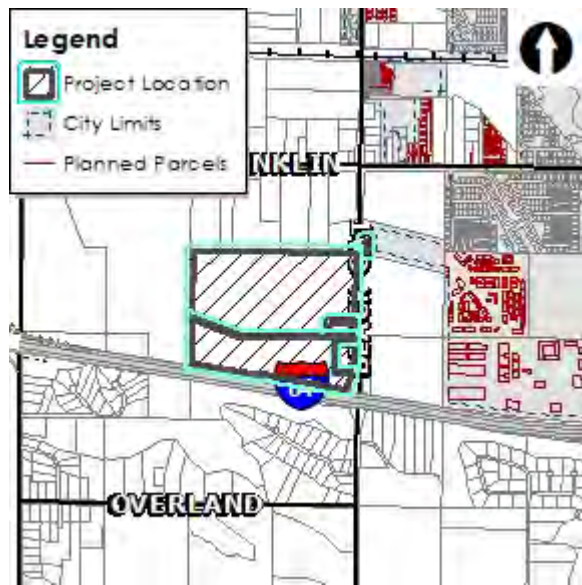
Aerial Map



Zoning Map



Planned Development Map



Applicant Information

A. Applicant / Owner:

Will Goede, Sawtooth Development – 371 N. Main St. Ste 201, Ketchum, ID 83340

B. Representative:

The Land Group – 462 E. Shore Dr, Ste 100, Eagle, ID 83616

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	11/2/2021	
Radius notification mailed to properties within 300 feet	10/28/2021	
Sign Posting	10/29/2021	12/2/2021
Nextdoor posting	10/28/2021	

IV. STAFF ANALYSIS

This is a proposal for annexation of 129.21 acres of land with the I-L zoning districts to allow an industrial development including 9 buildings ranging in size from 131,000 to 342,160 sq. ft. (Buildings A-J) and 7 smaller commercial buildings ranging in size between 6,800 to 33,600 sq. ft. (Buildings K1-M1). This application also proposes to annex an 0.98-acre property with the R-15 zoning district for the sole purpose of making this property contiguous with City limits in order to request annexation.

A. Annexation and Zoning

The applicant proposes to annex the 0.98-acre parcel with the R-15 zoning district in order to achieve the contiguity to be eligible to annex the 129.21 acres of property on the west side of S. Black Cat Rd. The applicant proposes to rezone the remaining 129.21 acres west of S. Black Cat Rd. to I-L (Light-Industrial). As is discussed below, staff does not support rezoning to I-L and finds M-E would be the appropriate zoning as indicated in the TMISAP. Staff does find the Plan supports rezoning the 0.98-acre parcel to R-15, although the applicant has not offered any additional details regarding future use of this property other than the existing residence will remain.

B. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

The subject properties are within the *Ten Mile Interchange Specific Area Plan (TMISAP)*. The Plan designates 745 S. Black Cat Road and the eastern half of Parcel # S1216131860 for Low Density Employment (Buildings K1-M1). The Plan designates the western half of Parcel #S1216131860, 935 S. Black Cat Rd and all of Parcel #S1216417365 for Mixed Employment (Buildings A-J). The property at 350 S. Black Cat Rd (east side of N. Black Cat Rd) is designated for High Density Residential (density range of 8 to 15 dwellings / acre).

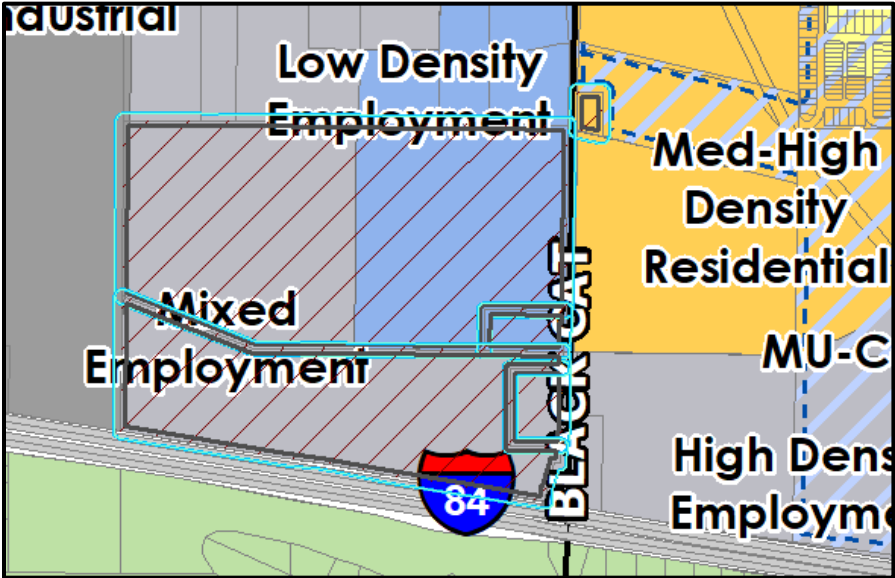
i. Low Density Employment

This use is defined by the TMISAP as low-rise office and specialized employment areas. Low Density Employment areas should provide a variety of flexible sites for professional offices and similar businesses. Low Density Employment areas should be designed with elements of Traditional Neighborhood Design. Design and development standards such as landscaping, pedestrian circulation and connection to open spaces, are recommended to help make developments more attractive, engaging and accessible places. Appropriate land uses include corporate and business offices as well as research facilities and laboratories.

ii. Mixed Employment

This use is described by the TMISAP as an area 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. Mixed Employment 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. Mixed density employment will accommodate a wide variety of employers and serve as a primary gateway to Meridian and Meridian’s prosperity.



Applicant’s proposal:

The applicant requests to annex and zone the 129.21 acres of property west of S. Black Cat Rd to I-L. The applicant requests to annex and zone the 0.98-acre parcel at 350 S. Black Cat Rd to R-15. The applicant’s narrative states their proposal meets the TMISAP intent of low-density employment and mixed employment areas as it would provide a variety of flexible sites and allow the larger double and single loaded light-industrial buildings to be divided into spaces as small as 18,000 square feet. The narrative states the Black Cat Business center would provide in-demand manufacturing, heavier office build-out, flex industrial and accessory retail, warehousing and distributing facilities in this region. It mentions the Mixed Employment designation in the TMISAP does list light industrial as one of the appropriate uses. Finally, the narrative notes the City of Meridian has less than a 1 percent vacancy rate for industrial business uses, and the Treasure Valley as a whole lags behind its peer markets.

The concept plan submitted by the applicant indicates 7 buildings ranging in size between 6,800 to 33,600 sq. ft directly adjacent to the west side of S. Black Cat Rd (Buildings K1-M1). The applicant’s narrative states that in this area the project includes flex incubator buildings which could be divided into spaces as small as 2,500 square feet. The applicant also proposes to set-aside an approximately 18,000 sq. ft. lot for a potential 10,000 sq. ft. fire/emergency services station.

On the remainder of the subject properties to the west, the concept plan reflects 9 very large buildings ranging in size from between 131,820 sq. ft. to 293,280 sq. ft. to a total of 1,897,480 sq. ft. (Buildings A-J). These buildings are oriented with one row north of a new collector and one row south of the new collector. The concept plan shows multiple loading bays on all buildings and a wide collector street to accommodate large truck traffic.

Staff Response:

Staff does not support annexation and zoning to I-L as I-L would allow uses not supported by the Plan in this area. Staff’s response to the applicant has been that the TMISAP vision for the area adjacent to I-84 is an employment district that will support the creation of more than 20,000 jobs offered by a wide variety of employers. It should serve as a primary gateway to Meridian and Meridian’s prosperity, and provide local employment to the large amount of new residential across S. Black Cat Rd to the east and W. Franklin Rd to the north and east. Staff notes the TMISAP states “the City knows that this is one of the last remaining large, contiguous areas of highly visible, easily accessible, and developable land within the City of Meridian’s Area of Impact.”

The applicant’s narrative mentions light industrial is listed as one of the appropriate uses in the Mixed Employment Plan Area. This is correct, **but the TMISAP refers to light industrial as manufacturing and assembly**, which is consistent with the definition of light industrial per UDC 11-1A-1. **Although the I-L Zoning District could allow numerous primary jobs, it also allows uses by right that would not be consistent with the goal for Mixed Employment per the TMISAP. This includes warehousing, distribution and self-storage, which typically does not produce a large number of primary jobs.** Other uses allowed by right which staff believes are not consistent with the Plan include contractor’s yards, equipment rental and sales, vehicle repair, and car dealerships. The plan designates these types of industrial uses to occur adjacent to W. McDermott Rd, further west of the subject property, away from the residential that is intended to develop across S. Black Cat Rd to the east.

Based on the concept plan that has been provided by the applicant, the majority of the plan suggests a warehouse and distribution / storage development. This is in contrast to the TMISAP vision for sense of place, traditional neighborhood design, streets designed to serve all users, and multi-story construction (although the smaller Buildings K1-M1 directly adjacent to S. Black Cat Rd, would be closer to the TMISAP vision).

Staff has recommended the applicant apply to rezone to Mixed Employment (M-E), which allows the mixture of office, research, specialized employment areas and the type of light industrial (manufacturing and assembly) which is intended for this area by the Plan. The applicant has elected to proceed with I-L zoning.

Staff agrees there may be a strong market demand for industrial uses, but the Plan specifically says the intent of the TMISAP is to create a place that will add to the long-term economic stability of the City of Meridian, not just respond to immediate market forces and trends (page 3-3).

C. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

- Focus on developing industries that exceed the living wage, such as technology, healthcare and other similar industries. (2.06.01E)

The TMISAP designates the subject property (except for 0.98-acre 350 S. Black Cat Rd) for low density and mixed employment. These areas are intended to capture full economic advantage of the Ten Mile interchange to enhance the long-term fiscal health of the City of Meridian and the Treasure Valley. Although annexing and zoning this area to I-L could create primary jobs as anticipated by the Plan, it could also allow uses such as distribution, warehousing and self-storage that would not create a significant amount of primary-wage jobs.

- Ensure that regulations and plans support and encourage desired development and land use patterns within the Area of City Impact. (3.01.01C)

*The TMISAP specifically targets the subject property to accommodate a wide variety of employers and serve as a primary gateway to Meridian and Meridian’s prosperity. There are additional design guidelines to create an environment that has a significant degree of coherence and continuity. **The annexation of the subject property for the industrial uses described by the narrative and depicted on the concept plan do not meet the intent of the Plan in both use and design. Also, the Community Planning Association of Southwest Idaho (COMPASS) has submitted a development review letter. The summary of the letter indicates that COMPASS finds the level of stress on the roads would be “R” (unsatisfactory), it would lead to further decrease in the jobs / housing balance, and is not within the ½ mile walkable distance preferred for transit and goods and services.***

- Evaluate development proposals based on consistency with the vision as well as physical, social, economic, environmental, and aesthetic criteria. (3.01.01D)

The TMISAP vision for this area is an employment-generating center that buffers the community from I-84 and the future extension of Highway 16, and serves the employment areas with easy access to markets, high-speed transportation facilities, and employees across the Treasure Valley. The TMISAP contains additional design standards for this area to create a sense of place and a unique identity. The proposed annexation and zoning to I-L to allow an industrial development of large distribution-style warehouses bisected by a wide collector road to facilitate freight traffic is not consistent with the Plan vision or the design for this area.

- Promote Ten Mile, Downtown, and The Village as centers of activity and growth. (2.09.03B)

As already mentioned, the TMISAP designates this area for an employment center for the local population in close proximity to nearby residences. Rezoning to I-L to allow a distribution and warehousing development would provide growth, but not the type anticipated by the Plan.

Establish distinct, engaging identities within commercial and mixed-use centers through design standards. (2.09.03A)

The Ten Mile Interchange Specific Area Plan focuses on developing an area that has an identity of its own, but which links to the nearby development. The current application could allow numerous uses not desired by the Plan, with monotonous architecture and design not consistent with the design guidelines. This does not further the intent of the Plan to create a unique sense of place.

- 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)

*This applicant proposes to annex 129 acres of undeveloped property which is surrounded by unincorporated land on all sides except at the northeast corner, in which the 0.98-acre parcel is being annexed in order to achieve the required contiguity. Further, much of the property to the east is not annexed or annexed with development agreements, but not built-out to their full capacity, further exacerbating the strain on the transportation network in the area. Full impacts on the transportation system will not be known with this development until the applicant completes a traffic study for ACHD to review and approve. **There are no anticipated improvements to S. Black Cat Rd and W. Franklin Rd in the short term, and the closest water and sewer connection is approximately 340 feet to the north of the property. This would be considered disorderly and fringe development.***

D. Existing Structures/Site Improvements:

The majority of the property is vacant, except there is single family and agricultural development located at 935 and 745 S. Black Cat Rd. If these properties were rezoned to I-L, the residential and agricultural buildings should be removed.

E. Proposed Use Analysis:

The applicant proposes to zone to I-L. As mentioned above, staff believes the I-L district allows uses by-right which are not consistent with the high employment-generating uses intended for this area by the Plan, and the concept plan suggests a distribution and warehousing (or self-storage) development. **Staff finds Mixed Employment (M-E) is the zone district which is more consistent with the TMISAP for this area.**

Staff believes the proposal to annex and zone 350 S. Black Cat Rd to R-15 would generally be consistent with the Medium High-Density Residential designation of the TMISAP. The applicant has not submitted any additional information for this property other than annexation of this property is necessary for the remaining 129.21 acres to be eligible for annexation. If the subject annexation is approved, the existing residence would need to connect to City services.

F. Specific Use Standards (*UDC 11-4-3*):

UDC 11-4-3-25 (Industry, light and heavy) requires all shipping and delivery and outdoor activity areas to be at least 300 ft. from any abutting residential district. Applications should identify how proposed use will address impacts of noise and other emissions on residential districts.

The concept plan shows the outdoor loading and activity areas are at least 300 ft. from the adjacent residential district to the east. The applicant does not provide an explanation regarding potential impacts and / or how they would be mitigated.

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

The I-L zoning district requires a 35' street setback, 20' landscape buffer along collector streets, 25' wide buffer along arterial streets, and allows height up to 50'. The concept plan and elevations submitted appear to meet these requirements.

The TMISAP introduces basic rules of good design. This includes buildings built to public rights-of-way, easy pedestrian access, narrow streets to slow traffic, and the facades of larger commercial buildings being broken down into short frontages with "big boxes" being wrapped in smaller commercial, residential, and office uses.

With some revisions, staff believes Buildings K1-M1 as shown on the concept plan could mostly reflect these principles, although the buildings are oriented around a central parking lot rather than a courtyard. Also, the TMISAP mentions building frontages, rather than surface parking lots and landscaped areas, should "hold the corners" by framing sidewalks or public spaces whereas the entrance of this development from S. Black Cat Rd consists of landscaping and parking lots with building maintaining larger setbacks.

The larger buildings A-J are oriented to a wide collector street, have larger front setbacks, have single building frontages between 180 ft. and 470 ft. in length, and are not broken down or wrapped with smaller buildings. Staff does not believe this encapsulates the TMISAP principals for design envisioned for this area and is skeptical the concept plan could be designed to meet these principles for the use as proposed. **The City Council should decide whether this type of industrial use is appropriate in this area.**

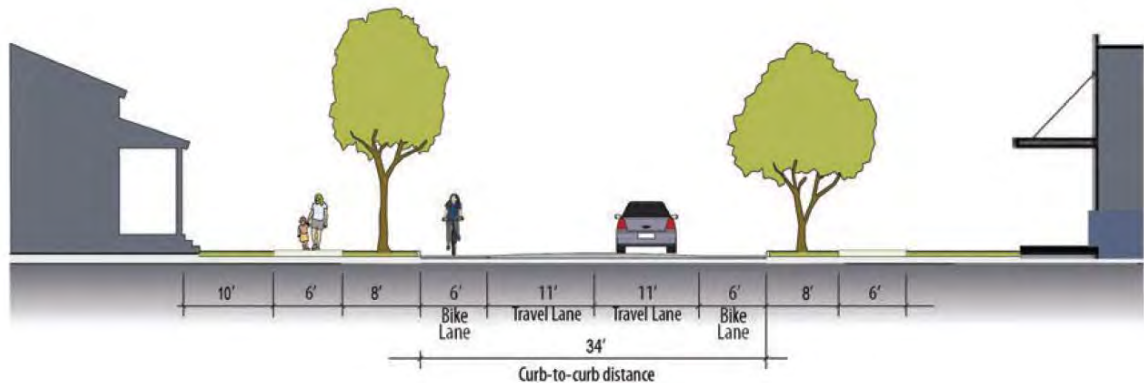
H. Access (*UDC 11-3A-3, 11-3H-4*):

W. Franklin Rd west of the subject property is presently 2 lanes with no curb, gutter or sidewalk, and narrows to one lane west of S. Black Cat Rd. S. Black Cat Rd. is presently 2 lanes with no curb, gutter or sidewalk. The ACHD Capital Improvements Integrated Five Year Work Plan (IFYWP) shows the intersection of Franklin Road and McDermott Road to be constructed as a multi-lane roundabout sometime after 2026. Black Cat Rd is listed to be widened to 5 lanes between W. Overland Rd. to W. Franklin Road in 2036 to 2040. W. Franklin Rd. is planned to be widened to 5 lanes between W. McDermott Rd and S. Black Cat Rd from 2026 to 2030. W. Franklin Rd is eventually intended to connect to SH 16 by a signalized intersection.

The TMISAP Transportation System Map shows a new collector street bisecting the property east to west and a new north-south collector street at the western property line (page 3-18). The TMISAP notes the primary purpose of the collector is to serve short length neighborhood trips and to channel traffic from local streets and abutting properties to minor and principal arterials (page 3-19).

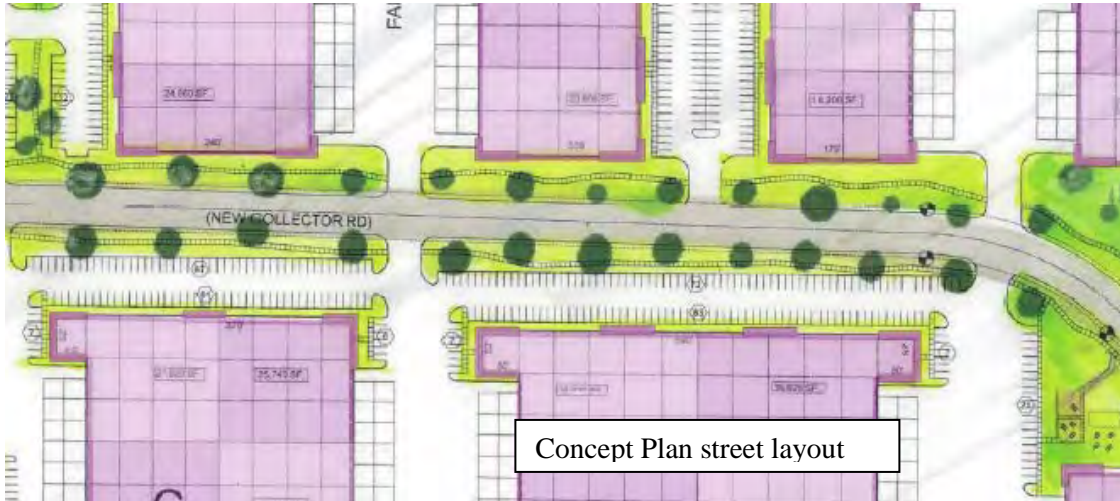


The TMISAP Street Section Map designates new collectors in this area to be Street Section C (page 3-20). Section C represents the major collector streets to provide access from adjacent arterial streets into the employment areas. Street Section C (below) includes 11 ft. wide travel lanes, 6 ft. wide bike lanes, 8 ft. wide carriage strips, 6 ft. wide sidewalks and approximately 10 ft. setback from the back of detached sidewalks to the building wall (to a total width of 68'). This is consistent with the “complete street” concept discussed by the TMISAP to provide a street that works for motorists, bus riders, bicyclists, and pedestrians, including people with disabilities and to provide traffic calming.



The concept plan provided by the applicant reflects the east-west collector bisecting the site to be 60' wide with all of this being travel lanes, and detached pathways and landscaping outside of the 60' of travel lanes. Rather than on-street parking, there are several rows of parking between building fronts and the road. Page 7 of the narrative states that the “new collector road bisecting

the development site will “provide easy freight access to the project” which is indicative of a typical industrial development. This is not consistent with the mixed employment area and with the street design principals on Page 3-20 of the TMISAP which state that “streets should be designed and sized to optimize pedestrian comfort and to facilitate slow-moving vehicular traffic.”



In addition to the collectors shown on the TMISAP Transportation System Map, the TMISAP Land Use Map (Page 3-16) shows a desired local street bisecting the site north to south. Also, ACHD has commented a third collector street is required along the Rosenlof Drain, at the northern perimeter of the property (the local street would connect the two east-west collectors). Although staff has mentioned to the applicant to provide this north-south local street, this connectivity is not provided on the concept plan. The northernmost collector as required by ACHD is also not shown.

A traffic impact study is not a required item for an annexation application. However, staff notes this application proposes almost 2 million sq. ft. of new commercial or industrial square footage. Although the immediate area is mostly undeveloped, there is a significant amount of development in the vicinity which can be or has already been built, has been approved, or is in the development application stage. This includes 330 single family lots and 240 apartments in the Braya Subdivision across S. Black Cat Rd. to the east, and the large amount of commercial and residential development occurring at the 10 at Meridian, Vanguard Village, Ten Mile Crossing and TM Creek Crossing developments on both sides of N. Ten Mile Rd. south of W. Franklin Rd. Staff has mentioned to the applicant that the traffic impacts of nearby development already entitled have yet to be realized, there are no anticipated road improvements to W. Franklin Rd and S. Ten Mile Rd. in this area in the short term, and has expressed concerns regarding how the impacts of 2 million square footage of new industrial would affect the road network. The applicant has not provided any additional analysis.

I. Parking (UDC 11-3C):

UDC 11-3C-6 requires one space for every two thousand sq. ft. of gross floor area in industrial districts. With Buildings A-J listed on the concept plan as comprising 1,900,000 sq. ft. +/-, this amounts to 950 parking spaces, whereas based on the numbers given on the concept plan, the number of parking spaces provided well exceeds this requirement. Future planning land use applications will determine the required number of parking spaces for all uses.

The TMISAP encourages on-street parking throughout the Ten Mile Interchange Area where appropriate. Not only does on-street parking significantly add to the supply of needed parking

spaces, it provides an additional layer of physical and psychological separation between cars moving along the street and pedestrians, shoppers, diners and others on the sidewalks. Parking lots should not dominate the frontage of pedestrian-oriented streets or interrupt key pedestrian routes. Ideally, parking lots should be located behind or underneath buildings or within the interior of blocks. Less ideally, lots can be located beside the structures they serve. All parking lots visible from public thoroughfares should be screened by plantings or walls or a combination of the two. (page 3-26).

As mentioned in the access section above, the concept plan reflects a wide collector street designed for truck traffic with no on-street parking. The majority of parking is provided to the side of Buildings A-J, but there are two rows of parking between Buildings G, H and the collector street. There is also a parking lot directly adjacent to S. Black Cat Rd south of Building M1, and Buildings L2 and L3 are oriented around a central parking lot which is adjacent to S. Black Cat Rd and parking. This is not consistent with the Traditional Neighborhood Design principles of the TMISAP which would support buildings oriented around a plaza, open space or courtyard and buildings rather than landscaping or parking “holding the corners.”

J. Pathways (*UDC 11-3A-8*):

The Pathways Master Plan (PMP) reflects a 10 ft. wide multiuse pathway aligned east-west at the southern perimeter of the site, adjacent to I-84. The concept plan indicates a 10’ wide pathway along the southern perimeter of the site in the general location of the alignment shown on the PMP. It does appear the required 5 ft. wide landscape strip is provided along both sides of the pathway except near the southwest portion of the site.

K. Sidewalks (*UDC 11-3A-17*):

The concept plan indicates detached sidewalks of an unspecified width paralleling the new collector street on both sides, along S. Black Cat Rd., along the western property line, and along landscaped islands running north-south between Buildings K1-M1 and Buildings A-J. Landscaping and / or parkways of an unspecified width are provided on both sides of the detached sidewalks. The sidewalks do provide connectivity throughout the development and to adjacent properties to the north and south. As mentioned in the access section above, the sidewalks are not consistent with Street Section C as it is reflected in the TMISAP. Instead of being components of a walkable street section, they run along a series of parking lots and drive aisles, consistent with what would be expected in a large industrial development.

L. Parkways (*UDC 11-3A-17*):

UDC 11-3A-17 requires parkways of a minimum width of 8 feet. It does appear parkways are incorporated into both sides of all detached sidewalks, although the width of these parkways is not provided.

M. Landscaping (*UDC 11-3B*):

A 50 ft. buffer is required along I-84, a 20-foot wide landscape buffer is required adjacent to collector streets, and a 25-foot wide buffer required adjacent to arterial streets (S. Black Cat Rd). UDC 11-3B-8 has landscape requirements for parking lots including 5 ft. perimeter streets and islands of at least 50 sq. ft. per every 12 parking spaces. The concept plan as submitted does appear to show the minimum landscape requirements are met, although as mentioned in the access section, the proposed collector streets do not appear to meet the Street Section C requirements as mentioned in the access section above. Landscaping requirements would be analyzed with future development.

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

As the development is proposed to be an industrial development, it is not subject to the qualified open space requirements of UDC 11-3G. However, the concept plan does indicate small parks on either side of the collector at the entrance of the development near where it connects to S. Black Cat Rd. Staff does believe this is a nice amenity, although the TMISAP notes that care must be taken to ensure that the programming and use of the space is not disrupted by vehicular traffic (page 3-43).

O. Utilities

Connection to City water and sewer services is required in accord with UDC 11- 3A- 21. Water and sewer are available in S. Black Cat approximately 340 feet north of the property. The applicant will be required to extend the sewer main and provide a connection for the properties across S. Black Cat to the east and south. The applicant will be required to extend the water main, stub the water line at the west property line and loop the line to the north to W. Franklin Rd. Street lighting is required to be installed in accord with the City' s adopted standards, specifications and ordinances and the TMISAP. See Section VIII.B below for Public Works comments/ conditions.

P. Architecture (*UDC 11-3A-19* | *Architectural Standards Manual*):

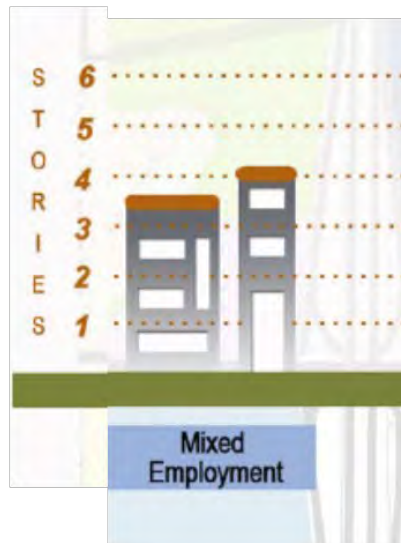
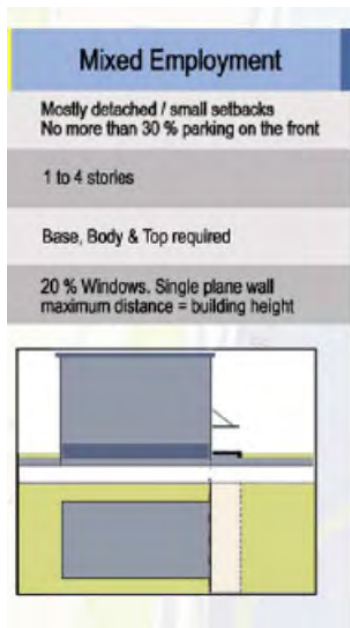
The Architectural Standards Manual (ASM) has specific requirements for industrial developments. Building design should address scale, mass, form, and use a variety of materials and architectural features to ensure an aesthetic contribution compatible with surrounding buildings. There should be modulation in surface plane at no less than 50 ft. intervals. Developments should consider the scale of surrounding buildings. There should be at least 2 pedestrian-scale architectural features, physical distinctions to anchor the building. There should be at least two different field materials, with at least one accent material.

The Design Section of the TMISAP is intended to serve as the basic framework on any given project within the Ten Mile Interchange Area and the basis for development of future design guidelines. Guidelines include the primary façades always including entries into buildings, being faced toward the streets, and entries being located so as to provide direct access from adjacent public spaces, primary streets and activity areas. In the low-density employment and mixed employment areas, low rise buildings of 2-4 stories with shallow setbacks are recommended over much of the area (page 3-38). At least 40% of the linear dimension of the street level frontages shall be in windows or doorways, and buildings should have three separate components – base, body and top. Page 1-3 of the TMISAP contains photographs and design graphics to illustrate the architectural character desired in the Low Density and Mixed Employment Areas.



Low Density Employment

Mixed Employment



The concept elevations provided by the applicant reflect large one-story industrial buildings (with higher ceilings and upper windows to appear as two-story) comprised of tilt-up concrete, CMU, moderate to large setbacks from the street, and frontages with less than the 20% required windows along the streets. Primary entrances are oriented inward toward the parking lots rather than toward the street. The applicant’s narrative states that due to security and visibility concerns, the light industrial use of the buildings does not support windows across the entire frontage. As an alternative, they propose enhanced glazing at corner entry elements as shown in the renderings.

Staff notes design can be addressed during the time of the Certificate of Zoning Compliance (CZC). However, due to the proposed use it is unlikely the applicant’s proposal as submitted could meet all the design requirements of TMISAP for Low Density and Mixed Employment in this area (such as variation in building height, orientation of primary frontages and massing and ground floor transparency). This proposal is for a large industrial complex with a concept plan suggesting warehousing, storage and / or distribution which would be challenging to design as the TMISAP discusses. **The Planning Commission and City Council should discuss whether the I-L zone district, and the uses that would be allowed, is appropriate in this location.**

V. DECISION

A. Staff:

Staff recommends **DENIAL** of the requested annexation and zoning to I-L and R-15 based on the Findings in section IX.

B. The Meridian Planning & Zoning Commission heard this item on November 18, 2021. At the public hearing, the Commission moved to recommend DENIAL of the subject annexation request.

1. Summary of the Commission public hearing:

- a. In favor: Deb Nelson, Mark Bottles
- b. In opposition: None
- c. Commenting: Deb Nelson and Mark Bottles
- d. Written testimony: Jim and Julie Olsen
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Traffic Impacts
- b. One citizen stated that many of the projected traffic improvements in this area are being removed due to lack of funding.

3. Key issue(s) of discussion by Commission:

- a. Asked applicant why I-L zoning was being requested and why M-E would not work.
- b. One Commissioner commented that although this was designated as employment center, jobs create more traffic.
- c. Commission voiced concern that the 0.96-acre parcel being annexed was only part of this proposal to make it eligible for annexation.
- d. Mentioned there is a lack of infrastructure, traffic was already an issue and this proposal seemed premature.

4. Commission change(s) to Staff recommendation:

- a. None

VI. EXHIBITS

A. Proposed Concept Plan (date: 10/14/2021) (NOT APPROVED)



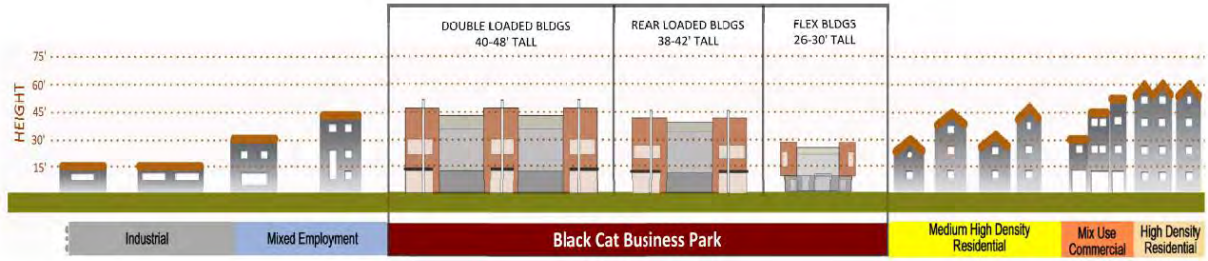
B. Axonometric Views (date: 10/14/2021)



C. Building Elevations (date: 10/14/2021)



D. Building Heights Graphic (date 10/14/201)



E. Annexation Legal Descriptions and Exhibit Maps

September 10, 2021
Project No. 121102

EXHIBIT A

**BLACK CAT ROAD - CHESTER PARCEL
ANNEXATION DESCRIPTION**

A parcel of land located in the East Half of Section 16, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the Section Corner common to Sections 9, 10, 15 and 16 of said Township 3 North, Range 1 West, (from which point the North One Quarter Corner of said Section 16 bears North 89° 24' 22" West, 2641.42 feet distant);

Thence from said Section Corner, South 00° 43' 09" West, a distance of 1328.57 feet on the East line of said Section 16 to the North 1/16th Corner common to said Sections 15 and 16, said point being the POINT OF BEGINNING;

Thence South 00° 43' 09" West, a distance of 1328.69 feet on the East line of said Section 16 to the East One Quarter Corner of said Section 16;

Thence South 00° 43' 07" West, a distance of 1014.37 feet on the East line of said Section 16 to a point on the centerline of Interstate I-84;

Thence North 80° 32' 51" West, a distance of 2658.94 feet on the centerline of Interstate I-84 to a point on the north-south mid-section line of said Section 16;

Thence North 00° 29' 23" East, a distance of 606.72 feet on the north-south mid-section line of said Section 16 to the Center Quarter Corner of Section 16;

Thence North 00° 29' 04" East, a distance of 1327.72 feet on the north-south mid-section line of said Section 16 to the Center-North 1/16th Corner of said Section 16;

Thence South 89° 23' 16" East, a distance of 2635.98 feet on the east-west 1/16th line of the Northwest Quarter of said Section 16 to the POINT OF BEGINNING.

The above described parcel contains 129.21 acres more or less.

PREPARED BY:
THE LAND GROUP, INC.

James R. Washburn





September 10, 2021
Project No. 121102

EXHIBIT A

BLACK CAT ROAD - CHESTER PARCEL
ANNEXATION DESCRIPTION

A parcel of land located in the East Half of Section 16, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

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Thence from said Section Corner, South 00° 43' 09" West, a distance of 1328.57 feet on the East line of said Section 16 to the North 1/16th Corner common to said Sections 15 and 16, said point being the POINT OF BEGINNING;

Thence South 00° 43' 09" West, a distance of 1328.69 feet on the East line of said Section 16 to the East One Quarter Corner of said Section 16;

Thence South 00° 43' 07" West, a distance of 1014.37 feet on the East line of said Section 16 to a point on the centerline of Interstate I-84;

Thence North 80° 32' 51" West, a distance of 2658.94 feet on the centerline of Interstate I-84 to a point on the north-south mid-section line of said Section 16;

Thence North 00° 29' 23" East, a distance of 606.72 feet on the north-south mid-section line of said Section 16 to the Center Quarter Corner of Section 16;

Thence North 00° 29' 04" East, a distance of 1327.72 feet on the north-south mid-section line of said Section 16 to the Center-North 1/16th Corner of said Section 16;

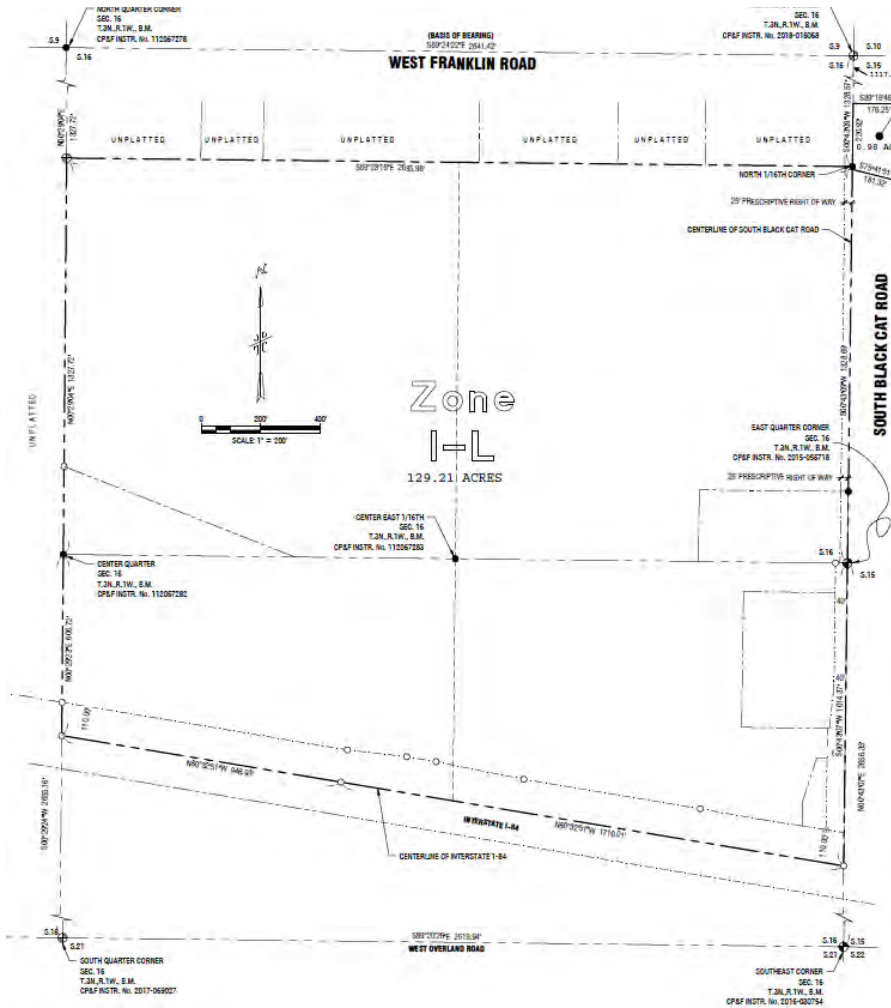
Thence South 89° 23' 16" East, a distance of 2635.98 feet on the east-west 1/16th line of the Northwest Quarter of said Section 16 to the POINT OF BEGINNING.

The above described parcel contains 129.21 acres more or less.

PREPARED BY:
THE LAND GROUP, INC.

James R. Washburn





Annexation Map
for
AT Aquisitions, LLC
Situate in the East 1/2 of Section 16
Township 3 North, Range 1 West, Boise Meridian
Ada County, Idaho
2021

Zone R-15
8.98 AC.

Vicinity Map:

Legend:

- ⊕ FOUND BRASS CAP MONUMENT
- ⊕ FOUND ALUMINUM CAP MONUMENT
- ⊕ FOUND S&P MARK, 1/2" DIA
- ⊕ FOUND 1/2" PBR/VA 1/2" DIA
- ⊕ FOUND BRASS CAP
- ⊕ FOUND STAINLESS STEEL MONUMENT
- ⊕ FOUND 3/4" GALVANIZED PIPE
- ⊕ SET S&P MARK W/ PLASTIC CAP 1/2" DIA
- ⊕ CALCULATED POINT, NOTHING FOUND ON SET

- BOUNDARY LINE
- ADJUSTED PROPERTY LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- INTERSTATE 84 CENTERLINE
- EASEMENT LINE

THE LAND GROUP
462 East Street Drive, Suite 100
Boise, ID 83716 PH: (208) 939-4641
PN 121102 SHEET 1 OF 1

September 10, 2021
Project No. 121102

EXHIBIT A

**BLACKCAT ROAD-MOORE PARCEL
ANNEXATION DESCRIPTION**

A parcel of land located in the West Half of the Northwest One Quarter of Section 15, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the Section Corner common to Sections 9, 10, 15 and 16 of said Township 3 North, Range 1 West, (from which point the West One Quarter Corner of said Section 15 bears South 00° 43' 09" West, 2657.26 feet distant);

Thence from said Section Corner, South 00° 43' 09" West, a distance of 1117.31 feet on the West line of said Section 15 to the Northwest Corner of that Parcel shown on Record of Survey Number 639 of Ada County Records, said point being the POINT OF BEGINNING;

Thence South 89°16'46" East, a distance of 176.25 feet on the north line of said Record of Survey Number 639;

Thence South 00° 43' 09" West, a distance of 263.50 feet on the east line of said Record of Survey Number 639;

Thence North 75° 41' 51" West, a distance of 181.32 feet on the south line of said Record of Survey Number 639 to a point on the west line of said Section 15;

Thence North 00° 43' 09" East, a distance of 220.92 feet on the west line of said Section 15 to the POINT OF BEGINNING.

The above described parcel contains 0.98 acres more or less.

PREPARED BY:
THE LAND GROUP, INC.

James R. Washburn



VII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

No conditions of approval are included due to Staff's recommendation of denial.

B. PUBLIC WORKS

Public Works acknowledges the recommendation for denial mentioned above, and is providing site specific and general conditions in the event that an approval is granted.

Site Specific Conditions of Approval:

1. Surface slopes shall not exceed 3:1
2. All drainage must be retained onsite
3. If the onsite 8'' sewer lines are services, they should be decreased to 6'', based off flows this should be sufficient.
4. Any 8'' water or sewer main outside of right-of-way shall be covered by a City easement.
5. Sewer services shall not pass through infiltration trenches.
6. When the development connects to the east, the water pressure zone will change from 1 to 2 which will result in an approximately 22 psi pressure increase. Provide stubs or blind flanges to the property lines at the future road connections to both the east and west.

General Conditions of Approval:

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 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.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point

connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.

5. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment. Record of abandonment must be provided to the City prior to signature of the final plat.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.

17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 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.
21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
22. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=242157&dbid=0&repo=MeridianCity>

D. COMPASS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240474&dbid=0&repo=MeridianCity&cr=1>

VIII. FINDINGS

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:

A. ANNEXATION AND REZONE

1. The map amendment complies with the applicable provisions of the comprehensive plan;

Commission finds the proposed development is not consistent with the TMISAP designations of Low Density and Mixed Employment which are intended to provide a variety of flexible sites for professional offices, small, local or start-up businesses, as well as sites for large national or regional enterprises. Although the I-L zoning district does allow some of these uses, it also allows uses which provide a low number of primary employment and could also allow uses contrary to the Plan in this area including warehousing, distribution and outdoor storage.

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

Commission finds the proposed map amendment to I-L and the proposed industrial use generally complies with the purpose statement of the industrial area, but the type of industrial uses proposed for this area are not supported in this area by the TMISAP.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

This application proposes to annex 129.21 acres of property designated as an employment center with the I-L zoning district to allow a “modern industrial business” center with a concept plan that resembles a warehousing and distribution uses. The potential for loss of significant employment generating uses, use and design contrary to the TMISAP, and the potential significant traffic impacts on the existing road network which have yet to be analyzed, could be materially 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

Commission finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

5. The annexation (as applicable) is in the best interest of city.

The application proposes to annex and zone an area to I-L whereas M-E zoning would be more consistent with the Plan. The applicant also proposes to annex a 0.98-acre lot with the R-15 zoning district to achieve the contiguity to be eligible for annexation. There is the potential for significant loss of high employment generating activity, monotonous architecture, and building mass and street design which is not consistent with the TMISAP. In addition, the traffic impacts of nearly 2 million square feet of new commercial on the local network have not been analyzed. The TMISAP states: “The City knows that this is one of the last remaining large, contiguous areas of highly visible, easily accessible, and developable land within the City of Meridian’s Area of Impact” and Commission does not support development of this area that is contrary to the vision of the Plan. Commission finds this annexation is not in the best interest of the City.

-- that's a part of it, but physically getting around this whole section, getting through the Walmart parking lot, making left and right-hand turns, it's complicated and I would like to really hear what ACHD has to say before I -- you know, before I make a decision on this. That was another reason why I'm in favor of continuing, so you can get that information back from them.

Holt: They told me that's four months, so I hope we can do it before then.

Dodson: Mr. Mayor? I was going to say regarding the TIS, they weren't even required to technically submit it yet, because it's not -- ACHD will not make comment on the MDA, but with the future CUP with -- once they are over a hundred units, which, obviously, we are going to get more than a hundred units here, that that's going to happen.

Simison: With that do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue this application, H-2021-0094 to February 1st.

Simison: Do I have a second?

Cavener: Second.

Simison: I have a motion and a second to continue this until February 1st. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and this item is continued until February 1st.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Council, we will go ahead and take a ten minute recess and we will reconvene at -- actually, take a 12 minute recess and reconvene at 8:20.

(Recess: 8:08 p.m. to 8:21 p.m.)

3. Public Hearing for Black Cat Industrial Project (H-2021-0064) by Will Goede of Sawtooth Development Group, LLC, Located at 350, 745, 935, and 955 S. Black Cat Rd. and Parcel S1216131860.

- A. Request: Annexation of 130.19 acres of land with R-15 and I-L zoning districts

Simison: All right. Council, we will go ahead and come back from recess at 8:21. And for the record Council Woman Perreault has left us for the evening. Next up is a public

hearing for Black Cat Industrial Project, H-2021-0064. We will open this public hearing with staff comments.

Tiefenbach: Good evening, Mayor, Members of the Council. Alan Tiefenbach, associate planner with the City of Meridian. This is a proposal for annexation of 130 acres with the I-L and R-15 zone districts. The site consists of, like I said, about 130 acres of land. It's presently unincorporated. It's located on the west side of South Black Cat Road, directly adjacent I-84. There is also a very small one acre piece, which I'm circling here. This piece I will talk about shortly is why it would be eligible for annexation. So, this is the five year plan for ACHD. The -- the -- what I'm showing here -- so, Black Cat Road is to be widened to five lanes between 2036 and 2040 and West Franklin Road would be in the design to be widened to five lanes starting in 2026, but none of this is on the ACHD five year work plan. Okay. Again -- so, the applicant proposes to annex and rezone just a little short of an acre of property to the east as R-15. They also propose to annex 129 acres of property to the west as I-L. The applicant proposes to annex 2.96 property, again, in order to meet the contiguity requirement. Staff has met with the applicant numerous times about this project. Staff's expressed concerns, including the lack of compliance with the Ten Mile plan in both use and design. Existing and proposed impacts on the surrounding roads. Probability of load jobs and whether or not the timing is right for a development of two million square feet of commercial when there is other properties on the east side of North Black Cat that have not even built out yet and much of it on the east side has not even been annexed. The Ten Mile plan is to ensure that land use and transportation planning are integrated. It says that -- in the Ten Mile plan it says the city knows this is one of the last remaining large contiguous areas of highly visible, easy accessible and development -- developed land -- developable land within the City of Meridian. The Ten Mile interchange is intended to look, feel, and function differently and it's supposed to not empty out at 5:00 p.m., it's supposed to be more of a 24 hour type situation. Here is the Ten Mile plan land use. The -- okay. Let me see if I can point here. So, the one acre parcel that you see here, this is -- this is designated for medium density residential. Approximately one third of the 129 acre property to the west is recommended for low density employment. That's what you see in this blight -- this blight -- in this blue. To the east of this and to the -- or sorry. To the west and to the south this area is recommended for mixed employment. So, low density employment is to provide low rise office and specialized employment uses. It should provide a variety of flexible sites for professional office and similar businesses. Buildings in these areas range between one and three stories, have total floor area of 5,000 to 150,000 square feet and the plan talks about these types of uses being corporate and business offices, research facilities and laboratories. Mixed employment is an area to encourage a diversity of compatible land uses. It may include office, research and specialized employment, light industrial, which would include manufacturing and employing -- employment and assembly and other miscellaneous uses. It's to provide a variety of flexible sites for local start-up businesses, but it would also accommodate a wide variety of employers. All the professional uses along with the restaurant and retail uses you see right at Ten Mile and I-84 is an example of mixed employment and what was intended for in this plan. So, what the applicant proposes is seven buildings ranging in size between 6,800 and 33,000 square feet -- that's what you see here -- directly adjacent to the west side of the South Black Cat Road.

And there is also a proposal to donate a fire station, which you can see up at the top right. It also proposes nine very large buildings ranging in size between 131,000 and just short of 300,000 square feet, to a total of just short of two million square feet. The concept plan shows multiple loading bays on all of these buildings. That's what you can see here. And it also shows a wide collector street, which I will talk about shortly, running through here. Applicant requests to rezone this whole area two I-L. So, the applicant's narrative states that this Black Cat business center would provide in demand manufacturing, heavier office build out, flex industrial and accessory retail warehousing and distribution. It mentions that the mixed employment designation in the Ten Mile plan does list light industrial as one of the appropriate uses and their narrative notes that the City of Meridian has less than a one percent vacancy rate for industrial business uses. So, staff believes that M-E zoning is more appropriate in this location than I-L. I want to mention that the Ten Mile plan does mention that light industrial is one of the appropriate uses, but if you -- but -- but the light industrial zone district and what is the definition of light industrial are two different things. The definition of light industrial talks about manufacturing and assembly. The UDC defines light industrial as a use engaged in the manufacture, processing, fabrication and assembly, dot, dot, dot, of finished products or parts. These definitions are very different, like I said, from what would be allowed in the light industrial zone district and I will talk about that. And to the west the Ten Mile plan west of this has a very large area that is set aside for industrial uses that are specifically the type of uses that the applicant is proposing. Here is a slide sort of comparing the two zone districts what I'm showing you here is on the left there is -- there is numerous types of permitted uses and there is much more here than just office. It allows flex space, healthcare, light industrial, which is manufacturing and assembly and what's important to mention is that warehousing and distribution is a use that is allowed by conditional use. So, in the M-E you could do warehousing and distribution, the difference is in the I-L zone district that is a principally permitted use. So, in mixed -- in use -- so -- and I keep focusing on -- on -- on distribution and warehousing, because it is staff's understanding that this is primarily what the applicant wants to do on this particular property and it's important to notice, again, that this is not just office uses, that M-E -- that M-E allows. But staff does have concerns with zoning this to I-L, because by right it would allow warehousing and distribution with no limit without having to go through another public hearing. It would also allow things like self storage. Real quickly I will just talk a little bit about the jobs-housing balance, but here is a couple of tables. It shows that the existing jobs to housing ratio in this area is .2 and just to give some -- some context on that, the perfect job housing balance would be one and that would be one job to one house. The intended jobs of the Ten Mile plan are supposed to be somewhere in the ballpark of 20,000 jobs. Now, this is intended to promote that -- to promote that reverse commute. So, people in Meridian actually going west into the center versus everybody that lives in Meridian all going in on Franklin and Ten Mile to get into Boise. So, this is sort of a breakdown that we have to kind of give a general ballpark of the types of jobs per acre that you see in these kinds of uses. So, retail has the most. If you see down at the bottom self storage typically provides one job per facility -- facility, if that. The -- the two at the bottom here, warehousing and self storage, would be primarily what would be allowed by right if this was zoned to I-L. But, again, if it was M-E this could be allowed, but it would be allowed under conditional use through the Planning Commission. So, Franklin Road presently is two lanes with no

curb, gutter, or sidewalk and narrows to one lane west of South Black Cat Road. Black Cat Road is presently two lanes with no curb, gutter, or sidewalk. Black Cat Road is to be widened to five lanes between 2036 and 2040 and the design for Franklin is supposed to -- the design is supposed to happen in approximately 2026. Although the immediate area is mostly undeveloped, there has been a significant amount of development in this vicinity, which has already been built, has been approved or is in the development and applicant stage and this is -- I have listed the numbers, but we are talking about 330 single family lots, 248 apartments in Baraya Subdivision, large amount of development at The 10 at Meridian, Vanguard Village, Ten Mile Crossing. ACHD in a staff report for the 10 at Meridian project found that the network at and around the Ten Mile-Franklin intersection and the I-84 interchange was already failing and lacks sufficient storage capacity, meaning that when there was a light it didn't have the storage for the traffic that was already stacking there. A 2020 COMPASS freight study that was done and some congestion maps that were done showed the Franklin-Garrity intersection -- so, if you were to turn left and go on Franklin towards where the Amazon facility is, that -- that interchange is also experiencing extreme delays. Staff believes this issue may be made worse by the large slow moving vehicles within -- that would -- that would come from this kind of project if it was a distribution and warehousing. Staff is -- is not convinced that even -- that this is the time, that we might be premature in -- in this sort of proposal at this time. That said, staff does believe that the -- that the traffic impacts should be analyzed with this annexation. We haven't seen that happen. The Ten Mile plan is designed for growing road network, streets, walkability and architecture. Collectors in this street have a section, it talks about being narrowed or slow traffic, multi-modal with on-street parking, wide sidewalks and buildings. There is also design standards about traditional neighborhood design and variation. The concept plan that we have here reflects wide -- sorry. The concept plan that we have here shows that there is a wide -- 60 foot wide collector. Buildings maintain large setbacks. The larger buildings do not contain the ground floor transparency that are talked about in the plan do not address the public realm. The applicant states that due to security and visibility issues that industrial uses don't lend themselves to having that kind of ground floor transparency that are -- that are discussed in the Ten Mile plan. They have mentioned that as an alternative they propose enhanced glazing at the corner entries. Staff does believe that there could be some design revisions that could be done, but it's our position that really given the use we don't think that this could be designed into the kind of concept that the Ten Mile plan designates for here. What this comes down to really is the Council should decide whether warehousing and distribution is appropriate in this location as a primary use and whether the existing and future infrastructure could support that freight traffic. So, the applicant proposes to annex an area with I-L, where M-E zoning would be more consistent with the plan. The applicant proposes to annex about a one acre piece of property with R-15 to achieve -- to achieve the contiguity to be eligible for annexation. There is a potential for significant loss of high employment generating activity, monotonous architecture and building massive street design, which is not consistent with the plan. In addition, the traffic impacts of nearly two million square feet of new commercial on the local network have already been -- have not been analyzed and there has already been proven that there is major traffic and infrastructure issues at the critical intersections in this issue -- in this area. Staff believes that this is fringe development and most infrastructure

improvements are still years away. We believe that a development of this size in this location is premature. Staff finds that the annexation is not in the best interest of the city. The Planning Commission heard this case on November 18th and recommended denial. Concerns expressed included lack of conformity with the plan. The concerns that the one acre parcel was involved only to make this eligible for annexation and Planning Commission had concerns that this was premature due to the lack of infrastructure, how long it's going to be for improvements and the existing traffic along Ten Mile and Franklin and with that this concludes my presentation.

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

Hoaglun: Sorry, Mr. Mayor?

Simison: I'm sorry.

Hoaglun: I'm sorry.

Simison: Councilman Hoaglun.

Hoaglun: Alan, can we go back to the future land use map? I wanted to take a look at that. I had a question there. So, this is in mixed employment. We got the yellow box there and, then, we have low density employment. Can you tell me a little bit -- low density employment, is that what I-L would be?

Tiefenbach: No. If we are talking about purely -- well, if we are talking about I-L zone district, then, some of the uses allowed an I-L would be designated in low density residential -- or low density employment, but the office and warehousing, the self storage uses, the outdoor contractor's yard, those kinds of things would be in the general industrial, which is what you see to the west here. Again, I think it's -- it is confusing that the -- the definition of what light industrial is and what the I-L zone allows are two different things. The plan speaks about light industrial being manufacturing and assembly.

Hoaglun: Okay. Follow-up, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: And the last item when you were talking about the -- the roads and just the truck traffic and different things like that, even if this was proposed in M-E, it doesn't sound like it would pass muster.

Tiefenbach: So -- so, we are talking multiple issues. Leaving aside the use issue, staff believes this is a very big development that is premature, regardless if it was zoned to M-E or not.

Hoaglun: Okay. Thank you.

Simison: Council, any additional questions? Okay. Applicant please come forward.

Nelson: Good evening, Mayor and Members of the Council. Deborah Nelson. 601 West Bannock Street in Boise. On behalf of the applicant. The development team has worked hard here with the city for some time. We are disappointed we couldn't get staff's support here, but we appreciate all of the time and effort they took to meet with us on many occasions and to work through these issues. As Alan has explained, we just have a fundamental difference of opinion about appropriate use here. They have asked for an office park similar to El Dorado or Silverstone and we are asking for more of an industrial flex park. We did provide a written response to address many of the detailed comments from staff. Our key takeaways for this evening -- excuse me. Get back to the beginning. There we are. Key takeaways for the Council from this presentation are outlined here. I will briefly address the first point, that the Ten Mile plan calls for flexibility and the use is allowed in the mixed employment area and that this project is consistent with the plan. Then Tim Wolff with AT Industrial will follow me and explain why light industrial is needed in this location and how this project will help Meridian keep jobs and create new jobs. We have made many changes to address staff concerns. On the left is our initial concept, on the right is our current plan. We changed the majority of the buildings to be single loaded and pulled them up to the street. We have rotated buildings to shield views of loading docks from the streets. We enhanced the entrance, added a central amenity area and a landscape buffer along Black Cat. At significant expense we have purchased and incorporated the two outlier parcels along Black Cat. We divided the Black Cat frontage buildings into smaller flex incubator spaces. We added walking paths throughout and we proposed a fire station in the northwest corner. This rendering shows the flex incubator spaces along Black Cat Road. This provides a nice transition to the commercial and residential land uses to the east. Here you can also see that new outdoor amenity space. Our application requests I-L zoning. The Ten Mile plan zoning compatibility matrix specifically identifies I-L as one of the compatible zones within mixed employment areas. It is also a compatible zone with the low density area and, Council Member Hoaglund, you asked about that corner. It's allowed within either one. Here the majority designation is appropriate to use. Consistent with that plan and our initial meeting, staff initially told the applicant that I-L would be an appropriate zone for this property. Staff later indicated that the M-E zone is preferred here and as described by Alan this evening. Both zones are appropriate under the Ten Mile plan for mixed employment areas. The M-E zone works fine for office, for commercial, but the I-L zone is needed for an industrial business park that has to accommodate a variety of light industrial uses, including warehouse and distribution. Tenants simply will not risk having to get a conditional use permit and they need that flexibility to accommodate their evolving businesses. Based on your code, the purpose of the I-L district is to provide for convenient employment centers of light manufacturing, research and development, warehousing and distribution. All of these uses go together and they must be allowed for a modern industrial business park to work. Also to address staff's concerns about self storage, we do not have any proposed self storage uses here. And this site is exactly where industrial should be located, along 84, near the new 16-84 interchange. The Ten Mile plan specifically states that it intends to provide for industrial opportunities and consideration of future improvements to Highway 16. This is exactly one of those opportunities. The state has expedited and funded the

adjacent 16-84 interchange to be completed within two to four years as a priority project. Planning and Zoning Commissioner Yearsley talked about this key location and his support for the project at our hearing, saying that this whole stretch along 84 is appropriate for industrial uses. The Ten Mile plan calls for uses and mixed employment area to provide a variety of flexible sites for smaller start-up businesses, as well as sites for large national or regional enterprises. Consistent with that direction our project can accommodate up to 106 different tenants as shown. The buildings are divisible. They can be configured down to a number of different unit sizes, as small as 2,500 square feet. Also within the mixed employment area the plan anticipates that buildings can range up to a million square feet. Our plan is currently showing buildings that range up to approximately 350,000 square feet, well within those guidelines. Our general building design is also consistent with the plan. On the left this image is straight out of the plan. On the right is our building elevation. Like other developments have done in the Ten Mile area and as Alan noted, there is some flexibility for these types of design revisions. We do ask for flexibility on a couple of the specific design elements to fit this use. We meet the vast majority of them, but there is two that we ask for your direction to staff as they create findings here. Twenty percent windows across the front of all buildings isn't practical for all light industrial uses. We do meet this on the flex buildings. On the larger buildings we request 15 percent on average. Second request relates to the maximum 30 percent parking in front. This doesn't provide enough parking for our employees on the interior double-loaded buildings, where we will need some parking along the frontage. We can meet 30 percent on average across the site. With that I will turn it over to Tim. Thank you.

Wolff: Hi. Tim Wolff. 675 Sun Valley Road, Ketchum. Thank you for your time and service. I know you guys are here late and -- and doing this in service to the community. So, we appreciate it. And I have got a lot to cover, so I'm going to read a few of the notes. As Deb explained, we believe that this project is compliant with the Ten Mile plan. I want to zoom in a little bit on -- and look at some of the market trends, Meridian as a whole, and, then, talk about jobs last. Our second key takeaway point here is that light industrial zoning on this site is best for Meridian. We know that all of you care about what's best for Meridian. We know staff does. We know that the Planning and Zoning Commission also does and we respect that. But we honestly believe that light industrial zoning is what's best for this site and we are going to present some data and research, both national and local, to show you how. So, what's happening in the United States since the adoption of the specific plan 14 years ago. Office space has -- per employee has declined by 50 percent. So, it takes half as much space now to house the same employees as it did when the plan was adopted and that, combined with reduction in demand for office, has led to office demand being one-eighth today in the United States what it was when this plan was adopted in terms of total square footage. On the other hand, industrial demand is materially increasing. National demand since the plan was adopted is up 200 percent. E-commerce sales are up 300 percent and every square foot of commerce that is driven from the retail channel to the industrial channel requires three square feet of industrial space. On top of that there is some supply chain disruptions that are occurring that are also enhancing demand, one being more inventory being required to be held by businesses, local and national, and more manufacturing being local. So, what's

happened here since the adoption of this specific plan, similar things, although as you can see by the chart the difference is more pronounced here in this valley. Why is that? Despite substantial growth here in the Treasure Valley, office absorption is flat to declining. So, you have had massive growth here, but no growth in office demand. Local demand for industrial is up 300 percent greater than it was in 2007 versus 200 percent nationally. So, that's 50 percent greater local demand here than there has been nationally. So, how does Meridian stack up versus others, both local and regional? Meridian has six million feet of industrial space, .04 percent vacancy rate. So, there is 2,400 square feet of vacant space in Meridian right now for industrial. There is effectively nowhere for tenants to go, whether they are local or coming from somewhere else. On the other hand, Meridian has three and a half million square feet of office at a current vacancy rate of 14 percent, where a stable office market is a five percent vacant office market. So, there is no real industrial vacancy currently. How does Meridian stack up against its peers? We measure that by the industrial square footage per capita. Meridian is at 46.7. The Treasure Valley, which includes Meridian, is at 64.9. So, Meridian is 34 percent -- or 30, 40 percent below the Treasure Valley in terms of its industrial space and the Treasure Valley itself is behind all of its peers. It's roughly 25 percent below Spokane, 30 percent behind Salt Lake and, you know, roughly the same as Spokane or Portland. So, it -- today if you were to take a look at Meridian versus the Treasure Valley, they would need to add two and a half million square feet today just to be equal to the Treasure Valley's industrial and the Treasure Valley is behind and this has material implications both for businesses and the central services in your community. Does Meridian have industrial land available? As you can see our site here relative there to the two other sites that -- that have -- that are zoned for industrial. This is showing Meridian's future land use map. There are two other locations that are designated for industrial and those have not been developed. But neither of these are ready for development due to lack of infrastructure. Our site is directly adjacent to the industrial designated land on the freeway and can be currently served by infrastructure. That seems logical that if Meridian were going to put industrial somewhere it would be adjacent to where it's going to go in the distant future when infrastructure is available there. Is there a shortage of office land in Meridian? This is a -- this map shows -- we just pulled the properties that are currently on the market as zoned and available land for development for office and there is roughly a 73 year supply of office land at current absorption rates. There is 2.2 years of available office that's existing and available for lease, 3.2 years that's in planning or in process, and according this map another 415 acres, which is 67 years of office supply. So, there is plenty of -- plenty of room for office to go in Meridian. So, the last point here is really about -- I think what would all of you care about, which is jobs and what kind of jobs will be brought -- could be brought to Meridian. So, what's going on with existing businesses in Meridian as they grow? Without more industrial Meridian will lose existing businesses and will lose their employees. We spoke with 11 existing businesses that are industrial tenants currently representing almost 15 percent of the total square footage that's occupied here, 800,000 feet, 1,200 employees, a hundred percent of them are growing, some of them very fast. We know you received some letters about this as it related to this project. All of them want to stay in Meridian. All of them have nowhere to go for growth. Two are leaving or have recently left Meridian as a result of this condition. Two of the largest have leased space outside of Meridian for their current growth and have nowhere to go in Meridian for their future

growth. One of those is a local business that has decided that they are going to actively seek to find their -- to move their headquarters outside of Meridian, since they don't have anywhere to go. This is existing businesses. What kind of new businesses could we attract here? We wanted to show a couple of examples of tenants that we are currently working with, so that you can see. So, we are working with a prominent regional company and Frito Lay. This is their building size requirements. As you can see both of these have expansion needs. So, they need flexible space, not just one building, but a building that -- where they could have the ability to move from one building to another if they needed to grow. The amount of jobs is material for both of these employers. The percentage of warehouse we felt was important to show, because one of the comments is about not wanting warehouse in these locations. These things all go together, manufacturing, warehouse and other things. And the wages are strong for these employers. How many jobs are industrial tenants actually bringing to the market. The COMPASS report suggested 620 jobs on this site, which is 5.3 jobs per acre. Alan's presentation suggested eight jobs per acre and that office provides about 15 jobs per acre. Here is what our actual experience in this valley is and our company has done 25 percent of the leases for new space for '21 and '22 and so we are delivering 20 jobs per acre, which would imply 2,000 jobs created on this site. So, lastly, how does that compare to the specific area plan goal.

Bernt: Mr. Wolff -- Mr. Wolff, can you repeat that one more time? There was that noise that interrupted us and I didn't quite get it.

Wolff: Yeah. So, our actual experience in leases that we have executed or have in process -- and this is a quarter of the leases for 2021 and 2022, production in the whole Treasure Valley is that we are delivering 20 jobs per acre. So, it's three times what -- four times what the COMPASS report suggests, almost three times what staff's presentation suggests and it implies 2,000 jobs created on this site and so what -- how does that compare to this specific area plan goal? Our project is less than ten percent of the job producing land in the specific area -- specific area plan and we expect it to produce more than ten percent of the jobs. So, we feel like we are more than contributing our fair share of jobs for a critically needed asset class in the second largest city in Idaho. The last thing we really had was just a question for staff and this -- you know, you guys spend all day every day on this and so, of course, you are thinking about your community, you think about it more than I do, you think about it more than anyone does. It goes without saying asking the question, but it's really one of how do you want to -- how do you really want your community to grow and serve the needs of its growing community as it changes, because we are in a different world than we were when the specific plan was adopted.

Simison: Thank you. Council, any questions?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Mr. Wolff, you mentioned in your presentation that this project and maybe past developments that you guys have done -- maybe in our state, I don't know, other places I know that you guys have developed and, you know, built project -- did projects throughout the nation, but walk me through how your developments bring 20 jobs per acre, compared to what COMPASS or our staff is saying.

Wolff: Sure. So, we are -- we have a tenant -- we are delivering a building in Caldwell this week, actually, that's 265,000 feet, as a manufacturing tenant. It's going to be 275 jobs for the 265,000 feet and that's on 16 acres. So, it's about 16 or 17 jobs per acre. As I mentioned, we are working with a large regional tenant now that has a 300,000 foot requirement we are negotiating the lease for. They have selected -- they would have probably selected this site had it been available, but it's 450 jobs and 300,000 square feet. So, it's about 25 jobs per acre. And across -- as I mentioned, across -- and we are happy to go through if you want more detail -- each of the tenants that we have brought to the valley and it's a combination of all different things in these industrial zones and I can say, you know, we have a close relationship with Amazon. We have done a number of projects with them. We told them there is no way we are allowing them to be on this site. It's just not the kind of use that -- we own projects forever and we are one of the few developers that does and our interest is in developing projects that are for the best interest of the community in producing good jobs and that's what we have done a good job of since we have been in the Treasure Valley so far.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Wolff, thank you for your presentation. Always interested in the job creation numbers. They are important and industrial type of areas are certainly important and I just want you to kind of walk me through how you would compare warehousing distribution, which, you know, has been talked about for this site -- this has been characterized as warehousing and distribution -- versus manufacturing and assembly.

Wolff: So, they all go together. So, Frito Lay is a perfect example, who, you know, obviously, a credit tenant. Their requirement is about 60 percent warehouse and just as a -- as a result of -- there are not very many businesses that have manufacturing without distribution; right? And so you make something and, then, you distribute it and, you know, Frito Lay's requirement is about a 60 percent distribution requirement and they are actually -- their employee count is lower than the other example that we showed you, the large regional tenant, and they also had about a 60 percent warehousing requirement. So, it's just the way the industrial space has evolved specifically as a result of e-commerce has brought a lot more inventory closer to home, a lot more manufacturing closer to home and a lot more distribution closer to home and it all just blends together. So, it's -- it's almost impossible to segregate those things out, unfortunately, and it's -- as was mentioned by Deb earlier, it's -- it's one of those things where you just can't have -- a attendant isn't going to go into a situation where they are required to have a conditional use permit in order to have the use in the first place, they will just go to another town.

They will go to Boise or they will go to Caldwell, one. Two, if their use changes at all and they have to go back for another conditional use permit, their -- their lenders aren't going to allow it. It's -- it puts a real -- it puts businesses in a really tough place to not have the flexibility to use the designations that their business naturally uses.

Hoaglund: Okay. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Wolff, either question for you or Ms. Nelson. One, I applaud the -- the written response or rebuttal from -- from the staff report, especially getting that early. On a big application like this it helps us to kind of see both sides of this issue. So, I appreciate you doing that. One area that I thought that was lacking, though, was about the roadway infrastructure. You know, the staff touched on it in their staff report. We had an application or a change with us last week for a project that's on Ten Mile and the report that comes back from ACHD says that's -- that's an F and I know our staff report says that it's better than E for yours and that doesn't bring me a whole lot of comfort and so recognizing that I would anticipate a high roadway usage from this development, I have real concerns about the impact for our existing residents, particularly those that are going to choose Black Cat, as opposed to Ten Mile, because of how -- other challenges related to the current Ten Mile infrastructure.

Wolff: Yeah. That's a very good, very important question and --

Nelson: Mr. Mayor, Council Member Cavener, appreciate the question. We did think that there would be some additional time during the presentation and assumed you may have questions, so thank you for the question and opportunity. It's very hard to fit this in in 15 minutes. We -- we have thought about the -- the traffic and we are actually excited about this site, because of the improvements that are planned around it and so this area is growing, the road network is growing with it, and in particular the Highway 16 interchange that we did touch on is really going to change a lot of the traffic patterns in this area and really help a lot of the traffic patterns. We expect our trips are going to go towards the Highway 16 interchange. In fact, our traffic engineer's estimates is that our trips will only be four percent of the Ten Mile-Franklin intersection and so we will actually have very little that direction and so of -- of the trips that are in that intersection we will be four percent of them. So, we -- we will have distribution both ways, undoubtedly, but we know that the roadways are building out. The widening of Franklin is also planned within two to four years. That may be expedited or done as part of the interchange improvements. So, a lot of this is happening. We think that's going to be very timely for this project. And you want to add --

Wolff: Well, it might be worth -- so we had another slide that was prepared around traffic that it just might be worth seeing. So, this is from our traffic engineer, but just -- to put in context what does industrial produce in traffic relative to all the other uses? So, if -- in my

mind I'm thinking, okay, if I want to create jobs in a community and traffic is a huge issue, how do I do so with the least impact and -- and what we -- what we had him do is take the exact same site area, take office, shopping centers, residential -- like you are, obviously, approving residential and struggling to do so, we heard earlier tonight. You know, residential produces two and a half times the traffic that this use does. So, this is the least intensive use that you can put on a piece of property relative to all the other uses and it's the best way to produce jobs with the least amount of traffic.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Side note. I love this slide. It articulates a principle we deal with in other applications that try to convert property from commercial to residential and it literally has a decrease in traffic impact, but --

Wolff: Yeah.

Borton: -- it's counter-intuitive I think, but --

Wolff: Yeah.

Borton: -- it's a great slide. I think you had -- might have had another slide -- well, let me ask you this question. You made a comment about where the industrial truck traffic would go and I think you had said you anticipate the majority of it to go east towards McDermott and -- but you had a slide here, so when you made that comment I envisioned perhaps taking that collector to be collector east towards McDermott, but --

Wolff: I think we have got a slide for that.

Borton: I think you went past it. It was the -- this is the one that made me think of it.

Wolff: Yeah. There it is right there.

Borton: So, if that's the case, is the -- when you say that do you mean that you anticipate that all this truck traffic, which is low in volume, but high intensity, would go east on that collector to McDermott to somehow -- to access the Highway 16 interchange? Because there is no ability to get on it there.

Felker: Yes. So, we pulled the plan for Highway 16 and at the interchange there is direct access to 16. So, obviously, that's planned in the next two to three years and, then, on top of that the -- the widening of -- of Franklin is planned between 2026 and 2030. Can you see the interchanges that are planned as 16 goes north? That's an initial phase.

Borton: I'm not tracking that at all.

Felker: Sorry. Shane Felker, one of the applicants from Ketchum.

Borton: This -- Mr. Mayor?

Simison: Councilman Borton.

Borton: I apologize, I'm kind of lost on this one in relation to the red dotted interchange map and to see --

Wolff: Yeah. I think it's easier to see on that.

Felker: So, if you extend Franklin out to 16, Franklin has direct access onto 16 and, yeah, we anticipate traffic will move west from our project to that interchange for a majority of the traffic.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Follow ups on that. Is that -- that's still ACHD; correct?

Wolff: Correct.

Borton: And the interchange. So, there was comments indirectly by ACHD at P&Z that referenced, among other things, there is just no funding or plans to provide anything to connect to Highway 16. So, ACHD says that's not happening. At least that's what the comment was at --

Simison: We have Kristy on the line who can answer the question.

Borton: Okay. That would be one -- one of the things to clarify and ACHD can do that, but that comment caught my eye.

Simison: Kristy, if you would like to make a comment related to that.

Inselman: Mr. Mayor, Council Members, thank you for the opportunity to talk. So, when we talk about funding, we -- we will identify through our five year work plan the first two years are tied directly to our budget and so that's when we say something is funded is those first two years. We identify need and in our capital improvement plan we identify what a cost would be to improve that system, what the anticipated widening improvements would be and that ties into the impact fees that we charge for development. To say that something is not funded just means in the integrated five year work plan we don't have that project planned or fully funded is all that means. That doesn't mean it will never be funded. Does that answer the question?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Technically it does, but I took the comments to mean something more blunt and different, that while -- I didn't take the comments as though it's technically not yet funded, I read it to be -- and it wasn't perhaps the Commission as a whole, but the comment from one Commissioner. It read as though this isn't even in the ballpark, like -- it just seems very very distant that amongst the 5,000 different things that ACHD has to fund with limited revenues, this one is number 5,000. It just sort of had that feel to it. So, I didn't know if you got that same sense in discussions with ACHD, but it made me think any comments about traffic going east, how that would actually work. In prep for this application it really -- I assumed that the reality was traffic is going to go right to Black Cat and all this truck traffic, low in volume, high in intensity, for better, for worse, would go there and perhaps that's still appropriate, but it seemed like the reality is this is all going to Black Cat for the foreseeable.

Inselman: Mr. Mayor, Council Member -- I'm sorry, I'm having a hard time seeing who --

Borton: It's Joe.

Inselman: -- that question. Joe. So, was your question specifically regarding the collector roadway system or the arterial system?

Borton: It was -- Mr. Mayor, if I can respond. It was the arterial and it was just -- it was just a comment made at P&Z --

Inselman: Okay.

Borton: -- that sparked the question that it made it seem like it was very remote, so -- your explanation helps. I appreciate it.

Inselman: Yeah. And decisions on which roadways are going to be widened at which time frame -- I mean we definitely utilize the capital improvement plan, which gives a forecasted need, so those aren't build years, so when we -- in our CIP when we say like 2036 to 2040, that is a forecasted need based on land use and anticipated development in the area.

Borton: Okay.

Inselman: Now, obviously, if development increases in a specific area, if we see more development in an area that we weren't anticipating, obviously, that can accelerate projects and can accelerate the need to widen those roadways in the vicinity of a project, but it's -- you know, it's kind of like the chicken and the egg kind of thing.

Borton: Okay. Thanks.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think maybe what Mr. Borton was talking about -- and I don't mean to speak for him, but when -- because I have heard that -- the same analysis that 16 is going to be built anywhere from three to five years. You know, I have heard the same thing, so -- but I guess what Mr. Borton maybe is saying is does ACHD agree that they have the resources to be able to make that happen on there end; is that what you are saying? In that time frame that's being discussed, you know? I guess, Kristy, if you could maybe provide just -- if that's doable, if that's something that's on your five year work plan, if that's in the foreseeable future, if you agree --

Inselman: Mr. Mayor, Council Members, I -- I wish to give a clearer answer as to when we may anticipate being able to fund the entire improvements out to Highway 16 for that connection. We -- we just don't know at this point in time. In the five year work plan, no, we don't have that planned. But that is something we update annually and if additional funding comes in -- the problem typically with our projects in getting them accelerated sooner is right of way acquisition and design of a project. So, if we -- it typically takes us about a year for a project to be designed and depending on the corridor, one to two years for right of way acquisition. So, at the most accelerated, the soonest a construction would begin on a project, if we started design today, would be three years from now, typically. So, I -- the likelihood of us accelerating to match Highway 16 -- that's probably what you may have heard in a previous meeting, is probably unlikely -- unlikely at this time, if that helps clarify, but, yeah, with their accelerated time line it's generally time frame to get things designed, right of way acquired and, then, available funding to get all of that done.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Borton: My recollection of that discussion was the fact that Highway 16 was coming on, the state decided to do it, they are going to fund it and it was a surprise to everybody and it was a surprise to me and that ACHD looked at it and said that's going to be about 34 million dollars and they have no funding available for that and the comment was to -- the state should be chipping in to help us out on that, because just dropping this on us and say, well, you guys pay for the connection and I think that's the concern is where do you get this money, do you pull it from other projects that are much needed? Is it coming from impact fees? How much is coming in and there is -- we know all the areas that need infrastructure expansion and to drop that in and say, yeah, this is brand new, I think that's the concern is -- is this really going to get funded from a local perspective tying into the state and that's -- that's a big need, so --

Nelson: Mr. Mayor, if we could offer some comments on that as well. I appreciate those questions and really appreciate Kristy being here to comment on it to have a formal response from ACHD. You know, because Commissioner Goldthorpe was testifying in his personal capacity. He made that very clear in his remarks that he was making a neighbor comment, but, obviously, generated some questions about what he said and so

appreciate Kristy being here to answer them and it's consistent with what's in the ACHD report, right, that notes that in the CIP, the five lane widening of Franklin is there and as Kristy noted it's not yet in the -- in the five year work plan, which really is just a budget forecast for two years. Council Member Hoaglund, as you noted this was pretty quick for the state to prioritize this interchange. You know, as everyone knows they have been going back and forth on do we start from the south, do we start from the north and the south one, I think to Meridian and Nampa's benefit. It's exciting. And ACHD is going to take a little time to respond to that. Our expectation -- and I think, you know, our -- in speaking with traffic engineers about it, that is that it will expedite that -- that improvement and the budgeting, but, nonetheless, it is in the CIP and that's what they commented on in the ACHD report here as well.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: To kind of tie this together, then, so talk about transportation and years and whatnot, if this project was approved what is the timeline that you would be expecting to put this together?

Wolff: That's another great question. We don't know. You know, if -- if it were approved today we would, you know, technically wouldn't get approved for sometime after today and it's going to take design time and, then, construction time. So, the first building couldn't be delivered until late '23 or early '24. What I can say is that -- so, we are building a million square feet in Caldwell right now and we are building it one building at a time. We are pretty conservative about the way we go about things. This is nine larger industrial buildings, plus some smaller frontage buildings that buffer. So, it's going to take time. I mean it's -- if I had to guess the fastest it would be five years, six years and the longest is as long as we are all going to be here.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. I think this is a case where time is your friend. Speed -- doing something quick is not necessarily a friend, so --

Bernt: Mr. Mayor, speaking on the topic of transportation, I certainly don't want to --

Simison: Councilman Bernt.

Bernt: Sorry. I see Mr. Mayor.

Simison: You're good. I just wanted -- so Dean had it on the record who was talking.

Bernt: Oh, yeah. Got it. So, I'm not in trouble.

Simison: That's the only reason I do that is so the record knows.

Bernt: I thought I was in trouble. All right. So, you know, reading in the -- in -- in our packet -- I know that the transportation study by ACHD is required at this point of the application process. It comes in the future. However, I would really like to know the impacts of this development being that there isn't any anticipated -- we talk about anticipated improvements on Black Cat and Franklin, you know, some of the -- you know, numbers are, you know, 2036 to 2040. I agree with you, Deb, it's going to happen sooner than that, but like when is like the different question, so -- but when you are dealing -- my concern is this. I mean when you are dealing with over two million square feet of industrial space -- I get that the industrial impact is much different than office or, you know, retail or -- or anything residential, but that's a -- it's a big project. I -- what are your thoughts on, you know, finding out what -- you know, from ACHD, the governing body of our roads, what they feel about what the impact would be in their opinion on -- with this project?

Nelson: I will start, Mr. Mayor, Council Member Bernt. I mean no development can happen here until the TIS is on record or reviewed by ACHD; right? I mean every condition requires that, so -- and we are going to do whatever is required. So, whatever improvements or mitigation are required will be done. So, I think that -- I think that answers the simple question of, okay, well, what might be needed, but is there a turn lane needed or something we have to provide it to accommodate it. I think the larger network build out is really more -- the larger conversation we had, you know, probably addresses more of the substance of your concerns, that this is a great opportunity to take advantage of the expanding roadway network around us. Your Ten Mile plan calls for industrial development to be located next to Highway 16. It's very opportune that the state has expedited that interchange to allow this to happen now and, then, I think the slide that -- that Tim pulled up a few minutes ago really talking about the uses, you guys in your plan already called for a level of intensity on this site. You have already planned for it. And so in response the roadway network, everything is building out around it, we have sewer, we have water, everything is ready for this site and you have planned for a level of intensity that ranges up from what we are providing from a trip generation standpoint. So, we are the lowest possibility. Residential we showed just for comparison, because it's come up in your conversations. We can't do residential there. Office, commercial, industrial -- we are significantly lower than those, six to eight times less. So, for the planned level of intensity we are going to be well within what was, you know, contemplated for this area in the larger scheme. So, hopefully, that gives you some comfort as you think about -- and, then, of course, we have to do whatever specific improvements are required. We can't build here until ACHD approves the TIS.

Simison: Council, any additional questions for the applicant at this time?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Yeah. Just one. There is reference in the staff report about the Ten Mile plan and the residential component just east of Black Cat and, then, this was planned mixed employment and light employment, I believe. This property. And, then, to the west is where it has its industrial designation and it was referenced in the staff report and -- about the intent for some discussion of transition of those types of uses. So, is that consideration -- that concern of -- should we not be concerned about that? Is that principle that at least it seemed to try to promote a transition to keep what appears to be really an industrial use not adjacent to what's going to be a residential use across Black Cat directly to the east. This principle seems to conflict with what was planned, that easier transition. So, just curious your comments on that concern.

Nelson: Mr. Mayor, Council Member Borton, I actually think this is that transitional use. You have got our flex design right along with the smaller spaces right along Black Cat with this significant frontage improvements, the enhanced entry, the park area, that creates a significant buffer. Then keep in mind that we are proposing only light industrial uses. Further to our west where you have got the industrial designation in your plan, I think staff is going to be more likely to support both heavy and light industrial are contemplated in your plan there. So, we really are providing that transition already to the commercial and residential. And one of the comments that Commissioner Yearsley made at the -- the P&Z that I'm sure you have read the minutes was about how nice it is to bring that light industrial -- the jobs closer to residents to decrease traffic. So, we hope we are meeting that transition really with this use.

Wolff: And we also tried to provide a relatively significant amount of landscape buffer in addition to the smaller building sizes and turning the buildings on end, so that the faces of the buildings weren't facing Black Cat and there will be -- you know, there will be a light here at Black Cat as well, in addition to whatever improvements happen to the west. So, we were trying to accomplish the transition that you are talking about.

Borton: Mr. Mayor, a follow-up question to that.

Simison: Councilman Borton.

Borton: That ties into something you said, Deb, at the start of your presentation. If you had requested a mixed employment zone, this type of use would be a conditional permit and you -- I wrote it down, you had said this type of tenants -- or these tenants aren't willing to take the risk that comes with a CUP, which I sort of understand, but what is it that generally happens in CUP to this type of use that makes it no longer viable for this light industrial warehouse user? I mean what's -- what's the risk? What kind of condition kills this viability?

Nelson: I -- I will start and, then, Tim I'm sure has industry specific experience with this, but it's not the risk of the conditions, it's -- I mean it's partly that, but it's really just the -- the time and risk getting it at all. The speed to market and the risk of that happening as a whole. But also, of course, the conditions of what might happen there. Maybe they can't do their use, maybe they can't do their use all the way, it's -- it's a -- it's something

that just isn't -- I think the other point -- and Tim can address this better -- is that it disrupts their ability to get financing, either at the beginning or if they already have financing to come back and change the use when they have financing in place.

Wolff: Just an anecdote. So, the maddening thing about this asset class, you know, if you have an office -- if you have an office need, you -- you plan for it, you spent years playing and, then, you go find an office space and you take time TI's, I don't know why and it's -- it's maddening, but in this asset class these tenants usually don't decide they need a new space until about four months before they have to move in and -- and so -- and that's why you see a lot of spec industrial development, because tenants decide quickly to move in and that's why in a normal market -- and this isn't a normal market here right now, you don't see a lot of spec development, you see a lot of -- or you don't see a lot of build to suit development, you see a lot of spec development, because they just don't take the time to think far enough advance for what their needs are, because, generally, what happens is this use type is -- it's a utility use, it's not -- you don't have -- it's not like an office where you are going to move, because a nicer office gets built down the road. Once you are here the retention rate in this asset class is the highest of any type of commercial real estate. They stay and the only reason they leave is because they have outgrown their space, the business has changed, or they have gone out of business and so when they hit that wall and say, geez, we are out of space, like the letter from Scentsy, they have grown 200 percent -- or they have grown a hundred percent in two years, they just ran out of space and they have nowhere to go and so it's -- It's one of those things where they -- they don't have often the time to go through a process that's more than -- can I be there, yes or no, we need to sign a lease now, we need to move in now.

Simison: Council, any additional questions?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: One last thing for me and, then, I will sit back and -- and listen, but my question now relates to like infrastructure and before Alan mentioned leap frog development and Deb is very keenly aware of leap frog development in Meridian. She's been involved in projects in the past when we have had these discussions and so could you comment on -- or do you have a response to Alan's concern about leap frog development?

Nelson: Mr. Mayor, Council Member Bernt, thanks for the question and opportunity to share some information. Can't cover it all. We -- we -- we, obviously, disagree with that characterization. I think -- I think maybe the first point is that this area is within your Ten Mile plan. The city took care to specially plan out this entire area and -- and has called for the type of development you want to happen here and we are within that area and we are helping to build it out. East of Black Cat is quickly building out and the parcels that are not built out yet are developer owned and in various stages of planning or applications and so this slide helps illustrate that, that this area is very quickly changing, which, again,

with roadway improvements it's just a great time and opportunity for building out the plan and the job expectations that you guys have within your plans.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I was lying when I told you I didn't have anymore question.

Simison: I knew you were.

Bernt: So -- so, how do you plan on getting -- because I heard -- and I think I read in the packet -- and quote me if I'm wrong, but I believe it's said that it's like 300 and some odd feet from where this service is stopped and from where your property is, how do you -- how do we plan on getting services to where your property is now? Is that something you guys are going to pay for?

Nelson: Mr. Mayor, Council Member Bernt, yeah, 340 feet, it's in Black Cat Road, it's right by the side, we will just extend it. It's not readily available, as your Public Works staff has agreed.

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

Nelson: Thank you all.

Simison: Mr. Clerk, I will turn this over to you.

Johnson: Thank you, Mr. Mayor. We have Drew Eggers signed up to testify.

Eggers: Thank you very much. Drew Eggers. 2256 North Waggle Place, Meridian, Idaho. Mr. Mayor, would it be all right for me to hand these out to the Council Members?

Simison: Yes. If you want to just give them to the clerk, he will do that for you.

Bernt: Mr. Eggers, is this the letter that you sent to us earlier?

Eggers: Yeah. I just wanted to make sure you had it. It was sent via e-mail and it should be in your packet. My family is the owners of 95 -- 95 -- 955 South Black Cat Road. I come from a multi-generational Idaho farm -- farming family. My father bought this farm in 1950. My grandfather purchased the farm across the street in 1922, which later sold to Pastor Steve Moore of the Ten Mile Christian Church. As a resident and growing up here in Meridian I have been an active member of the church community, served as the director for North Northwest Farm Credit Association. Currently serve as Chairman of the Meridian Maintenance Cemetery District and a voting member of Food Producers of Idaho. I have raised my children here. One of my daughters is superintendent of the Catholic School System in Idaho and my other daughter is a broadcaster for Channel 7,

meteorologist from Boise and they are -- they are here tonight with me, hiding behind their mask. I remember many years ago when the city first prepared the Ten Mile plan, I never complained about the plan and I thought it's -- the mixed employment would be a good fit for the use -- uses next to the freeway. We supported the plan. I thought the mixed employment would be a good fit -- oh, I'm sorry. We supported the city and supported its vision for the area from the beginning and we are pleased to see the area built out. Now, my property is eligible for annexation and has access to city utilities. We selected Sawtooth Development Group and AT Industrial to develop the property, because I knew they would bring quality development and businesses to the area. I am excited about their plans and proud to have my property be part of the needed industrial business park area. Meridian needs these kinds of jobs, so our kids and their kids don't have to leave Meridian to find work. I was disappointed by the staff's lack of support for this project. This seems to be exactly the type of project that was planned here by the freeway and the Highway 16 and exactly what our city needs. Mr. Mayor and Council, I ask you to approve this project. Any questions?

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

Hoaglun: Mr. Mayor, I have one for Mr. Eggers.

Simison: Councilman Hoaglun.

Hoaglun: Mr. Eggers, why can't I smell mint on this paper? I mean -- for those of you who don't know, they grew high quality mint for --

Eggers: Councilman Hoaglun, I apologize for not having mint. It's a valuable product and I didn't want to throw it away.

Bernt: Got to make some money. I love it. Respect that.

Eggers: Yeah. Thank you. Are there other questions?

Simison: No. Nice to see you again, Drew.

Eggers: Thank you very much.

Johnson: Mr. Mayor, next is Terry -- and I believe the last name starts with an N. State your name and address for the record.

Nyborg: My penmanship is not obviously very good. Terry Nyborg. 5160 Westview Drive, Meridian. So, I'm a neighbor that lives right above the project and I also own the property at 1245 South Black Cat, which is just the other side of the freeway and my concerns are simply timing and -- I don't object to the project as much as I object to when Black Cat might be improved, because the roads to the west that everybody's kind of emphasized, there isn't -- they don't own the property, those dotted lines are maybes in my mind, as a local resident and the same with the one going to Franklin. During the initial meeting of

the neighbors, the comment was made that traffic won't go south on Black Cat. It will all go north. Well, I don't think that's probably too accurate. The other concern I have is with the pit that's there, Wright Construction and the asphalt plant, all the material is hauled in to that pit and back out. It's not a producing pit. They are in the backfill process. The truck traffic on South Black Cat Road is significant. The sight line is not very good from Vaquero Road or from the driveway -- from my driveway on 1245 South Black Cat. If you look to the north cars go out of sight below the hill. There is a -- there is a blank spot there. They didn't extend that out far enough. I assume that's right where the intersection is that they are talking about lighting. That would improve it if it was lit. If it was a stop there. But my concern is just traffic on Black Cat and the timing. If ACHD were further down the road with any of those improvements it would be a better project. That's all I have to say. Thanks.

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

Hoaglun: Mr. Mayor. Real quick, Mr. Nyborg. Do you happen to know how long that backfill project is going to take for them to conclude by chance?

Nyborg: When are they going to extend Overland? I don't know. It's a huge pit.

Hoaglun: Yeah.

Nyborg: I mean they have been backfilling now for five or six years and they have got maybe 15 acres of, what, 70 -- 60, 70, 80? I don't know.

Hoaglun: Okay.

Nyborg: I think it's a long range project and how long is Wright Construction going to be there hauling the raw material in and the finished product out? I don't know the answers to those.

Hoaglun: Thank you.

Nyborg: Thanks.

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

Johnson: Mr. Mayor, it's not so much penmanship as my vision, but Chris P. I didn't want to get it wrong.

Pearson: Good evening. Chris Pearson. Live at 10445 West Sultana Lane in Boise, Idaho. As mentioned, Chris Pearson. I'm a commercial real estate broker with TOK Commercial in Boise. Sitting here tonight I'm reminded why I chose brokerage as a career versus development, but that's a little bit of a joke if you didn't pick up on that. I appreciate the opportunity to briefly discuss the current commercial real estate market and more specifically the industrial market. I have been a commercial real estate broker and an

industrial specialist for 34 years, of which 17 have been spent here in the -- in the Treasure Valley. In 2021 I have been involved in the sales and leasing of just over one million square feet of industrial space in the valley and over the years I have assisted numerous companies locate within Meridian, most notably Insurance Auto Auctions, Cintas Corporation, and HD Fowler. Quick snapshot, not to be redundant with Tim's remarks, City of Meridian has approximately six million square feet of industrial space with a vacancy rate of .004. I guess my comment there in 34 years I have never seen a city the size of Meridian with a vacancy rate probably less than one percent, less than .004 is amazing. It may be not -- maybe not healthy. Twenty-six thousand square feet of vacant space in our current market, that might be absorbed in two weeks; right? So, there is just a dearth of space currently in -- in Meridian and the entire Treasure Valley suffers -- not to that degree, but we are probably about 1.24 percent vacancy in the industrial market right now. I'm not that creative, but really there simply isn't an argument I could find for this being really positive for the City of Meridian right now. As a real estate professional I'm definitely in favor of well planned smart growth, but we are close to facing a no growth or an extremely limited growth situation as relates to industrial development, not only Meridian, in the valley. I probably have no less than 15 requirements right now from national, regional and local tenants looking to expand in the Treasure Valley that I cannot fulfill, because there is no space and, to be honest, it's not a healthy situation. I understand you have received letters from Scentsy and Northwest Fulfillment, two good sized companies in Meridian, and they have stated that they have current and future space requirements and they would definitely prefer to be in Meridian versus other parts of the valley. Earlier this year Scentsy and Northwest Fulfillment actually got into a bidding situation on a listing I had on 40,000 square feet in the Idaho Food Bank building over on Commercial. Scentsy won and Northwest Fulfillment now leases 100,000 square feet in Boise. My time is short. I think also to Tim's point, the types of uses that occupy industrial buildings, manufacturing, service companies, technology companies, among others and the job creation and the salaries that they pay I think are significant versus potentially office, retail type uses in the valley. Locational of Black Cat business center is optimal for industrial users, because of visibility --

Simison: If you can wrap up your testimony, please.

Pearson: -- and proximity. So, no, I appreciate your time and consideration and maybe I have a bias, but definitely in favor of seeing some industrial product built in -- in the valley. Thank you.

Simison: Council, any questions?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Sir, would you care to elaborate -- elaborate, excuse me, why -- on the jobs -- like do you concur with Mr. Wolff?

Pearson: Yeah. I appreciate the question. I ran at the time. So, I was involved -- I represented a company Azack Corporation, publicly traded company, and earlier this year they leased the former Shopko distribution building in Boise. That building consisted of 355,000 square feet. Obviously, formerly a distribution building. Azack, they are involved in building materials out of recycled material is basically their -- their business model and at capacity they will employ between 250 to 300 people in that facility, which is 355,000 square feet. Over the weekend I looked at their job postings and they have 13 positions currently available, including recruiting coordinator, cost accountant, and production supervisor. So, my point is that many companies that occupy industrial buildings do provide significant job creation and pay salaries I believe well beyond median income levels and that's just one example.

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

Pearson: All right. Thank you.

Johnson: Mr. Mayor, that was everyone that indicated they wished to speak.

Simison: If you -- yeah. Go ahead and come forward. If anybody else would like to provide testimony, either online, use the raise your hand feature and I will bring you in and if there is anybody else that would like to come up after, then, feel free. Yes. If you can state -- speak into the mic and state your name and address for the record, please.

Kaddas: My name is Corinne Kraft Kaddas. I live at 395 South Black Cat Road. Obviously I'm the little house that's on one of these pictures along here. I just wanted to say that when we first moved into this house 11 years ago there wasn't much going on around the situation, but, then, obviously, we heard about the Ten Mile project. So, of course, we knew at some point somebody was going to come and knock on our door. Anyway, as it is this company Sawtooth Development came knocking on our door and what I have seen since they have come is they have jumped through many loops for you guys. You have wanted them to do all sorts of things. They have changed directions of everything like that. Plus also it was meant to be industrial anyway. So, I don't understand what your problem is. I know you say you want mixed economy is it? Mixed economy. But, again, you have got to think there has been 500 houses just going in on that little area there right now. Just imagine those people being able to walk just across the road to be able to go and have those jobs over there. So, to me I don't see why you wouldn't pass this project. You know, for me personally I think it's been well planned out. They have shown you everything that they possibly could to make it seem like it would be a really good project and so that's my statement is I think that this project should go forward, because it's definitely needed here in Meridian and these guys, obviously, I have took the time to really plan it out for you guys. Anyway, that's me. Done.

Simison: Thank you. Council, any questions?

Kaddas: I hope not, because I have not gotten any answers.

Simison: Thank you.

Kaddas: All right. Is that it? Thank you.

Bottles: Mark Bottles. 839 South Bridgeway Place, Eagle, Idaho. Mayor and -- I wanted to address, Councilman Borton, your question on transition. The neighbors to the east of this are two -- there is four property owners, three of which are owned by Blackrock Homes and Corey Barton. CBH. I have been in contact with them about what was going on here and how they would transition with this and -- and just numerous sit-down meetings and they liked what was there that -- what Sawtooth had planned there. So, I just wanted to address that. And the other thing I would like to bring up as well. One thing -- we have Silverstone Business Park and -- and as you know there has been a transition there that it's taken a long time to build out that business park and some of that's turned into apartments over the years and one of the biggest users in there is UPS and they probably might have one of the highest wages in there, even though they are delivering to our homes, that they are parking trucks inside of -- what was at one time going to be office buildings and it's -- it's Chris Pearson, he's more of an expert in the leasing side than I am, but things are transitioning there. I get calls all the time through people through the economic development in Meridian and they are national tenants looking for land to where the economy -- e-commerce is going. Tech companies, TSheets, those people, as they are incubating and building their businesses. They are looking for this type of product that you see and so, anyway, I just wanted to address that, so -- any questions?

Simison: Council, any questions?

Bernt: Mr. Mayor, you have -- Mark, good to see you, man. What my question to you is -- is T-Sheets. You have said TSheets and so you think that this would be a good product, like -- I didn't know TSheets were involved with distribution warehouse.

Bottles: No, they are not, but when they got started Matt Rissell, some of you may know him, local businessman, started -- he went to Ron Van Aucker was the first person he went to and said I need to go into industrial space and what he did -- he took a warehouse space like that and literally took doors -- unused doors, turned them on sawhorses and built a company that now into it has some of the highest paying jobs in our valley and we went from -- and he needed transition -- he couldn't go into a normal office building, because he needed space to grow and to really scale and in that business, that technology business is tough. You know, the food brokerage business is the same way here. We have a very -- we have been involved with Lamb Weston and other starts -- Treasure Valley Sales and Marketing that was in Meridian and actually ended up moving -- just recently moving back into Eagle, but there has been a lot of companies coming and saying we need this and we don't have that space and that space that's to our west -- as you know, the sewer line and trunk line and that is a major project that has to happen. The Fields District is a great area, but it's -- it's not even close to being ready and doesn't even have the road or infrastructure to get to the freeway and that and so, again, I think those are two good areas, but when I bring those up to the tenants, even to our other

developers -- sorry, guys, but some of your competitor developers, Adler and them, they are like I can't go there right now. I'm not even close to going there. And so they would like to go there, but I'm just saying some of those tenants are coming and, again, I'm more on the land side, as you guys know, dealing with selling to -- whether it's residential, industrial, or apartments and that, but just a little bit of what we are seeing out there. But, yeah, places like TSheets, that's how they -- a lot of those small tech firms that's how they grow, so -- and they need a developer that's going to work with them to expand kind of accordion style. Anything else?

Simison: Any additional questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mark, appreciate you sitting through our meeting tonight and appreciate you chatting with us. I guess I'm looking to you as a subject matter expert. There is many elements of this project that I find very attractive and appealing for our community. My hurdles have been largely about the timing and particularly related to the transportation infrastructure, the roadway infrastructure. How critical is that for -- I mean as you are attracting businesses and out there marketing, I mean I'm sure the question is how are the roadways? What's -- what's traffic like? And -- and what's the response from your clients when we are saying, well, it's -- it's not the worst, but it's -- but up right next to it.

Bottles: Yeah. No. It's a great question. Just being here -- I'm not a traffic engineer. I'm far from it. I'm not a planner. But if you are going to have an industrial in this type of incubator space -- I mean you do have a brand new interchange, you are going to have another one coming soon, you are not going to probably get a better interchange in the valley in my opinion that's going to be ready for it. I mean we have trucks in the middle of Meridian right now, which, you know, back in the day that was the right thing. It -- Eagle and Fairview, I mean when I moved here I think it became a four way stop and, then, the shopping center went in and we had an industrial distribution center next to Blue Cross, which, honestly, those tracks are going right -- you know, right, you know, through there. But when I look at it from a planning standpoint, it is the right area to have it. It's got -- even with the current plan that's in place with the developers working on their TIS study, I think we are in a great situation. I have been very involved with the state with ITD on the condemning of the right of way and trying to get 16 built and I mean, as you know at the state level they have got funding and they are moving fast. I mean the condemnation already to Franklin now has occurred and I'm working with eight other property owners with the state to get those properties condemned to get that built through. I mean I want to see it, the valley wants to see that open up, even in Fields District in this whole area. So, I think the timing is great for development like this. It's going to take time for them to get building, but working with, you know, the traffic and stuff I think, you know, with the current interchange that's already in place, you know, I do think it's a good place to be. I know that wasn't analytical for you, but I'm not good at that. All right.

Simison: Council, any additional questions? Oh, we probably shouldn't -- Mr. Nary, when we lose a member from up here we technically have lost our quorum to my knowledge or are we okay?

Nary: It's okay. He hasn't left the meeting.

Simison: Okay. He's still -- I just don't want to do something we weren't supposed to in our process. Okay. Is there anybody else that would like to provide testimony on this item at this time? Come up.

Earley: Mayor, Members of the Council, I have never done this before. I speak to a camera, so this makes me wicked nervous. My name is Bri Earley. My address is 5021 West Shirdale Drive. I was Miss Meridian 2003 and I don't say that because I'm looking to get back in the business of ribbon cutting, but it just gives you an idea that I'm a woman of a certain age and it seems funny that in my 30s -- in my 20s -- in my teens I was able to turn around and say I remember when my cousin's played soccer in that field that's now The Village or I remember when there was no stoplight in Kuna, Idaho, where I went to school. This valley is changing and it's changing rapidly. In -- as a person who is in the business of forecasting, the high yesterday was 50, my forecast was for 38. Sometimes we can't see these things coming. The growth that has happened in this valley within -- since 2003 -- so, the last 14 years -- the last ten years -- the last five years -- the last three years has absolutely blown my mind. My point that I want to make right now is that while staff has done an amazing job in saying maybe this is premature, maybe it's not time for this, the Ten Mile plan, as I understand it, was made in 2007 and at that time we were thinking will they come? Will they come here? What will our valley look like? Ten Mile hadn't even been expanded at that point. Boy, did they come and it was probably beyond what our forecast was. So, I just would love to see this city get ahead of it. I see a lot of people coming in. I see a lot of houses coming in and being built. So, to say no to job creation would -- would be something that I would find really disappointing. So -- I love the city.

Simison: Thank you, Bri. Council, any questions? Thank you. Is there anybody else that would like to provide testimony at this time? We are going to go ahead, before we ask the applicant to come up, we will take a ten minute recess. I want to get Joe back in the room, so he can hear the final comments. Those will -- hopefully, it will just take ten minutes. We will reconvene at 10:00 o'clock.

(Recess: 9:51 p.m. to 10:00 p.m.)

Simison: Okay. We will go ahead and come back from recess and we will ask the applicant to come forward for final comments.

Nelson: Mr. Mayor, Members of the Council, thanks for your questions and comments this evening. I want to address one of the comments from the neighbor and also some additional comments from the Council there. One of the neighbors asked when is Black Cat going to be improved. We will be widening and improving a significant portion of

Black Cat with our development along our frontage and as you could see from the slide we showed about the developer-owned properties around Black Cat, there is going to be significant development around there where other developers are going to be doing the same along their frontage. We will do whatever is required by the -- the TIS and ACHD and those conditions and we expect, based on information from our traffic engineer, that that's going to involve widening Black Cat to about three lanes there and so it is going to be significantly improved. Council Member Cavener, you made a comment about, you know, just that the timing of the improvements here and we have talked a great deal about that. I think maybe an additional point to consider as you are thinking about the impact of the Highway 16 here that's coming in as a matter of timing, all of that just was recently quickly expedited and the amount of investment that is now present coming from the state is significant. The phase two section of which the Franklin interchange there at McDermott and 16 all is involved is over half of this and the expenditures budgeted there are 150 million for construction, 115 million for right of way, and those costs are only going up. So, we are talking about a significant influx of state investment here. Franklin connection to that is part of that planned improvement, so the connection with Franklin will be done with that. Undoubtedly, we expect that that means that ACHD is going to expedite their funding for the rest of the widening of Franklin, but even if they didn't it is already planned within the CIP beginning in the two to four year window, which is going to be appropriate and consistent with this project's build out. We are providing, as we showed, the -- the best use for this property from a traffic standpoint as you are considering, that because it's the lowest traffic impact you can have on this property based on your Ten Mile plan and get the job creation that you were looking for. As we have walked through the project that we are proposing it is consistent with your Ten Mile plan and what's called for in this area. Industrial uses are needed here. There has been a lot of data presented about that. Limited sites in your city can serve industrial and none of them are available now. You do have a lot of land available and a lot of sites available for office -- that more of that isn't needed. It is valuable, you do need office, we are not saying that office isn't valuable and that it doesn't have great job creation, it's just that you have a lot of opportunities for that. It doesn't need to be in this limited location where industrial does need to be. This project will help Meridian keep jobs. You can see from the testimony you have heard tonight and also the written testimony you received based on the vacancy rate, based on businesses needing space now and not finding it, that businesses have to look elsewhere to find that space. This project will also attract jobs. You heard data about the experience that reflects a quarter of all of the industrial leasing in the valley for the last two years -- had an average job per acre rate of 20 jobs per acre. Even if it were less than that we are far ahead of the estimates that you have received and consistent with the job creation goals in your Ten Mile plan. You don't have to create all 20,000 jobs in one location, you have a lot of job creating space and the space that we are utilizing for industrial space is consistent with and proportionately keeps you on track with your goal there. It doesn't take away from it. And, of course, given the vacancy rate it's always good to keep in mind that empty office space does not create any jobs and so you do really have to take it into context of where the demand is as well. When you have industrial users and tenants that are actively needing space and looking for space, then, industrial buildings bring those jobs. Other places can -- can source the -- the office around and inside your city as it exists now. So, for all of these reasons we ask for your

approval. We understand that you don't have a staff report before you with findings and conditions and so we ask for your direction to the staff to work with the applicant to put together findings and conditions that are appropriate, consistent with the plans and consistent with the design elements. We have asked for accommodation for the use and unless Tim has additional comments, we just stand for any further questions you may have.

Simison: Thank you. Council, anything additional for the applicant at this time?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I went back to the phasing -- phasing plan, Deb -- and I asked about that earlier, because I couldn't remember -- I knew there was a lag and -- and it shows phase one complete three to five years, phase to five to eight and -- and I think that -- that's helpful to the project from the standpoint of, you know, Highway 16 and -- and road funding, but, you know, one of the concerns here is that Franklin Road heading west and, you know, that -- that really needs to be done. It has to be tied in. That will make this and everything else going west successful and what can this project do to help ACHD facilitate that expansion going west of Franklin Road? Is there anything that can be done there?

Nelson: Mr. Mayor, Council Member Hoaglund, you know, visiting with our traffic engineer, who has now completed their study, they anticipate that there is not going to be a concern based on the timing of our build out of the capacity and the plan widening of Franklin. They do not foresee problems in that location for accommodating our capacity. So, we feel that that will be addressed through the TIS and ACHD's review of it. Now, that said we feel that the increasing development in this area and the investment and the interchange is going to expedite improvements in this area. You know, there is -- there is development to our north that is now going to be inexorable. They are also interested. There is a letter in the record from them supporting this project. As development increases around there I think everyone is going to create that additional demand for the CIP and the -- and the funding for Franklin to be expedited. As I said, though, even if it's not, the timing that's planned in the CIP is sufficient to accommodate our trips and that's how it's playing out in the analysis and the traffic impact study as well.

Hoaglund: Thank you.

Simison: Deb, I think you are a very good lawyer and you use very good words. Our -- we understand the our. Your impact. But I think one of the things that's really lost in this is when that connection is made to that location it's not just going to be your people accessing, it is going to be the entire area. It's going to be the entire valley that's going to use Franklin as an off -- and the entire road infrastructure is going to become strained and I think that's one of the underlying things it sounds really good, like, hey, this is going to be here for us. It's going to be there for everybody and one of the things that we have been really successful at seeing in Meridian is when we see a problem, the development

community can come up and find ways to help alleviate that before it becomes exasperated by their own development and so that's I think really the question is we understand your trips may not generate, but there is also the argument to say that having the office in this location is even better, because what better place to have 50,000 trips for property than a place that's going to be right there with a great interchange to access for those 50,000 trips. They only have to go a mile, you know, from that location and they can take the interstate. So, short term, long term, you know -- and that's what we are in this for. We are in this for the long term, but there are short-term issues and, then, there are long-term issues related to all of us. So, kind of piggybacking on what Councilman Hoaglund mentioned is are there things that this development could do to help alleviate the -- our issues, not just your trip generation issues to this area, where, you know, if ACHD re-diverts the resources to this area for these needs, they are taking them away from other parts of Meridian that have a need. That is in the -- that is funded, that is other parts of the committee are waiting for and we have made -- Council has made, you know, decisions based upon, yeah, let's approve that, because those roads are going to be improved, because they were in the plan at some point in time and I think that one of the things when we start talking about our growth priority areas, we understand we can't grow everywhere. We can ask our -- we can't ask ACHD to build roads everywhere. They don't have the capability to do that. So, I'm piggybacking on what I was hoping Councilman Hoaglund would kind of get at, what can this project do to help with those off-site needs that are going to be there in this area where there really are not a lot of other opportunities for those improvements in the short term?

Nelson: Mr. Mayor, great question, and I think Kristy touched on this and we need to emphasize it as well and as you guys know well, the -- the way that development pays for its proportionate share of impacts off site where you don't have control of the right of way and the roadways yourself and it would pay impact fees and those impact fees are used to fund these off-site improvements and so we will certainly do every off-site improvement that's required of the development, but in addition to that we are responsible to pay impact fees to carry our proportionate load of those offside impacts and we do appreciate -- we are certainly not the only users of these major roadways. Franklin is a significant arterial for commerce in this area. The connection to the interchange is exactly why this site is so attractive for this use. So, we need it along with everyone else and the -- the opportunity that's created by the interchange to bring in that funding that will help with the connections there, we believe is going to help change the traffic patterns, help pull it away from Ten Mile and improve those traffic flows. So, we, obviously, don't control that, that's the state. That's not our contribution. But we are excited that -- to have the timing align with that and, you know, finally, we appreciate that, yes, office -- office certainly is a great use. It doesn't need to be in this location. The closer it is to the interstate, sure, it has a shorter connection there, but office uses aren't dependent upon that same kind of interchange transportation access as your Comprehensive Plan and plan -- and Ten Mile plan note is so important for industrial and our jobs are valuable in this location and can't go in other locations and yet the traffic that's generated by this site is going to be so much less. Six times -- more than six times less than office on the same location for the same acres. So, significant less impacts on Franklin to add to all the surrounding areas.

Simison: Just to go back and touch on it, we do have development that will do reimbursement agreements with -- with ACHD where they will go and put in off-site improvements working with them to get those done in advance of when they otherwise would have been done. That's really I think the question is whether or not this project would be willing to consider working with ACHD on those types of options.

Nelson: I think I -- I will let the developer speak -- if I say something out of turn, but I think they are ready to look at that TIS and work with ACHD about whatever needs to be done there.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And I guess to follow up and feedback on your comments is the fact that, you know, you look at that intersection and for years that intersection stood out, because it's just -- it's fully built out way in advance of what they knew was coming. So, that was done in advance and now we get to take advantage of that. So, it would be nice to have that -- we are moving ahead of -- of the need and -- which is rare. It doesn't happen very often. So, if you could work with ACHD on some ways -- you know, they don't have a STARS program like the state does that we expanded Eagle Road and Chinden and whatnot, but ways that we can keep ahead to some degree just -- just because we hear so much from residents about the traffic and their -- the pain it is and it's never in advance and so just helping take care of those things, it would go a long ways in something like this, so -- anyway, something I hope would encourage you to --

Nelson: Appreciate those comments.

Simison: Council, any additional questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Deb, there hasn't been really any conversation about the proposed location for the -- the fire station in lieu of impact fees and I'm just curious -- again, I think fire seems supportive of the location, but if our needs change, then, what -- what becomes contemplated for that piece of dirt? The city I guess owns it and, then, we would turn around and do something with it and -- I'm not -- this is not -- I think this would be the first time that I'm aware of that the city has taken possession of land in lieu of impact fees since I have been on the Council and so I'm just -- it's -- it's a little different, a little left of center for me and I'm just hoping maybe you can walk us through kind of the why behind that and why you think that makes the most sense for our city.

Nelson: Mr. Mayor, Council Member Cavener, yes, I think this came out of discussions between the applicant and Fire and Fire was supportive of that location, looked at the

location, thought that that would be useful for them in the future. The applicant was willing to provide that location to them. Your -- your city code does provide for impact fee credit for land. I think there is still a fair amount of work to be done to work through, you know, what that might look like between Fire and the city and as a whole and the applicant to see if that might go forward. If -- if it can work out I think it's a great location. It seems like everybody was on board with it and so I think we are just down to the -- the process of logistics about whether or not that agreement can be put in place for impact fee credit. I can't speak to Fire's use of it or -- I just know that from the discussions that the applicant had with Fire that they were supportive of the location.

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

Nelson: Thank you very much.

Simison: Council, I think we will keep this one open.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think, you know, my -- my greatest concerns are, obviously, the transportation issue, the roads, and it looks like the applicant is willing to -- to have ACHD do a TIS just to verify and look and whatever comes of that in the future with some type of an agreement by the applicant with ACHD I think makes sense and so my other question or concern has to do with the jobs and it's not like I don't trust the information that's been given by the applicant at all, it's just a really important part of Meridian and it has such a huge -- it has the potential of either being really bad or like excellent, like top notch, and so I sort of want to punt to Tori and have her come up and just -- I just -- I just want to -- she's our economic development manager and she's -- and I trust her opinion. I just would like her to -- to speak about the jobs and I don't mean to put you on the spot, Tori, but if you could provide some clarity with that I would really appreciate it.

Cleary: Certainly, Mr. Mayor, Councilman Bernt, Members of the Council, so I like to look at the long game and no one has mentioned the comp plan this evening and the comp plan and the future land use map strike a housing to jobs balance throughout the community and so that is -- you know, in particular this area is planned for mixed employment and low density employment and so those are the job numbers that the comp plan looks at citywide, with the assumption that this area is going to provide X number of jobs and other area is going to provide a different number of jobs. So, I think it's important to consider that. Comp plan, you know, was adopted in -- two years ago, December 2019, following many many months of significant public engagement and our long range planners -- all our planners kind of looked at that essential balance in the community. Let's see. If I could just provide something to -- about Ten Mile interchange specific area plan, just something for comparative purposes. Ten Mile, when it was developed out at 50 acres, Ten Mile Crossing, and this was before the Saltzer Surgery Center. There were about 3,700 jobs out there, so that's about 70 jobs per acre. Just as a comparison for

you to consider. I know a lot of the conversation is centered around traffic impacts. As an example, the Amazon facility in Nampa is about 2.5 million square feet on four stories, so they have got a 675,000 square foot footprint. So, this, essentially, would be kind of four -- almost four of those, three and a half of those spread out on a single footprint and it's, you know, obviously, too early for a TIS, but their TIS estimated 7,000 vehicle trips per day for that Amazon facility. I totally agree with everything Mr. Wolff had to say about the market data. It's certainly accurate. I know the Mayor and I hear it when we go out on our business visits. Industrial businesses are challenged in finding space in Meridian. Manufacturing uses are essential to our community. Advanced manufacturing is one of our four target industries that we look for. Advanced manufacturing pays higher -- higher wages typically than other jobs and also it has significantly greater multipliers in the community, both jobs and revenue slash income multipliers and then -- so, let's see. Our strategic plan calls for increasing family wage jobs. That enabled employees of Meridian businesses to work and live in Meridian. The concept plan -- and this is really my only concern. The concept plan suggests that uses that are not only lower in the number of jobs, but also those jobs are typically lower in wages when you look across the manufacturing industrial type users. Let's see. And I think -- does that address your questions? Are there any others?

Bernt: I don't know what I was looking for, really, in particular. I just wanted to hear what your opinion was.

Cleary: Okay.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Tori, since you are up here I guess a very simple question that I hope comes with a simple answer. Does this application enhance or detract Meridian's economic viability?

Cleary: Councilman Cavener, Members of the Council, that's a tough question. I don't know that I can answer that. Like I say, I'm looking at the long game for that jobs to housing balance and, then, looking at our citywide strategic plan with a goal to increase family wage jobs.

Cavener: Okay. Thank you.

Hoaglund: Mr. Mayor.

Simison: Councilman Hoaglund.

Hoaglund: Try a different approach, Tori. Industrial is important to our community. I mean -- and that's something that, you know, when we hear manufacturing and assembly I get excited, because we are Americans, we build stuff and we build it better than anybody

else, you know, that's -- that's who we are and -- and -- and we do need those areas that -- that we have people being able to -- to make things to and, of course, then, it comes with storing things and shipping things and all that component that -- that comes with that. Right now in our community can you tell me what do we have on -- in the horizon, excluding this, that we are putting into place more industrial?

Cleary: Let's see. Mr. Mayor, Councilman Hoaglun, Adler is building some spec, but, typically, that is full before it's completed. A lot of their -- with -- well, with the exception of their Amazon facility and FedEx, a lot of their newer projects -- JST Manufacturing over on Lanark and I know of three other users that are coming in -- are higher level -- higher level paying jobs and a higher number of jobs than say a distribution or warehousing facility.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. And Tori -- and it's not an I gotcha question or anything like that, I'm just trying to think -- okay, what do we have and I think Mr. Wolff -- it sounds like his assessment is about, you know -- yeah, there is not much spec, it's the decide late and we need it now and get it done and you have got a tenant to sign right away, so that -- that happens and I guess -- I guess where I struggle -- I'm thinking, okay, we got a fish on the line, we got this big industrial fish, you know, do we throw it back and wait for something even bigger? That's -- that's the hard part, you know. So, what -- what -- what do we do?

Cleary: Yeah. Mr. Mayor, Councilman Hoaglun, yeah, you know, we do have to consider -- consider that opportunity cost. You know, if we let this go and the market shifts again in five years, are we going to be left with, you know, an undeveloped site and with as inconsistent as the market has been, I don't think anyone -- anyone would have foreseen the vacancy rates that we are seeing today in industrial.

Simison: Any additional questions for Tori?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The public hearing is still open, we are just -- I take it at our discussion, deliberation -- yeah. Keep it up. Okay. All right. Mr. Mayor, I will give you my thoughts on this. I think there is a -- kind of a confluence of circumstances where there is a lot of good data about the demand of -- for this type of use, an industrial use, lack of vacancy and there seems to be an immediacy for anything like this to be filled, which that principle, which is supported by data, somewhat contradicts what we are confronted with for infrastructure improvements, specifically transportation. So, we hear -- it sounds like every element would say this would develop as fast as possible, be utilized and filled as

fast as possible, the demand is there, which is fantastic. I don't doubt that at all. But that contradicts what we are confronted with with the ability to provide the full transportation network that it needs, at least arguably. So, that's my hesitancy with the project. Initially I thought the staff's and Planning and Zoning's direction to be consistent with -- with the comp plan and the mixed employment designation made sense. I think I saw to -- come up, that's what Tori was hinting at maybe. But the long game of this area had perhaps this type of use to the east of it, this being the mixed employment and the more industrial use. Connects to McDermott, now perhaps connects to Highway 16 and -- and that seemed to be the long-term plan for this area to build out. So, I thought that made sense. I thought -- I would have expected this to be a mixed employment application for -- or request for that type of zone, understanding that a CUP might be requested for this type of use and in light of the demand for this type of use I didn't think that would be a hurdle, but that was interesting comments in the record and today about the -- the strings on financing and how industrial users migrate quickly, so that was very helpful for me. I think the hurdle that I can't yet get over from what I have heard is the roadway network at Black Cat and Franklin in particular -- and I'm not as positive about the acceleration of funding. Quite frankly, I just don't feel comfortable that absent some -- some type of latecomers agreement cooperative that advances this immediately, that you are going to have any on ramp to Highway 16 in the immediate future. I just -- I don't -- the Mayor's comments about you are going to pull it from somewhere else that we have planned to approve or we have approved -- planned for that roadway network, this may be one of those ones where when we talk about the discipline to say it's just not ready -- I don't know. I don't think it is for me at least. I just think that roadway network concern -- honestly, I cannot get over. I think the use is great. The zoning I wrestle with back and forth, but the timing was just not there in my eyes. So, I didn't hear anything that resolved that concern. So, I think it's a -- it's a really good, well done project that's too early for this location.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: To kind of -- along the same vein as Councilman Borton, you know, is this the type of thing where we need -- have -- for the applicant to have discussions with ACHD before we can really make a decision on this, because there are lots of elements about this that I -- that I like and, you know, what gives me pause is that connection and having that ability to when -- I heard that 34 million dollars -- and, of course, they meant every connection that -- for that Highway 16 that's within ACHD's jurisdiction, from Chinden to -- to the freeway, but taking it away from other projects to do that hurts and finding a way to expand Franklin, make that connection I think is -- is critical for -- for the success of that -- that area for what's being planned and -- and I know Ms. Nelson is right, there is impact fees, they pay into that, it goes forward, but it makes it more difficult when those -- when timing is not in place for other projects and what I mean by that -- I have often thought when -- when I was on Council before we bought that 77 acres -- and I have shared this before -- when we bought Discovery Park and I remember thinking 20 years from now, you know, that will be a great thing. People won't remember who bought the land, but we got it for a great deal, saved taxpayers a bunch of money, there will be a

regional park out there and come back on Council and ten years later and phase one is already done and it's like, wow, that moved quick and I think something like this, if approved, will spur everything else quickly. But if -- again, if the roads aren't in place that's just -- it stops everything and -- and I think it was actually excellent testimony came from a meteorologist of all things, Bri talked about the fact that forecasting and looking ahead we aren't always accurate. That 20 year timeline I was way off on and I think the Highway 16 is going to do some things that might make us off on the timing and need for things sooner, as opposed to later, but that also includes the infrastructure to have that in place. So, that's the part I'm trying to -- how can we get to that to make everything else come and -- come together? So, that's one -- you know, I -- and I know the TIS and that work with ACHD is, what, six months, you know, I would take, whatnot, if -- from what I have heard from a previous application, but I don't know if that's the way to get there, do we -- do we approach it that way? That's just kind of my conundrum I have right now.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think to dovetail off of that, too, we have seen this year high priority roadway projects by ACHD be delayed because of their funding issues and while Kent Goldthorpe, speaking as a citizen, provided a lot of context, it falls in line with what we heard in our joint meeting with the highway district, which is they are not quite sure how they are going to be able to afford all of these connections with the current five -- integrated five year work plan. So, those to me create really really big questions and I just -- Council Member Borton, I -- I pinged in on a word you said, which is -- is the discipline. I really want this project and -- and, honestly, I think the location makes a lot of sense and 20 years from now it will have been the right location with its proximity to I-84 and Highway 16. But, Brad, you -- you touched on it. Highway 16 could change how we look at land use in that area. It's going to change traffic patterns. Am I -- the bulb of my crystal ball is burnt out, so I don't -- I don't know how to look at the future with that. So, that's -- those are the things that are causing me a lot of caution, which is why so many of my questions for the applicant was about their plans and suggestions and ways to impact it. So, for me without having some solid grounding on those questions, it -- it would be very very challenging tonight for me to be in favor of this annexation.

Simison: Councilman Bernt.

Bernt: Thank you, Mr. Mayor. I don't know if I have a whole lot to add. My Council Members -- my fellow amigos up here have really laid out specifically what I think as well. But to add on to this, I think this is a great project. I mean, honestly, I think that the landscape of how we are doing business -- not only regionally, but as a -- as a -- as a country, you know, even in the world, really, is turning toward e-commerce. I had breakfast this morning with a gentleman who, you know, has an e-commerce business and has developed and built numerous e-commerce jobs, businesses, has sold businesses and currently has one that's e-commerce that deals with hunting items and -- and, honestly, I think it's where it's going, at least in the near future and I don't see it

changing. I just feel like e-commerce is -- you know, you look at the office vacancy that tells you that's where it's going and so I think Mr. Wolff and his partners and his team have provided a great project. I just would like to know more about the transportation aspect of it and what that looks like. This is just too big of a project for me to have more of an opinion than that, to be honest with you, and so -- and I know that, you know, this -- this project, you know, if it were -- if there was favor in this project I think Deb would tell the team that this was -- would be continued anyways, because of findings and conclusions and so, yeah, I mean those are my thoughts. I don't know if I provided any clarity. Probably didn't, but --

Simison: I think you did from that standpoint. You know. And just -- just my two cents. My concern with this has always been about timing and infrastructure. Am I one hundred percent convinced the type of use here compared to what is -- is appropriate? No, but transition into some industrial. Absolutely. But if Council decides that industrial was the right choice for this entire property, I think that's a -- you know, that's where you need to go to figure out if that's appropriate or not. But timing is important and infrastructure is definitely important in my view and I think that's the underlying -- you have all said it. That's the -- that's the question and the only answer is -- is there a path forward to get that addressed or answered? It's not just the TIS. I mean the TIS is going to tell you what their immediate impact is, but it's really the bigger impacts that we are going to see for this area, because the point that was made, the property to the north goes next, the property to the west goes next and before long they are all -- everything in that area, because of the demand, potentially is there. So, with that I assume you want to hear back from the applicant on their next -- on what they would like to see happen at this point in time and go from there.

Nelson: Mr. Mayor, Members of the Council, thanks for your input. You know, we appreciate the comments and certainly appreciate the support for the use here. I know that that's after some careful consideration given where we have come from the staff report and so I guess we feel that we can work through the -- the transportation issues. We feel like we can address the timing issues -- or at least get you to a better place to have the information you need to make that decision and so I guess we would ask for a continuance until ACHD has an opportunity to review the TIS, which we are very close on. So, that's -- that's what we would ask, since that is the -- the issue that's holding this up. We would like the transportation agency to weigh in, the expert here, and provide you that information, so that you can feel comfortable with the timing and supportive -- and supportive of the use here.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just question, then, Deb. Timing wise what are we looking at? What's your estimation? Any -- any idea?

Nelson: Mr. Mayor, Council Member Hoaglun, so the TIS is effectively done, will be submitted within a couple of weeks to ACHD and so, then, we are just on their review timing, which could be a couple of months. So, I would say we are, you know, probably not on a date certain, but getting back to staff to request a hearing date for the continuance.

Simison: And, Deb, I'm only speaking for myself, who may or may not be involved in a voting situation -- that goes beyond the TIS. It's what can be done to look at the road network improvements that are needed out in the area. The TIS will say one thing, but it's still -- it's the bigger -- bigger picture is -- and that's my sense. I may not even be involved in a future decision on this based on how this plays out, but my two cents.

Nelson: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Deb, I think that's it, too. That's sort of how I understood it, that ACHD is going to say we have no funding for Franklin and -- and the interchange -- or the connection to McDermott. It might happen quick, it might not. We don't know. So, my -- my fear is whenever we continue it on the big issues they will say, as they probably have to say, we don't know. There is just nothing there yet. I think the Mayor's comment of -- is there some mechanism to accelerate it and provide some certainty, I guess that's my fear that if there is -- if there is a continuance to allow ACHD to provide comment on the big infrastructure issues, I don't know how they can provide a response that answers that. Maybe they can. We will see. Give them a chance.

Nelson: Mr. Mayor, Council Member Borton, you know, we appreciate those comments and certainly topics we will explore and try to come armed with all the information you are seeking and -- and also recognize that, you know, part of this is looking to the transportation agency to, hopefully, the -- the facts and that analysis through the TIS and their review will help provide information that's helpful on the capacities to help answer those questions and on the timing.

Simison: And just one small piece as well, you know, the connection is in Canyon County. I don't know how much interaction there is. I don't know if Canyon county received this application at all, but I know it's only a quarter mile to where Highway 16 is going to connect. I don't know how much -- how relevant that is as well to the conversation, but, unfortunately, ACHD's jurisdiction stops right there. So, even that -- their plans for their side of the county line.

Nelson: Thank you, Mayor. We will certainly come armed with that information, too, and look at the state scope of that interchange area and see what's involved there.

Simison: Okay.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I need a date, Deb. So, we are looking March?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think we could just -- we can -- we can just continue this --

Bernt: Without a date.

Cavener: -- to a future date and the applicant can work with staff to get it noticed and, then, go back on our agenda once some of the questions that are out there have been --

Bernt: Right.

Cavener: -- answered.

Bernt: Yeah. Okay.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, the only thing is if you do it that way does the applicant need to pay fees or does the Council the city to pay the fees? The notice fees.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: And, Bill, you know, I thought if we just continue it to a date to be determined, would -- I mean there is nothing new, it's just coming back with more information from a partner agency that -- but --

Nary: Mr. Mayor, Members of the Council, Council Member Hoaglun, technically there is no way for the public to know when that is always, so we would have to provide some level of notice --

Simison: Yeah. Can we just pick a date and, then, if we have to continue it again at that point in time we can choose that. So, probably a couple months minimum.

Nelson: Mr. Mayor and -- maybe Chris could look at a date in March. I don't have the calendar in front of me -- to see -- if we can pick one I would appreciate that. You know, we will just adjust it if we need to.

Bernt: First date in March is the -- is the 1st and, then, the next one is the 8th.

Simison: I would avoid the 8th.

Nelson: The 1st --

Simison: -- for anybody considering National League of Cities.

Bernt: Okay.

Nelson: March -- March 1st, we will go with that, and we will follow up as needed.

Simison: Do I have a motion?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we continue the public hearing for Black Cat Industrial Project, H-2021-0064, to March 1st, 2022.

Cavener: Second.

Simison: I have a motion and a second to continue this item until March 1st, 2022. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued. Have a good evening, everybody.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ORDINANCES [Action Item]

- 4. Ordinance No. 21-1959: An Ordinance (H-2020-0060 and H-2021-0050) Horse Meadows) for Rezone of a Parcel of Real Property Situated Within a Portion of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) and Within a Portion of the Northwest Quarter (NW ¼) of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho; Establishing and Determining the Land Use Zoning Classification of 5.33 Acres of Land From R-4 (Medium Low Residential) Zoning District to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; Providing That Copies of This Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required**

date of November 18th, 2021, with no modifications.

Yearsley: Second.

McCarvel: It has been moved and seconded to approve H-2021-0077. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

4. Public Hearing Continued from November 4, 2021 for Black Cat Industrial Project (H-2021-0064) by Will Goede of Sawtooth Development Group, LLC, Located at 350, 745, 935, and 955 S. Black Cat Rd. and Parcel S1216131860.

- A. Request: Annexation of 130.19 acres of land with R-15 and I-L zoning districts.

McCarvel: Welcome back, Commissioner Seal. Next item on the agenda is continuing H-2021-0064, Black Cat Industrial Project, originally opened on the hearing date of November 4th and we will begin with the staff report.

Tiefenbach: Greetings, Madam Chair, Members of the Planning Commission. Alan Tiefenbach, associate planner with the City of Meridian. This is a request for an annexation of 130 acres with the I-L and the R-15 zone district. So, the majority of the property is on the west side of Black cat Road. This is about 129 acres. There is also a very small -- not quite one acre piece of property that is -- where is my -- there it is. That's right there that is the -- on the east side of Black Cat. Just a quick history. Staff and the applicant have met numerous times on this project. We have expressed many concerns. These include the lack of the compliance with the Ten Mile plan, both in use and design. Potential traffic impacts, probability of low job generation and whether or not the timing is actually right for -- for a development of this magnitude when there is other properties to the east that have yet to be developed. So, again, the applicant proposes to annex and rezone a little bit less than one acre of property to the east as R-15. The applicant proposes to annex 129 acres of property to the west as I-L. I want to quickly talk about the Ten Mile plan. So, the Ten Mile plan -- the purpose of this was to ensure that land use and transportation planning are integrated. It states that the city knows that these are one of the last remaining large contiguous areas of highly visible land, meaning the property that I'm referring to. The Ten Mile plan talks about how this area is intended to look, feel, and function differently than a typical commercial area or a residential subdivision and it goes on to talk about that unlike a lot of commercial and employment districts, the intent here is that the Ten Mile plan wouldn't empty out at 5:00 p.m., it would be sort of a live-work situation with a lot of employment. This is the land use map for the Ten Mile plan and so the property is what you see in the -- in the dotted yellow line. This over here is the one acre property that's being proposed to be rezoned to R -- to be -- excuse me -- annexed and zoned to R-15. That is surrounded by property that's all recommended as medium density residential. On the west side of Black Cat Road, about

one-third of this, maybe a little bit more, is recommended as low density employment. The rest that you see here in gray, this is all recommended for mixed use employment. So, low density -- low density employment, according to the plan, talks about that the purpose of this is to provide low rise office and specialized employment uses, a variety of flexible sites for professional offices and similar businesses, and it also should be designed to provide convenient circulation. One of the things about that circulation is that it's recommended to be designed with elements of traditional neighborhood design. So, that's slower streets, traffic calming, wide sidewalks, more walkable, buildings that front towards the street and buildings in low density employment areas are supposed to range in height between one and three stories. Typically smaller square footage and land use types talk about corporate and business offices, research facilities and laboratories. If you look at the bottom here there is some pictures out of the Ten Mile plan that sort of give examples of what low density employment could look like. The other land use recommendation, again, which is the majority of it, is mixed employment and this is to encourage the diversity of compatible land uses, include -- which includes a mixture of office, research, and specialized employment areas. It also says that what could be appropriate there is light industrial, including manufacturing and assembly and I will talk about that shortly. It should provide for a variety of flexible sites, for small and local start-up businesses, as well as large national or regional enterprises. It's intended to accommodate a wide variety of employers and serve as a primary gateway and all of the -- and as an example, all of the professional office uses along with the -- the restaurant and retail uses, ancillary uses that you see at the Ten Mile and I-84, the example of mixed use employment and that's the type of uses that are proposed in this area as well. So, the applicant's proposal -- and this is the concept plan. Is for seven buildings ranging in size between 6,800 and 33,000 square feet. So, that's what you see directly adjacent to Black Cat. This includes, according to the applicant, flex incubator buildings, which can be divided into spaces and also it includes a future fire station, which is what you see here. This also includes nine large buildings. These range in size from 131 square -- 131,000 square foot to almost 330,000 square foot, with the entire project being somewhat more than two million square feet. This concept plan that you are looking at it shows multiple loading bays. I don't know if you can see it here, but there is loading bays here. They are pretty much inside of all of the buildings. The concept plan that you see here shows a wide collector street, which I will talk about, and this is designed to accommodate large truck traffic and the applicant request is to rezone this entire area to I-L, which would be light industrial. Again, this is still part of the proposals. The narrative states that the Black Cat business center would provide in demand manufacturing, heavier office build out, flex industrial and ancillary retail, warehousing and distribution. It mentions that the mixed use employment designation does allow light industrial as one of the appropriate uses. The narrative notes that the City of Meridian has less than a one percent vacancy rate for industrial business uses and the Treasure Valley as a whole lags behind its peer markets. So, staff believes that the mixed employment zoning is more appropriate for this location, not I-L, to follow what the Ten Mile plan designates. The Ten Mile plan does mention light industrial as one of the appropriate uses in mixed employment. However, light industrial is defined by this plan as manufacturing and assembly. Also the Unified Development Code also has a definition of light industrial, which talks about a use engaged in the manufacture, processing, fabrication, assembly,

treatment -- blah, blah, blah, predominantly from previously prepared materials. So, this would be where your elves would create your widgets and they do the research on the widgets and they bring them to the warehouse and they -- they could store the widgets and trucks can come and get the widgets, but the whole point is the building and the making and the research and the development of the widgets and, then, the widgets can be taken somewhere else. Now, these definitions that I described are very different than what will be allowed in the light industrial zone district. Two different things. The definition of light industrial versus the light industrial zone district are very different. In that particular zone district warehousing, distribution, self storage and other industrial uses are allowed. But these uses are actually specifically mentioned in the Ten Mile plan as being in the industrial area, which is further west of the property directly adjacent to McMillan. I have put this comparison on just to help clarify, because it is a little confusing, but on the left would be mixed employment. These are the kind of uses that are recommended by the Ten Mile plan. They pretty much are exactly in sync what the plan recommends. On the right is what you see as light industrial zone district. This zone district allows numerous uses, which includes by right, warehouse, indoor and outdoor storage, car sales, contractor's yard, equipment rental, sales, and service and all these other types of uses as well. One of one of the major intentions of the Ten Mile plan is to improve the jobs-housing balance and there is some information that I have here. What you see on the -- on the right there, those numbers, what that all is is talking about what the existing jobs-housing balance is in this area. Basically ideal -- in an ideal world you would have one job to one house is what you are looking for. Anything less than that is less of the jobs-housing balance. Anything higher than that means you have more jobs than people. The existing jobs here is that this balance is presently about .2 and, like I said, one is the ideal one. The intended jobs of the Ten Mile plan talks about 20,000 and this -- the intent of this, especially with these employment centers, is intended to promote a reverse commute. As you know to the east there is many subdivisions that are building out now, hundreds of lots, multi-family over the Ten Mile and Franklin and is also like the Ten Mile-Meridian, the gateway, numerous types of mixed use and residential projects. This is a quick list to show you just typically what the typical jobs per acre is. So, for retail you get Ten Jobs, down to like warehousing, which would be five jobs per acre and self storage is very few, one or two per facility if that. West Franklin Road presently is two lanes with no curb or gutter. That's what you see here. Sorry. It's covered by that legend. And it narrows to one lane west of Black Cat. Black Cat Road, which you see here, is presently two lanes with no curb, gutter, or sidewalk. Black Cat Road is to be widened to five lanes between 2036 and 2040. West Franklin Road is planned to be widened to five lanes between 2026 and 2030 and the West Franklin Road over here is eventually to be signalized for State Highway 16, which is eventually going in just west of McMillan. So, the -- the Ten Mile plan, ACHD, both require north-south collectors and a local street. So, one of these collectors you can see purple here, this was provided by ACHD. Another one of the collectors is shown to run through the middle of the property here. Also ACHD is showing a collector running along the northern side of the property along the Rosenlof Drain. It's important to notice that there is actually another local street, which is shown on the land use map of the Ten Mile plan that's not, however, shown on the transportation plats on the ACHD. However, the -- the intent of this local street, obviously, is to connect between these two these two collectors. Staff has mentioned to the applicant that there

should be some sort of northern south connection through the middle of this property. The concept plan that's provided doesn't show this connection. It basically dead ends here at parking. So, although the immediate area -- area is mostly undeveloped, meaning directly to the east and, then, to the north and to the west is also still unincorporated Ada county, there is a significant amount of development that's already been built out or is entitled to that, like I talked about. 330 single family lots and 240 apartments in the Bayara Baraya Subdivision, which is to the east. There is a large amount of commercial and residential occurring at Meridian, Vanguard Village, Ten Mile Crossing and TM Creek crossing. Staff believes that the impacts of two million square feet of new commercial uses could have significant impacts on the surrounding neighborhood. Now, annexation -- annexations do not require a traffic study, but staff does believe just because of the size of this this is one of the things that the applicant should provide and it's one of the things we can look at to see if it's in the best interest of the city. We believe that the uses proposed would generate also a large amount of truck traffic. If you look at what's being proposed, the -- the numerous large buildings and the wide collector, even in our narrative it talks about to provide unimpeded access for trucks. So, you are going to get a lot of trucks going up and down these two lane roads on Black Cat and Franklin or trying to turn and go into Ten Mile. The Ten Mile plan has design requirements regarding the road network, streets sections, walkability and architecture. So, in general there is a Section C, which is sold on the Ten Mile plan, and that is what you see on the left here, this bottom. Collectors here are supposed to be multi-modal, meaning walking, biking, and driving with on-street parking and wide sidewalks and buildings that are brought up to the street. In addition, there is other design standards, such as variation in building height, ground floor transparency, three different elements to buildings. What you see here this little section, there is different sections provided in the Ten Mile plan trying to get an idea of what the building massing and the building height in each area is. What you see here on the right is showing the mixed use employment area that I'm actually referring to and, then, there is -- there is numerous pictures of the types of businesses that would be reflective of that. So, the concept plan that you see here reflects the east-west connector -- collector bisecting the property and being 60 feet wide. So, again, the -- the collectors are supposed to be 33 and that's to slow traffic and to make them more walkable, but what you have here is a 60 foot wide collector. This is easy truck access. There is no on-street parking. There are detached parkways, but all the landscaping is outside of this right of way and you can see much of the parking is along the collector. And, then, the buildings here -- what you see here are they maintain large setbacks. The large buildings don't contain the kind of ground floor transparency that's talked about in this plan to make it interesting and pedestrian oriented. They don't address the public realm and they are all one story in height, even though they are sort of designed to kind of look like two stories and and the Ten Mile plan, again, is recommending that there is different building heights, not just all one story. Now, the applicant's narrative states that due to security and visibility that the industrial uses of these buildings do not support windows across the entire frontage and certainly we understand that. As an alternative they propose enhanced glazing at every -- at the corner elements. So, staff believes that there could be design revisions that could improve the final product, especially some of the buildings that you see along Black Cat, the smaller ones. We think those could probably be reconfigured, reoriented and some additional things done to make those

closer to what the Ten Mile plan recommends. However, it's important to note that given the use that's being proposed, especially with the western part, the majority of it, we don't think that the applicant could design in the type of design that's being recommended by the plan, not -- not as an employment center. I think sort of the point that I'm making here is the Planning Commission should decide whether warehousing, distribution, and storage is appropriate in this location, because that's what I-L would allow. If they do believe that those kinds of uses are appropriate in this location, then, staff would still recommend that M-E would be the -- would be the -- the appropriate zone district and, again, some of those warehousing uses are allowed as part of M-E, they just can't be a standalone use, they have to be part of a larger operation. The applicant proposes to annex and zone the area to I-L, whereas M-E zoning would be more consistent with the plan. The applicant also proposes to annex about a one acre lot with the R-15 zone district just to achieve the contiguity to be eligible for annexation. There is a potential for significant loss of employment generating activity, monotonous architecture, and building massive street design, which is not consistent with what the Ten Mile plan shows. In addition, the traffic impacts of nearly two million square feet of new commercial on the local network have not been analyzed and staff wonders really if this is about time -- if this is time, as much of the -- the development to the east has not yet been developed, the roads aren't ready, and much of the infrastructure isn't in place. The plan says that the city knows -- like we mentioned as one of the remaining last large contiguous pieces of highly visible land within the city's area of impact. With that staff finds the application is not in the best interest of the city. Staff recommends denial and with that I will conclude my presentation.

McCarvel: Thank you. Would the applicant like to come forward?

Tiefenbach: I think we are -- I think we are fighting over the mouse. Hold on sec, Deb.

Nelson: Okay.

Tiefenbach: Okay. There you go.

Nelson: Okay. Madam Chair, Members of the Commission, my name is Deborah Nelson. My address is 601 West Bannock Street. I'm here on behalf of the applicant. So, you can tell from Alan's presentation we actually have met with staff for a long while. We are disappointed we have not been able to get staff support, but at this point we feel we have done as much as we can do to work through these concerns and we need to move forward with this application. I mean fundamentally -- and I think Alan said this as well -- this is a decision about what use can go here and staff's vision for this area is an office park. They asked us to look at El Dorado and Silverstone, instead of this industrial flex park. So, my presentation is really going to focus on how the light industrial zone and a modern business park with modular industrial spaces for businesses of all sizes is actually compatible with your Ten Mile plan and your annexation criteria. Tim Wolfe with A-T Industrial is going to follow me with some information about the market need and support for the proposed industrial flex used in this location. Little project evolution. On the left is our initial concept. Following the pre-app we made some significant changes. We

rotated the buildings to shield the views of the loading docks from the freeway and the collector. We enhanced the entrance and added this central amenity area. At significant expense we purchased and incorporated two outlier parcels along Black Cat to address staff's concerns that they may be isolated as rural residential in the county. We continued through discussions to evolve the site. We changed the majority of the buildings to single loaded and pulled them up to the street to minimize parking at the frontage. We divided the Black Cat frontage buildings into smaller flex incubator spaces. Added walking paths throughout. Improved the collector street east-west to match the plan and we added this fire station site, which we are in discussions with fire about. Here you can see the flex incubator spaces on Black Cat that will serve those small local and start-up businesses with adaptable office like space and here is the outdoor amenity space providing that attractive entry and also serving that as -- as that gathering hub for employees. So, a couple of key points about what the plan provides. Alan mentioned that the majority of our site is mixed employment under your Comprehensive Plan where you have the majority of one designation and mixed designations that calls -- that it's appropriate to use the majority designation, which we have done here with mixed employment. In the zoning compatibility matrix within the Ten Mile plan it specifically identifies light industrial as an allowed zone. All of the uses that we propose are allowed within that light industrial zone. The Ten Mile plan also calls for uses within the mixed employment area to provide a variety of flexible sites for small local or start-up businesses, as well as sites for large national or regional enterprises. We do this in a couple of ways. We have got the variety of building sizes that go all the way from 17,000 feet for the flex buildings up to what we have shown here as approximately 350,000 feet. That is well within the range in your plan for mixed employment areas that calls for buildings that range from 10,000 square feet to one million square feet. The other way we do it is we have demisable buildings. These are all -- demisable down to 2,500 square feet in the small, 18,000 or 25,000 in the larger buildings. This allows tenants to come in a variety of sizes of businesses and then when they grow they can grow into larger space. Ten Mile plan also talks about how one of its goals is to provide for industrial opportunities and consideration of the future improvements to Highway 16. Well, at that time that was long in the future and now it is immediately upon us. The land has now been acquired. This is a priority for the governor and this is expected to be built out in the next two to three years. The east-west collector through our site will provide us a direct connection over to McDermott and 16 as the property to our west develops. There is a lot of details. We don't have enough time to respond to everything that Alan just raised. I will just try to highlight a few things. He talked about how we didn't meet the -- the street section. In fact, we do. He said that we didn't meet it for one reason, because it calls for on-site parking, but, in fact, Street Section C doesn't call for on-street parking. We do have bike lanes. We should have delineated them better. The one addition we have is a turn lane in the center of this, but every other aspect is the same, parkway, hardscape, sidewalks detached. Again, a lot of details about design. Just to highlight a few. Alan talked about the building heights in his staff report. He says you have got to be two to four stories. In fact, for mixed employment it's one to four. We have one and two stories, but our building heights range up to the four story height in there. We also meet the setbacks. The picture illustrates this well. This was also in Alan's presentation. The picture on the left is straight out of the Ten Mile plan. This is our building -- this is from our larger building onset. This is -- our architectural

features are the same. I would say more attractive and you have got the same delineation, the same glazing shown. We meet all of the criteria for annexation. We have services at our site. Public Works has confirmed they have capacity to serve sewer and water here within the existing trunk lines. The area to our east is building out. Everything is either got a development application pending or it's owned by developer land. This area is quickly developing and appropriate for development now. In the end with all of these points, the city certainly can choose to approve light industrial zoning in this location and the industrial and flex project based on the guidelines in the plan and the Comprehensive Plan if this is a use that you determine is appropriate here. With that I'm going to turn it over to Tim Wolfe.

Wolfe: Hi. Tim Wolfe. 675 Sun Valley Road, Ketchum, Idaho. 83340. What I wanted to do is just -- we were -- staff -- we have heard repeatedly from staff that office is a more appropriate use for this location and what I want to do is just take a minute to talk about what the context was when the specific plan was adopted in 2007, what the context is today, how that has changed and how the two uses have changed pretty dramatically over that period of time. So, what's happened is that behavior has fundamentally changed the way both office and industrial use are used in America. Office space per employee has been cut in half since the Ten Mile plan was adopted. So, it means that for every square foot of office you have twice as many employees in it today as you did when that was adopted. E-commerce growth has more than tripled over the intervening period of time and it's had a pretty significant impact on the need for local industrial infrastructure. I'm going to -- I'm going to lay out a whole bunch of things here. You will get the slides. I'm not going to go through a bunch of details, but in the detail we have kind of laid out 2007 and '19 what happened. Obviously, we had an event -- a pandemic event in 2020 and, then, going forward, you know, what does that mean? What does it mean for office? What does it mean for industrial? How should you as a city plan going forward to address the ongoing needs. So, there is a lot of supply chain things that have happened and you will be able to read this. There is a couple of interesting points down at the bottom here that I'm going to pop up. In 2007 when the plan was adopted e-commerce was four percent of total retail sales. 2013 it was 5.8. 2020 it was 14. And it's very close to 20 percent now. So, it's quadrupled, online sales have, and that channel is all going through an industrial channel. On the flip side of that what's happened is that office square footage per employee in 2007 was 396 square feet. 2020 was 196 square feet and now what's happening is with people working from home more and more, that number is continuing to go down. So, the amount of land necessary to meet an office requirement for a number of employees has been cut in half and it's continuing to go down. So, what does that mean for office land in Meridian? More office land is not needed. Obviously, changing maybe forever and there is some things about studies by Price Waterhouse, Coopers and others about how that's happening. So, if you actually go look at the office in Meridian currently there is greater than a 70 year supply of office land that is currently on the market. Office that is existing and built in vacant or office that is in planning process right now. This town ignoring land that's zoned that's not on the market right now that there is also a significant amount of -- has more than 70 years of supply of office. So, we are confused about why office is being pushed on this site. So, what we did is looked at what's the average absorption of the last five years of office in this town and it's

about 200,000 square feet and that includes pre-pandemic when the office uses started to decline. Office space available for lease is about two point years -- two years of supply. Office projects in planning and process is another 3.2 years of supply. Office land listed as available for sale just in the City of Meridian is 415 acres, which is a 67 year supply of office. So, you know, why -- why we would build office in a market that where there is 73 years of supply of current land available didn't make sense to us. So, how does Meridian sit relative to its peers. And we shared this with staff. So, Meridian right now has a 14 percent office vacancy and Boise is eight percent. So, about half of what Meridian is. So, relative to Boise it has more office than it needs. But .09 percent industrial vacancy. So, there is zero industrial availability and what that means is people are leaving Meridian. Existing businesses right now -- we talked -- we talked to a business a day that doesn't have room to grow, doesn't have anyplace to go and talked to two businesses this week that are industrial tenants that are leaving your city because they have nowhere to go and Meridian compared to peer cities, it's 40 percent behind Boise in terms of total industrial square footage, 66 behind Spokane and it -- you know, Meridian is the second largest city in the state of Idaho, so it's -- our feeling is the city should be thinking of itself as a city and -- and from a planning perspective behaving that way as well and to -- I -- our feeling is it shouldn't be a badge of honor to be 60 percent below your peers in terms of the amount of industrial space you have available. So, there is almost no current inventory of land available for industrial. There is no vacancy. There is no room to grow. Future land is many years out. There is a significant amount of infrastructure that's got to deliver that future land and staff itself has said that that is a long ways out. As I mentioned, we have been talking to existing businesses. I spoke with eight this week. They are all growing, they all want to stay here, they all have nowhere to grow. Two of them are leading that I spoke with this week. In addition, we have other tenants that want to be in this location that are high paying jobs and high density jobs relative to the industrial space and so I think -- and I just want to leave with a couple of questions for everybody to think about, which is, you know, are we planning for a diverse and resilient economy by providing all the needed space for the second largest city in Idaho to grow? Are we intelligently responding to the escalating need for -- that e-commerce is driving and that the supply chain issues are driving? And are we really thinking about the declining need for office space, because it has declined pre-COVID and nobody knows what this means post-COVID, other than the fact that more and more people are going to work from home and do we want to force businesses and employees that are successful out of this community? Because that's happening today. That's it.

McCarvel: Okay. Thank you. Any questions for the applicant or staff?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Question for the applicant. Out of the -- all the folks that you talked to did any of them submit any kind of written testimony to the fact that they are leaving the community?

Wolfe: No, but I'm happy to get that -- provide it.

Seal: That would be a good piece of information to have.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: What -- you said that the -- the companies moving out are moving out because of space. What -- what are the space needs in terms of general square foot per business and what does that look like?

Wolfe: So, the eight that I spoke with this week there was a total of just under 300,000 square feet that they occupied with those eight tenants. So, it's, you know, an average of 35,000 feet or so apiece and they ranged from as low as 4a ,000 foot tenant up to as high as 50,000 foot tenant and the employee count for those 300,000 feet was about 300 employees. So, about one per -- it was actually higher employment per acre than what was shown here by about double. So, there is a lot of variability in that employment and the two that were leaving -- one has 30 employees, one has 20 employees. They both really want to stay in Meridian. One of them has already signed a lease to move out -- outside of this town and I'm sure he would write a letter saying why. He grew his business here and wanted to stay here, but at the time there is nowhere to go.

Lorcher: Madam Chair?

Simison: Commissioner Lorcher.

Lorcher: Knowing that the infrastructure for this particular area, Black Cat and Franklin, are not even available yet with, Black Cat not even being widened until 2036 to 2040, why now to change it to light industrial?

Wolfe: Well, there is -- there is need and as I mentioned, you know, you are going to have existing businesses leave, let alone new businesses. Actually, the intersection at Black Cat and Franklin is a fully developed intersection, so it's built to handle the five lanes that are going to go along Franklin. So, the intersection itself can handle the traffic and we have a traffic study that is well along the way and staff has communicated a little bit with ACHD on that and there will be a traffic study that will be complete prior to any building permit issued on this site. It's our -- we acknowledge and understand that traffic has to be resolved, so -- and part of our intent is to enhance Black Cat from the site up to Franklin.

Lorcher: And the three homesteads that are currently there you purchased?

Wolfe: We purchased the two that are -- that end up squaring up our frontage on Black Cat.

Lorcher: And the one across the street?

Wolfe: The one across the street is just part of the annexation.

Lorcher: So, that home will remain for now?

Wolfe: Correct.

Lorcher: But the other two will be removed?

Wolfe: Yes.

Lorcher: Thank you.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I have a question for Bill. Since you are probably the only one here that was involved with the Ten Mile plan initially, was State Highway 16 even considered in the plan as part of this Ten Mile specific plan?

Parsons: Yeah. Commission, Commissioner Yearsley, I wasn't part of that charrette when that came through, so I don't really have a definitive answer for you, but what I can tell you is M-E zone wasn't in play when that plan got adopted and so the matrix that the applicant brought up showing industrial and, then, all the different commercial zones that were in there as an appropriate fit, M-E did not exist and we have amended the code since, then, to -- to accommodate M-E zone to go along with that land use and that's why staff was pushing or felt that M-E was the more appropriate zoning for this particular property. But we can certainly look through the plan a little bit and dig into that and see if we can circle back on that discussion for you.

Yearsley: Okay. I was just kind of curious with that, just because the -- the use of this area kind of has a potential change based on access to the interstate just a mile away.

Parsons: Well, if you look at the -- the land uses that -- as you transition farther to the west and connect to Nampa, you see we do go from more of a business park setting to an industrial area around that interchange. So, one would -- would presume that it did contemplate highway -- or State Highway 16 happening, so that you could get that truck -- truck traffic happening and try and avoid that conflict with what's occurring as you transition to Ten Mile.

Yearsley: Okay. Thank you.

McCarvel: Any other questions for staff or applicant?

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: So, if you were proposing -- because I wasn't here for the Ten Mile interchange either conversation. So, if you were proposing this to be more office space off of Black Cat, if a company wanted to do light industrial or manufacturing, where do you -- where were you envisioning to go in the City of Meridian?

Tiefenbach: So, Alan Tiefenbach, associate planner. I was just kind of going through the Ten Mile plan. It does actually talk about Highway 16 in the future improvements and how this employment district was supposed to be buffering and residential from the industrial that was supposed to be directly adjacent to McDermott. So, if you look at the -- the land use plan, which I think I have here, on all of the industrial -- what you will see there is to the west and that's intended to be directly adjacent to McDermott and eventually to Highway 16. The mixed employment area is supposed to, first of all, provide a buffer and, secondly, to provide jobs to help the job balance from the numerous different residential subdivisions that are building out to the east.

McCarvel: Any other questions for staff or applicant? Okay. Thank you. Madam Clerk, do we have anyone signed up to testify on this application?

Weatherly: Madam Chair, we have one. Corinne Caddis. Madam Chair --

McCarvel: Sir, did you want to come forward? And, please, speak right into the microphone and state your name and address for the record.

Eggers: Yes. Thank you very much. I'm Drew Eggers at 2256 North Waggle Place, Meridian, Idaho. 83646. I apologize I got here a little late, so I wasn't able to sign up. So, thank you for giving me this opportunity to speak. I'm a fourth generation Idaho farmer and I grew up on that property and the past 25 years farmed it for my mother and the family and saw over the years the changes that have come around that property. Well, it started back when -- in the early '60s when the freeway went through that property and so I have seen a lot of changes over the years. I -- we accept the Comprehensive Plan that has been overlaid on this property by the area of the City of Meridian or the powers to be and with the growth happening in this area it's bound to -- bound to fulfill or come to fruition, I believe. Light industrial -- this property every year is becoming harder and harder to farm. It was farmed last year. I farmed it prior to that for 25 years. With the growth in this valley machinery going down the road, all the obstacles from farming we were -- stopped aerial application because of population growth. So, I mean I could talk a half an hour on that and I won't, but -- but the -- the Comprehensive Plan for the way things are growing I believe is acceptable to my -- our family and -- and a-- nd the way it's being planned. My family has been involved in Meridian before my life, being a fourth generation farmer. My grandparents came to Black Cat Road in 1921. It wasn't Black Cat Road then. It was changed to Black Cat Road in the '30s when my father -- grandfather named his farm the Black Cat farm for selling registered Holstein cattle and, then, in the '50s everybody called it Black Cat Road because of the sign and so they put Black Cat road up, the county did, instead of Post Road. So, that shows the history we

have out there. I can remember in the '50s Black Cat Road being gravel. We have also been involved in the community over the years. Myself going to the Meridian schools. All community functions. Being involved in the church in this area is part of what my family has done for multiple generations. So, at this point you see we do have a willing buyer to come and do what the Comprehensive Plan wants and so this is why I'm here today to ask for -- for approval of this project. If there is any questions I would be happy to answer them.

McCarvel: Any questions? Thank you.

Eggers: Thank you very much.

McCarvel: Madam Clerk, anybody else that was signed up?

Weatherly: Madam Chair, no one else was signed in to testify.

McCarvel: Okay. Then let's move on to the raised hands. Sir. In the brown jacket.

Goldthorpe: I wasn't going to do this. My name is Kent Goldthorpe. I live at 1355 South Black Cat Road, just above the proposed annexation and rezone. Number one, I'm fully supportive of anything that you decide to do, but I would like to give you a little bit of the rest of the story. I'm giving testimony today as a private citizen, but you probably already know that's not necessarily what my day job is. We have talked about -- a little bit about Highway 16. The Ada County Highway District has absolutely no plans to connect to Highway 16. We don't have any money for it. When the legislature in their great wisdom passed the extension and funded it, they left a 34 million dollar unfunded mandate for those of us living in -- in Ada county to fund to get the loose ends tied up. Right now one of our biggest -- the biggest sense of urgency we have about Highway 16 is to try and convince the legislature to do the right thing and fund the rest of it, so that you don't have to and I don't have to, because it would just be taking money away from every other entity in this -- in this county that we are already ten to 15 years behind on our infrastructure improvements in Ada county and you have probably heard that many times. Black Cat Road, you know, what -- what our plans are as far as when it might be -- might be extended or expanded or improved. That will all be based on whether or not we have the funds and right now we are -- are deferring, we are delaying and we are erasing a lot of projects in our Comprehensive Plan because of the funding that we no longer have. The inflation that has hit the construction industry and in particular building roads, it's almost doubled the cost of building roads in the last four years and that's a lot higher inflation than you see in the general economy. I'm only saying this because you might as well know that whether you rezone this to mixed employment, which I think would be just absolutely spectacular, or light industrial, which, according to the Ten Mile plan and your staff report, isn't necessary -- we will support whatever you do, we just might not be able to afford any of the improvements. Thank you very much. Do you have any questions?

McCarvel: Thank you. There in the back.

Bottles: Madam Chair and Members, Mark Bottles, real estate broker. 839 -- 839 Bridgeway Place, Eagle, Idaho. I almost forgot my address. Good evening. I have been a broker in the community a long time and have worked with a lot of our tenants in the valley and -- local tenants and companies that have built up and grown. The one thing that I hear all the time from our development people at the city, for expansion is calling me saying, hey, we got to save industrial ground, we need more industrial ground, and I hear it all the time. We have a knife -- a business that they manufacture custom knives in Eagle -- I mean in -- excuse me -- in Meridian by Pine 43, looking for space, looked for years, going to have to leave the area and they are manufacturers, good paying jobs, can't find suitable industrial space. Silverstone and El Dorado Business Park -- I have been around a long time, thirty years in this valley, big, parks still not built out with office. Silverstone. We started selling apartment ground in there now. The dirt's converted to apartment ground, because we can't get enough office space and that what I'm stressing here is we need office space. But we have so much of it that's not getting built out and that's not what is needed and I'm fine with the zoning of the apartment ground, but in that business park you have UPS, because distribution in Garden City, we need it right close to our houses where it's coming and not running, you know, all the fuel and all the people running clear across town. So, they are in the business park, as you probably know, in Silverstone in big buildings with parking those trucks inside those buildings, need to be in there, because there is not enough space in a traditional what I call industrial park. Gemtech, which is owned by Smith and Wesson, they make gun supplies is in Silverstone Business Park and it's really an industrial use, but it has gone in there and so they came in and -- out of Eagle -- again, Eagle didn't have enough space and moved out there. I say this is -- and even in the back of El -- excuse me -- El Dorado Business Park, we put apartments in the back of that trying to fill up that park and do some things. Great business park. I understand we got to be and move the way the markets move in that, but the industrial market, which the economic development in Meridian keeps telling me we can't give up space, we need more space. We don't have places. We are the second largest city and we don't have enough ground for that and where they want to be is by the freeway. They don't want to be in the middle of the town, they want to be seen by the freeway distribution. That's the center of the valley. When you have Ten Mile interchange, when you have the McDermott interchange, which there is a push -- I know that from the state level. I'm behind it. They have been making their acquisitions as we speak and -- and they are moving very fast through there and as we say, it's never fast enough, but there is a press to get it done. All I say that is just representing tenants in the valley being in the valley, we need -- we need space like that here. We need it for jobs for our kids, for another folks in here. So, anyway, thank you for the time.

McCarvel: Thank you. And do I see another hand over here?

Cleary: Thank you, Madam Chair, Commissioners. Tori Cleary, economic development administrator. From an economic development perspective I would say that staff does prefer zoning that's consistent with the Ten Mile plan, which ensures that balance of the jobs to housing ratio, which was provided for in the comp plan. The comp plan was a several month long process that included significant community engagement. Apparently they felt that mixed employment and low density employment was appropriate for this

area and they look at the city as a whole to ensure that we do have that jobs to housing ratio that's appropriate. The COMPASS development review that's in your packet estimate 620 jobs for this 129 -- excuse me -- acres. Again, that's 0.2 is the ratio and the COMPASS desired ratio is one to 1.5. Along with Mr. Bottles I will be the first to admit that we -- yes, we really do need industrial. We have worked with three different companies in the past few months to find spaces to accommodate their expansion here in Meridian and I'm happy to talk to any other industrial business who wants to expand and we will do whatever we can to find a spot for them. We do have a lot of in-fill sites that might be appropriate and as Alan said, the mixed employment zoning does allow for light industrial uses that are ancillary to other operations, much like I guess you could say the Scentsy property. Regarding specifically the Ten Mile area plan, I think the vision of that was a mixed use area that would provide jobs and living spaces. As a comparison, although the zoning is different, at Ten Mile Crossing when they were built out with ten buildings -- this was almost a year ago -- that 50 acres that has been developed to date provides over 3,600 jobs, with an average salary of almost 50,000 dollars a year. Let's see. So, the comp plan, yes, not only do we need a -- an appropriate mix of sectors within our commercial use zone properties, that being industrial, commercial, mixed employment, we also need to ensure that we have a mix of uses within each sector. So, manufacturing -- we have got advanced manufacturers. We have got technology manufacturers. Right now, yes, e-commerce is huge. We have significant distribution facilities currently on Franklin in the Ten Mile area, just to the east of Ten Mile, we have got FedEx and we have got 140,000 square foot Amazon last mile facility that will open later this year. There is more industrial coming up, but like Mr. Bottles pointed out, it's not ready today. The infrastructure is not in place. There is more, as Alan pointed out, to the west of this site. There is some to the north and there is also -- there are also properties in The Fields area in the city's northwest quadrant. But, yes, that will require infrastructure in the future. So, I will stand for any questions if you have anything for me. Okay. Thank you.

McCarvel: Thank you. Yes, Alan.

Tiefenbach: Alan Tiefenbach, associate planner. Just -- just a point of clarification. I want to mention the -- the discussion about the knife manufacturing and the gun manufacturing would be allowed under M-E. That would be manufacturing and processing. This is why I put the comparisons. What wouldn't be allowed in manufacturing and processing would be warehouses as a primary use, outdoor storage and distribution. But all these making and developing and shipping things -- parts of guns or knives would all be allowed in the mixed use employment and office is not the only allowed use there. There has been a lot of focus on office, but if you look what's on the left there is a lot of different uses that are allowed in M-E that would be allowed under the Ten Mile plan.

McCarvel: Thank you. Anyone else wish to testify on this application? Anyone online, Madam Clerk, that you see?

Weatherly: Not I see, Madam Chair.

McCarvel: With that would the applicant like to come back.

Nelson: Thank you, Members of the Commission. Deborah Nelson again. A few points in response to Mr. Goldthorpe, just -- just to be clear. In ACHD's report they do note that Franklin is funded to be widened to five lanes in 2026 and that will connect directly to the planned improvements for Highway 16 and was -- as was noted Black Cat and Franklin are already built out to its full configuration to accommodate that widening. The Fields industrial area -- I guess just to touch on a few comments from Tori Cleary. The Fields industrial area is a long way off, not just from time, but also from millions of dollars in infrastructure that is going to be needed. It is a great plan for the future and it's great to see Meridian planning for the future, but not at the expense of avoiding the use of the land that you do have available for industrial now and you are going to need that, as well as The Fields area, really, to accommodate this demand that is already higher than your supplies available. She also talked about how -- you know, the vision of the Ten Mile plan was really to accommodate this -- this living, with jobs all in one area and that's true, there are areas within the Ten Mile plan that that is called for together, but in the -- in the mixed employment area that's not the case. In fact, even retail is discouraged within that area. It's really another opportunity for creating space for businesses, so those employees can live near the commercial and the residential that it's just across the street. So, it creates that integration within the larger area, but it's not intended to be all integrated within one site. I think that the -- the information we try to communicate to you tonight and sorry if it's kind of rushed, there is a lot to respond to -- was that within the plan there is flexibility and you guys know well that comprehensive plans are guidelines, not code. There is always within any designation multiple zones that can be appropriate. Certainly office, certainly M-E is an appropriate zone, as well as the light industrial that is specifically delineated within your plan as one of the appropriate zones. You have a user that's in front of you that is responding to market demand and they are presenting an industrial park that is consistent with the zoning that's called for in your plan. They have laid out details about how they will meet the design elements that are appropriate for that facility and will provide the jobs, the business variety -- the variety of businesses that will be served all for the greater good of Meridian and in the vision of the Ten Mile plan. We ask that you consider that. We do know that you don't have findings before you for recommending approval. We recognize the situation we are in that given what's been recommended to you that we may just be on a course of going to Council with a denial, but we did want to present to you why we are pursuing this, the justification for the application and hope that you may be able to weigh in with the Council in your recommendation about whether this is an appropriate use here and with that I stand for questions, unless there is somebody else wants to add to that.

McCarvel: Anymore questions for the applicant?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Quick question. I'm -- I mean we have -- there has been a lot of examples of exactly

what wouldn't be -- what you wouldn't be able to do with M-E, instead of light industrial, but the other side of that is what -- what is it about the mixed employment that he would not be able to do -- that this applicant wants to do?

Nelson: Madam Chair, Commissioner Seal, it creates additional conditional uses and so if you have some smaller tenants that want to expand and, then, they, for example, trigger into the distribution, then, they would suddenly need to get into a conditional use permit. We need to provide that variety right from the get go to have the flexibility to allow all of those uses and, again, I think that is called for with your Ten Mile plan where they talk about all the way down from the smaller local businesses up to the large national scale businesses and that's more accommodated by your industrial -- light industrial zone. So, those are the -- that's the -- the business plan we want to put together that accommodates that entire range.

Seal: Okay. And, then, you made the statement that you have proven that you will be able to provide the jobs, but the COMPASS report basically says you won't. I mean the -- the footprint of this is going to supply about 620 jobs. I think they are looking for more like 3,000.

Nelson: Chair -- Madam Chair and Commissioner Seal, a lot of what COMPASS is looking at, too, is the existing development with residential versus what jobs are there. However, you have got large areas within the Ten Mile plan that are already designated for M-E and if you want to go into this detail we have actually analyzed it in that time to get to it. All of the jobs that are available already -- even not counting this site within the Ten Mile plan will greatly exceed the 20,000 jobs within that -- that's the goal of the plan. We also will have more jobs than COMPASS estimates and I think just the examples that were given tonight by Tim, talking about the businesses that he's been visiting within Meridian that are -- have these employees that don't have places to go is already at a greater ratio than that number reflects. I think we would also like to be able to attract the type of large employers that are coming and looking for this type of site, but don't have it ready and they need something that's already available to them. They make decisions too fast to wait for it to be developed, something like The Fields area.

Seal: Thank you.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I understand where Commissioner Goldthorpe is coming from with not having the infrastructure and what they are not funding with this -- State Highway 16, but was there supposed to be an interchange at Franklin with the State Highway 16? Do you know if that's the case or what -- what was planned at that -- because I know that there were some intersections that were supposed to be interchanges and some were supposed to be just overpasses and I wanted to confirm that that is an interchange and is planned to be constructed with the State Highway 16.

Nelson: Madam Chair, Commissioner Yearsley, that's the case.

Yearsley: Okay.

Nelson: The McDermott line that comes down there and where Franklin comes in it will connect.

Yearsley: Okay. Thank you.

McCarvel: Okay. Any other questions for the applicant? Okay. Thank you.

Nelson: Thank you.

McCarvel: With that can I get a motion to close the public hearing on H-2021-0064?

Lorcher: So moved.

Seal: Second.

McCarvel: It has been moved and seconded to closed public testimony on H-2021-0064. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: You know, my first look at this I was kind of like, wow, that's a lot of space, but -- but as you start to think about this -- I mean State Highway 16 is coming like fast and it's going to come hard and fast and this is a great area to provide some good large industrial space for businesses. With my job I look and see what's happening throughout the valley and as I drive out of the -- out of Boise going towards Twin Falls area I have seen several industrial complexes go up within the last year to two years where no house is round and so what you are doing is you are causing all this industrial employees having to go travel long distances to get to work. I think with State Highway 16 here I -- I would support that whole mile from Franklin to Black Cat, from -- to be all industrial or at least some -- a good portion of it, because I think there is a huge area of Meridian that we don't have industrial land identified that I think we could stand to use some -- some large employers to come in. So, that being said, I kind of was swayed that I think this would be a good opportunity for -- for some industrial space. I like the way they have oriented the buildings. I look at what -- what Amazon did and with that building paralleling the Interstate is just -- it's just this huge eyesore sticking out, so -- I don't know about an eyesore, but it's just the mass of that is just monstrous and so I think with making it perpendicular to the interstate will break it up and make it not look nearly as bad. So, I would support that -- this application.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I wanted to be clear on what -- what we are voting on tonight. We are voting on annexation and an I-L or just an annexation?

McCarvel: Yes. They are bringing -- the annexation is coming in with the I-L and that R-15 is just that one little -- under an acre on the east side on Black Cat. And that was kind of my question too, Commissioner Seal, is what is it -- so special about the I-L? What is -- because it seems like when they -- the applicant was talking about the project it seemed like almost everything they wanted was fitting in the M-E as far as the vision of what it was. I'm like you, I'm like what it -- what was the big hang up? And I did -- I -- keeping -- getting more land for industrial use I think is -- is appropriate. We seem to be losing it in a lot of -- I know we are trying to protect it every chance we get, but I don't know that there is enough of it the way the markets have changed since we did -- since this was originated.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I'm a little torn on this one, to be honest, so I -- you know, when I first looked at this, because this was continued, I just breezed over it and I was like, okay, cool, we are going to put in something that's not houses. Perfect. You know. But I mean looking at it more, as far as the Ten Mile plan -- I mean if we go too far outside of that, then, that just sets the precedent for everybody else to kind of come along and try and do the same thing. So, I -- I trust that staff is looking at that and they are scrutinizing it, as well they should be, because we are trying to do this -- do it once, do it right and make sure it fits for, you know, all of Meridian for a really long time. Hopefully for a long time after we are done doing this as individuals. Some of the things that concern me on this is there is no traffic study. So, it seems like this got here a little prematurely. I know the connectivity of the State Highway 16 will start in 2026. This will, obviously, be completed long before then. So, with no traffic study and the connectivity to the State Highway 16 not coming for a while and somewhat in question on some things, I think it's a little rushed, maybe. Too early. The mixed employment, instead of light industrial, to me that kind of comes down to control. I understand that you want tenants to be able to expand on -- on a whim, but at the same time I don't think applying for a conditional use permit is something that's going to be -- is going to sway anybody from doing so in a building that's going to allow them to do it. So, I think as a -- if I were a business owner and that was one of my choices were to move or to apply for a conditional use permit, I would be filing the paperwork. I am concerned about the jobs piece of it. I mean Meridian simply needs more jobs, period, and a story. So, the fact that this would bring jobs is a really good thing. The fact that it is industrial, we do need industrial. Also very advantageous. The fact that it's not going to bring in as many jobs as we think it's going to bring in -- or that's the opinion of staff and -- and others, that's very concerning. I mean Meridian is -- you know, we are -- we

are kind of suffering from being too successful, basically, so -- I mean we have a lot of houses that are very expensive. We have a lot of businesses that are aching for people to go to work for them. So, that's -- that's a problem. We need to create as many jobs as we possibly can in Meridian in order to keep the people that live in Meridian working in Meridian, which will feed -- can feed into itself. So, all that being said, I mean personally I would be more inclined to give this a continuance, just so we could get a traffic study in. The one thing that I will say that did bother me about this was the -- the little sliver of land that's being done in order to annex the greater property. That seems like you are kind of slipping wanting to get away with it myself. So, that's just my personal feeling on it. I don't -- I think that, basically, the idea is to develop land as it becomes contiguous, not to make it contiguous by a technicality in order to bring in something this large. So, I personally think a continuance might be in order in order to get a traffic study in, to get more solid information on the connectivity to State Highway 16, to understand a little bit more about what the employment would look like in something like this. I mean I understand the flexibility that would be -- that the applicant is wanting in this space, but I think they could provide that and still stay within the mixed employment designation.

McCarvel: Yeah. I'm curious as well as to -- I know there was a comment made about -- that they are going to be assisting in the improvements in Blackhat, but I would like to know exactly what that was and maybe see more of that. Commissioner Grove.

Grove: Thanks, Madam Chair.

McCarvel: Sorry.

Grove: I -- I agree with a lot of what's been said so far by my fellow Commissioners. I have probably a slightly different take on a few things, but I don't -- I wouldn't be in favor of a continuance just for the fact that it sounds like they have gone back and forth with staff enough that at this point for -- for the sake of staff and for the sake of the applicant, I think either approval or denial is probably a better course of action, just because I don't know that we are going to get to -- I don't know that more information will necessarily sway my opinion on this at least and so, you know, I -- I think leaning on the expertise of the staff, of our other community agencies, I would be in favor of denial for the simple fact that I -- I think that as we zoom out of this area and look at what the light industrial for this hard corner -- or close to this hard corner is compared to what mixed employment is, I think we need to be thinking a little bit more for the long term health of the community versus the short term needs of what's being told to us right now from a planning standpoint and so I have a hard time -- I think we do need a lot more industrial, but it -- also don't want to sacrifice an opportunity to get higher employment and kind of look at this a little bit different. Also I think the thing that I'm was worried about the most is what does this look like from the freeway just in terms of -- if we have light industrial and all of a sudden we have just warehouse storage facilities, what does that -- what does that do to the look and character of that general area? So, just kind of being cognizant of that as we go forward. You know, I think Commissioner Yearsley mentioned the giant Amazon facility that's down the road. I don't want to see, you know, a monstrosity like that right off the freeway leading into all these homes, so I -- I can't get behind this one, unfortunately.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I forgot to mention -- so, our company is -- is having to move offices. You know, we are a professional office, but -- and so we have looked -- we are -- we are needing about 15,000 square feet of office space and that size of office space is really hard to find, except there is -- there is a lot of office space right there off of Eagle Road and we have debated on it. It's beautiful office space, but my -- my employers have decided to go off of Vista, because they are afraid of -- they don't like the traffic on Eagle Road, especially with Eagle Road not even being built out yet. So, I think the -- one of the big drawbacks for Silverstone and those areas are people -- they are great areas, but people don't want to go there, because traffic is so bad that they don't want to have to fight that traffic and it's just going to get worse. I know Ten Mile right now is really bad, because we are putting so much traffic out there. They want a lot of jobs in this area, which is going to cause more traffic, so I don't know, it's a -- it's a hard one to manage with jobs and traffic and where do you put things and so my feel was this being a light industrial may not have the - the intense use of jobs, but it is a good spot for -- for that. So, that's my take.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I agree with Commissioner Yearsley that, you know, Highway 16 and -- and eventually this would become possibly -- you know, whether it says mixed employment or light industrial, but I think the biggest complaint that I hear among my peers is that the infrastructure in Meridian does not support the businesses that we already have and that why can't we put the infrastructure first and the business second and I know it's a circle; right? You need the people to be able to have it and all of that at the same time. But I -- I don't have a problem with the idea of light industrial being here, but I think we are too soon and, you know, I understand that the intersection of Franklin and Black Cat is already built out, but Black Cat as a street is not and if you have ever gone to Compass Elementary School between the hours of, you know, 8:00 and 9:00 and 3:00 and 4:00, you will understand -- you will understand why and adding more industrial to this area when the infrastructure is not there is probably not in the best interest of our city. So, I don't mind the project, but I think we are too soon.

McCarvel: Okay. Comments? Motions?

Seal: Madam Chair?

McCarvel: Commssioner Seal.

Seal: I will throw a motion out there and -- I mean at this point I'm going to trust staff and that's -- you know, for the most part I can see good and bad from either side of it. That

said, I mean when I'm highly in doubt or conflicted on something I generally tend to back staff. I mean they do this -- you know, this is their job, this is what they are paid to do, and I think they do a pretty good job of it. It would be nice if we could control the roads, we could control the infrastructure, things would probably be a lot different, but we don't. So, with that, after considering all staff, applicant, and public testimony, I move to recommend denial to City Council a file number H-2021-0064 as presented during the hearing on November 18th, 2021, for the following reasons: That mixed employment is a better use than the light industrial that the applicant is asking for. The jobs -- the amount of jobs that this will generate will likely not meet what COMPASS is looking for. The COMPASS study is looking for. The Black Cat Road is likely not going to be able to support the uses that are defined in here and we won't know that, because there is no traffic -- traffic study at this point.

Grove: Second.

McCarvel: It has been moved and seconded to recommend denial of H-2021-0064. All those in favor of denial say aye. Opposed?

Yearsley: Nay.

McCarvel: Recommendation of denial passes.

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

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: Before we start the next one can we do a little bathroom break?

McCarvel: Absolutely.

Yearsley: Thank you.

(Recess: 7:30 p.m. to 7:37 p.m.)

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

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



AGENDA ITEM

ITEM TOPIC: Ordinance No. 22-1972: An Ordinance Repealing and Replacing Meridian City Code Section 1-7-1, Regarding Election; Districts; Terms of Office; Residency Requirement; Amending Meridian City Code Section 1-7-2, Regarding City Council Member Qualifications; Repealing and Replacing Meridian City Code Section 1-7-4, Regarding City Council Seat Vacancies; Adding a New Section to Meridian City Code, Section 1-7-11, Regarding Meridian Districting Committee; City Council Districts; Adopting a Savings Clause; and Providing an Effective Date

CITY OF MERIDIAN ORDINANCE NO. 22-1972

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

AN ORDINANCE REPEALING AND REPLACING MERIDIAN CITY CODE SECTION 1-7-1, REGARDING ELECTION; DISTRICTS; TERMS OF OFFICE; RESIDENCY REQUIREMENT; AMENDING MERIDIAN CITY CODE SECTION 1-7-2, REGARDING CITY COUNCIL MEMBER QUALIFICATIONS; REPEALING AND REPLACING MERIDIAN CITY CODE SECTION 1-7-4, REGARDING CITY COUNCIL SEAT VACANCIES; ADDING A NEW SECTION TO MERIDIAN CITY CODE, SECTION 1-7-11, REGARDING MERIDIAN DISTRICTING COMMITTEE; CITY COUNCIL DISTRICTS; ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code section 50-707A requires cities with more than one hundred thousand (100,000) inhabitants to establish City Council districts and elect City Council members by such districts; and

WHEREAS, the City Council of the City of Meridian finds that the following ordinance will serve the purposes of Idaho Code section 50-707A, related provisions of Meridian City Code, and the people of the City of Meridian;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. Meridian City Code section 1-7-1 shall be repealed, and replaced with language to read as follows.

1-7-1. ELECTION; DISTRICTS; TERMS OF OFFICE; RESIDENCY REQUIREMENT.

A. Elections. General city elections shall be held on the first Tuesday following the first Monday in November, in odd numbered years.

B. City Council districts established. There shall be six (6) City Council districts in the City of Meridian. Pursuant to the provisions of Idaho Code section 50-707A and Meridian City Code section 1-7-11, following the release of federal decennial census data and the County Clerk’s establishment of election precincts, the Meridian Districting Committee shall establish and number six (6) City Council districts.

C. City Council seats established. There shall be six (6) City Council seats on the Meridian City Council. The Meridian Districting Committee shall number each City Council seat pursuant to this section and Idaho Code section 50-707. The number of each City Council seat shall correspond to the numbered City Council districts.

D. Terms. Each elected City Council member shall serve a term of four (4) years, or until his or her successor is elected and qualified.

E. Staggered terms. At each election, three City Council seats shall be open for election, alternating odd-numbered seats and even-numbered seats.

1. Election in 2023. In the 2023 general city election, the first election after the establishment of City Council districts in the City of Meridian, no candidate, including an incumbent candidate, may run for election or re-election to a City Council seat in a City Council district in which the candidate is not a resident. Incumbent City Council members who are serving in City Council seats 1, 3, and 5, as such seats were designated prior to the assignment of City Council seats to City Council districts, and who are running for re-election in 2023, must be residents of the respective City Council districts in which they are running. In order to preserve staggered terms, City Council members serving in City Council seats 2, 4, and 6, as such seats were designated prior to the assignment of City Council seats to City Council districts, shall serve the remainder of their terms in those seats, during which time they shall represent the City Council districts corresponding to their City Council seat numbers, regardless of whether they are residents of the City Council district to which their seat corresponds.

2. Elections in 2025 and thereafter. In the 2025 general city election and in each election thereafter, no candidate, including an incumbent candidate, may run for election or re-election to a City Council seat in a City Council district in which the candidate is not a resident.

F. Candidate to be resident of City Council district. Any candidate seeking election to the City Council shall file his or her candidacy for one, and only one, City Council seat. Except as otherwise set forth in Meridian City Code section 1-7-1(E)(1), the candidate must be a resident of the City Council district that corresponds to the City Council seat for which the candidate is running. City Council members shall be elected by the electors of the said City Council district. To be eligible to run for City Council, the candidate shall meet this and all other qualifications for the office of City Council member, as required by law.

Section 2. Meridian City Code section 1-7-2 shall be amended as follows.

1-7-2. QUALIFICATIONS; DEFINITIONS.

A. Any person shall be eligible to hold the office of City eCouncil member: 1) whose ~~domicile~~ residence is, at the time of declaration of candidacy or intent to seek election, and if elected, remains, ~~in the city limits of the city of Meridian~~ in the City Council district to which the City Council member is elected to serve; and 2) is a qualified elector as set forth in this section and within the City of Meridian under the constitution and laws of the State of Idaho.

B. ~~“Domicile-Residence,”~~ for the purposes of this section, shall have the definition as set forth in Idaho Code section 50-402(d) ~~mean that individual’s true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that~~

~~individual expects to return when that individual leaves without intending to establish a new domicile elsewhere.~~

C. “Qualified elector,” for the purposes of this section, shall mean a person who is at least eighteen (18) years of age, is a United States citizen, has resided in Meridian City Limits and the City Council district for which the City Council member is elected to serve for at least the thirty (30) days preceding the election at which he desires to be elected, and who is registered to vote in such jurisdiction as required by law.

Section 3. Meridian City Code section 1-7-4 shall be shall be repealed, and replaced with language to read as follows.

1-7-4. VACANCIES.

A. In the event a City Council seat becomes vacant through the death, resignation, or relocation of a City Council member, or any other cause, the Mayor shall appoint, with the approval of the City Council, an appointee to fill the City Council seat until the next general city election, at which time the vacancy shall be filled for the balance of the original term, if any, by a vote of the electors of the City Council district that corresponds to the City Council seat.

1. If an appointment is made prior to the establishment of City Council districts, the appointee shall satisfy the qualifications set forth in Idaho Code section 50-702, but need not reside in any specific geographic district within the City of Meridian.
2. If an appointment is made after the establishment of City Council districts, the appointee shall satisfy the qualifications set forth in Meridian City Code section 1-7-2 and reside in the City Council district that corresponds to the vacant City Council seat.

Section 4. A new section shall be added, Meridian City Code section 1-7-11, to read as follows.

1-7-11. MERIDIAN DISTRICTING COMMITTEE; CITY COUNCIL DISTRICTS.

A. **Establishment.** There is hereby established the Meridian Districting Committee, the purpose of which shall be to establish six (6) City Council districts and assign one (1) City Council seat to represent each City Council district, in accordance with applicable laws, available federal decennial census data, and principles of districting as are or may be established by law, policy, and custom governing the same.

B. **Duties and powers.** The Meridian Districting Committee shall be charged with, and authorized to:

1. Evaluate and apply federal decennial census data regarding the City of Meridian in order to establish six (6) City Council districts pursuant to the provisions of Idaho Code section 50-707A; Title 1, Chapter 7, Meridian City Code; and all other applicable provisions of local, state, and federal law.

2. Assign City Council seats, numbering 1 through 6, to the corresponding numbered City Council districts, pursuant to the provisions of Idaho Code section 50-707 and Title 1, Chapter 7, Meridian City Code.
3. Act independently to make decisions regarding City Council districts and City Council seat numbers, without regard for the residency of elected officials or candidates running for municipal office of the City of Meridian.
4. Consult resources and experts in demographics and population distribution, including, without limitation, the Community Planning Association of Southwest Idaho, the United States Census Bureau, and their delegates and staff, as needed or desired.
5. Consult resources and experts in districting and apportionment, including, without limitation, the Idaho Secretary of State, the Idaho Commission for Reapportionment, the Ada County Clerk, and the delegates and staff thereof, as needed or desired.
6. Consult City of Meridian Geographic Information System and Planning staff for information and assistance with establishment of City Council districts and the preparation of maps.
7. Consult the City Attorney or designee regarding compliance with applicable Idaho Code and Meridian City Code provisions.

C. Meridian Districting Committee membership and qualifications.

1. The Mayor shall appoint, with the approval of the City Council, members to the Meridian Districting Committee. Should a vacancy subsequently occur on the Meridian Districting Committee, the Mayor shall fill the vacancy in a like manner within fourteen (14) days, or as soon thereafter as practicable. In addition to the names of the members so appointed, the resolution shall include the following directives to the City Clerk:
 - a. Directing the City Clerk to convene the Meridian Districting Committee.
 - b. Directing the City Clerk to post on the City of Meridian website the agenda and minutes of the Meridian Districting Committee meetings, as well as the census data used by the Meridian Districting Committee in the course of its charge under this section.

In the event that the Mayor fails to timely act pursuant to this provision, the City Council President shall so act.
2. Voting members of the Meridian Districting Committee shall include six (6) Meridian residents from diverse geographic areas of Meridian, to include at least one (1) individual who resides south of Interstate 84, one (1) individual who resides north of Ustick Road, one (1) individual who resides west of Meridian Road, and one (1) individual who resides east of Meridian Road. The six (6) Committee members shall be voting members, and shall serve without salary or compensation for their service.

3. The Meridian Districting Committee shall include the following ex-officio, non-voting members:
 - a. The City of Meridian Geographic Information System Manager or designee;
 - b. The City of Meridian Planning Manager or designee; and
 - c. The Ada County Clerk or designee.
4. The Meridian Districting Committee may include the following ex-officio, non-voting members, as may be hired by the City of Meridian: a statistician, a cartographer, and/or any other experts whose services may be helpful in the discharge of the Meridian Districting Committee's responsibilities.
5. A person who has served on the Meridian Districting Committee shall be ineligible to run for a Meridian City Council seat for five (5) years following such service.

D. Organization and meetings.

1. At the initial meeting of the Meridian Districting Committee, the Committee members shall elect a Chair and Vice Chair.
 - a. The Chair shall be a voting member of the Meridian Districting Committee and shall hold the same rights and privileges as any other Committee member. The decisions, statements, and/or actions of the Chair shall obligate, commit, and/or represent the Meridian Districting Committee only insofar as the Committee has specifically authorized. The Chair's duties shall include:
 - 1) Preparing Meridian Districting Committee meeting agendas in cooperation with the City Clerk or designee;
 - 2) Presiding over all Meridian Districting Committee meetings, and
 - 3) Signing all documents requiring an official signature on behalf of the Meridian Districting Committee, including the Meridian Districting Plan.
 - b. The Vice Chair shall perform the duties of the Chair in the absence of the Chair, and such other duties as may be delegated by the Chair.
 - c. A special election may be held at any time to fill a vacancy of the office of Chair or Vice Chair.
2. The Chair shall propose, and the Committee members shall adopt, a timeline of meetings and actions to timely complete the Meridian Districting Committee's work in accordance with this section and with Idaho Code section 50-707A.
3. The Meridian Districting Committee shall comply in all respects with the Idaho Open Meetings Law. The agenda for all meetings shall be prepared by the Chair in consultation with the City Clerk or designee. The City Clerk or designee shall assist the Chair with scheduling meetings, posting meeting and agenda notices, preparing meeting minutes, and distributing agendas, minutes, and other materials to Committee members prior to each meeting.
4. A majority of currently-appointed Committee members shall constitute a quorum for the transaction of any business of the Meridian Districting Committee.

5. Each voting member shall be entitled to one (1) vote on any matter before the Meridian Districting Committee. Except as otherwise designated herein, the vote of the majority of the voting members present at any meeting at which a quorum is present shall effectuate any decision of the Meridian Districting Committee. Voting shall be verbal and on the record; proxy voting, secret voting, and written voting shall not be permitted.
6. Scheduling of public hearings, public comment, or presentations before the Meridian Districting Committee shall be at the discretion of the Chair. The Chair may set rules to maximize efficiency and productivity of meetings, including setting a time limit for comments or presentations to the Meridian Districting Committee.
7. Upon the City Clerk's filing of the Meridian Districting Plan with the County Clerk as set forth in Meridian City Code section 1-7-11(H), the Meridian Districting Committee shall automatically dissolve and may be reconvened only upon appointment by the Mayor pursuant to Meridian City Code section 1-7-11(C)(1).

E. Procedure.

1. The Meridian Districting Committee shall evaluate and apply the federal decennial census data for the City of Meridian in order to establish six (6) City Council districts pursuant to the provisions of Idaho Code section 50-707A; Title 1, Chapter 7, Meridian City Code; and all other applicable provisions of local, state, and federal law. To assist the Committee, one or more of the ex officio members set forth in Meridian City Code section 1-7-11(C)(3) shall prepare three (3) potential districting maps for the Committee's initial consideration. The Committee may utilize one of these potential districting maps, or the Committee may develop and utilize a different districting map.
2. Upon completion of a draft districting map, the Meridian Districting Committee shall designate each City Council district with a number from 1 to 6 pursuant to the provisions of Meridian City Code section 1-7-1(C) and this chapter. The draft map and numbered City Council districts shall constitute the draft districting plan. The Meridian Districting Committee shall hold a minimum of two (2) public hearings to receive public testimony on the draft districting map.
3. The Meridian Districting Committee shall act to establish, by resolution, the Meridian Districting Plan, to include the following documents, which shall be appended to the resolution, and incorporated into the same by reference:
 - a. A map of the City of Meridian showing the exact locations of the designated City Council districts, labeled with the district numbers and corresponding City Council seat numbers.
 - b. A description of the boundaries of the City Council districts, described by the names of streets or other established features or landmarks.
 - c. A declaration that the City Council seats shall be designated with numbers corresponding to the like-numbered City Council districts, in accordance with Meridian City Code section 1-7-1(C).

The resolution must be approved by at least four (4) voting members to be effective, and shall certify that the established City Council districts meet the criteria set forth in Idaho Code section 50-707A and other applicable statutes and laws.

4. The Meridian Districting Committee shall transmit its resolution to the City Clerk, and the City Clerk shall:
 - a. Schedule a public hearing before the City Council on the resolution;
 - b. Make the resolution available on the City of Meridian’s website; and
 - c. Publish a notice of hearing on the matter before the City Council.

- F. The City Clerk shall publish notice of the public hearing on the Meridian Districting Committee’s Meridian Districting Plan before City Council at least once prior to the date set for the public hearing, which notice shall solicit written and verbal testimony on the City Council districts as established by the Meridian Districting Committee, and shall include a link to the City of Meridian’s webpage with access to the resolution and documents described in Meridian City Code section 1-7-11(E)(3).

- G. The City Council shall conduct a public hearing on the Meridian Districting Plan as established by the Meridian Districting Committee, in accordance with the procedures set forth in Meridian City Code section 1-7-7. Following such public hearing, the City Council shall review the Meridian Districting Plan as established by the Meridian Districting Committee, and upon a finding that it meets the criteria set forth in Idaho Code section 50-707A, shall adopt it by ordinance as the final Meridian Districting Plan. Such act shall be a ministerial function of the City Council; modification of the Meridian Districting Plan established by the Meridian Districting Committee shall occur only upon remand to the Meridian Districting Committee. The City Council may remand the matter to the Meridian Districting Committee only upon a finding, supported by substantial evidence, that the Meridian Districting Plan established by the Meridian Districting Committee does not meet the criteria set forth in Idaho Code section 50-707A. Should the City Council fail to adopt the Meridian Districting Plan via ordinance at least one hundred thirty-five (135) days prior to the date of the next general city election, the Meridian Districting Committee’s last resolution shall comprise the final Meridian Districting Plan.

- H. The City Clerk shall file the Meridian Districting Plan with the County Clerk at least one hundred thirty-four (134) days prior to the next general city election, with a request that the County Clerk prepare ballots and establish polling places for all subsequent Meridian City Council elections in accordance with the Meridian Districting Plan.

Section 5. That all ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance are hereby voided.

Section 6. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this ___ day of ____, 2022.

Item #3.

APPROVED by the Mayor of the City of Meridian, Idaho, this ___ day of ____, 2022.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

**STATEMENT OF MERIDIAN CITY ATTORNEY AS TO
ADEQUACY OF SUMMARY OF ORDINANCE NO. 22-1972**

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. 22-1972 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 _____, 2022.

William L.M. Nary, City Attorney

**NOTICE AND PUBLISHED SUMMARY
OF ORDINANCE PURSUANT TO I.C. § 50-901(A)**

CITY OF MERIDIAN ORDINANCE NO. 22-1972

An ordinance repealing and replacing Meridian City Code section 1-7-1, regarding election; districts; terms of office; residency requirement; amending Meridian City Code section 1-7-2, regarding City Council member qualifications; repealing and replacing Meridian City Code section 1-7-4, regarding City Council seat vacancies; adding a new section to Meridian City Code, section 1-7-11, regarding Meridian Districting Committee; City Council districts; adopting a savings clause; and providing an effective date.