



CITY COUNCIL REGULAR MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Tuesday, March 08, 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/88523586378>

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

Webinar ID: 885 2358 6378

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.

RESOLUTIONS [Action Item]

1. Resolution 22-2317: A Resolution of the Mayor and the City Council of the City of Meridian, Reappointing Bonnie Zahn Griffith to the Meridian Arts Commission; Appointing Bobby Gaytan to the Meridian Arts Commission; Appointing Patrick O'Leary to the Meridian Arts Commission; and Providing an Effective Date

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.

2. Public Hearing and Second Reading of 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

3. Public Hearing Continued from September 7, 2021 for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.

A. Request: Annexation and Zoning of 30.27 acres of land with a request for the I-L zoning district for the purpose of constructing an Ada County Highway District (ACHD) maintenance facility on 23.7 acres.

4. Public Hearing for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.

A. Request: Preliminary Plat consisting of 208 building lots (207 single-family and 1 multi-family) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts.

5. Public Hearing for Quartet South Subdivision (H-2021-0088) by Brighton Development, Inc., Located on Parcels S043432586 and S0434325410, at the Northeast Corner of W. Ustick Rd. and N. Black Cat Rd.

A. Request: Annexation of 67.61 acres of land with the R-8 (48.83 acres) and R-15 (18.78 acres) zoning districts.

B. Request: Preliminary Plat consisting of 229 single-family residential lots, 2 multi-family lots with 140 townhouse units, and 42 common lots.

FUTURE MEETING TOPICS

ADJOURNMENT



AGENDA ITEM

ITEM TOPIC: Resolution 22-2317: A Resolution of the Mayor and the City Council of the City of Meridian, Reappointing Bonnie Zahn Griffith to the Meridian Arts Commission; Appointing Bobby Gaytan to the Meridian Arts Commission; Appointing Patrick O'Leary to the Meridian Arts Commission; and Providing an Effective Date

CITY OF MERIDIAN

RESOLUTION NO. 22-2317

BY THE CITY COUNCIL:

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

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MERIDIAN, REAPPOINTING BONNIE ZAHN GRIFFITH TO THE MERIDIAN ARTS COMMISSION; APPOINTING BOBBY GAYTAN TO THE MERIDIAN ARTS COMMISSION; APPOINTING PATRICK O’LEARY TO THE MERIDIAN ARTS COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Meridian City Code § 2-1-1(C)(1) provides that commission members shall be appointed by the mayor and approved by the city council on a vote of a majority of the city council members; and

WHEREAS, Meridian City Code § 2-2-3 requires that Meridian Arts Commission members have an interest, competence, or knowledge in the arts, and the appointed individuals do qualify for appointment under this requirement; and

WHEREAS, the City Council of the City of Meridian deems the appointment of these individuals to further the objectives of the Meridian Arts Commission, and to be in the best interest of the City of Meridian;

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

Section 1. That Bonnie Zahn Griffith is hereby reappointed to seat 4 of the Meridian Arts Commission, for a term to expire on February 28, 2025.

Section 2. That Bobby Gaytan is hereby appointed to seat 5 of the Meridian Arts Commission, for a term to expire on February 28, 2025.

Section 3. That Patrick O’Leary is hereby appointed to seat 6 of the Meridian Arts Commission, for a term to expire on February 28, 2025.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the City Council of the City of Meridian, Idaho, this 8th day of March, 2022.

APPROVED by the Mayor of the City of Meridian, Idaho, this 8th day of March, 2022.

APPROVED:

ATTEST:

Mayor Robert E. Simison

Chris Johnson, City Clerk



AGENDA ITEM

ITEM TOPIC: Public Hearing and Second Reading of 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 #2.

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.



AGENDA ITEM

ITEM TOPIC: Public Hearing Continued from September 7, 2021 for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.
A. Request: Annexation and Zoning of 30.27 acres of land with a request for the I-L zoning district for the purpose of constructing an Ada County Highway District (ACHD) maintenance facility on 23.7 acres.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: March 8, 2022

Topic: **Public Hearing** Continued from September 7, 2021 for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.
A. Request: Annexation and Zoning of 30.27 acres of land with a request for the I-L zoning district for the purpose of constructing an Ada County Highway District (ACHD) maintenance facility on 23.7 acres.

Information Resources:

[Click Here for Application Materials](#)

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



September 1, 2021

MEMORANDUM

TO: Mayor & City Council
CC: Becky McKay, Applicant Representative
FROM: Joseph Dodson, Associate Planner, Community Development
RE: ACHD Ustick Maintenance Facility - Continuance

Dear City Council,

On July 27th, the City Council heard the Annexation and Zoning application for the requested ACHD Ustick Maintenance Facility (H-2021-0029) after being continued from the July 13th hearing. At this hearing, the Council discussed the project timing in relation to the desired Ustick Road improvements. This discussion directly noted a particular interest by the Applicant to be able to obtain building permits prior to the completion of the road widening projects. Staff, the City Attorney, and the Applicant have discussed the appropriate revisions to the proposed DA provisions through email but have not had final confirmation from the Applicant.

In response to the recent discussions and desires of both ACHD and the City, Staff and the Applicant have worked together to modify condition VIII.A.1.j as follows:

j. No building permits shall be issued submitted until phase 4 of the project the deceleration lane at Naomi Avenue and Ustick Road is constructed. After the deceleration lane is constructed, building permits may be issued for the decant/washout facility, broom shed, drainage shed, covered material storage, and parking area; however, ACHD agrees that no Certificate of Occupancy permits shall be issued by the City until the Ustick Road widening project is completed per the letter from the ACHD Commission, dated July 22, 2021, consistent with the submitted and revised phasing plan OR until the Ustick Road widening and the deceleration lane at Naomi Lane and Ustick Road is constructed.; except one (1) building permit may be submitted for the decant/washout as shown on the submitted phasing and concept plans. Further, no building permits for the fleet buildings, administrative building, truck wash, truck bays, covered parking, or any other structure shall be issued until the Ustick Road widening project is completed.

Respectfully,

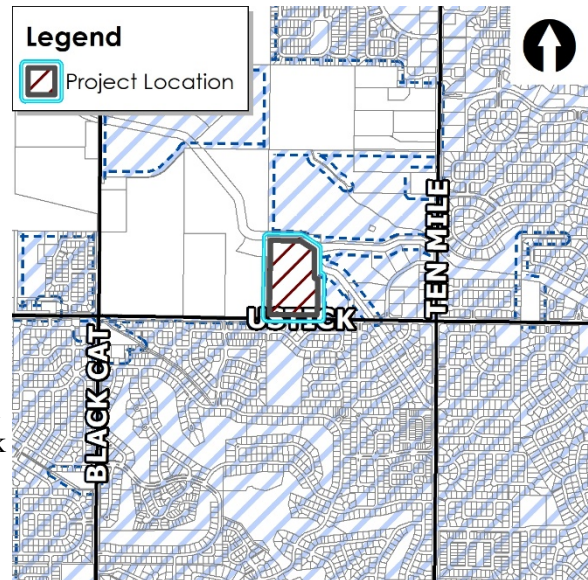
Joseph Dodson

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 7/13/2021
 TO: Mayor & City Council
 FROM: Joe Dodson, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0029
 ACHD Ustick Maintenance Facility

LOCATION: The site is located at 3764 W. Ustick Road, approximately ½ mile west of Ten Mile Road on the north side of W. Ustick Road, in the SW ¼ of the SE ¼ of Section 34, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Annexation and Zoning of 30.27 acres of land with a request for the I-L zoning district for the purpose of constructing an ACHD maintenance facility on 23.7 acres, by Engineering Solutions, LLP.

Note: Sewer services are not currently available to the site. Therefore, the Applicant is also requesting a City Council Waiver to delay connection to City sewer; City water is readily available. Further discussion of this is located throughout the staff report below.

II. SUMMARY OF REPORT

A. Project Summary

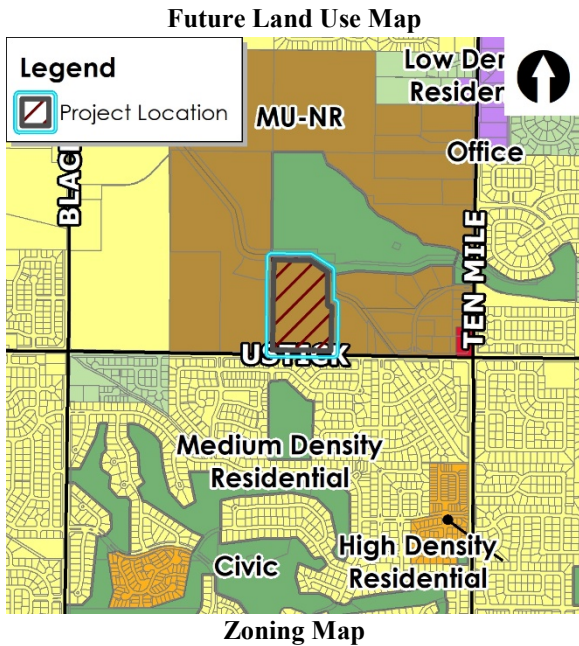
Description	Details	Page
Acreage	AZ – 30.27 acres; Project Site – 23.7 acres	
Future Land Use Designation	Mixed-Use Non-Residential (MU-NR)	
Existing Land Use(s)	County Residential (home is no longer occupied)	
Proposed Land Use(s)	ACHD Maintenance Facility	
Lots (# and type; bldg./common)	One (1) building lot	
Phasing Plan (# of phases)	Proposed as eight (8) phases over eight (8) years.	
Physical Features (waterways, hazards, flood plain, hillside)	Fivemile Creek abuts the north property boundary; Ninemile Creek abuts the northeast property boundary. A large area of the site lies within the floodplain along the north third of the site, both Zone “AE” and Zone “X.” See further analysis in Section V.N.	
Neighborhood meeting date; # of attendees:	March 25, 2021 – 3 attendees	
History (previous approvals)	N/A	

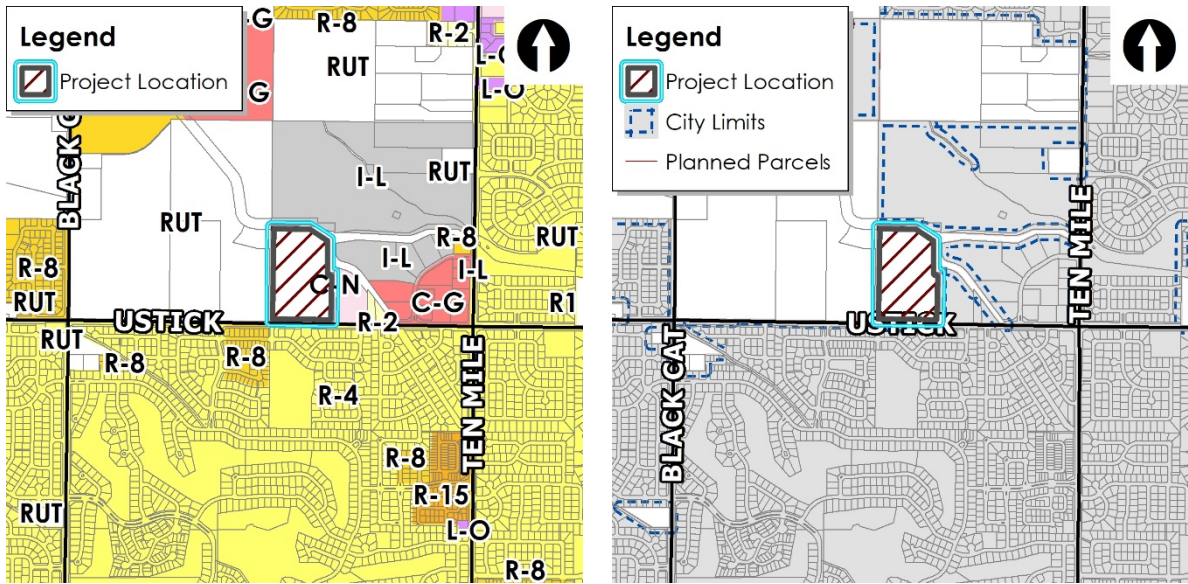
B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via construction of a new collector street along the west property boundary (N. Naomi Avenue) that accesses W. Ustick Road (arterial) near the mid-mile mark.	
Stub Street/Interconnectivity/Cross Access	Applicant is proposing to terminate N. Naomi Avenue in a temporary hammerhead type turnaround approximately 625 feet into the property. Any future development west of the subject site would connect to this terminus and continue west for interconnectivity. No other stub streets are proposed or required due to the proposed and adjacent use.	
Existing Road Network	Ustick Road is existing arterial street with 2 to 3 lanes of travel.	
Existing Arterial Sidewalks / Buffers	Ustick Road is existing but there are no sidewalks or landscape buffers along the north side of Ustick Road.	
Proposed Road Improvements	<p>No road improvements are required with this application due to this segment of Ustick being scheduled for widening in 2025, unless the proposed right-hand turn lane is proposed with future development (see ACHD staff report in Section VIII.D).</p> <p>CIP/Five Year Work Plan for Ustick and other nearby roads:</p> <ul style="list-style-type: none"> Ustick Road is scheduled in the IFYWP to be widened to 5-lanes from Linder Road to Ten Mile Road in 2025. Linder Road is scheduled in the IFYWP to be widened to 5-lanes from Ustick Road to Cherry Lane in with design in 2025. This project is listed as in preliminary development and is currently unfunded. The intersection of Black Cat and Ustick Road is scheduled in the IFYWP to be improved with an interim signal in 2021. This intersection is also listed in the CIP to be widened to 7-lanes on the north leg, 7-lanes on the south, 6-lanes east, and 6-lanes on the west leg, and reconstructed/signalized between 2026 and 2030. Ustick Road is listed in the CIP to be widened to 5-lanes from Black Cat to Ten Mile Road between 2026 and 2030. 	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	1.1 miles from Fire Station #2	
<ul style="list-style-type: none"> Fire Response Time 	Project lies within 5-minute response time goal	
<ul style="list-style-type: none"> Resource Reliability 	Fire Station #2 reliability is 85% (above the goal of 80%)	
<ul style="list-style-type: none"> Risk Identification 	None to report at this time	
<ul style="list-style-type: none"> Accessibility 	Proposed project meets all required road widths, and turnaround dimensions.	
Police Service		
<ul style="list-style-type: none"> Concerns 	None/no comments	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 	2,650 feet from current sewer services to the west (Black Cat Road)	
<ul style="list-style-type: none"> Sewer Shed 	North Black Cat Trunkshed	
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 	See application	

Description	Details	Page
<ul style="list-style-type: none"> WRRF Declining Balance 	14.15	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes	
<ul style="list-style-type: none"> Impacts/Concerns 	<ul style="list-style-type: none"> Sewer is a 2,650' from site and per the Master Plan needs to come from N. Black Cat Rd. Provide to-and-through to parcel S0434438850 to the east. If sewer is not available at the time of construction of the site, provide a utility easement to the northern end of the parcel S0434438850. Flow is committed. 	
Water		
<ul style="list-style-type: none"> Distance to Services 	0'	
<ul style="list-style-type: none"> Pressure Zone 	1	
<ul style="list-style-type: none"> Estimated Project Water ERU's 	See application	
<ul style="list-style-type: none"> Water Quality Concerns 	None	
<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"> No utilities are shown with application. A utility plan will need to be reviewed by Public Works. 	

C. Project Area Maps





III. APPLICANT INFORMATION

A. Applicant:

Becky McKay, Engineering Solutions, LLP – 1029 N. Rosario Street, Meridian, ID 83642

B. Owner:

Ada County Highway District (ACHD) – 3775 N. Adams Street, Garden City, ID 83714

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/28/2021	6/25/2021
Radius notification mailed to properties within 500 feet	5/26/2021	6/22/2021
Site Posting	6/6/2021	7/1/2021
Nextdoor posting	5/26/2021	6/22/2021

V. STAFF ANALYSIS

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

Mixed Use Non-Residential (MU- NR) – The purpose of this designation is to designate areas where new residential dwellings will not be permitted, as residential uses are not compatible with the planned and/or existing uses in these areas. For example, MU-NR areas are used near the City’s Wastewater Resource Recovery Facility and where there are heavy industrial or other hazardous operations that need to be buffered from residential. Developments are encouraged to be designed similar to the conceptual MU-NR plan depicted. Appropriate uses in MU-NR areas

would include: employment centers, professional offices, flex buildings, warehousing, industry, storage facilities and retail, and other appropriate non-residential uses

The subject site is an approximate twenty-four (23.7) acre parcel that abuts Ustick to the south, two creeks along the north and a portion of the east boundary, and the City's wastewater treatment plant directly north of the abutting creek. South of Ustick Road are existing detached single-family residences that currently have generally vacant parcels between them and the treatment plant. The proposed use of a maintenance facility for ACHD falls under the Public Utility, Major use within development code and is subject to specific use standards (UDC 11-4-3-31).

The Mixed Use Non-Residential (MU-NR) future land use designation calls for industrial uses, such as a maintenance facility, to act as a buffer between the City's treatment plant and any existing and/or future residential development. The Applicant is proposing to install solid fencing and the required landscape buffers adjacent to Ustick and the existing county residence directly to the west (in addition to a new public collector street). If the property to the west develops in the future as a nonresidential use as called for on the future land use map, the buffer proposed with this application along the west boundary should act as an adequate transition between uses. Despite the probable noise associated with a maintenance facility such as this, adequate landscaping and separation from existing residences by Ustick Road offer appropriate separation and should mitigate the noise from trucks and machinery.

In addition to the proposed use itself, the hours of operation for the facility are an important factor in determining if the proposed use fits in this location. The Applicant has stated the planned hours of operation are Monday thru Friday, 7am to 5:30pm with occasional late-night hours during emergency situations. During the summer, the Applicant has also stated that chip-seal operations require some weekend hours but should be within the normal daytime operating hours. Staff nor the Applicant can foresee emergency situations so it is not feasible to mitigate every possibility associated with the proposed use. Due to the likely minimal late-night operations, Staff believes the proposed Development Agreement provisions and screening methods will be sufficient in mitigating any noxious consequences of the proposed use.

Because of this, Staff finds the proposed project and use of an ACHD Maintenance Facility to be generally consistent with the Comprehensive Plan. Specific Comprehensive Plan policies are discussed and analyzed below.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. *In order to ensure the site develops as proposed with this application and phasing plan, Staff recommends a DA as a provision of annexation with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval.*

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

The applicable Comprehensive Plan policies are cited below with Staff analysis in italics.

“Coordinate with utility providers on acceptable landscape materials, design and site locations for their future facilities to avoid negative impacts to the community.” (3.08.03). The location of the proposed ACHD Maintenance Facility is located within a non-residential designated area adjacent to the City's wastewater treatment plant. This area is intended to be developed with non-residential uses to act as buffers between existing/planned residential and the treatment plant. ACHD is considered a utility provider and they have worked with Staff to find an appropriate location for their new maintenance facility to further increase road maintenance capabilities within the City of Meridian.

Furthermore, Staff is recommending denser landscaping along the property frontage on Ustick to further mitigate any negative impacts to the nearby single-family residences and meet this applicable and significant comprehensive plan policy.

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). *City water services are readily available to the subject site but sewer services are nearly a half mile to the west. This site is in a different sewer trunkshed than the properties to the east. As previously noted, the Applicant is proposing to develop the site in multiple phases over the next 8-9 years with a potential for the first building to be constructed in 2024. It is not entirely clear at what point utilities will be available or needed for the site but due to the phasing and the lack of sewer availability currently, the Applicant has not submitted any utility plans at this time. With future development, the Applicant will be required to submit these plans and continue coordinating with the City to connect to public utilities, including water needed for irrigation.*

With this application, Staff finds it appropriate for the Applicant to provide a more detailed utility phasing plan than what has been presented in the application materials. Staff has discussed this with the Applicant and has received a general utility phasing plan as follows:

FY22- Site Prep, cutting in access roads, landscaping and fence installation – no need for sewer, just water.

FY23- Decant and washout area, with the possibility of the Admin Bldg. or may get pushed out to FY24.

FY24 - Drainage and Broom Sheds that would need to be connected to the sewer as well since this building will have restrooms.

FY25 – Fleet Buildings - Sewer hook-up as well for this building.

FY26 – Admin Building (originally, but possibly pushed up to FY23 or 24). If not built this year no need for sewer tie in.

FY27 – Truck Wash, and Truck Scales – Sewer to be hooked up

FY28 – Finishing of outlier projects

Based upon the updated information, connection to City water and sewer is likely needed by 2023. Water is readily available but sewer is not, as noted previously. The Applicant is having ongoing discussions with the City Engineer on the best path forward for the sewer needs and timeline of this project.

“Require industrial uses to conform to disposal, spill, and storage measures as outlined by the Environmental Protection Agency.” (4.10.01B). *Because of the nature of the proposed use and its different disposal, storage, and chemical requirements, they will be tasked with obtaining all necessary permits from the Environmental Protection Agency (EPA). Planning Staff does not perform environmental reviews as part of their analysis but due to the added layer of floodplain being located onsite, the City’s floodplain coordinator will be a consistent part of future development of the site as phasing progresses and structures are proposed within the floodplain that require environmental permits.*

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). *Despite the project not being a residential development, a segment of multi-use pathway is shown on the master pathways plan along the north property boundary, adjacent to the Fivemile Creek. The Applicant is proposing to construct the required segment of pathway and construct a pedestrian bridge over the creek to connect to an existing pathway segment further to the east. This connection and added pathway are also proposed to*

connect to detached sidewalk along the property’s west boundary that eventually connects to Ustick Road. Staff appreciates the added pedestrian connections proposed with this project and should further Meridian’s multi-modal transportation goals.

“Require new development to establish street connections to existing local roads and collectors as well as to underdeveloped adjacent properties.” (6.01.02C). *The Applicant is proposing to construct a new industrial collector street along west property boundary despite it not being required on the Master Street Map (MSM). This new street is proposed to terminate in a temporary hammerhead type turnaround approximately 625 feet north of Ustick allowing for future connectivity to the west if future development occurs within other areas of the MU-NR designation to west and northwest. The existing county residence and agricultural use to the west will have an opportunity to access this new collector street directly and gives that property an option to utilize the collector street instead of accessing Ustick directly.*

Staff finds this development to be generally consistent with the Comprehensive Plan.

C. Existing Structures/Site Improvements:

There is an existing county residence on the property that is no longer occupied. The Applicant has stated this home is to now be sold and removed from the site instead of being used as a temporary office, as originally proposed. Therefore, the existing driveway access to Ustick will be closed as well. Staff is recommending this access be closed with phase 1 of the development, consistent with standard conditions to construct required landscape buffers with the first phase of development. No other structures are known on-site.

D. Proposed Use Analysis:

The proposed use is an ACHD Maintenance Facility which falls under the Public Utility, Major use within development code. This use is a permitted use in the requested I-L zoning district per UDC Table 11-2C-2 and is also subject to Specific Use Standards (UDC 11-4-2-31). As previously discussed within the Comprehensive Plan section above, Staff supports the proposed use at this location—the relatively low vehicle trips, nonresidential use, and proposed pedestrian and landscaping improvements should make the proposed use ideal for this location next to the wastewater recovery facility. Staff analysis of the Specific Use Standards is in *italics* below:

[UDC 11-4-3-31](#) – Public Utility, Major; and public infrastructure:

A. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed. *Proposed development incorporates many of these accessory uses and the Applicant is required to obtain all necessary City, State, and Federal permits for them. Furthermore, the submitted concept plan shows a large maintenance building in the southern quarter of the site but sufficiently outside of the minimum 35-foot street setback from Ustick. This separation and landscaping should mitigate any noxious outcomes from these buildings.*

B. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the appropriate fire authority. *Applicant is aware of this requirement and shall comply.*

C. No portion of the outside storage areas and/or outside activity areas may be visible from any highway, interstate, gateway corridor, principal arterial, or minor arterial as herein defined. *According to the submitted concept plan, none of the proposed outdoor storage areas appear to be visible from Ustick Road, a principal arterial street. The applicant is proposing landscaping and a solid fence as well as future building pad sites that will screen the outside activity areas from Ustick Road. To ensure this standard is adhered to, Staff is recommending the required*

landscape buffer along Ustick is constructed with the first phase of development. More specific analysis of the landscaping and fencing material is in subsequent and relevant sections below.

D. All driveways into and through the facility and any open area with a driving surface shall be surfaced with a dustless material including, but not limited to, asphalt, concrete, pavers or bricks. *According to the submitted concept plan, no asphalt or driveways are proposed until phase 2. However, upon further discussions with ACHD and following the removal of the existing home, Staff is of the understanding that phase 1 will occur in 2022 and will include the new road, overall site prep, landscaping, and fencing installation. With the first phase, it appears that a gravel pit and paved open storage are proposed along the northern boundary. In addition, other areas of paved open storage are depicted on the concept plan. Per the submitted plans, it appears the Applicant is compliant with this standard.*

E. For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand (1,000) feet from a hospital. *No portion of the site or any hazardous or potentially hazardous material is located within 1,000 feet of a hospital.*

The concept plan and phasing plan submitted with the application depict specific parts of the maintenance facility being constructed at different times. A revised concept plan has since been submitted. In general, the revised concept plan depicts the following: the required multi-use pathway segment north of the proposed fencing and along the north boundary; a gravel pit and paved open storage along the north and northwest boundary; fuel tanks, truck scale and a salt/sand shed within the central area of the site; central but along the east boundary more paved open storage and the decant and washout stations are proposed; employee and fleet parking as well as the drain truck shed are located in a majority of the center of the site; in the south and southeast area of the site the administration building, fleet maintenance building, broom truck shed, and covered storage is shown on the concept plan.

Please see the phasing plan in the exhibit section below (Exhibit VII.E) for when these areas are proposed to be constructed from approximately 2021-2028. Staff notes that the location of the decant and washout areas have been moved since the revised concept plan was submitted to a new location outside of the floodplain and is therefore not accurately shown on the phasing plan.

E. Dimensional Standards ([UDC 11-2](#)):

The Applicant is proposing to annex the subject property into the City with the I-L zoning district which does not have a minimum lot size. As noted above, the proposed use meets the requested zoning and the dimensional standards noted in the specific use standards. The project requires both landscape buffers and building setbacks, per the I-L dimensional standards. At a minimum, there is a 25-foot landscape buffer required adjacent to Ustick and a 20-foot landscape buffer required along the new collector street, Naomi Avenue. In addition, the I-L zoning district requires a street setback of 35 feet. The submitted site plan shows the required 35-foot building setback from Ustick but shows only a 25-foot setback from the future Administration Building to the new segment of Naomi Avenue. This should be corrected with future development applications.

In addition, the I-L zoning district has a minimum landscape buffer of 25 feet to any residential use which is applicable along the west property boundary where Naomi Avenue is not proposed adjacent to the parcel to the west. The submitted concept plan shows this 25-foot landscape buffer compliant with the required dimensional standards.

The proposed building height of any future buildings are not known at this time but Staff presumes none are proposed near the 50-foot height limit of the I-L zoning district. With future

CZC submittals, Staff will confirm conformance with the required dimensional standards of the I-L zone and the Public Utility, Major specific use standards (11-4-3-31). Therefore, the proposed project meets all required dimensional standards outlined in UDC 11-2C-3 except for the required street setback to Naomi Avenue. Staff has recommended this be corrected prior to future CZC submittal.

F. Building Elevations ([UDC 11-3A-19](#) | [Architectural Standards Manual](#)):

The Applicant has not submitted any conceptual elevations of the future buildings. According to the submitted concept plan, there will be an Administration building, Maintenance building, and a long “L” shaped covered storage building that will require future Administrative Design Review (DES) approval as future development occurs that will also require Certificate of Zoning Compliance (CZC). Because future buildings are not proposed until later phases of the project and because they will require CZC and DES approval, Staff does not find it necessary to obtain conceptual elevations at this time. *However, due to existing and established residential homes to the south and Ustick being a heavily trafficked arterial roadway, Staff is recommending a DA provision that any future building façade that is visible along Ustick Road is held to the Commercial design standards in lieu of the Industrial design standards.*

G. Access ([UDC 11-3A-3](#), [11-3H-4](#)):

Access is proposed via construction of a new collector street that aligns with Naomi Avenue to the south. The Applicant is proposing to construct the collector street as a 3-lane, 52-foot wide street section within 74 feet of right-of-way with 5-foot detached sidewalk on the east side of the street; when the property to the west redevelops they will be expected to complete the street with sidewalk on their side of Naomi. The submitted plans show this new road to terminate in a temporary hammerhead type turnaround approximately 625 feet into the site for future road connectivity to the west. ACHD has offered their approval of the proposed Naomi Avenue extension and termination on the north side of Ustick Road. There is an existing home on the property that is expected to be sold and moved to a new property which allows the existing access to Ustick to be closed sooner than originally proposed.

Off of Naomi Avenue, the Applicant is proposing two driveway accesses for access into the maintenance facility located approximately 360 and 625 feet north of Ustick Avenue. The concept plan also shows each access to be gated approximately 150 feet from the edge of right-of-way of Naomi. ACHD has given their approval of the proposed driveway and gate locations for the maintenance facility because they meet district policies.

Lastly, the concept plan also shows a westbound deceleration/right-hand turn lane from Ustick onto Naomi Avenue. The Applicant has stated a desire to include this right-hand turn lane for trucks and other vehicles to access Naomi without impeding traffic along Ustick. Staff is supportive of this. ACHD has noted within their staff report this dedicated right-hand turn lane is not required by ACHD because Ustick Road is programmed to be widened to 5 lanes of travel within 10 years.

The Naomi Avenue extension would allow for future public road connectivity for the parcels to the west and allow for more efficient traffic management along the Ustick corridor than individual nonresidential access points to Ustick common within industrial areas. Staff appreciates the initial investment being placed on the road infrastructure and extension. All of the proposed access points (including the existing driveway closure) meet UDC requirements and ACHD has noted compliance with district policy. Therefore, Staff supports the proposed access and transportation element of the proposed project.

H. Parking ([UDC 11-3C](#)):

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6B](#) for nonresidential uses based on the ratio for industrial zoned properties of one (1) space for every 2,000 square feet of gross building floor area. Staff will confirm compliance with these standards at the time of CZC submittal for each building. The proposed use of a maintenance facility will rarely have any customers so the vast majority of parking needs would be for employees. Initial review of the concept plan does not give Staff any concern over the amount of parking due to the proposed use and ample area for additional paved parking.

I. Sidewalks ([UDC 11-3A-17](#)):

5-foot wide detached sidewalks are proposed within the required landscape buffers to Ustick Road and the new Naomi Avenue collector street (due to alignment, sidewalks are only proposed on the east side of Naomi). At the terminus of Naomi, the 5-foot sidewalk is proposed to continue north within the required 25-foot land-use buffer along the west property boundary and connect to the required multi-use pathway segment at the north property boundary. The proposed sidewalk meets UDC requirements.

There is currently no sidewalk to either the east or west of the subject site because neither property is developed at this time. Further to the east, approximately ¼ mile, there is existing sidewalk on the north side of Ustick constructed as part of the McNelis Subdivision. This area of the City is rapidly developing so sidewalks should be constructed with the landscape buffers for overall connectivity.

As properties further to the west and east develop in the future adequate pedestrian facilities will be required and will connect to the overall sidewalk network. In addition, the intersection of Naomi and Ustick is slated to be signalized in the future as more development occurs in this area. A signal in this location would allow for safe pedestrian crossing to the established sidewalk network on the south side of Ustick that offers connection to both Black Cat and Ten Mile Roads. Furthermore, the sidewalk connection to the multi-use pathway segment along the north boundary would allow pedestrian connection back to Ten Mile Road through the regional pathway network. Overall, Staff supports the proposed detached sidewalk layout and locations within the landscape buffers.

J. Pathways ([UDC 11-3A-8](#)):

Consistent with the sidewalk facilities, the proposed regional pathway extension is required of the Applicant. In addition, the Applicant is required to construct a pedestrian bridge over the Ninemile Creek to connect to the existing pathway segment at the west boundary of the McNelis Subdivision.

The submitted concept plan shows compliance with all of the requirements surrounding the construction of the multi-use pathway except for the required landscaping along both sides of the pathway. The north side of the pathway is encumbered by the irrigation easement so the Applicant has proposed trees only along the south side of the pathway. Staff is not necessarily against this but the Applicant should be required to apply for Alternative Compliance with the first CZC to determine the adequate alternative to the landscaping requirement along the creek. To ensure these pedestrian facilities are constructed, especially the multi-use pathway segment, Staff is recommending the pathway and sidewalks are constructed with phase 1 when the landscaping and fencing are proposed.

K. Landscaping ([UDC 11-3B](#)):

The Applicant is required to construct landscape buffers along Ustick Road, Naomi Avenue, and the remaining western boundary. In addition, the Applicant is required to install landscaping along the multi-use pathway along the north property. The buffers along Ustick and Naomi are governed by UDC 11-3B-7; the land use buffer along the remaining west property boundary is governed by UDC 11-3B-9; and the multi-use pathway landscaping is governed by UDC 11-3B-12. The Applicant did not submit specific landscape plans for the project but the revised color concept plan (Exhibit VII.C) does depict proposed landscaping in the required areas.

The revised color concept plan shows lawn and trees within each required landscape area. As noted previously, Staff is recommending denser landscaping within the landscape buffer to Ustick Road to help mitigate any noise, light, or fumes from the maintenance facility. Furthermore, the landscape buffers should be constructed with phase 1 for this exact reason. The landscaping shown on the color concept plan appears to meet code requirements but further analysis will be done with the first CZC submittal and a specific landscape plan is submitted.

L. Fencing ([UDC 11-3A-6](#), [11-3A-7](#)):

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is proposed as shown on the landscape plan and appears to meet UDC standards as proposed. **The Applicant is proposing to construct 8-foot tall chain-link fencing with 2 feet of barbed wire above that along the north and east property lines—this fencing is also proposed to be coated in a colored and rubberized material. Along the west and south property boundaries, the Applicant is proposing 8-foot tall TREX fencing (see fencing rendering below, Exhibit VII.D). The proposed TREX fencing is being strategically proposed to offer the most screening and buffering to the existing residences. 8-foot tall fencing is allowed within industrial zoning districts and per the height definition of fencing provided in UDC, barbed wire fencing is not included in the height measurement of fencing and is allowed in the I-L zone.**

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

The subject site abuts two waterways along the north and northeast property boundaries—the Fivemile Creek runs along the north boundary and the Ninemile Creek forks off of the Fivemile and runs along the north segment of the east boundary. The Master Pathways Plan depicts a segment of the regional pathway system adjacent to the Fivemile Creek but also requires a pedestrian bridge to the northeast of the site in order to connect to the existing multi-use pathway segment further to the east. The Applicant has proposed to build the required multi-use pathway as well as to construct the pedestrian bridge over the Ninemile Creek to the east. Staff appreciates the added cooperation with the Parks Department on extending pedestrian facilities.

In addition to the pedestrian elements surrounding the adjacent waterways, there is floodplain located on the north quarter of the site. Staff has reviewed the site for compliance and notes that a floodplain permit(s) will be required and that future construction within the floodplain will be required to adhere to MCC 10-6 for structure elevations and waterproofing. Further and more specific analysis will be done by Staff with future development applications. In addition, additional environmental permits may be required with the federal government depending on where the final location of specific items are located onsite (i.e. fuel tanks, decant station, etc.).

N. Pressurized Irrigation ([UDC 11-3A-15](#)):

The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15. No irrigation plans have been submitted for industrial use at this time. With future development applications, the Applicant will be required to provide a pressurized

irrigation system for the required landscaping around the site. Land Development will review these plans in more detail at a later date when specific irrigation plans are submitted.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement per the Findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on June 17, 2021. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning request.

1. Summary of Commission public hearing:

- a. In favor: Becky McKay, Applicant Representative
- b. In opposition: None
- c. Commenting: Becky McKay; Lloyd Carnegie, ACHD Maintenance Manager.
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner.
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

- a. Timeline for the use of the site, construction of the westbound deceleration lane, and overall phasing;
- b. Potential issues associated with having large trucks utilizing Ustick Road and the site prior a deceleration lane being constructed by ACHD as part of the overall road widening project—Applicant stated that consistent truck traffic to the site should not occur until after the Ustick Road improvements due to overall timing and use of other maintenance facilities in the valley as well as the timing of developing the subject site;
- c. Estimated timeline for Ustick Road widening—Applicant stated there is a desire to move up the construction of this road widening project to 2024 instead of between 2026-2030;
- d. How concrete the proposed concept plan is in terms of building placement and phasing;
- e. Capacity of the Commission/City to limit the use of heavy truck traffic for the site via a condition of approval or DA provision.

4. Commission change(s) to Staff recommendation:

- a. Create a new DA provision to help limit heavy truck traffic until Ustick Road is widened and the deceleration lane is constructed.

5. Outstanding issue(s) for City Council:

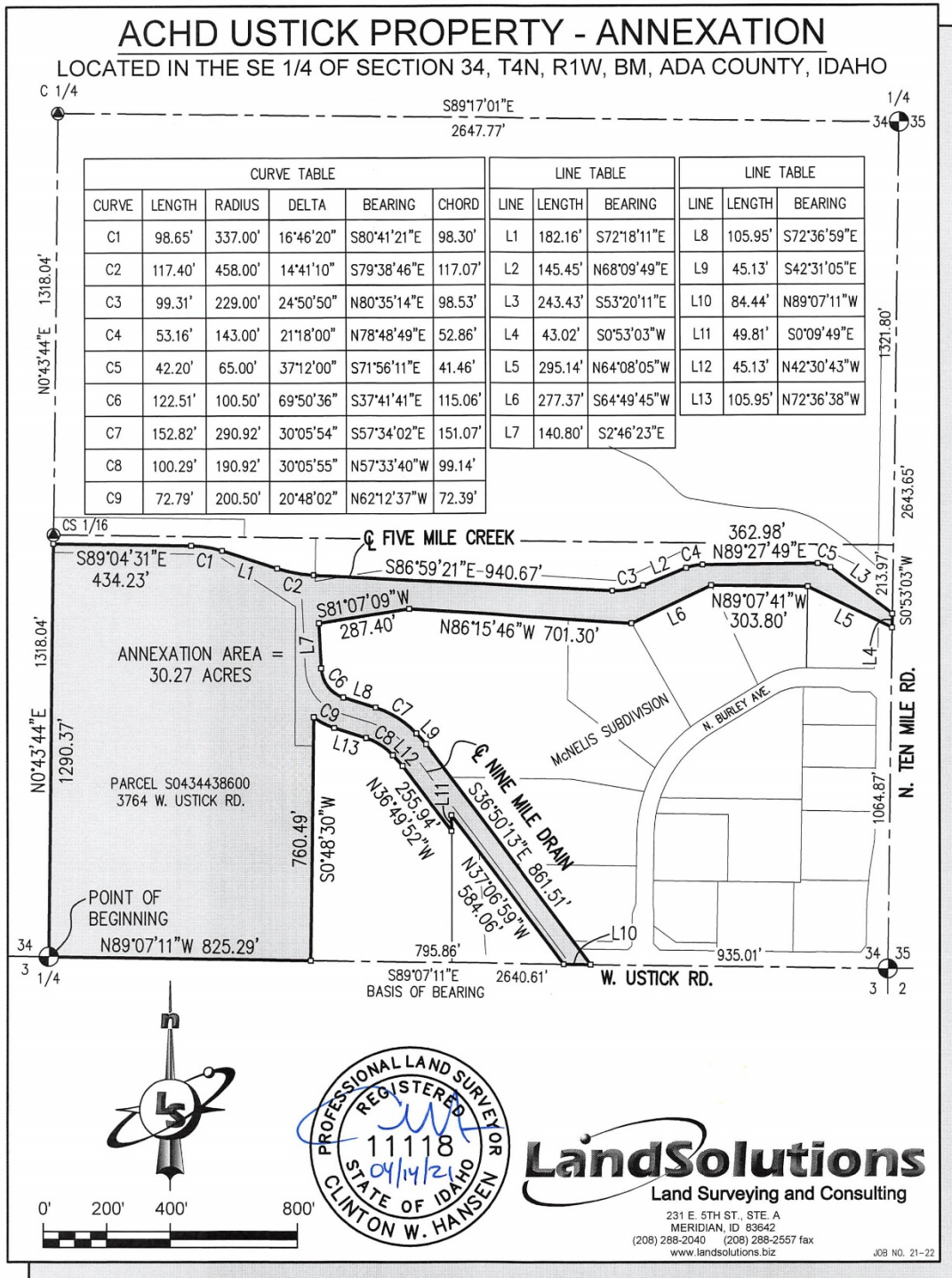
- a. Connection to City Sewer services and what the alternatives may be – Planning Staff is still not aware of the final alternative decided by the Applicant and the City Engineer; if an answer is known prior to the meeting, Staff will alert City Council.

C. City Council:

Enter Summary of City Council Decision.

VII. EXHIBITS

A. Annexation and Zoning Legal Descriptions and Exhibit Maps



Legal Description
ACHD Ustick Property - Annexation

A parcel located in the SE ¼ of Section 34, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

BEGINNING at a point marking the southwest corner of said SE ¼, from which a point marking the southeast corner of said SE ¼ bears S 89°07'11" E a distance of 2640.61 feet;

Thence along the westerly boundary of said SE ¼ N 0°43'44" E a distance of 1290.37 feet to a point on the centerline of the Five Mile Creek;

Thence along said centerline, also being the southerly boundary of that annexation parcel as described in Ordinance No. 784, Instrument No. 98003485, records of Ada County, Idaho, the following described courses and distances:

Thence S 89°04'31" E a distance of 434.23 feet to a point;

Thence a distance of 98.65 feet along the arc of a 337.00 foot radius curve right, said curve having a central angle of 16°46'20" and a long chord bearing S 80°41'21" E a distance of 98.30 feet to a point;

Thence S 72°18'11" E a distance of 182.16 feet to a point;

Thence a distance of 117.40 feet along the arc of a 458.00 foot radius curve left, said curve having a central angle of 14°41'10" and a long chord bearing S 79°38'46" E a distance of 117.07 feet to a point;

Thence S 86°59'21" E a distance of 940.67 feet to a point;

Thence a distance of 99.31 feet along the arc of a 229.00 foot radius curve left, said curve having a central angle of 24°50'50" and a long chord bearing N 80°35'14" E a distance of 98.53 feet to a point;

Thence N 68°09'49" E a distance of 145.45 feet to a point;

Thence a distance of 53.16 feet along the arc of a 143.00 foot radius curve right, said curve having a central angle of 21°18'00" and a long chord bearing N 78°48'49" E a distance of 52.86 feet to a point;

Thence N 89°27'49" E a distance of 362.98 feet to a point;

Thence a distance of 42.20 feet along the arc of a 65.00 foot radius curve right, said curve having a central angle of 37°12'00" and a long chord bearing S 71°56'11" E a distance of 41.46 feet to a point;

Thence S 53°20'11" E a distance of 243.43 feet to a point on the easterly boundary of said SE ¼;



Thence leaving said Five Mile Creek centerline and along said easterly boundary of the SE ¼ S 0°53'03" W a distance of 43.02 feet to a point;

Thence leaving said easterly boundary N 64°08'05" W a distance of 295.14 feet to a point marking the northeasterly corner of McNelis Subdivision as shown in Book 100 of Plats on Pages 13082 through 13084, records of Ada County, Idaho;

Thence along the northerly and westerly boundary of said McNelis Subdivision the following described courses and distances:

Thence N 89°07'41" W a distance of 303.80 feet to a point;

Thence S 64°49'45" W a distance of 277.37 feet to a point;

Thence N 86°15'46" W a distance of 701.30 feet to a point;

Thence S 81°07'09" W a distance of 287.40 feet to a point;

Thence S 2°46'23" E a distance of 140.80 feet to a point;

Thence a distance of 122.51 feet along the arc of a 100.50 foot radius curve left, said curve having a central angle of 69°50'36" and a long chord bearing S 37°41'41" E a distance of 115.06 feet to a point;

Thence S 72°36'59" E a distance of 105.95 feet to a point;

Thence a distance of 152.82 feet along the arc of a 290.92 foot radius curve right, said curve having a central angle of 30°05'54" and a long chord bearing S 57°34'02" E a distance of 151.07 feet to a point;

Thence S 42°31'05" E a distance of 45.13 feet to a point;

Thence continuing along said boundary and the extension thereof S 36°50'13" E a distance of 861.51 feet to a point on the southerly boundary of said SE ¼;

Thence along said southerly boundary N 89°07'11" W a distance of 84.44 feet to a point marking the southeasterly corner of "Parcel C" as shown on Record of Survey No. 6018, records of Ada County, Idaho;

Thence leaving said southerly boundary and along the easterly boundary of said "Parcel C" N 37°06'59" W a distance of 584.06 feet to a point marking the northerly corner of said "Parcel C";

Thence along the westerly boundary of said "Parcel C" S 0°09'49" E a distance of 49.81 feet to a point marking the northeasterly corner of "Parcel B" as shown on said Record of Survey No. 6018, also being the northeasterly corner of that annexation parcel as described in Ordinance No. 02-992, Instrument No. 103012606, records of Ada County, Idaho

Thence along the northerly and westerly boundary if said parcel the following described courses and distances:



Thence N 36°49'52" W a distance of 255.94 feet to a point;

Thence N 42°30'43" W a distance of 45.13 feet to a point;

Thence a distance of 100.29 feet along the arc of a 190.92 foot radius curve left, said curve having a central angle of 30°05'55" and a long chord bearing N 57°33'40" W a distance of 99.14 feet to a point;

Thence N 72°36'38" W a distance of 105.95 feet to a point;

Thence a distance of 72.79 feet along the arc of a 200.50 foot radius curve right, said curve having a central angle of 20°48'02" and a long chord bearing N 62°12'37" W a distance of 72.39 feet to a point;

Thence S 0°48'30" W a distance of 760.49 feet to a point on the southerly boundary of said SE ¼;

Thence leaving said boundary and along said southerly boundary N 89°07'11" W a distance of 825.29 feet to the **POINT OF BEGINNING**.

This parcel contains 30.27 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
April 14, 2021



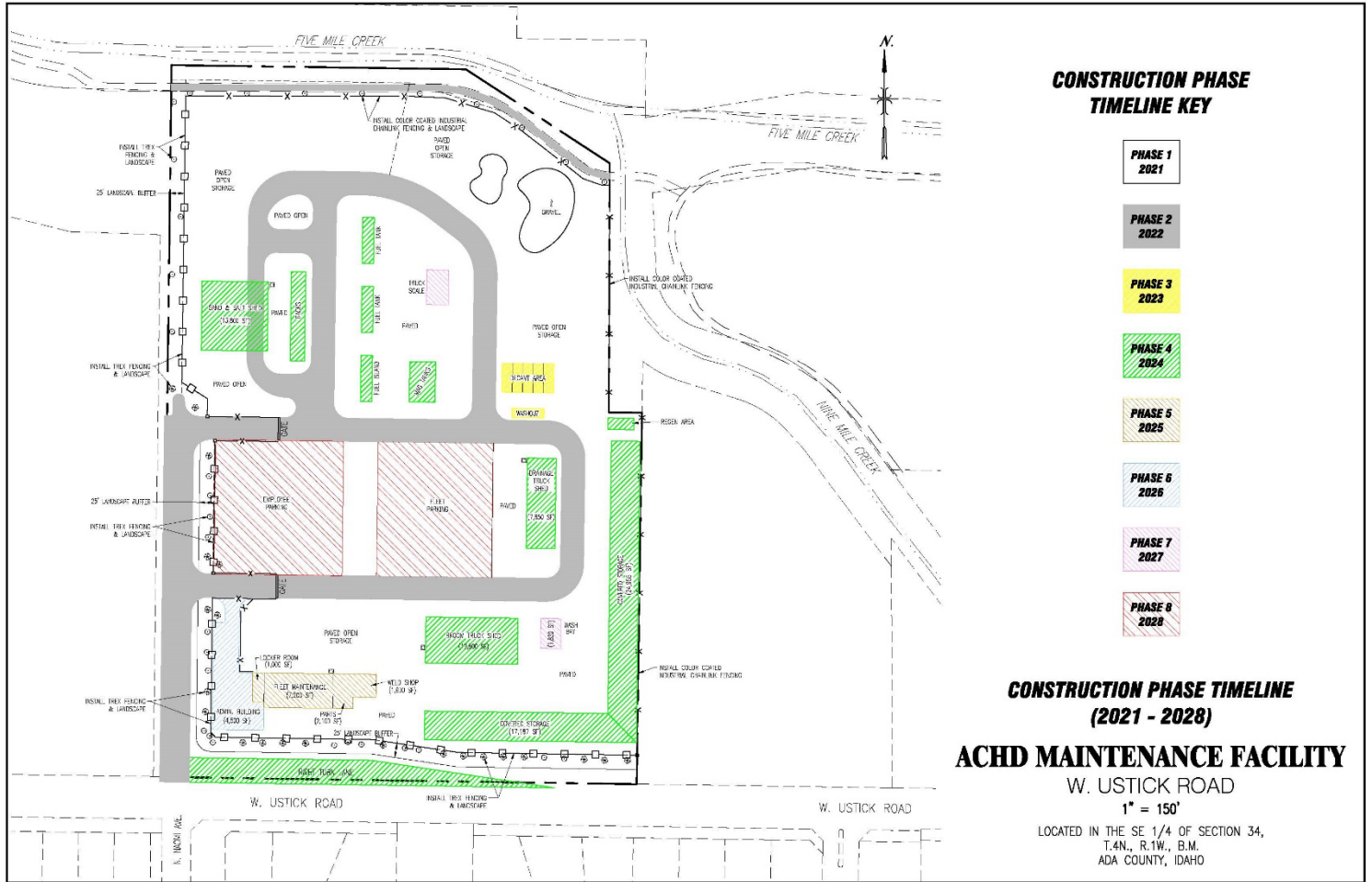
C. Color Concept Plan



D. TREX Fence Example



E. Revised Phasing Plan (6/14/2021) — Not updated and NOT APPROVED



06-14-21

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian and the property owner(s) at the time of annexation ordinance adoption.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the approved concept plans included in Section VII and the provisions contained herein.
- b. With the first phase of development, the existing home shall be removed and the existing driveway access to Ustick Road shall be closed.
- c. Future structures proposed along the Ustick Road frontage shall adhere to the Commercial district design standards in lieu of the Industrial district design standards.
- d. The required multi-use pathway segment, detached sidewalks along Ustick and Naomi, 5-foot micro-path, and landscape buffers shall be constructed with the first phase of development.
- e. The Applicant shall construct all fencing as proposed on the approved concept plan to specifically include closed vision fencing along the south and west property boundaries.
- f. With the first phase of development, the Applicant shall connect to City water and sewer services, if available. Should sewer service not be available at the time of development, the Applicant shall connect to sewer services when available or the water service may be discontinued by the City.
- g. Provide a utility easement for the benefit of the City through the site to parcel S0434438850 to the east along the north half of the boundary for future sewer infrastructure. Coordinate the exact location with Public Works staff.
- h. With the first Certificate of Zoning Compliance application, the landscape buffer to Ustick Road shall be vegetated with additional landscaping to include: trees that touch at maturity, and; incorporate landscape beds along the entire fence line for added shrubs and vegetation to help mitigate any noxious uses within the site.
- i. The Applicant shall adhere to the specific use standards for the approved Public Utility, Major use, as outlined in UDC 11-4-3-31.
- j. No building permit shall be submitted until phase 4 of the project consistent with the submitted and revised phasing plan OR until the Ustick Road widening and deceleration lane at Naomi Lane and Ustick Road is constructed.

2. Prior to commencing any site development, the Applicant shall obtain Certificate of Zoning Compliance (CZC) approval for the first phase of site development. Any future buildings and site development will also require CZC approval.
3. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2C-3 for the I-L zoning district and in UDC 11-4-3-31 for the Public Utility, Major specific use standards.
4. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6B for nonresidential uses within the I-L zoning district.
5. The Applicant shall comply with all ACHD conditions of approval.
6. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
7. Prior to issuance of Certificate of Occupancy on any building, the applicant shall submit a public access easement for the multi-use pathway segment along Fivemile Creek to the Planning Division for approval by City Council and subsequent recordation. The easement shall be a minimum of 14' in width (10' pathway and 2' shoulder on each side).
8. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 With the first phase of development, the Applicant shall connect to City water and sewer services, if available. Should sewer service not be available at the time of development, the Applicant shall connect to sewer services when available or the water service may be discontinued by the City.
- 1.2 Provide a utility easement for the benefit of the City through the site to parcel S0434438850 to the east along the north half of the boundary for future sewer infrastructure. Coordinate the exact location with Public Works staff.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-foot wide for a single utility, or 30-foot wide for two. The easements shall be dedicated via the City of Meridian's standard forms. The easement shall be graphically depicted on the construction 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. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being developed shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.6 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.7 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.8 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
- 2.9 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.10 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.

- 2.11 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.12 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.13 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.14 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.15 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.16 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. PARKS DEPARTMENT – PATHWAYS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230782&dbid=0&repo=MeridianCity>

D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230783&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Annexation and/or Rezone (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

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

Commission finds the proposed zoning map amendment to annex the property into the City of Meridian with the I-L zoning district with the proposed Public Utility, Major use and site design is consistent with the Comprehensive Plan, if all conditions of approval are met to help mitigate any noxious uses nearby the existing residences to the south.

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

Commission finds the proposed zoning map amendment and the requested development complies with the regulations outlined in the requested I-L zoning district and is consistent with the purpose statement of the requested zone.

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

Commission finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare, especially if all conditions of approval are met.

- 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 the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

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

Commission finds the annexation is in the best interest of the City.

Cavener: Mr. Mayor, I will second the motion.

Simison: Motion and second.

Nary: Thank you. Sorry. I apologize. I'm assuming that you have reviewed this letter and don't -- and don't believe it's risen to the level that requires a reversal. I know that was implied, but I just wanted to be sure that's -- that was the basis, so --

Bernt: That's exactly right. Second agree?

Cavener: Yes.

Simison: Is there discussion? Councilman Borton?

Borton: Yeah. Thank you, Mr. Mayor. I -- I looked at that August 27th, 2021, letter that Mr. Tsai provided for the request for reconsideration and -- and it raised some -- some -- some kind of procedural and substantive questions that -- that I think were the basis of their reconsideration, but when I looked at what -- what took place at the public hearing and -- and the volume of information that the Council was provided, both from the public and from the applicant, I agree with the motion maker, I think that record sufficiently explained the -- the dialogue and basis for the ultimate decision that was made, after gathering all of the input from all the parties involved. Our staff included. So, I didn't find anything sufficient within the August 27th request for reconsideration that would warrant changing the decision. So, for all of those reasons and the reasons set forth on the record at the original hearing, I'm supportive of the motion.

Simison: Thank you. Council, any additional comments or questions on the motion? Okay. Ask the Clerk to call the roll.

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

Simison: All ayes and the motion carries. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

2. Public Hearing Continued from July 27, 2021 for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.

- A. Request: Annexation and Zoning of 30.27 acres of land with a request for the I-L zoning district for the purpose of constructing an Ada County Highway District (ACHD) maintenance facility on 23.7 acres.

Simison: Next item up is a public hearing continued from July 27th, 2021, for ACHD Ustick Maintenance Facility, H-2021-0029. I will turn this over to Joe to get some questions and comments first for --

Dodson: Mr. Mayor, yes. I just wanted to -- if the Council would like me to reiterate anything from the previous hearing I can, but just I guess to reiterate, we continued it in order to work with the applicant on ACHD's maintenance facility staff to figure out some better language. It was my understanding that we came to an agreement on this revised language in response to that. The ACHD commission sent a letter, as I hope you guys have all read, that requested a six month continuance from now. So, I believe -- my understanding, unless something's changed, that the motion tonight that is being requested by the applicant is to a six month continuance and other than that I do not have any other updates.

Simison: Thank you. Council, questions for staff?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, those letters were dated on this same day, Joe. Is it possible to just -- they got crossed or were there two different parties -- was -- I guess I'm trying to understand how we are working on that wording and, then, we get a letter basically back the same day. So, were the -- the different parties that made those decisions aware that, you know, this was being worked on? Because I believe the letter came from an ACHD commissioner and not the staff and that the staff was working on those wordings in the DA provision. So, is that kind of what happened? I'm just trying to understand what's transpired.

Dodson: Sure. Council Woman Perreault, Mr. Mayor, I can't speak exactly to what happened behind the scenes for them, but I do know that a few days prior to the first we were working on the language, semi agreed to it, then, send out that final report. It was that -- later that day that I believe the applicant Representative Becky and ACHD took that to the commission and they met on it. So, that's why -- and, then, we quickly did receive a response back. So, I don't think it was something that they didn't see. My understanding is that the commission did see that and so the response is based upon this, as well as probably the overarching discussion.

Simison: Would the applicant like to come forward?

Price: Sure. Steve Price, general counsel for the Ada County Highway District. Mr. Mayor, Council Members, I'm here really -- the commission has asked for a six month deferral to May 8th, 2022. I think the letter speaks for itself and I'm happy to answer any questions. I would like to -- in advance I would like to thank your staff, as well as Mr. Nary for meeting with us and working through some of the issues. But the commission has decided to go ahead with the letter.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I watched that commission meeting. Can you clarify -- in our -- in our last hearing and in the letter that we received as well there has been statements made that the city is requesting an additional amount of -- what's the word? An additional amount than we -- that -- from ACHD because of the nature of what you do beyond what we would any other applicant for a land use application and I'm wondering if the staff had had an opportunity to make clear what we would ask any applicant -- any private applicant on a land use for as far as providing sidewalks and all those things. Has that been clarified? Is that more clear to the commission and the staff than it was since our meeting?

Price: Mr. Mayor, Councilman Perreault, the -- it's a particular opinion within the district that a ten million dollar project in our five year work program that's being exacted for a project that only generates probably two to three hundred trips per day is inappropriate. I think it's a bad practice. I think the view is it's a bad practice, that as part of any development application that a condition of that -- a development application is to pick a project within the five year work program for improvement. That's -- that's a view that's held by commissioners.

Simison: Council, any additional questions at this time? Okay. Thank you. And with that, Council, do I have a motion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move that we continue H-2021-0029 -- I guess it would be a six month continuance. So, that puts it to mid February. I guess maybe we need to have a date specific? If there is a date --

Simison: We had a date of March 8th?

Nary: Correct.

Simison: On March or May? Which one was it? March 8th.

Borton: To continue it to March 8th, 2022. Thank you.

Hoaglund: I will second the motion.

Simison: Have a motion and a second. Is there any discussion on the motion?

Nary: Mr. Mayor?

Simison: Councilman -- Mr. Nary.

Nary: Would part of that motion be to renote the project?

Borton: Yes, please.

Hoaglund: Second agrees.

Simison: Second agrees for that. Is there any further discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: See you guys in a couple weeks.

3. Public Hearing Continued from August 10, 2021 for Woodcrest Townhomes (H-2021-0015) by Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way

- A. Request: Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 2+/- acres of land from the Commercial to the Medium High-Density Residential designation.
- B. Request: Rezone of 2.10 acres of land from the L-O (Limited Office) to the R-15 (Medium High-Density Residential) zoning district

Simison: Next item up is a public hearing continued from August 10th, 2021, for Woodcrest Townhomes, H-2021-0015. I will open the continued public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. This application was continued from the August 10th public hearing in order for the applicant to prepare a parking analysis for the overall area and that was submitted and is part of the record. The analysis that was submitted addresses the estimated parking demand for the proposed development and the existing parking supply and demand on adjacent commercial lots, which determined there is adequate parking for the overall area. The applicant will provide more information on this study in their presentation tonight.

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

Womer: Good evening, Mr. Mayor, Members of the Council. Blaine Womer -- oops. Sorry. Blaine Womer representing the applicant on this project. Our offices are located at 4355 Emerald Street in Boise and, yes, last time we were here parking -- and the joint

Simison: Councilman Bernt.

Bernt: I move that we approve H-2021-0026.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I did have a question.

Simison: Do we have a second?

Hoaglund: Second the motion.

Simison: Have a motion and a second. Is there discussion on the motion? Council Woman Strader.

Strader: Yes, please. Thank you, Bill. I just wanted to make sure that if we needed the fallback position, the compromise, what the cost of the road would be, or that the road would basically fall -- would be split between the two properties -- that that piece was captured in the findings.

Parsons: Yeah. Mayor, Members of the Council, it has been. In that DA provision it lays out what was discussed, either where it stubbed in the concept plan with that cost share or if they can't reach an agreement and, then, it falls basically half and half.

Strader: Thank you.

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

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

2. Public Hearing Continued from July 13, 2021 for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.

Simison: Next up is a public hearing continued from July 13, 2021, H-2021-0029. Bill, is this going to be you or is it going to be Joe?

Parsons: Yeah. Mayor, Members of the Council, Joe is going to do it from -- remotely this evening.

Simison: Okay. Then, Joe, I will turn this over to you.

Dodson: Thank you, Mr. Mayor, Members of the Council. Can you hear me?

Simison: Yes.

Dodson: Thank you. Sorry about not being there in person. I'm not feeling too well. Sorry. But I still wanted to participate in this and not leave it all on Bill. As noted this -- this was continued from two weeks ago in order for the applicant, which is ACHD, to reach out to their commission and discuss the phasing of both this project, as well as the phasing of the utility -- or sorry -- the Ustick Road road widening. We did receive a letter last week, July 22nd, from the ACHD commission regarding the second point noted on this slide eight point -- A1.J, which discusses the -- the timing of the future building permit. Based upon the conversations that I had with ACHD, as well as with -- from the discussions that occurred at the Council meeting two weeks ago, I found that this was an appropriate modification of what is in the existing staff report. It is different than what the applicant had originally requested. On the 13th. I did circulate this language with ACHD at the end of last week and I was under the impression that this made sense and was understood. Beyond that I don't have any other comments, since everything else is the same. I'm not -- if you have any other questions I'm here for you.

Simison: Okay. Thank you, Joe. Council, any questions for staff? Okay. Everyone is shaking their head no. Would the applicant like to come forward.

Wong: Mr. Mayor, Council Members, thank you for the opportunity to be here today. Mr. Mayor, if I could take a little bit of a pause on this. I first would like to thank your Police Department for the tremendous job they did on Sunday's Idaho Patriot Thunder. They did ensure that we all arrived safely. They did a tremendous job as always and it was just a pleasure to have them on board again and we will make sure that next year we have that on your calendar very very early for your participation. Mr. Mayor, we are --

Simison: Mr. Wong, if you could state your name and address.

Wong: I'm sorry. It's Bruce Wong. I'm the director of the Ada County Highway District. Mr. Mayor, we do have a concern on this. This language that was changed -- we were aware of that -- or made aware of that today at 3:43. I have talked to my staff. We have not received any type of other reports back and forth and we have been in lockstep and very agreeable to all of the conditions that the P&Z had asked us to consider and we have agreed to them all and the letter from Commissioner Goldthorpe was very clear on what we thought was the agreement that would be coming in front of you. So, Mr. Mayor, Council Members, I do apologize, but we do not agree with the change at this point in time and we would request that you would render a decision that provides -- that was in lockstep with all the discussions we have had with your P&Z and the letter that -- that you

all requested that the president of the commission send you, which was that we would be able to take occupancy on phase four. That was our request. That's the letter we sent. And, again, I -- first we were notified of this and I have got the e-mail here was at 3:43 today. I will stand for any questions you might have.

Simison: Okay. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Yeah. Part of the schedule of today was somewhat rushed in hopes that the stars might align and we can get this worked out and understood that it might be rushed in doing so, but, you know, the letter came five days ago and now we have got this condition and it needs a little more time to discuss the pros and cons of specific language. The one thing that jumped out to me was -- the condition made sense as proposed by staff, but to incorporate the specific matrix in a letter, because that would be in the DA, as opposed just referencing it for itself, to include those benchmarks. But by all means it --

Wong: We can work that --

Borton: Yeah. More time is necessary to visit with staff. I think we contemplated that very well might occur, because I think the second date we were looking at was the end of August, beginning of September, so --

Simison: So, before we just go directly to that, are there questions Council has or comments? I mean, personally, this is more in line with what I thought the Council's conversation was last week, as compared to what we received from the letter from ACHD. So, I would say that there is maybe a difference of expectation or interpretation, so -- but that's my -- that's how I heard the conversations last week -- or two weeks ago.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Yes. Thank you for mentioning that. I would agree with that and that's why I wrote it this way. I apologize if there was any confusion with ACHD and their staff. I -- I'm not trying to throw anybody under the bus, but I have e-mails that I sent this out last week, this exact language, minus the words ACHD commission and the date and I had two people from ACHD tell me that it looked good, which is why I went forward with this. So, I didn't formally send the memo until today, yes, because, again, I was not feeling well today and I was out yesterday, but this is consistent with what I thought that the discussion between both myself and ACHD and what the Council discussed last week -- I know that we have had -- Council has had discussions recently about using the word certificate of occupancy, because we have less control over how we can withhold that because of the TCO process, so I thought that using the word building permit consistent with my original

DA provision makes more sense and gives the city -- I guess the most power to do exactly what the Council had discussed two weeks ago.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I agree with Joe as far as the recollection of -- in fact, it was pretty recent that we were having that discussion on the -- you know, the COs versus building permits and kind of got pitched in a different situation. So, it seemed appropriate, timely, quite frankly, to -- to make sure not to have that happen with this one. So, I thought Joe's language -- staff's language here made sense as well, so --

Simison: Additional questions, comments?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: ACHD provided a letter to us, which was I believe in response to the conditions of approval on July 12th and this that we are discussing here, which is one of those items that they responded to, but there were three others -- excuse me -- two others and I just wanted to make sure our staff was -- could advise us on -- on those decisions as well and so that was specifically A-1-C in -- in the letter that was provided by ACHD's engineer and that's specific to the commercial design of the -- of the buildings that are going to be along Ustick and the costs related to those in relationship to the use of the -- of the building. And, then, in addition, that there -- that the multi-use pathway would be constructed in the second phase of development, instead of the first. So, I don't know if we -- if Council needs to have conversations about those requests to the changes in the conditions of approval. I didn't see anything in the file, as far as staff's specific comments on those, so I would like to hear from our staff on that as well and, then, if there is anything additional the applicant would like to share on those for our clarification that would be great.

Simison: Joe.

Dodson: Thank you, Council Woman Perreault, for your questions. I did note that -- or I can say -- because those -- my -- my presentation was two weeks ago for the commercial standards I did note that that is something that staff is wanting, again, because of the Ustick corridor, it's highly visible, it's an arterial, we tend to do that a lot for buildings that are going to be close to the arterial. However, I did note last -- you know, two weeks ago and I will say it again, that if the Council thinks that with the additional landscaping that I'm requiring and the additional costs that it might incur to the applicant, that they utilize the industrial standards. I understand that reasoning. I think that is up to the Council to make that final determination if they want to give that concession to the applicant. On the second point regarding the multi-use pathway, traditionally we have always wanted the

pathways and landscaping to be done with the first phase. I do understand that per the phasing plan submitted by ACHD -- by the applicant that phase one is pretty minimal, so I can understand the desire to move it to phase two. I think that that is acceptable, but, again, it is Council's determination, if they want to do that per the phasing plan or if they would like to require it up front with phase one. But no additional information has come out about -- regarding those items.

Perreault: Thank you. Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: If the applicant could share with us some specifics on how they would like the commercial design to be different, that would be really -- really helpful, give us a better understanding of what would be cost prohibitive.

Wong: So, Mr. Mayor, commission -- again, the district is in agreement -- the district is in agreement with all of the discussions we have had with your P&Z across the board and we continue to be in agreement. We can work through these things with modifications. The one issue that I will raise again was -- again, the 3:43 note from your planner stating this, which we were not aware of -- the Commission was not aware of it. I was not aware of it. Our maintenance team was not aware of it.

Bernt: Mr. Mayor. Mr. Wong?

Wong: Yes.

Bernt: Would you disagree with what our planner just told you?

Wong: Yes.

Bernt: One hundred percent. You are saying that he is lying.

Wong: No, I'm not saying that at all. I'm just saying that this is new to what we saw today at 3:43. We were under the assumption coming into here that we were lockstep with -- with P&Z. Now, in the past -- yes.

Berenger: Jennifer Berenger. I'm the deputy director of maintenance at ACHD. 3775 North Adams Street, Garden City. Just for clarification, this was sent to us last week before the commission memo came out. So, what Joe was doing was kind of setting the stage and here is what we think it's going to look like and we were like, okay, that looks good and, then, he said, after we get the memo we will clean it up a little bit. So, we hadn't seen the cleaned up version after the memo got submitted. The changes that were made after the memo was submitted were specifically putting the date -- the date in there, but it didn't change the other pieces that the memo had outlined, to include kind of the changing -- to -- to the condition of occupancy, as well as some of the other verbiage on tying it back to phase four in those cases, so -- so, again, this was -- he did submit this to

us before the memo came out, so it just -- this doesn't incorporate what the commission had put into their memo.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, what Mr. Wong is saying isn't accurate?

Berenger: He is -- he is correct in the sense that he saw it today. But that was when we saw the final version that was sent to you. What we --

Bernt: The question is -- no. No. No. The question is -- I -- the question that I asked was did -- was this seen prior to 3:43. My -- my planner is saying yes. The basic premise -- you know, there may be some different words, there may be some dates added, but I want to -- I want to make it clear that I'm getting two different stories, one from my planner and one for Mr. Wong. As a decision maker on this body I like to know what's -- what's going on.

Berenger: No. The -- what your planner is saying is correct.

Bernt: Okay.

Berenger: He sent a draft of this last week before the memo was received from the commission. So, this was kind of a leading edge before all of the facts were in. We hadn't seen a final version that incorporated what the ACHD commission would commit to. So, this -- what we saw was before what our commission was able to commit to.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Would it be helpful for you all to have additional time to digest language and review it, then, with the commission? Is that the request?

Price: Mr. Mayor, Council Members. Steve Price. General counsel for the highway district. We did just get the final version of the staff report today at 3:43. But --

Bernt: Mr. Price, one second. Mr. Price, that's not what we are saying. We agree that the final -- the final version of it was sent at 3:43, but what I'm confused about is that Mr. Wong said that no other correspondence had taken -- he hadn't seen anything until -- until today at 3:43. So, I just want to know what story is correct and which story is wrong.

Price: Well, Councilman Bernt, the -- I'm not sure and my comments aren't related to that. I will tell you that the way that we look at it is is that we received communication on July 12th from the P&Z and at that time -- or excuse me. Our engineer at that time was very

clear that in terms of the condition related -- and that would be A-J and I believe we referenced that in our letter -- that we wanted that condition modified as to occupancy, not as to the building permit. Okay. And, then, you had the meeting on I believe -- shortly thereafter on the 13th and we again restated that. The Council wanted a commitment from the ACHD commission that they would go for offsite improvements in support of that. Now, in terms of off-site improvements I'm not sure that we are comfortable with that legally. I'm not sure the Council has the authority to condition a land use development application based upon offsite improvements. We are happy to make all of the on-site improvements, but the commission, as part of interagency cooperation, agreed to go ahead and accelerate the project in response to the Council's request and we sent that in the July 22nd letter. That was our agreement -- the commission's agreement to do that was based upon the fact that no certificate of occupancy shall be issued until phase four of the project consistent with the submitted and revised phasing plan and the deceleration on Ustick frontage is constructed. That is what ACHD will agree to. Nothing more. Nothing less. I don't think the Council has the authority to require any more than that in terms of off-site improvements. That is something that is beyond what you can ask for, but we have agreed to it and now today you are telling us, no, it's not certificate of occupancy, it's based upon the building permit. We can't agree to that. There is no justification for that. You don't have the authority to do that. And it -- frankly, I don't understand it in terms of us building -- a building permit in terms -- and the relationship to occupancy. So, that is our objection. If you have got a legal rationale and Mr. Nary can provide it as to why you can require off-site improvements beyond the on-site improvements, great, provide it to us. But today you are not and we have already committed -- the commission has agree to, based upon certificate of occupancy, that we will go ahead and accelerate that project plan. This isn't -- this is occupancy, folks. This isn't permitted to construct. We will -- those projects will be done as committed by the Commission. It will be done by the time we actually take occupancy and don't understand why the Council is requiring that as a new condition. It was nothing -- anything we have agreed to. It's nothing we have committed to as of today. And so I think there is a big misunderstanding as to what the commission has agreed to.

Bernt: Mr. Mayor?

Simison: So, just for clarification, this is annexation.

Price: That's fine.

Simison: Correct?

Price: Yes, that is correct.

Simison: We both understand what is -- what the latitude there is in an annexation.

Price: I understand the latitude. But, at the same time, you have to think of it reasonably as interagency cooperation, as we try to do with you. We are not asking to run the

maintenance facility until we actually occupy it. We just want to construct it. There won't be any impacts to the roads until occupancy.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I did want to clarify that the -- what was in the memo from the ACHD commission letter regarding the condition that they had in there -- that was what ACHD requested as a modification to what is already in the commission recommendation that I sent out for the hearing two weeks ago. That is not something that our Council or myself agreed with. That is something --

Price: We agree with that.

Dodson: -- that the ACHD commission -- they may have seen that and that may be what they want, but that is not what we have agreed to. So, I do understand Mr. Price's point there and they did not receive the final draft of what I have included here until 3:43 today, yes. But the only thing that changed from July 22nd until now is I added ACHD commission and July 22nd, 2021, because I felt that the language was sufficient based upon what I had discussed with ACHD maintenance, as well as with the Council discussion from two weeks ago. The rest of that is beyond my paygrade, frankly.

Price: Appreciate that, Mr. Mayor and Council Members, and I think that that is correct, but in terms of the commitment for the commission we are stuck at a dispute as to certificate of occupancy and building permit. That's where we are at.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. Coming into this I thought, eh, we are a little bit apart -- not that far apart. So, Steve, if we can walk through -- you know, when I read the letter due to the fact that there could be interim uses that may need a building permit -- permit, but do not require occupancy and, then, when I saw the language that -- that Joe had submitted, it would allow for a building permit and it's -- with this language here -- and it talked about the decant washout station needing the building permit. Is there more than one building permit that is needed without the occupancy?

Price: Yes.

Hoaglund: So, it sounds like you want to build out and, then, when everything is done you will occupy, it's ready to go, and you walk in, boom, you are operating.

Price: Exactly. And we will have all the improvements made to the road network offsite at that time.

Hoaglund: Right. Mr. Mayor?

Simison: Councilman Hoaglund.

Price: That seems a reasonable approach.

Hoaglund: Yeah. Follow up, Steve, then. So, it is probably not just having one building permit, but it's others.

Price: Yes.

Hoaglund: You need the building permit to get them constructed and, then, usually -- building permits and, then, as we know, you know, certificate of occupancy follows after -- after that one when the time comes. Everything's agreed to, just like the WinCo, everything's got to be done, okay, here we go and we can do temporaries, of course, but -- so, it's just a matter of building permits plural, as opposed to singular, and it sounds like --

Price: It's a timing issue and you are correct.

Hoaglund: Timing issue. So, I think that's the area that we have to figure out if we can make that flow, so --

Price: I don't understand the rationale, frankly, as to why the certificate of occupancy versus the building permit.

Hoaglund: And, Mr. Mayor, if Joe could put up that other language, I was going back and forth -- that he had sent back and forth between the two, just trying to figure that out. Or is that you, Bill? Okay. Joe, could you put that language from your memo back up?

Dodson: This one? Yes, sir. Sorry, I was going to ask you which one he are referring to. There we go.

Hoaglund: There we go.

Dodson: The first one is not related to this. It was an additional DA provision based upon the sewage stuff that we had discussed. The one that we are discussing now is the lower one and my understanding is that it was because of the discussion two weeks ago was to do with truck traffic and that's why the building permit and the future buildings may incorporate the use of more trucks is the reason why we would be using building permit, instead a certificate of occupancy, because we have the temporary certificate of occupancy process that can somewhat circumvent that provision. So, I was trying to give the city a stronger position.

Hoaglund: So -- and, Mr. Mayor, follow-up question for Joe then.

Simison: Councilman Hoaglun.

Hoaglun: So, that's why no building permit shall be submitted until the widening project is completed, except for the one building permit and for that -- for the decant washout station; is that correct?

Dodson: Yes, sir. That is correct. And that's what I had discussed last week with the -- the other ACHD staff. So, I thought we were on the same page there. This is something similar to what we do with a lot of larger plats where we say, well -- well, we will allow one building permit for one building. That's it. You don't -- not -- we don't say withhold occupancy, we say one building permit, because of this -- because of the ramifications with allowing more building permits, which usually means more traffic.

Hoaglun: Mr. Mayor, question for Steve.

Simison: Councilman Hoaglun.

Hoaglun: And I might defer this -- so, I remember seeing the plans, we went through all that. How many buildings are we talking about for build -- building permits for -- for that period of time that would be constructed?

Price: A total of seven buildings.

Hoaglun: Okay.

Price: And, by the way, this is inconsistent with the July 22nd letter that the commission did send. So, I'm not sure how there has been any interpretation that this is consistent with ACHD's position, because it's not been. It's a misunderstanding. Fine. But it's important that we be able to build and we most certainly won't occupy until all of those improvements have been made, including the on-site improvements adjacent to our facility, as well as off-site improvements. These are not minimal improvements, these are significant improvements that are off site.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Steve, you know, looking at Planning and Zoning Commission proposed the condition no building permit shall be submitted until phase four and that's why you countered and said, well, wait a minute, you know, we need to have the build out and be ready to operate when that time comes.

Price: Exactly.

Hoaglun: So, I understand that. When -- if there is no -- you can -- if -- if you were to be allowed to build, there is no occupancy, they would be able to use the facilities, like the

decant washout it sounds like. Would there be truck storage? Is that -- how -- I guess -- and maybe this is a question for staff -- is -- my lack of understanding on what is occupancy for something like a storage shed? Is that occupancy?

Dodson: Councilman Hoaglun, that's, frankly, kind of the issue I thought the Council was having last time was some of this stuff that is not a building, like the broom shed or the covered storage, those things will require a building permit, but the gravel pit and the pavement and all the paved open storage, that generally does not -- they need a certificate of zoning compliance, but we don't issue a building permit for them to move dirt and lay asphalt. So, that's where -- when you start having all these additional things that may not have a building -- a physical building that has an occupancy, now you start getting to, well, you can still have trucks use the facility -- can you have all this truck traffic that was heavily discussed at the previous hearing. That was the issue. All that can still occur. So, again, that's the understanding that I had. I -- I agree that I don't -- that we don't have the same understanding that the ACHD commission had, because I was not in contact with them and -- and what they proposed or what they were shown was not what the Council had agreed to either, so I do apologize for that misunderstanding. That was a -- that was not our intention at all.

Price: Mr. Mayor and Councilman Hoaglun, the -- ACHD is not going to operate this facility with trucks otherwise, other than the construction of it and so we are not going to be running trucks out of there, other than for construction purposes. Wouldn't make sense for us.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Steve, I appreciate that comment. I think if there is some understanding to the effect that if it's built that -- until you have I guess that certificate of occupancy should be issued, we -- we just have to make sure those -- the deceleration lane, the other widening projects are made that is done and, then, we can -- we can move forward. But I think somehow we have to figure out, okay, what is that language? I think we are close. Again, it just comes down to the language. We -- each side goes, okay, yes, we agree and it means the same thing to everybody, so --

Price: No. And thank you, Mr. Mayor and Councilman Hoaglun, I appreciate that. I really do. I think we can agree in the development agreement, which is anticipated on that language, that ACHD is not going to be actively operating any maintenance operations out of that facility until what the commission has committed to in our July 22nd letter.

Strader: Mr. Mayor?

Price: But we need the ability to go ahead and build those facilities until that time.

Simison: Council Woman Strader.

Strader: Yeah. I mean it -- you know, it -- I think the challenge we run into with conditioning certificates of occupancy and enforcement has been a thorny one. In this case, if the DA could be crafted to reflect that understanding, I personally think that should make us more comfortable if we can enforce that additional language, according to Mr. Nary, but I do want to say I -- you know, I appreciate the written commitment from the commission to go ahead and accelerate the widening of Ustick Road in that letter. I don't want to lose sight of that fact in the details of working this out. So, I thought that that was an important commitment and appreciated seeing that commitment in writing. That was my two cents.

Simison: And I'm going to try to walk a fine line in my comments right here, that this is a very similar situation to another project out in this area where we started talking about TCOs, DA provisions, that are, quite frankly, enforced by you. I mean the off -- some of the off-site improvements in these areas. So, just trying to -- you know, we got a lot of different issues that are kind of coming to light in this point in time to try and figure out, yeah, how do we work together to address all these issues that are off site, on site, et cetera. What we can -- what we can hold a developer to and that's -- I think that's the thing is like we get these requests from developers all the time, say we need to go in and we need to do this first. We need to do this. And we have seen how that doesn't work on our back end, but we are trying to figure out what does make sense for another government entity partner, how do we work together to solve these issues without going through all these hoops to make things complicated and that's, you know, where we are in several issues right now and that's what it feels like.

Price: Well -- and, Mr. Mayor, if I can, the difficulty is that -- well, one is the development agreement between the city and -- and the City of Meridian, we are contractually bound by any conditions that you put. Check. That's done. The second point is is that we are in a unique situation, unlike other developers where you can condition from a partnering agency to make improvements beyond. You can't require this of other developers, because they don't have the ability to -- to make off-site improvements, like a wholesale improvement of arterials in the area. But the commission's agreed to that. Fine. You can condition that in the agreement. The commission did what you said, they provided you a letter of commitment that they would do that. Obviously, that's going to take resources from other projects that are within our priority, but we are willing to do that. So, it's a difficult situation, but it is within your purview, within the development agreement, to require what we have proposed and that's all we are asking.

Simison: Mr. Nary, keep me in a short leash.

Price: He will.

Simison: Yeah, just trying to be -- again, we got a school down the road that has off-site improvements -- off-site road improvements, which are part of a DA --

Price: Yes.

Simison: -- and we are being asked to uphold, which are not necessarily ours to uphold, but they are part of our DA.

Price: Well, they are yours to enforce.

Simison: And that's -- that's where we are getting into these type of issues, where it's like --

Price: But this -- in this situation, Mr. Mayor, we are in the contract. The school were not in the contract. There is a difference.

Simison: Can we hold another -- can we hold them to do their own work through a DA provision that we don't have the ability to sign off on or enforce against?

Price: Contractually you can.

Nary: So, Mr. Mayor, Members of the Council, I guess maybe to kind of echo where Joe was going earlier, part of the reason -- the difference between building permits and certificates of occupancy are huge and the reason why a majority of commercial developments with multiple buildings, where we are very stringent on allowing more than one building or more than two buildings, usually it's primarily one, is because it's the biggest hammer we have. You can't build another building until you get this done and we want whatever it needs to be done to make this whole project fit -- has to be done before you get to build a second building. That's the common factor, because from an enforcement standpoint it's a lot easier. On the occupancy -- occupancy is physically occupying the building. Right? If you want -- it requires some voluntary effort on the property owner to enforce it. We can red tag the door. It's locked by red tags a lot on buildings when we have done this in the past. We now have to take code enforcement action. Now we have to take contractual legal action against the property owner to enforce it or we de-annex it. I mean that's the other option in the contract. So, it is a lot more difficult to manage on -- on contingencies where we aren't the signing party. Again, if we are required to sign off on it to approve the next phase or whatever that is, it's fine. But if it requires another agency's approval and also their voluntary compliance with that, those can be challenging to deal with and I know there are other entities around the state and around the valley that find that challenging in dealing with partner agencies that -- again, we do want to get along, we do want to figure out how to do this together, but, again, we don't have a lot of teeth up front. The building permit is the teeth. Everything else requires a lot of letters, phone calls, conversations, visits from code enforcement, you know. Again, are we going to have the ability -- we don't have the ability -- we can turn off water. Normally that's not a condition as long as they are paying their water bill. I don't know what -- I don't know what those needs of the utilities are on his property at that point in time. We can sometimes -- depending if there is a life safety issue we can turn off power. I don't foresee that in this situation. So, if -- if people won't comply, the enforcement, without a building permit, as a need, is a little harder. So, I don't want to kid anybody that the CO is the same, because it's not.

Price: Mr. Mayor. And I most certainly acknowledge that, but we are one of your better partnering agencies and we most certainly try and get along and I don't think you can question the integrity of ACHD and if you want to put a condition in the development agreement that we won't operate any of our operations out of that facility, that is most certainly fine. We can agree to that.

Perreault: Mr. Mayor?

Price: And that's contractual and Mr. Nary is right, you will be into potentially a -- you know, a breach of contract, a development agreement, but you are not talking about a developer, you are talking about the Ada County Highway District, and you are talking about the integrity of the Director Wong and the commission that we will commit that we won't do anything until certificate of occupancy, we won't run any operations, we need to build those facilities until that time. That is something that you can put in writing in a contract. Mr. Nary knows it and we will commit to it.

Simison: Just to kind of do a quick follow up on -- kind of related really -- and two weeks ago when we heard -- we heard that the plan was to operate three facilities.

Price: Yes.

Simison: News reports have said otherwise. Can you just put on the record that your -- is this is to replace the facility down in Garden City or does the facility in Garden City stay operational?

Price: Well --

Simison: Because I saw different stuff in the media and I just want to have it on the record.

Price: No. Absolutely. Mr. Mayor, we have -- based upon a lot of pressure from Garden City, we are now looking to relocate the Garden City maintenance yard to a new location. We are in negotiations in a contract, actually, to purchase property off of Federal Way and that would move that facility off of that, but it will not diminish the need, because of the growth in the west, from the facility that we are trying to get permitted from you today.

Simison: Thank you. Just wanted to make sure that we have a clear understanding.

Price: Yep.

Simison: Council Woman Perreault.

Perreault: Thank you, Mr. Mayor. Well, I'm going to ask about that first and, then, I will make a follow-up statement. So, does that mean you are still intending on -- on having three facilities, the one -- because it's my understanding there is also going to be one in south Boise potentially?

Price: Well --

Perreault: Or is that going to replace Garden City and the Boise facility, the one on Federal Way?

Price: Excuse me. Mr. Mayor, Councilman Perreault.

Perreault: Perreault.

Price: If I get it wrong I'm --

Perreault: Okay.

Price: -- not good at French. But the -- the idea is is that we will have three facilities operating at all times. We will be moving the Adams facility, which is in Garden City, to Federal Way and that will -- that won't change the number of facilities. So, we will have the Federal Way facility -- but, trust me, that is a long ways away. The Cloverdale facility and the Meridian facility.

Perreault: Okay. Follow up, Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, I just want to -- I don't have a question for you, I just want to make a comment that -- first of all I appreciate the commitment that -- that the commission is willing to make to allow us to put that in the DA, because the conversation we are having right now is very different than, in my opinion, the conversation we had at the last hearing and I think very highly of Becky and she's phenomenal, but her presentation has been very different than the one that you are presenting.

Price: Well, I'm -- I'm the blunt instrument. They bring me in.

Perreault: And so I just want you to know that it's -- it's understandable that we are kind of here now, because what was presented to us was a lot of ambiguity about things and so appreciate -- very much appreciate the letter that was sent from the commission clarifying what your intentions are, but there -- there was a lot of questions asked and a lot of ambiguity and I think had your staff been here and you had been here the first time around we may not be here. So, I just wanted to share that with you, because --

Price: Well, I appreciate that.

Perreault: -- it's not intended -- you know, I want to -- I want to be in good communication as well, but just -- we will be having these conversations about other applications in the future and I appreciate that you all have come and taken your evening to talk to us this evening, because what you have shared with us this evening, in my opinion, is significantly different and more clear than what we received the first time.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question for Bill. I just want to make sure I understand the process and understand the hammer that the -- the building permit is for us to be able to use to make sure things get done. But if Scentsy were to come before us for the first time and they said we want to build our headquarters and two warehouses and here is our time frame, we are going to be doing these pretty much concurrently, would we not issue three building permits for that or do they have to complete one and, then, do the next one and, then, the next one and if they were doing -- let's say widening of Pine at the same time.

Nary: So, Mr. Mayor, Members of the Council, I mean I think -- I think this would be the conversation you would be having with any developer on what they would like to do. So, you know, I mean -- I guess what I would characterize the letter from -- from President Goldthorpe was that's ACHD's ask. Their ask is we will widen the roadway with this condition that allows us to build the buildings, but not occupy them by this date. Every developer asks you for things in annexation as a give and take on a development agreement. So, if Scentsy were to ask that, we -- I would tell you the same thing and so would Planning. Once they build those buildings I have a lot less control over people going inside them, because, again, the building process is primarily focused on the construction of the building and its safety to occupy it. So, then, to build a building that is completely done and completely safe to occupy, but has a -- has a contractual version that says no one can be in there, but there is no real teeth for us to enforce that, especially on private property. This is a little bit different. But if it were the Scentsy situation, it's behind the fence on their property behind some trees, I can't see if anybody's in there. So, then, enforcement is challenging. So, I think we would always have this conversation and certainly Bill is probably a better resource than me, but -- we get asked this all the time. This is not new of we need this, this and this and we are saying, no, we want to really hold the line here. Again, our standard has been one and we have seen it in residential, we have had the same questions in the past. You have a person standing there with a moving van full of -- full of furniture and they are saying what do you mean I can't occupy. Because there is a sticker on the door. Too bad. I'm going there to do it. So, it can be challenging. So, we have over time tried to create these standards to be able to have enforcement mechanisms.

Simison: And, Mr. Nary, just to that, it's not been uncommon for levels of building to be based upon, quite frankly, off-site road improvements. I can think of Walton property, which was based upon limitations until progress, bridge was put in, Center Cal, same similar stuff. Obviously, Winco had its own unique one most recently, but it's not uncommon for elements to be tied to road improvement, specifically more than anything that I can think of.

Nary: You are correct, sir. Yeah. It's certainly not an uncommon part of the development process and, again, it's a partnership with the developer, ACHD, and the city in trying to get those road improvements done.

Simison: Yeah.

Hoaglund: Mr. Mayor. Follow up, Bill, then. I'm hearing from Mr. Price that the DA is the instrument that we can use as a contract. So, how -- how strong is that contract? And, again, I completely get the building permit is the stronger -- the bigger hammer, if you will, but is the DA useful to us?

Nary: So, Mr. Mayor, Members of the Council, I would definitely tell you the DA is a useful tool. I certainly have, over the time period that I have been here, pointed to that development agreement to a developer -- a developer's attorney and says this is clear to me. Do you really want me to sue you to comply with this or will you just comply and -- and most times we can get to an agreement and comply. That -- I mean, you know, as a lawyer I have -- I have better things to do than go to court over things and spend the money and time and I'm sure Mr. Price does as well. So, I don't see that as not an effective tool. What I'm saying is it isn't the same kind of tool. So, if -- if the expectation is there is going to be -- you know, is there going to be -- is it -- is it similar, the same, or have the same level of teeth? Again, from a developer's standpoint, not a public entity, like ACHD, the fact that I can't build another building to be able to turn that over to create revenue is a big deal. This is a little bit different situation, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think this could be a situation where I would look at a TCO issuance as a slippery slope. I wouldn't want us to issue a TCO in this case, because I think at that point only life safety issues would possibly get in the way of our CO. So, I -- I think where I would be more comfortable if -- if we were to go down this road would be the substitute condition with that DA provision that they wouldn't operate the facility without occupancy and my question to staff would be if they had direction that no TCO be issued until the Ustick Road widening was completed without a waiver from City Council would that help? No. Mr. Parsons.

Parsons: Mr. Mayor --

Simison: Just say no --

Parsons: The reason why I say no is just the fact that, you know, the building official really has the hammer for issuing TCO and in this particular case if a building meets all of the minimum life safety issues it's going to be difficult for him to say no to a TCO. He is going to want to give CO and that's going to put Planning in a -- in a predicament where we are trying to leverage our building department to manage one of our conditions in a DA and that's why we brought that conversation to you two weeks ago as well. So, that's why we are -- we are trying to get out of the business of the TCO process, if possible, and make sure that we can leverage COs -- or not even do COs, but hold people up with building permits or, if you recall, even in development agreements, we want better phasing plans

and I think that's why ACHD came forward with their best phasing plan to let you know how they plan on using the property over the next eight to ten years. So, that way you can make that informed decision and, then, limit what they can do based on that phasing plan. So, if something's wrong with their phasing, then, maybe that's the discussion we can go to as well. But, again, a lot of the buildings that I see on the site are going to get -- they are going to get COs, but they are going to be getting COs for storage buildings, they are not going to get a typical CO for an office building or that affect. So, I'm also looking at their phasing plan and I don't know -- I'm not trying to belabor the discussion, but I'm looking at phase five and that's when their administration building comes on and to me that's where people are going to start moving in and wanting to operate from this facility. So, I'm not sure if ACHD is even amenable to maybe saying no building permits until -- with phase five until phase four is done or whatever -- whatever we can do to help allow them to do -- use some general maintenance on the site and get moving forward on it. But those are some of the ideas that I was thinking about, but I will -- I will turn it over to Steve and see if he had any other comments on that.

Price: Well, Mr. Mayor, I think at the end of the day what I'm hearing is is that the City of Meridian, Council and the Mayor, don't trust the Ada County Highway District in terms of their commitment. We will not operate that facility if you give us the permits. You put that in a contract. I most certainly appreciate Mr. Nary's -- I develop -- I deal with development agreements all the time. We do development agreements with developers and the City of Meridian in terms of impact fee credits all the time and it's a little disheartening to think that if we make that commitment that we are going to be into a dispute with the City of Meridian over a condition within a development agreement and I would hope that you would have more trust in the integrity of our interagency cooperation than that. We are not some fly-by-night developer, we are a multi-million dollar public entity that's trying to provide maintenance service within the City of Meridian. By the way, that's what that facility is for. And we are trying to develop that and it's a little disheartening to say the least and I'm being extremely blunt, I probably got the director rolling behind me, but that is the truth and if you put it in a development agreement -- you have already got the letter from the commission, we will build the -- the off-site improvements as requested. We just need to be able to get those built and, then, have those facilities -- the timing of that so that when the day is ready and they are complete, we can move in and start operating. We will not operate our maintenance facility, we won't store anything, we just simply want to get it constructed and ready to go.

Simison: And, see, that -- I'm a lot more lenient than some of my friends up here. Trust is not the issue in my opinion. It's not about whether or not we trust ACHD. So, I hope you either, A, rethink your words moving forward from that standpoint. It's about consistency in our process. As much as we would like to treat you differently than we treat other people, we still have a consistency that we have to uphold and we -- these are the same issues that we deal with with any developer and you may say you are not any developer, you are not like them, but, you know, we all talk about precedence. We all talk about consistency and fairness. And that's what we have to be looking at.

Price: And I agree, Mr. Mayor, most certainly. But you don't have the opportunity to ask a developer to make these kind of off-site improvements.

Simison: We often will not approve a project until certain improvements are --

Price: Not to this extent, Mr. Mayor, I'm sorry. These are significant.

Simison: No, I think that there are some people in the development community that would disagree with you.

Price: This is a big ask.

Simison: And, then, we have denied their projects when they weren't willing to go work on -- to work to improve the projects. And, you are right, you have the -- you have the discretion not to sign a development agreement with any of these things and that's not under your purview. But we do have these conversations consistently with development to say the road infrastructure is not adequate. Don't come back until you have a plan to fix the road infrastructure. And, then, we condition permits and everything else, based on those road improvements. That is what this Council and the city has consistently done to get ACHD's roads built, ITD's roads built, more than anybody else in this valley. That's what we do. This is how we get your roads built and I'm sorry you don't feel that that's what this is, but, you know, it's --

Price: Well, Mr. Mayor, I -- I don't disagree with that, but I'm not sure that the -- all of these improvements are warranted for the level of impact that we are making with on the network.

Perreault: Mr. Mayor? Again, I would --

Simison: Councilman Perreault.

Perreault: -- say that the -- the questions that we asked of the prior presenter about the impact, there were not clear answers given to us. We didn't leave this meeting clearly understanding exactly what the impact was going to be on the roads and the timing of which that impact was going to happen. So, in my opinion, the decisions that we were making in our last meeting we didn't have sufficient information to make them, which is why we continued and decided to have another hearing and very much appreciate you being here, because the presentation that was made when there is questions asked about the use of Ustick Road, there is -- there is no -- there is -- I mean it's a shoulder -- a gravel shoulder and there is no improvements on either side. I live in that area, I have driven it a thousands times. If -- if there is two trucks coming a day and they are gravel trucks, highly different than if there is -- if there is 15 a day, if there is -- we don't know. That's what we need you to share with us and your applicant -- the applicant -- the presenter last time didn't have clarification on that. So, her obligation is either to say I don't know, I will get back to you, if that is an important issue for you, instead of us going ahead and conditioning it last time at the last meeting. Let's have a conversation about that and,

then, we will do the condition at the next meeting, but we didn't have enough information, in my opinion, at that time, so we were trying to find a solution at the last meeting to try to get this passed on your behalf and if the solution isn't satisfactory, I'm sorry, but your applicant should have come forward with more information for us.

Price: Sure. And, Mr. Mayor and Council Woman Perreault, I most certainly respect that and I think that's why you got the July 22nd letter was we don't want to make that an issue. The commission is happy to go ahead and approve that project and get it done. We don't want to get into that debate with you. We most certainly respect that. But at the same time we need to get our facility developed. We don't intend on operating it. So, absolutely, and I respect that comment.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Steve, I appreciate blunt. I think that's helpful. I think the direction that we are getting from Mr. Nary and from our Planning staff makes sense. I think it articulated well the reason why and to the Mayor's point we are trying to be consistent and why the building permit has become a very focal point. Hammers doesn't necessarily need to be the word we use for it, but a focal point to ensure things that -- that need to be prerequisites for any project are -- are accomplished. This one's clear to your language that this is a big deal. It's a big ask. A big improvement. And I think that's, in part, necessitated by the big impact, quite frankly, on the -- on the road and the neighborhood and -- and the heavy use. I know it was described last time 12 to 18 to 20 trucks a day. It's heavy use. And this is the next hundred years. So, the big picture is this will be a very intense use on Ustick Road and that was one of the reasons why we were extremely concerned with all annexations at time we have considerations of whether it's the right time for a particular project in this particular location in light of roadway improvements or other infrastructure needs and I think that's the same consideration that I heard us discussing last time and this time. We always want to try and be good partners, but I think ACHD has held Meridian's feet to the fire with good intentions at times on projects and vice-versa. I think that's kind of what we are doing. Trying to be good stewards for the city when all seven of us are gone and everyone here is probably gone and there is going to be other folks operating this. So, for me I thought with all of that direction that we got from our team, that the proposed condition from -- from Joe tying it to the building permit made the most sense in light of the concerns, quite frankly. Greatly respect and appreciate Commissioner Goldthorpe's letter and the commission's July 22nd commitment. I know that's somewhat unusual probably to do that. There is nothing really overtly binding about it, but it is definitely a good faith and a great gesture, which made me feel like we are close and I'm not as worried about the -- any squabble about who e-mailed who first and the timing of all this. If it needs a little more time so be it, but a couple of -- I can't come up with a condition on the dais that -- that has certainty as powerful as a building permit. I probably wouldn't invite us to do it.

Price: Well, I don't think -- and, Councilman Borton, I don't know how.

Borton: Yeah. I -- frankly, I --

Price: You're a good lawyer, but --

Borton: So, to that point -- and it's just a pure policy consideration. Do we want to treat this relatively consistent to other projects, like Mr. Nary had said, and it just seems to be most prudent to do so for the city. This is a really big deal. Certainly I understand for you as well. But this annexation is a big deal for this corridor and the type of use that's going to be placed upon it. So, I'm not comfortable going forward. I would love to have this proceed, but it's that -- it's that condition, that building permit condition that staff has proposed is the only reason that could get me over the hump on it, quite frankly. So, it's kind of a blunt response back, but I think you deserve --

Price: No. And I appreciate --

Borton: -- to hear the logic, at least the understanding that leads me to that conclusion, at least as I see the application.

Price: Yeah. Mr. Mayor and Councilman Borton, I -- and I appreciate that. I really do. And I have always had a great deal of respect for you. You know that. But the urgency and the need for this --

Borton: Hey, wait a second. You can't say but after that.

Price: Yeah. It's the yeah, but defense.

Borton: You are supposed to stop the sentence.

Price: I apologize about that. I would like to say, though, that the Council and Mr. Mayor, you can't forget that the reason for the urgency to get this facility bit built is to provide service to the City of Meridian and to be able to provide quick response in terms of maintenance and this most certainly will delay that effort and out of interagency cooperation and due respect for our agency commitment, I would ask that the Council most certainly consider some language in the development agreement that can give you the assurance that you need that -- and give us what we need to be able to build a facility, that we are not going to go in and start operating this facility and creating all these impacts on Ustick Road when those improvements aren't made. We are most certainly happy to work with Mr. Nary to come up with some language that you feel comfortable with. I think that this situation merits that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Parsons said something interesting that kind of made me think the -- the administrative portion of the -- of the build out, the administration building, the operation

center if you will for that facility, that requires a building permit. That's the main portion that you need to operate from that facility I would think. I'm just thinking out loud. Is that the focal point, to use Mr. -- Councilman Borton's very diplomatic words, is that the focal point to make sure things are done before occupancy and not having that building permit is the way to go about that. And, again, it's not about the trust issue, you are a public agency, you provide services to our residents and greatly appreciated and unnecessary. So, I think it will get done, but to Mayor Simison's point, that the process, we do have to have integrity of our process to a degree, so having a building permit that's still outstanding that gives us that focal point for enforcement, I don't know if that's an option or not.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Thank you. I just wanted to reiterate that the main focal point of the discussions that occurred at commission and by -- by this Council was regarding the truck traffic and not necessarily regular car traffic. So, if -- if there needs to be some language changed regarding what the -- what the applicant is requesting, again, I'm all ears, I'm just trying to reiterate and work on behalf of the city as -- as is my job. I just want clear direction as to what that should and should not be moving forward. That's the only thing I ask, so that I can be a good instrument of enforcement for -- for you guys.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I appreciate the creativity or the -- the attempt to try to find the -- the answer. May not find it up here tonight. Yeah. I'm wondering if the combination of a DA provision, in connection with an outstanding building permit that we don't issue, since we feel like that's our consistent practice now with development is, you know, have building permits conditioned, as opposed to COs. If we had a combination of those things, if -- if there was one building permit outstanding and, then, we were to have that DA provision, which they have stated on the record they are not going to operate this facility and I take them at their word and I appreciate their letter. I wonder if the combination of those things would be consistent with our practice and, then, be a contract that we could enforce if needed, so it's just consistent with how we treat other development.

Nary: Mr. Mayor? Mr. Mayor, Members of the Council -- and maybe this is a question for Mr. Price. I mean I don't doubt that Mr. Price and I can come up with some language that might be satisfactory. I guess my concern is -- and most of what Council Member Hoaglund was saying, from I understood what's been presented tonight is ACHD would like to, essentially, create a turnkey facility and have it completely built and, then, occupy. So, even holding a building permit for the administration building -- because it sounded to me from what -- what Mr. Parsons said, is a lot of the things you are constructing might need a building permit, but they are not buildings, they are -- they are sheds for stores, they

are sheds for equipment, but they are not occupiable buildings. So, it sounds like there is -- there is one or two buildings on this site that will have people in it. But from what I have heard -- and I -- again, Mr. Price could correct me, but I don't think they want to be operating it with equipment and people running in and out of the facility, operating, maintenance, doing all what they normally would be doing once they are occupying the site, and, then, building another building after that. That's -- that's what I'm thinking may be problematic, because, you are right, that would be a way to do it that could be consistent. Again, it isn't -- it isn't as common, to be fair to this application, is for a lot of commercial developments. They need the buildings to be built to get them occupied to, then, get the next phase built. So, a lot of that's based on how financing is done for those types of things. This one isn't that. So, it's a completely different model. But I don't -- I don't know that that would work, Council Member Hoaglund, only because I don't think they want to bring a construction crew on the site to build a building while they are trying to operate the facility the same time and maybe I missed what you said, Mr. Price, but that's the way I understood it. So, that may not be a solution.

Price: Mr. Mayor and Mr. Nary, you are correct. Alls we want to do is get it built in the same phasing as the road improvements. We won't operate the facility in any way until those improvements have been completed and that's all we are saying and it is more of a turnkey. It isn't like a developer where you do one phase and you want to get -- because of financing. We just want to get it built in the same time frame that the road improvements are done and so that they coincide, so when the road improvements are done, then, we can start operating it. We don't want to operate it any sooner. We respect -- Mr. Mayor and the Council, we respect your -- your guidance on that and -- and the need for those improvements. The Commission committed that in the July 22nd letter, but we want to have the opportunity to get those built. That's all we are asking.

Perreault: Mr. Mayor?

Price: And I don't know how you do it. We can do it in the DA. Maybe the certificate of occupancy isn't as strong as you would like. Maybe we can do it -- Mr. Nary and I can do it through a phasing and -- with the building permit in terms of language. Happy to explore that.

Simison: Council Woman Perreault.

Perreault: So, just a clarification question on the timing. The letter had committed that the construction would occur in 2024. Correct?

Price: Uh-huh.

Perreault: Certificate of occupancy is likely not going to be issued until phase eight, which is 2028. So, are you asking to have until the certificate of occupancy is approved for the last building in phase -- that will be constructed in phase eight and that length of time to construct the Ustick or are you committing to having that completed by 2024? I guess maybe I'm crossing my wires, but I want to understand the timing of that.

Price: And I -- Mr. Mayor, Council Woman Perreault, most certainly that's a fair question. But that's -- what we have outlined is simply just conceptual. Again, we most certainly just want to build the whole facility and have that completed at the same time of the project. That's our commitment. All of the phases.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: That didn't quite answer my question.

Price: Well, in terms of timing -- I think that that's a concept in terms of timing. We just -- that simply got put into the plan. That was before we got to the point where the Council wanted us to make a commitment to make road improvements prior to that. I think we would accelerate our construction of that facility to get all those facilities built to coincide with the improvements that you have requested.

Perreault: So, by the end of 2024 --

Price: Yes.

Perreault: -- you would want to have this -- complete all of the phases by the end of 2024.

Price: Yes.

Perreault: So, that's why I wanted to clarify.

Price: Yes.

Perreault: The statement that -- in the letter that you sent that says no certificate of occupancy shall be issued, but your phasing plan would show that that would be the last one --

Price: Yeah. No, I -- that was a good catch. I appreciate that.

Perreault: And then -- but, then, you are claiming -- or stating that you would complete the road by 2024. So, I -- that's part of why I'm kind of sitting here going I'm really trying to understand. They are asking to wait until 2028? But what you are essentially saying is you would like to have the project complete by 2024, including the road improvements. Can we clarify that?

Price: She will.

Berenger: Yes. So, this was -- again, this is Jennifer Berenger, deputy director of maintenance. The phasing plan that we sketched out here was taking the whole project and spreading it over eight years to find some financial benchmarks along the way,

knowing that we won't have probably a big pot of money to do it all at once. So, it was kind of looking through what can we do, how do we plan it out through the -- through the eight years. What kind of money do we think we have. When will we bring the people and equipment on. And it was kind of a slow phase in. The -- the end goal would be to have full operations by 2028, but in our plan that we have, 2028, is building some parking lots, 2027, or phase seven was building, putting in a scale, some minor things. The bulk of when we are trying to get the buildings and people in there would be in 2024, '25 and '26. Phase four, five and six. So, our phases really aligned more with the fiscal years and, then, it was just kind of put in here before we had the discussion about widening the roads. But we certainly wouldn't want to operate the facility until we have the -- the Naomi Road built, the deceleration lane was absolutely something we want to do before we operate out of there, and signaling the intersection, which would happen with -- with the widening of the road. So, that's really where it makes sense for us to operate. We wouldn't want to operate before those critical pieces of the infrastructure are in.

Perreault: Mr. Mayor, follow up.

Simison: Council Woman Perreault.

Perreault: So, if I'm hearing correctly, your buildings would be constructed at the end of 2024. Your last certificate of occupancy would potentially come at that time. You potentially would not be fully operating, though, until 2028, because you still anticipate having some improvements come into play that are not structures.

Berenger: People and equipment.

Price: Certain operational -- yes.

Perreault: Okay. Thank you.

Price: But the buildings would be committed -- would be built by --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: You know, if this was just another burger joint coming in and we had the same issue, we would say, you know, come back, talk to us when you are ready to, you know, make sure they are done. This is not another burger joint. I mean this is a public agency serving our residents and in a way that we want to have that service and I think there is a way to do it. Now, exactly what that way is I don't know and I think, as Councilman Borton mentioned, that's not something that's easy for us to do up here and we shouldn't and per his suggestion I think we should have staff, our Council and P&Z staff -- development staff work with ACHD and see if we can come together to the exact language we can all agree on and come back before Council and make it happen, so --

Price: We welcome that and I most certainly have worked well with Mr. Nary in the past and he's most certainly very able counsel for the -- for the City of Meridian and I'm -- and your staff are very good and we most certainly would like the opportunity to be able to do that.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To that -- to that point, if that's where this might go for that future dialogue, if there is some language that is of similar impact as a building permit, that would be it. So, if it's not a building permit as the -- the prerequisite tool to ensure that the improvements are done, it will be something equivalent to it. So, that's certainly not a CO. And if it's not a building permit, boy, is it close to that. Now, good luck trying to craft how that might ever occur.

Price: Right.

Borton: Just so there is some clarity in the direction, that would be where it would tilt towards.

Price: Mr. Mayor and Councilman Borton, there is no question at the end of the day this will be contractual. Whatever is in the DA. So, we can make that as tight as you want. But it would be contractual. And I'm not going to lie to you, Mr. Mayor and the Council, that you have the same leverage under a development agreement that you do with a building permit. But we are asking that you extend that courtesy under a development agreement and we are willing to commit to that and I think we can find resolution.

Simison: Okay. Council, before we make any motions, this is a public hearing. There is one person online. I want to make sure that we are not excluding someone who has been sitting here listening to this conversation. So, I would like to -- if it's okay, if we have reached a point where we think we are -- to see if there is anybody else that would like to provide testimony on this item, either in person -- Ralph? Or if you are online use the raise your hand function on Zoom and we can bring you in for any comments. Seeing nobody who is wishing to provide testimony. Council, I will turn it back over to you for your pleasure.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Don't -- don't walk away yet, Steve. I apologize if I am trying to oversimplify this, but I really want to get into my understanding the timing of all of this. So, it's not feasible for the section of Ustick to be completed until the end of 2024. It's not possible to have that done. It's not.

Price: Correct.

Perreault: So, essentially, your concern is that if we make it -- if we -- if we require that no building permit be submitted, what you are essentially telling us is that now none of the buildings will start construction until 2024 and, therefore, your buildings are going to be constructed from '24 to '26 let's say. So, is that -- am I understanding that's essentially what the problem is?

Price: Yes. Mr. Mayor --

Perreault: Instead of the buildings being built at the same time as the road construction is happening, your concern is that we are asking you to wait for the construction of those until after 2024, which puts your construction of the buildings into '24, '25, '26, therefore, extending your full operation of the facility for two more years, three more years. Is that -- is that -- am I -- am I essentially --

Price: Mr. Mayor and Council Woman Perreault. Most certainly -- the -- the urgency and why the whole team is here tonight is we want to get this facility up and operating as fast as we can to be able to provide service to this -- this part of Ada county. It's important. We have looked at the numbers and the demand for our maintenance fleet and so it's the urgency to get this built as soon as we can. In terms of what our plan is and what the Council's requested in terms of improvements, we thought they would coincide and we would make most certainly the best effort, so that our facility is completely built with the road improvements, the timing of that and so that we would provide that facility to provide the service sooner than -- than what is being sought.

Perreault: Mr. Mayor, follow up.

Simison: Council Woman Perreault.

Perreault: So, just want to clarify that we are understanding correctly that if -- if the Council so chooses to continue to encourage the building permit be -- be the -- the requiring factor, then, this will delay your construction by -- can you give me an estimated amount of time? I don't know how long it's going to take to construct all of your buildings. I assume two years.

Price: Mr. Mayor, Council Woman Perreault, I don't know, but I would estimate two to four years.

Perreault: Okay. So, then, you would, then, be moving in 2000 --

Price: '28.

Perreault: -- '28. Past that.

Price: Yes.

Perreault: Maybe 2030. Because '28 is when you are currently saying -- your phasing plan is based on -- on that road being completed at certificate of occupancy; right?

Price: Yes.

Perreault: So, if it's being completed upon the first building permit being issued, now your phasing plan is two to four years beyond what you have had --

Price: Well, if we could have built sooner we would be requesting certificate of occupancy sooner. Absolutely.

Perreault: Okay. So, I just wanted to understand that your phasing plan is based on your expectation that the road be constructed by the first certificate of occupancy, not the building permit.

Bernt: Mr. Mayor?

Simison: Let him answer that question, then, go to you, Councilman Bernt.

Price: I think that -- that -- the phasing plan was -- you know, when you come into the city and you make an application for an improvement, you do that, and, then, it changes when you get feedback from the Council and you had asked for road improvements and -- and we -- the original timing was thinking of road improvements, if you recall, within our integrated five year work program as to when they would occur. So, now that that timing has changed, we most certainly would like to try and accelerate it. We may not be able to meet those timelines, I just asked the director, it will be tough. But most certainly the idea, at the end of the day we are here before you to try and get this facility up and operating sooner, because the demand is there.

Simison: Councilman Bernt.

Bernt: Mr. Mayor, thank you. I think that it was pretty clear what -- what needs to happen next, you know. I think that it's pretty important that our staff and ACHD staff get together and legal counsel and hash out an agreement and so if you don't mind, Mr. Mayor, I think we probably should just continue this public hearing and -- and see where the ball lands.

Simison: Don't mind at all. Happy to take a motion.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just to talk through logistic for the city clerk, whatnot, you know, fifth -- August 31st is a fifth Tuesday, so we don't have a meeting then. I think it's going to take a few weeks and depending on vacation schedules and everything else -- I don't want people canceling vacation schedules or what have you, to get together, work on language, pass

things back and forth. I know speed and timing is of the essence. But it looks like September 7th would be a date we could have -- continue this hearing to. So, it's -- that's a five week -- five week delay. Okay. Thank you, director. So, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we continue the public hearing on H-2021-0029 until September 7th and in the near term, legal counsel and staff for the City of Meridian work with ACHD on proposals to bring back to City Council.

Bernt: Mr. Mayor, I second that.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: There were two other conditions that ACHD had addressed in their letter from July 12th that we have not -- still have not discussed. I tried to start that discussion at the beginning of the hearing and it didn't -- didn't get discussed. So, do we want to do that now or do we want to wait until the next -- next one?

Simison: Council? Do I have a -- will the maker of the motion withdraw their motion for a second?

Hoaglund: Well, I guess it's a discussion piece. Do we want to modify the motion or do we want to, you know, withdraw it and have that discussion I guess. Is that what you are asking, Mr. Mayor?

Simison: I'm kind of looking at the guy at the podium in hopes that he will answer the question to provide clarity to the issue. So, that's why I'm hoping, but I don't want to recognize him under the guise of a motion on the table.

Hoaglund: Mr. Mayor, let me withdraw my motion and we can have further discussion if the second agrees.

Bernt: Second will agree.

Simison: Second agrees. Mr. Price, can you answer that question?

Price: Thank you, Mr. Mayor and Council. If you would identify those issues in the July 12th letter most certainly. I'm happy to work with Mr. Nary and address those issues as part of the overall agreement with the city. I keep going over the letter and I'm not quite sure which conditions they are, but --

Simison: Council Woman Perreault.

Price: -- if you would identify those we most certainly will make a good faith effort to come back on September 7 to have those addressed.

Perreault: Mr. Mayor. That would be A-1-C, A-1-D and A-1-F. I believe A-1-F is something that staff is going to have to figure out. The Council won't have an opinion on. But I don't know that our staff has -- at least I haven't heard comments by our staff or ACHD, other than what is just in the text up here of explanation of the request that ACHD is making for those modifications to the conditions of approval.

Price: Mr. Mayor, Council Woman Perreault, the -- we have agreed to all the conditions except J. So, whatever was in the staff report data before that, July --

Perreault: July 13th there was a modify -- there was a staff report that came out. So, you are -- you are in agreement with that and you are withdrawing your -- your requested changes to conditions from the July 12th letter?

Price: Well, I would like the opportunity to discuss that. I haven't -- unfortunately, I don't have my -- but we will most certainly get those worked out. It was my understanding we were in agreement with all the conditions, except J.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I would have to agree with Council Woman Perreault that -- that ACHD did send the letter and requested additional changes beyond just J, which did come up at the -- at the hearing. So, this was between the commission and Council hearing. So, I would agree with Council Woman Perreault that -- hearing them say that they were in agreement with all of them, except J, is news to me based upon that letter that was received before the July 13th hearing. If that's the case now that makes our jobs easier, but I agree that it would be nice to have that clarification.

Simison: So, perhaps it's something that Joe can continue to work with ACHD on and this is really one of the issues is this -- is this landscaping and which design standards to apply to the building. Quite frankly, you know, if I'm -- that's at least one of them and I -- I thought I heard Joe asking you when you presented this basically saying are we okay with which version. That's -- and I don't know if that's an ACHD issue or a Council issue ultimately is -- apply which standards. Extra landscaping with less structure? Am I -- am I interpreting that right, Joe?

Dodson: Mr. Mayor, that is correct. The way that I have it in there is the way that we have traditionally done it. But, again, applicants always ask for more. So, that's what they did. And, then, at that point if there is that not -- us not lining up exactly, then, Council makes the final determination on those. It is within the purview of either of those.

Price: Mr. Mayor, if I can -- in the July 22nd letter -- in President Goldthorpe's letter it says in response to the City Council's request for the Board of Commissioners to commit to the proposed city agency comments and conditions of approval A and J, I'm writing to confirm the board's agreement to the Council's proposed conditions with the exception of A-1-J.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: And for clarification, the letter that was sent on July 22nd supersedes the letter that was sent on July 12th?

Price: Yes.

Perreault: Okay. So, that -- in my opinion that wasn't clear in July 22nd, that -- that ACHD was removing all -- that they were in agreement with all conditions of approval outside of J. I didn't get the impression that that -- that that was actually what transpired. So, I just wanted to clarify. If it was, then, fantastic. Like as Joe said --

Price: That was my understanding.

Perreault: -- but I didn't --

Price: I think the only issue we are here tonight is on A-1-J and -- but to the extent that we -- that there are any other issues that are within the proposed conditions, I would like the opportunity to negotiate those with Mr. Nary. But I don't -- yeah.

Simison: Thank you. Mr. Hoaglund, back to your motion.

Hoaglund: Mr. Mayor.

Simison: Councilman Hoaglund.

Hoaglund: I move that we continue the public hearing for H-2021-0029 until September 7th and allow staff and applicant to work out suitable negotiations for presentation to the Council then.

Bernt: Second agrees.

Simison: I have a motion and a second. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued. Thank you and we will see you back here in September.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

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

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: For the reasons stated by the record and by the Council and the applicant, I move that we approve H-2021-0025 as presented in the staff report dated July 13, 2021, to include the permission to allow the Kennedy Lateral to remain open as depicted in the concept plan presented at tonight's meeting. That DA provision 8.1 and D is modified to acquire the property to be subdivided prior to issuance of the first CO for the development. That the Franklin Road access points are approved as presented. I think that was condition 1-C. And that the DA will also include a provision as represented by Mr. Nary and the applicant that has Cobalt Drive as depicted on the concept plan at today's hearing or, in the alternative, that it has one half on -- constructed one half on this project, again, as represented by the applicant and Mr. Nary prior to the preliminary plat. And to be included in the DA.

Bernt: Second.

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

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you, everybody. Best of luck on getting your next phase figured out.

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: And thank you again for Council Member Cavener's great suggestion. This is -- the opportunity came really quick for us, but to have particular attention when these findings come back before us to make sure we have got everything crystal clear on this. So, thank you for that.

3. Public Hearing for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.

- A. Request: Annexation and Zoning of 30.27 acres of land with a request for the I-L zoning district for the purpose of constructing an Ada County Highway District (ACHD) maintenance facility on 23.7 acres

Simison: All right. Moving on. Next public hearing is for ACHD Ustick Maintenance Facility, H-2021-0029. I will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor, Members of the Council. Good evening. Try to be quick for you here. The application before you is for the ACHD Ustick Maintenance Facility as noted. The site consists of 23.7 acres of land currently zoned RUT, located at 3764 West Ustick, which is approximately the half mile mark between Black Cat and Ten Mile. To the north of the site is the Five Mile Creek. Show it a little better here. And the city's wastewater recovery facility. To the east is the Nine Mile Creek with C-N zoning on city property, which would be this property here. Future well and water tank site. I love getting development right next to those. This just is great. To the south is Ustick Road with R-4 zoning and detached single family. To the west is RUT, which is county residential and some agriculture still persisting on the site. Mixed use nonresidential is the future land use designation for the site. The purpose of this designation -- designation is to designate areas where new residential dwellings will not be permitted, as residential uses are not compatible with the planned and/or existing uses. For example, the city's wastewater resource recovery facility to the north. A heavy industrial use that should be buffered from residential. Appropriate uses within this designation would include employment centers, professional offices, flex buildings, warehousing, industrial uses, storage, retail and other appropriate nonresidential uses. Staff believes that the proposed DA provisions, as well as the screening methods proposed, will be sufficient in mitigating any noxious consequences of the proposed use. So, staff finds that the proposed site plan, as well as the use, will be -- is generally consistent with the comp plan. The request tonight is for annexation and zoning, with a request for I-L zoning for this site. The annexation area is actually 30.27 acres, but the subject site is only 23.7. This is because the applicant is doing the city a favor and cleaning up some of our missed zoning with other applications and including the Nine Mile and Five Mile Creek areas as well, which the staff does appreciate. The proposed use for this maintenance facility falls under the public utility major use within our development code. The project is proposed over multiple phases from this year through 2028 and includes a number of different elements to the site, including decant and washout area, broom shed, salt shed, truck washing, scales, an admin building, fleet building, welding shop, as well as covered and uncovered storage areas. The proposed use is permitted -- is principally permitted within the I-L zoning district and is subject to specific use standards. Staff's analysis finds that the proposed use is consistent with the specific use standards, as well as the dimensional standards of the requested I-L zoning district, except for one point, which would be the position of the admin building in the southwest corner of the site. I-L zoning requires a 35 foot street -- street setback and they are shown at 25, but they have plenty of time and room to move that. The applicant is proposing solid fencing and the required landscape buffer is consistent with code requirements. Solid fencing is proposed on the west and south boundaries, with the open vision chain link fencing with barbed wire on the north and east

boundaries. Despite the probable noise associated with this facility, staff finds the proposed site plan offers adequate landscaping and separation from existing residents by Ustick Road and should mitigate much of the noise from trucks and machinery. Access is proposed via a connection of a new collector street that aligns with the Naomi Avenue to the south. The applicant is proposing to construct the road as a three lane collector with a deceleration lane and five foot detached sidewalk on the east side of this new street. The street here. When the property to the west redevelops they will be expected to complete the street by adding the sidewalk and have that detached as well. The submitted plans show this new road to terminate in a temporary turnaround -- temporary hammerhead type turnaround, approximately 625 feet into the site. Off of Naomi the applicant is proposing two driveway accesses, which are both to be gated. Staff supports the proposed access and road improvements. Sewer services are not currently available to the site. Therefore, the applicant is requesting a Council waiver to delay connection to city sewer. City water is readily available. It is not entirely clear at what point utilities will be available or needed for the site, but due to the phasing and lack of sewer availability the applicant did not submit any utility plans at this time. With future development the applicant will be required to submit these plans and continue coordinating with the city to connect to public utilities, including water needed for irrigation. The applicant is having ongoing discussions with the city engineer on the best path forward for the sewer needs and timeline of this project, which I will touch on soon. At the Commission hearing the Commission discussed multiple items, specifically the timeline for the use of the site per the phasing plan here. The construction of the deceleration lane and the overall phasing. We also discussed potential issues associated with having large trucks utilizing the site prior to the decel lane being constructed as part of the overall widening project, which the applicant will discuss in more detail as well. They discussed the estimated timeline for Ustick Road widening, which is currently shown -- they are proposed to be in the 2026 to 2030 integrated five year work plan, but it's being discussed to -- and that there is a desire by ACHD to move that up to prior to 2025. Hopefully 2024. They also discussed how concrete the proposed concept plan is in terms of the building placement and the phasing and they discussed the capacity of the commission and city to limit the use of the heavy truck traffic for the site via conditional approval or DA, which I did write and including a new DA provision within the -- the site which is -- sorry. Down here in J. This is a new DA provision that I created, which the applicant has noted some proposed changes. They did recommend approval of it with this change. The only outstanding issue at the time is this connection to city services. The applicant and Public Work staff did have additional discussions following the Commission hearing and have agreed to a potential option for the interim use of stormwater -- or I should say wastewater discharge, because the Black Cat trunk shed to the west is not yet constructed, so this would have to be pumped to the east a little bit, which, again, Public Works has not given their approval, but they are willing to work with the applicant and I have proposed a DA provision in line with this to make sure that the city can hold the applicant accountable. My proposed language is as such: That the applicant shall obtain city engineer approval for the interim wastewater discharge proposal prior to construction of the decant and washout areas as noted on the concept and phasing plan. Additional pretreatment may be required per city engineer review. Prior to the meeting I did discuss this with the applicant and they are fine with this language and the additional DA provision. As noted, the applicant did respond to the

Commission recommendation and noted these changes and gave these notes. With item number C staff understands the concern -- I guess that you can -- Council has their willingness to change it if they want. Staff just wants to ensure that the corridor along an arterial is well maintained and looks good as we go along, which is why we said just the whole Ustick frontage to be commercial based standards, rather than industrial. Regardless, there would be no metal allowed to face Ustick, just to be clear. Regardless if it's industrial or not. And that's not zoning, by the way, just our architectural standards. The required multi-use pathway segment, detached sidewalks along Ustick and Naomi, as well as a micropath and landscape buffers. We usually want those with the first phase. That are proposed in the second phase. It really depends on what it is that they are doing with the individual phases. As I noted I'm not necessarily married to the first phase if the first phase is not going to include the landscape buffers anyways, because of the different -- the decel lane and things like that. So, I will let the applicant discuss that a little further with you. F has already been hopefully taken care of. And, then, lastly J. That was something that I had to create based upon the discussion of the Commission and their proposed changes I think make a lot of sense. So, I'm perfectly fine with those changes as well. And just for your knowledge, this is more of a written way to talk about what they are proposing in their phasing plan. So, following this I will stand for any questions and take in -- take those in.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not a question, just a comment, Joe, and I appreciate you touched on it at the end. The pro-active approach of applying kind of commercial design standards, as opposed to industrial for this particular project -- really thoughtful. I know oftentimes when staff presents before us we are asking questions, well, why did you do this, why did you just help us understand and I just -- I would like to take those opportunities just to say thanks, appreciate your kind of pro-active approach and kind of educating us on the process.

Dodson: You are very welcome.

Simison: Council, any additional questions for staff? Okay. Then let the applicant come forward, please.

McKay: Thank you, Mr. Mayor, Members of the Council. I'm Becky McKay with Engineering Solutions. 1029 North Rosario in Meridian. Business address. I'm here representing Ada County Highway District. Different job for me tonight. As Joe indicated, this particular site is within the influence area of the Meridian wastewater treatment facility, which prohibits any residential development. This property had one single family dwelling on it. It was primarily agricultural in nature. The Ada County Highway District purchased this property, as Joe indicated, is 20.75 acres. To the east of the property is a city-owned

parcel, which they plan on a -- a water tank will be located on that site. Where is the mouse? What's that, Joe? The mouse is wonky. Okay. This kind of gives you an aerial map. As you can see to the north of the property is Five Mile Creek. Along the northeast boundary is Nine Mile Creek. You can see the wastewater treatment facility. In this general vicinity there is a mixture of uses. There is a mini storage facility that I did north of the treatment plant called Ten Mile Storage. McNelis Subdivision, which I did, is to the east over along Ten Mile. You have flex space in there. You have got retail. You have got a C store. I think they are coming in with some more mini storage. To the south we do have a residential component. That's Dakota Ridge and Wilkins Ranch, which I also did years ago, when I was younger and a little more spry. So, this area has a mixture of uses. We have got the Ustick corridor here. When the district approached me to take a look at this property, doing the due diligence, I did meet with your staff, met -- I met with Public Works, Planning. They indicated they thought this was an appropriate use next to the treatment plant. You can see this is the Ustick Road corridor looking east and the Ustick Road corridor looking west. You can see the corn. They wanted me to come up with a concept plan for this, so I did tour the Cloverdale facility. Their Adams facility. It was imperative that the district, based on, obviously, the extensive growth in the Meridian area, that they have a maintenance facility in northwest Meridian to, obviously, provide better, faster service as far as the road networks are concerned, snow removal, sanding, de-icing, et cetera. So, I kind of got a crash course in maintenance facilities and worked closely with their staff, who were very talented and very helpful, to come up with this concept plan that's before you. We pre-app'd with your staff on a couple of different occasions. They had indicated, you know, the Council is going to want to kind of see some type of a concept. Obviously, this is -- this is a rough concept. They will retain an architect to, obviously, refine this, but it does include all the elements in which the district proposes on this site. So, this evening we are asking for annexation and rezone to light industrial, which is consistent with your Comprehensive Plan, which complies with the overlay of the -- the treatment facility. The property is encumbered by a floodway, a flood plain. We did take that into consideration in our -- in our site plan. We have been working with your Public Works Department as far as the flood coordinator and what their recommendations are. There was an existing house on the corner. Initially when I submitted application the house on the southeast corner was going to be used as a temporary administrative building. After further meetings with their commission they determined that they would remove the home and would not utilize that as a temporary administrative office. Laying this out we did provide for 25 foot of landscaping along the Ustick Road corridor. We have a 300 foot decel lane. We have allocated, obviously, the ultimate right of way to accommodate the rebuild of the Ustick corridor, which is in the capital improvement plan for 2025. We also matched up with Naomi Avenue to the south. So, ACHD will be building Naomi to the north, that north leg, and, then, when the property to the west develops, then, they will come off that leg and Naomi Drive will, then, go westward, obviously, to provide interconnectivity throughout that area. Right now there is currently a 12 inch water main in Ustick. There is also a sewer main and manhole in Ustick. This particular piece of property within your master sewer plan is right there at the edge of that Ten Mile sewer shed and the North Black Cat sewer shed. So, what we have been working with Public Works over the past -- probably eight weeks, providing them flow rates, providing them information on the sweeper trucks, the VAC trucks, what

they will be discharging. What the needs of the district are going to be at this facility. Obviously, in their budget it's going to be an incremental process or a phase process in developing this site and, of course, the best laid plans, you know, obviously, what happens, you get a monkey wrench or you get a new commission that may change that phasing, but -- but, obviously, we have done the best to provide information to the city on how we anticipate this to develop. Right now that North Black Cat trunk is approximately 2,650 feet to the northwest, so what we talked to Public Works about is some type of an interim -- like grinder pump, which we would -- like for -- for example, the administrative office, the shop, or some of the other facilities, do an interim pump pressure line going into the existing manhole in Ustick and, then, at such time as that trunk is available, then, the district would, obviously, extend it and, then, discontinue that interim discharge to the Ten Mile trunk. It's kind of -- it's kind of funny, properties that are right next to the treatment plants are the most difficult to serve. I had one at Nampa that was south of the Nampa treatment plant and the sewer was too shallow to serve it. It was -- and so it's -- it's -- it's kind of a funny situation. I have encountered this before. But what you see here is -- with Naomi we will have a 20 foot landscape buffer. We met with your pathways department. The pathway coordinator indicated that the city is planning for a multi-use pathway. We built it in McNelis Subdivision along the Nine Mile and the Five Mile Creek. The city has retained TO Engineers and they are designing a bridge and designing the pathway that you see running along the north side of -- anyway, running along the north boundary. There it is right here. So, the district has agreed that they will participate in construction of the ten foot multi-use pathway. We will put a non-site obscuring fence. One of the things that we talked about was something that would, obviously, meet the needs of the district as far as security for their equipment and their facility, but yet be aesthetically pleasing. So, we would do like a chain link coded -- color coded fence along both the north and, then, along the east boundary. Along the south boundary we would do like a Trex fence, an industrial height of about eight feet, and, then, along the west boundary we would do the same. And one of the things that we did incorporate that the staff did not ask us to do -- we have detached sidewalk that runs along Naomi and, then, along the landscape buffer that we have going to the north up to Five Mile Creek. I also included a five foot pathway, so people could come across Ustick at Naomi, because eventually that's going to be a signalized intersection. Here is kind of an overall phasing plan. What we did is -- is we took information from the district and, then, we created a color coded -- which kind of shows the phasing. Basically phase one for 2021 is removal of the existing home and getting, you know, design plans for some of the infrastructure and improvements within the -- within in the site. Phase two is in 2022 and that includes -- oops. So, there is phase one. You can see that the home is removed. And, then, phase two shows that we will be building a decel lane. They will be building Naomi, kind of an internal circulation. Getting the landscaping established along the Ustick corridor and, then, getting the fencing, so that the site is secure. Phase two includes -- or phase -- phase three, excuse me, includes the decant center. You can see that in yellow. And, then, 2024 is kind of the big year where they will install their -- their covered storage facilities, their sand and salt shed, their fuel tank islands, their wash bays -- and I can't read that small. Some other stuff. And, then, phase five is 2025. So, one of the things that the district was very concerned about is not being held specifically to the phases, because it -- their budget is going to dictate what they can afford to build each year. One

of the items that came up that shows you kind of the -- the Trex -- eight foot Trex industrial fence and there is the color coded fence. One of the things that came up at the Planning and Zoning Commission was when are you going to rebuild the Ustick corridor. Right now it's two lanes. You are going to be adding additional traffic, additional truck traffic, et cetera. It's important that this area has been building out at an increasing level and so the district in their capital improvement plan has the Ustick corridor programmed for 2025. Along with that corridor, then, they would, obviously, install Naomi and install the signal. All access, as Joe indicated, is taken off of Naomi. This site will not have any direct access to the Ustick corridor. We will have gated entry into -- into the facility. As you can see we have a significant amount of landscaping and pathways that will serve this. In the conditions of approval I did submit to the Council -- I apologize for the lateness of my letter, but I needed to run it past the district and -- and there is lots of cooks in the kitchen here and by the time I got everybody's -- everybody's input it was kind of late. One of the things is in our conditions of approval 8-A-1 it indicates that they would pay the 303 dollars for the development agreement. They have an interagency governmental agreement with the City of Meridian to waive any costs or fees. So, that really wouldn't be applicable. Item C deals with the design review guidelines. We designed the site so that -- and that was due to your staff's input in the pre-application conference -- to kind of put the administrative building right at the corner of the site, kind of as the anchor to the site. We would have access into the administration building. It would not be gated. The gate, as you can see, is further to the east and, then, we would have the -- the shop and, then, the weld shop attached to that. They did review the guidelines. I reviewed the guidelines. As far as application of them to that facility, we think that that makes sense. The only concern I had was the covered storage. We kind of have an L-shaped covered storage. The majority of that covered storage is oriented to the east, which will be the water tank, but we do have a leg that will be oriented to -- along the Ustick corridor. Now, staff has placed a condition on us that we will berm and fence and provide additional landscaping beyond what is normally provided along the arterial. So, we -- we just want to make sure that this isn't an excessive cost to the district for that storage building, but they have looked at using different varieties, textures of masonry, so that it does have some architectural features to keep a good aesthetic look along that corridor. We are in agreement with the Public Works condition and I guess J is my last condition. The Planning and Zoning Commission worded that such that the district was extremely concerned that they would be caught between a rock and a hard spot. So, therefore, we did provide the Council with some alternative language that -- that the intern uses that may need a building permit and do not require an occupancy, that the applicant would be able to put in like the decant center prior to the improvement along Ustick, because they kind of stuck us with you will improve Ustick by phase X and that's just not viable for the district and so what we provide is no certificate of occupancy shall be issued until phase four of the project consistent with the submitted and revised phasing plan and the decel lane along Ustick frontage is constructed. So, we just need that much -- you know, that flexibility. Do you have any questions?

Simison: Council, any questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Becky, how -- how tall is that berm along the Ustick Road? I think you said an eight foot Trex -- Trex fence would be on top of that.

McKay: Yeah. We have 25 feet of landscaping. So, the berm would probably be three feet and, then, you would have maximum height -- Bill indicated in the industrial zone is eight feet and we will use that Trex fence. So, as far as viewing the -- the backside of that covered storage area, you are not going to see a lot of it.

Borton: I understand. And that's -- so I -- Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And, Becky, so that's going to be a single -- single story type of storage building, not extra tall or a normal -- a normal height of 12, 15 feet.

McKay: Single story.

Hoaglund: Okay. And I just want to comment. Appreciate you putting in that pathway that would connect Naomi to -- to the -- the parkway, which the -- or the --

McKay: Multi-use pathway.

Hoaglund: Multi-use pathway. Thank you. And also appreciate you putting it on your property, not the other property, but so be it. And I had one other question. You had an area that was hard to read. Years ago we didn't need these things and even, then, it's kind of -- it looked like a regen area, but it also looked like an emergency access or some access point to the east to the city property and I didn't know if there was another access point for fire trucks or what -- what that was about.

McKay: Mr. Mayor, Councilman Hoaglund, that's called a regen area and I will leave -- I will leave Lloyd or -- Lloyd, can you address -- it's not an access, it's an area that they use -- they explained it to me and it was Greek to me. Go ahead, Lloyd.

Carnegie: For the record, Lloyd Carnegie, business manager at ACHD. 3775 Adam Street, Garden City. The regen is for our pieces of equipment that require regeneration for the exhaust system. So, we want to designate a safe spot for them to do that regen.

Simison: Council, additional questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Mayor. Becky, just maybe dovetailing on one of Council Member Hoaglund's questions. That is a large L-shaped covered storage. I recognize it's one story, but what's the anticipated height of that building?

McKay: We haven't designed it. I think -- I mean it's -- it's the -- the ones that I saw at -- at Cloverdale and over at Adams were less than 35 feet -- significantly less than 35 feet, even to handle their -- you know, it's to park their trucks in.

Cavener: Sure.

McKay: So --

Cavener: Okay. Mr. Mayor, follow up.

Simison: Councilman Cavener.

Cavener: Becky, help me understand which of these structures that are -- that are on your concept plan are solid structures versus -- and I know you have referred to it as a shed, but if it's what I'm thinking of that you have at the Adams facility, they are really like big kind of canopy tents, really; right? Not really? When I think of a shed I think of a shed in my backyard that's got a structure and a roof and I just want to make sure that I'm not applying what I think is in my backyard to what you are planning to build out there.

McKay: Mr. Mayor, Councilman Cavener, yeah, the -- the salt shed over at Adams Street is kind of like the ITD salt sheds that you see along Highway 55 going north up to McCall, because the -- I think it's EPA, DEQ requirements, that they have the salt covered -- salt and sand covered and, then, like they have their decant center, that's an area where --

Cavener: Can you -- I'm sorry, Becky. I don't mean to -- Mr. Mayor. Becky, can you kind of point -- I'm trying to get a sense --

McKay: Let me try to get this booger -- is it working, Joe? Is that you, Joe, or me? That's you. The decant -- the decant area -- so, that's the decant area and so that's where their sweepers come in, they discharge the material. Now, it's going crazy.

Cavener: Sorry, Becky. I guess I'm just trying to get a sense -- I don't know from the --

McKay: It's a concrete structure -- it's kind of a concrete -- it's a concrete base structure and -- that decant area, the one I toured out at -- out of the Cloverdale site was a system of concrete bays where they had to wash out for their sweeper trucks, pull up there, they wash them out.

Cavener: So, Mr. Mayor? Becky, the decant bay is a solid structure without a roof?

McKay: Correct.

Cavener: Whereas the salt tents are a roofed based structure with no walls.

McKay: Correct. And, then, you have -- you have what they call -- just in front of the salt and -- and sand shed you have what they call their racks and so that's where their -- their sanding trucks -- they have -- they have a little thing where they pick them up and put them on the truck and that holds the sand. It's like a bed. That's what I'm thinking of. A little bed area. Then they kind of had open -- open storage. Then they have -- you can see the fuel islands and, then, they have what they call their mag tanks. So, those are all open areas. Is that what's going on? We will try it. Oh, yeah. Oh, that's nice. Yeah. So, here is the racks. You can see that there are -- there are fuel islands. This is the mag tanks. So, the magnesium chloride that they have.

Cavener: Those are solid structures?

McKay: No. Those -- it's kind of a concrete pad and, then, those tanks sit on the concrete pad and, then, the trucks come in and they -- they -- they refuel them and, then, this is a concrete pad also and, then, that's like the truck wash. So, that's a structure. And, then, this particular building -- I can't read that. I got to -- yeah. The broom shed. So, that's for the sweeper trucks.

Cavener: And that's a solid structure or --

McKay: The broom shed is a solid structure that you see right there and there is the drainage truck shed and, then, we have like truck scales also included in the site and one of the things that -- that Heather was -- was insistent on that -- that we have a lot of pull through, so -- to minimize those backup beepers. So -- well, I have to give her credit. That was her idea and to make sure that -- that everything was continuous and we didn't have a lot of backing motion. Operational hours are probably going to be 7:00 a.m. to 5:00 p.m. and, then, they will have night operations, obviously, if we have a significant snow event or any type of emergency. Heather, do you have any comments that you want to -- or any questions for Heather?

Friddle: I'm Heather Friddle. I'm superintendent for the Ustick maintenance site. I'm the one that came up with the plan. So, I want everything to be a continuous flow and so that there wouldn't be a hindrance with noise or have problems with the neighbors, so trying to be very conscious of that, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I have several concerns and I will get into those in a bit, but I did have a question while we have you here. What is the quality or environmental impact of what you are discharging at this facility? You know, what are you -- what's coming off the trucks and where is it going and is that okay and who says so?

Friddle: Mr. Mayor, Commissioner Strader, it's -- we have settling tanks. It's a decanting station that we -- and we let the water in and it separates the solids from the liquids and it goes through a phase approach with the forebay has settling tanks that it goes through and it gets filtered out through a sand filter before it gets emitted into the drainage system or the storm drain system. The waterline. And we have one at our Adams facility and our Cloverdale facility. It's tested to make sure that there is no impurities or whatnot. So, we are very conscious of that. We have the DEQ. We have our environmental department that helps us with that. So, we look at that. So, we are very conscious of that to make sure that it's not something that adds pollutants.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Council Woman Strader, just to touch on that more, they are going to be required to do some environmental permits that the city does not do, but at the federal level. So, all of that will be permitted outside of our purview as these come online. In addition to floodplain permits as well, because the north half of the site is in a floodplain, which is why they moved the decant and washout area from the northwest corner. So, they are -- they are well aware of the environmental impacts that this could and may have, but that will be handled outside of what our review is here in the state of Idaho.

Stewart: Mr. Mayor? Mr. Mayor?

Simison: Yes, Warren.

Stewart: Yeah. One of the other things -- this is Warren in the Public Works Department. One of the other things that we talked to Becky about is that at some point we will want to get our hands on that information with regards to the concentrations and so forth that they are going to be discharging. So, we can analyze whether there needs to be a pretreatment permit. We have talked about that. That's one of the conditions that was added that, you know, we will want to make sure that we have a good idea of what's coming out of there and if there needs to be a pretreatment permit with the city. So, we haven't got that yet, but I think we can work that out and certainly we can develop a pretreatment permit if that's what's required.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will just outline my concerns right now and we will hear more, you know, testimony and everything, but I just -- I just want to get those out there, so that you and your team can address them, but they may be challenged. You know, to me the basic of development has always been that we don't develop until the sewer is ready. I view this as a pretty big departure from normal practice. I am concerned with having a DA provision to enforce things. We just had a big meeting about our DA provisions and specifically

issuing a certificate of occupancy is not an adequate enforcement mechanism to ensure that things happen. So, I have some pretty significant concerns about the sewer being ready and, then, in addition, you know, hopefully, waiting for Ustick to be widened until 2024. You know, if this is a different applicant I don't know how I would view that. But clearly we are not really using big trucks and this is within the applicant's control and I want to see Ustick fully widened all the way to Owyhee High School and so I want to see I think to be supportive, I guess, a plan for ACHD to do that faster or for that to happen before I approve this. Or for you to work with the city -- somehow get that accelerated, but right now to me, you know, waiting until 2025 for this, I just don't think it makes sense, considering the state of that road.

Simison: Council, any additional questions or information for the applicant to consider before we get into public testimony, if there is any?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: More additional -- Becky, is this facility coming online because of the growth in the county and the need to expand? Is this relocating another facility? What's -- what's the basis of this particular project?

McKay: Mr. Mayor, Councilman Cavener, the district has basically outgrown both of their sites. The needs of -- the growth that -- that -- that we have seen in the valley, this is -- the needs for this to be a satellite site and the third full maintenance site is part of essential services and, obviously, the Council and the Mayor have always been supportive of -- you know, we need to provide essential services to take care of the growth that's taking place. Obviously, hampering the development of this site is hampering essential services. Concerning the sewer. We have been working with Public Works closely. This is right there on the -- the borderline of two sewer sheds. We have dealt with this issue on multiple occasions. We have had situations where we have had an interim service. Obviously, we are -- we will work with your Public Works Department, your city engineer. We have provided a significant amount of information data and since this will be coming on incrementally it's not like we are going to be overloading or surcharging that Ten Mile trunk by -- by this plan. As far as the improvements, the district has assured me they are going to do everything they can to accelerate due to the fact that Owyhee High School is coming online to accelerate that Ustick corridor widening. If at all possible they will try to move it up. However, they qualified that -- that they have got to purchase right of way. They have to design the arterial and there is just a lot of steps and even the best laid plans sometimes get delayed if you get a hiccup. They -- they are going on the record that they will not have any trucks going into this facility unless they have installed this decel lane to accommodate getting those trucks outside and with this being over a -- you know, a seven or eight year period, you are going to see this site develop incrementally. It's not like it's coming online instantly and there is no improvements on Ustick Road. That is not the case. That is not what the district is -- is asking the city to do. All they are doing is taking this first step to get this property annexed and, then, start working on acquiring

right of way, design plans, working with Public Works, getting an architect online. This is just the first step in a multi-step process and that we asked the Council and the Mayor support it, because, obviously, your priority area in northwest Meridian is going to put even more of a significant burden on the district and its resources and so they need to get out into this area.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Strader: Becky, appreciate -- and Council Member Strader appreciate you also kind of addressing some of the questions there. I just -- I want to make sure that I heard you right. This is a third location, not a combination of your two existing facilities?

McKay: No. It's a third location --

Cavener: Okay.

McKay: -- with a new manager. It's going to have new staff and that's one of the other things that they -- they qualified with me is as they bring on each phase they are going to be hiring new employees for those tasks. New mechanics, et cetera.

Perreault: Mr. Mayor, can Becky speak in the microphone, please.

Simison: Yeah. Can you repeat that, Becky.

McKay: As each phase comes on and -- and they start building the -- this incrementally, the district will be hiring new employees to work at this site. It's not like they are transferring employees from other sites to here. This will be a whole new independent third maintenance facility in Ada county.

Friddle: And adding equipment to accomplish that.

McKay: And adding equipment. That's the other thing. They have to budget equipment -- significant amount of equipment, employees, and, obviously, infrastructure and buildings.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Council Woman Strader is mentioning, you know, a point that I think is of concern is the road widening and the decel lane is great to have, but I'm curious as to when the center turn lane -- when trucks are coming from the west to make that left turn. As you know, I live one mile exactly to the east and when that light changed I know on Linder you are going to wait a while and I have got a car I'm turning left and I can sit there

in the center lane, but this is going to backup traffic immensely, depending on time of day. So, I want to make sure I understand the phasing plan. Phase one cleaning up the house and the property. Phase two looks like you are doing the paving, getting things ready. Phase three -- so, it looks like to me -- and I could be wrong -- the decant area and a washout -- so, there will be some trucks coming in there, the sweeper trucks and whatnot. So, we will have trucks starting -- can you give me some idea how many trucks that would be? I know emergency situations are kind of the other. But for -- for those other facilities -- for normal operation.

Friddle: It's probably going to be no more than ten, if that, you know. It's just -- as we progress, so it's just going to be a site out there for existing ones that can come out -- if they are in area that can use that. But they will be primarily still using the other sites that they are located at until we get that completed.

Borton: Okay. And, Mr. Mayor, follow up?

Simison: Councilman Hoaglund.

Hoaglund: And, then, just to keep moving forward, then, in phase four, 2024 -- and, again, understand budgets and whether they slide this way or that way, you are going to be constructing the covered storage and the bulk of the facility with that -- in that phase and to me that means definitely there is going to be a lot more truck traffic, it's going to be almost fully operational -- quite -- quite a few trucks, but the -- if I understood correctly, the road widening is scheduled for 2025?

Friddle: Yes. In the CIP -- in the CIP, but if -- depending on when we can -- budgets allow we will move that up, so --

Hoaglund: Correct. And so anything that we would condition with the phase, it would just stick with that phase, whether it gets moved up or moved back, is that how -- I mean that -- in my way of thinking that's how we would do it, but -- not tied to a year, but to a phase. So, if you move up a phase and we asked for something to be done in that phase, that would happen when that happens. So, it doesn't -- doesn't matter on the year, because it may get delayed and that requirement, then, would also be delayed to that phase -- tying it to the phase, so --

McKay: Yes. Go ahead.

Daigle: Mr. Mayor, Members of the Council, Paul Daigle, chief of staff over at the Ada County Highway District. One of the things that I cannot promise -- because the -- the phases are part of the budget process, yeah, if we condition things to a date, I cannot speak for the commission. The commission are the ones that will be ultimately responsible for saying proceed with this project. So, I can't sit here and promise you that, yes, you condition that Ustick widening the base here is going to have a -- we cannot say that. I cannot speak for the commission along those lines.

Hoaglund: Right. And, Mr. Mayor, follow up.

Simison: Councilman Hoaglund.

Hoaglund: And to that point -- so, if we say, hey, in 2024 if this is going to happen you are going to have this many trucks, however we -- we discuss it, we want to have a center turn lane and that gets delayed, so that center turn lane would be delayed, but also that phase, because the phase was delayed. But if you move the phase up, then, that's going to be part of the requirement for that phase, depending on the budget and -- and we remind the Mayor of that all the time, that, you know, he can't --

Daigle: And you folks have the perfect opportunity when we have joint meetings to remind the commission of some of your wants and wishes as well.

Simison: A question for --

Perreault: Mr. Mayor?

Simison: One second. From a very practical standpoint how do you operate this facility with no employee parking? Which is in the final phase. I mean that's what -- that's what -- one of the things I look at is like -- is it only going to be interim traffic in 2028, final phase, or final phase is when you actually become an operational site?

Friddle: Mr. Mayor, yeah, we are going to set aside an area for temporary parking for the employees on the site when we do the -- you know, there is going to be an area where they are going to do that in the interim, so --

Hoaglund: Okay.

Friddle: -- put that on the plan, because I was just making the whole conceptual plan.

Borton: Okay. So, that would be when paved parking in theory is on there, but not necessarily -- okay. Well, that helps us -- okay.

Friddle: The whole site will be paved.

McKay: The whole site will be paved.

Friddle: Eventually. Yes.

Simison: Council Woman Perreault.

Perreault: Yeah. I'm tracking with my fellow Council Members questions and thoughts on this, but I would also like to see kind of an overlay of a timeline of road development and the amount of truck traffic that will be coming through. Obviously, right now they can drive on Ustick Road, there is no limitation of -- you know, we see construction trucks all

over the place, but I did not have the knowledge of how much that changes the -- the size and level of intense use of this area would be really helpful to know. The one thing I wanted to point out along with what Councilman Hoaglund -- where he was headed, is that let's say that this is correct and 2024 is primarily when the majority of the infrastructure -- of the structures are built and developed -- yeah, it's in the five year plan for ACHD to build that section of road -- to widen that section of road, but that's just the design phase -- my understanding it starts in 2025. So, we could be out in 2025, really, until that actually is constructed, so now we don't have a year, we have three years, so I guess I just -- I wouldn't mind seeing some sort of timeline that pieces together for us of what to expect in relationship to the phases, in relationship to the construction of Ustick and I realize, again, that it was a budget thing, but over the years that I have been watching this happen I feel like ACHD has gotten a lot better at actually sticking to the -- the fiscal year and the five year plans that have been created, seeing fewer modifications of those -- and maybe I'm imagining things. But I think it's good for us to at least have -- have some idea of -- you know, we -- just as you do, we -- if you have been listening to our entire meeting tonight there has been a lot of conversation about being open with the public and, you know, putting out there what it is that -- that we expect to have happen and so we feel that obligation to do that for our residents. So, I just want to say I -- I agree, I would like to see some more information, to the best of your ability, as to what to expect for a timeline over the next eight years and the phases involved.

McKay: Mr. Mayor, Council Woman Perrault, one of the things that --

Simison: Becky, if you can get a little closer to the mic.

McKay: One of the staff members brought up is that that section of Ustick right in front of the site is already three lanes at this juncture. As far as the Ustick Road rebuild and signalization and all that, that 2025 date is a construct date, not a design date, so -- so, it would not be started in 2025, it would be accomplished in 2025. Correct? Construction started in 2025. Design in '23.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: To build on this more, I would want to reiterate that one of the DA provisions that were added by the Commission does address this, at least in some way, to say that none of the buildings that will require any kind of CO cannot occur until the deceleration lane is constructed, which should help with some of these truck issues. Again, it's tied to the phase, which is shown as phase four, which includes the -- probably what would bring the most amount of trucks, as you guys noted, with the salt shed and the covered storage and all those things. So, Commission and staff have worked through some of those issues for you guys. So, I did want to just reiterate that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, Joe, just maybe to get some initial feedback, we had a meeting earlier today where I -- I thought it was pretty clear that at some point we are obligated to issue a CO and a TCO when all -- there is not a life safety issue in any of the buildings and so -- I appreciate that we may have some leverage point here, but I don't know how it works at peak hours or the number of trucks coming into another facility, what's to stop us from -- what do we do if 40 trucks come through here and a building is not constructed? What leverage do we truly have to -- to enforce this to ensure that it happens?

Simison: Mr. Nary, I think that's for you.

Nary: Mr. Mayor, I was afraid you were going to say that. So, yes, as we spoke of earlier, tying the COs to that are -- can be a staff challenge to address, but I don't have a good answer to the fact that if there is no buildings there, but the truck traffic is coming there, for whatever purpose, to just drop their loads off and leave the site, not -- not work on that site, I don't have a mechanism to enforce that. I don't have a code enforcement officer that could sit there and count trucks and I have neighbors complaints and I have letters to them and at the best, if necessary, we would go to court and try to enforce that through our -- through our development agreement. But, otherwise, it is -- it is a significant challenge to use a DA for that type of enforcement.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You know, first off, grateful for our strong partnership with ACHD and for all they do for us. I really appreciate it and wanted to say that on the record. With that said, I -- I'm looking through my notes here from this past weekend and, again, yesterday, just going over some last bit of items and Council Woman Strader has hit on almost every single one of my concerns that I have written down, so I just wanted to state for the record that I share the same concerns as well.

Daigle: Mr. Mayor, if I may address a couple of the questions that came up. Currently even at our Adams and Cloverdale facility we don't have 40 or 50 trucks coming and going. The trucks leave in the morning, go out into the field and they typically operate out in the field. Some of the drainage trucks and some of the sweepers do make it back to dump their loads and take on water and go back. At each of the facilities you are probably looking at -- I think we have about 12 to 15 of the heavy dump trucks and they are not coming and going. It's the 12 or 15 sweepers that come and go. Some of the drainage trucks come and go. There is not going to be a whole lot of traffic, especially before we get all the buildings built. You know, some of the sweepers are going to be out in this area. We will use a decant station. You know, you are probably looking at maximum six or eight a day. You know, as we start to get some of the facilities built and we start getting people stationed out there, you are still not going to get truck traffic as you are talking about with 40 trucks a day. As I said, the trucks will be out in the morning, they come

back at night, and there will be a few times when they are coming and going. Winter ops, you may get a little bit more, because you are having to come back for salt and sand loads. But nowhere near that the 40 trucks a day coming and going from the facilities.

Simison: Council, additional questions for the applicant at this time? Thank you. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we do not.

Simison: Okay. Is there anybody in the audience who would like to provide testimony on this item? Or anybody online? Which I doubt that to be the case seeing who is online.

Siddoway: Mr. Mayor, this is Steve.

Simison: Mr. Siddoway, are you public, testifying as Steve Siddoway from your home, or are you staff looking to make comment?

Siddoway: Staff.

Simison: Okay. Let me just make sure -- yes, I think we are good. Go ahead, Mr. Siddoway.

Siddoway: Okay. First of all, I would like to -- one statement and two question -- clarification questions regarding the pathway and I would also like to start off expressing some gratitude for the many partnerships we have with ACHD. But my -- so, my -- my statement about this pathway is that -- this is a -- a key segment for us and one that I'm very interested and, frankly, excited to see the possibility of it moving forward. It is a -- it does fill a key gap between the existing pathway on the McNelis Subdivision on the west and the Quartet Subdivision extension of this pathway to the east. My two questions for clarification -- one is related to the bridge over the Nine Mile Creek to the west -- sorry. To the east -- east of the subdivision and I -- in preparation for tonight's hearing and I go through the staff report and I noted in a couple of locations Item J under pathways and M under waterways, a reference to the bridge. It says the applicant has proposed to build the required multi-use pathway, as well as to construct the pedestrian bridge over the Nine Mile Creek to the east. Staff appreciates the added cooperation with the Parks Department on extending pedestrian facilities. I haven't heard any reference to that bridge over the Nine Mile Creek, so I just wanted to clarify if that is intended to be constructed along with the rest of the pathway or not. My second question is just regarding the phasing plan. I noticed -- I noted in the proposed changes in the conditions that it will move from phase one to phase two. I don't have any particular heartburn over that, but I also noted the desire not to be held to any particular phasing plan, so I don't know how to -- how to do this. I am sensitive to the fact that any phases are subject to the conditions of approval of budgets, but if it could at least be tied verbally to that, you know, first phase of paving on the site, which is currently shown as FY -- as 2022, I think

that works and so I just wanted to try and get some clarification related to the phasing and, then, also the clarification on anything to do with that bridge. Thank you.

Simison: Thank you, Steve.

Dodson: Mr. Mayor?

Simison: Joe, are you going to try to answer those questions?

Dodson: I can answer the -- yes, I will try. And, then, Becky can back me up. I will admit a mistake of discussing the pedestrian bridges in the staff report. I was mistaken while writing that they are not proposing to construct the bridge. They will construct our segment and, then, the Parks Department was going to construct a bridge per the conversations that I have -- I was not privy to, but have heard about between the pathways coordinator and the applicant. That was a mistake by me to discuss that so directly in the staff report, and which is also -- thankfully I didn't put a specific condition in there, but that was my fault. And, then, also with the -- with the phasing I think what -- they requested changes to saying that the pathway gets construction with phase two, which would be the paving. It makes sense. I believe, Steve, that that's what they are trying to do. If we want to change the language a little bit to include with the first phase of pavement that would make sense as well, to include that additional language.

Siddoway: Okay.

Simison: So, did you get your questions answered sufficiently to your knowledge?

Siddoway: Yeah. It does. I was, obviously, hoping for that -- to see that the bridge was part of it, but I do -- it looks like it might be actually an off-site improvement now that I'm looking at this version of the phasing plan. Looking at the previous one it looked like it might be at least partially on their site and maybe it made sense for some shared costs, but if it's an off-site improvement it -- maybe it does belong to us and I just don't have those details right in front of me. So, I wanted to clarify it while we are on the record.

Simison: Okay.

Dodson: Yes. Mr. Mayor, to confirm it is off site. It is within the irrigation district's land completely. The bridge would be.

Simison: Thank you. Becky, are you coming forward for the final --

McKay: Becky McKay. Mr. Mayor, Members of Council. The bridge off site. It is on Nampa-Meridian Irrigation District property, not -- no portion of it lies within this site and we were told that TO Engineers had been retained by your Parks Department to design and that that would be part of the city's portion of improvements out there. But yet they expected the district to construct the multi-use pathway along all of their frontage of Five Mile Creek and make connection and they wanted to make sure that that bridge that we

hooked up to where it was coming across, so they sent us their CAD drawing and, then, phase two would -- that's what we are asking for, since phase one doesn't include really any improvements, other than removing the home, phase two would include the multi-use pathway. So, that we could get that online and get that pathway moving westward.

Simison: Becky, was that your closing remarks? Okay. Well, the applicant's closing remarks as well and the clerk already started your timer, but --

McKay: Oh. In the closing remarks one of the things that was brought to my attention is at that full build out of this facility ACHD determined, based on the ITE, that there would be 28 vehicle trips during the p.m. peak hour and as far as the level of service right now on Ustick it's better than E and I guess my closing -- my closing comments are, you know, we want this to be a partnership with the district and the city to make this happen. I mean we come before you guys and we talk about fire stations and police stations and sewer capacity and water capacity. ACHD is a part of that infrastructure that we all benefit from and we use and it's their desire to work as a partner with the city to make this site happen to better serve their constituents, which are also the city constituents. So, we would ask for support of this annexation, so they can move into their -- their design working with your staff to -- to, obviously, make this happen. I think this -- there is no better location than this one as far as I'm concerned. It's perfect for north Meridian, being by the plant, by the water tank, along the Ustick corridor. It's obviously targeted for a significant upgrade.

Simison: Council, any final comments? I think you should stick around.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I was just going to say that as -- as we discussed this, I think I would like to leave the public hearing open during our discussion, just because to me this is more about a timing and what goes where when and how that all works together and I think we might have more questions and have some dialogue on that. There is -- there is a lot of good things about having this in that location in north Meridian and needing a facility, it's just a matter of how do these things work together with the roads and other -- other phases, so if Council's okay with that to have those discussions, be probably a lot easier.

Simison: And I will piggyback. I know you are representing the applicant, but when we talk about fire stations and police stations and what we -- what we often talk more about is lack of roads. Not lack of street sweepers, you know, and it's road infrastructure -- if I'm ready what I'm hearing tonight it's the road. That's going to be a big question mark about -- to Councilman Hoaglund, he's talking about timing.

McKay: Mr. Mayor, I fully understand.

Simison: Yeah. That's the infrastructure needed.

McKay: And the district has assured me that upgrading that Ustick corridor is -- is a top priority to them. They realize the -- the significant need for it. When we had our neighborhood meeting we only had three residents that attended. None of them objected to the site and the only item that came up was when are you going to rebuild Ustick. So -- so, yes, it's -- I think it's on the minds of everyone. Obviously, that's within their purview, but they need the time to -- like I said, purchase right of way, design the facility, build the facility and I think what they are saying to you is the latest we would start construction would be 2025. If at all possible we will accelerate that and, hopefully, start in 2024. This site is going to take quite a bit of time for them to retain an architect, retain engineers and get their EPA, their DEQ approvals, work with your Public Works. I mean it's -- it's -- it's going to take time. It's a complicated kind of process. I was surprised when I toured both our facilities. I guess I didn't realize what -- all the things that happen behind the scenes, but -- but we need those things as a community. Meridian needs them and the district is here to provide them and we just need to find a mechanism and a way that we can do that. Thank you.

Simison: And what I will say from a practical standpoint, I think we all can agree that this is not going to look like the Cloverdale facility. I mean I have driven by that for years and it's -- I appreciate the effort that has been done here to try to keep from view what that looks like, because it's -- you know, it is an eyesore for parts of our community. I'm not going to say our wastewater treatment plan is a beautiful thing to look at in an open -- we don't have high walls guarding the, you know, view of that, it's tucked back and so the elements of this that are tucked back -- you know, I can get that. The stuff that's up closer, though, I think that even if you look at our -- Mr. Siddoway was on here, our parks maintenance facility that we have, you know, that's visible from the road. It's back. It's a pretty nice facilities at the same time and so I think the quality of what's built, whether it's screened or not, I think that's an important component, especially as you rise above, you know, the dismal heights, because -- sorry. When I drive by Cloverdale -- what do you see? That's not what I think our residents want to see for a price point that is conscious of taxpayer dollars at the same time, but --

McKay: And, Mr. Mayor, I think -- I think you -- you hit the nail on the head. One of the things with the Cloverdale site is that's an old site and they have purchased additional property and, then, obviously, tried to, you know, install landscaping, but it's kind of been a retrofit. The Adams site is kind of the same way. This particular site they have the benefit of designing it from the ground up and they are, obviously, committed to making sure that this is not an eyesore, that it complements that Ustick corridor and they are willing to spend some additional monies to make sure that aesthetically it's pleasing and that's why we -- you know, we, obviously, oriented some of these buildings up there next to Ustick and next to Naomi, you know, and it's not just a sea of parking like you see at Cloverdale and Emerald, that -- you know. And they are willing to add additional landscaping, up the ante on fencing. Their commitment is here and I have been pleased with -- with how much they have -- they have worked with us and the staff.

Simison: I think that's clear and I think it's just making sure that we don't lose sight of that as this moves forward.

McKay: Sure. Understood. And I think that they will take that message back to the commission and back to their superiors.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I just want to touch on two finite points real quick, just to make sure that they are clear. One was regarding the landscaping. I'm not requiring a berm, just to make that clear. No berm. Just denser landscaping with landscape beds to help mitigate the noise associated with that. Trees. As we all know, you go anywhere near the coast, trees help so much more than pretty much any fence you could think of for noise mitigation. So, that's why we are wanting the denser landscaping. And, then, lastly on the sewage and the potential -- using the grinder pump to pump into the Ten Mile trunk shed, preliminary models have shown that it can handle what's shown as a potential flow from this site. So, there should be no issues there from the Public Works perspective as well.

Borton: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Joe, real quick. That south covered storage that's along Ustick and you talked about not having metal. So, does a roof have to be asphalt or some other material or can they utilize a metal roof for that particular facility?

Dodson: Great question, Councilman Hoaglund. The roof material is not discussed as much in the architectural standards manual, it's more the wall material. The roof can be metal roof. Correct. It just can't have high reflection. They don't want to blind people driving down the road.

Simison: Councilman Cavener.

Cavener: Becky, I guess one more question if I can. I guess maybe two questions. You had talked about a berm, so my assumption is that you -- the applicant, they are not opposed to a berm as well. I know it's not in -- conditioned in the staff report according to Joe, but is that something that you are --

McKay: Yes, they are comfortable with -- with some berming. But with the -- obviously, with the height of the fence we don't need a huge berm.

Cavener: Sure.

McKay: We can do three foot berm, 11 foot fence and, then, have planter beds, landscaping, you know, go through the full CZC process and have the staff provide comment on the architect. Technical standards. They look through your design standards and, you know, there were some masonry buildings, which had different materials and

textures and colors and they said, you know, we can do that on the back of that -- of that building, you know. So, if you are envisioning like an RM Steel Building, that's not what their intent is, no. Not on what's exposed to Ustick. No.

Cavener: One more, Mr. Mayor.

Simison: Councilman Cavener.

Cavener: Becky, is that your -- your right turn lane there -- you know. And you have always heard a lot of feedback from Council tonight about concerns about the road. Would your client be opposed to having access off Naomi onto Ustick only be right out until Ustick is improved?

McKay: I have to defer to my client --

Cavener: Maybe the question can be answered later. I just --

Strader: Mr. Mayor?

Simison: Councilman Strader.

Strader: Maybe an idea -- I'm not sure, Becky, what -- what direction you and your client want to go. We appreciate the partnership with ACHD. I just -- I'm wondering if you guys want to consider a continuance to go back and discuss with the commission if they are able to accelerate the plans to widen Ustick. If you want to take the opportunity to see if that's possible and how that could be accelerated or if it can't be accelerated, if they want to try to work with the city. I know the Mayor has often suggested plans to accelerate improvements and, then, come back to us with something more fully flushed out. I can't speak for the rest of Council. I'm -- I'm not comfortable -- you know, widening Ustick is within ACHD's complete control and I'm not convinced that a CO issuance or these DA provisions give us any enforcement whatsoever to make sure that these issues are mitigated. So, that's my concern. So, I just wanted to throw that out there. If you want to go back and -- and get a timeline more fully flushed out where you could perhaps accelerate and reprioritize Ustick to make it, you know, one of the top priorities.

Daigle: Mr. Mayor, Council Members, again, Paul Daigle, chief of staff. With regard to the meeting, as I recall you guys have just sent us a letter asking for a meeting to discuss some sidewalk issues. So, it would be a perfect opportunity for us to continue this discussion with the commission, especially with regard to accelerating the timeline. With regard to the right-in, right-out, at least initially, since there is not going to be that much truck traffic there, I think we could -- we could go along with that at least initially until we start getting a little more traffic through there. So, I will give you a tentative, yeah, we can probably go along with that.

Simison: And just -- I don't want to run afoul. Mr. Nary, I assume we don't want to -- would we have to notice a public hearing for a joint meeting to have a conversation with ACHD about items related to this?

Nary: So, Mr. Mayor, Members of the Council, I mean that's -- that's a great question, because, again, we are mixing up a land use record with now a joint meeting record and that's a little more problematic to do -- I mean without really running afoul of trying to combine them, if there is a reason to. So, although I appreciate the offer, I don't know how we could do that. I think it's problematic. I think that's why the Council's request was for the staff to go back and talk to the commissioners and come back and report it as part of this hearing, rather than try to put it back on the Council to do that as part of a hearing. Now, again, if the Commission President wants to come on behalf of the commission or a commission representative wants to come and give testimony on behalf of the Commission, maybe that would be a cleaner way to do it.

Simison: Thank you.

Daigle: And, Mr. Mayor, Council, I will take that message back to the commissioners. I will be meeting with them tomorrow, so --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just a brief comment. Councilman Strader's comments with regards to Ustick I think is a critical piece for me as well. The reference to completing that to Owyhee. This is a corridor that's going to have now, amongst everything else, you have a pile of kids all over this road. This is intense use. It really is. I mean there is going to be a lot of trucks. This is a forever decision. So, that, among other issues, is a critical issue for me as well, so having that commitment accelerated and defined clearly is key.

Dodson: Mr. Mayor, one of Council Woman Strader's points regarding CO, understood I wasn't there for the conversation, but I understand the premise of that. My original language, if you look at J, does say no building permit can be submitted, which is more restrictive. We are not holding a CO at that point. We are not even letting them apply for a building permit. So, it's more restrictive. It might mitigate some of those issues. Obviously, the applicant doesn't want that, but that's why they are requesting some changes, but we do not have to allow that. So, just wanted to leave that on the table for Council as well.

Simison: Thanks, Joe. And I'm not going to put words in Council's mouth, but I'm going to put words in Council's mouth. What I'm hearing is no building period. No certificate until, one, Ustick is constructed, not -- so, I think that there is probably a --

Dodson: Sure.

Simison: -- whether it's phase four -- but that's what I'm kind of hearing.

Dodson: Understood.

Simison: So -- and just from my standpoint, you know, I'm -- I'm seeing -- I'm counting votes just like you are. As I already mentioned, the roads -- the road priority is bigger than the street sweeper priorities in my book, so if you are counting where the Council is right now I think it continues to be a great option for this -- to figure this out.

McKay: Okay. Well, I appreciate the opportunity to -- for the staff to go back to the commission and, hopefully, we can gather some additional information and, you know, give you more breakdown of the trip data based on the phasing and -- and come back with some better answers for you. So, I guess I would ask that you defer this item, give us an opportunity to -- to gather that information and have the staff go back to the commission.

Simison: Council, would you like further comments?

Hoaglund: Mr. Mayor, just for Becky to find out what -- what time -- how much time is needed to -- to accomplish that?

Dodson: Mr. Mayor?

McKay: Two weeks they are asking.

Dodson: Sorry. I was just going to say not August 17th, because I will not be here. Please. My wife and I will finally do our honeymoon, so --

McKay: I don't want to impinge on his honeymoon.

Dodson: Please don't.

Cavener: Joe doesn't want that either.

Johnson: Mr. Mayor, July 27th is available. August 3rd is not. And, then, August 10th is as well. Although August 10th is pretty crowded, so I would recommend going beyond that to Joe's honeymoon or two -- to two weeks as requested.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Unless I misunderstood some of the direction, it sounds like the ask is a really big one. Not so much staff level matrix on the use might not be as intense as we think. I think if we assume that this is extremely intense and there is lots of trucks and it's -- and it's more of the policy consideration, perhaps, of the commissioners to say, you know,

would you agree to a specific provision that has this commitment to accelerating Ustick Road from Ten Mile to the high school prior to a building permit for phase four; right? Where the uses really would even begin. It's a really clear, but hard ask.

McKay: Okay.

Borton: I don't know if that allows them to even gather within two weeks necessarily to talk about the pros and cons of that, but --

McKay: Okay.

Borton: -- I think to be clear that's what I felt like I was hearing from us. That might necessitate a little more time on your end perhaps.

Daigle: If I may, I would still like to go for the two weeks. I want to try and get commitment from our commission and get you folks some answers. If I find out that it's going to take a little longer, then, I will beg your forgiveness and -- and we will ask Joe when it's convenient.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Just for schedule's sake, I would -- I would put it at least until Joe is back from his honeymoon, whenever that date is, according with how it looks with our already scheduled evenings. I will leave that up to the clerk to let us know what that is.

Johnson: Yeah. I can let you know, Mr. Mayor. The 27th has the continuance of the UDC text amendment application and that is the only land use hearing on that night and, then, moving beyond that we will be looking at August 24th, due to National Night Out and another hearing scheduled.

Bernt: Joe, when is your honeymoon?

Dodson: I will be back the 24th. That's my first day back, so --

Bernt: 24th of July?

Dodson: August. Sorry.

Bernt: I know that Councilman Cavener is going to be out of town, too.

Cavener: Mr. Mayor, Members of the Council, yeah, I don't want to hinder the process. It's important. But I wouldn't be here on the -- on the 27th, unfortunately.

Bernt: I would -- I would continue this -- I don't believe we have a meeting on the 31st. So, it would be -- it would be September 7th would be the first date that we have available. Truly. We don't -- Becky --

McKay: I'm thinking, because I --

Bernt: Mr. Mayor, Becky, we don't -- we don't have -- we are not meeting on the 31st. We don't meet on the --

McKay: Right.

Bernt: -- the fifth Tuesday of the month and so --

McKay: So, September 7th. Okay. I hope I don't have a conflict. I have a lot of hearings in Eagle and Star and Nampa and -- I think I'm okay. So, September 7th? They say thumbs up.

Simison: So, Council, motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue Item H-2021-0029 to September 7th.

Hoaglund: Second the motion.

Simison: I have a motion and a second to continue the meeting. Is there any discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Just real quick. Again, I appreciate Council President making sure -- we get an application before us, we kind of -- blinders come up about who is behind the application and -- but I appreciate the Council President -- a good reminder of just how much we appreciate the commission and everything the highway district does for our citizens and, Paul, you have got a great team. It's great having you here. I think we are all little partial to your communications manager, but we appreciate having you here in this building nevertheless. So, thanks for coming out tonight.

Simison: All right. Any further comments? If not, all favor say aye. Opposed nay. The ayes have it and the item is continued.

MOTION CARRIED: ALL AYES.

Simison: Council Woman Strader, did you have something you were wanting to save?
Sorry.

Strader: Yeah. I am supportive of continuing, obviously. I likely would not be here on September 7th due to a family holiday. So, I hope you are in good hands just, so -- yeah.

Simison: Okay. Thank you.

Cavener: Mr. Mayor?

Simison: ACHD, you may want to stick around for a second.

Cavener: Mr. Mayor, if we -- if we are continuing it all the way up to September to account for my schedule, I have got to -- I'm feeling guilty about that, only to find out we have got another Council Member absent that particular date. So, we know sometimes -- we are a team of six and votes land where they vote and there is no hurt feelings, I think, if -- if it doesn't go the way we go, because we are not here and so I would hate to prolong it all the way out to September and encounter the same issue that we are having, so I don't know, Council, maybe -- Mr. Mayor, I know that I'm maybe kind of getting out there on the ledge a little bit, but maybe if there is an opportunity for Council to at least have a discussion about what we just passed and potentially make a motion for reconsideration, so that we can better discuss this and make sure that we are picking a date that either we can all be here or that we can at least accelerate based on the request from ACHD for two weeks and give them that opportunity. But I don't know how the rest of the Council feels. But I just -- I saw some furrowed brows when we heard the Council Member Strader wasn't going to be here and at least before we adjourn for the night just have that conversation.

Simison: Mr. Nary?

Nary: Mr. Mayor, Members of the Council, again, I know you don't have a fifth Tuesday meeting. You can schedule a special meeting on the 31st. It doesn't have to be at 6:00 o'clock. It could be at any time you wish. If you want to do that versus moving it past the 14th or past the 7th, but that's just an option that you have. I don't think we have any other conflict to have it on that date and you are not required to hold it at night. You could hold it at noon if you wanted to.

Bernt: Mr. Mayor, what's the process of doing what Councilman Cavener mentioned as far as a reconsideration is concerned? I don't know if I have ever done it.

Nary: So, Mr. Mayor, Members of the Council, all you need to do is one of the members who have been on the prevailing side, which you all voted in favor --

Simison: To reconsider.

Nary: -- is simply make a motion to reconsider -- have to have that seconded, have that approved by voice vote and, then, you can make a new motion.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we reconsider the previous vote taken on the setting of the public hearing -- continuance of the public hearing of the previous item.

Borton: Second.

Simison: I have a motion and a second to reconsider the previous motion. Is there any discussion? If not, all those in favor of reconsidering so say aye. Opposed nay. The ayes have it.

MOTION CARRIED: ALL AYES.

Simison: And the item is open for reconsideration.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm supportive of a continuance for two weeks, if -- I agree with Council Member Borton, I think that's a -- it's a big ask to get answers back in two weeks, but I would just ask the highway district staff if they think they can get it done they will get it done and, if not, then, at that point in time maybe we look at either a fifth Tuesday or deeper in September perhaps. I don't know how the rest of the body feels.

Strader: Mr. Mayor?

Simison: Council Woman Strader, can you be here in two weeks?

Strader: Let me check. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yes, I will be here. I am sorry. I feel guilty, but I mainly -- I didn't mean to -- I trust all of you to make decisions whether we are here or not. I hope you didn't think that's what I was saying, because that's not at all how I feel. I trust you guys to make the right decision when I'm not here or here or whatever. It's just Rosh Hashanah. So, it's a family holiday and I can't be here on the 7th, but -- it's a big one, but any other day generally, except for when my kids are in summer camp I will make it happen, so --

Simison: Well, here is my -- my -- my honest belief is there is not going to be any resolution on the 27th and it would be good to have a general direction. We could continue it until the 27th and, then, look at resetting for a day at that point in time if necessary. A special meeting. Yeah. I think we can -- and, honestly, I think ACHD can communicate through staff and we will know well in advance if that's even an option, so --

Dodson: Mr. Mayor, correct. If we cannot make the 27th we will know before and we can request continuance even before. Perfectly fine.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we --

Simison: Just make a motion to continue it.

Bernt: Mr. Mayor, I move that we move this item H-2021-0029 to July 27th.

Cavener: Second.

Simison: Motion and second to continue this item until the 27th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it. The item is continued until the 27th.

MOTION CARRIED: ALL AYES.

Simison: Okay.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Do we, then, need to close the public hearing?

Simison: It's already been closed. Or I'm sorry. We didn't close it, because it's been continued.

Perreault: Oh, we are going to leave it open, because it's being continued. Okay.

Simison: Did we close it?

Nary: We wanted additional information.

ORDINANCES [Action Item]



AGENDA ITEM

ITEM TOPIC: Public Hearing for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.

A. Request: Preliminary Plat consisting of 208 building lots (207 single-family and 1 multi-family) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts.



PUBLIC HEARING INFORMATION

Staff Contact: Sonya Allen

Meeting Date: March 8, 2022

Topic: **Public Hearing** for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.

- A. Request: Preliminary Plat consisting of 208 building lots (207 single-family and 1 multi-family) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts.

Information Resources:

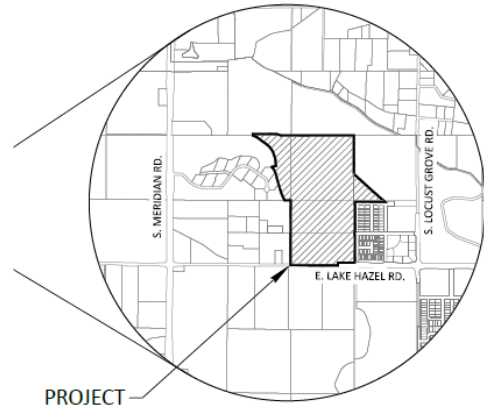
[Click Here for Application Materials](#)

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

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: March 8, 2022
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0087
 Apex West – PP (aka Pinnacle)
 LOCATION: North side of E. Lake Hazel Rd., approximately 1/4 mile west of S. Locust Grove Rd., in the south 1/2 of Section 31, T.3N., R.1E.



I. PROJECT DESCRIPTION

Preliminary plat consisting of 208 building lots (207 single-family residential lots and 1 lot for future development of townhomes or multi-family apartments) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts for Apex West Subdivision.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	96.08 acres	
Existing/Proposed Zoning	R-2, R-8 and R-15	
Future Land Use Designation	Low Density Residential (LDR), Medium Density Residential (MDR) and Medium High Density Residential (MHDR)	
Existing Land Use(s)	Agricultural land	
Proposed Land Use(s)	Single-family residential (SFR) detached dwellings	
Lots (# and type; bldg./common)	208 building lots/34 common lots	
Phasing Plan (# of phases)	4 phases	
Number of Residential Units (type of units)	207 (SFR detached dwellings)	
Density (gross & net)	3.17 units/acre (gross); 5.29 units/acre (net) – overall (not including future units in R-8 and R-15 zoned lots)	
Open Space (acres, total [%]/buffer/qualified)	16.17 acres (or 16.61%) common open space	
Amenities	Swimming pool, two (2) segments of the City’s multi-use pathway system, and an additional 5% open space above the minimum required.	
Physical Features (waterways, hazards, flood plain, hillside)	The McBirney Lateral and another un-named waterway cross this site.	

Description	Details	Page
Neighborhood meeting date; # of attendees:	10/19/21	
History (previous approvals)	H-2020-0066; Development Agreement Inst. #2020-178120 (Apex); H-2020-0117; Development Agreement Inst. #2021-102396 (Shafer View Terrace)	

B. Community Metrics

Description	Details	Pg															
Ada County Highway District																	
<ul style="list-style-type: none"> Staff report (yes/no) Requires ACHD Commission Action (yes/no) 	<p>Yes</p> <p>No</p>																
<p>Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)</p> <p>Traffic Level of Service</p>	<p>Two (2) accesses are proposed via E. Lake Hazel Rd., an arterial street; and one (1) access is proposed via E. Quartz Creek St., a collector street.</p> <table border="1"> <thead> <tr> <th>Roadway</th> <th>Frontage</th> <th>Functional Classification</th> <th>PM Peak Hour Traffic Count</th> <th>PM Peak Hour Level of Service</th> </tr> </thead> <tbody> <tr> <td>Lake Hazel Road</td> <td>1,321-feet</td> <td>Principal Arterial</td> <td>351</td> <td>Better than "E"</td> </tr> <tr> <td>Locust Grove Road</td> <td>1,350-feet</td> <td>Minor Arterial</td> <td>181</td> <td>Better than "E"</td> </tr> </tbody> </table> <p>* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH). * Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).</p>	Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Lake Hazel Road	1,321-feet	Principal Arterial	351	Better than "E"	Locust Grove Road	1,350-feet	Minor Arterial	181	Better than "E"	
Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service													
Lake Hazel Road	1,321-feet	Principal Arterial	351	Better than "E"													
Locust Grove Road	1,350-feet	Minor Arterial	181	Better than "E"													
<p>Stub Street/Interconnectivity/Cross Access</p> <p>Existing Road Network</p> <p>Existing Arterial Sidewalks / Buffers</p> <p>Proposed Road Improvements</p>	<p>E. Quartz Creek St. is proposed to be extended through this site; stub streets are proposed to be extended from Apex Northwest #1 and #2; stub streets are proposed to adjacent properties.</p> <p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> Locust Grove Road is listed in the CIP to be widened to 3-lanes from Lake Hazel Road to Amity Road between 2036 and 2040 Lake Hazel Road is listed in the CIP to be widened to 3-lanes from Linder Road to Meridian Road between 2036 and 2040. Lake Hazel Road is listed in the CIP to be widened to 5-lanes from Meridian Road to Locust Grove Road between 2036 and 2040. Lake Hazel Road is listed in the CIP to be widened to 5-lanes from Locust Grove Road to Eagle Road between 2036 and 2040. Apex Subdivision entered into a Cooperative Development Agreement with ACHD in May 2021 to widen the segment of Lake Hazel Road to 5-lanes to the east of this site. These construction plans are currently under review. The intersection of Lake Hazel Road and Locust Grove Road is listed in the CIP to be reconstructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 4-lanes east, and 4-lanes on the west leg between 2036 and 2040. Apex Subdivision entered into a Cooperative Development Agreement with ACHD in May 2021 to fully improve this intersection consistent with the 2020 CIP. Construction plans are currently under review with ACHD. The intersection of Lake Hazel Road and Eagle Road is scheduled in the IFYWP to be widened to 5-lanes on the north leg, 4-lanes on the south leg, 3-lanes on the west leg and 4-lanes on the east leg and signalized in 2023. The intersection of Lake Hazel Road and Meridian Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg and signalized between 2036 and 2040. The intersection of Amity Road and Locust Grove Road is listed in the CIP to be reconstructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 4-lanes east, and 4-lanes on the west leg between 2031 and 2035. 																
Fire Service																	
<ul style="list-style-type: none"> Distance to Fire Station Fire Response Time 	<p>3.6 miles</p> <p>Falls outside the 5:00 minute response time area - nearest station is Fire Station #6 – cannot meet response time goals. <i>When Fire</i></p>																

Description	Details	Pg
	<i>Station #7 is constructed in late summer of 2023, it will be within the 5:00 minute response time area.</i>	
• Resource Reliability	85% - <i>does</i> meet the target goal of 80% or greater	
• Risk Identification	2 – current resources would be adequate to supply service	
• Accessibility	Project meets all required access, road widths and turnaround. ALL residences having two frontages (the street & an alleyway behind it) shall have address numbers on the front of the building and on the back side facing the alley.	
• Special/resource needs	Project will require an aerial device; can meet this need in the required timeframe if a truck company is required.	
• Water Supply	Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.	
• Other Resources		

Police Service	No comments received	
• Distance from police station		
• Police Response Time		

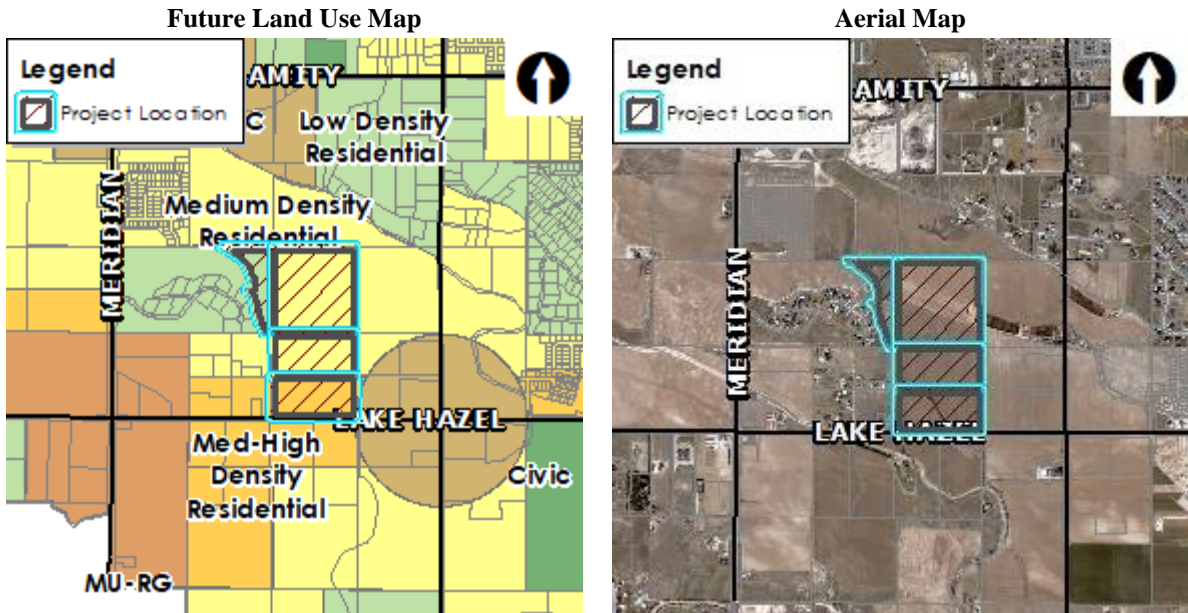
West Ada School District	Enrollment	Capacity	Approved lots per attendance area	Approved MF units per attendance area	Projected Students from Approved Dev.	
• Distance (elem, ms, hs)						
• Capacity of Schools						
• # of Students Enrolled						
	Mary McPherson Elementary	449	675	2677	26	591
	Victory Middle School	984	1000	3738	502	501
	Mountain View High School	2368	2175	2701	0	432
	<u>School of Choice Options</u>					
	Christine Donnell School -Arts	489	500	N/A	N/A	
	Spalding Elementary - STEM	656	750	N/A	N/A	
• # of Students Predicted from this development	132 school aged children predicted from this development by WASD (154 for future townhomes) School Impact Table					

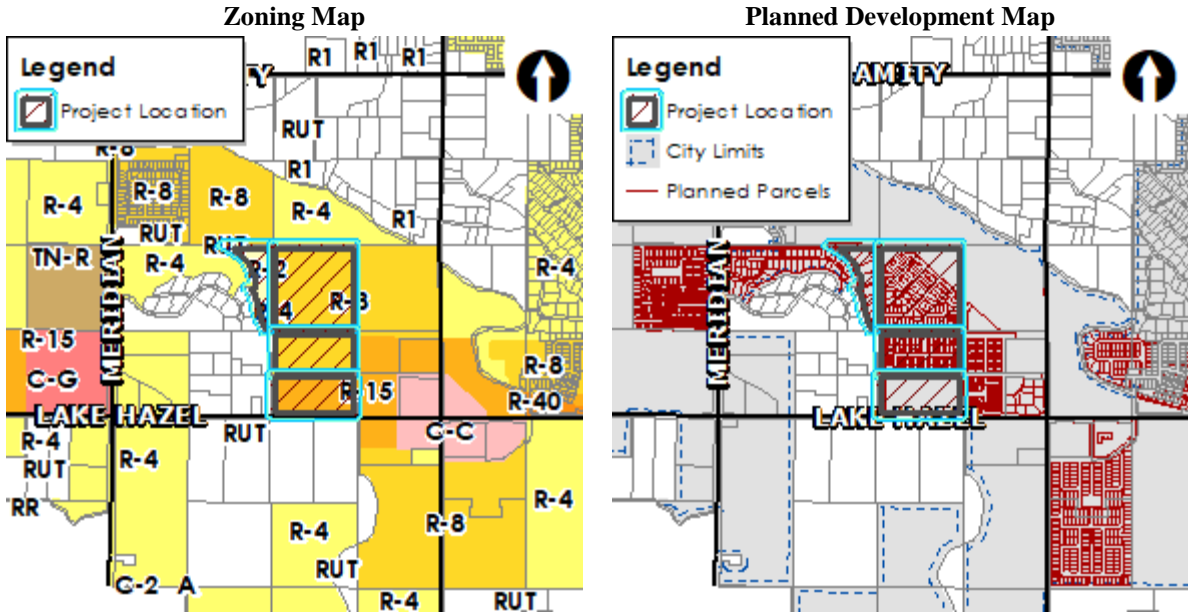
Wastewater		
• Impacts/concerns	<ul style="list-style-type: none"> Flow is committed All sewer manholes must have a 14-foot-wide access road per the City Design Standards. Ensure no sewer services cross infiltration trenches No permanent structures may be within City utility easements including but not limited to trees, bushes, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc. Do not run sewer main in common driveways, services should be run within the common driveway. Sewer main should be run from the northern portion of the site down South Sublimity Way from the existing sewer main. Main should be kept within the Right of Way whenever possible. 	

Water		
• Distance to Water Services	Directly adjacent	
• Pressure Zone	5	
• Estimated Project Water ERU's	See application	
• Water Quality	None	

<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"> • 12 inch water main will need to be constructed at the Northwest corner to make the second connection at East Quartz Creek Street. • There is a piece of water main missing at the corner of East Prickle Drive and East Pinpoint Way, this must be included to complete the water loop. • The water main in East Prime Drive needs to be upsized to 12 inch from South Sublimity Way to East Prickle Drive. • The water main in East Prickle Drive needs to be upsized to 12 inch from East Prime Drive to East Heyday Drive. • The water stub in East Heyday Drive to the property line needs to be upsized to 12 inch.

C. Project Area Maps





- A. Applicant:
Josh Beach, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642
- B. Owner:
Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642
- C. Representative:
Same as Applicant

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	12/21/2021	2/20/2022
Notification mailed to property owners within 300 feet	12/15/2021	2/17/2022
Applicant posted public hearing notice on site	12/22/2021	2/24/2022
Nextdoor posting	12/16/2021	2/18/2022

IV. COMPREHENSIVE PLAN ANALYSIS (*Comprehensive Plan*)

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates approximately 11 acres of the site as Low Density Residential (LDR), 65 acres as Medium Density Residential (MDR) and 20 acres as Medium High-Density Residential (MHDR).

The LDR designation allows for the development of single-family homes on large and estate lots at gross densities of 3 dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area.

The use of open spaces, parks, trails, and other appropriate means should enhance the character of the area.

The MDR designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre.

The MHDR designation allows for a mix of dwelling types including townhouses, condominiums, and apartments. Residential gross densities should range from 8 to 12 dwelling units per acre. These areas are relatively compact within the context of larger neighborhoods and are typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents. Developments need to incorporate high-quality architectural design and materials and thoughtful site design to ensure quality of place and should also incorporate connectivity with adjacent uses and area pathways, attractive landscaping and a project identity.

The proposed development consists of a total of 207 single-family detached dwellings. The plat includes two (2) R-8 zoned lots in the MDR designated area for future residential development; and one (1) R-15 zoned lot in the MHDR designated area for future development of townhomes or multi-family apartments. The proposed development in the MDR designated area has an overall gross density of 3.17 units/acre with a net density of 5.29 units per acre, excluding the future development areas. The R-2 portion has a gross density of 0.70 units/acre with a net density of 1.18 units/acre and the R-8 portion has a gross density of 3.70 units/acre with a net density of 6.16 units/acre, consistent with the densities desired in the associated LDR and MDR designations.

The following Comprehensive Plan Policies are applicable to this development:

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

Only one housing type, single-family detached, is proposed in this development at this time; some units will be accessed via internal local and collector streets with front/side entry garages while others will have rear access via alleys. Another housing type, either townhomes or multi-family apartments, is planned to develop on the R-15 zoned future development area (i.e. Lot 1, Block 1). If townhomes are proposed, the lot will need to be re-subdivided to accommodate the townhome units; if apartments are proposed, a conditional use permit will be needed for approval of a multi-family development.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer services are available to service this development in accord with UDC 11-3A-21. The emergency response time for the Fire Dept. falls outside of the 5-minute response time area; once Fire Station No. 7 is constructed in the late summer of 2023, it will meet the response time goal.

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

Staff believes the proposed use and site design are compatible with existing and future uses, which should minimize conflicts and maximize use of land.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will connect to City water and sewer systems; services are

required to be provided to and though this development in accord with current City plans.

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

Two (2) segments of the City’s multi-use pathway system is proposed within this site consistent with the Pathways Master Plan, which will provide safe pedestrian and bicycle access to the internal common area with a swimming pool and school site to the southeast in Apex Southeast.

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

A Traffic Impact Study (TIS) was required by ACHD for this development and was taken into consideration in ACHD’s report.

See comments from WASD and Community Development in Section VIII for school enrollment calculations in regard to the number of school-aged children estimated to be generated from this development and associated school capacity.

The closest City Park to this site is Discovery Park, a regional park consisting of 77-acres of land, to the southeast of the S. Locust Grove Rd. and E. Lake Hazel Rd. intersection bordering Apex Southeast.

- “Require all development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

The proposed site design should be compatible with existing and future surrounding uses.

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

Urban sewer and water infrastructure and curb, gutter and sidewalks are proposed as required with this development.

In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan per the analysis above.

V. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))

A. Preliminary Plat:

The proposed preliminary plat consists of 208 building lots (207 single-family lots and 1 lot for future development of townhomes or multi-family apartments) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts for Apex West Subdivision.

The subdivision is proposed to develop in four (4) phases as shown on the phasing plan in Section VII.A.

The proposed plat includes a portion of Parcel #S1131417220 depicted on the plat as Lot 1, Block 5 and the surrounding area outside of Parcel #S1131417210. As discussed at the pre-application meeting, the entire parcel must be included in the proposed plat or a property boundary adjustment application must be approved to create a separate developable parcel for that area – a portion of the lot cannot be included as it would create an illegal split. Until this concern is resolved, the City Council has inadequate information to make a final decision concerning this application. Therefore, Staff recommends that prior to City Council entering its Findings of Fact, Conclusions of Law, Final Decision and Order, a

property boundary adjustment shall be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area.

Three future development areas are depicted on the plat, Lots 32 and 43, Block 6; and Lot 1, Block 1. The R-8 zoned lots (i.e. Lots 32 and 43, Block 6) are planned to be re-subdivided in the future through new preliminary plat applications. The R-15 zoned lot (i.e. Lot 1, Block 1) may be re-subdivided in the future through a new preliminary plat application for the development of 240 townhomes; or, a multi-family development may develop on the site, which will require approval of a conditional use permit. **If single-family homes or townhomes are developed on these lots, they shall be re-subdivided prior to issuance of any building permits.**

Existing Structures/Site Improvements:

There are no existing structures or site improvements on this property; it's currently agricultural land.

Subdivision Design and Improvement Standards (UDC [11-6C-3](#)):

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets and block face. The proposed plat complies with these standards.

Access (UDC [11-3A-3](#))

Access is proposed at the northwest corner of the development from E. Quartz Creek St., a collector street, from S. Meridian Rd. and from S. Sublimity Ave. and S. Apex Ave., both collector streets, via E. Lake Hazel Rd. Stub streets are proposed to adjacent properties for future extension and interconnectivity. **A note should be included on the final plat prohibiting direct lot access to the collector and arterial streets, except for Lots 4-11, Block 10 which are allowed direct access via S. Sublimity Way – homes on these lots should have side entry garages with a turnaround area so that vehicles aren't backing out onto the collector street in an effort to preserve public safety.** Street setbacks for residential units abutting collector streets shall be as approved with ZOA-2021-0003.

Public alleys are proposed for internal access to some of the lots in Phase 1; alleys are required to comply with the standards listed in UDC [11-6C-3B.5](#). Three (3) common driveway lots are also proposed and are required to comply with the standards listed in UDC [11-6C-3D](#); an exhibit for such is included in Section VII.B.

Parking (UDC [11-3C](#)):

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family detached dwellings based on the number of bedrooms per unit. Garages and parking pads in driveways are proposed to satisfy this requirement.

The proposed local street sections accommodate on-street parking on both sides of the streets for guests in addition to driveway parking spaces on each lot; ~~146 spaces are proposed for guests in the residential area along with another 28 spaces as depicted on the parking plan in Section VII.E.~~ Staff is of the opinion sufficient parking can be provided for this development.

Off-street parking is also required for the building/changing rooms at the community swimming pool. A minimum of (1) space is required per every 500 square feet of gross floor area; 12 spaces are proposed which exceeds the minimum standards. A minimum of one (1) bicycle parking space is also required to be provided per UDC 11-3C-6G and should be designed in accord with the standards listed in UDC 11-3C-5C.

Pathways (UDC [11-3A-8](#)):

The Pathways Master Plan depicts a segment of the City's multi-use pathway system along the west and northeast boundaries of the site. Pathways are proposed as shown on the landscape plan.

The Park's Dept. is requiring a 10-foot wide detached pathway along the west side of S. Sublimity Ave. which will connect to the pathway proposed in the common area along the back side of lots in Block 10. **The gravel pathway proposed through Blocks 5, 6, 7, 9 and 10 is required to be improved per the standards listed in UDC 11-3B-12C.3. Landscape strips are required along both sides of all pathways, landscaped per the standards listed in UDC [11-3B-12C](#), which include a mix of trees, shrubs, lawn, and/or other vegetative ground cover,** including those in Blocks 6, 7, 9 and 10 – if within an easement, additional area shall be provided outside of the easement to accommodate landscaping. *See comments from Park's Dept. in Section VIII.J.*

A minimum 5-foot wide pathway should be included in Lot 36, Block 6.

All multi-use pathways not located within the right-of-way are required to be placed in a 14-foot wide public use easement, which shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s) for the phase in which they are located.

Sidewalks (UDC [11-3A-17](#)):

Sidewalks are required to be provided adjacent to all streets as set forth in UDC 11-3A-17. Detached sidewalks are proposed within the development as depicted on the landscape plan.

Parkways (UDC [11-3A-17](#)):

Eight-foot wide parkways are proposed along all streets where detached sidewalks are proposed. All parkways should be constructed in accord with the standards listed in UDC [11-3A-17E](#).

Landscaping (UDC [11-3B](#)):

A 25-foot wide street buffer is required along E. Lake Hazel Rd., an arterial street; and 20-foot wide street buffers are required along E. Quartz Creek St./S. Sublimity Ave., S. Apex Way and E. Crescendo St., collector streets. Landscaping is required to be installed within the buffers per the standards listed in [UDC 11-3B-7C](#), **which require a variety of trees and shrubs, lawn, or other vegetative groundcover – shrubs are required to be included in the buffer in accord with this standard; lawn shall comprise no more than 65% of the vegetated coverage of a landscape buffer (see UDC 11-3B-7C.3 for more information).**

Landscaping is required adjacent to all pathways per the standards in UDC [11-3B-12C](#) as noted above under Pathways.

Landscaping is required within parkways per the standards listed in UDC [11-3A-17](#) and [11-3B-7C](#) as proposed.

Qualified Open Space (UDC [11-3G](#)):

Based on the standards listed in UDC [11-3G-3](#), the R-2 zoned area requires a minimum of 8% (or 0.80-acre) open space based on 9.94 acres of land; and the R-8 zoned area requires a minimum of 15% (or 6.01-acres) open space based on 40.09 acres of land for a total of 6.81 acres of common open space. *Although the future residential R-8 and R-15 zoned areas (i.e. Lots 32 and 43, Block 6 and Lot 1, Block 1) are included in the boundary of the proposed plat, Staff did not include these areas in the required open space calculations as they are proposed to be re-subdivided and/or included in a conditional use permit in the future prior to development. At such time they will be required to comply with the open space standards on a stand-alone basis.*

The proposed open space consists of linear open space, open grassy areas of at least 5,000 square feet in area, 8-foot parkways and street buffers along collector and arterial streets as shown on the

open space exhibit in Section VII.D. A total of 16.17 acres of qualified open space is proposed, which exceeds UDC standards.

The proposed open space areas have direct pedestrian access, high visibility, comply with the CPTED standards and support a range of leisure and play activities and uses, while promoting the health and well-being of its residents as required in UDC 11-3G-3A.2.

Qualified Site Amenities (UDC [11-3G](#)):

Based on the standards listed in UDC 11-3G-4, the 50.03-acre development area requires multiple amenities to be provided totaling a minimum of 10 points from the separate categories listed in UDC Table [11-3G-4](#). *Note: As noted above under the Qualified Open Space analysis, Staff did not include the two (2) R-8 zoned lots (Lots 32 and 43, Block 6) and the R-15 zoned lot (Lot 1, Block 1) in the calculations.*

A swimming pool with changing facilities and restrooms (6 points); two (2) segments of multi-use pathways totaling approximately ½ mile (totaling 4 points); and a playground (3 points) are proposed totaling 13 points, which exceeds the minimum standards. A detail of the playground equipment should be submitted with the final plat application for the phase in which it is located.

Storm Drainage:

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a [Limited Geotechnical Engineering Report](#) for the subdivision.

Pressure Irrigation (UDC [11-3A-15](#)):

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15.

Utilities (UDC [11-3A-21](#)):

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21.

Waterways (UDC [11-3A-6](#)):

The McBirney Lateral crosses this site within a 41-foot wide easement; and the Watkins Drain runs along the west side of this site within a 38-foot wide easement, as depicted on the plat. These waterways are proposed to be piped in accord with UDC 11-3A-6B. The Applicant requests approval of a waiver to UDC 11-3A-6B to allow the Watkins drain to remain open as an amenity feature; a cross-section of the amenity corridor is included in Section VII.C.

In order for Council to waive the requirement for covering the drain, it has to find that the public purpose requiring such will not be served & public safety can be preserved per UDC 11-3A-6B.3a. No fencing is proposed to prevent access to the drain and the Applicant is not proposing to improve the drain per the water amenity standards in the UDC, which require construction drawings and relevant calculations prepared by a qualified licensed professional registered in the State of Idaho to be submitted to both the Director & the authorized representative of the water facility for approval. If the waterway/drain is improved as part of the development as a water amenity, its banks in all places adjacent to and located on said development should be no steeper than one (1) foot vertical per every four (4) feet horizontally and have a depth and velocity in all places adjacent to and located on said development such that the product of the maximum depth (feet) multiplied by the peak velocity (feet per second) does not exceed four (4).

Williams Pipeline: The Williams Pipeline runs across Lot 32, Block 6 within a 75-foot wide easement. All development within the pipeline easement should comply with the Williams Pipeline Developers Handbook.

Fencing (UDC [11-3A-6](#) and [11-3A-7](#)):

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

Five-foot tall open vision metal fencing is proposed adjacent to all internal common open space areas to distinguish common from private areas; and 6-foot tall solid wood fencing is proposed in other areas as depicted on the landscape plan in Section VII.C in accord with UDC standards.

Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

Conceptual building elevations in a variety of materials and colors were submitted for future single-family detached homes in this development as shown in Section VII.E. *Single-family detached dwellings are exempt from the design standards in the Architectural Standards Manual.*

A Certificate of Zoning Compliance and Design Review application is required to be submitted and approved for the changing rooms and swimming pool on Lot 1, Block 5 prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.

Because homes on lots that abut collector streets (i.e. E. Quartz Creek St. and S. Sublimity Ave. and S. Apex Way south of E. Crescendo St.) will be highly visible, the rear and/or side of structures on these lots should incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*

VI. DECISION

A. Staff:

Staff recommends approval of the requested preliminary plat with the conditions noted in Section VIII per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on January 6 and February 3, 2022. At the public hearing on February 3rd, the Commission moved to recommend approval of the subject PP request.

1. Summary of Commission public hearing:

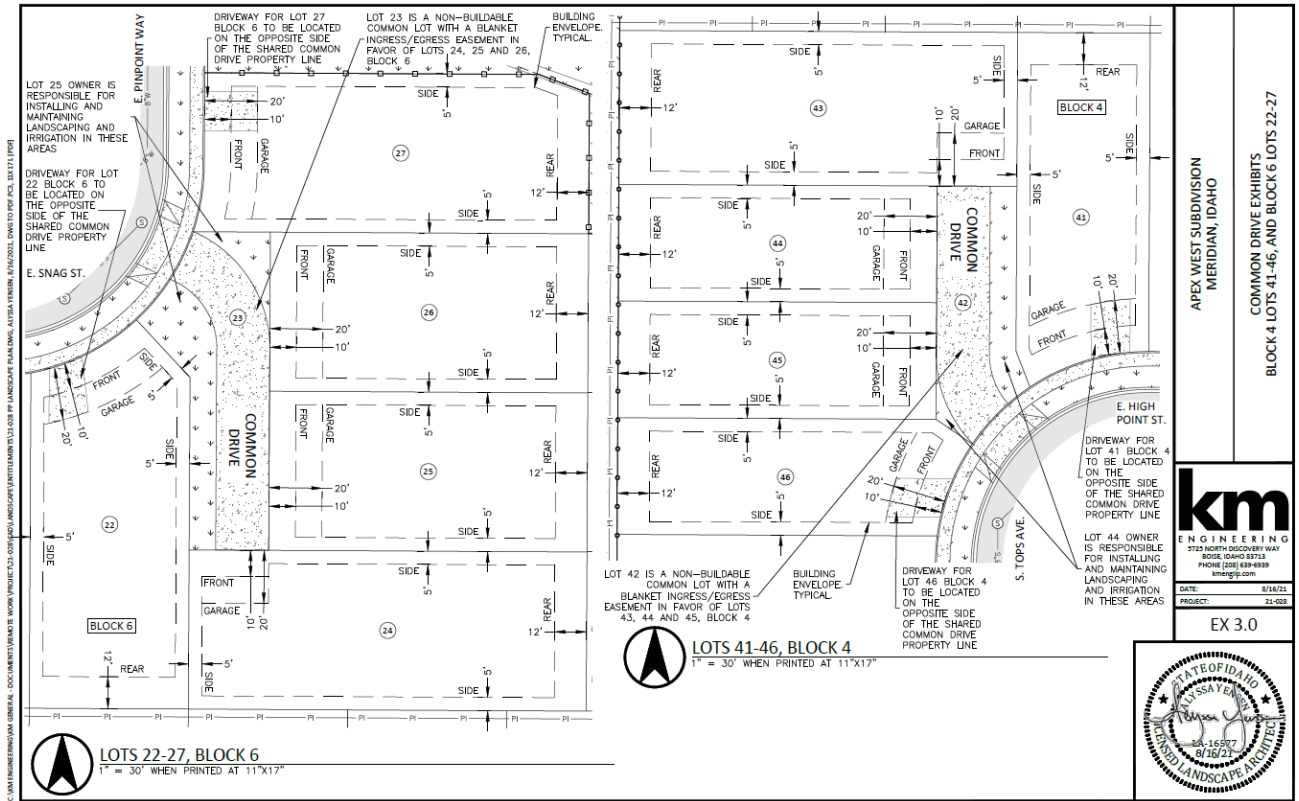
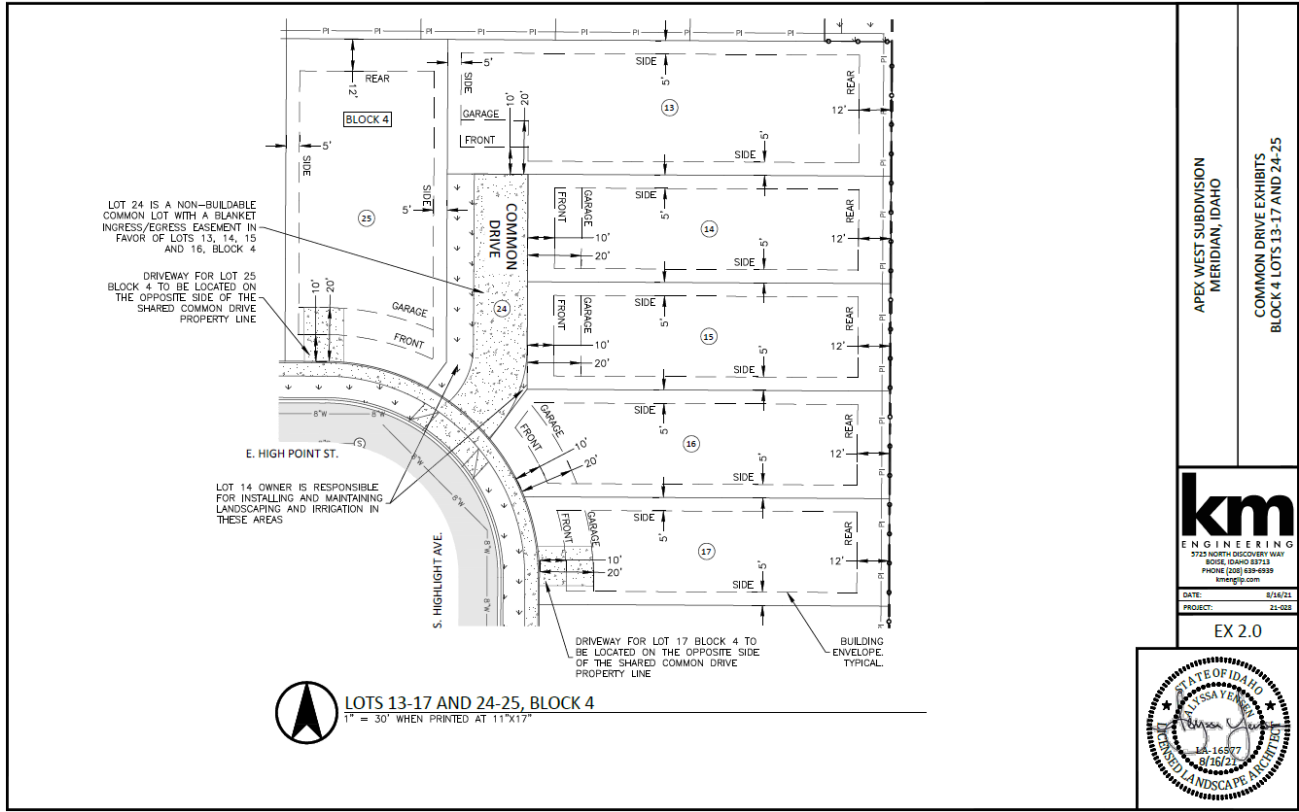
- a. In favor: Mike Wardle and Jon Wardle, Brighton Corporation
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Julie Edwards; Josh Beach, Brighton Corp.
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

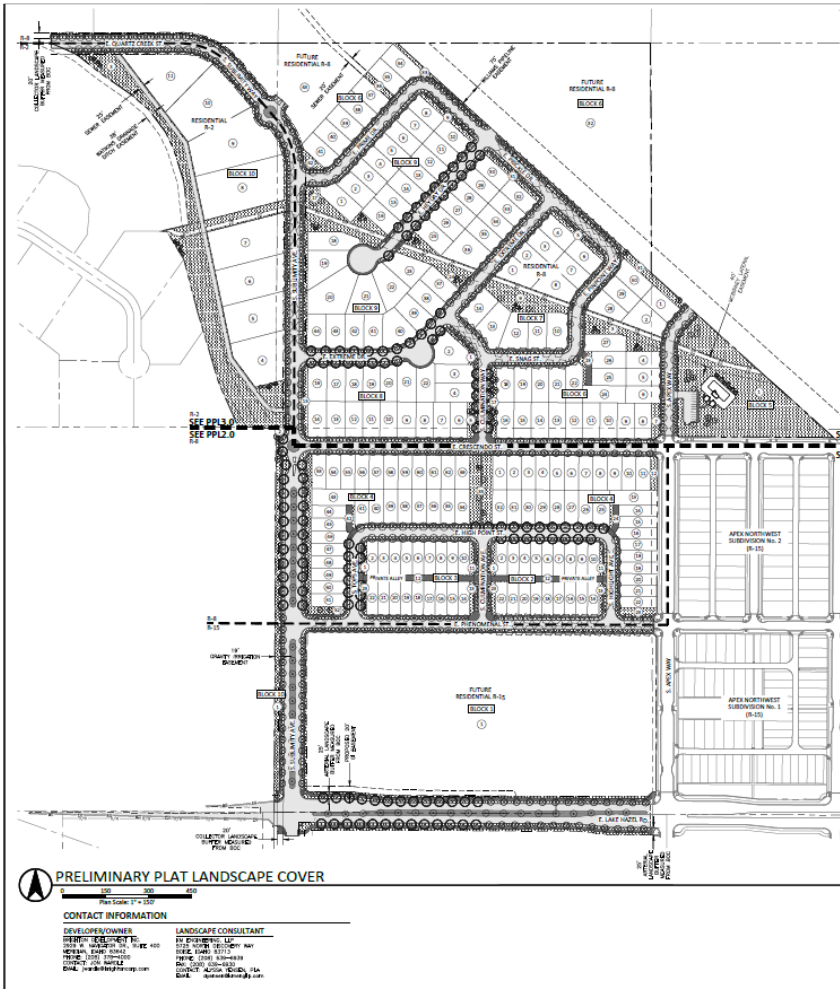
- a. Concern with the provision of (3) common driveways within the development & associated traffic congestion as discussed at the Commission hearing for Apex East; concern pertaining to parking in relation to the alley-accessed units & the adequacy of such for guests on the adjacent public streets, especially with the common driveways proposed and parking issues associated with those. Suggests some of the building lots be eliminated in favor of provision of a guest parking lot in addition to the on-street parking & elimination of the common driveways in favor of larger lots in those areas. School capacity concerns from the proposed development and others in the area.

3. Key issue(s) of discussion by Commission:
 - a. Inquiry if S. Sublimity Ave. could be built with the first phase as a final build instead of a temporary fire access;
 - b. Inquiry if Apex East and Apex West will be considered one development for common use of common areas and amenities;
 - c. The provision of common driveways within the development and associated congestion – not in favor of common driveways although they’re allowed by code;
 - d. In favor of the Applicant’s request to leave the Watkins Drain open and not pipe it.
4. Commission change(s) to Staff recommendation:
 - a. None
5. Outstanding issue(s) for City Council:
 - a. The Applicant requests approval of a waiver to UDC 11-3A-6B which requires all waterways on the site to be piped in accord with UDC standards, to allow the Watkins drain to remain open as an amenity feature (condition #7 needs to be modified if Council approves the waiver).
 - b. Prior to City Council approval of the subject preliminary plat application, a property boundary adjustment is required to be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area. Council can act on this application but the Findings can’t be approved until this has been done.
 - c. Staff requests Council include a modification to condition #2b in Section VIII.A to also include Lots 4-11, Block 10 in the requirement for an easement for a 20’ wide street buffer to be provided on the lots along E. Quartz Creek St./S. Sublimity Ave.

B. Common Driveway Exhibits



C. Landscape Plan & Fencing Plan (date: 8/16/2021)



NOTE: CALCULATIONS SHOWN BELOW ARE TO DETERMINE THE REQUIRED NUMBER OF TREES TO MEET THE CITY OF MERIDIAN LAND USE AND TREE COVER CALCULATIONS. REFER TO THE LAND USE CODE FOR FINAL EQUIVALENT TREE COVER CALCULATIONS.

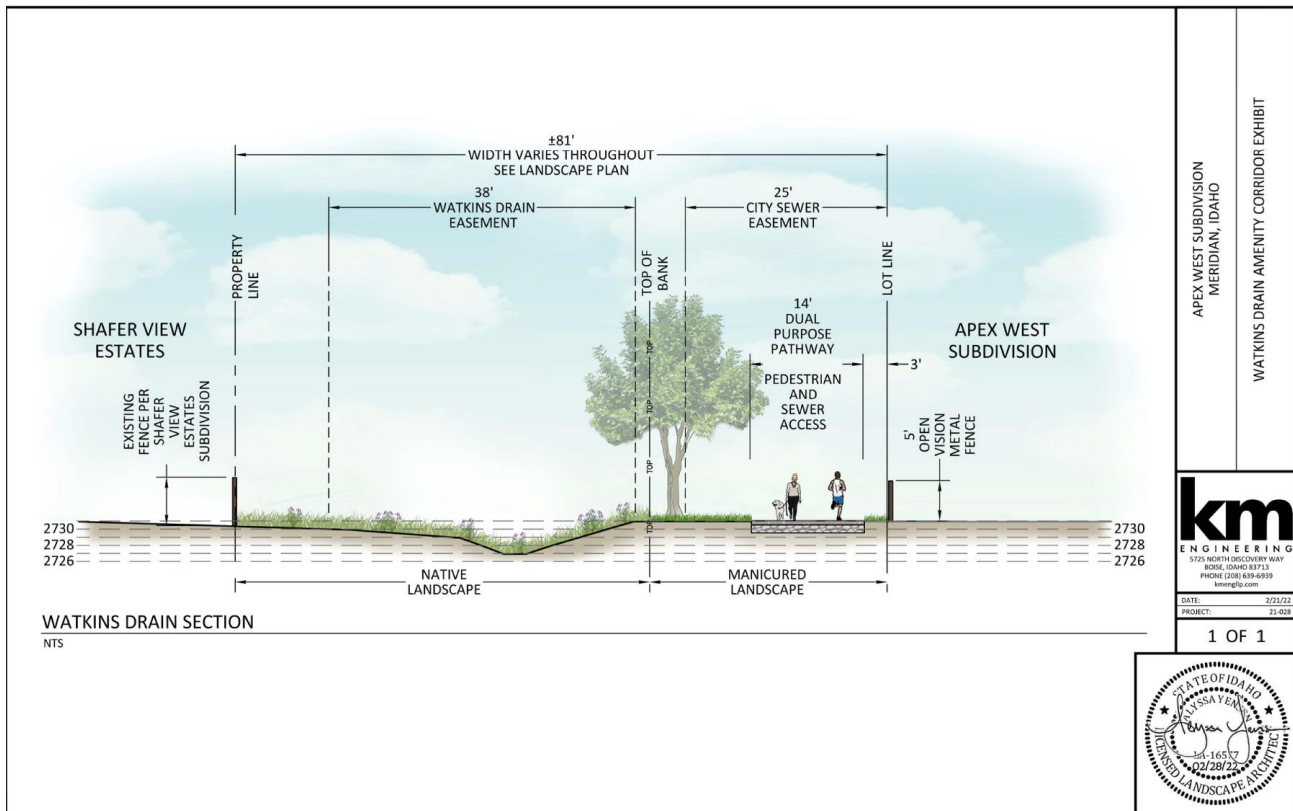
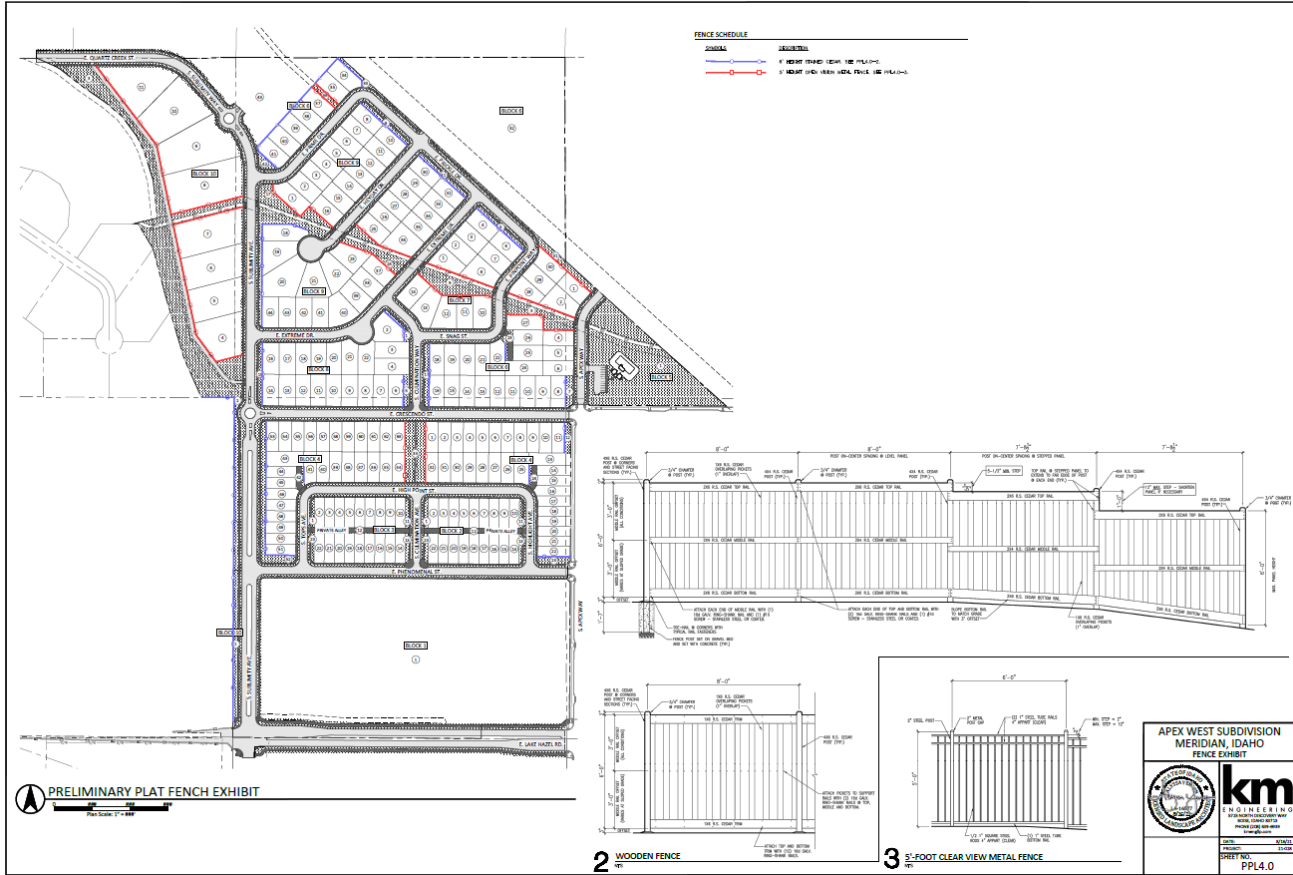
OPEN SPACE TREE CALCULATIONS (1 TREE/8000 SF)

BLOCK #	LOT #	LOT AREA (SQ FT)	REQUIRED TREES (1 TREE/8000 SF)	PROVIDED TREES	NET PROVIDED
1	1	1,760	0.22	0.00	0.22
1	2	1,760	0.22	0.00	0.22
1	3	1,760	0.22	0.00	0.22
1	4	1,760	0.22	0.00	0.22
1	5	1,760	0.22	0.00	0.22
1	6	1,760	0.22	0.00	0.22
1	7	1,760	0.22	0.00	0.22
1	8	1,760	0.22	0.00	0.22
1	9	1,760	0.22	0.00	0.22
1	10	1,760	0.22	0.00	0.22
1	11	1,760	0.22	0.00	0.22
1	12	1,760	0.22	0.00	0.22
1	13	1,760	0.22	0.00	0.22
1	14	1,760	0.22	0.00	0.22
1	15	1,760	0.22	0.00	0.22
1	16	1,760	0.22	0.00	0.22
1	17	1,760	0.22	0.00	0.22
1	18	1,760	0.22	0.00	0.22
1	19	1,760	0.22	0.00	0.22
1	20	1,760	0.22	0.00	0.22
1	21	1,760	0.22	0.00	0.22
1	22	1,760	0.22	0.00	0.22
1	23	1,760	0.22	0.00	0.22
1	24	1,760	0.22	0.00	0.22
1	25	1,760	0.22	0.00	0.22
1	26	1,760	0.22	0.00	0.22
1	27	1,760	0.22	0.00	0.22
1	28	1,760	0.22	0.00	0.22
1	29	1,760	0.22	0.00	0.22
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1	31	1,760	0.22	0.00	0.22
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1	48	1,760	0.22	0.00	0.22
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1	96	1,760	0.22	0.00	0.22
1	97	1,760	0.22	0.00	0.22
1	98	1,760	0.22	0.00	0.22
1	99	1,760	0.22	0.00	0.22
1	100	1,760	0.22	0.00	0.22
1	101	1,760	0.22	0.00	0.22
1	102	1,760	0.22	0.00	0.22
1	103	1,760	0.22	0.00	0.22
1	104	1,760	0.22	0.00	0.22
1	105	1,760	0.22	0.00	0.22
1	106	1,760	0.22	0.00	0.22
1	107	1,760	0.22	0.00	0.22
1	108	1,760	0.22	0.00	0.22
1	109	1,760	0.22	0.00	0.22
1	110	1,760	0.22	0.00	0.22
1	111	1,760	0.22	0.00	0.22
1	112	1,760	0.22	0.00	0.22
1	113	1,760	0.22	0.00	0.22
1	114	1,760	0.22	0.00	0.22
1	115	1,760	0.22	0.00	0.22
1	116	1,760	0.22	0.00	0.22
1	117	1,760	0.22	0.00	0.22
1	118	1,760	0.22	0.00	0.22
1	119	1,760	0.22	0.00	0.22
1	120	1,760	0.22	0.00	0.22
1	121	1,760	0.22	0.00	0.22
1	122	1,760	0.22	0.00	0.22
1	123	1,760	0.22	0.00	0.22
1	124	1,760	0.22	0.00	0.22
1	125	1,760	0.22	0.00	0.22
1	126	1,760	0.22	0.00	0.22
1	127	1,760	0.22	0.00	0.22
1	128	1,760	0.22	0.00	0.22
1	129	1,760	0.22	0.00	0.22
1	130	1,760	0.22	0.00	0.22
1	131	1,760	0.22	0.00	0.22
1	132	1,760	0.22	0.00	0.22
1	133	1,760	0.22	0.00	0.22
1	134	1,760	0.22	0.00	0.22
1	135	1,760	0.22	0.00	0.22
1	136	1,760	0.22	0.00	0.22
1	137	1,760	0.22	0.00	0.22
1	138	1,760	0.22	0.00	0.22
1	139	1,760	0.22	0.00	0.22
1	140	1,760	0.22	0.00	0.22
1	141	1,760	0.22	0.00	0.22
1	142	1,760	0.22	0.00	0.22
1	143	1,760	0.22	0.00	0.22
1	144	1,760	0.22	0.00	0.22
1	145	1,760	0.22	0.00	0.22
1	146	1,760	0.22	0.00	0.22
1	147	1,760	0.22	0.00	0.22
1	148	1,760	0.22	0.00	0.22
1	149	1,760	0.22	0.00	0.22
1	150	1,760	0.22	0.00	0.22
1	151	1,760	0.22	0.00	0.22
1	152	1,760	0.22	0.00	0.22
1	153	1,760	0.22	0.00	0.22
1	154	1,760	0.22	0.00	0.22
1	155	1,760	0.22	0.00	0.22
1	156	1,760	0.22	0.00	0.22
1	157	1,760	0.22	0.00	0.22
1	158	1,760	0.22	0.00	0.22
1	159	1,760	0.22	0.00	0.22
1	160	1,760	0.22	0.00	0.22
1	161	1,760	0.22	0.00	0.22
1	162	1,760	0.22	0.00	0.22
1	163	1,760	0.22	0.00	0.22
1	164	1,760	0.22	0.00	0.22
1	165	1,760	0.22	0.00	0.22
1	166	1,760	0.22	0.00	0.22
1	167	1,760	0.22	0.00	0.22
1	168	1,760	0.22	0.00	0.22
1	169	1,760	0.22	0.00	0.22
1	170	1,760	0.22	0.00	0.22
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1	173	1,760	0.22	0.00	0.22
1	174	1,760	0.22	0.00	0.22
1	175	1,760	0.22	0.00	0.22
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1	177	1,760	0.22	0.00	0.22
1	178	1,760	0.22	0.00	0.22
1	179	1,760	0.22	0.00	0.22
1	180	1,760	0.22	0.00	0.22
1	181	1,760	0.22	0.00	0.22
1	182	1,760	0.22	0.00	0.22
1	183	1,760	0.22	0.00	0.22
1	184	1,760	0.22	0.00	0.22
1	185	1,760	0.22	0.00	0.22
1	186	1,760	0.22	0.00	0.22
1	187	1,760	0.22	0.00	0.22
1	188	1,760	0.22	0.00	0.22
1	189	1,760	0.22	0.00	0.22
1	190	1,760	0.22	0.00	0.22
1	191	1,760	0.22	0.00	0.22
1	192	1,760	0.22	0.00	0.22
1	193	1,760	0.22	0.00	0.22
1	194	1,760	0.22	0.00	0.22
1	195	1,760	0.22	0.00	0.22
1	196	1,760	0.22	0.00	0.22
1	197	1,760	0.22	0.00	0.22
1	198	1,760	0.22	0.00	0.22
1	199	1,760	0.22	0.00	0.22
1	200	1,760	0.22	0.00	0.22

TOTAL OPEN SPACE TREES
4600 / 17500

STREET TREE CALCULATIONS (1 TREE/35 LF)

STREET NAME	STREET WIDTH (FT)	STREET LENGTH (LF)	REQUIRED TREES (1 TREE/35 LF)	PROVIDED TREES	NET PROVIDED
E. HENRY WAY	20	200	5.71	0.00	5.71
E. HENRY DR.	20	200	5.71	0.00	5.71
E. HENRY ST.	20	200	5.71	0.00	5.71
E. HENRY BLVD.	20	200	5.71	0.00	5.71
E. HENRY AVE.	20	200	5.71	0.00	5.71
E. HENRY RD.	20	200	5.71	0.00	5.71
E. HENRY PKWY.	20	200	5.71	0.00	5.71
E. HENRY CIRCLE	20	200	5.71	0.00	5.71
E. HENRY DRIVE	20	200	5.71	0.00	5.71
E. HENRY STREET	20	200	5.71	0.00	5.71
E. HENRY AVENUE	20	200	5.71	0.00	5.7



D. Open Space Exhibit (dated: 8/16/21)



PRELIMINARY PLAT DATA

OVERALL SITE DATA

RESERVE
 TOTAL SITE AREA: 84.1 ACRES
 RESIDENTIAL AREA: 11.36 ACRES
 COMMON LOT AREA: 16.75 ACRES
 TOTAL COMMON LOT AREA: 16.75 ACRES

R-2 COMMON LOT AREAS

R-8 COMMON LOT AREAS

R-15 COMMON LOT AREAS

LEGEND

- Future (Qualified Open Space)
- Common Lot (Qualified Open Space)
- Common Lot (Not Qualified Open Space)

R-2 COMMON LOT AREAS

Block #	Lot #	Lot Area (SQ FT)	Qualified Area (SQ FT)	Qualified Area (ACS)
10 *4	2	120,811	142,776	3.28
10 *4	4-11	304,881	36,153	0.83
Future (Excluding Open Space)				0.00
TOTAL				178.90

R-8 COMMON LOT AREAS

Block #	Lot #	Lot Area (SQ FT)	Qualified Area (SQ FT)	Qualified Area (ACS)
2	1	1,760	3,699	0.08
2	11	1,263	3,087	0.07
2	13	1,281	3,087	0.07
2	23	1,790	3,699	0.08
2	1	1,260	3,087	0.07
2	11	1,760	3,699	0.08
2	13	1,760	3,699	0.08
2	23	1,790	3,699	0.08
4	12	3,861	8,081	0.19
4	22	3,700	7,869	0.18
4	23	16,303	16,303	0.44
4 *4	22	16,822	25,710	0.58
8	1	127,216	127,216	2.91
8	2	12,860	12,860	0.31
8	7	3,830	8,387	0.19
8	17	4,892	8,284	0.21
8	31	8,933	0	0.00
8	33	3,948	0	0.00
8	36	3,999	0	0.00
8 *4	42	2,704	4,822	0.11
8 *4	43	100,101	8,133	0.21
8	8	3,899	7,885	0.17
8	9	33,863	33,863	0.80
8	1	1,267	4,482	0.10
8	8	3,737	8,012	0.18
8 *4	18	3,728	7,646	0.18
8	9	3,898	7,888	0.17
8 *4	17	31,274	40,560	0.93
8	24	12,108	12,108	0.28
8	31	3,732	7,795	0.18
10 *4	2	12,860	22,860	0.53
Future (Excluding Open Space)				86,773
TOTAL				491.28

R-15 COMMON LOT AREAS

Block #	Lot #	Lot Area (SQ FT)	Qualified Area (SQ FT)	Qualified Area (ACS)
1 *4	1	701,000	84,433	0.81
10 *4	1	11,108	20,160	0.46
Future (Excluding Open Space)				12,628
TOTAL				97,621

* AREA INCLUDES LANDSCAPE COLLECTOR BAY FOR LOTS 4-11 BLOCK 10 MEASURED FROM BACK OF CURB.
 ** AREA INCLUDES 100% OF 30" COLLECTOR BAY AND ASSOCIATED LOT MEASURED FROM BACK OF CURB.
 *** AREA INCLUDES 50% (11.7) OF 30" COLLECTOR BAY MEASURED FROM BACK OF CURB.
 C. LAND LEVEL REL.

APEX WEST SUBDIVISION OPEN SPACE EXHIBIT

CONTACT INFORMATION

DEVELOPER/OWNER: **SEVEN DEVELOPMENT LLC**
 1010 S. WASHINGTON ST., SUITE 400
 BOISE, IDAHO 83725
 PHONE: (208) 333-8888
 EMAIL: info@sevendevelopment.com

LANDSCAPE CONSULTANT: **BY DESIGNERS LLP**
 2142 WEST GARDEN WAY
 BOISE, IDAHO 83718
 PHONE: (208) 333-8888
 EMAIL: info@bydesigners.com

**APEX WEST SUBDIVISION
 MERIDIAN, IDAHO
 OPEN SPACE EXHIBIT**

km
 KEVIN M. SMITH, P.E.
 1010 S. WASHINGTON ST., SUITE 400
 BOISE, IDAHO 83725
 PHONE: (208) 333-8888
 EMAIL: info@sevendevelopment.com

DATE: 8/16/21
 SHEET NO.: EX 1.0

E. Conceptual Building Elevations



VIII. CITY/AGENCY COMMENTS & CONDITIONS

Prior to City Council entering its Findings of Fact, Conclusions of Law, Final Decision, and Order, approval of the subject preliminary plat application, a property boundary adjustment shall be approved, which incorporates Lot 1, Block 5 and the surrounding area into Parcel #S1131417210 or creates a separate developable parcel for that area.

A. PLANNING DIVISION

1. Future development shall comply with the provisions of the existing Development Agreements (i.e. Shafer View Estates – Inst. #2021-102396 and Apex – Inst. #2020-178120), and the preliminary plat, phasing plan, common driveway exhibits, landscape plan and conceptual elevations in Section VII and the conditions of approval listed below.
2. The final plat shall include the following revisions:
 - a. Include a note prohibiting direct lot access to the collector and arterial streets, except for Lots 4-11, Block 10.
 - b. Depict an easement for the 20-foot wide street buffer on the west side of S. Apex Ave. south of E. Crescendo St.
3. The landscape plan submitted with the final plat shall be revised as follows:
 - a. Depict additional landscaping within street buffers as set forth in UDC [11-3B-7C](#). *Note: These standards were recently revised.*
 - b. Depict a 20-foot wide street buffer on the west side of S. Apex Ave. south of E. Crescendo St. with landscaping in accord with the standards listed in UDC [11-3B-7C](#). *Note: These standards were recently revised.*
 - c. All pathways shall be improved per the standards listed in UDC 11-3B-12C.3 and have landscape strips along each side of the pathways and be landscaped per the standards listed in UDC [11-3B-12C](#), which requires a *mix* of trees, shrubs, lawn, and/or other vegetative ground cover. *Pathways are not allowed to have a gravel surface. Landscape strips are required along all pathways, including those in Blocks 6, 7, 9 and 10 – if within an easement that prohibits trees, additional area shall be provided outside of the easement to accommodate the required landscaping.*
 - d. Include calculations in the Project Calculations table that demonstrate compliance with the standards for pathway ([11-3B-12C](#)) landscaping; include required vs. provided number of trees. Landscaping is required along *all* pathways.
 - e. A minimum 5-foot wide pathway shall be included in Lot 36, Block 6.
 - f. Depict a 10-foot wide detached multi-use pathway along the west side of S. Sublimity Ave. as required by the Park's Dept. in accord with the Pathways Master Plan.
4. A 14-foot wide public use easement shall be submitted to the Planning Division for the multi-use pathways within the site that are not within the public right-of-way prior to submittal of the final plat for City Engineer signature in the phase in which they are located.
5. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables [11-2A-4](#) for the R-2 zoning district, [11-2A-6](#) for the R-8 zoning district and [11-2A-7](#) for the R-15 zoning district.
6. Off-street parking is required to be provided for all residential units in accord with the standards listed in [UDC Table 11-3C-6](#) based on the number of bedrooms per unit.

7. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council. *The Applicant requests approval of a waiver from City Council to leave the Watkins drain open.*
8. Homes on Lots 4-11, Block 10 shall have side entry garages with a turnaround area so that vehicles aren't backing out onto the collector street in an effort to preserve public safety.
9. If a multi-family development is proposed on Lot 1, Block 1, a conditional use permit application shall be submitted and approved prior to submittal of any building permit applications for that lot. Qualified open space and site amenities shall be provided in accord with UDC standards for such.
10. If single-family homes or townhomes are developed on Lots 32 and 43, Block 6 and/or on Lot 1, Block 1, these lots shall be re-subdivided prior to issuance of any building permits. Qualified open space and site amenities shall be provided in accord with UDC standards for such.
11. Homes on lots that abut collector streets (i.e. E. Quartz Creek St. and S. Sublimity Ave. and S. Apex Way south of of E. Crescendo St.) will be highly visible, the rear and/or side of structures on these lots should incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*
12. Submit a detail of the proposed playground equipment with the final plat application.
13. All development within the Williams pipeline easement shall comply with the Williams Pipeline Developers Handbook.
14. Street setbacks for residential units abutting collector streets shall be as approved with ZOA-2021-0003.
15. A Certificate of Zoning Compliance and Design Review applications shall be submitted for the non-residential portions of the development (i.e. changing rooms associated with the swimming pool) and approved prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.
16. Staff's failure to cite specific ordinance provisions or terms of the approved annexation does not relieve the applicant of responsibility for compliance.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 All sewer manholes must have a 14-foot-wide access road per the City Design Standards.
- 1.2 Ensure no sewer services cross infiltration trenches.
- 1.3 No permanent structures may be within City utility easements including but not limited to trees, bushes, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc.
- 1.4 Do not run sewer main in common driveways, services should be run within the common driveway.

- 1.5 Sewer main should be run from the northern portion of the site down South Sublimity Way from the existing sewer main. Main should be kept within the Right of Way whenever possible.
- 1.6 12-inch water main will need to be constructed at the Northwest corner to make the second connection at East Quartz Creek Street.
- 1.7 There is a piece of water main missing at the corner of East Prickle Drive and East Pinpoint Way, this must be included to complete the water loop.
- 1.8 The water main in East Prime Drive needs to be upsized to 12-inch from South Sublimity Way to East Prickle Drive.
- 1.9 The water main in East Prickle Drive needs to be upsized to 12-inch from East Prime Drive to East Heyday Drive.
- 1.10 The water stub in East Heyday Drive to the property line needs to be upsized to 12-inch

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 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.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.

- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.17 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.
- 2.18 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.
- 2.19 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.

- 2.20 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.
- 2.21 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.
- 2.22 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243074&dbid=0&repo=MeridianCity>

Phasing Map:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243072&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244321&dbid=0&repo=MeridianCity>

E. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248416&dbid=0&repo=MeridianCity>

F. COMMUNITY DEVELOPMENT SCHOOL IMPACT ANALYSIS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248658&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=242586&dbid=0&repo=MeridianCity&cr=1>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250827&dbid=0&repo=MeridianCity>

H. BOISE PROJECT BOARD OF CONTROL (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243205&dbid=0&repo=MeridianCity>

I. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243211&dbid=0&repo=MeridianCity>

J. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=251528&dbid=0&repo=MeridianCity>

IX. FINDINGS**A. Preliminary Plat Findings:**

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

The Commission finds that the proposed plat is generally consistent with the adopted Comprehensive Plan in regard to land use, density and collector street layout. (Please see Comprehensive Plan Policies in, Section IV of this report for more information.)

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

The Commission finds that public services will be provided to the subject property with development. (See Exhibit B of the Staff Report for more details from public service providers.)

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

Because City water and sewer and any other utilities will be provided by the development at their own cost, the Commission finds that the subdivision will not require the expenditure of capital improvement funds.

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

The Commission finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VIII for more information.)

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

The Commission is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis.

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

The Commission is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.

Seal: It's been moved and seconded to continue Item No. H-2021-0080 to the date of March 3rd, 2022, with modifications. All in favor say aye. Any opposed?

Grove: Nay.

Seal: Got that? Do we need to --

Weatherly: For the record, Commissioner Grove, was that a nay from you? Thank you.

Seal: All right. The continuance passes. All right. Thank you very much for that.

MOTION CARRIED: SIX AYES. ONE NAY.

6. Public Hearing Continued from January 6, 2022 for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.

- A. Request: Preliminary Plat consisting of 208 building lots (207 single-family and 1 multi-family) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts.

Seal: All right. At this point we will move on to public hearing for Apex West Subdivision, H-2021-0087, continued from January 6th, 2022, and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a preliminary plat. This site consists of 96.08 acres of land. It's zoned R-2, R-8 and R-15 and it's located on the north side of East Lake Hazel Road, approximately a quarter mile west of South Locust Grove Road. This property was annexed with the previous Shafer View Terrace and Apex Developments and is included in their respective development agreements. The Comprehensive Plan future land use map designations for this property -- there is three of them -- are low density residential, medium density residential, and medium high density residential. You can see that here on this map here on your left. The green is low density, the yellow is medium and this is medium high. The proposed preliminary plat is shown on the left. It consists of 208 building lots, 207 single family lots, and one lot for future development of townhomes or multi-family apartments and 34 common lots on 96.08 acres of land in the R-2, R-8 and R-15 zoning districts for Apex West Subdivision. The subdivision is proposed to develop in four phases as shown on the phasing plan on the right there. The proposed plat includes a portion of the parcel to the east depicted on the plat as Lot 1, Block 5, and the surrounding area and that is this area right here that we are talking about. The entire parcel around that must be included in the boundary of the proposed plat or a property boundary adjustment application must be approved to either include that area in the adjacent parcel or to create a separate developable parcel. A portion of the lot cannot be included as it would create an illegal split. Therefore, staff recommends prior to the City Council approval of the subject application a property boundary adjustment application

shall be approved. Three future development areas are depicted on the plat. Lots 32 and 43, Block 6, that's the two triangle ones here at the north end and Lot 1, Block 1, rectangular parcel here at the south end, that are to be resubmitted and/or developed under separate applications in the future. Access is proposed at the northwest corner of the development from Quartz Creek Street, a collector street, from South Meridian Road, from South Sublimity Avenue and South Apex Avenue, both collector streets, via East Lake Hazel Road. Stub streets are proposed to adjacent properties for future extension and interconnectivity. Qualified open space consisting of linear open space, open grassy areas at least 5,000 square feet in area, eight foot wide pathways -- excuse me -- parkways and street buffers along collectors and arterial streets are proposed in excess of UDC standards. Site amenities consisting of a swimming pool with changing facilities and a restroom, two segments of the city's multi-use pathway system, totaling approximately half a mile and a playground, are proposed in excess of UDC standards. The three future development areas will be required to comply with the open space and site amenity standards upon development. The McBirney Lateral crosses this site within a 41 foot wide easement and the Watkins Drain runs along the west side of the site within a 38 foot wide easement, as depicted on the plat. These waterways are proposed to be piped -- excuse me. The Watkins Drain, the applicant is actually requesting to leave open. They submitted that request recently. So, that will require Council approval of a waiver to that section of code to allow it to remain open. And the McBirney is proposed to be piped. Conceptual building elevations in a variety of materials and colors were submitted for future single-family residential detached homes in this development as shown. Homes on lots along collector streets are required to incorporate certain design standards as noted in the staff report, since they will be highly visible. Written testimony has been received from Julie Edwards, a neighbor. She is concerned with the provision of the three common driveways within the development and associated traffic congestion as discussed at the Commission hearing for Apex East. Concern pertaining to parking in relation to the alley access units and the adequacy of such for guests on the adjacent public streets, especially with the common driveways proposed and parking issues associated with those typically. Suggests some of the building lots be eliminated in favor of provision of a guest parking lot in addition to the on-street parking and elimination of the common driveways in favor of larger lots in those areas. School capacity concerns from the proposed development and others in the area. Written testimony was also received from the applicant Josh Beach of Brighton Corporation. They are in agreement with the staff report, except for condition number seven, which requires all waterways on the site to be piped in accord with UDC standards. The applicant, as I mentioned, is requesting Council approval of a waiver to 11-3A-6B to leave the Watkins Drain open as an amenity feature. Staff will stand for any questions.

Seal: Okay. At this time would the applicant like to come forward?

Wardle: Mr. Chair, Commission Members, Mike Wardle, Brighton Corporation at 2929 West Navigator in Meridian. 83642. Sonya's given you the -- the real depth of the information, but I want to just add a little bit of flesh to it to illustrate some of the issues that she talked about and, again, the only real issue that you will see in a few moments relates to just a drain that is not really much of a waterway, but it's part of an amenity area

that we would propose to receive Council approval for. I'm not getting the -- do we have control, Sonya? Okay. As Sonya noted, it's part of the area that was annexed back -- actually by the city action some seven years ago and, then, two years ago we had a larger area before you that rezoned some of the parcels and received preliminary plat approval for the areas at the intersection of Lake Hazel as it's just noted there is A and W, which is Apex Northwest and, then, Apex Southeast opposite that and, then, recent approval of Apex East on the east side of Discovery Park. So, we are talking about, then, just the parcel Apex West. All of this was done, of course, in -- in accordance with the Comprehensive Plan and the underlying zoning as noted here, with the estate lots, the eight estate lots to the northwest corner, being retained as R-2, with R-8 and, then, a parcel in the future in R-15. Some of the details relative to the site. Shafer View, of course, to the west was one of those farm subdivisions where the open space was retained and there has been approval subsequently for the remainder of their properties for a subdivision. So, what we have east of Shafer, of course, is the -- just some of the features. The green diagonal is the Williams Pipeline corridor that will be at -- in the future added as a pathway corridor and fully landscaped, connecting as it actually will to the east and southeast to Discovery Park and, then, where ever it goes to the northwest in the future with adjacent development. The Watkins Drain as noted, there are two segments. We have actually -- we will pipe the area that's along the roadways near the southwest corner of this parcel and you can see where it actually goes through the property currently. All of that will be piped, but, then, when you get to the area where it leaves the roadway section, that portion, as you will see in just a moment, actually becomes part of a common lot, an open space area, and there is actually a -- let me go back for a second. You can -- you can see in the middle of the drawing there is an arrow that says city sewer access multi-use pathway. That -- the sewer is actually in that alignment. It was installed several years ago to serve the Apex Northwest and the southeast subdivisions that are under construction. So, that sewer access will actually be paved as the pathway. Gives the city the access to maintain their sewer system, provides access for pedestrians along a connection that will meet up with a ten foot pathway on the west side of Sublimity Avenue, which is the road coming in from Lake Hazel. Again, you can kind of see this area a little bit more where the green stands out. as Sonya noted, it's just over 96 acres, R-2, R-8 and some R-15, 207 single family lots actually depicted in the project as it's proposed. Forty-six of those are either alley, 36 of them, and, then, ten are rear loaded that I will talk about in just a moment, with three common lots serving nine lots -- as a common drive serving nine lots. We are well aware that there is a lot of concern about those, but they are allowed under city code. We utilize them and have successfully -- successfully utilized them in many of our projects and we minimize to the extent that we can, but occasionally there are some corners that we -- we do that. The Watkins amenity pathway corridor and sewer access is depicted in this open space exhibit. The qualified open space as noted exceeds the city's requirement at just nearly 17 percent of the site, with the amenities being proposed as the community pool. You can see a little tag over on the east side where it depicts that site a little bit more and, then, of course, the playground associated with that. The pathway along Mc Birney and, then, the Watkins as well. Again, just dialing in a little bit more that shows a little bit more of the character of the pathway through the McBirney piped corridor. The Williams Pipeline up to the north it shows the future alignment and I would note that the Williams

Pipeline folks are in the process now of starting to upgrade facilities, knowing that development is coming and so they are working over near the intersection and particularly through the -- the park area and the Gem -- Gem Prep School site that's under construction. So, during the course of our development there will be upgrades to the Williams Pipeline and, then, eventually that will be an open space sodded corridor. They won't allow really in the -- in terms of trees or anything, but it will be just a nice 70 foot wide greenway connecting all of the facilities from Discovery Park and, then, that would also provide an access -- it would connect, then, to the -- the McBirney pathway, which, then, connects over to the Watkins pathway. The information that Sonya noted from Ms. Edwards that lives to the north of the Apex project, she had concerns about the alley product and I'm going to jump in a moment and show you what that alley product actually looks like and she had expressed concern about parking and so forth. But the alley loaded lots, they are highlighted in the purple, are 120 foot deep lots and they all have a minimum 20 foot parking pad at the rear. The lots over facing Apex Avenue on the east side of that highlighted in red are 130 feet deep. Those lots -- or those dwellings will actually face the product on the east side of that collector roadway at 130 foot deep. They will also have a minimum rear loaded parking pad and just so that you will see what that is, I'm going to just jump way ahead for a moment. This is a real life example of what we have done in Paramount and in alley loaded product that we have -- in Paramount the lots are 114 feet deep. In comparison in Apex West the alley lots are 120. The rear loaded are 130. The street frontage -- because there are no driveways you have on-street parking available along the frontage of those alley-loaded lots. A 20 foot wide alley is flanked on each side by minimum 20 foot parking pads and if you have two or three -- and you can see a three car garage to the left, but you can see that -- in fact, the next one you have got the big pickup on the right. So, those lots are actually six feet shallower than the smallest lot that we have in our alley loaded product in Apex and I would note that when we did this Paramount project it mirrors what we did -- what we pioneered in the city -- Brighton did at Harris Ranch when we did all of the alley loaded products there that required a minimum 20 foot parking pad, so that you did not have, you know, the opportunity for, as you expressed earlier, the concern of people utilizing their garages for storage and no place to park. That's not the case here. So, I'm going to go back for just a moment and just look at the Watkins Drain. I did some review through the Google Earth street view and couldn't see any water in any of it, so this is exactly -- these shots were taken yesterday. Shafer View Subdivision on the left. Apex on the right. And that corridor -- and you can see the existing city sewer access road that will become the multi-use pathway. That area, then, down to and through the drain will be part of a common lot that will be landscaped and we hope that there is some water that might trickle through there occasionally, certainly during the summer irrigation season there will be some, but it's not a -- really a significantly defined channel throughout most of it. So, again, we will be asking the -- the City Council for a waiver to allow that drain behind those R-2 estate lots to be maintained as an open waterway amenity with that multi-use pathway in the city sewer access. With that we actually concur with staff's recommendation for approval of Apex West with all of the city and agency comments, subject to that one item that we will take to the Council. I would be happy to answer your questions.

Seal: Okay. Thank you. Are there any questions for the applicant or staff?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: A question to -- my question for you on -- actually, on phasing of the roadway that is to be built as a fire lane through phase one, two, and three, but would, then, be converted to a road into the subdivision in phase four. Is there any possibility of moving the construction of that to an earlier phase or is there a purpose for it being constructed as a roadway in phase four, instead of earlier?

Wardle: Mr. Chairman, Commissioner Grove, I'm going to have to ask my boss, because I'm not really acquainted with that aspect. And, Sonya, I would -- could you bring back up the phasing plan.

J.Wardle: Commissioners, for the record Jon Wardle. 2929 West Navigator. Just to clarify, I may technically be his boss on paper, but that doesn't mean anything, so -- to Commissioner Grove's question, the -- the phasing plan here showing the road in red, Commissioner Grove, we -- we are working on a couple different things that -- part of the reason we -- we can't do it at the very beginning is we do have that Watkins that we do need to tile in the off season, so we -- we aren't conflicting with that, but we also are entering into a CDA with ACHD to continue Lake Hazel as a five lane road through this corridor. So, there is going to be a variety of improvements that need to happen there. The emergency access is beneficial at the very beginning. However, we do have direct access out to Locust Grove and we have two different ways to get to Locust Grove and we have two different ways to get to Lake Hazel in the interim as well. So, it's not -- it's not a complete dead end, we do want to have it there as quickly as possible, but it will be problematic for us to do it at the very first phase of this project.

Grove: Okay. Thank you.

J.Wardle: Thank you.

Seal: Okay. Do we have any other questions? Okay.

Cassinelli: Mr. Chair, this is Bill. Sorry. I was trying to unmute.

Seal: Oh. Go ahead, Commissioner Cassinelli.

Cassinelli: The amenity that you are wanting to make use of the -- of the Watkins Lateral is -- would that be -- is that an additional amenity or is that your third amenity?

J.Wardle: Mr. Chair, to make sure I understood Commissioner Cassinelli's question, he was asking if the Watkins pathway and open space is an additional amenity or if it's tied in with our overall amenity package. It's -- it's part of our entire package with all the pathway systems, you know, that mobility piece of it and pathways. Just to note, these are not the -- the city has a pathway plan and we have worked with Kim Warren about

what that would be and, ultimately, the -- the city designated pathway would be the one that would go through the Williams Pipeline. These are new additional pathways outside of those.

Cassinelli: But the comment there -- and not wanting to pipe that is to keep it as a -- as an amenity feature to leave it open. So, I guess my question is if -- if that were -- if that were piped would that reduce your amenities? Is that -- that drain, keeping it open and making it an amenity, is that one of your -- is that one of the amenities to meet the minimums?

J.Wardle: Mr. Chair, Commissioner Cassinelli, the open space still counts. It's just a question of whether we are tiling it or if we are leaving it open. So, there is really no difference in terms of the amenity. It's still with the open space corridor. We just believe that this part of it, along the Watkins that we are asking to leave it open, has actually an opportunity to be something different than just a tiled piped waterway. So, our preference is to leave it open. If the City Council decides that they prefer that it be tiled, the amenity calculation doesn't change, it's still the same count open space and all of that.

Cassinelli: Okay. Thank you.

Wardle: Thank you.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I have one last question. With the amenities for Apex, is this -- is Apex looked at as an overall project or is Apex West, Apex Northwest, Apex East, like are all of the directions separate or are they tied together in any way in terms of residents in one -- in West are they able to use amenities in another portion of the development?

Wardle: Mr. Chair and Commissioner Grove, important clarification. We appreciate that. No, it's all part of one. Unfortunately, when you do a preliminary plat you have to distinguish it for file purposes and for the county's purposes. So, no, it's all part and parcel and these folks will, in fact, utilize -- it doesn't really show up here, but we have that very strong community core that's taking place at the northwest corner of Lake Hazel and Locust Grove and that will all, again, tie together as part of that complete community. All same covenants, same restrictions, same association fees and requirements. Thank you.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go ahead..

Lorcher: Mr. Wardle, based on the written testimony from Julie Edwards, she mentioned that the common driveways with development associated for traffic connections as -- as

was here in the hearings for Apex East, were those common driveways approved for Apex East; do you recall?

Wardle: Mr. Chair and Commissioner Lorcher, yes, they were approved. We made one modification when we went to the Council. That northwest corner that had been sited where there were quite a few and it was on a secondary emergency access and so we actually took one or two lots out of that corner, but the others that were part of that project were reviewed and approved by the Council. So, again, we are bringing you something that's allowed by your code. We don't try to overuse it, but there are places that we do and in this case of the 207 -- or 208 lots, there are nine lots that will be on common drives.

Lorcher: Thank you.

Seal: Okay. Anybody else?

Wardle: Thank you very much.

Seal: Thank you very much. Appreciate it. Okay. At this time we will take public testimony. Madam Clerk, has anyone signed up? No one has signed up?

Weatherly: No.

Seal: Okay. Anybody online that would like to hit the raise hand button or anybody in chambers if you would like to come up. No takers? No one online? Okay. Unless the applicant has something more to add or we have additional questions -- okay. Can I get a motion to close the public hearing for Item No. H-2021-0087.

Lorcher: So moved.

Wheeler: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for H -- file number H-2021-0087. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: ALL AYES.

Seal: Who would like to jump in there?

Lorcher: Commissioner Seal, I will start.

Seal: Commissioner Lorcher, go ahead.

Lorcher: I'm -- I'm in agreement with Mr. -- is it Beach's comments from Brighton Corporation to pursue a waiver for open space for -- to have the Watkins open. I -- I don't know if I'm unique in this respect, but closing every open waterway in Meridian takes away what the nature of Meridian is like. So, if we keep piping everything in -- one of the

things that founded our city was our irrigation and piping it all in takes that away. So, the more we can leave it open, then, we invite nature into our backyards and our home. So, I'm definitely in support of this. I'm not a fan of the common driveways for the congestion and services, but it was approved in Apex East and according to Mr. Wardle they are fulfilling the city codes.

Seal: Okay. Thank you. Anyone else want to jump in? Commissioner Wheeler, go ahead.

Wheeler: I have a question. Thank you, Mr. Chair. I have a question for staff. Is there any requirements for -- like fencing or anything along that open waterway?

Allen: Chairman, Commissioners, I have asked the applicant to provide some additional information prior to the Council meeting on how public service -- public safety is planned to be preserved with that being open. So, I -- I don't know if they know that now, but I -- I did ask that of the applicant. A little short notice, so they probably haven't had a whole lot of time to ponder that yet maybe.

Wheeler: Okay. Okay. Yeah. I'm -- I'm in agreement here that I like to see that kind of an open waterway and I like kind of the views that will be there at least temporary over to the -- to the east from that section, too, so -- thank you.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I think this ties in well with the other portions of -- of the Apex project. Seeing some of the zoomed out pieces where it -- how it connects with the other plan pieces or under development pieces help -- especially with the -- the open space area on the east side, seeing how that connected with like the -- the Williams Pipeline corridor and I thought everything looks good. It's really easy when applicant agrees with the staff report. I think I would be fine with moving this forward. We don't -- I don't think we need to make a change to the -- the staff requirements on this. We can make an encouragement, but it's not our place to do the waiver. So, I think it would just be an encouragement if we want to go in that direction, but I don't know that we need to condition anything. I could be wrong. Does that sound right? Somebody? Okay.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: Quick question for staff. Sonya, is -- do the lot sizes on the alley loads and the -- I think they are rear loaded product to the east and west of that alley load portion down there, do those all meet the -- I'm assuming they all meet the R-8 lot size requirements?

Allen: Chairman, Commissioner Cassinelli, yes, they do.

Cassinelli: Okay. In my comments I'm not a fan whatsoever of -- of the common driveways. I would love to see them eliminated. I mean I get it. The developer is doing it to maximize their density, all within code and guidelines on the project. I'm just not a fan of it and I'm really shocked that there was not more public input, even though I -- you know, there is not a lot -- a lot of homes down there yet I don't think, so probably not a lot of -- a ton of neighbors, but I'm shocked with a project this size that there is not more -- that there wasn't more input. But all that said, I would be -- I would be okay with -- with moving it forward as is.

Seal: Okay. Commissioner Yearsley, do you have anything?

Yearsley: I actually -- my biggest concern is I -- I think the project is fine and everything. I just -- I mean I just don't like that we just cram as many homes as we can into a subdivision. I understand that, you know, we are trying to keep a price point down and everything, but, man, there we just got small lots and medium-sized homes and I just don't like the look and feel. That being said, it's -- it's my personal preference -- and I'm not going to stand in the way of the project.

Seal: Okay. Yeah. That -- I mean can't say it enough. Common driveways -- I -- I drive through one of your products that has a corner and -- and, you know, three houses on it and when it's trash day it's like Mario Kart. It's -- it's horrible. I mean it's a really -- it's a bad experience in a really upper end -- upper end subdivision, you know, that has space to accommodate better than this does. So, where these are squeezed together more tightly I can't imagine what that's going to be like. That said it meets code. I wish we would do away with them, make them, you know, alternative compliance only or something along those lines, because I have seen another one of your products where you did the circular driveways that were common. Beautiful. Absolutely amazing way to -- you know, out-of-the-box thinking with that. So, that said I will get down off my soapbox and ask somebody for a motion.

Grove: I got it.

Seal: Commissioner Grove, go ahead.

Grove: Mr. Chair, after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0087 as presented in a staff report for the hearing date of February 3rd, 2022, with no modifications, but embrace of the applicant's request to have a waiver for the open waterway for the Watkins Drain.

Seal: Okay. It's been moved and seconded to approve Item No. H-2021-0087 -- oh, do I need -- yeah. Who would like to second that? Sorry.

Wheeler: Second.

Seal: Thank you, Commissioner Wheeler. Now, it has been moved and seconded to approve Item No. H-2021-0087 as presented in the staff report for the hearing date of February 3rd, 2022. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: ALL AYES.

7. Public Hearing Continued from January 20, 2022 for Quartet South Subdivision (H-2021-0088) by Brighton Development, Inc., Located on Parcels S043432586 and S0434325410, at the Northeast Corner of W. Ustick Rd. and N. Black Cat Rd.

- A. Request: Annexation of 67.61 acres of land with the R-8 (48.83 acres) and R-15 (18.78 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 229 single-family residential lots, 2 multi-family lots with 140 townhouse units, and 42 common lots.

Seal: All right. So, we will move on to Quartet South Subdivision, H-2021-0088, which was continued from January 20th, 2022, and we will begin with the staff report.

Cassinelli: Mr. Chair, can I jump in?

Tiefenbach: Greetings, Mr. Chair, Members of the Commission. Alan Tiefenbach, associate planner here with City of Meridian. Okay. This is a proposal for an annexation and rezoning and preliminary plat. The property is not quite 68 acres, zoned RUT, located at the northeast corner of North Black Cat, West Ustick Road intersection. In July of 2020 Quartet Northeast, obviously, to the north and Quartet Southeast were approved north of this property. This subdivision is a continuance of those subdivisions. Future land use map recommends medium density residential, three to eight dwelling units per acre. The applicant proposes to annex a total of -- again, just not quite 68 acres of land. Forty-nine acres on the northern portion of the property are proposed to be rezoned to R-8 to allow 229 single-family homes. The southern 18.7 acres is proposed for R-15. That would be to allow 140 single family attached or multi-family units, although the housing type has not been determined at this time by the applicant. Jamestown Ranch, the court -- I made a little map here. So, Jamestown Ranch, the Quartet Sub -- the Quartet -- sorry -- Quartet Northeast, Quartet Southeast, they are all north. The Klamath Basin, Staten Park and Geddes Subdivisions are to the south and the Birchstone Creek Subdivision is to the west. To the east is unincorporated property that's in the county. This I will be calling the Naomi parcel as I talk about that later. This is -- this is designated for a mixed-use non-residential. Further east here is the wastewater treatment facility. There is some self-storage. It's important to note that here -- this piece of property is currently under review with the Planning Commission -- or, sorry, with ACHD for a new maintenance facility. There are -- let's see. There is presently four accesses to this property off of North Black Cat and those accesses are going to be closed and, then, there will be new accesses. One will occur from West Aspenstone, which is down here, and the other will occur from



AGENDA ITEM

ITEM TOPIC: Public Hearing for Quartet South Subdivision (H-2021-0088) by Brighton Development, Inc., Located on Parcels S043432586 and S0434325410, at the Northeast Corner of W. Ustick Rd. and N. Black Cat Rd.

A. Request: Annexation of 67.61 acres of land with the R-8 (48.83 acres) and R-15 (18.78 acres) zoning districts.

B. Request: Preliminary Plat consisting of 229 single-family residential lots, 2 multi-family lots with 140 townhouse units, and 42 common lots.



PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: March 8, 2022

Topic: **Public Hearing** for Quartet South Subdivision (H-2021-0088) by Brighton Development, Inc., Located on Parcels S043432586 and S0434325410, at the Northeast Corner of W. Ustick Rd. and N. Black Cat Rd.

- A. Request: Annexation of 67.61 acres of land with the R-8 (48.83 acres) and R-15 (18.78 acres) zoning districts.
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Information Resources:

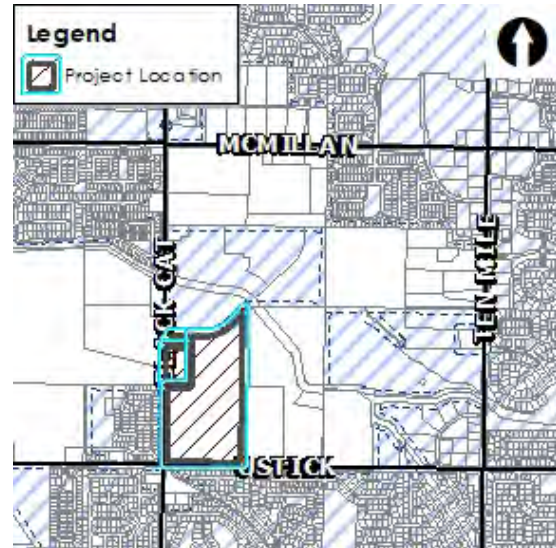
[Click Here for Application Materials](#)

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

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/8/2022
 TO: Mayor & City Council
 FROM: Alan Tiefenbach
 208-884-5533
 SUBJECT: AZ, PP - H-2021-0088
 Quartet South Subdivision
 LOCATION: Parcels S0434255555, S0434325410, S0434325867 and 3680 N. Black Cat Rd., located at the northeast corner of the N. Black Cat / W. Ustick Rd intersection.



I. PROJECT DESCRIPTION

Annexation of 67.61 acres of land with the R-8 and R-15 zoning district, and preliminary plat consisting of 229 building lots, future townhome or multifamily units, and 42 common lots.

II. SUMMARY OF REPORT

A. Project Summary

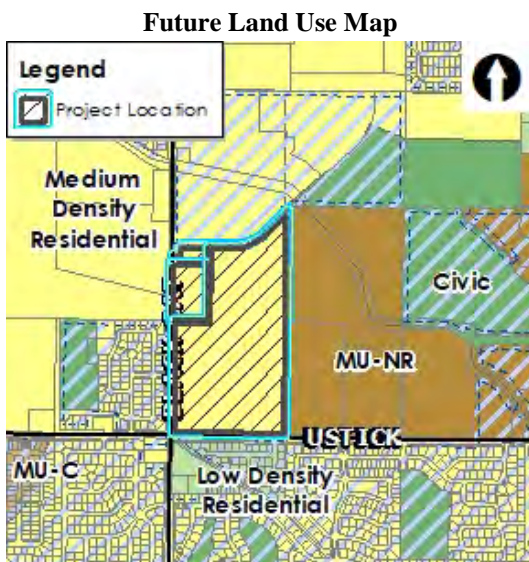
Description	Details
Acreage	67.61
Future Land Use Designation	Medium Density Residential 3-8 du/acre
Existing Land Use(s)	1 single family residence
Proposed Land Use(s)	Single Family Residential, attached and detached
Lots (# and type; bldg./common)	229 building lots, 140 attached units on 2 lots, and 42 common lots.
Phasing Plan (# of phases)	3 phases
Number of Residential Units (type of units)	229 single family residences, 140 townhouses
Density (gross & net)	5.45 du / ac gross
Open Space (acres, total [%]/buffer/qualified)	10.49 acres of qualified open space (15.5%)
Amenities	Community pool, clubhouse, and children's play structure.
Physical Features (waterways, hazards, flood plain, hillside)	Five Mile Creek parallels the properties northern property line, but is not on the property. Rutledge Drain bisects the property.
Neighborhood meeting date; # of attendees:	June 15, 2021 – 1 attendee
History (previous approvals)	None

B. Community Metrics

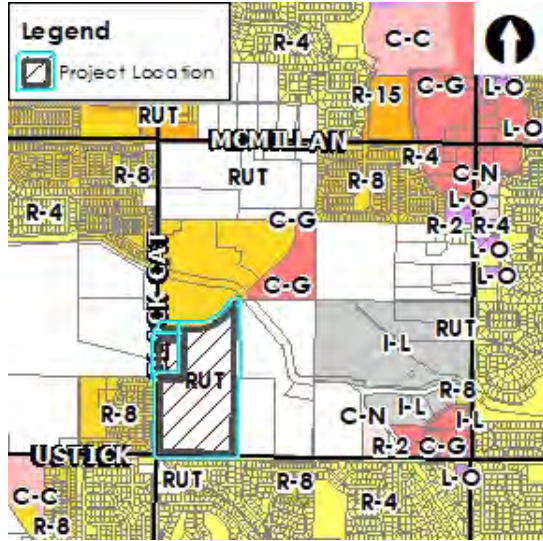
Description	Details						
Ada County Highway District	Staff report submitted						
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes						
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	N. Black Cat Rd. and W. Ustick Rd. are existing accesses.						
Stub Street/Interconnectivity/Cross Access	Plat shows a northern stub and a southern stub.						
Existing Road Network	N. Black Cat Rd. and W. Ustick Rd.						
Existing Arterial Sidewalks / Buffers	None along the frontage of the subject property. There is a 25 ft. wide buffer and 5 ft. wide sidewalk on the west side of N. Black Cat Rd and on the south side of W. Ustick Rd.						
Proposed Road Improvements	Applicant will be required to build eastbound left turn lane on Ustick, northbound right turn lane and south bound left turn lane on Black Cat Rd.						
Fire Service							
<ul style="list-style-type: none"> Distance to Fire Station 	1.7 miles to Fire Station 2						
<ul style="list-style-type: none"> Fire Response Time 	< 5 minutes						
<ul style="list-style-type: none"> Resource Reliability 	> 80%						
<ul style="list-style-type: none"> Risk Identification 	2, resources are not adequate						
<ul style="list-style-type: none"> Accessibility 	Yes						
<ul style="list-style-type: none"> Special/resource needs 	Aerial device will be required						
<ul style="list-style-type: none"> Water Supply 	1,000 gpm required						
<ul style="list-style-type: none"> Other Resources 	None						
Police Service							
<ul style="list-style-type: none"> Distance to Police Station 	6.5 Miles						
<ul style="list-style-type: none"> Police Response Time 	<table border="1"> <tr> <td>P3</td> <td>3:40</td> </tr> <tr> <td>P2</td> <td>7:03</td> </tr> <tr> <td>P1</td> <td>10:43</td> </tr> </table>	P3	3:40	P2	7:03	P1	10:43
P3	3:40						
P2	7:03						
P1	10:43						
<ul style="list-style-type: none"> Calls for Service 	823						
<ul style="list-style-type: none"> % of calls for service split by priority 	<table border="1"> <tr> <td>% of P3 CFS</td> <td>1.3%</td> </tr> <tr> <td>% of P2 CFS</td> <td>69.9%</td> </tr> <tr> <td>% of P1 CFS</td> <td>26.9%</td> </tr> </table>	% of P3 CFS	1.3%	% of P2 CFS	69.9%	% of P1 CFS	26.9%
% of P3 CFS	1.3%						
% of P2 CFS	69.9%						
% of P1 CFS	26.9%						
<ul style="list-style-type: none"> Crimes 	73						
<ul style="list-style-type: none"> Crashes 	19						

Wastewater	
Comments	<ul style="list-style-type: none"> Flow has been committed. See site specific conditions for additional information.
Water	
<ul style="list-style-type: none"> Distance to Water Services Pressure Zone Water Quality Project Consistent with Water Master Plan 	Directly Adjacent 1 No concerns Yes
Comments	<ul style="list-style-type: none"> Water main needs to be built in the proposed road at the northeast corner, extending the existing water stub from the Quartet Southeast Subdivision

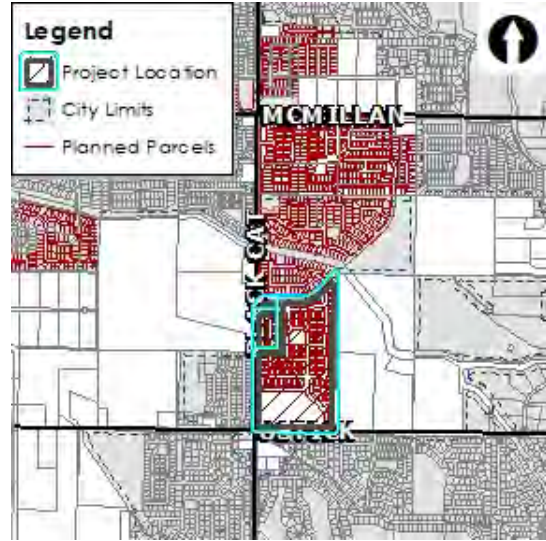
C. Project Area Maps



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant Representative:

Josh Beach, Brighton Development Inc. – 2929 W. Navigator Drive Suite 400, Meridian, ID 83642

B. Owner:

Brighton Development Inc. - 2929 W. Navigator Drive Suite 400, Meridian, ID 83642

Dean and Deborah Quenzer Living Trust – 3680 N. Black Cat Rd, Meridian, ID 83646

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	1/4/2022	2/20/2022
Radius notification mailed to properties within 300 feet	1/4/2022	2/17/2022
Nextdoor posting	1/6/2022	2/18/2022
Sign Posting	1/7/2022	2/24/2022

V. STAFF ANALYSIS

In June of 2020, Quartet Northeast (H-2020-0017, 68.73 acres and 137 buildable lots) and Quartet Southeast (H-2020-0018, 22.26 acres and 50 buildable lots) were approved north of the subject property. This subdivision is a southern continuance of those subdivisions.

A. Annexation & Zoning:

The Applicant proposes to annex a total of 67.61 acres of land. 48.83 acres on the northern portion of the property is proposed to be zoned to R-8 to allow 229 single family detached and alley-loaded single family attached homes. The southern 18.78 acres of land is proposed for R-15 zoning to allow 140 single family attached, or multifamily units, but the housing type has not

been determined at this time. Comparison of the proposal against dimensional standards is discussed below. The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. The annexation area is within the Area of City Impact Boundary (AOIC). Legal descriptions for the annexation area are included in Section VIII; separate descriptions were submitted for each of proposed zone districts. To ensure the site develops as proposed by the applicant, staff is recommending a development agreement as part of the annexation approval.

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

This property is designated Medium Density Residential on the City’s Future Land Use Map (FLUM) contained in the Comprehensive Plan. This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The annexation area is surrounded on three sides by the City limits. The proposed project has a gross density of 5.45 du/ac, being within the required density range listed above. Therefore, Staff finds the proposed preliminary plat, requested R-8 and R-15 zoning districts to be generally consistent with the Future Land Use Map designation of Medium Density Residential.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. In order to ensure the site develops as proposed with this application, staff recommends a DA as a provision of annexation with the provisions included in Section IX.A. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval by City Council and subsequent recordation.

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

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

Several housing types are proposed with this development; single family detached, alley-loaded single family attached), and future attached or detached units (including possibly multifamily) at the south side of the property. However, as is mentioned in the dimensional standards section below, as is presently configured, the alleys do not meet the requirement to be fully visible end to end.

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

The proposed plat depicts 5 ft. wide detached sidewalks on both sides of roads internal to the subdivision. There are also 5 ft. wide detached sidewalks along N. Black Cat Rd. This is the same width provided along N. Black Cat Rd. by the Jamestown Ranch and Quartet Northeast No 1 Subdivision to the north, the Daphne Square Subdivision north of that, and across W. Ustick Rd south of the property. However, ACHD has responded the applicant will be required to build 10 ft. wide multimodal pathways along these arterial frontages. The Master Pathways Map (MPM) does not indicate any pathways crossing the property or adjacent to the property lines.

As will be mentioned in the Qualified Open Space and Amenities Sections below, the applicant proposes several connected common open space areas and amenities with this development.

- “Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D)

As mentioned above, 5-ft. wide detached sidewalks are provided along all internal roadways, and the applicant will be required to construct 10 ft. wide pathways along N. Black Cat Rd and W. Ustick Rd in accord with ACHD standards.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21.

- Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction. (2.02.02F)

Daphne Square Subdivision (zoned R-15), Quartet Northeast, Quartet Southeast (both zoned R-8) are the north of the property, the Klamath Basin, Staten Park, and Geddes Subdivisions are to the south (zoned R-4 and R-8), the Birchstone Creek Subdivision is to the west (zoned R-8), and unincorporated property designated for Mixed Use Non-Residential is to the east (with the wastewater facility east of that). These subdivisions have comparable densities and housing styles as what is being proposed, except there is no multifamily in the vicinity, and the applicant has stated the R-15 portion of the property could result in a multi-family proposal via a conditional use permit at a future date.

This development proposes architecture consisting of one and two-story homes with gabled roofs, covered porches, dormers, stone wainscoting, and lap siding comparable to what has been approved with adjacent subdivisions. In order to ensure compatibility and quality of design with existing and approved residential uses surrounding the property, staff recommends a condition that rear and/or sides of 2-story structures on facing N. Black Cat Rd. and W. Ustick Rd. incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.

If multifamily residential is proposed for the southern portion of the property, design review and / or certificates of zoning compliance will be required. To ensure consistency throughout the development, if the southern portion of the property is approved for multifamily, staff recommends a condition that architecture of all single family attached or multifamily units be generally consistent with the single-family elevations provided in this application.

Staff does have concerns with developments of this size and density in close proximity to Mixed Use Non-Residential and the Wastewater Resource Recovery Facility, as is discussed below.

- Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity. (6.01.02B)

There are presently 4 accesses off of N. Black Cat Rd. These accesses will be closed and the west entrances from N. Black Cat will occur from W. Machado Dr and W. Grand Rapids Drive, already approved as part of Quartet Southeast and Northeast.

- “Discourage residential land uses in close proximity to the Wastewater Resource Recovery Facility, the Intermountain Gas Facility on Can-Ada Road, and other incompatible land uses.” (3.06.02E)

The subject property is adjacent to property designated for Mixed Use Non-Residential (the Naomi Farms property), all within unincorporated Ada County. The purpose of this designation is to designate areas where new residential dwellings will not be permitted, as residential uses are not compatible with the planned and/or existing uses in these areas. For example, MU-NR areas are used near the City’s Wastewater Resource Recovery Facility and where there are heavy industrial or other hazardous operations that need to be buffered from residential.

The 2021 Wastewater Resource Recovery Facility Odor Study indicates an odor detectable threshold (DT) of 50 DT and greater on the western and northern portion of the property for at least 50 hours per year. The study reflects DT < 20 is the threshold where odor is detectable. This impact could lessen if odor control improvements are installed. Although the Study indicates the subject property is not within the direction of the prevailing winds, based on the Study, odor impacts are still probable.

The northern half of the property is approximately 1,300 feet from the wastewater facility, with the southern portion (proposed for R-15 zoning) approximately 1,600 feet from the facility. With the Quartet Northeast and Quartet Southeast Subdivisions (H-2020-0017 and H-2020-0018) staff noted that because the site was in close proximity to the City’s Wastewater Resource Recovery Facility, staff had concerns with density in the area. This proposal is approximately the same distance from the Wastewater Facility (if not closer) and higher densities are proposed than Quartet Northeast and Southeast. The subject property is also near the location of a proposed ACHD maintenance facility (proposed at the southeast along W. Ustick Rd), which could produce significant noise and lighting impacts.

Staff has recommended to the applicant that a better transition should be provided between the subject property and the MU-N designation to the east. The applicant has responded that based on the results of the odor study there may be a future request for a Future Land Use Map amendment for additional residential uses further to the east, and a buffer or transition via a road could be provided as part of this request. The applicant also states the Mixed-Use Non-Residential designation is intended to provide the transition to residential uses, which is why this project shows houses backing directly to the Naomi Farms parcel. Staff has noted that due to the increasing loss of industrial land and the impacts of the wastewater treatment plant and future ACHD maintenance facility, staff may not support a change to residential designation in this area. Whether or not the Planning Commission and City Council is inclined to support re-designating this area for residential, unless the applicant procures this property or the current owner is also an applicant on this application, staff cannot ascertain whether an appropriate transition is provided based on a parcel which is not owned by the applicant or part of this proposal.

Staff has concerns with higher density residential uses in close proximity to the Wastewater facility. As already mentioned, these concerns include loss of industrial land, the potential for foul odors and noise impacts associated with both the treatment facility as well as potential from the ACHD maintenance facility. The Commission and Council should determine if the applicant has provided adequate transition as contemplated in the Comprehensive Plan.

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

The proposed project is located in part of a larger “enclave” around the City’s wastewater facility; development of this property will assist in maximizing public services.

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

The proposed project is located in part of a larger “enclave” around the City’s wastewater facility; development of this property will assist in maximizing public services.

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

The proposed project is in a larger enclave area around the City’s wastewater facility and is not on the fringe.

D. Existing Structures/Site Improvements:

There is an existing single-family residence and several outbuildings on the subject property. The plat reflects this house will be removed.

E. Proposed Use Analysis:

Townhomes, single-family attached and detached dwellings are listed as principal permitted uses in the R-8 and R-15 zoning districts and a multi-family development is a conditional use in the R-15 zoning district in UDC Table 11-2A-2. Since there is no concept plan for the R-15 lots (Lot 2, Block 3 and Lot 1, Block 4), staff recommends a DA provision that requires the applicant to amend the DA to include a concept plan and conceptual elevations prior to submitting a CUP for a multi-family development.

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

The preliminary plat and future development is required to comply with the dimensional standards listed in UDC Table 11-2A-6 for the R-8 and R-15 zone districts. Standards in R-8 include minimum lot size of 4,000 sq. ft., and required street frontages of at least 40 ft. Lots in the R-15 zoning district are required to be at least 2,000 sq. ft. in area.

The plat includes two lots proposed for R-15 zoning. The narrative states 140 townhouses are proposed in this area. Depending on number of units and whether or not they are on separate lots would indicate whether these units would be considered townhomes or multifamily. This would have different requirements for parking, open space and amenities. Staff contacted the applicant, who responded it is not known what kind of housing product is anticipated in this area at this time. The applicant noted additional public review would occur during either the plat for townhomes or conditional use for multifamily.

UDC 11-6C-3-B-5 states “alleys shall be designed so that the entire length is visible from a public street.” The plat reflects alleys that are aligned north – south and intersect with another alley in a “t-intersection” that does not allow visibility of the entire alley from a public street. UDC 11-5B-5 does not allow alternative compliance from this requirement. The plat must be revised accordingly, such as extending these alleys.

UDC 11-6C-3- regulates block lengths for residential subdivisions. The intent of this section of code is to ensure block lengths do not exceed 750 ft, although there is the allowance of an

increase in block length to 1,000 feet if a pedestrian connection is provided. Staff has reviewed the submitted plat for conformance with these regulations. It does appear this limit is exceeded along the eastern boundary of the property. The applicant should revise the plat to meet the requirements of UDC 11-6C-3.

There are two common driveways proposed with this subdivision. The applicant has provided a common drive exhibit which demonstrate no more than 4 units are served with no than 3 units on one side. The common driveways meet the minimum width of 20', do not exceed the maximum length of 150' and show 5' ft. of landscaping on side. Based on the plat which was submitted by the applicant, all lots in the proposed R-8 zoning area meet the minimum lot sizes.

If the applicant proposes attached units in the future phase at Lots 1 Block 4 and Lot 2 Block 3, they will be required to plat the property with zero lot lines.

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

The property proposes one access point from N. Black Cat Rd and one access point from W. Ustick Rd. There is also a northern stub provided to the Quartet Southeast Subdivision to the north and the Naomi Farms parcel to the east. There are 4 existing driveways from N. Black Cat; all of these will be closed.

The applicant submitted a traffic study for this application. ACHD responded that the Level of Service (LOS) at the N. Black Cat Rd / W. McMillian Rd intersection is LOS "F", and that sections of N. Black Cat Rd. and W. Ustick Rd. also exceed ACHDs acceptable LOS. Ustick Rd. is listed to be widened to 5-lanes from N. McDermott Rd to N. Ten Mile Rd. between 2026 and 2030. N. Black Cat Road is listed in the ACHD CIP to be widened to 5-lanes from McMillan Rd to Cherry Ln between 2031 and 2035. The N. Black Cat Rd / W. Ustick intersection was signalized with turn lanes in 2021. This intersection is eventually intended to be widened to 6 and 7 lanes (depending on the direction) between 2026 and 2030.

ACHD noted this project generally conforms with district policy. 51-feet of right of way dedication from centerline is required along W. Ustick versus the 47 feet proposed by the applicant. 57 feet of right of way dedication from centerline is required along N. Black Cat Rd. whereas the applicant proposed 48 feet. The applicant will be required to construct a dedicated east bound left turn lane on Ustick Road at Sunnyside Way, and a dedicated north bound right turn lane and south bound left turn lane on Black Cat Road at Aspenstone Drive. The applicant will be required to construct 10 ft. wide pathways along N. Black Cat Rd and W. Ustick Rd whereas 5 ft. sidewalks had been proposed. No improvements are planned for W. McMillian Rd.

H. Parking (*UDC 11-3C*):

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family attached and detached dwellings as well as multifamily based on the number of bedrooms per unit. Future development should comply with these standards.

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

No pathways are indicated on the Master Pathways Map or are proposed with this subdivision.

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

Five-foot detached sidewalks are proposed along internal streets in accord with the standards listed in UDC 11-3A-17. The plat shows 5-foot detached sidewalks proposed along N. Black Cat Rd. and W. Ustick Rd, but these are now proposed to be 10 ft. wide pathways based on the traffic study.

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

Parkways are provided between the detached sidewalks and road on both sides of all local roads. All parkways meet the requirements of 11-3A-17 and 11-3B-7 including at least 8 ft. in width and landscaped with at least 1 tree per 35 feet.

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

UDC 11-2A-6 requires 25 ft. wide buffers along arterial roads (N. Black Cat Rd. and W. Ustick Rd.) The landscape plan reflects buffers of at least 30 ft. exceeding the requirements. As mentioned above, all roads internal to the subdivision have detached sidewalks with 8 ft. parkways that meet the requirements of UDC 11-3A-17 except for the two proposed alleys at the east and west.

Common open space is required to be landscaped in accord with the standards listed in UDC 11-3G-3E. Landscaping is depicted in common areas in excess of UDC standards.

There are existing trees on the site around the existing homes that are proposed to be retained that may require mitigation if removed. The Applicant coordinated with Matt Perkins, the City Arborist, who mentioned there did not appear to be any trees meeting the mitigation requirement per the standards listed in UDC 11-3B-10C.5.

The landscape plan includes 10.49 acres of qualified open space (15.5%) as will be discussed in the Qualified Open Space and Amenities sections below. As this is a three-phase project, staff is recommending all road frontage improvements along N. Black Cat Rd and W. Ustick Rd be completed with the first phase.

The applicant submitted an updated preliminary plat on January 25, 2022 but has not yet submitted a revised landscape plan or open space that matches the updated plat. Staff is requiring the revised plans as a condition of approval.

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

A minimum of 15% qualified open space meeting the standards listed in UDC 11-3G-3 is required to be provided with development. 15.5% (10.49 acres) of qualified open space is shown. This includes two larger parks of 114,283 sq. ft. and 65,401 sq. ft., several smaller open space areas of 24,000 sq. ft. and 17,330 sq. ft., parkways which meet the minimum requirements, ½ of the area of arterial buffers and open space corridors that meet the minimum dimensional requirements of at least 20 ft. in width by 50 ft. in length with an access at each end.

It does appear that the project meets the minimum open space requirements, although there are portions of Lot 13 of Block 2, Lot 7 and 43 of Block 6, and Lot 6 of Block 9 that do not meet the minimum required 20 ft. width to be credited as open space. The open space exhibit should be revised accordingly.

As already mentioned, it is unknown at this time if the property proposed for R-15 zoning will be townhomes or multifamily. Depending on which housing type is eventually chosen, there could be additional qualified open space requirements.

There appears to be common lots used for stormwater drainage. Any common lots proposed for drainage shall meet the landscape requirements of 11-3B-11.

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

Based on the 48.83-acre area proposed for R-8 zoning, 10 amenity points are required. Because this project is more than 40 acres, amenities are required from all the separate categories listed in Table 11-3G-4.

This application proposes a community pool and changing rooms, children's play structure, and clubhouse. Although the square footage is not indicated, the clubhouse scales to greater than 5,000 sq. ft. qualifying it for 6 amenity points in the Quality of Life Amenity Category. A swimming pool with changing rooms is shown (although it does not indicate whether restrooms are included) which would qualify it for 6 amenity points, and a children's play structure is indicated, which would qualify an additional 1 amenity point from the Recreation Activity Area Amenities Category. Although the 13 total points would exceed the minimum, as described above, there would need to be amenities provided from the Multi-Modal and Pedestrian or Bicycle Circulation System amenity categories. Applicant should revise the open space plan to indicate whether all amenity categories are met.

As already mentioned, the applicant has stated that at present they do not know if the R-15 zoned portion will be townhomes or multifamily. Additional amenities and qualified open space could be required based on housing type.

N. Waterways (*UDC 11-3A-6*):

The plat indicates the Rutledge Drain and a concrete irrigation ditch bisecting the property at an approximately 45-degree angle. Both will be required to be piped per UDC 11-3A-6. Coordination will be ongoing with the irrigation districts managing the waterways to meet their requirements. A very small portion of the property is within a FEMA designated A Zone. This area is preserved within an open space lot (Lot 1, Block 1). As required per UDC 11-3A-6, irrigation easements wider than ten (10) feet shall be included in a common lot that is a minimum of twenty (20) feet wide and outside of a fenced area, unless otherwise waived by City Council.

O. Fencing (*UDC 11-3A-6, 11-3A-7*):

The landscape plan shows 6 ft. high solid vinyl fencing. Fencing as shown does not appear to obstruct visibility into any common lots or open spaces. The landscape plan does not show any fencing abutting pathways or common open space areas to distinguish common lots from private areas. There also does not appear to be any fencing shown around the perimeter of the pool. All fencing must meet the requirements of 11-3A-6 and 11-3A-7 as well as building code.

P. Utilities (*UDC 11-3A-21*):

Public services are available to accommodate the proposed development. Urban sewer and water infrastructure and curb, gutter and sidewalk is required to be provided with development as proposed.

Q. Building Elevations (*UDC 11-3A-19 | Architectural Standards Manual*):

The Applicant has submitted elevations of the single-family homes for this project (see Section VII below).

The single-family homes are depicted as one and two-story structures with attached garages, and a variety of architectural elements and finish materials including gabled roofs, covered porches, dormers, stone wainscoting, and lap siding. The submitted sample elevations appear to meet design requirements for single-family homes but do not include elevations of the sides or rears of structures.

A number of the houses will be very visible from N. Black Cat Rd. and the townhomes or multifamily will be on the corner (and very visible) of N. Black Cat Rd and W. Ustick Rd. Therefore, staff recommends a condition that the rear and/or sides of 2-story structures that face N. Black Cat Rd. and / or W. Ustick Rd incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up

monotonous wall planes and roof lines. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.

Design review is required for single family attached or multifamily structures. The applicant is unsure which type of product will be constructed on Lots 1 of Block 4 and Lot 2 of Block 3 (the area proposed for R-15 zoning. The applicant has not provided any elevations for the potential attached or multifamily units. To ensure consistency throughout the development, staff recommends a condition that architecture of all single family attached or multifamily units be generally consistent with the single-family elevations provided in this application.

VI. DECISION

A. Staff:

Staff has raised concerns with traffic and how this project will transition MU-NR designated property to the east above, however the proposal is consistent with the density allowances of the FLUM, the traffic study shows improvements in this area will occur in the future, and most dimensional standards have been satisfied. Therefore, staff recommends approval of the requested annexation and preliminary plat with the conditions noted in Section IV. per the Findings in Section VIII.

B. The Meridian Planning & Zoning Commission heard this item on February 3, 2022. At the public hearing, the Commission moved to DENY the subject annexation and preliminary plat request.

1. Summary of the Commission public hearing:

- a. In favor: Jon Wardle, Mike Wardle
- b. In opposition: None
- c. Commenting: Jon Wardle
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

- a. Comments regarding the length of the block at the east without a break.
- b. Concerns expressed regarding the traffic study being analyzed was four years old and was completed before even most of the adjacent development was approved, roads are already congested, and improvements are still years out.
- c. Comments that the applicant is trying to fit in as many lots as they can.
- d. Issue with the proximity to industrial uses and lack of transition.
- e. Comments that additional development in this area is premature and it would not be responsible to support this project.

4. Commission change(s) to Staff recommendation:

- a. As Commission recommended denial, all staff's conditions have been stricken.

VII. EXHIBITS

A. Annexation Legal Description and Exhibit Maps (date: July 13, 2021)

July 13, 2021
Project No. 21-027
Quartet South Subdivision

**Exhibit A
Legal Description for Annexation and Rezone to R-8**

A parcel of land being a portion of the West 1/2 of the Southwest 1/4 of Section 34, Township 4 North, Range 1 West, B.M., Ada County, Idaho being more particularly described as follows:

Commencing at an aluminum cap marking the Southwest corner of said Section 34, which bears N89°10'57"W a distance of 1,314.40 feet from an aluminum cap marking the Southeast corner of said West 1/2 of the Southwest 1/4 (West 1/16 corner), thence following the westerly line of the Southwest 1/4 of said Section 34, N00°27'12"E a distance of 696.43 feet to the **POINT OF BEGINNING**;

Thence following said westerly line, N00°27'12"E a distance of 1,279.60 feet;
Thence leaving said westerly line, S89°13'35"E a distance of 77.99 feet;
Thence N00°27'19"E a distance of 175.59 feet to a 5/8-inch rebar;
Thence N45°27'19"E a distance of 29.19 feet to a 5/8-inch rebar;
Thence S89°32'41"E a distance of 589.03 feet to a 5/8-inch rebar;
Thence 423.64 feet along the arc of a curve to the left, said curve having a radius of 520.00 feet, a delta angle of 46°40'43", a chord bearing of N67°06'57"E and a chord distance of 412.02 feet to a 5/8-inch rebar;
Thence N43°46'36"E a distance of 306.45 feet to a 5/8-inch rebar;
Thence 60.97 feet along the arc of a curve to the right, said curve having a radius of 517.00 feet, a delta angle of 06°45'23", a chord bearing of N47°09'17"E and a chord distance of 60.93 feet to a 5/8-inch rebar on the easterly line of said West 1/2 of the Southwest 1/4;
Thence following said easterly line, S00°35'24"W a distance of 2,151.36 feet;
Thence leaving said easterly line, 77.20 feet along the arc of a curve to the left, said curve having a radius of 150.00 feet, a delta angle of 29°29'19", a chord bearing of S75°50'44"W and a chord distance of 76.35 feet;
Thence S61°06'05"W a distance of 123.38 feet;
Thence 97.64 feet along the arc of a curve to the left, said curve having a radius of 350.00 feet, a delta angle of 15°59'00", a chord bearing of N40°18'29"W and a chord distance of 97.32 feet;
Thence N48°17'59"W a distance of 210.32 feet;
Thence 128.28 feet along the arc of a curve to the right, said curve having a radius of 150.00 feet, a delta angle of 48°59'53", a chord bearing of N23°54'33"W and a chord distance of 124.40 feet;
Thence N89°24'36"W a distance of 861.05 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 48.83 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

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





July 13, 2021
Project No. 21-027
Quartet South Subdivision

Exhibit A
Legal Description for Annexation and Rezone to R-15

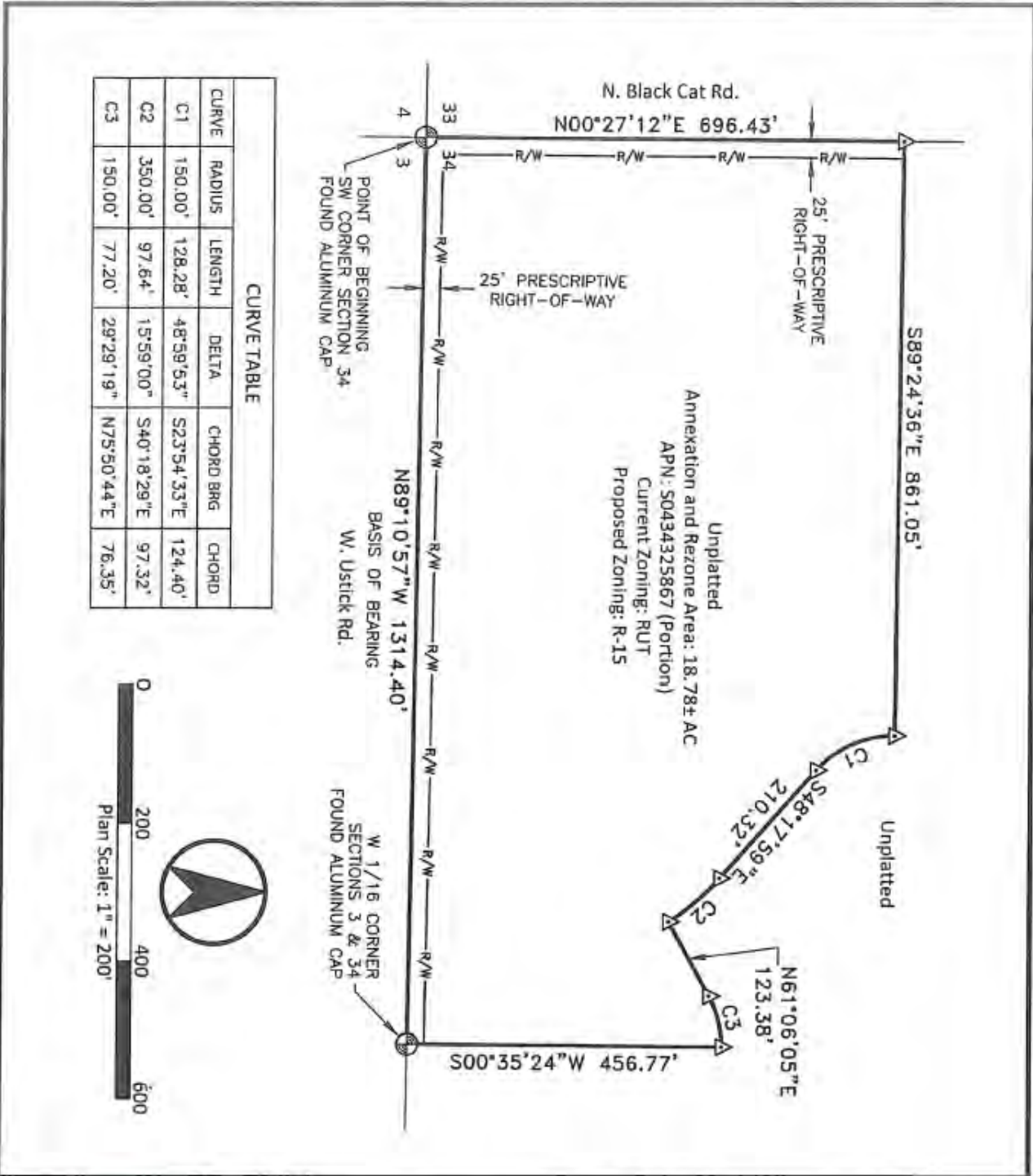
A parcel of land being a portion of the West 1/2 of the Southwest 1/4 of Section 34, Township 4 North, Range 1 West, B.M., Ada County, Idaho being more particularly described as follows:

Beginning at an aluminum cap marking the Southwest corner of said Section 34, which bears N89°10'57"W a distance of 1,314.40 feet from an aluminum cap marking the Southeast corner of said West 1/2 of the Southwest 1/4 (West 1/16 corner), thence following the westerly line of the Southwest 1/4 of said Section 34, N00°27'12"E a distance of 696.43 feet;
Thence S89°24'36"E a distance of 861.05 feet;
Thence 128.28 feet along the arc of a curve to the left, said curve having a radius of 150.00 feet, a delta angle of 48°59'53", a chord bearing of S23°54'33"E and a chord distance of 124.40 feet;
Thence S48°17'59"E a distance of 210.32 feet;
Thence 97.64 feet along the arc of a curve to the right, said curve having a radius of 350.00 feet, a delta angle of 15°59'00", a chord bearing of S40°18'29"E and a chord distance of 97.32 feet;
Thence N61°06'05"E a distance of 123.38 feet;
Thence 77.20 feet along the arc of a curve to the right, said curve having a radius of 150.00 feet, a delta angle of 29°29'19", a chord bearing of N75°50'44"E and a chord distance of 76.35 feet to the easterly line of said West 1/2 of the Southwest 1/4;
Thence following said easterly line, S00°35'24"W a distance of 456.77 feet to an aluminum cap marking the Southeast corner of said West 1/2 of the Southwest 1/4 (West 1/16 corner);
Thence leaving said easterly line and following the southerly line of said West 1/2 of the Southwest 1/4, N89°10'57"W a distance of 1,314.40 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 18.78 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

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



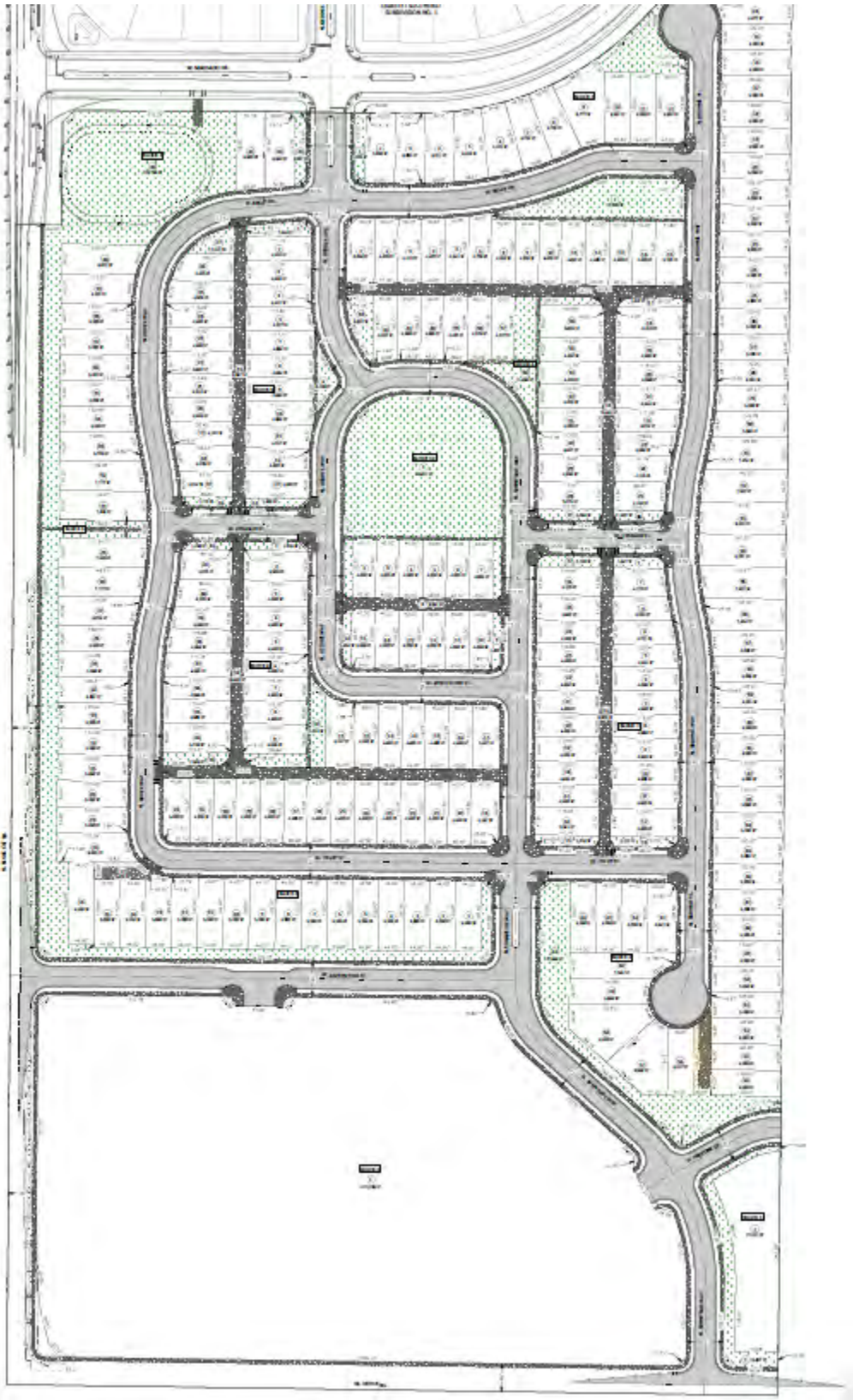


CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	150.00'	128.28'	48°59'53"	S23°54'33"E	124.40'
C2	350.00'	97.64'	15°59'00"	S40°18'29"E	97.32'
C3	150.00'	77.20'	29°29'19"	N75°50'44"E	76.35'

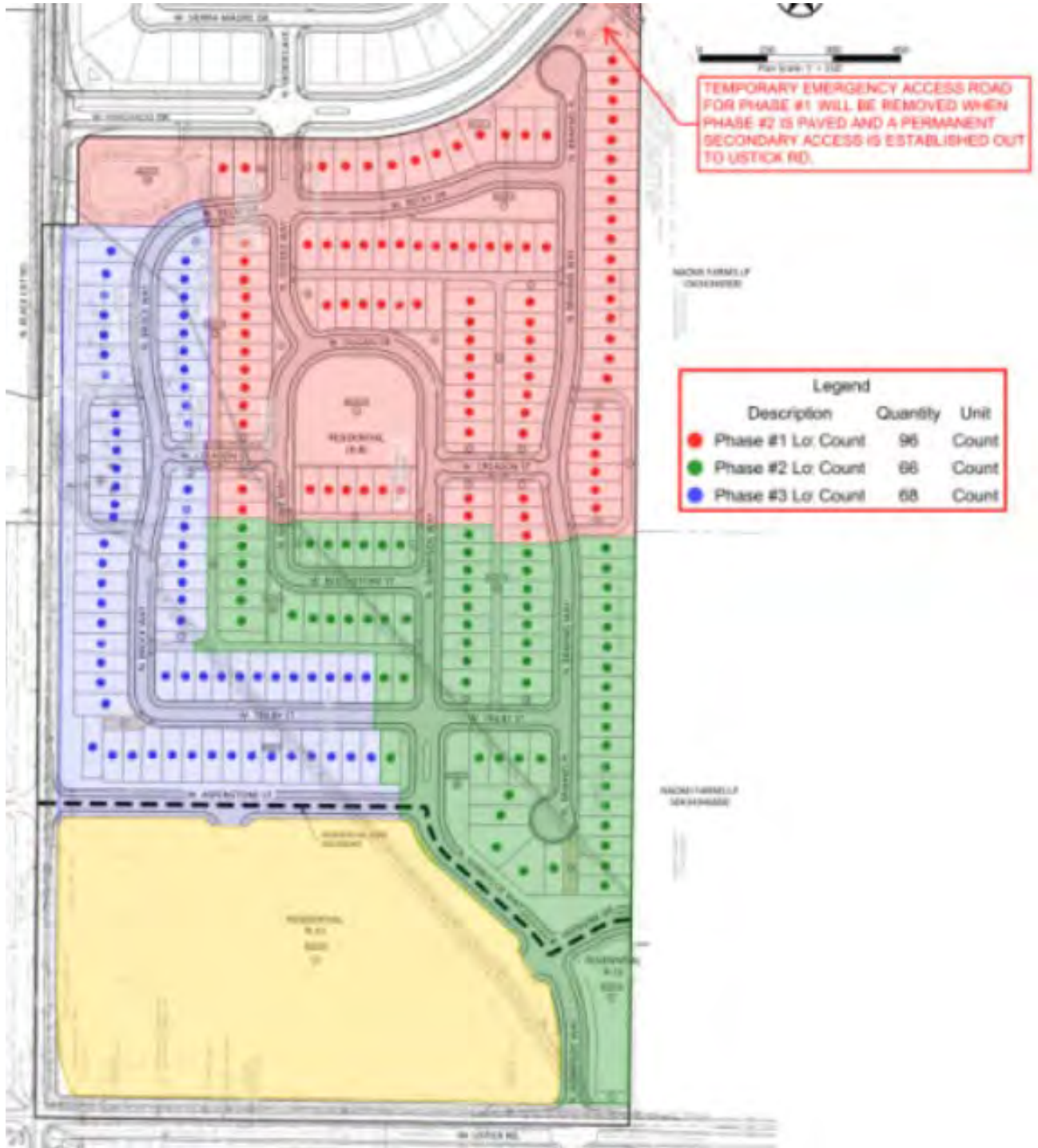


<p>km ENGINEERING 3725 NORTH DISCOVERY WAY BOISE, IDAHO 83713 PHONE (208) 639-6139 kmenr@kmb.com</p>	<p>Exhibit B Annexation and Rezone to R-15</p> <p>Quartet South Subdivision W 1/2 SW 1/4 Sec. 34, T4N., R1W., BM., Ada County, Idaho</p>	<p>DATE: July 2021 PROJECT: 21-027 SHEET: 1 OF 1</p>
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B. Preliminary Plat (date: 1/25/2022)



C. Phasing Plan (date: 7/25/21)



D. Color Rendering (date: 11/2/2021 – does not match the most recent revised plat)



F. Common Open Space Exhibit (date: 7/15/2021)



H. Conceptual Elevations



Item #5.



Item #5.





Quartet South Residential -

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

~~1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer. A final plat application will not be accepted until the DA is fully executed.~~

~~Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:~~

- ~~a. Future development of this site shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations for the single family dwellings included in Section VI and the provisions contained herein.~~
- ~~b. All frontage improvements along N. Black Cat Rd and W. Ustick Rd shall be completed with the first phase of development.~~
- ~~c. The applicant shall be required to amend the development agreement to include a concept plan and conceptual elevations prior to submitting a CUP for a multi-family development.~~
- ~~d. The rear and/or sides of 2-story structures that face N. Black Cat Rd. and / or W. Ustick Rd shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step backs, pop-outs); bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. Single story structures are exempt from this requirement. Planning approval will be required at time of building permit.~~
- ~~e. To ensure consistency throughout the development, any future townhome or multifamily dwellings shall be generally consistent with the single family elevations provided in this application.~~

2. ~~The Preliminary Plat included in Section VI, dated 7/15/2021, is approved with the following revisions:~~
 - a. ~~The plat should be revised to provide a transition between the east property line and the adjacent property to the east. Staff recommends a north—south road along the eastern property line.~~
 - b. ~~All alleys shall meet the requirements of UDC 11-6C-3 that requires the entire length to be visible from a public street.~~
 - c. ~~All pathways and micropath shall be within a separate common lot or easement as required per UDC 11-3A-8.~~
3. ~~The landscape plan and open space exhibit shall be revised to match the Preliminary Plat, dated 1/25/2022.~~
4. ~~Prior to City Council, the open space exhibit shall be revised to remove any areas of less than 20 ft. in width from being credited as qualified open space.~~
5. ~~The applicant shall construct all proposed fencing and/or any fencing required by the UDC, consistent with the standards as set forth in UDC 11-3A-7 and 11-3A-6B, as applicable.~~
6. ~~Any common lots proposed for drainage shall meet the landscape requirements of 11-3B-11.~~
7. ~~Per UDC 11-3A-6, irrigation easements wider than ten (10) feet shall be included in a common lot that is a minimum of twenty (20) feet wide and outside of a fenced area, unless otherwise waived by City Council.~~
8. ~~The applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.~~
9. ~~The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B-5 and maintenance thereof as set forth in UDC 11-3B-13.~~
10. ~~All laterals shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6.~~
11. ~~Pathway and adjoining fenceings and landscaping shall be constructed consistent with the standards as set forth in UDC 11-3A-7A7, 11-3A-8 and 11-3B-12C.~~
12. ~~The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to driveways, easements, blocks, street buffers, and mailbox placement.~~
13. ~~All common driveways shall meet the requirements of 11-6C-2-D including a perpetual ingress/egress easement being filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.~~
14. ~~The Applicant shall have a maximum of two (2) years to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.~~
15. ~~The Applicant shall comply with all conditions of ACHD.~~

B. PUBLIC WORKS DEPARTMENT**Site Specific Conditions of Approval**

1. The geotechnical investigative report prepared by Atlas Technical Consultants, LLC indicates some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations to help ensure that groundwater does not become a problem within crawlspaces of homes.
2. Due to the low permeability of the soils on site, a mass grading plan shall be developed to show how the site will manage drainage for each lot. See the geotechnical investigation prepared by Atlas Technical Consultants LLC.
3. Water main shall be built in the proposed roadway at the northeast corner of this development, and shall be extended to the existing water main stub from Quartet Southeast Subdivision.
4. The slope of proposed sewer main line "B" shall be installed at the minimum allowed slope (0.40%) throughout the project. This is to maximize sewer depth for future development eastward.
5. Ensure no sewer service lines pass through infiltration trenches.
6. There appears to be trees planned within a sewer easement. These must be moved. No permanent structures including but not limited to trees, bushes, carports, buildings, trash enclosures, fences, light poles, infiltration trenches, etc. shall be built or left within a City utility easement.

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.
4. 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.

- ~~5. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.~~
- ~~6. 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.~~
- ~~7. 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.~~
- ~~8. 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.~~
- ~~9. 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.~~
- ~~10. 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.~~
- ~~11. 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.~~
- ~~12. 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.~~
- ~~13. 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.~~
- ~~14. 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.~~
- ~~15. 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.~~
- ~~16. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.~~

- ~~17. Developer shall coordinate mailbox locations with the Meridian Post Office.~~
- ~~18. 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.~~
- ~~19. 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.~~
- ~~20. 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.~~
- ~~21. 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.~~
- ~~22. 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.~~
- ~~23. 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.~~
- ~~24. 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. RESPONSE FROM APPLICANT REGARDING TRANSITION

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250949&dbid=0&repo=MeridianCity>

D. MERIDIAN FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243073&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243071&dbid=0&repo=MeridianCity>

E. MERIDIAN POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243231&dbid=0&repo=MeridianCity>

F. CITY ARBORIST

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243078&dbid=0&repo=MeridianCity>

G. NAMPA & MERIDIAN IRRIGATION DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244626&dbid=0&repo=MeridianCity>

H. COMPASS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244626&dbid=0&repo=MeridianCity>

I. DEPARTMENT OF ENVIRONMENTAL QUALITY

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244322&dbid=0&repo=MeridianCity>

J. WEST ADA SCHOOL DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250630&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. ANNEXATION AND / OR REZONE (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

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

Commission finds annexation of the subject site with an R-8 and R-15 zoning designation is not consistent with the Comprehensive Plan MDR FLUM designation for this property, if the Applicant complies with the provisions in Section VII.

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

As noted above, there are changes that are required in regard to block length and alley orientation. Otherwise, Commission finds the layout proposed will be consistent with the purpose statement of the residential districts in that housing opportunities will be provided consistent with the Comprehensive Plan.

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

Commission does have concerns regarding the proximity of this property to industrial uses and existing traffic impacts in the area. The Council should consider any oral or written testimony that may be provided when determining this finding.

- 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 could result in 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 Commission does not believe this annexation is in the best interest of the City due to existing traffic, timing of improvements and proximity to industrial uses without adequate transition.

B. PRELIMINARY PLAT (UDC 11-6B-6)

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

- 1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

With the revisions listed in Section VIII, Commission finds the proposed plat would generally be in conformance with the UDC if the Applicant complies with the conditions of approval in Section VII.

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

Commission finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.

- 3. The plat is in conformance with scheduled public improvements in accord with the city's capital improvement program;

Commission finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.

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

Commission finds there is public financial capability of supporting services for the proposed development.

5. The development will not be detrimental to the public health, safety or general welfare; and
Commission does have concerns with how the proximity to industrial uses, the existing traffic in the area and timing for improvements will impact the public health, safety or general welfare.
6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)
There are several laterals along the property that will be piped, but are not natural features. According to the landscape plan, there are no healthy trees onsite meeting the requirements for preservation.

Seal: Thank you, Commissioner Wheeler. Now, it has been moved and seconded to approve Item No. H-2021-0087 as presented in the staff report for the hearing date of February 3rd, 2022. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: ALL AYES.

7. Public Hearing Continued from January 20, 2022 for Quartet South Subdivision (H-2021-0088) by Brighton Development, Inc., Located on Parcels S043432586 and S0434325410, at the Northeast Corner of W. Ustick Rd. and N. Black Cat Rd.

- A. Request: Annexation of 67.61 acres of land with the R-8 (48.83 acres) and R-15 (18.78 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 229 single-family residential lots, 2 multi-family lots with 140 townhouse units, and 42 common lots.

Seal: All right. So, we will move on to Quartet South Subdivision, H-2021-0088, which was continued from January 20th, 2022, and we will begin with the staff report.

Cassinelli: Mr. Chair, can I jump in?

Tiefenbach: Greetings, Mr. Chair, Members of the Commission. Alan Tiefenbach, associate planner here with City of Meridian. Okay. This is a proposal for an annexation and rezoning and preliminary plat. The property is not quite 68 acres, zoned RUT, located at the northeast corner of North Black Cat, West Ustick Road intersection. In July of 2020 Quartet Northeast, obviously, to the north and Quartet Southeast were approved north of this property. This subdivision is a continuance of those subdivisions. Future land use map recommends medium density residential, three to eight dwelling units per acre. The applicant proposes to annex a total of -- again, just not quite 68 acres of land. Forty-nine acres on the northern portion of the property are proposed to be rezoned to R-8 to allow 229 single-family homes. The southern 18.7 acres is proposed for R-15. That would be to allow 140 single family attached or multi-family units, although the housing type has not been determined at this time by the applicant. Jamestown Ranch, the court -- I made a little map here. So, Jamestown Ranch, the Quartet Sub -- the Quartet -- sorry -- Quartet Northeast, Quartet Southeast, they are all north. The Klamath Basin, Staten Park and Geddes Subdivisions are to the south and the Birchstone Creek Subdivision is to the west. To the east is unincorporated property that's in the county. This I will be calling the Naomi parcel as I talk about that later. This is -- this is designated for a mixed-use non-residential. Further east here is the wastewater treatment facility. There is some self-storage. It's important to note that here -- this piece of property is currently under review with the Planning Commission -- or, sorry, with ACHD for a new maintenance facility. There are -- let's see. There is presently four accesses to this property off of North Black Cat and those accesses are going to be closed and, then, there will be new accesses. One will occur from West Aspenstone, which is down here, and the other will occur from

-- from Machado, which is up here -- which is around in the middle. Some of these accesses to the north have already been improved -- already been approved as part of the Quartet Southeast and Northeast. The internal streets will be built to ACHD standards. The applicant submitted a traffic study for this application. ACHD responded that the level of service at the North Black Cat and West McMillan intersection -- so, it will be up to the north here, that's level of service F, and that sections of North Black Cat Road and West Ustick Road also exceeded the ACHD acceptable level of service. Ustick Road is listed to be widened to five lanes between 2026 and 2030. North Black Cat Road is listed to be widened to five lanes between 2031 and 2035. The North Black Cat-West Ustick intersection was signalized with turn lanes in 2021. Eventually that's going to be widened as well between 2026 and 2030. Per ACHD, the applicant is going to be required to construct a dedicated eastbound turn lane on Ustick Road, which is down here. They will also be required to construct a dedicated northbound right turn and a southbound left turn at Aspen -- Aspenstone Drive, which is what you see here. The applicant's going to be required to construct ten foot wide pathways along North Black Cat. Originally in the staff report it talked about sidewalks. Since that time ACHD required ten foot wide multi-modal pathways. There is two common driveways proposed with this subdivision. On the right is the open space exhibit. A minimum of 15 percent qualified open space is required, 15.4 percent is shown. This includes two larger parks of roughly 114,000 and 55,000 square feet and some smaller open space areas as well. Based on the 48.83 acre area proposed on our new code ten amenity points are required. Because this project is more than 40 acres amenities are required from all of the separate categories. There is four different categories listed in the code and, then, there is a note of what qualifies for amenity points. The applicant proposes a community pool and changing rooms, children's play structure and clubhouse. Although the square footage is not indicated, staff scaled the clubhouse and it looks like it's greater than 5,000 square feet, which would qualify it for more than six amenity points and this would qualify in the quality of life category. A swimming pool and changing rooms are also shown, which would qualify -- qualify for six amenity points and a children's play structure and all this would end up being about 13 points. This is over the ten points that are required. But, again, as I mentioned, because this is larger than 40 acres they are actually required to provide amenities from all four categories and I don't under -- unless the applicant clarifies with us, I do not believe that amenities have been provided from all those categories. Easy enough for them to fix, but, again, they would have to meet all the categories. The subject property is adjacent to the Naomi Farms property. That's the one I talked about was to the east and that's designated for a mixed-use, non-residential. The purpose of this designation is to designate areas where new residential dwellings would not be permitted. What I have shown you here is the future land use map. Residential uses are confirmed to be -- or have been determined to not be compatible in these areas. Again, as I mentioned earlier, the wastewater treatment plant is about 1,200 feet to the east, which is what you see in green here. There is a future ACHD facility that will be built about a thousand feet here and both of these would -- or very potentially have highly intensive industrial usage, which could include noise, light, odor. The ACHD facility itself -- could also have some pretty significant traffic impacts. At present the Naomi Farms property could be annexed into the city and it would be designated for industrial. So, they could do industrial uses. Right now I think there is sort of an informal RV storage type facility

that's happening. It's covered RVs. Staff has recommended to the applicant that a better transition should be provided between the subject property and the destination -- and the Naomi parcel to the east. The applicant has responded that there may be a future request for a future land use amendment for additional residential uses to the east and that a buffer or transition via a road or something else could be provided as part of this request. The applicant also states that the mixed-use non-residential designation is intended to provide the transition to -- is intended for that reason, to provide the transition, which is why this project, as shown, shows houses backing directly to the Naomi Farms parcel. Staff has known that due to the increasing loss of industrial land and the impacts that I mentioned with the wastewater treatment plant and the ACHD facility, we thought that there actually should be a better transition. I might add that the applicant also has noted that there could be a future request for a future land use map change in that area to allow more residential there. Because of the -- the reasons that we listed, staff at this point -- we weren't sure if we would support that map amendment, but whether or not the Planning Commission or the City Council is inclined to support redesignating that area, it's important to notice that -- that unless the applicant gets that property or unless the current owner of the Naomi Farms are part of this application, we can't ascertain whether an appropriate transition is based upon somebody else and what they might do that aren't associated with this application. So, we certainly -- you know, the applicant contends that the app -- the adjacent property -- that that transition will be provided whenever that develops. Our position is, well, it's not developing, it's not part of this application and you are developing, so you should provide a better transition for the houses, rather than backing them directly onto the -- directly to the parcel. Certainly that's for the Planning Commission and the City Council to decide what is appropriate. So, staff does have concerns with higher density residentials, particularly maybe multi-family that would be right along Ustick. As I mentioned, Council and the Commission should decide if there is an adequate transition. The applicant has submitted elevations. These single family homes are depicted as one or two story structures with attached garages and a variety of architectural elements. They do seem to meet all of the requirements. However, we would note that, again, as we mentioned, there could be a potential multi-family that goes into the -- to the parcel to the south. Now, design review is required for that and also if that was -- if that was proposed it would have to come to you as a conditional use. Still staff would want to make sure that there was more -- that there was consistency throughout this development. So, one of our -- one of our recommendations in the staff report is that the architecture of any multi-family units would be generally consistent with the single-family elevations that you are seeing here. So, again, in summary, staff does believe that it meets most of the minimum requirements of the UDC and the future land use map. There is a few -- one in particular -- I think I noted in the staff report -- along the eastern boundary there is a very long block here. There -- there is some -- there are some restrictions on how long you can have a block without a break. I believe it's 750 square feet and, then, there is some additional allowances that the Council can allow, but this is a very long block. There is all -- they meet the density recommendations. They are right at the 15 percent required open space. They are meeting their 4,000 square foot minimums. Again, with a little tweaking that they would have to provide some additional amenities -- or some amenities that come out of the different categories, which is easy enough for them to do, but certainly as we mentioned we do have concerns with

the existing issues with traffic, how long it's going to take for future improvements and whether or not there is a good enough transition from this development to the industrial uses to the east. With that if the Planning Commission is inclined to support this proposal, staff has listed conditions of approval in the staff report and with that I would take any questions or comments.

Seal: All right. Thank you. At this time would the applicant like to come forward.

J.Wardle: Alan, can I share my screen?

Tiefenbach: Yeah. Sure. Let me -- let me shut mine off. Let's see if I can do this. I think I have to just turned mine off. You should be able to.

J.Wardle: You have to unshare your --

Tiefenbach: Oh. You're right. My bad. There you go. Give it a try now.

J.Wardle: Thank you. Commissioners, good evening. My name is Jon Wardle. My address is 2929 West Navigator, Meridian, Idaho. 83642. Just share my screen with you tonight. Appreciate staff taking an opportunity to go through and describe some of the details here on the project and I want to get into some of them as well, so that we get a full picture of what -- what we are looking at tonight in the application that's before you. As Alan mentioned, we previously had approved last year or two years ago now a Quartet Northeast, which was north of the Five Mile, Quartet Southeast, which was south of the Five Mile and we are asking for annexation, rezone, and preliminary plat approval for Quartet South, which would be south of what's now Machado. If it's confusing to you, it's to us as well. That name's changed several times based on other approvals, but this is Machado up here. This is Black Cat Road here and, then, this is Ustick down to the south. We are requesting annexation, like I said, of nearly 68 acres and asking also for that to be broken up into two different zones, R-8 on 48.83 acres, and R-15 on 18.78 acres. In addition, just the details here for the project, we are asking for 229 single family detached and alley loaded homes in the R-8 section and up to 140 single-family attached or multi-family homes on the R-15 parcel highlighted in yellow. The overall density for the project, when you combine both of those together, we are about 5.46 units per acre. The split between the R-8 is 4.69 units per acre and R-15 is 7.45. But the blended density is 5.45 units per acre. We have also tried -- and this is important to note. We have also tried to bring together a -- a variety of residential home options with a standard front load is all -- as well as the alley loaded surrounding a central park. One of the things that we -- as we have developed now three age-restricted communities, we have put in the core of those very large amenities where it creates a social connection. We feel really strongly about that now as in all ages as well and so that's what's represented here is that there is a large community center. Alan is correct, it will be over 5,000 square feet where there will be an opportunity for a number of different programs in there to provide year around socialization. Clearly, you know, people do like swimming pools as well and that will be available here as we have been doing up in the northern part of the project as well. So, I just wanted to let you know that that central park area is designed to be a social hub for

this community. So, even though these lots in some regard are smaller, we are offsetting that with a very large community center that will mimic what we are doing in our Cadence communities, but this will be for all ages. This, again, highlights the amenities that are here with the clubhouse, community pool, a large playground structure. The -- the overall combined open space here is 15.4 percent or ten -- ten acres of the entire site and I want to split these apart. The R-8 area which, is the area to the north, which is denoted here, has 18.3 open space. When we bring back the R-15 we are going to be adding more open space to that. We haven't defined what that is currently, but we do need to comply with those open space requirements for that R-15 designation. There will be a little bit of a nuance, whether it's attached -- single family attached for sale or multi-family, but that open space calculation for the R-15 will increase, as well as will the amenities for that area. Pretty hard to zoom in on this, but Alan noted that because we are over 40 acres that we need to get additional amenities from each of the categories and we are proposing that those will be included as well. We have a number of non-required pathways and sidewalks throughout the project. We will also, given the essential amenity area here, we will be adding some features for the bicyclists, repair stations, that type of thing and so we will be able to comply with all of the categories and all of the amenities for the project. We did provide, prior to the hearing this -- a few weeks ago we did provide an update to the overall preliminary plat. There were -- we eliminated some areas that were of concern to staff and made sure that we were complying with all the dimensional standards for the project and that's what's reflected in the preliminary plat that was provided to you by staff and also here in this exhibit. There are four items -- I -- I wish I could say that, like the previous hearing where we were in complete agreement with staff conditions, we aren't, but I would like to walk through those with you today. The four items are arterial frontage improvements for Black Cat and Ustick. A future residential in the R-15. A question about the alleys. And, then, the future land use map designations. We have talked about that transition or buffer with the MUNR designation. So, the first one is the arterial frontages. As -- as is typical when we develop an adjacent phase of those we make those improvements. Staff has requested that we actually make the roadway improvements right from the very beginning. I am the first to tell you that we -- we also are -- we want to get roadway improvements done. This is problematic in this project at this point at the very beginning. There is a couple reasons. I mean it does add some additional costs up front, but more specifically we have a number of -- and you can see them diagonally -- some drains that come through the property. There is a large amount of piping that needs to happen across the frontage and we also have the Quenzer family home, which is still here, and their accesses and those type of things. Their home is very close to it. The home will go away, but the timing of that is not at this point in time. That's why we have phased this project the way we have, with the red area first and, then, green coming down, making the connection to Ustick and, then, we would move over. Our hope is that we can get in there earlier, but it's not feasible for us to do all of those roadway improvements at the very beginning of this project and so we are asking that condition 1-B be deleted as a requirement. It's not required by ACHD, but it is noted here and staff has made that request and we are asking respectfully that that condition be deleted. I will note that we -- when we originally proposed the -- the roadway improvements we did show those as a five foot sidewalk. Their -- ACHD is in the process of transitioning their requirements for the pathway accesses on arterial roadways. We are doing this right now in south Meridian

where those are ten foot. We, in talking with staff -- with ACHD staff -- and it was noted that, you know, we not be allowed to do five foot and we agree. We are going to do the ten foot regional pathways on both -- on our side of the road. In fact, we are doing that to the north with our existing projects as well, so we have a consistent ten foot along there. At some point ACHD is going to be updating their policy manual for that, they are just not there yet, but this will allow us to do that in the very beginning. The future R-15 residential -- like I said, we aren't quite sure what direction we are going to go, whether these will be for sale or whether they will be a multi-family under complete rentals, but a CUP is going to be required. We do need to come back to you to bring this back, so you can review both elevations, compatibility as Alan mentioned, with residential styles, which we will do and also the additional open space requirements. The one nuance here that we are asking for -- staff had noted -- noted that a DA modification be required prior to submitting the CU. We are just simply asking that that be modified so they can run concurrent. There is a little bit of a timing sequence there, but we want the DA mod and the CUP to run concurrent, knowing that you will review the CUP and City Council will review the DA mod. But it's just kind of a chicken and egg on that. There was a comment made about alleys not complying. You know, we have been over this a few times with different projects with alley projects here in the city. What -- what the concern is is when that alley makes a turn and it -- you can't view from one end as -- there would be like a blind corner, but where these alleys you can view from a public street to the end and, then, you can view the other way as well, we do believe we actually comply with city code. The city actually has approved these for us in at least four projects. You know, we -- we also agree that you don't want to have these L-shaped where, you know, you can't see all the way through, but the fact that these intersect and you have an opportunity to look from the other roads as well -- it's an item we have worked with the police on safety and given that they have been approved before we are not quite sure why at this point those are not viewed as acceptable. So, we are asking that condition 2-B be deleted as a requirement. We believe they actually comply. And, then, the last issue is the -- the future land use map and the -- a little typo there, but it should say mixed use MUNR, the proximity to the Wastewater Recovery Resource Facility transitions, that type of thing. You know, this mixed-use NR designation has a very long history. We are talking 20 years now that goes all the way back to the 2002 Comprehensive Plan and, believe it or not, I actually had worked on a couple projects in this area in 2002 as we were working through this prior to the city doing their first odor ordinance -- or odor study and so I -- I do have history with this. The -- the -- the thing that is important to note in the city's Comprehensive Plan is they do talk specifically about the mixed-use non-residential and encouraging transitions, but the city is pretty specific about how that transition does occur. When you look at the mixed use non-residential, there is two things that they note in -- in your Comprehensive Plan. One is no new residential. Existing residential can stay. It has a historic use. It can stay. But no new residential can be approved in the mixed use non-residential. That's very clear. That's been -- the city's been consistent on that. What hasn't really happened around this area in terms of developing up against it is how the transition occurs. We -- the staff has asked us to create that transition, but, in fact, the -- the mixed use non-residential provides for that transition to occur in that designation. When you look at this little rendering right here -- and I just put them side by side. The area on the outside shows residential butting right up against the mixed use non-

residential zone and the way that the city had described this -- and this goes back to 2011. So, this is the -- this is a graphic that has been consistent in all the comp plans from 2011 -- is that there are transitional uses on the mixed-use non-residential and, then, the more intensive uses are moved away from it. So, this says -- you know, this is showing existing industrial or it could be new industrial, flex, light industrial, transitioning to office or uses that would be of a size and scale, as well as landscape buffers on there butting up to residential. The mixed use non-residential is the transition between the intensive use of the wastewater treatment facility and the residential around. The comp plan clearly shows how that transition should occur and when an MUNR application does come forward the city has the guide. It's in your Comprehensive Plan on how that should occur. Our issue is staff has asked that we provide, for example, another road north to south. That's -- we don't believe that that is needed. We believe that the transition really can occur back to back as shown here where you could have offices and you could have a landscape buffer. If the city abides by the Comprehensive Plan and your own guide there will not be heavy industrial up against residential. The intention is that the transitional uses as stated here and shown here would be -- would provide the transition. I also want to show up here that industrial -- very small, but industrial up here in the corner is one of many zones that could be appropriate within the mixed use non-residential zone. So, it's not -- I don't want to, you know, preclude the option for somebody to do industrial, but this area has been there for 20 years and it has not taken root. Maybe it will at some point, but the city has the tools in their tool belt on how to deal with the transition. So, in summary, we request the following conditions be deleted or modified: 1-B, which relates to the frontages, us improving the roadways with our very first phase. 2-A, which is the -- I think 2-A relates to a requirement for a road adjacent to our property and the mixed use non-residential and 2-B would be the -- the alleys. And to modify condition 1-C, which clearly -- which just states that instead of having prior to submitting, that the concept plan development agreement could run concurrent with the CUP. We concur with the staff recommendations for approval, including the city and agency comments, including our modifications and we request that the Planning and Zoning Commission support and transmit this to the City Council for their review and approval. Thank you.

Seal: Thank you. Are there any questions for the applicant or staff?

Lorcher: Commissioner Seal, I do have a question.

Seal: Go ahead, Commissioner Lorcher.

Lorcher: So, if everything went your way where the land was annexed into the city -- that's what we are voting on tonight; right? Whether we are annexing in and the preliminary plat. And, then, you go to City Council and you get that approved. What is the time frame for Quartet South Subdivision phases to incorporate -- to actually have a product for sale? What's your time frame?

J.Wardle: Commissioner -- Chairman Seal, Commissioner Lorcher, our time frame for this is -- I don't believe that we would have any development that we would be able to do in this first area, which is shown as red, until, you know, a year from now. We have, you

know, a few things that we need to work through in terms of design. So, my best case scenario would be that we would have lots that would be available to be built on probably May or June of 2023 at this point in time.

Lorcher: Okay. Thank you.

Seal: I have one question on the -- phase one, what's the secondary access that you would have -- that will be provided for that?

J.Wardle: Chairman Seal, a great question. So, we have worked with Mr. Bongiorno on this. It's kind of hard to see, but up here in the right corner there is a stub street that will go into the Naomi Farms property. In the short term we actually will improve this over to that access point to get the access out and Joe has reviewed that and he's approved that. So, that would be the short-term emergency access with phase one. And, then, once we get phase two done it's natural going down to -- to Ustick.

Seal: Okay.

J.Wardle: We also, just to note, we have -- with Quartet Southeast No. 1, which is on the north side of Machado, we are building this roadway. This roadway will be finished this spring. We are also building the bridge across the Five Mile Creek, which connects with Quartet Northeast No. 1, which will also go out to Black Cat. So, we are starting to fill in multiple directions where people can move through the site in case of an emergency.

Seal: Okay. Thank you.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: All right. Let's see if I can get started here. Can you go back a slide, please. Thank you. So, this is a little bit different than what we had. Can you explain the mid line section on east and west it looks like -- in particular on the east side where, by my count, there were 41 homes in a straight line more or less and I just have some general concerns with how long of an uninterrupted street that -- or uninterrupted row of houses. I see this as a little bit different, but can you kind of explain how and why and all of the particulars for that section.

J.Wardle: Commissioner -- or Chairman Seal, Commissioner Grove, it's a great question. We -- we are aware of the city's requirement for, you know, these long blocks. When you look at just the right side or the east side of the road there is very few breaks, but if you look on the west side of the road we do have one, two, three roads that are coming into it and at each one of those intersections we are actually going to be constructing chokers, so they will be -- the curbs will come out, so that they create a -- you know, a natural slowing, so it's not just a straight through. We also wanted to create a little bit of curvilinear to that road, so it wasn't a direct shot through that. So, with the traffic calming

as we have talked with ACHD in these locations, we believe that we actually are able to break up that long section. Even though we have a large block on one side, we have three roads coming into it on the other side.

Grove: I -- I see it from both the traffic's perspective, but also just from a visual. That's a really really long stretch visually, even if -- if it is, you know, calming traffic, I have some -- some hesitation with how that will visually look. You know, if you are at one end of the cul-de-sac and looking down the other it looks a little different than what you would typically see in a subdivision in Meridian and, then, with that on the slide previous it's different than the slide current in terms of how that mid section has an alley or something. Which -- which way are we looking and what are we supposed -- which one of those is current I guess?

J.Wardle: Commissioner Seal -- yeah. Let me just go to this one right here. Commissioner Grove, the application we originally submitted showed what we would call these U-shaped alleys. I mean in working with staff that is not a solution that is -- that we can do. I mean it's not -- it's not appropriate for -- for this. We -- we talked to -- even though we have done it in some other places, those are private roads. We had some more allowance. With the public roads we just felt like, you know, we needed to make that modification. So, there was a revised preliminary plat and it was in Allen's application, which is this one, it actually removes those U-shaped lots, it makes them wider and so, you know, there are the same number of homes. We did actually add a common lot with a pathway that would go out to the pathway system out onto Black Cat. One of the -- one of the advantages -- and this goes to your question just a moment ago about the long road. When we were going to do the alley we could be -- we could pull those homes out closer to the street and so that would also visually kind of block that road up. But with a front load they get pushed back some. So, that's kind of a trade-off there. But that's -- this is the correct one. Those U-shaped alleys are not -- are not proposed, but this plan right here is. The -- the open space exhibit that was provided -- and Alan provided it your packet -- is correct for this. These -- the pretty color rendering we didn't -- weren't able in time to get that one updated for this meeting.

Grove: Thank you.

J.Wardle: Thank you.

Seal: Okay. Any other question? Oh, Commissioner Grove, go ahead.

Grove: I have more questions. I was just waiting to see if anybody else -- can you, please, kind of address for me probably the -- outside of the 41 homes in a row, the -- the biggest piece for me is probably ACHD's timeline for the arterial roads and what that looks like. I mean the soonest it looked like was something like four years out and, then, the -- the worst case is 13 years out from today when they would have some of those roadways upgraded to -- yeah. The full build out. With this many homes in addition to the other ones that are coming on and already having some major issues out there in terms of the service level, how -- how can you address this or how -- it's going to be a concern for you

in selling the product or renting any of the product. So, how are you looking at that problem?

J.Wardle: Chairman Seal, Commissioner Grove, as I mentioned we are strong advocates to getting roadway improvements done and when I say strong advocates, we currently are undertaking four different CDAs in south Meridian around the Pinnacle project. One of those was at the request of the city for the city park. The other three are projects that in working with the highway district we have been able to move those projects forward and beyond -- way ahead of their schedule to do those things. We haven't been able to get to that level of conversation with them. As I mentioned, our -- our short-term issue is we have a wide variety of storm -- or not storm drainage, but surface water constraints that we need to deal with before we can get really serious about the roadways out here. It is a positive thing that the majority of the right-of-way has already been dedicated on the west side of Ustick, at least south of Machado. We control or will be able to develop the piece north of that and Ustick also is in a similar position. I am not committing today that we will be able to accelerate those dramatically, but we do want to make those things happen sooner than later. The nice thing when we do a cooperative development agreement there is two time frames. ACHD has in their programs certain times when they can allocate dollars, but they can also move those dollars forward if they can come into a development agreement like we have done in south Meridian. So, we will pursue that with them, but as you noted if we allow them to make the improvements, you know, those full build-outs will -- will take some time. I do think that there will be some acceleration or at least some interest in moving Ustick forward given some of those connections that are going to happen farther to the west, but clearly Black Cat is in need of some improvements as well.

Seal: Okay. Anybody else have any questions that would like to float to staff or the applicant? All right. Seeing there is none, at this time thank you. Appreciate it.

J.Wardle: Thank you.

Seal: We will take some public testimony. Maybe.

Weatherly: Mr. Chair, no one has signed up online in advance.

Seal: Okay. Anybody in chambers like to testify? Anybody online raising their hand? No? Okay. Unless there is additional -- any additional questions or anything -- all right. I will take a -- would the applicant like to say anything in closing? I will give you the opportunity, so -- you know.

J.Wardle: Commissioner Seal, Commissioners, again, we -- Jon Wardle for the record. Again, appreciate the opportunity to -- to give this project to you, so you can evaluate it. We are very interested in doing -- doing projects which will last and part of that is also addressing the -- the infrastructure and we are committed to -- to making that happen. Our -- my only closing comment was -- tonight is we just request that you evaluate the modifications that we put before you on those roadway improvements, on timing of those.

Also that the transition for the mixed use non-residential is safe. It's -- it exists. The city has the mechanism for that and just give us an opportunity to work through some of those transportation issues without it being a -- a requirement. Again, we -- we appreciate the city working with us and reviewing this. Also with Alan. I will tell you that Alan spent a lot of time on this application. I think we started our conversations -- you know, we are the 3rd of February today and I think we started e-mailing back and forth in mid December on questions. While I don't necessarily agree with some of the conditions that are there, I do want to applaud him for taking the time to get into the details on this project. He spent a lot of time on it and was also looking for our input and feedback on questions that he had. So, I think we were able to resolve some of those and make the project better. There is still a couple items that we are asking for your consideration on. So, thank you.

Seal: Thank you.

Grove: Mr. Chair?

Seal: Oh.

Grove: I'm sorry. Can I ask two questions?

Seal: Absolutely. Go ahead, Commissioner Grove.

Grove: Two questions. First one is probably easy, just in terms of the -- all the Quartets, are they the same in terms of how the Apex were connected? Are they all one? Okay.

J.Wardle: Yes. Commissioner Seal, Commissioner Grove, yes. Again, it's this -- this naming deal on the plats. But this is all designed to be a single community, the community of Quartet, and we will be developing across Black Cat in the future as well. So, that will all be one full community and everybody will share in the amenities.

Grove: Okay. Thank you. Second is probably harder. With this, if we get to a point in our deliberation, just so that we kind of have a heads up, are you in favor of continuance or denial if we get to that point? I just have some major questions that -- I don't know if everyone else will feel the same way, but just so we know what direction we are going with some of our deliberations. Kind of giving you a heads up of where I'm at I guess.

J.Wardle: Mr. Chair, Commissioner Grove, it's a great question. Obviously, we -- we would like to proceed in the process, but if the Commission has questions they want to pose to us that we can answer or -- I mean we are open to that as well. But I mean, obviously, we -- we would prefer not to come out of this Commission with a denial. We feel like the -- the project isn't just a -- going to be just a subdivision. This will be an asset for northwest Meridian and we feel like that there is an opportunity to -- to do something great here. So, our -- our ultimate goal is not to leave this Commission meeting with a denial, so if there were questions we would like to have those answered. If we could do that tonight, great. So --

Grove: Last question. I promise.

Seal: Go -- go right ahead. You -- you just asked a good one there, so --

Grove: With the parcel in the farthest southeast corner of the project, what is that -- and I guess what is -- what are we looking at there, because it has not been addressed very clearly?

J.Wardle: Mr. Chair, Commissioner Grove, I'm glad you asked that. So, when we designed Quartet South there was an existing road to the south that we needed to align with. That was where -- oh, just lost the name of the subdivision. But to the south that exists. So, we needed to align with that. It just happens to be -- you know, normally, those points -- you like to get them at the quarter mile. So, 1,320 is the -- is the magic number. But also, you know, ownership doesn't always fall that way. So, my guess is when they developed that piece they got it, you know, where they could. So, we are aligning with it. Honestly it doesn't have any use. So, it's going to end up as open space. But we did include it with the R-15 designation. There is a potential, with that stated, that if there is a use to the east -- and we made reference to that and I want to be clear that we -- we have no ownership, we don't have any options or anything on the Naomi property, but when that property develops to the east and if it's an office or something that's compatible, there may be an opportunity for us to work with them and say, hey, here is some extra land that, you know, if you need some room for parking or move a building over there, but we can't develop it as it is. So, I'm glad you asked the question, because it is just kind of hanging out over there for us. We would end up just developing it as common area.

Grove: Thank you.

Seal: Any other questions? All right. Thank you very much.

J.Wardle: Thank you.

Seal: Okay. At this time can I get a motion to close the public hearing for Item No. H-2021-0088?

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2021-0088. All in favor? Any opposed? Okay. Motion carries.

MOTION CARRIED: ALL AYES.

Seal: Who wants to jump in first?

Cassinelli: Mr. Chair?

Seal: Oh, was that online?

Cassinelli: Yeah. It was Bill.

Seal: Okay.

Cassinelli: No one else was jumping in yet. Okay. So -- and, Commissioner Grove, thank you, you hit a lot of fantastic questions there. First of all, right out of the gate here, the traffic count on Ustick -- now, this is according to -- according to the -- the comments of the draft staff report we got from ACHD. This is west of Ten Mile. I don't see anything for -- well, I guess Ten Mile. I'm thinking Black Cat. Never mind. So, that works. That study was done -- that traffic count was done -- was four years ago. Since then they have built a rather large high school to the -- to the west there and -- and based on those numbers, these counts are exceeding the levels of service from -- from counts from four years ago. Those are still all two-lane country roads out there and they have -- you know, they indicated that -- that they want to have occupancy in about a year from now, maybe a few months after that, but it's already exceeding levels of service -- service on -- in the -- in the peak hours. There is other things with this project -- right now we all know -- we are all very familiar with Brighton and the work they do, but what this is going to do to the roadways, until these -- all these roadways get improved, is -- is not going to be a benefit to this part of town. It's going to make it miserable. It already is in the peak hours and this is only going to -- going to increase that. I have concerns with the overall density. Commissioner Grove brought up that -- he hadn't even paid attention to that row of homes on the east at minimum that has to be broken up. Maybe even in a couple of spots with some common lots, a couple of pocket parks or something and, then, just the -- I mean the goal is -- is to get as many as we can in -- in the -- what's allowable in terms of density and it's -- you know, I'm -- I'm just going to -- I will -- I will -- I will say it. This -- you know, the projects that we are going through and what we are doing here, especially before the roadways can handle it, is not making Meridian more livable. It's -- it's just -- it's -- it's not as pleasant. We got to -- I think we need to look to that. I'm not saying that this is a dead-in-the-water project, but I don't think this can go in until it's the -- this is the cart before the horse. We got to get these roads improved. They don't meet standards now and there is certainly not by the time some of these homes start getting occupied. So, I -- I a hundred cannot get behind it until -- until these roads can handle what this is going to bring.

Seal: Okay. Anybody else want to jump in?

Wheeler: Yeah.

Seal: Commissioner Wheeler, go ahead.

Wheeler: Thank you. Thank you, Chairman. For me I'm -- I'm similar to where Commissioner Cassinelli is at. I'm concerned about the development on the -- the road here. I know that that was also a concern of ours with the ACHD site that's a couple parcels over to the east on that. We were a little concerned about the development on

that, with that being a two-lane road access and things of that nature. I'm -- I would really like good transitional pieces and I -- I don't know if that -- that -- that row of -- of homes on the eastern side -- just doesn't seem like a good transitional piece to a non -- was it a mixed-use non-residential zoning and why there seems to be a little bit -- it's a little opaque in what can be used in that area to have it just the same kind of a density and same kind of homes that are also in the interior side, I'm not sure if that's a -- the kind of transitional piece that would be the -- would fit that area well and I just wonder if there is just another plan that might work there better than R-15, R-8 densities, given that it's next to a major -- to a major arterial and also next to the mixed used non-residential area. It's hard for me to support this as it is right now.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: All right. I have probably made some of my feelings somewhat known through my questions, but I like large chunks of this. I think the open space, especially that central amenity, it's a great feature, it's a great way to do some of this design, tying this in with the -- the subdivision sections that have come through for -- from the north. Great. I think it's -- it gives -- I'm okay with the density. I'm okay with the product type. I think it's a great look, great feel. It adds housing diversity to this overall project. I think the alley load as demonstrated in the Apex project, you know, similar to here, looks great. I like the look. I have been in those neighborhoods. I think they look great. Adding -- upgrading the sidewalk on the arterial to -- to be a ten foot pathway, even though that's not yet required, kudos. I think -- you know, not to harp on it, the arterial road is a major concern, not something that you can immediately fix, but it's a major concern with this project, in particular because it's not the first project in this area. It's coming in on the heels of a whole bunch of other projects and so it -- it's getting weighted maybe a little harsher, because it's already at a low service level and adding to that low service level, you know, it's kind of -- it makes -- it makes it a lot harder for me. I think overall the -- the site -- it needs a redesign, mainly because of the 41 homes on that east side. The -- there is a couple of common drives. The one on the -- on the far west I'm not as concerned about. The one that's shown in the southeast corner, that one's much different than all of the other -- of the -- of this, what, five common drives that you have shown tonight that one's the worst just in terms of layout and accessibility and what it would do to the general flow of that section of the neighborhood. I -- I think that for me I would be in favor of suggesting or requesting a continuance to -- to see how we can have them re-do the -- the general site layout, so that it's more conducive to both traffic calming measures and general aesthetics within the neighborhood itself, with special regards to the -- the east side. But I think if you identify -- I'm guessing at this point, but I'm guessing if you identify that, it's probably going to have a ripple effect across other parts of the development, so I'm -- I don't have a quick fix on this one, you know, take out a lot and fix and it's better, I don't know that that's necessarily the case here. So, I'm open to a continuance, but definitely want to hear from everybody else on some of their general thoughts.

Seal: Well, I will -- I will jump in. The exceedingly long road in there is, you know, definitely a concern. I mean I live pretty close to this and -- and we have Moon Lake,

which is a raceway a lot of times. It's a really fairly straight piece of road and they have a lot of problems with cars racing up and down there. So, to the point of involving police officers in their endeavors. So, anytime I see a stretch of road like this in a subdivision that's like that I have major concerns about it. The biggest concern that I have is that it is right next to the mixed use non-residential and that we have had a lot of discussions in the past about that mixed use non-residential and the fact that they do want to keep it there. You know, we may be 20 years into it, it may be another 20 years before it develops, but I would really like something to go in there that -- that fits that and I -- and I think having that huge row of houses, you know, backed right up against it is not going to make that real palatable for anybody that wants to go in there in order to try -- they are going to have to put in a lot of different, you know, normal usage I guess, instead of the mixed use. It's going to cut down their -- their use of it considerably in my mind. That's the biggest concern I have with this is just the fit and the feel for that. I would -- I don't want to hinder the development of that mixed use non-residential, really, in any way and I just -- I feel that the transition that this provides is not adequate at all. I think there are things that could be done in order to make it fit. I do agree that that mixed -- or, sorry, the shared driveway at the -- at the cul -- in the cul-de-sac is just horrible. That is atrocious. So, I mean I can't imagine living in there, the -- the accidents that would happen, the congestion just in that cul-de-sac alone is -- I can't imagine living in there, so -- but, you know, again, the mixed use non-residential is the biggest concern that I have in here. So, how we make that piece more palatable for somebody to move in there -- and I just don't think this is it.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go ahead.

Lorcher: A couple of things. I a hundred see a Brighton product at this corner and having residential is probably the highest and best use. I will respectfully disagree on the transition on the mixed-use non-residential. The applicant is applying for this parcel, not the one next to it, and a lot of times we complain -- or people complain saying, well, I lose my view or you don't have control of what happens on a parcel that you are not developing. They are developing this one, so I'm actually okay with their transition. They are fulfilling the needs of what the city is asking them to do and it would be the burden of the mixed-use non-residential to do the transition based on what I have heard on code today. But my highest concern about this is that the Black Cat and Ustick interchange -- the intersection is not to move to six to seven lanes between '26 -- 2026 and 2030. Ustick won't be five lanes from McDermott to Ten Mile from 2026 to 2030 and Black Cat not to five lanes from Cherry to McMillan from 2031 to 2035. Adding 800, 900 cars to a -- two country roads that can barely handle what's going on there right now would be irresponsible. So, I do think this is the right project for this area. Maybe in a different capacity, but I think we are too soon.

Seal: Okay. Thank you. Commissioner Yearsley, would you like to add anything?

Yearsley: I -- I come back to my previous comments on the previous application. I just -- I -- it seems like we are just trying to cram as many lots in as we can to meet a price

point that we can and so I -- I -- I just -- I just struggle with these type of projects for that reason.

Wheeler: Mr. Chairman?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Would -- could we open up the hearing, just like we did with the other one, just to kind of get a feedback a little bit? Would people be okay with that? Would be open for that?

Seal: To open the public --

Wheeler: Open the public testimony again just to get some --

Grove: Mr. Chair, maybe a tiny bit more just discussion on --

Seal: You bet.

Grove: -- what we are opening it for and -- in terms of what some of our expectations are going to be before we get there.

Seal: You bet.

Grove: Just going through the list of four points that the applicant brought forward in terms of the staff recommendations, I think maybe we touched on -- on what those four are and if -- if there is anything that we need to -- you know, as we move forward are okay with those changes, not okay with those changes, things like that. I personally would kind of like to see where we are at with some of those. To me I'm okay with all of them, with the exception of 2-A. I don't -- I wouldn't want to address that one until a redesign is -- is done. I -- they might inadvertently fix 2-A by doing a site redesign, so I don't want to necessarily move away from that one. I'm okay with the other ones, though, so -- my two cents.

Seal: Anybody else like to address those?

Wheeler: I mean everybody --

Seal: Commissioner Wheeler, go ahead.

Wheeler: Yeah. I'm -- I'm okay with that, too. That's the way I kind of came down on it, too, Commissioner Grove. I -- I guess where I'm leaning at a little bit more with just kind of hearing some of our feedback here on the Commission and some of the concerns that are there on the majority side is if we -- if there is a -- if there is like a continuance that's given, there seems to be like there is going to be a lot of rework done on the site particularly, and there is a lot of just concern over just basically this is a -- in a four-way

intersection with two country lane roads anyway and so is a continuance just going to just push out more that -- to get the same thing or -- or not? And that's -- that's -- I don't want to -- I don't want to waste their good time on putting together something that's just going to come back and we are going to say, well, the roadway is not -- and infrastructure is not here and, then, it's -- it's not good timing on that and that's I guess where I'm kind of between where I wanted to chat with them a little bit or actually talk a little bit more with the Commission here to see -- I mean even if we were to do a continuous and they were to do a lot of stuff, but the majority of us talking about the transitional pieces or doing some things with that northeast -- or southeast corner, would it -- would pretty much hoping to getting the project approved on that?

Seal: I mean one of the things that we do have here is that ACHD -- I mean one of their conditions of approval, essentially, that we had put in was the fact that they have to accelerate the improvement for Ustick Road, so I -- I mean that hasn't -- that hasn't went in front of City Council yet for approval, but at the same time it was a long interesting night when that came across, because we had a lot of conversations with them about Black Cat and about Ustick and the fact that it is -- I mean most places are about five years behind where we are at with development, just because, you know, nobody saw this coming. So, that's kind of where we are with it. So, I think there are some opportunities to -- for Brighton -- you know, for the applicant to, basically, kind of do what they have done out in Pinnacle. You know, I -- I think for us to ask it is a big ask for sure. I -- you know, when the Pinnacle application came in, honestly, I was kind of -- I had to step back when I read through it, because it did some things that I have never seen done before. Number one, there was a piece of land in there designated for a school. Number two, they just said, yeah, that's fine, ACHD, we don't mind what you say here, we are going to go ahead and build this out. So, that kind of knocked me back a little bit. So -- you know. And the opportunity may exist for them to do that here as well. The mixed use non-residential I'm still stuck on that one. You know, I mean we are not preserving a view or anything along those lines, we are just making it some -- you know, that piece of land, really, it just isn't palatable for anything along those lines. It will either stay non-developed or we will end up just putting more residential in there. So, which we do not want to have in there. So, we are already encroaching on the wastewater treatment facility in there and I guarantee that there is going to be -- there is going to -- you know, there will probably come a lawsuit out of all that, because it's going to stink, so we are there, you know. I mean the houses are going to go in and we will see what happens with it. So, you know, I guess what I'm saying is I -- I don't know. I don't know if there is enough room in here for this to be approved. I mean we have had, you know, several people weigh in that were a no based on the traffic and a no based on the mixed use nonresidential and the way that it's laid out right now, the really long road -- you know, there is just -- there is a lot of no's with this. So, can the applicant fix it? I don't know.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: With the -- with the roads I think -- I don't think we can -- as you put it -- or as you were saying, we can't condition them to do those fixes, but I think we could condition that they work with ACHD on -- on getting those talks jump started, essentially. We can condition that, but we can't condition that those agreements are -- that they come to fruition. So, I think we can condition that -- you know, something along those lines, but we can't -- we can't make them get an agreement that they have no control over. I personally think that we could -- you know, we can ask the applicant what they want to do, but my personal opinion would be to continue it to like March 17th at the earliest.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I work and live in that area of impact as well and I'm further west on Ustick, closer to McDermott, and I do know that ITD has every intention to start their construction project on Highway 16 starting the spring of 2022. Now, whether that's March or April or May, it's still up for debate, but it's going to happen and so congestion on that end going to the high school is going to be a huge impact of what's going to happen both at McMillan and Ustick between Black Cat and -- you know. And -- and McDermott and even Ten Mile. It's going to affect everything and so knowing that that's going to be a huge project to add that freeway in, it will be surface streets for now and, then, maybe ten, 15 years from now it will be an overpass, but all of those things tie in together in this three or four square mile radius that we need to take in account as well.

Seal: Okay.

Wheeler: Were you going to say something? Go ahead, Nick. Okay. Mr. -- Mr. Chairman?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Would the -- what do you think about going ahead and just opening up the public testimony again and let's go ahead and talk to the applicant again. Are you guys --

Seal: Go ahead and put a motion out there.

Wheeler: Okay. All right. I would like to go ahead and make a motion that we open up the public testimony for H-2021-0088.

Grove: Second.

Seal: It's been moved and seconded to reopen the public hearing for file number H-2021-0088. All in favor? Any opposed?

Cassinelli: Nay.

Seal: Okay. Motion passes.

MOTION CARRIED: SIX AYES. ONE NAY.

Seal: Here we are again.

J.Wardle: Okay. For the record Jon Wardle with Brighton. Commissioners, I do appreciate the -- the deliberate approach on this. Two -- two things from our perspective is are there some opportunities for us to do some design on this to address those questions on transition, addressing that southeast corner where we have that fairly ugly common drive. I think we can -- I think we can do that. But I think Commissioner Wheeler's question was more prescient of even if we do make changes what is the Commission's attitude towards the transportation piece, which seems to be a very important piece and I -- again, I don't want to diminish that. There -- there is a -- a unique difference between what we were able to do at Pinnacle and what we are able to do here. I don't know that we have ever owned four corners of an intersection before. We have one-fourth of the intersection here and there may be some right-of-way constraints, you know, working up and down the roadway here, so I -- I just put that out there. That was probably the one reason we were able to go in there and say, yes, we are going to do this, because we control it. We controlled everything. There was not a right-of-way issue and when you do a CDA the opportunity for condemnation is not on the table. So, that's the one difference. So, can we address and can we bring back to you a design which we think will be better? I think so. But will that design get us over the hurdle what you are saying tonight about transportation and if we can't get over the hurdle I would like to have that conversation tonight, because if we can't get over the hurdle, then, I think we are better off denying the project and allowing us to figure out how we deal with transportation issues than coming back with a design in six weeks and still being hung up on that transportation question.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Mr. Wardle, I -- I -- I would be in -- probably deny it because of the transportation factor. Now, the fact that ITD is going to be building Highway 16 puts more pressure on ACHD to speed up -- at least the McDermott to Ten Mile piece for Ustick. I don't know about the Black Cat portion of it. So, we may see some dates change because of that, especially with the development of The Fields Urban Renewal District that's going to be going out there, as well as -- you know. So, there is going to be more homes. McMillan between, what, Ten Mile and McDermott, is already filling in and they need different ways to be able to get around. I think this is the right project with the redesign based on the Commissioners, but until the ACHD piece, at least for me, it's too soon.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Mr. Wardle, yes, I -- I'm with you on that, too, and that's why I wanted to ask the Commissioners on that. Like I don't want you guys to go through time and energy and say, hey, here is some false hope, right, and be able to make sure that that's there. I kind of lean towards a very respectful denial because of the -- that -- I think it's just going to be a big rework on the side with -- the transitional side for me to make it feel comfortable and I think some of the other Commissioners and I think that that -- that traffic issue, without you guys having to approve large stretches of road to make that -- and, then, all of a sudden it becomes unfeasible and doesn't make sense in timelines. That would be hard. I'm also concerned, like with Chairman Seal about the -- the mixed use nonresidential piece that -- if there is a lot of residential that gets built up here we know that we are just adding -- we are going to be adding people that are going to protest whatever, sort of non -- nonresidential mixed use projects going to go in there or light office stuff, you know, a commercial type of use, possibly even light industrial use, we are going to be building, then, some people that are going to be difficult -- or not wanting that project to go there. So, I really like what you guys have done for this valley and your company itself, I just -- that's why it would be a very respectful denial for my side.

Seal: Commissioner Cassinelli or Commissioner Yearsley, would you like to weigh in on that? Or Commissioner Grove.

J.Wardle: Commissioner Seal, can I just make one comment?

Seal: Absolutely.

J.Wardle: Because Commissioner Yearsley had made this question -- posed this question about, you know, cramming lots in. We are looking at one little micro piece of land holding that we have, both in the Pinnacle project and in this project. Not -- the entire project isn't going to be like this. These are different types of living opportunities. So, I can guarantee you that our motivation when we put this plan in front of the city for review was not to try to put in every single home we possibly could. We were looking at the lifestyle, looking at the other phases we had developed to the north, which are larger lots, and when we move over to the other side of Black Cat Road they will be larger lots as well. It's just one different piece and I -- I know that Commissioner Yearsley appreciates that. I just want to be really clear that we weren't -- our motivation was not to get as many homes as possible, but we were looking at a lifestyle and also by adding the alley elements, removing those garages off the front of these homes where we can have a very livable community, so I just -- I think they understand -- everybody understands that, but this is just one small piece of a much larger project.

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley, go ahead.

Yearsley: And -- and, Mr. Wardle, I -- I -- I don't mean to pick on you for this project, it just seems like every subdivision that comes before us nowadays is -- you know, they are -- they are -- they are reducing the lot size, they are -- they are making it smaller -- I think

a lot to hit a price point that people can afford, which is not their fault or not even your fault, it's just a situation that I don't like and -- and so I apologize for taking my frustrations out on this project, you know. That being said, I -- traffic is bad everywhere. I -- I -- I personally don't think that the traffic issue will affect my decision. I -- I won't deny it based on traffic. I know -- it's kind of a Catch-22, you know. If -- if we don't approve this because of the traffic problems, do we deny all of the projects because we have got traffic problems in the -- in the -- in this -- in -- in the valley and -- and when do we stop. I know ACHD is working as best they can, the state's working to try to get more funding to the locals to help do improvements and growth is happening exponentially. So, we are kind of hit in a tough situation. So, I -- I wouldn't -- for me, personally, I wouldn't deny this project based on -- on traffic.

Seal: Okay. Thank you.

Grove: Mr. Chair?

Seal: Well, I -- I mean I think that touched on a good topic there, because I had the same -- you know, very similar thoughts, as, you know, if we deny this because of traffic do we deny everything in this area because of traffic. I mean you have already indicated you want to be south of Black Cat Road, you know, does that quell development in that area. You know, hopefully not. I mean there is a -- obviously a huge demand, but our infrastructure is lacking, you know, and if we stop it here because of traffic, are we going to stop it everywhere because of traffic. I can't say stop it or -- you know, do we recommend denial because of traffic concerns in other areas. This area -- and I mean maybe I am a little biased, because I do live close. I don't go to Black Cat and Ustick. I -- I drive around the block when I need to, because at certain points of the day it's impassable. It is -- it is really bad there. So, in order to get out of -- onto Ustick from my subdivision I sometimes have to wait for traffic to pass from the light that's at Black Cat and Ustick and, thankfully, there is a light there now, because it used to go from -- you know, clear to Ten Mile. It was bad to say the least. So, that I -- I just wanted to put my comment out there that that is a -- it's -- it's a bigger question. I mean at some point in time ACHD is either going to catch up or we are going to have to say enough is enough and I don't know if this is the point where we say that. That's the bigger question in my mind that's kind of being floated. So, I agree with what Commissioner Yearsley said that it is -- it is a bigger question and I don't know if that gets settled here tonight or not and I agree, I mean that -- you know, generally speaking you guys put together a very good product. You have done some things in the community that are amazing, you know, and I appreciate that. That said, at some point in time we either have to catch up or we just can't keep putting things in. Commissioner Grove, go ahead.

Grove: For me personally I -- the road piece would not stop me from saying yes to a redesigned project. I think it is a major concern and I would like, you know, some of the things that I said earlier to be moved forward in terms of making sure that whatever can be done is accelerated with the push of the applicant. But for me a site redesign would be enough for reconsideration and the roads would not prohibit me from saying yes if the site was correct.

Seal: Okay.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: I'm just going to kind of ask my fellow Commissioners to look at the traffic component. We are -- in a lot of -- a lot of proposals we look at people, you know, will bring up a traffic issue, but, you know, when that development still meets ACHD's levels -- levels of service we are within that and we approve those, despite the fact that we know that, yes, it's going to increase traffic in an area, but it still meets their levels of service. This already -- this -- this fails already without Quartet North and East I think are the other two, without any -- any build out there and -- you know. So, we are looking at -- at hundreds of homes and -- and -- and far more cars. And, then, the other issue is that that traffic study -- those numbers on Ustick are four years old, 2018 -- May of 2018. We are coming up almost on four years old. We don't have new numbers. We are just going to -- we are -- we are absolutely strangling these intersections and -- and I have got to say this is not -- this is not improving Meridian and I -- I think it's critical that we have got to look at this and we have got to -- I would like -- there are a lot of redesigns I would like on this project that Commissioner Grove is just talking about and I'm in agreement with him on those there. I just don't think that this area and particularly this intersection and that stretch of Black Cat is ready for this. I think that those roads need to get developed first and, then, this will fit in there. But right now to me it's a square peg in a round hole and so until we can get within the levels of service we are not there and it's going to make it far worse. Those are my -- so, I'm -- I'm a denial on that based on -- based on that. I do want to -- there are some other concerns I have, but that's my -- hands down my biggest one.

Seal: Okay.

Cassinelli: Thank you.

Seal: Thanks, Bill. Yeah. Is there any other questions for the applicant or -- have we belabored this -- all right. So, can I get a -- thank you again for the robust conversation. Can I get a motion to close the public hearing again for H-2021-0088?

Lorcher: So moved.

Grove: Mr. Chair?

Lorcher: Oh.

Grove: Should -- I guess before we close it, because we opened it in case we needed to continue, are we closing with the intent to deny or -- because if -- I don't want to close it, then, reopen it if we are going to continue. So, I feel like it's probably prudent if we have that conversation ahead of time, so we don't have to keep going back and forth.

Personally I'm on continue, but I -- it sounds like I might be in the minority on this one, so --

Cassinelli: Can we leave it open and vote? And make a motion and vote in an open session?

Seal: It's a great question, but I think we have to close the public hearing before we can vote.

Yearsley: I think if you vote as a -- make the motion to continue you can leave it open, but if you --

Seal: Correct.

Yearsley: -- make a motion to deny or approve --

Starman: Chairman and Commissioners, I would agree -- I would agree with that assessment. So, if you -- apologize for the echo, but I would make that assessment as well. So, if you go either direction.

Seal: Okay. Well, yeah, I mean if -- if we leave it open, then, we leave it open to continue, but I -- I mean I personally -- I think there is enough -- I just don't think it's going to fit here. That's where I'm at. I mean traffic concerns MDNR, there is just enough with it that I just don't think it's going to fit. I don't know that a redesign is -- a redesign definitely isn't going to address the traffic concerns. I mean, essentially, you have half of us right now saying no just based on that alone. So, me personally I would close -- if -- if it were me and I weren't chair I would close it and move to deny and let that be hashed out at City Council.

Wheeler: So, do we need to second the motion, since we just finished up some continuing discussion? Second? Okay. So, I will second the motion to close the hearing.

Seal: Okay. It's been moved and seconded to close the public hearing for H-2021-0088. All in favor? Any opposed? Okay. Motion carries.

MOTION CARRIED: ALL AYES.

Wheeler: I have another motion.

Seal: Go ahead, Commissioner Wheeler.

Wheeler: After considering all staff, applicant, and public testimony, I move to deny file number H-2021-0088 as presented during the hearing on February 3rd, 2022, for the following reasons: The -- the site plan layout and traffic concerns.

Seal: And we are recommending denial.

Wheeler: Yeah. I think I said denial.

Seal: Right. But we recommend denial on this.

Wheeler: Oh. And recommend denial on this, too.

Seal: So, a second?

Cassinelli: Second.

Seal: It's been moved and seconded to recommend denial of file number H-2021-0088 for the reasons presented. All in favor say aye. Any opposed?

Grove: Nay.

Yearsley: Aye.

Seal: Want to take that one for the record? We will -- we will do a roll call on that.

Roll Call: Wheeler, aye; Cassinelli, aye; Yearsley, nay; Lorcher, aye; Grove, nay; Seal, aye.

Seal: Which means that the motion passes for recommending denial.

MOTION CARRIED: FIVE AYES. TWO NAYS.

Seal: That was a tough one. Okay. At this time would everybody like a little bio break?

Cassinelli: I think this is the last one. It should be pretty quick.

Seal: Okay. So, we will -- we will take a five minute bio break. Thank you.

(Recess: 9:16 p.m. to 9:23 p.m.)

**8. Public Hearing for Moberly Rezone (H-2021-0089) by Carl Argon,
Located on Parcel R0406010125, South of W. Broadway Ave. Between
NW 2nd St. and NW 1st St.**

- A. Request: Rezone 0.159 acres of land from I-L to O-T to allow a duplex.

Seal: Okay. At this time I would like to open the public hearing for Item No. H-2021 -- wait -- H-2021-0089 and we will begin with the staff report.

Tiefenbach: Thank you, Mr. Chair, Members of the Commission. Alan Tiefenbach, again, associate planner. Okay. This is a proposal to rezone from I-L, which is industrial, to OT.