

CITY COUNCIL WORK SESSION

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho Tuesday, March 22, 2022 at 4:30 PM

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Agenda

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: https://us02web.zoom.us/j/86391813043

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

Webinar ID: 863 9181 3043

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

ADOPTION OF AGENDA

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the March 8, 2022 City Council Work Session
- 2. Approve Minutes of the March 8, 2022 City Council Regular Meeting
- 3. Brightstar Meridian Partial Release of Water Line and Water Meter Easement
- 4. TM Frontline Subdivision Sanitary Sewer and Water Main Easement No. 1
- 5. TM Frontline Subdivision Sanitary Sewer and Water Main Easement No. 2
- 6. TM Frontline Subdivision Water Main Easement No. 1
- 7. Final Plat for Graycliff Estates Subdivision No. 2 (FP-2022-0005) by KB Home, Located at 684 W. Harris St.
- 8. <u>Final Plat for TM Center No. 1 (FP-2022-0009) by Brighton Development, Inc., Generally Located on the East Side of S. Ten Mile Rd. Between S. Vanguard Way and W. Cobalt Dr.</u>

- 9. Final Order for Biltmore Estates Subdivision No. 4 (FP-2022-0007) by Engineering Solutions, Generally Located 1/4 mile South of W. Victory Rd., on the West Side of S. Kentucky Way and 1/2 Mile West of S. Meridian Rd.
- 10. Findings of Fact, Conclusions of Law for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.
- 11. Findings of Fact, Conclusions of Law 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.
- 12. <u>Memorandum of Agreement Between Idaho Public Television and Meridian Police</u> Department Regarding 360 Virtual Reality Video
- 13. Project Agreement Between City of Meridian with the Nampa and Meridian Irrigation District for Landscape Improvements at #12 and #12 West Ada St.
- 14. Mayor's Office: Net-Zero Budget Amendment in the Amount of \$13,150.00
 Capturing Donated Revenues from Local Business Sponsors for the Support of
 Mayor's Youth Advisory Council (MYAC) Programs Including Treasure Valley
 Youth Safety Summit, MYAC Kick-Off, etc. and Do The Right Program Needs
- 15. City of Meridian February 2022 Financial Report

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

DEPARTMENT / COMMISSION REPORTS [Action Item]

- 16. Police Department: Fiscal Year 2022 Budget Amendment in the Amount of \$39,701.00 for Transition of the Current Part-Time Anti-Drug Coordinator Position to a Full-Time Position
- 17. Mayor's Office: Overview of Neighborhood Grants Kick-Off Efforts
- 18. Parks and Recreation Department: Fiscal Year 2022 Budget Amendment for a Notto-Exceed Amount of \$2,098,000.00 for Lakeview Golf Course Improvements
- 19. Construction Contract Between the City of Meridian and Lexicon, Inc. dba Heritage Links for Public Works Construction of Lakeview Golf Course Irrigation and Cart Path Improvements in the Not-To-Exceed Amount of \$4,379,150.00

EXECUTIVE SESSION

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

ADJOURNMENT



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the March 8, 2022 City Council Work Session

Meridian City Council Work Session

March 8, 2022.

A Meeting of the Meridian City Council was called to order at 4:33 p.m., Tuesday, March 8, 2022, by Mayor Robert Simison.

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

Members Absent: Joe Borton.

Also present: Chris Johnson, Bill Nary, Todd Lavoie, Christena Barney, Mike Barton, Tracy Basterrechea, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, call the meeting to order. For the record it is March 8th, 2022, at 4:33 p.m. We will begin this afternoon's City Council work session with roll call attendance.

ADOPTION OF AGENDA

Simison: Next item is the adoption of the agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: There is one item we need to fix on the agenda. Under the Consent Agenda, Item 6, it says final plat. That should read final order. So, with that change, Mr. Mayor, I move adoption of the agenda as amended.

Bernt: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

CONSENT AGENDA [Action Item]

1. Approve Minutes of the February 22, 2022 City Council Work Session

- 2. Approve Minutes of the February 22, 2022 City Council Regular Meeting
- 3. **Knighthill No.3 Water Main Easement**
- 4. Shelburne South No.1 and No. 2 Sanitary Sewer Easement No. 2
- 5. Final Plat for Biltmore Estates Subdivision No. 4 (FP-2022-0007) by Engineering Solutions, Generally Located 1/4 mile South of W. Victory Rd., on the West Side of S. Kentucky Way and 1/2 Mile West of S. Meridian Rd.
- 6. Final Plat Final Order for East Ridge No. 3 (FP-2022-0003) by Sophia Durham with Conger Group, Located North of E. Lake Hazel Rd. Between S. Locust Grove Rd. and S. Eagle Rd., on Parcel S1132438570
- 7. Final Order for Oakwind Estates No. 1 (FP-2022-0001) by Brandon McDougald with Kimley-Horn, Located at 6180 W. McMillan Rd.
- 8. Findings of Fact, Conclusions of Law for Inglewood Commercial (H-2021-0095) by Goldstream, Located at 3330 E. Victory Rd.
- 9. Findings of Fact, Conclusions of Law for Lennon Pointe Community (H-2021-0071) by DG Group Architecture, PLLC, Located at 1515 W. Ustick Rd., in the Southeast Corner of N. Linder Rd. and W. Ustick Rd.
- 10. License Agreement Between the City of Meridian and the Nampa & Meridian Irrigation District for the Creason Pathway
- 11. Task Order in the Amount of \$2,000.00 Between the City of Meridian and Key Detail for Mural Design at unBound Library for Design **Services**
- 12. Police Department: Fiscal Year 2022 Net-Zero Budget Amendment in the Amount of \$900.00 for Idaho State Liquor Division Mini Grant
- 13. Fiscal Year 2021 Financial Audit Report

Simison: Next up is the Consent Agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: As previously noted, number six should read final order for Eastridge No. 3. I would move approval of the Consent Agenda and for the Mayor to sign and Clerk to attest. Bernt: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Simison: No items were removed from the Consent Agenda.

PROCLAMATIONS

14. Procurement Month

Simison: So, we will do proclamation and if we could have Keith and Sandra join me at the podium for Procurement Month Proclamation. So, Council, we are joined by Keith and Sandra, who do an excellent job for the city trying to keep everyone buying things properly in the state of Idaho, which is an important topic, but as important is -- it's not just the fact that we do things properly, but that we are the leaders in the state in terms of helping ensure that we have good public policy for that exact purpose and Keith and Sandra lead the way from that standpoint. So, with -- with your boss in the room as well and other members of the Finance team, we will go ahead and do this proclamation and, then, turn it over for any comments you would like to make from that standpoint. So, whereas the public procurement professionals play a significant role in the efficiency and effectiveness of both government and business and whereas in addition to the purchase of goods and services procurement adds value to the organization by performing such -such functions as executing, implementing, and administering contracts, developing strategic procurement strategies, and cultivating working relationships with suppliers and departments within the organization and whereas Idaho government procurement professionals dedicate themselves to providing the best value for every taxpayer dollar and continue to expand their knowledge, skills, and abilities and whereas the Idaho Public Purchasing Association IPPA, through its members, is committed to providing high caliber strategic, logistical, and operational support of all agencies associated with the chapter and whereas the IPPA recognizes, supports, and practices the public procurement values and guiding principles of accountability, ethics, impartiality, professionalism, service and transparency established by the Institute For Public Procurement in ITB. Therefore, I Mayor Robert E. Simpson hereby proclaim March 2022 as Procurement Month in the City of Meridian and urge the residents of the community to join the Idaho Public Purchasing Association in recognizing the role of purchasing and materials management professionals within business, industry, and government, dated this 8th day of March 2022. Congratulations.

Watts: I just want to say a big thank you to Robert -- Mayor and Council, you guys are a tremendous support for us. We are not always the favorite folks to departments. We get

to tell them what they can and can't do and that sometimes is a tough pill to swallow, but we keep people above board and following the rules and the laws with Idaho and I really support -- appreciate the support outside of the city as well with the legislature and those endeavors that we take on as well. So, I just want to say a big thanks.

Ramirez: And I just want to say thank you and it's really a pleasure and an honor to serve all of our citizens and to do it with integrity and to do it with just coming in every day and -- and serving our community is -- it's an honor. It's an honor to do that. So, thank you for all the support. I appreciate it.

Simison: Council, just for the record, there were a lot of big words that were together in that one. I did -- I was very proud of my ability to not mess up some of those words and I'm going to pat myself on the back today.

Cavener: Nice job, Mayor.

Simison: Thank you.

Bernt: Very well done.

DEPARTMENT / COMMISSION REPORTS [Action Item]

15. Transportation Commission: 2021 End of Year Report

Simison: A lot of words. With that we will move on to our Department/Commission Reports. Item 15 on the agenda is the Transportation Commission 2021 End of Year Report and we will have the Chairman Walter Steed here to give us an accounting of the great work that our Transportation Commission is doing.

Steed: Thank you, Mr. Mayor, Council Members. Good afternoon. I will try to do as well as the Mayor did. I'm Walter Steed, chair of the Moscow -- Meridian -- I knew I was going to do that. Meridian Transportation Commission. Did the other for ten years. This is the 2021 end-of-year report. The commission is made up of myself, Eric Smith, David Ballard, Stephen Lewis, Tracy Hopkins, Ryan Lancaster, Tom LeClaire, Zachary Shoemaker and our student rep is Joseph Leckie. The commission was formed in 2013 with Ordinance 13-152. It consists of nine appointed commissioners and meets in the Council Chambers the first Monday of each month, with the exception of September. In 2021 I served as chair and Jared Smith served as vice-chair and we are doing the same in 2022. Representatives from ITD district three, ACHD, COMPASS, Valley Regional Transit and the West Ada School District attend as ex-officio members. Planning Division Manager Caleb Hood and Associate Planner Miranda Carson provide staff support. Ted Baird and Emily Kane, deputy city attorneys, provide legal guidance. Before being promoted in October, Lieutenant Brendon Frasier provided regular traffic issue updates and concerns from the police department to the commission. Sergeant Justin Dance now provides those updates. City staff provides monthly updates regarding the progress of ITD and ACHD projects in Meridian that are either in construction or soon to start. Additional city staff and other staff from the ex-officio agencies interact with the commission from time to time, as new members of the public. Regarding what we did last year, in January 2021 the commission discussed the ACHD integrated five year work plan, better known as the IFYWP for 2021-2025. Roadways, intersections, and community program priorities were The Transportation Commission project review subcommittee met and provided an update on the Eagle Lake Hazel to Amity project. The ordinance and development subcommittee met and provided an update on their work on a proposed new ATV-UTV ordinance. In February Zachary Shoemaker was appointed as a new member to the commission replacing former member Dave McKinney, who moved on to The commission held a public hearing to discuss the ATV-UTV proposal ordinance draft. Eight community members provided testimony and six others signed up in opposition, but did not speak. COMPASS provided an overview of a high capacity transit survey being done in the region for the Communities In Motion 2050 Plan. The transportation prioritization subcommittee was formed to review future IFYWP list in depth and the new version for 2nd Street, Broadway to Idaho, was also presented to us and discussed. In March the ordinance and development subcommittee again met and revised the proposed ATV-UTV ordinance based upon in-person input we had received. ACHD introduced the South Meridian Bicycle and Pedestrian Plan to the commission. The Meridian Downtown Business Association reported to us with input regarding In April a citizen concern regarding parking on alleyways in downtown Meridian. Washington Street was brought to us and discussed. The prioritization subcommittee met again to begin reviewing projects for inclusion in the IFYWC. The ordinance and development subcommittee continued to meet discussing the ATV-UTV ordinance draft. In May the commission discussed a citizen concern regarding turning traffic problems that they saw at Chinden and Black Cat. The ordinance and development subcommittee met again discussing the ATV-UTV ordinance and Tom LeClaire, chairman of that subcommittee, presented a draft to the commission, which was subsequently passed to recommend the City Council adopt the proposed ordinance change. In June a citizen concern regarding parking on Deer Crest was brought to us and discussed. ACHD introduced the new livable streets performance measure for all as a metrics of pedestrians and bicyclists level of stress on respective facilities. VRT presented possible solutions to the issue of parked cars blocking a proposed bus stop at Pine and 3rd. The downtown Meridian parking study completed by the Community Development Department was presented to us. In August the ACHD provided an update on the south Meridian bicycle and pedestrian plan to the commission. COMPASS presented to us the FY-22-28 Regional Transportation Improvement Program. In October we were pleased to have Girl Scout Troop 401 come and speak to us about a perceived pedestrian crossing concern they had on McMillan between Ten Mile and Linder. Commission members were very impressed with the presentation, conveyed it to ACHD, who was aware of the problem and plans to address it in the near future. The girls were encouraged by us to continue to speak up to public officials when they see things with which they are concerned. In November Valley Regional Transit presented on ridership of the fixed route Harvest Transit and VA shuttle systems. Sergeant Dance was introduced to the Commission as the new police department representative. There was a discussion regarding preservation for local road access to Chinden west of Idaho 16. In December the commission was given a demonstration on the use of various tools and resources we can

use to explore construction -- construction project updates that are not part of staff's regular monthly transportation projects update memo. A complete record of Transportation Commission minutes can be found on the city website. We are very grateful for the opportunity to provide service to the citizens of Meridian and the City Council regarding transportation systems in our community. We have missed Council Member Cavener attending our meetings and I would like to ask and invite each or every one of you, when you have an opportunity or an interest in something in our -- in our -- in our meeting agenda to please attend. Thank you, Mr. Mayor.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not a question, just a comment for Council and for -- for Chairman Steed and it's just as appreciation. I think this -- the Transportation Commission a couple of years ago moved from a reporting body to being much more active and involved and initially I think that was the right decision for the commission, but what I didn't realize until Chairman Steed was going over is the benefit that it has also brought us as the Council is that as a commission full of subject matter experts -- and this commission is diverse in opinions and ideas and suggestions -- to have -- watch that body work through things and provide feedback to the public -- I think, one, it's a great service to our community, but it's also a great service to the -- to the Council and I just want to say I -- I appreciate your leadership and the Commission's efforts to really serve our community from all different facets and angles. It's very appreciated.

Steed: If I may, Mr. Mayor, Council Members, thank you so much and I would like to encourage you, as you have done before very recently, when the Council has something come directly to them that they think we might have some value in examining further in detail, possibly commenting on, we are happy for you to do that and look forward to it.

Cavener: Thanks, Walter.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I was just curious about the ATV-UTV ordinance. The previous times that -- that it came before us with some planning changes there were -- there was a lot of discussion as well. So, do you guys have an update on the expected timing to see the refreshed version of that?

Steed: We are not working on it. When Council took it -- when we recommended it to Council and Council acted on it, we have no longer discussed it, unless Council has some reason to wish to send it back to us.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. That's helpful. Yeah. I was -- I heard that you were -- that somebody in the commission was looking at it again, so I must have misunderstood. That's something that happened before we looked at it.

Steed: Yes, ma'am. Mr. Mayor, Council Member, we -- we are not as a commission working on it. If one of the commission members is toying with it or something I have not heard about it.

Simison: Council, anything else? And thank you, Walter, to you and Miranda and the whole team, and Caleb to help get all the prep work for the commission for the conversation and discussion as well.

Steed: Thank you, sir, Council Members. Have a good day.

16. Human Resources: Fiscal Year 2022 Budget Amendment in the Amount of \$254,000.00 for Employee Health Benefits Trust Funding

Simison: Next item up on the agenda is Item 16, which is the Human Resources Fiscal Year 2022 budget amendment in the amount of 254,000 dollars and turn this over to Mr. Nary and Ms. Barney.

Nary: Thank you, Mr. Mayor, Members of the Council. I'm here on behalf of the Health Benefits Trust. I'm the current chair of the Trust Board. Christena is another trustee and two of our other trustees, Eli Daniel and Alex Freitag, are here in the audience. The other fifth trustee Eric Strolberg is out of town this week. So, we are here on behalf of the trust to request a budget amendment for 234,000 dollars and I could probably walk through a little bit of it. Probably Christena can give a lot more of the detail on where we are at and I don't know where -- oh, there we go. Okay. So, anyway, as the -- so, the trust came into being -- for those that don't recall, it came into being with fiscal year FY-21. So, that would have been in the fall of 2020. So -- or -- yeah. Fall -- fall of 2020. All right. So, just in time for us to be able to get in front of the pandemic. So, great timing on that regard. And so, anyway, as the trust was formed part of our responsibility is to create -- is to hire an actuary to give us their best estimate on the costs and expenses for the trust going through each fiscal year as we go forward and, Christena, maybe I will let you handle the specifics on that and kind of explain how did we get to where we are at today.

Barney: Yeah. So, as Bill alluded to, we pay an actuary who works through standard accounting methods, does projections and forecasts to try to establish, based on our trends, where should we set our rates for our trust. That being said, no one knew that there was going to be a worldwide pandemic at the beginning of our trust, so there were some unknown costs associated with that and that's one of the reasons -- and we will dive more into that in a minute -- that we are in front of you today and, then, going into

2022 to establish the rates for this year, we also didn't have all the final numbers from COVID. Since, then, since we have established those rates, we now have statistics and analytics from Blue Cross that show us what the cost to our plan is for those COVIDrelated expenses, which is to the tune of about 190 and growing each week. So, that's part of the reason that we are here in front of you. In addition, the last part of last year we also experienced higher than normal claims. So, part of the actuary process is to assume that we are going to have some high claims, one NICU baby, one cancer, those types of things. They wouldn't ever anticipate us having more than that, because, then, you are setting your rates too high, you are taking too much money from the city and from the employees to fund that trust. In the last year we have had more than normal large claims and so that has accounted for quite a bit higher claims cost than we had anticipated when we set our rates. So, of those we had three NICU babies, which are a million plus for each one -- or for all of those together. So, they are about 300,000 plus each. Then we had two patients that have a really high medication -- quality of life medication, which are about 300,000 apiece as well and, then, we also had a -- a cancer patient on our plan. So, although we can anticipate some of those things through our actuary, we don't anticipate all of those. In addition, as I -- as I had already mentioned, this slide is actually a little bit old, so it's a couple weeks old. That -- that number has now grown to 194,000 and growing, but we can account 191 based on this slide 1,002 COVID-related costs, whether that be testing or immunizations or hospitalization or anything like that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Is it okay if we jump in with questions? Okay. Or maybe just a comment. The previous two slides I think we were a little bit uncomfortable, just because this is the reason we all have insurance; right? Is in case something catastrophic happens and I certainly wouldn't want any employees to feel singled out or anything like that. Life happens and, you know, actuaries can't predict what's going to happen, but I just wanted to say that I -- this is the reason we have insurance. My broader question is as we are looking at this I -- I think we have seen multiple budget amendments from what I recall a couple of years in a row for the self-funded trust. Do we need to change how we are budgeting for it going forward? That's like my broader question.

Nary: We have only had one actual budget amendment and so -- and that was for money that was already funded and it was just -- and maybe Christena can explain this. We have only had one. So, we haven't had a number of them. This would be the second one.

Barney: Yeah. And -- and to address, you know, your concern about the previous slides, those are just to illustrate a picture and kind of get the Council comfort level that we are not just arbitrarily coming and asking for money, there is a reason behind that. Not at all that we don't want people to use their benefits, because we do and if you need care, get care, but this is just kind of the cost of doing business. If we were fully funded we would end up paying for that anyway in a double digit rate increase. We are just seeing it in a

different form, because we are self funded.

Nary: Well, I think -- I guess one of the things we want to make clear to all of you is but for COVID this very identifiable cost that was not anticipated as part of the actuarial process, we wouldn't be here. The difference we are talking about is the Department of Insurance is wanting us to correct this deficit that's in our reserve and, then, just move forward from there. We have -- we -- the Mayor's office in their future ARPA request might include this request of the COVID, because it does qualify. That's a decision for the Mayor's office and the Council to make it a future discussion. But regardless of whether that qualifies or not, the Department of Insurance would like us to right that, but in my opinion -- and Christena can correct me if I'm wrong -- if we were only here about that difference of 65,000 dollars, we wouldn't be asking for a budget amendment. I don't think they would have the same concern, because, again, the cost of doing business does catch up. All the costs that we would anticipate -- and even though there were higher claims than we normally would have anticipated, can get absorbed through the cost of how the business operates the trust. So, the concern would not be the same, but for this very one significant expense. I mean all those other things are things we can anticipate. The high cost of pharmaceuticals, again, I think all of you are aware out in the marketplace how that has changed significantly over the years. I tell people all the time in my trying to educate folks, if you watch a commercial and it tells you they will help finance your medicine, it's because it's super expensive to buy it and you can't afford it and they already know that, those are expensive medications for people. Our view from the trust is if that's what your doctor says you need, then, that's what you need. That's what the cost of this trust -- or any trust or any insurance plan is going to be. We get -- we understand that. That I don't think is the concern or issue that we are trying to address. We are really trying to address an anomaly that none of us could have anticipated.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks very much. And just curious, I mean it looks like a large dollar amount, but relative to the total amount I'm assuming that on a percentage basis it's within a standard deviation -- or it's a small percentage. Can you -- can you frame it up in a percentage of our reserves or some other metric that would put it into context?

Barney: You are asking an HR person to do math on the fly. I do know that our contributions -- our annual contributions are roughly 7.2 million.

Strader: Thank you. That -- that's very helpful.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'd like to ask a question along those same lines. So, the 180,000,

approximate, budget amendment from last time, was that for fiscal year 2021 and, then, this now is for our current fiscal year? Is that -- okay. So, this is an estimate that will cover the difference -- if I understand correctly, the budget amendment from last year that -- that was 185, 181, something like that, the actuary also had attempted to -- to do an accurate accounting, but didn't anticipate COVID, and we are kind of here again. Is -- is this going to cover -- is this budget amendment going to cover us for the rest of the fiscal year '22? Like '21, '22?

Barney: Yeah. Council Woman Perreault, so that 185 that we came before you in the last fiscal year was for the surplus. So, the trust has to have a reserve of three months and, then, also a surplus and that is for incurred, but not reported claims, and we -- when we self funded were not aware that that was a requirement until last year and so that's why we came before you for the 185. This 254 is to kind of set the record straight, get our reserves that our surplus where they should be, yes, to get us through this next fiscal -- fiscal year. There are some things we can't anticipate. Large claims, more employees with larger families, or people with medical issues coming in our plan. So, I can't say for certain that we won't be in front of you again, but for right now this should get us through this fiscal year.

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

Simison: Council Woman Perreault.

Perreault: So, is the surplus a percentage of the total contribution and will that go up because our costs have increased? Are we going to need additional beyond the 185,000 now, because our claims are higher?

Barney: No. That's reevaluated each year and typically it's accounted for in our rate development and so when we just establish what our rates will be for the next plan year we embed that in.

Perreault: Does this now put us past the savings that we had in the former way of -- the former plan that we had with Blue Cross? This -- is this -- the self funding no longer a benefit to us I guess is my question.

Barney: So, we went full funding not necessarily to make money, we did it to be able to allow some better plan flexibility and I think in this market when we are trying to hire and so as everyone else, that has given us a leg up, being able to have some added programs that we weren't able to have before. Like I had said earlier, we are going to pay for this one way or the other. So, if we had been fully insured we would have had double digit and there are area competitors that had 20 plus percent increases this last year to account for those higher medical, the higher claims, the COVID costs and all those things. We didn't encounter that, we only encountered just below a 7 percent increase, but you end up paying for it one way or the other. Now we are in front of you asking for additional funds to make sure we are compliant with UI.

Simison: I didn't know if you guys got through all your presentation or --

Barney: Yeah, I think so.

Simison: Okay. Council, additional questions?

Bernt: Mr. Mayor? The only question I had that you addressed, Bill, in regard to maybe using ARPA dollars or COVID federal dollars, whatever, to cover those costs and so maybe that can be a conversation at a later date.

Nary: I would anticipate that is going to be a conversation.

Bernt: Good. Thank you.

Simison: Mr. Hoaglun, do you have anything that you would like to add or do at this point

in time?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: As a matter of fact I would. I would like to move approval of a fiscal year 2022 budget amendment in the amount of 254,000 dollars for employee health benefits trust funding.

runung.

Cavener: Second the motion.

Simison: I have a motion and a second to approve Item 16. Is there discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

17. Finance Department: Quarterly Update for Fiscal Year 2021 Audited Financial Results

Simison: Next item up is Item 17, which is the Finance Department quarterly update for Fiscal Year 2021 audited financial results and turn this over to CFO Lavoie.

Lavoie: Good afternoon, Mr. Mayor and Members of the Council. It's been quite a while since I have seen you, so it's good to see you again and I appreciate the time to allow us to present to you the quarterly update, which is, actually, your fiscal year 2021 financial

results. As you know -- or as you saw on the Consent Agenda, we did supply you the fiscal year '21 audit report as presented by the independent auditor Eide Bailly. Again, we presented to you on the Consent Agenda this year there were no significant findings or material items to present to you and the Eide Bailly auditors had no personal comments to deliver to you, so we just kept it on the consent. We do want to let you know that if there were material findings or if there were items of interest or if there was comments by the auditor we would have presented both in a more detailed fashion. But that is why it's on consent. It's a clean audit and so, therefore, we just left it on the consent and what we will provide to you instead -- or -- today anyhow is the actual results from fiscal '21. We would provide this report to you either way. Instead, the auditors would have presented the audit report, but, again, that's on consent, it's a clean audit, so, again, congrats to you and your city members for executing the budget that you have asked them to do. Again, you have mentioned procurement proclamation today. Again, people are following the policies that we have in place, so, again, appreciate the support that you give to Finance, the team, all the employees, to meet the clean audit that we were able to deliver you and your citizens this fiscal year. So, with that today I'm going to go over the fiscal year '21 audited results. I'm going to compare the budget to the actual results for you for fiscal '21. We will start off with the General Fund, move to the Enterprise Fund, and, then, we will touch on the impact fee fund. Within each fund I will describe to you what impacts we had to the overall fund balance for each fund. So, we will go revenues, expenses and overall impact to the fund balance. So, with that let's start off with the General Fund. So, this is -- this first section is just going to be the revenues. So, discuss the results of the revenues for fiscal year '21 and for fiscal year '21 at the end of the day for all the General Funds we ended up at 17 percent higher than we budgeted for. So, when we stood here back in -- I guess 2020 to present the '21 budget, we ended up 17 percent higher than we expected. The largest percentage difference that you will see on this graph is within the charges of service -- or for services and this is due to the golf course. We back then did not put a budget into the financial system, because we did not know what to put in there. So, therefore, the actuals came in with no budget. So, therefore, the actuals are higher than the budget, so it's a -- it's a little funny, but that's the reason you see charges for service higher than the budget, because we did not establish a budget at that moment for the golf course. Going forward for fiscal '23 this will be our first year that we will establish a budget for the golf course. So, just to let you know you will probably see this result in '22, because we don't actually have a budget in '22. Last year we stood here in front of you we did not establish a budget. So, again, you might see this same situation for '22 actual results, but when we get there we will go there, but, again, '23 we will establish a budget. In enter -- intergovernmental revenues, again, you will see we are off by 22 percent. This is mostly due to the strong sales tax revenues. You have heard about it probably in the news that sales tax revenues in the state of Idaho are very strong and this -- the largest contributor to that over budget is for sales tax revenue. During 2020 of April when we established our revenue forecasts, COVID was still pretty prominent and we went pretty conservative on the sales tax revenue. So, that is a result from sales tax revenue. So, again, the property taxes ended up two percent higher -- 2.4 percent higher. We are very happy with that projection. We do want to remind everybody that property taxes is our number one revenue source by far, as you can see on this graph, so we want to always make sure we manage our property taxes

to the best of our ability, since it makes up the majority of our revenue streams. The licenses, permits, sales tax revenue, those are all more variable. If sales are up you get more. If sales are down you get less. Development same thing. Less permits, less revenue. Property taxes is very solid for us. Houses usually don't get up and leave. Commercial buildings usually don't get up and leave the city. So, we know we have a very sound solid revenue source for the City of Meridian, so that we can provide public safety, parks and things. So, again, we always want to protect and manage our property taxes to the best of our ability. So, those are your revenue sources for the General Fund. Now, we are going to go into expenses. We will go personnel, operating, capital. Same kind of layout. I will go and try to get these -- to these pretty quickly for you. Overall the city's General Funds expended 97.6 percent of the budget. So, very very good. Our six year average is 90 percent. So, again, we did very well from an expenditure standpoint for the personnel. The largest percentage gap you will see there is going to be 90.7 for community development. The gap for that is primarily due to vacancies. Again, very difficult hiring period right now. The largest dollar value variance is going to be the police department, about a million dollars, quote, unquote, left on the table. Again, it takes a while to get the hiring movement for police and we respect that. We understand that. So, that is the main reasons for those two differences. Mostly just hiring troubles, hiring timelines, hiring difficulty. You will see the Parks Department is a little over budget and, again, that falls on to the golf course. We didn't have a budget for personnel, but we have the expense. So, again, therefore, we were not able to represent the budget accordingly. So, that's why you will see this is a common answer for parks, just give you a heads up, but that is why you see that issue for the Parks Department. We did not establish a budget. Next section is going to be the operating -- operations. The city ended up spending 78.8 percent. It's a little bit lower than our six year average of 82.2 and this is primarily due to -- you will see in the admin division. If you remember we budgeted 2.5 million for Linder Road, so that moves my budget with no expense. We had grant monies for COVID. Again, that moves my budget up, but we didn't -- haven't expended them. So, therefore, my budget is much higher than my expenses, so that's why you see that big variation in the admin. We will get to that point of spending it. We are taking that money forward in '23 or '22, so that's why you see the large gap there. Linder Road, CDBG, and Cares Act money, we just haven't gotten around to spending those monies, but we will in '22. Again, Community Development you will see exceeded by 33 percent. That's due to the large demand for development and growth. So, for all the expenses you see higher here, they also have an offsetting revenue. So, they would only incur these expenses if they have the revenue source to it. So, again, that -- it is scary looking, but just let you know we have offsetting revenue, because for every permit pulled we have an expense associated to permit, so they are kind of one to one. And, then, Parks Department is over budget because of the golf course. Last item for expenses for the General Fund would be capital. For the city for fiscal '21 we spent 41.4 percent of our total budget that the citizens approved for us. So, what that equates to is 8.4 million dollars not spent. So, of the -- all the bars you add up, we left 8.4 million unspent. We have carried 7.7 into this fiscal year. So, when you add it all together we should spend about 13.7 of the 14.5 million dollars over the two year period. Sometimes capital projects don't get done in a fiscal year, so we have to carry it and that's what you are seeing here. Of the unfinished projects of 8.4 million, we are going to carry 7.7 into next fiscal year.

So, again, we will continue to let you know how we are doing on these projects, but that is why you see that and, again, we will carry that into the next fiscal year. The largest number is going to be in the Police Department you see there, but they have got Scenario Village, precinct construction and police station improvements, which, one, I think -- I think Scenario Village is actually done. So, that expense has already been taken care of and, then, the improvements I know are underway right now and, then, the precinct, again, you are very familiar with where we are at on the precinct. So, overall those are the revenues, expenses for the City of Meridian. So, again, General Fund finished 17 percent higher on revenues, 97 percent on personnel, 78 on operating and 41 on capital. Again, these are good problems to have, to have more revenue and budget and, then, less expenses than budgets. Again, a great problem to have for the City of Meridian. With that these are the results. So, when you take all the revenues, minus all the expenses, that equals excess revenue or what we call net income or net loss. So, this is the -- these are the results for the General Fund for fiscal year '21. We ended up adding -- increasing our General Fund fund balance by 16.79, so we increased our fund balance by that level. These are the contributing components to that. Impact fees, again, as a reminder we have a save before we spend model here in the City of Meridian. So, these funds that we are saving we are going to spend at a later date for capital projects. So, we added 5.7 million to the Impact Fund, saving up money for fire stations, park development, police stations, community development. You see the numbers according there. So, again, we added 16.7 million to our fund balance for those projects, such as fire stations, community center, pathways, Linder Road overpass, potential other projects, Community Center, parking garage and precincts. So, again, we are saving this money for a future reason and that's what our annual comprehensive financial plan management is. We do a five and ten year projection on what we believe we need to use these dollars for. So, again, that's the results of the General Fund. Again, we added to the fund balance. But, again, we have a ten year plan to spend -- expend more than what we have available in our ten year projection. Happy to answer your questions about General Fund. If not, I will jump into Enterprise Fund and their impact and they will look very similar to the flow.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Todd. You know, I -- I understand; right? So, we have a large General Fund balance that's growing. We haven't spent this money yet on a lot of large projects. When you kind of smooth that out, though, and assume that we will build our fire stations, we will build our police precinct and you map that out, do you think that we are considering the next five and ten years ahead in terms of where we should be in terms of reserves, in terms of our actual fund balance? Are we ahead of what we would have budgeted or are we behind? Are we right on track? Just give me a sense for what we anticipate and kind of how that stacks up.

Lavoie: Sure. The reserves I can answer. We are right -- we are right where we need to be. We are following the city policy that we have adopted, so we are great on reserves. We are in good shape for emergency and operational reserves there. So, the question I

think we need to manage is -- is how is the unreserved -- the uncategorized value. That one -- that portion of the fund balance did not increase very much. So, again, to answer your question how are we at the five year and ten year mark, right now we have a balanced five year CFP. So, that includes all capital, personnel, and operating needs of the city. But after the five year mark we don't have a fundable plan -- which is fine, that's -- that's within our guidelines. So, are we ahead or behind it? I mean I guess the question is do you want to have a ten year fundable plan? Then, the answer is we are behind, because I don't have enough funds or nothing but projections, but to me I think we have a very comfortable financial plan -- position. I believe what Robert and the department has put together from a needs assessment for the next five years is right on plan. The 16.7 million, again, a lot of that was from the impact fee fund, which we are saving for. A lot of that was for the Capital Improvement Fund, which we are saving for. We know we have these projects and that's why we put in these revenues in place, so we can save before we spend, because we have two stations, we have Discovery Park, we have a potential garage. So, I think we are right on par for our five year plan. A ten year plan --I think that's a different discussion we can have offline, but five year plan I believe the Mayor and his directors have done great.

Strader: Mr. Mayor, a quick follow up.

Simison: Council Woman Strader.

Strader: So, you know, if we look at that -- okay, it's fundable. Does that include any assumption about property tax, taking the level three percent within that fundable five years?

Lavoie: The revenue projections that we use in our CFP do take into consideration that we are taking the full maximum value or available value of property taxes, yes. As they are written today.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Fair point, Todd, and it is very frustrating for all of us to just have a constant -- constant potentially multiple changes to the property tax system. Who knows what will happen. But thank you for the commentary.

Lavoie: Thank you for the questions.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Todd, when it pertains to our uncategories to revenue that is coming back into the General Fund and through the Community Development Department, I guess those

two specifically, is the change to the fund balance consistent what we have seen over the past three to five years? Is it more? Is it less? I guess the question I'm trying to get is -- is '22 -- is fiscal year 2021 an anomaly or consistent with what we have seen over the past few years?

Lavoie: Fair question. I did not analyze the -- and, Luke, I appreciate the question. What portion -- can -- 7.4 of this is for capital projects we had this year. So, I would have to look did we -- you know, that's the biggest chunk of this. Like is it going to be 7.4 associated with the impact fee funds and, then, the three point -- the three million dollars there -- that's a great question. What portion of the 16 is represented by unfunded -- or unfinished capital projects as compared to years past.

Cavener: Right.

Simison: Great question. I will have to get back to you on that one.

Cavener: Fair enough --

Lavoie: Yes.

Cavener: -- Mr. Lavoie, I appreciate it.

Lavoie: So, thank you, but we will get that answer by tomorrow for you guys.

Bernt: It looks like Luke won stump -- stump the CFO.

Lavoie: Yes, he did.

Simison: That's not what it's called.

Lavoie: I have a feeling that Jenny and Brad might be able to get you the answers before I even get off this podium, so, hey, we will see.

Simison: Okay. I think --

Lavoie: Any other questions about a General Fund? Again, appreciate the questions. Great -- great questions. Okay. We will jump into the Enterprise Fund. This is our second major fund that we report on to the citizens. Again, same layout. We will start with the revenue sources first. Overall the Enterprise Fund ended the fiscal year 9.4 percent higher, so we took all of our budgets, took -- took all of actuals and we ended the year 9.4 percent higher than we thought we would have been, you know, April of '19. The estimate for water and sewer -- again sales, right on par, right where we want it to be, off by two percent. We love that. The assessments are development based. So, again, we were a little bit conservative. Development came in a little bit stronger than we thought and that's what you are seeing there is development is stronger than our conservative projections on growth and the other two are mostly flat on four percent. So, as you will see that the

sales, again, are our most dominant -- our largest revenue source. Again, this is associated to your water and sewer bills and, again, we want to protect to make sure we manage those revenue sources the best that we can. Next we will get into personnel expenses for the Enterprise Fund for the fiscal year 2021. The Enterprise Fund ended the year at 93.2 percent, which is higher than their six year average of 90.3. The largest variance here from a percentage standpoint is the MUBS department and this was associated to a position that was on the books in 2021 and in 2022 the position was removed. So, now that position -- FTE budget has been reduced and, hopefully, in 2022 you will see it closer to 98, 99 percent. Let's see. What else? And I think those are the -- everything else is pretty -- pretty flat one and pretty good. Next one we have is the operating expenses for the Enterprise Fund for the fiscal year. We ended up at 81 percent, which is right on average at 81 percent for six years and as you can see the largest gap that we have on this screen is in the Public Works Department and just like the other departments, that was because of one million dollars in grant dollars for COVID we had not expanded at that time. So, in '22 you should see that expanded, but that -- of the gap -- it's 1.1 -- one million max up the grant dollars and, then, the water department is -- they left 17 percent on their books, which is about 700,000, and this was related to professional services and water meter acquisitions that did not come to fruition for fiscal '21. That gets us the capital. Capital we spent 21.9 million of the entire budget for fiscal '21. So, that value was 24.5 million. So, we asked for X -- or we didn't -- we spent 21 percent, which is leaving the difference of 24.5 million. Working with the Enterprise Fund team they requested from the Finance Department to carry 24.4 of that million -- five million. So, again, over the next two years they will spend 99.9 percent of it. It's just timing, construction, materials. You guys are all familiar with that. So, they have asked us to carry basically all 100 percent of the 24.5 million into this fiscal year, so they can complete the projects and the next year we will give you an update of how they did on that. So, the actual results for the entire fund itself, again, revenue is up 9.4 percent. Personnel, operating, and capital actuals are below. Again, great problems to have for the city. And with that -- again, the Enterprise Fund is the same way. We have a save before we spend model. We project out five to ten years in our fee management forecasts. In this case we added 20 -- 21.8 million dollars to our fund balance. As a reminder, 24 million we need -- we need to carry forward into fiscal year 2022, which tells you that we had planned to use fund balance in fiscal '21. Hence why '24 is larger than '21. I can't add more than I'm using. So, we are going to continue to use more fund balance, because we are a save before you spent model. So, of the '21 I would say 100 percent of that is already accounted for within 24 million dollar capital carry forward request that the Enterprise Fund requested. And, again, we apply the same forecasts approach to the Enterprise Fund. We do a five and a ten year forecast to make sure that we have enough funds in our CFP request and our fund balance to meet the needs and these are the four components that we believe and how they added or not added to the overall Enterprise Fund. So, with that that is the look at the Enterprise Fund. Happy to answer any questions if there are any. And I don't know the answer to whether or not this is abnormal or normal from a capital expenditure position.

Simison: Council, questions on the Enterprise Fund? And just like the budget, generally good on Enterprise.

Lavoie: Generally good on Enterprise, yes. Well, that gets us to the impact fee fund. Again, by state statute I have to report to you the impact fee funds separately. So, these are the results for the impact fee fund. These are 100 percent driven by development. You approve all the permits. The permits generate revenue. These are results of your actions on permit approvals. Overall the revenues for the -- sorry -- impact fee fund were 20.8 percent higher than what we thought were -- we were going to get and that's primarily due to development being higher and faster than our projections. We are going to go department by department. The fire department ended the year at 43 percent higher in revenues and they spent 16.2 percent of their operate -- or the capital requests that will be expanded pretty quickly with Station 7 and 8, the bids coming in, so all this money should be expended -- not by this fiscal year, but some combination of this fiscal year and the following fiscal year. So, we will expand all these dollars available on those two fire stations, because we are a save before you spend.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, that was my question is -- I don't know if you know this, because you are not the fire department director, but are we seeing cost increases on our bids such that it's going to eat up all of the additional impact? I mean some of -- some of the Fire Station 8 is being funded by the General Fund. So, is this going to --

Simison: March 21st. Bids are opened on March 21st. So, we will know then.

Perreault: I'm sorry?

Simison: March 21st is when the bids are open, so we will know --

Perreault: Oh. Okay. So, we don't know yet. Okay. So, we don't have an idea if we should anticipate that this is actually going to benefit us. Okay. Thank you.

Lavoie: Fair -- fair question. We should know by the end of this month where we stand. Let's see. So, that is the fire department. The next department we are going to report on is the Parks Department. Parks Department ended at 11.5 percent higher in revenues and they spent 58 percent of their budget. Again, that's mostly for Discovery Park. All these funds are carried into the next fiscal year, because we do save before we spend, so we always just carry these monies. When we have enough monies, then, the department is allowed to expend the monies on said project following the impact fee study. And the police department ended at 22 percent higher for revenues in spending 67 percent of their budget. Again, those are the precinct projects for them. So, overall what you see is we spent that we had 20 percent more in revenues. We spent 35 percent of our expenditures. Again, these are all great signs on our financials. At some point in time, probably in '22 and '23 the expenses will be much higher, which is what we want to see, because we are saving before we spend and that's how we manage this particular budget. At the end of the day these -- this is what we did for the impact fees. We

increased our fund balance by 5.7 million, which we will expand over the next two years for stations, precincts, and Discovery Park. So, the plan is working. The plan is being managed. We are collecting the revenues that we projected and, then, we will expand the revenues according to the impact fee study that we currently are following and, then, this calendar year we are conducting an opening of the impact fee study. So, we will be standing back in front of you most likely in August to give you the results of that study and, then, we will work that plan. So, any questions on impact fees?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Todd, recognize that the increase in impact fees is because of the increase in growth and so is there concern or should the Council have concern about the -- I don't know if it's the longevity or the predictability, I guess, of impact fees. I know that departments often use that to kind of project some of their capital projects and, you know, it's -- it's great to see increased revenue in the impact fees, but I guess part of me worries like that -- there is a point in time when Meridian is going to be built out and there is a point in time where we won't be able to rely on those impact fees and so making decisions today or talking about plans for ten years from now without having that predictability -- I guess is there any concern from the Finance Department about how we are looking at impact fees or how we are using that information to plan for future stations or assets for the city that are -- that are impact fee eligible?

Lavoie: Fair question, Luke, and I -- I agree with you at some point in time we are going to slow down in growth and assessment based revenue -- impact the base revenue won't be the approach that we will go. We will follow 99 percent of all the other municipalities in America. We will be debt based. When we need something we borrow and we pay for it through that direction. We are still in a high growth opportunity, so we have the ability to collect revenues at a timely basis where we can expand it within the ten years, because if you only sold two permits a year for the next ten years you would have to refund the money, because state statute says you have to refund it in eight years. You would never collect that. Based on our current numbers we see us still growing to almost, what, 200,000 people by 2050. So, is their growth? The growth is still here. I agree with you at some point in time when we analyze the growth data on an annual basis, when that number gets to the point where we don't think the return on investment is there, because we cannot expend fast enough following state code, then, I agree with you, Luke, then we stop doing impact fees, we stop doing assessment fees, because, then, you have to follow the -- 99 percent of the other American municipalities, you go debt based, because you don't have the growth, you are more just a -- let's maintain and we will get that -- I don't see that for quite a while. In fact, I think it's -- well, with 200,000 people that they might be projected for 2050. So, I think we have a lot of growth still headed for the City of Meridian to continue to manage impact fees and to still allow the city to follow the state statute that allows us to have growth pay for itself. I still think it's a sound approach for the City of Meridian and a revenue source to relieve the property taxpayers.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Please forgive this simple and perhaps ignorant question, but how do you go into a negative on impact fees? How does that work? Because I assume you can only spend what's in there. So, is that -- is the assumption that there is additional impact fees coming in the following fiscal year?

Lavoie: No. Fair question. So, this is a 12 month look at only. So, that means we save before we spend, so we have collected, collected, collected, collected. Now on a 12 month basis we only collected X amount of revenue, but we expanded a lot, because we had all this savings money. So, we are spending our fund balance that we have been saving for over time. So, this last 12 month window we expended more than we collected in revenue, which is fine, because it's a save before you spend. You will see this next year in the fire department. You may only collect 1.9 million in revenues, but one station is going to be more than 1.9 million dollars in that one small window. Yeah.

Perreault: You are not showing the entire -- this is not a reflection of the entire impact fee fund for the police department, it's just a 12 month revenue.

Lavoie: You are correct.

Perreault: It's the expenditures. Okay.

Lavoie: Yeah. Sorry about that, Jessica. This is a 12 month window only. Yes. Any other questions for impact? Yep. Again, appreciate the questions. Again, as a recap of what we have done today, showed you the actual results for fiscal '21. Again, the City of Meridian is very healthy financially. So, kudos to you guys. Kudos to the team for getting us to where we are at. I presented the changes to your fund balance and, then, the impact fees. The next quarterly update from me -- it's going be mostly demographics. Kind of answer what Luke's talked about. What does the growth look like? What do the numbers look like? What are we using to present to you the fiscal '23 budget? What are the assumptions we are going to use to present to you the -- as the fiscal '23 budget and also our five and ten year forecast. So, that's what you will see from me next from a quarterly update and that's what I have from a presentation and happy to answer any other questions.

Simison: Council, any last questions for Mr. Lavoie?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Just to comment. Todd, you thanked us for, you know, all of the good work that gets us a clean report. I -- audit report. I want to say thank you to you and your staff for

an exceptionally clean audit report. I mean this is the stuff that if cities don't pay attention they can get into trouble and we have a team with you and your folks -- just do a great job and -- and keep us well informed and going in the right direction and make sure that there is no questions or issues and just like procurement where we did the proclamation, they make sure that we are following the law, there is no questions, there is transparency, so I really appreciate that and I don't know if the citizens really realize the -- the great team and the work that you guys do, but we do, so on behalf of the citizens thank you for what you guys do. Appreciate it.

Lavoie: Appreciate the good word, Brad. Again, it's -- we take a lot of pride. It's our honor to deliver a clean audit report. In 2016 when you appointed me to this position that was my job and, again, the team is the one that does all the work. You know, I kind of get to stand here and take some of the credit or take -- not the credit, but it's your city, your employees, all the employees are part of this approach. There is no way that the 25 of us in Clerks and Finance can make this happen. It takes everyone to follow the request and as Keith mentioned earlier, sometimes we are the bad guys, we have to kind of say no. But, again, we appreciate -- we take a lot of honor and pride in delivering you and your -- and the citizens a clean audit report and, hopefully, we will do it again this year. Again, thank you, Brad.

Simison: Thank you, Todd.

Lavoie: Sure. Thank you.

18. Parks and Recreation Department: Lakeview Golf Course Capital Projects Bid Results Discussion

Simison: Our last item is 18, Parks and Recreation Department Lakeview Golf Course capital projects bid results discussion. I will turn this over to Mr. Barton, who can fly us through this.

Barton: I will do my best. Thank you, Mr. Mayor and Council. As you remember, last summer we worked with the National Golf Foundation to do a strategic plan for Lakeview Golf Course. Part of that strategic plan was to come up with, you know, identify the needed capital improvements and come up with a capital improvement plan, which they did. They -- they broke that up into start-up costs and, then, three different tiers. Tier one, two, and three. Tier three is maybe way, way, way out in the future. You know, major modifications to the course. Not just capital improvement type projects. So, we took that and then -- and together with some knowledge that we have after operating in the course for a year and a half, we had a set of construction documents prepared for the irrigation system replacement, which is a pump station, irrigation system replacement and, then, also at the same time what we did is we -- we overlaid a cart path plan onto that irrigation plan. So, we could put that out to bid, we could get kind of a -- bring back a menu of items for consideration and we are here today to talk about that. But just for -- just kind of a really brief update, the start-up costs that were identified by the National Golf Foundation were mainly equipment and some safety mitigation. The safety -- some of the safety stuff

has been done by the in-house crew out there, just out of the operating account. The equipment has been purchased, along with a new set of golf carts and, then, even -- and tier one kind of said purchase the remainder of the equipment. So, we have purchased all of the equipment and the golf carts and we have been making good progress on mitigating some of those hazards that have popped up over the -- over time. So, now we are -- now we are down into the meat of the capital improvements. We -- it took those construction documents -- we contacted five certified golf course builders that we know can do the job. We talked to them ahead of time, said, hey, this project is coming, you know, what do we need to do to get it fit into your schedule? We wanted to get as many bids as we could. We put the project out to bid formally. We left it out for six weeks and at the end of the day we got -- we got one bid and after talking to the other four providers that declined to bid on it, they said just -- you know, they just don't have the help to take on anymore work. We gave them -- we gave them 300 days to -- to start and finish the job. So, we were thinking, hey, this could fit into somebody's schedule if they -- if they needed to start in November or maybe next spring it would be a good fit. So, even that didn't really produce any results. But we do have a -- we did have one bid. We feel it's a good bid, because it's actually a little bit less than an opinion of cost from our consultant that drew the plans. That opinion of cost was given to us in the middle of December, so we know that -- and we didn't open the bid until a week and a half ago. So, we know there has been a little bit of cost escalation in between times, so based on the -- based on the bidder, the reputation they have, they just finished a project for the city of Idaho Falls, they come highly recommended. We have -- we have a -- we have a qualified contractor that can do the job that's in line with the opinion of cost. So, with that we have brought forward three different options and they -- there is -- without going through the entire list and reading that, hopefully, you have had a time -- time to look at it and I will be happy to answer any questions you have, but option one is our preferred option and that is the irrigation system replacement, along with a pump station. It's also for cart paths and this option, if you choose to move forward with this, exceeds our current budget of 2.69 million. This option would require an advancement of our -- our -- the funds that we have kind of set aside in the -- in the CFP for FY-23 we would propose to bring back a budget amendment to advance the -- to use our existing budget and, then, also advance that FY-23 money, so we could do this project all at one time. We think there is some real benefits to working it that way. In that, you know, the contractor has indicated that they could start in June and do the project this summer. So, it's disrupting -- it's disruptive to the course. We want to -- we want to minimize that disruption the best we can and we think that doing it all at one time is -- is going to just -- you know, rip the band aid off, get it done, disrupt the course, get the work done. The other thing is if we do that we will save additional mobilization charges should we kind of, you know, do part of it this year and maybe part of it next year. You know, we don't know -- obviously, we are going to pay the mobilization charge again and, then, in addition to that we think in this environment that there is going to be additional cost escalation. So, our recommendation is for option one, which is the entire irrigation system replacement, pump station and cart paths and, then, there is those list of allowances for Idaho Power and construction administration and -- yeah. So, with that I will stand for any questions you have.

Simison: And, Mike, if I could just add to that from -- at least for me, in the way I got it

into my head from the standpoint is we add the money that we have been budgeted, we have the money from WARD, we have already received and allocated half towards this and, then, we have what's in the CFP for next year. Basically where -- we are taking all the money that we have either already allocated, received, or planned to use for next year to move this project forward in the summer at this time. There is still one more piece to this that was not included at this time. We just put the well -- which was mentioned. We are hopeful -- maybe we don't -- we have savings from the contingency or the pool costs aren't as much and that we can use some of those funds to put this project in. But that doesn't mean it wasn't big with this element, so it is separate and we can bring that back forward at the appropriate time. So, that's really why this was brought forward in this fashion was all the funds for this are identified, existing, or planned. It's just whether or not we are ready to pull the trigger and do it this year or if you say, no, the cost -- but I think the -- getting it done now allows us to get the course ready and the following year we will have a good idea about what the actual costs and playability and what the future of the course looks like, instead of having two years of a disrupted and partial play, which prolonged some of these long-term financial knowledge about the course.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: One of the things I like about option one, Mike, is the fact that it includes the concrete cart paths. I mean irrigation -- we know it's a need, it has to be fixed, and there is value to that and you kind of see, oh, hey, it's looking better than it did when -- once it's fixed. But cart path is immediate. People see, hey, they have put money into this. They are improving it, you know, as opposed to irrigation, you really don't see it, it's expensive, But I like the fact that we are also doing something that's visible to the public.

Barton: Mr. Mayor, Councilman Hoaglun, that's a great -- great point. One of the things that -- in our conversations with the National Golf Foundation, they said you just bought a new fleet of golf carts and they are riding through potholes. You are going to -- you are going to beat them up, so -- just -- just to be clear, these cart paths are along the tees and at the greens. So, then, once you get on the fairway it's relatively smooth. It's where the existing gravel is right now. So, yeah, it would be -- it would be an aesthetic improvement for sure and also easier on our equipment.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Two quick questions. Is that 298,000 for fiscal year '23, is that the entire budget that's for the next fiscal year or are there additional funds in that? And, then, also is this delaying any other scheduled maintenance or improvements that would have been done in '23? Are we kind of exchanging this for something else that was planned? And, then, is -- can we assume that the course is going to be shut down for a period of time?

Barton: So, that -- yeah. The 2.98 million is the -- the amount that we have in the CFP for -- CFP for '23. There isn't anything beyond that. But what we would propose is that we would -- as -- there are some needs -- some patio improvements, maybe a new roof, depending on the outcome of the well, if we can save contingency and there is a little -there is a difference between the amount needed and the CFP amount. We are hoping that we can apply that to the well and -- but what we would propose to do is run those other improvements through the budget process, put those in the CFP so we can balance that -- those needs with the other needs that everybody else has and, then, as far as the course disruption, really -- really what the irrigation crew does is they work on two holes at a time. The cart path crew works on nine holes at a time. But only -- so, they can still -- you can still keep the course -- the nine holes that are getting the cart paths can remain open. Irrigation crew is two holes at a time. So, depending on the outcome of this conversation, then, we would -- we would come back. We need to make our pass holders whole, because they bought season passes based on a year around availability or pending whether, but there -- there may be some pro-ration of -- depending on the level of disruption, but we would -- those are future conversations.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I like option one. I don't want to muddy the waters too much, but golf course improvements was a potential source of the funding. I just wanted to mention that. I don't know if that really affects the feedback that you are getting at this point, because we haven't discussed our ARPA funding, but just wanted to throw that out there, that that was an option. Not necessarily one that I'm advocating for, but I like option one and that isn't something we could evaluate.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: What was the recommendation of the golf course focus group? What was their -- what was their preference?

Barton: We haven't specifically talked about bid results with the focus group to get -- to convene that group, just as a -- their -- their role is a little bit -- it's not a -- they don't advise the Council necessarily. They are a citizen's group that is a sounding board that we really appreciate their help and input. I could say that if -- if we asked them would you rather have it done and -- and I have talked to a couple of members, just had side conversations with them, and they are -- they are like it is what it is. Get it done as fast as you can.

Bernt: Mr. Mayor, I realize that there is --

Simison: Councilman Bernt.

Bernt: -- they -- they don't advise us, but they are all passionate golfers. So, that's the reason for my question.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I am in favor of option one as well.

Simison: Okay. Well, this will have to come back as a budget amendment. We -- I think we have at least got the general direction for conversation. If there is some other conversations we need -- that you would like to have -- you know, I think talking to the golf course focus group has value in terms of some of the things that we may be talked about, costs, play expectations, some of those type of elements. At the end of the day, while this is a financial decision in terms of what -- you know, the best interest long term, is it -- is it cheaper to do it once or twice. I think that -- that was the basic question and, then, once we make that decision we figure out how the best way to approach the play at the course during that time period.

Barton: Okay. So, next step for me -- two weeks from now I will be back in front of you with a budget amendment for 2.98, along with a contract for Heritage Links and that goes -- pending the outcome of those we will have Heritage Links at Lakeview Golf Course sometime in June. Thank you.

Simison: Thank you, Mike. Council, do I have a motion?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adjournment of the work session.

Simison: I have a motion to adjourn. All in favor signify by saying aye. Opposed nay.

The ayes have it. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 5:48 P.M. (AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)						
MAYOR ROBERT SIMISON ATTEST:	DATE APPROVED					
CHRIS JOHNSON - CITY CLERK						



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the March 8, 2022 City Council Regular Meeting

Meridian City Council

March 8, 2022.

A Meeting of the Meridian City Council was called to order at 6:05 p.m., Tuesday, March 8, 2022, by Mayor Robert Simison.

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

Members Absent: Joe Borton.

Also present: Chris Johnson, Bill Nary, Sonya Allen, Joe Dodson, Alan Tiefenbach, Tracy Basterrechea, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, call the meeting to order. For the record it is March 8th, 2022, at 6:05 p.m. We will begin this evening's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Our next item is the community invocation, which will be delivered this evening by Pastor Vinnie Hanke. If you all would, please, join us in the community invocation or take this as a moment of silence and personal reflection.

Hanke: Mr. Mayor, Members of City Council, good evening. Thanks for allowing me the opportunity to come and pray for you. God, we thank you for this evening for the City of Meridian. We thank you for the peace and the prosperity that we have gotten to experience as its citizens and we pray and think of those who lack this evening and pray for their comfort. God, we ask that you would grant wisdom and discernment to the City Council as they lead. To the citizens of Meridian would you grant us the ability to live with one another in kindness and that we would be neighbors who would seek the welfare of our city. God, we pray for those first responders. God, those in education, those in the police, fire and rescue and continue to keep them safe and secure as they serve us well.

Item #2. Meridian City Council March 8, 2022 Page 2 of 74

God, we ask that Meridian would be a city that ultimately would glorify you. We ask this through Christ, amen. Thank you.

Simison: Thank you, pastor.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Real quick. Pastor Hanke, I just -- I want to say thank you. I know you have been coming before us a lot lately and that's time away from your -- your family and your friends and your congregation. I just -- I know the Council feels this way, too. We just -- we appreciate your time, we appreciate you coming before us and praying for us. We don't often comment afterwards, but it's something I have really appreciated and found great comfort in. So, thank you.

ADOPTION OF AGENDA

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

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adoption of the agenda as published.

Bernt: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, we did not.

RESOLUTIONS [Action Item]

 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

Simison: Okay. Then with that we will move on to resolutions. Council, first item up tonight is Resolution No. 22-2317, which is appointments to the Meridian Arts Commission. We --- we had a lot of interest, a lot of extremely qualified people who are wanting to serve and so before you I have three people moving forward. First is a reappointment of Bonnie Griffith, who has served faithfully on the commission. The current chair of the commission and well known to many of you. Next is Bobby Gaytan. Bobby was someone who applied last time around. He -- he was the next one out from my selection and I asked him to get involved with the Arts Commission, which he did. He's -- he's been faithfully serving as a member of the public art subcommittee and very engaged and when this opportunity came up to reapply he put his name in the hat and, you know, I -- I had several of the commission members say, please, consider him for appointment. It was -- it was the easy -- very easy decision, because I already had -- and he -- he -- he brings a great background to the Commission as a practicing artist with -you can see from what he's done in our region and just a fabulous individual. One of -the third one -- and this -- this was -- this was a tough component, because I -- I worked with one of our longest serving arts commission members Leslie Mauldin, served for 12 years. She also put her name in up for reappointment. But in conversations with her and looking at the needs of the commission, she graciously said that she was willing to step aside to allow additional resources and talent to be brought forward to the commission and that's really what Patrick O'Leary brings. He -- he definitely brings a different side of the business to the arts commission. Very -- very much needed skill set that he is bringing and one that is very welcomed, again, by the resume you can see he -- he's got a lot of experience teaching in the -- in the for profit, nonprofit side of the performance industry and it's exciting -- and that's one of the great things about a growing community is we have a lot of people from out -- who have moved to the area who are bringing their skills and talents into the commission, that allows our commissions to grow and prosper as well from these opportunities. So, with that, those are the three recommendations to -- to round out the arts commission at this time. Happy to answer any questions.

Borton: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Seeing no questions, I would move approval of Resolution 22-2317 reappointing Bonnie Zahn Griffith to the Meridian Arts Commission and appointing Bobby Gaytan and appointing Patrick O'Leary to the Meridian Arts Commission.

Bernt: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Patrick, would you like to come forward and say anything this evening? I think -- I think he might be the only one. I didn't see Bonnie -- and, Patrick, you don't -- you don't need to if you don't want to, but I -- I'm sure Council would like to put a name to the face as they see --

Hoaglun: You're almost here, Patrick.

O'Leary: I wasn't ready for this. Just Mr. Mayor and Madam Commissioners, thank you for this opportunity. I really look forward to working with the -- the City Council and the other commissioners in developing the arts here in Meridian and doing whatever I can to make Meridian the great city or greater city than it is.

ACTION ITEMS

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

Simison: Thank you, Patrick. Appreciate it very much. With that, Council, we will move on to our action items this evening. First item up is a public hearing and second reading of Ordinance No. 22-1972. Mr. Clerk, would you like to read the ordinance by title?

Johnson: Mr. Mayor, be happy to. This is Ordinance 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.

Simison: Thank you. You have heard this item read by title. Is there anybody who would like it read in its entirety? Okay. Seeing none, this is a public hearing. Mr. Nary, would you like to make any comments?

Nary: Just briefly, Mr. Mayor. So, this is pursuant to state code. This is a requirement for the city to establish districts for the upcoming election in 2023. The purpose of the ordinance is to establish both the commission and a method for creating those districts and, then, ultimately, that final product will, then, come back before the Council for approval. So, this is to try to accomplish that within this calendar year. So, hopefully, if all goes well as anticipated with both the public hearings that are required by ordinance,

as well as any other public hearings that may become warranted based on the commission and the input from the public, we would have a -- hopefully, a final district done by the end of the summer. That's what's anticipated. So, it would be a full year in advance of when our elections open for candidates to file for the 2023 election. So, this would, then, create six districts within the city and there would be an election in 2023 for three of those districts to be elected by -- or three of those seats to be elected by district and, then, the remaining three seats to be elected in the following subsequent election in 2025.

Simison: Thank you, Mr. Nary. Council, any questions? Okay. This is a public hearing. Mr. Clerk, do we have anyone signed up in advance to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: Okay. If there is anybody in the audience who would like to provide testimony on this item you can come forward to the mic at this time or if there is anybody online that would like to provide testimony you can use the raise your hand feature and we can bring you in for any comments. Seeing no one wishing to testify on this item, do I have a motion to close the public hearing?

Hoaglun: Mr. Mayor?

Simison: Councilmen Hoaglun.

Hoaglun: I move to close the public hearing on Ordinance No. 22-1972.

Strader: Second that.

Simison: I have a motion and a second to close the public hearing. Is there any

discussion?

Cavener: Mr. Mayor?

Simison: Councilmen Cavener.

Cavener: Mr. Mayor, if I'm -- if I'm not mistaken we will have a third reading --

Nary: Yes.

Cavener: -- and the vote next week. I -- I appreciate the -- the motion to close the public hearing and I know we -- we typically refrain from substitute motions, but I think because this is such a substantive change to how we do our elections, I guess I would encourage the Council to keep the public hearing open for an additional week. We didn't have anybody come tonight and there likely might not be anyone that wants to come and testify. I think we have all been in those situations where somebody has said, after the fact, they wanted to come and provide some input. So, this is something that I think is such a large

change, I would -- I would support that we keep the public hearing open for an additional week. I don't know if that's something that Council's supportive of, but I just think it's -- it's a good practice for us to give our citizens the opportunity to come address us if they have any questions or concerns.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I have no issues keeping the public hearing open.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I withdraw my motion to close the public hearing.

Simison: Second agree?

Strader: I agree.

Simison: Okay. With the motion for withdrawal the public hearing will remain open.

Nary: Mr. Mayor? Two things. So, that would -- just for the public's perspective, that still allows also written comment, if there is any written comment that wants to be submitted prior to next week as well and we would anticipate having our third reading and approval for next week.

Simison: All right. Then with that we will -- the item is continued until -- to -- actually, do we need to have an official motion continuing? We withdrew it, but do we need to have a motion to continue it? For the public hearing. Do we need a motion to -- do we need a motion to continue the public hearing to next week?

Nary: We should probably, just to make it clear on the record, yes, sir.

Simison: Okay.

Simison: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move to -- I move to continue the public hearing for the third reading of Ordinance No. 22-1972.

Strader: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

- 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

Simison: Next item up is Item 3, public hearing continued from September 7th, 2021, for ACHD Ustick maintenance facility, H-2021-0029. We will continue this public hearing with any staff comments.

Dodson: Thank you, Mr. Mayor. Seeing it has been six months, I will briefly go over what was proposed just for the benefit of the public hearing and, then, we will get into the meats and potatoes of everything. First, the request before you tonight is for annexation and zoning, with a request for the I-L zoning district. The annexation area is 30.27 acres, but the subject site is approximately 23.7 acres, because the applicant is being gracious enough to include the irrigation areas that are not part of the property, but they are proposing to annex it to help clean up the area. Secondly, the proposed use is for a maintenance facility for ACHD, which falls under the public utility major use within our development code. The future land use designation in this -- on this site is mixed use nonresidential, because it is near and within a certain area of the city's wastewater resource recovery facility. This type of use is consistent with the Comprehensive Plan because of its proximity to the wastewater plant. The proposed use is a permitted use within the requested I-L zoning district. It is subject to specific use standards. Staff has analyzed the project to be in compliance with those specific use standards and all other development regulations, except for the building setback to Naomi, which we have discussed before. It needs to be 35 feet. They are showing it at 25. Simple fix for them to do that. This is the last concept plan that I received. I'm not aware of any changes to that. Since the last City Council hearing in September of last year, ACHD did -- ACHD did submit two documents that are worthy of note. One a letter to the Council outlining the timing of development of the facility in relation to the widening of Ustick Road and their recently adopted integrated five year work plan and also a response to the previous conditions of approval in my staff report -- my latest staff report. Now, in between the staff publishing and the September hearing, there were some possible recommendations that were in the presentation. I will go over those briefly as well. Specifically this one regarding the wastewater discharge, which was discussed between the applicant and Public Works, because sewer is unavailable for this site currently. It's my understanding that both the applicant and the city engineer, Public Works, are okay

with this. So, I have not been told otherwise. It seems pretty straightforward. Secondly, this was a DA provision that had been modified, as you can see with the strikethrough and underline in regards to occupancy, permits on the site and, then, the widening project for Ustick. Now, this was not something staff included, this was at the behest of Council. I did not write a memo following ACHD's latest -- or I should say the applicant's latest letters, because they are requesting that this provision be waived or stricken completely and they are also proposing two additional conditions. I did not want to presume what Council's direction on that DA provision would be, so I did not include additional -- an additional memo for that. Really, the outstanding issues are regarding this and, then, the proposed timing of development for the area. So, they did not submit a different phasing plan. However, they did -- or I should say they didn't submit a phasing plan that's tied directly to the site plan like they had previously, but they have shown what their site phasing and trip generation will be, which was also included in their letter. Plus the overall widening projects in the area. So, really, that's the end of my presentation, so I will stand for any questions, but I presume you will want to hear from the applicant.

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

Berenger: Good evening, Mr. Mayor, Council Members. For the record Jennifer Berenger. I'm the deputy director of maintenance for Ada County Highway District. I did want to add a little bit of additional information. Joe, if you could go to the next slide. It's very similar to what you had in your packet to review, but it adds a little bit more insight into other things that ACHD is doing as far as site building and -- and expanding our capability across Ada County, specifically because Ada county is growing so much we need to grow as well. So, as we move forward with not only the Ustick yard -- I wanted to let you know that we have a yard on Franklin that is currently in design and that's where traffic operations are going to be going into. We have the Ustick yard and, then, just below that I kind of show that timeline of the Ustick Road widening and, then, we have property that's been acquired on Federal Way at Apple Street and we have very similar strategy for the Ustick yard that -- that will apply to that site and, then, overall kind of what that might mean for our currently operational Adams yard. So, in general, what I wanted to show on this slide was development at Ustick yard is tied pretty closely to our timeline for developing the Federal Way yard and if you think about Ada county as a whole and where our -- currently our two yards are, expanding out to be able to cover all of the zones appropriately -- if we are going to develop up the Federal Way yard, we really need to have the Ustick yard operational, because we are kind of shifting a little bit in our -- in our capability and response times. So, I just -- this -- this slide just kind of shows -- or this slide shows how all of those sites are going to kind of time together and, really, the -- the value of the location that we have for building up the Ustick yard and our ability to service this side of Ada county specifically. Meridian being a prime -- prime location for that. A lot of our development is going to be tied to cost. So, not going into any of the details on the bottom part of the slide, but you can see some of our decisions are going to be made on what the costs are going to be. So, any delays in any of those pieces will -- will possibly impact timelines for the others. But that's -- that's, in general, what I wanted to share. Just kind of in addition to the details that we gave you on the Ustick yard that ACHD wide

we do have other plans for other sites. So, everything is kind of tied in together and I will stand for any questions and I will have -- Becky has a portion as well.

Simison: Council, do you want -- have any questions or do you want to wait until they finish their presentation?

Berenger: Okay. Thank you.

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. Engineering Solutions. 1029 North Rosario in Meridian. I'm here as a representative of Ada County Highway District. I have been working with the district for, gosh, at least a year on this particular project and it's had its ups, it's had its downs. We have been working diligently to, obviously, take into consideration some of the comments from the City Council about the Ustick corridor and the importance of -- of improvements along that corridor. If you look at the attachments that were provided by the district, as Jennifer indicated, that site phasing and trip generation shows what -- the district plans over the next eight years at that site. It's -- you know as -- as Meridian grows it's imperative that the district be able to provide services, because they are integral in our community and the support between the city and the highway district is of utmost importance if we are going to deal with the traffic and growth issues that we are now encountering. Secondly, if you look at the other attachment it shows a '20 to '22 -- 2022 to 2026 integrated five -- five year work plan and all of these documents were reviewed and endorsed by the ACHD commission. Some of those representatives are here tonight, obviously, showing their support. So, one of the things that they did go back and -- and look at is -- as far as the cost effectiveness of improving that Ustick corridor and they determined that it was more cost effective for them to -- to do a rebuild from Linder to Ten Mile and, then, from Black Cat -- or from Ten Mile to Black Cat and so they have those design year 2022, right of way acquisition in 2023 and, then, construction to begin in 2024 on the first phase and, then, that second phase in 2025. As Joseph indicated, the site plan has not changed from what the -- the Council saw previously. I did submit a letter to the Council and the Mayor, basically outlining the conditions of approval that were within the staff report, which was written on 7/13/2021. I have highlighted some of the sections that we need revisions to, A-1-C, as far as the administrative building is concerned, that is, basically, the focal point there at the intersection of Naomi and Ustick Road. The district is in agreement that the design of that administrative building shall meet the commercial guidelines under the Meridian design guidelines or the commercial standards. As far as the other proposed buildings that are within the interior of the project, we would ask that the Council allow us to apply the industrial standards, since the I-L zone is what we are asking for. We are also providing a significant amount of berming and the staff has included a condition of approval that requires that we have additional landscape berming, fencing, buffers. Obviously, that's going to mitigate, you know, any industrial look. If you drive down the Ustick corridor right now what do you see? The wastewater treatment facility. Not that pretty. Not that nice. So -- well, from that perspective --

Cavener: Beautiful facility. Love to give you a tour.

McKay: Fabulously. Plant some trees. But anyway -- so, you know, we -- we were already agreeing to additional landscaping, berming, fencing combination and, obviously, cost is an issue. These are public dollars, just like the city has public dollars, so that we ask, like I said, that -- that the -- the commercial standards, design guidelines apply to the administrative building, but not to any of the other buildings, which are more industrial in nature. Under item 1-D, the district will be installing detached walks along the project frontage of Ustick and Naomi. We voluntarily included that five foot micro path going north attaching to the sidewalk -- a future sidewalk in Naomi, so that we have an interconnectivity to that multi-use pathway along Five Mile Creek. We are agreeing to improvements along Five Mile Creek frontage and the lighting as requested by the Meridian pathways coordinator. Item 1-F, the applicant's in agreement with -- with the city engineer and Public Works. They provided us some alternatives. They are willing to work with the district, obviously, to -- to facilitate getting this project online, knowing that the eventual trunk line designated to serve this property is northwest of us, but will eventually come to this site, but we can use like a grinder pump or something along that line as an interim facility to pump back to the manhole. I have included in mine, under Item H, that that landscape buffer along Ustick will be vegetated with additional landscaping, trees to touch at maturity, incorporating beds, fence line, shrubs, vegetation to mitigate any commercial or -- industrial type uses within the site with that first phase and, then, if you go down to Item C, the district has asked me to propose two conditions be added to the development agreement. One, that building permits will be issued for the on-site improvements based on the timeline provided by the district and the commitment in the documents that have been submitted as part of this record. ACHD will construct the plan deceleration turn out-lane prior to any building permit request, so that we won't hamper any of the traffic along that Ustick corridor and ACHD will be authorized to construct and obtain a final inspection and occupancy permit for the decant center, so that it may be operated during the development of the site as outlined in the timeline and site phasing and the decant will be constructed within the calendar year of 2024 and the site will also be used for some staging equipment and outdoor storage. One of the things that -- that the commission made it very clear and the staff is that we have made the commitment to the Ustick widening, we have provided the documentation, it's in the work plan, but we cannot accept a condition of approval that states that that Ustick widening has to be done prior to any improvements on the site. That's just not going to work for the district. There is trust here, it goes both ways, and I think the district has taken these past few months to -- to talk through this. They have come up with a very defined site phasing plan and showing their commitment to the City of Meridian and their commitment to the Meridian residents to provide better service and I feel that the Council and -- and the Mayor should support this, because I do believe it's in the best interest of the community as a whole. May I answer any questions? Or do you have any questions for the ACHD staff that's here this evening?

Simison: Council, any questions for the applicant?

Dodson: Mr. Mayor?

Simison: Can we go to Council?

Dodson: Sure. I just wanted to make a clarification before the questions, because I might get one about this.

Simison: Yeah.

Dodson: Thank you. Regarding the A-1-C and the commercial standards versus industrial along Ustick, I just wanted to be clear for both the applicant and Council, the way the DA provision is currently written is that all of the buildings along Ustick have to meet commercial standards, not just the admin building. So, I did want to make that very clear. It sounds like the applicant is requesting that that only apply to the admin building. I don't really care about the fleet maintenance, because it's going to be so far back, but the covered storage and the admin building I do believe should meet the commercial standards, because the storage can get pretty rough if it doesn't meet the commercial standards. So, I just wanted to make that very clear.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: And that was the question I had and, Joe, I think we touched on this at the previous hearing for that particular building covered storage and I know when we have homes and whatnot we require modulation and different colors and different things like that, but I think at that last hearing we talked about for industrial it's -- it's -- it's not -- it's not as intense in terms of having -- it's -- to be not stark white, that sort of thing. So, it wasn't going to be a major thing -- oh, you got to have cupolas on this thing and, you know, let's put up a weather vane, whatever. Can you -- can you -- I don't know if you recall the conversation, but what would that mean for -- to meet the standards, just because it is visible from the road for -- for a portion of time, because we do want trees that touch eventually, but --

Dodson: Councilman Hoaglun, that's a great question. Now that I'm thinking about it, between the industrial and the commercial centers there is not going to be that big of a difference for what's going to be required in the provisions, because it faces Ustick. So, a lot of the architectural standards are applicable to -- if you face residential, you face the public entrance of another business, or you face a public space slash right-of-way. So, this faces right-of-way, so it's going to have to meet pretty much everything that the standards manual is going to request. So, it has to have modulation, it has to have -- you know, both in the wall, as well as the parapets or the roof of the building. It can't just be one color, you got to have like an accent material, things like that. It usually requires some landscaping. Granted that will be within the buffer, so I'm not too concerned with It shouldn't be anything substantive, especially because I believe in that conversation. They had noted that it shouldn't be any higher than like 18 feet, which between six foot fence and, then, you have the landscaping that will eventually be taller than the building, it won't be that noticeable. But the city and staff just want to -- to make sure we have that ability to say, hey, you at least got to meet the commercial standards here.

Item #2. Meridian City Council March 8, 2022 Page 12 of 74

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Follow-up question for -- for Becky. You mentioned the berm. If you got a six

foot fence, how -- how high is the berm; do you recall?

McKay: Well, obviously, it hasn't been designed yet and that's going to be determined, obviously, with the Ustick corridor design and -- and the elevation of the berm. Right now we have I believe 35 feet to out closest building and, then, we have -- I believe a 25 foot landscape buffer and in my conversations with the district, obviously, they want that Ustick corridor to be as attractive as possible, so, you know, they have indicated to me if -- if the Council or the Mayor thinks they are just going to stick up an RM steel building, you know, as -- along Ustick, that's not their intent. You know, their intent is to -- you know, to incorporate different colors and some textures and stuff. They just don't want to get into a situation where they are incurring excessive costs to meet the commercial standards for the shop or the -- the fleet storage. But their willingness to work with the staff to come up with color schemes, material texturing -- I mean I have seen a lot of -- a lot of mini storage where, you know, it's got one wall that, you know, due to different materials and colors you wouldn't even know it was mini storage and -- you know. And it's -- on the interior it's -- it's more of an industrial type metal building, so -- so, the primary concern is, obviously, cost, but they are concerned with aesthetics, just like the city, and I guess they -- you know, they would like the opportunity to work with the staff and take staff recommendations, but -- but not be saddled with conditions that wouldn't be applied to any other project that -- that may be in an I-L zone.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Becky, would you mind bringing up the timeline again. So, I just want to talk about FY-2025. Is the plan to have the widening under construction while there is 103 trips per day at the same time? How is that going to work -- excuse me. How is that going to work? Is the assumption that the construction that happens in 2024 -- what will run in front of the site and, then, perhaps as you are going towards Black Cat that's where 2025 construction comes in or does it not work like that?

McKay: Based on what they provided me they indicated that the Ten Mile to Black Cat would be constructed in 2024 and so in 2025 when you start generating trips, they are going to have that one mile completed. Then they will start working on the -- the Linder to Ten Mile. Okay. So -- so, yeah, they have -- they have indicated that as far as their trip generation, you know, there aren't going to be -- there is going to be very few trips which will be completely insignificant and negligible as far as the overall trips on Ustick until such time as that widening in front of the parcel is complete.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Becky, it's nice to see you and it's nice to have the bulk of the commissioners here and the director and legal counsel. Their remarkable communications director joining us all tonight. I think it speaks to the partnership collaboration. I think we should all be celebrating. I know we are maybe looking at this issue a little bit differently, but I'm appreciative that everybody is here. I guess, Becky, I'm going to ask you to kind of dumb this down to a 101 level, so I can make sure that I'm wrapping my head around this correct. When I look at Condition J that it sounds like you and the commission aren't supportive of, when I read that it -- it resembles a lot of what I think your legal counsel suggested when they were before us six months ago and so I'm trying to wrap my head around about what's changed since you were before us in September and why what you are now suggesting you think is I guess the better mousetrap.

McKay: Mr. Mayor, Councilman Cavener, yes, we did ask that Condition J be removed and the reason being is we have basically supplied the Council and the Mayor a road map and adopted integrated plan showing what the improvements are going to be, what those steps -- what fiscal year they will take and the commission is extremely concerned that -- that they would be saddled with a condition that would inhibit their ability to get the site going and when you start putting conditions on, it would just be -- it would be the same thing as if on a subdivision you said prior to the issuance of any permits -construction permits for your first phase you have got to build a whole mile of arterial. I mean, you know, it's -- it's -- I have never had that happen. I have done my frontage requirements. I have done signals, so what I'm -- my point is the mitigation that is more than what the impact of this site is and that's -- that's the crux of it. This isn't a subdivision. This is -- this is part of your infrastructure and a facility that will serve this community for years to come and they will be able to react with their -- their -- their deicing equipment, their maintenance equipment, their sweepers. It will be more cost effective for the district and provide better service to Meridian and the commission is strongly against any condition that says you can't have a building permit until you do all the road widening. That's -- they need to get that decant center on. You are talking 20 vehicle trips a day, which is like absolutely nothing and that's in 2024. They have made a significant commitment, so you ask what's changed? This document that I have in my hand that I put in the record is what has changed. They have made commitments and they have said, no, we are not just going to build one mile of Ustick corridor, we are going to build two miles of Ustick corridor. So, that's -- that's significant. That's -- that's a big fiscal commitment on their part and trying to meet the Council in the middle and do a little more than what was offered last year.

Cavener: Okay. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. That I -- I was going to do a follow up with -- with Becky, making sure that the deceleration lane was constructed as part of that construction in 2024 and -- and this does answer that after it's -- we disappeared. Can we go back to that slide that was just up on deceleration lane, Joe, or whoever is controlling it? Yeah. The deceleration lane at Naomi Avenue and Ustick Road is construction -- no building permits shall be issued until that lane -- deceleration lane is -- is constructed and, then, building permit -- after its constructed building permits may be issued for those other facilities and no certificate of occupancy permit shall be issued by the city until Ustick Road widening project is completed per the letter from ACHD commission. Certificate of occupancy -- and you will know this, Becky, and I don't, but I -- I will learn -- is certificate of occupancy for -- for coverage sheds and those types of things, is that -- do we do that?

McKay: Like a decant center? I -- you know, I -- I -- I would assume so, because you have got have some final measure in order to final out the permit. A permit has to be granted. I think, you know, that -- that condition is written. What we have done is we have tailored it so that, you know, you can, obviously, attach this timeline as an exhibit to the DA. You know, this -- this -- this document -- this timeline in this integrated plan that -- that I brought before you can be part of the DA and, then, I tried to, basically, clarify that in my request for modifications and additions within the conditions of approval.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. I appreciate that, because I think in the last meeting that was the question, what's happening when and what's being built and proposed. This really does lay it out much better. It is very helpful, so I appreciate that.

McKay: I think so and I think -- I think we kind of got out into the weeds at the last hearing, Mr. Mayor, Members of the Council, and -- and, then, some of the Council Members were like now, what, you are going to build this, but when are you doing that and, you know, we thought it was clear to us, because we have been working on it for a year, but up on the screen it became kind of confusing and so this format that ACHD came up with that -- that Jennifer prepared and the -- the Commission worked on with the staff and Steve, I think is a lot better exhibit to put in the DA.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I just want to be very clear that this DA provision as written was -- you know, this is six months old or so and I just wanted to make sure -- this is the one that the applicant is proposing to strike. So, this would -- this whole deceleration lane and all that, not part of it, but it is part of what the applicant has proposed within these two conditions. I just wanted to make that very very clear. Tied to the timeline of Ustick in the exhibit, et cetera.

Simison: So, there is five Council Members here this evening, I'm not going to be part of any decision that's made, unless somebody gets a call and -- or goes out with their voice from that standpoint. So, I'm going to ask the hard question, Becky. Commissions can change, they can revise that document next year, so other than trust -- you are asking us to trust maybe new commissioners that are not even elected if they are going to fulfill that plan as outlined by this current set of commissioners and, you know, I think there is a lot of similarities to development where when we approve a development, if they go sell, that new developer is tied to those conditions, you know, and we don't give one a break because they are better than the others, they are still tied to the same level of expectations and so, yes, I understand trust, but you are also saying this document has weight, when it really has no legal weight beyond this commission for this year's decision making process. How -- how -- how are you -- how is the commission -- or who at the commission is going to guarantee that this is doing, especially when you are -- the guarantee would be to put it in the DA, but we are being told not to do that.

McKay: Mr. Mayor, I think -- I think the issue is the fact that they are here, the staff is here, the commissioners are here and, you are right, commissioners can change over time, but as an exhibit, as part of the development agreement, this document would be binding, you know, this is -- this is a public agency. The -- the bait and switch game is not on the table here. If we can't trust each other, then, who can you trust?

Simison: It's not about trust in -- in a lot of ways.

McKay: But I'm trying -- I guess I'm -- I'm -- I'm -- I don't -- I don't understand the reluctancy of the Council to -- to be supportive of what they are trying to do and what they are trying to accomplish and -- and -- and I think they have been forthright, they have had a lot of meetings with me and without me to get to this point, to get to this commitment and I -- I commend them for that.

Simison: And I'm -- I'm just trying to take other conversations about other issues and apply them fairly and equally to all parties for that prospect, where -- I have been very educated by our legal department that we are not allowed in to -- be allowed to enter into long-term agreements with other partners that have funding obligations tied to them, because we can't tie future councils to decision making processes, just like they can't tie them -- and that's where I'm really trying to get at and -- and ultimately I will turn to the Bill at some point or he can -- or Council can if it's relative. I just want to make sure that there is a -- yeah, trust is good, but what is the value of a time -- putting that document into this process and if legal says, yep, that -- that's a legally binding document that will hold people to do stuff, then, maybe Council will have what they feel a need -- I'm just trying to work through the --

McKay: And I respect that, Mr. Mayor, and I guess -- I guess from my perspective as a planner for 32 years now, when a project comes before you, obviously, there are exactions that are warranted based on the trip generation as far as any transportation improvements. This is a public site. It's not like anything that I have represented before that has a significant impact on the transportation system by itself. I guess, you know,

they are here in good faith saying, you know, hey, we know that the -- the Ustick corridor is a priority in Meridian and we are willing to make that commitment. But to put an exaction on them that you wouldn't put on a developer, I don't think that is proper or supported by the UDC or by the law.

Simison: I wouldn't use the word exaction. That's your -- your word, not mine, but I think we have a developer who is right behind you who has been held to occupancy of buildings specifically on road improvements that they opted to do themselves and that has been part of work that we have done, it's just fortuitous that they are in the audience right behind you tonight. So, it has been part of that, but that's a voluntary -- voluntary element.

McKay: And, Mr. Mayor, they -- they are going to generate significant amounts of traffic when you are talking projects of that magnitude. So, obviously, there is a chicken and egg when those traffic -- those trips are generated the improvements are in. But this is a different animal.

Simison: Fair enough. I just wanted to get that out there, because it's -- I could feel it, but I wanted to get it out there for the --

McKay: Appreciate that.

Simison: -- discussion.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a comment. You know, when I joined City Council there were a lot of projects that went forward as a result of decisions of past councils and I feel like as an elected official I tried to honor the previous decisions that councils had made and I understand that things can change, but I just want to say I appreciate the documentation of widening Ustick and the timeline that was put together. It gives me a lot of comfort. I have faith that the entire Ada County Highway District is in support and that I hope future commissioners will follow the promises that were made. I consider it a promise and arising to that level and at some point, yeah, I wish we could have what I thought was a workable legal approach, but it feels like we have just pushed this as far as it can be pushed, in my opinion. The overall benefit is to our community to have it here. Ultimately we are going to get Ustick widened a little bit earlier than probably would have happened. So, just wanted to provide my take on that.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Becky, you said something interesting earlier and that was, you know, in your experience you deal with development and this is a whole road and yet if this was a single

development -- if we take BridgeTower, which is a good example, just a mile down the road and something you were involved with, I think you were required to put in a center turn lane for that in -- in and out and maybe some other things on Ustick Road. So, if this was just a private development and homes going in, I would assume we would want a center turn lane and maybe a decel lane for something like this and landscaping. From your experience what -- what would be required for -- if that was just a project you were working on right in front of that facility?

McKay: You know, the -- the -- the property is not that large. It's 23.7 acres. So, you know, it will -- it wouldn't -- you know, if we were say doing single family there, you are right, it may warrant a turn lane. We would have to widen Ustick, so -- 17 feet from center line. We would have to install sidewalk. We would have to do the arterial buffer. But as far as signalizing Naomi or building Naomi Avenue to the north, we probably would not be required to do so, because the trips we generate wouldn't warrant it, because the project wouldn't be a significant size, so -- so, I think, you know, that's -- that's the big thing. The Council is getting a big bang for their buck here, considering the traffic impact to the site and, you know, getting that signal in at Naomi, the -- the residents were very supportive. You know, pedestrian crossing there, so they can go down the sidewalk that we are building, get on the micro path and get on the multi-use pathway along Five Mile Creek. I mean I think this is -- this is a puzzle piece. The district's gone out of their way, you know, they -- they -- they paid me and a survey to -- to clean up all the little out parcels that were part of Five Mile Creek and Nine Mile Creek, so that the city limits don't have all these little pieces and parts that aren't in the city limits. You know, everything the city has asked us to do we -- we have stepped up and we ask that the city step up and -- and support us and support these modifications to the conditions as requested and -- and include these documents as an exhibit in the DA.

Hoaglun: Thanks, Becky.

McKay: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, Becky, I just -- I want to make sure I'm hearing you and really clear on exactly what it is that has changed and what's being requested. So, at the last meeting one of the biggest concerns was that the district was -- wasn't wanting a condition that said they had to widen Ustick Road in the DA, but by attaching that schedule -- are -- are you not, essentially, doing that by saying we are going to follow this timeline, therefore, we are going to widen it by 2025? And so -- so help me understand --

McKay: Mr. Mayor, Council Woman -- oh, go ahead. Sorry.

Perreault: Thank you. So, help me understand that. And, then, the second question I had for you is it's my understanding -- as Joe was explaining this, that we -- we are no

longer considering this -- the -- the version that was -- of the DA provision that was written six months ago, completely going to be gone, and -- and it's just the two conditions now that you are proposing; is that correct?

McKay: That is correct.

Perreault: Okay.

McKay: And -- and, secondly, on -- on the -- the first question is the -- the problem with the language was it stated that the Ustick improvements had to be installed prior to the issuance of any building permits and they need that decant center or station, as they call it, to -- to come online. They need to store some material, some equipment out at that site, so they do not feel comfortable with having restrictions placed on them as far as the -- getting that going and, then, with setting this site phasing timeline and making the commitment and having this part an exhibit of -- of our application, they are showing the Council their eight year plan for this site and their plan for the Ustick widening for two miles and accelerating that as -- as much as possible and putting it into their integrated plan. So, that's -- that's what's changed.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Thank you. I'm just thinking about all this -- and I'm not a lawyer, so -- you know, bear with me here, but I'm not a complete idiot. So, just thinking about all this as we are going through it and -- and reading these two conditions compared to the other one from, you know, last year, they are a lot closer than they seem and I think that's what Council Woman Perreault is -- is getting at and I would agree by the way they are read and to Mr. Mayor's point, you know, integrated five year work plan can change outside of our understanding or -- or, you know, know with all, so I would recommend modifying the first condition to just -- after the first sentence put, you know, timeline provided by the district and as shown in the attached exhibits and, then, in parentheses I would put whatever those exhibits would be. However -- and Mr. Nary can correct me if I'm wrong -- I think that would, then, make those exhibits legally binding to the DA and those improvements almost necessarily that way, regardless of the integrated five year work plan, which, in turn, is almost the same condition that I already had in some ways, maybe with some modifications, because they are already adding the one with the decant station, which makes sense. I understand that. We already -- Council was already ready to do that last time. I just wanted to -- you know, maybe Council can help me understand, as well as the applicant, because it -- may be with that slight modification we are all on the same page.

Nary: So -- Mr. Mayor?

Simison: Mr. Nary.

Nary: Joe, if you put up the slide with the -- the timeline and that's where I think what you are getting at. So, here -- if you look at the -- the decant station to FY-24 -- so, what we had previously talked about -- and I hadn't heard that tonight, but at a prior meeting I had with both the district staff and -- and with Becky -- talked about tying the certificates of occupancy to some of these later construction pieces and that Council Member Hoaglun asked that question. So, I did speak with the building department and, yes, everything that has a permit has a -- has a certificate of occupancy. Even for a shed. And as we have discussed on other occasions -- not with this project, but other projects and you have heard me say a number of times from this seat -- again, the building permit is your hammer; right? It's because it's a no. It's a hard no. At -- at the -- it's a hard no at the window when you come with your check. So, that's one tool to enforce your DA, but a lot of it is dependent on who the other party is and -- and Mr. Mayor's example was a good one, but here is the slight difference I see. In a normal residential building project, whether it's multi-family or single family, the potential to sell it from one developer to another is very high. In this particular instance for ACHD to sell this project, who, then, another developer to develop a lay down yard for a construction company is not quite likely or the same. It's a completely different scenario. So, what you are getting in this DA is what you are getting. I mean I -- you're not likely to have that happen. That's -- that's the least likely scenario I could see. Time. Because the certificate of occupancy is more difficult than a building permit. I won't kid you and Mr. Price and Ms. McKay know that, but it's not a -- it's not the same tool. It is a tool. We have means to enforce it. We have a development agreement that has conditions in it that allow us some leeway to enforce through a court if we had to. I don't know that we would have to, but we do have means to do it. It's just a different tool. Yes, there is trust. Yeah, you are dealing with a developer that is not likely to change or the most least likely to change that you would in every other scenario. So, there is at least a method here that is better than other developments with certificate occupancy as your one tool left. We have used it before. We have used it in conjunction with the district before. So, it isn't something that's foreign to us to apply or the district. So, I wouldn't say it's completely, you know, an unusable form of enforcement -- again, I'm never going to tell you it's a better tool than is the building permit, but in this particular scenario it certainly can function, it is a different animal than your typical residential or multi-family or even commercial or even an industrial sub, because, again, all of those with private development have a much different ability to change from one person to another or one -- one business to another. This one isn't the same.

Simison: Council, additional questions for the applicant? Okay. I think we are good for now. Mr. Clerk, do we have anyone signed up to provide testimony on this item this evening?

Johnson: Mr. Mayor, only one person signed in. They didn't wish to speak according to the form.

Simison: If there is anybody that would like to provide testimony on this item, if you would like to come forward at this time or if there is anybody online who would like to provide testimony, please, use the raise your hand feature at the bottom.

Bernt: Thought for sure it would be Kent Goldthorpe.

Simison: Come on up and state your name and address for the record.

Olsen: Ryan Olsen. 4559 West Niemann Court, Meridian, and I'm the one that did sign. in, but decided I did want to comment. So, thank you, Mayor, Council Members. Appreciate it. As -- as a neighbor -- well, first of all, I want to say I appreciate ACHD and all they do. I think they do a tremendous job in our county and really do appreciate them. My only concerns about this project, really, are just the aesthetics. As -- as a neighbor I am concerned about the -- the appearance. Now, it was discussed that the difference between the -- the commercial standards versus industrial standards for the buildings and I don't know the difference, but I do hope that -- that the buildings that are near Ustick Road, if approved, that those do have more of a commercial feel. Just a -- a -- a nice look to the -- that -- that adds to the -- to the neighborhood and the -- and the streets nearby. Also if it's -- if it's not inappropriate, I do have just a few -- maybe questions that might be addressed by the applicant. Number one is there has been mention of a six foot high fence. Skimming through the application I had thought that was an eight foot high fence. So, just wondering if -- if they could provide -- correct me if I'm wrong or provide clarification on that. Also, the -- the buffer -- it sounds like there was a question about the -- the -- the height of the berm. That was one of my questions as well. It sounds like that hasn't been designed yet, but I was wondering if the 25 foot buffer was the distance between the fence and the edge of pavement. Just trying to understand what that buffer entails and -- and just like to encourage the applicant and the City Council just to make sure this is a good looking project for us in the neighborhood. We -- we really do care about that. We have a lot of pride in our neighborhood and just -- just want it to -- to maintain a good -- good feel and so that's all I have. Thank you very much. Appreciate it.

Simison: Council, any questions? Thank you. It looks like we do have one person online.

Johnson: Yes, Mr. Mayor. If my mouse will work here. We have Mike with no last name and, Mike, you can unmute yourself.

Lewis: Good evening. I just wanted to talk and make sure that we understand, because I think there is a --

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

Lewis: Michael Lewis. 5343 West McMurtrey Street.

Simison: Thank you.

Lewis: In Meridian. Good evening. I would just like to bring up that I think there is a developer in the audience tonight that is going to be developing on the Black Cat and Ustick area, so that's going to be additional traffic in the area as well and being here with Owyhee High School down the road, the traffic already is getting heavy and this is a one

lane road. So, I would ask -- I am thankful that they want to put something over here, because it's usually one of the last areas I think that gets maintained, so that will definitely help on this side of town. But with that said, what's the impact -- I mean the roads get closed down a lot already for the construction that's going on in between McMillan and Ustick. So, with this project coming online and, then, asking for no conditions, I guess how do we hold them -- besides for the DA -- to making sure that they are upholding their side and they are meeting their timelines. And that's what I have for you guys. Thank you.

Simison: Okay. Thank you. Council, any questions for Mike? Okay. Thank you. Is there anybody else that would like to provide testimony on this item?

Price: Thank you, Mr. Mayor and Council. Steve Price, general counsel for the Ada County Highway District. I just wanted to be very clear the commission's position on the projects that are identified in the integrated five year work plan. They are committed to doing those projects for a lot of the reasons that you just heard from the last speaker. You got a high school. You have got a lot of other things and we recognize the growing need out there. But the commission will not agree to any condition in the DA that ties the -- any of the projects in the integrated five year work program to this development application. I just want -- want to make sure that's very clear, because that's very much their position.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Price, appreciate you coming up. I know you are -- are with Becky and I want to make sure you had a chance to weigh in, so I'm glad you came up. Talk to me a little bit about the amount of projects that have been intended to be completed as part of the integrated five year work plan, but has had to be delayed or pushed off from year to year and we know that happens. We, as the Council, earlier talked about fire stations and police stations and parks and conditions change and what you anticipate doing five years from now, conditions change, but give us a flavor -- are you guys executing at a hundred percent of your five year work plan, 80 percent, 90 percent -- give us a flavor for that.

Price: Thank you, Mr. Mayor, Councilman Cavener. The -- I can tell you that, yes, we do have projects slide. A lot of the times every year you will have -- it will go from one year into the next year. Very rarely do we delay one project multiple years. It usually just slides because of the contract schedule. You have irrigation issues. So, if anything, it would slide into the next calendar year. The key thing, once the -- the horse let's go in terms of the design of the project and right of way, then, it's pretty much full steam ahead. But, again, this application for development -- the property itself and the development will generate very few trips per day, especially during the construction. We are really fighting over something that I don't think is a fight. The reason is is that you will see from that schedule a lot of the project -- the buildings, they are not even being -- they won't even be developed until after that project is built. One thing the commission was interested in

doing was tying the two projects on Ustick together. One, we were afraid that it would create a bottleneck if we just improved one and not the other and the other is is it will save money if we do them both at the same time. So, it was a win-win and that's something we have talked about over the last six months is how can we not just give Meridian what they want, but how can we make it work for the area and that's their commitment to do that. The total -- if you exact -- and I will use that word because it's a legal term. If you exact and you make it a condition of this development agreement that we complete those projects that's a 14 million dollar exaction for less than 300 trips per day and I know it's an annexation, but it's also subject to the Idaho Regulatory Taking Analysis. I mean Becky mentioned she doesn't think that it's legal. We don't feel that it's legal. But the concern is this. If we -- if the commission is subject to that, then, anything else that we do in any other community, then, we have other cities that will condition projects in the ACHD integrated five year work program tied to something that we need in that community. It's really improper and I hope you can see that.

Cavener: So, Mr. Mayor?

Simison: Councilman Cavener.

Cavener: There is a couple of things in there that I -- at least I started to agree with. Maybe -- maybe my mind is changing, because I don't think we are fighting either. I think your commission likely relies on your expertise and advice, as they should, as all good commissions rely on their staff. Likewise, we, as a Council, are relying on the feedback and advice and subject matter expertise of our staff as well. You gave me a lot of extra insight and information that I find actually very valuable, but you didn't also answer my question and so I will ask it again and I will give you another chance.

Price: Sure.

Cavener: What percentage of -- of projects that are part of the integrated five year work plan -- I think you used the word slide from year to year -- what percentage is that that slides from one year to the next? Do you anticipate doing it in '23, but conditions change, something happens and it moves to '24, '25. What percentage?

Price: Well, I don't -- as the lawyer I don't walk around with that number, but as part of the executive team I will tell you out of a 50 to 60 million dollar capital improvement project, maybe four million slide and that's what's happened in the last year. A little over four million and we track that in the financials. It's -- they are called encumbrances and so I would say -- you can do the percentage off of that, but it's a very small percentage.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe a couple and, then, maybe not for you, but maybe for Becky or -- you have got a lot of very talented people here, maybe they can get us that answer. My -- my

other question would be is it looks like your -- your daily traffic counts in many cases is four or five years old and as we have heard from public testimony, there has been a lot of growth in -- in west Meridian. The addition of the high school. What impact does that have in moving the service level of -- of better than E to E or something beyond that? And, again, I recognize you are legal counsel, you are -- you are not a traffic engineer. I don't play a traffic engineer or I -- I would not -- I'm not near capable of that. But relying on the expertise of maybe some smart people in the room to answer those questions for us I think would be helpful as well.

Price: Okay. So, I just want to be clear on your quite -- sorry, Mr. Mayor. You want to know what the -- if -- what's the -- the increase in traffic since the last traffic study.

Cavener: Sure.

Simison: And that might be better as -- Mr. Price, I don't want to hold you to that, but we know that that's not your role, but perhaps your team is on notice and maybe Becky can provide that when she comes up.

Price: You bet. Yeah.

Hoaglun: Mr. Mayor, while Steve is up I have a question.

Simison: Councilman Hoaglun.

Hoaglun: Steve, you -- you talked about the projects on Ustick Road and you talked about the 14 -- were you talking about both the -- if we work back from Black Cat to Ten Mile and Ten Mile to Ustick for -- was that both projects? Because I -- and I just wanted to be sure. I think they had mentioned that the --

Price: Where is that map of Ustick?

Hoaglun: Yeah. I think the Ten Mile to Linder would be 2025, because that -- seems like that's a more complex build because of Five Mile Creek right along that northern edge and -- and I wanted to be sure that -- and, then, the '24 was definitely the Ten Mile to Black Cat. I guess -- and -- and to come down -- my point and question to you to confirm, I guess, is the fact that ACHD has made Ustick Road a priority now, because of Owyhee High School, because of the growth that's occurring out there, it -- it seems to me the district has really moved that up and it's committed to -- to making that work. So, I -- I guess can you -- can you confirm that?

Price: Sure. Well, if you look on this -- Councilman Hoaglun -- okay. You will notice the two projects, the Ustick, Black Cat-Ten Mile, and the Ustick, Ten Mile-Linder, those are the two projects that would be moved up. Well, that you see the schedule, but the idea is that the Linder project's very much part of that.

Hoaglun: I guess, Mr. Mayor, to -- to follow up and, Steve, just to kind of -- Councilman Cavener raised an interesting question about the push and whatnot and to me when you look at these two construction projects, I see them as -- as two. That Ustick Road, Ten Mile to Linder, is -- is -- is a much more complex one. If one is going to get pushed it probably would that one, just because of the irrigation season, because of that -- having to build a huge retaining wall. To me that Ten Mile to Black Cat is the one that -- that gets done. I mean the right-of-way acquisition, what needs to be done, it's less complicated than the other one and since your site is there to me that -- that gives me a little more comfort that that's not the complicated one, which engineers are capable of overcoming it, but sometimes nature and other things, you know, conspire against that. So, that -that gives me -- I can sleep better at night where -- where the facility is located than if it was located off the other one, just because of that. When we talk about pushing projects, you know, when things get complex, that's when you have a greater chance of those So, thanks for bringing that up, because that does show the things happening. construction years and how that comes about, so --

Price: And as a -- kind of a follow up to your last question, Mr. Mayor and Councilman Hoaglun, we are committed to a lot of the road improvements out there. We have been very concerned about the impacts of Highway 16 and what's going on with that and that's caused the commission a lot -- and that's one of the things, we have had some funding issues during the last budget session and that's why we really did ask for a deferral is how can we fund this and we did receive a big chunk of money from the legislature this year that's committed to this area. It was specifically earmarked -- well, not in writing, but the commitment from the legislature as understanding the impacts of Highway 16 on the local roads within this area and the commission is committed -- at least in my understanding is is that there will be a lot of focus with the dollars out in this area. So, Councilman Cavener, I -- in terms of funding, that's usually one thing that makes a project slip and I think with -- once it gets into this -- and with the additional money that we have received from the state, I don't see that the project would slip because of funding, I would see that it would -- any -- any logistics or design issues or something like that. But we would keep the city fully appraised of that just through our integrated five year work program. I would also like to -- Mr. Mayor, we have Justin Lucas, who is our deputy director of projects and planning, he is on the line and he can answer some of your questions on traffic counts, as well as scheduling.

Simison: Becky, before you speak, I'm -- I want to make sure we are in regular order. I took Mr. Price as a citizen of -- not a representative of the applicant for closing. Before you start speaking, can I just verify that there is no one else in the audience from the public who would like to provide testimony, so we can give the applicant -- get into the closing portion of the public hearing. Is there anybody else here or online that would like to provide testimony on this item? Seeing none, the applicant, it's your time to close.

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. Engineering Solutions. Just to kind of answer some of the questions that arose. The gentleman got up and asked about the height of the fence. The maximum height in that I-L zone is eight feet. We did submit pictures of like very attractive like Trex sight obscuring fencing that

would be used along that Ustick corridor and, then, we had like chain link coated fencing that would be adjacent to the multi-use pathway that, obviously, because we can't put sight obscuring there, we want eyes on the path. In a combination with that eight foot fence, plus the berm, plus the additional landscaping that's required above and beyond what the code says, I think, you know, we are going to have a very nice and attractive corridor. One of the things that I did in my site plan is I did modulations of the buildings. So, if you look at the site plan I kind of staggered those buildings a little bit to give that visual interest, but you are probably not going to see a lot when you drive down Ustick with the fence, the berm combination and the heavy landscaping. Secondly, this is an opportunity I -- I -- I don't think we want to miss as far as getting -- getting this Ustick corridor upgraded and, obviously, advancing ACHD's establishment of -- of maintenance facilities out in the Meridian area that benefits us all. The question arose what are the current traffic counts on Ustick Road. 10/19/21, the traffic count east of Black Cat was 7,512 vehicle trips per day on Ustick Road. 10/19/2021. I think we have -- we have got a good -- we have a good project here. It's -- it's a -- it's a different -- different type of project. Very challenging for me, because I knew nothing about a maintenance facility when I started. Toured their facilities down in Garden City over on Cloverdale. Learned a lot. Worked directly with their staff. I think we have worked with Bill. We have worked with Joseph. We worked with your pathway coordinators. And I ask that the Council approve this project this evening to move us forward. The district is already in design, Jennifer tells me, as far as the Ustick Road improvements are concerned and I would ask that you include the conditions that I have incorporated into my comment sheet and delete Item F-J -- or no. J. I'm sorry. Sorry. I worked late last night. I can't read right today.

Simison: All right. Thank you. Council --

McKay: Thank you very much.

Simison: -- additional questions or comments for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, since we will need to make a motion at some point, I want to be very very clear about something that Mr. Price said, which is that we cannot tie the five year plan to the DA. How does that affect your suggestion that the schedule be tied to the DA? Because that is -- I see it as one document. So, I want to understand that, because the schedule is working in coordination with the other document, which shows -- I understand he doesn't want to tie all six of those projects to this DA. So, is that why --

McKay: I will leave that up to Mr. Price to explain his legalese here, since I am no attorney.

Price: Thank you, Mr. Mayor, Council Woman Perreault. The -- I think Becky may have been a little confused about the idea of attaching and incorporating by reference those exhibits and making those binding. The -- the commission is very clear that they will not

agree to any condition that ties our projects to the integrated five year work program. To the extent that the city or ACHD want to incorporate that into the agreement is really as good faith and tie it to that, then, I think we are okay with that, because in moving forward we are in good faith going to follow that. I think there -- that the anxiety is really tying as a condition to a development application for a facility -- ACHD facility. Tying it to a 14 million dollar outlay in our integrated five year work program goes too far and it will set a bad precedent and I believe the president of the commission is here tonight if you would like to ask her the commission's perspective, but I believe I have captured that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Ask a follow up. So, you are giving verbal commitment, but if you put it in writing, then, it sets a precedent? I'm trying to understand that. You are -- you are -- it's -- you are setting a precedent either way in my opinion. You are -- you are actually on the public record saying that ACHD is giving a verbal commitment to do this, but they won't attach it to the DA. So, help me understand the difference.

Price: Okay. Thank you, Mr. Mayor, Council Woman Perreault. What we are saying is is that in terms of developing our project we are committed to doing that, but we are not going to agree to it as a condition of the development agreement. We are happy to say that this schedule -- that we will use our best efforts to try and accomplish that, but we will not agree to it. We don't think that the city has the authority to exact a 14 million dollar improvement for the -- the very little impact that it's going to cause. I believe that it's illegal. That's like telling Mr. Turnbull, who is here, that he can -- he gets to improve all of Black Cat for something way beyond than what he needs for his development. You are welcome.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Just to make sure, Steve, don't want to beat this horse to death, but we talked about outlined in the time -- timeline and site phasing that you have provided. If that's incorporated into the documents as part of staff and applicant comments, that is there for the record to the Mayor's point that if future commission comes on we can say, hey, look, this was what was committed to -- yeah, legally binding? Maybe not. But committed to. We have some evidence there that this is what --

Price: Exactly. And I think that was Ms. McKay's intent.

Hoaglun: Thank you.

Simison: Council, any additional questions for the applicant?

Item #2. Meridian City Council March 8, 2022
Page 27 of 74

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm willing to kick off discussion. I'm -- it's not perfect, it's not where we would want it to be, but, like I said, I think this is as far as we can push this. I -- I personally am in favor of it. Ready to make a motion and go through each condition after we discuss and close the public hearing and see if people agree. If that's the most efficient way. But if people have other thoughts for discussion, happy to -- happy to wait.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I'm just wondering -- if we don't close the public hearing and we go through a condition that might have a question to need the applicant's input, maybe that's -- might be a better way.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sure. Yeah. I'm not sure how it works to make a motion without closing the public hearing, though. It feels a little bit backward. But I guess just to flush out where -- where a potential motion would be, I would think just sort of going through each condition that -- starting with Condition A-1-C, as proposed in Becky's letter, I would say not just the proposed administrative building, but also the covered storage buildings located adjacent to Ustick Road should be designed to meet the commercial design standards and the other ones that are not adjacent to Ustick it would be appropriate to allow them to use industrial standards. Certainly the Condition D, that they will install the sidewalks, lighting. Condition F, connect to city and water. Condition H, the landscaping buffer. I am in support of deleting the Condition J with the new conditions outlined. So, ACHD's new conditions under one I would like to include the DA exhibit -- the exhibit of the site phasing document and timeline. I think that that's important to have that on the record. Certainly they are planning the deceleration lane and, then, Condition Two, the final inspection occupancy permit for the decant station that they have outlined and, then, I think we will need to add the condition outlined by city staff about engineer approval for the wastewater discharge proposal. But I think with the totality of this it puts on the record the intent of ACHD, their support for widening Ustick. It helps -- it helps our community in terms of accomplishing an enhancement of the service that they receive from ACHD and ultimately an acceleration to some extent of the widening of Ustick. It's a tough one, but I feel like with -- with all that laid out I'm in support of it.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Just a clarification on -- on Item 1-C. There were two covered storage buildings. One was between the admin building and the future covered storage, which was closer to Ustick Road. The one in the middle was back farther. You weren't referencing that; correct?

Strader: Yeah. That's correct. I think it's more important to apply the commercial design standards to the buildings that are located adjacent to Ustick.

Hoaglun: Okay. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I have been silent for most of the evening listening and I really appreciate the discussion that's been made. I appreciate the commission's and the district's willingness to be committed to what their plan is. I -- I can't think of a -- before I go to my next statement, I preface it by saying I -- I'm -- I'm in favor. I do agree with Council Woman Strader's point about making the building along -- all buildings along Ustick to design to commercial standards to alleviate the concerns by the good citizen that's been -- that -that testified here this evening. I think it's a big deal. I -- I think that it's incredibly -- I think it's incredibly important that we have a working relationship with the district and I think that there is not a person in this room that would disagree. I mean we provide a lot of services -- these services to our good citizens of Meridian and it's important that we work together. It's important when we make commitments that we come through with them. I trust that you are going to come through with the commitments that you have made this evening. I can't remember a time that I have watched a project like a hawk. I'm going to put in my calendar on my cell phone to make sure -- drive by -- and I want to know -- I will be watching. I want to know that you guys are -- we don't normally do this. You know, the -- the -- the good Mayor stated earlier that we have a -- a process in place for consistency with development across our city. I think that's extremely important. This is not something we would normally do. But I trust the district. If you say that you are going to do it, then, you are going to do it and I trust you. I will be watching and I want to make sure this is done.

Simison: The rest of development community don't get any ideas.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: To that point I mean -- I mean good points have been raised on -- on both sides about this, but, you know, we are dealing with another public entity and it really is different than a private concern. You know, we have an applicant tonight who is a good community partner and -- and we work through things. But, really, we have to do things in a way -- because they could turn around and get an offer they can't refuse and whatever they were

bound by goes with that land and it might not be what we wanted with somebody else, because they won't do it to the same standard that we know another developer does and -- and -- and so to me that -- that's what the difference is. We have got a public entity, they need a facility in Meridian that is going to serve our citizens. This is a benefit to our community and they have stepped up and, as Becky pointed out, there they are also providing other community benefits with our pathway system, with straightening out some property line issues. I mean all these things come together to -- to help out. And -- and looking at what we could require, because it entered my mind do we just say, okay, if we really want to protect ourselves we just make them put in DAs that say, okay, you got to have a turn lane, decel lane, and all those things we would require for a private developer, and, then, we want the 2024 completion for the rest of the road, but if it doesn't happen, well, we have locked in that. But I -- I don't think we need to do that. They have committed to it. We know it's a priority. It's part of their five year project and it's coming up quick, so the funding mechanism -- I think Mr. Price pointed out they have got the money for it and we know that is huge. That is huge. So -- and as Mr. Nary pointed out, certificate of occupancy, yes, not as strong a tool as a building permit, but it is a tool. I don't think we will need to use it, but if -- if it gives you comfort that we have something -- we do have something, so I'm -- I'm certainly in support of this to -- to move forward with that tonight.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I guess I will just -- this is the wet blanket portion of the program. Appreciate the comments from my colleagues and it sounds like this is -- this has got a thumbs up and I agree so much with what my colleagues have said about the impact and positive impact for our community and I recognize Meridian's taxpayers are highway district taxpayers. I will just be real direct with what I struggle with and I guess I would ask my four ACHD colleagues that are here to envision you are sitting at the dais and an applicant comes before you and they are asked direct questions multiple times and they don't answer that question directly, especially when there is a lot of conversations about trust. It makes me guestion now. It makes me scratch my head. Because I -- I hold our highway district commissioners in such high regard and you have some of the best staff in the nation, but when I hear we have got money to do the project, we got the desire to do the project, we just don't want to commit in a development agreement that we are going to do the project, I got to ask myself why and when I don't get direct answers it -- it makes me wonder what is it that I'm not asking and what am I not being told and so that gives me pause. So, I think there is a lot of benefits to this project and I have no doubt that Ustick Road will be done. What I sit here thinking is that it's not about that it's going to be done, it's about the when and I think that we owe it -- I personally think that we owe it to the Meridian citizens to commit to them when those roadway improvements are going to be done and if the highway district is not willing to commit via a development agreement to that, I'm going to be hard pressed to be in favor of this project, as much as I love it.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I am appreciative that the district is interested in widening two full miles. I don't think it's just for Meridian's sake, however. I do think that there is a benefit to the district as well. So, to say that this is done just for this application I -- I'm not entirely in agreement with that. But I'm very appreciative of what it will bring to our residents. I -- I am in favor of this, because it's needed, but I'm not -- I'm a bit disappointed in how the -- the -- the district has gone about the process, to be honest. I think in all three of our hearings Council has struggled with sort of a -- it seems to be like there is one thing that's said and, then, it's changed and somebody else comes up and says something different and every one of our hearings has been that way and -- and it -- it's -- it's -- I think that's why we have had three or four hearings, to be honest, and -- and so I don't know what the cause of that is, but it -- it makes it a little bit more challenging on us to really get all of the factors down, so that we can make a motion to make a decision. So, that being said, however, I'm -- I -- I don't see a single difference between what -- between what is being proposed by ACHD this time as last time. But there is something that we can -- we can't just keep kicking the can down the road with this, we have to make a decision about it. I -- I do not think that -- well, let me -- let me just say this. We can -- we can argue back and forth about whether the widening of Ustick Road is -- is an -- a above and beyond request for the district, but in my opinion we don't compare this to a residential application, because there is heavy use on Ustick Road with the trucks that are coming and going -- gravel trucks that are going to come and go from this site, there is going to be heavy use on Ustick Road and that was the original -- one of the original reasons that we asked ACHD to widen the full mile in the first place. So, it's an unfair characteristic to say that we are just trying to get a mile of road out of ACHD, because that's not what the intention was originally. So, that's -- that's all I had to say.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You know, relationships take work; right? All of them do. And let's keep working on it. Let's keep working on the trust and the communication. I think that's really important; right? Let's build on this. I think -- I think we can do that. I will go ahead and make a motion. Mr. Mayor, I move that we close a public hearing.

Bernt: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I stated my comment. I just want to thank the commission for being here. I know we have -- we are missing one, Jim, and I'm sure he's busy, but --

Simison: He -- he's online.

Bernt: Oh, Jim's online. Perfect. So, we have the entire commission here. Thank you for being here this evening and thank you, Director Wong, for being here and other members of your leadership team. So, thank you so much and I'm excited to get this thing going.

Simison: The public hearing is closed. Can we wait until after the motion? It might be more appropriate just that way.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I will go ahead and try to make a motion. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0029 as presented in today's hearing date with the following modifications: Condition A-1-C, that the proposed administrative buildings and covered storage buildings located adjacent to Ustick Road will be designed to meet the standards outlined in the Meridian design guidelines for commercial. All the other proposed structures will be designed to industrial standards typical within the I-L zone. As outlined in Becky McKay's letter, dated March 2nd, 2022, that under Condition D the district will install the detached sidewalks at the micro path and the ten foot wide multi-use pathway along the Five Mile Creek frontage, including lighting, will be installed as requested by the pathway coordinator. Condition F. The applicant shall connect to city water and sewer services if available with the complete verbiage as outlined in the letter. Condition H. Landscape buffer shall be vegetated with the additional landscaping. Condition I. They will comply. Condition J will be deleted. All the other conditions they have agreed to. The conditions they will comply with all the way up to C, ACHD had requested that they add the following conditions, so we will add them. Condition one. Building permits will be issued for the on-site improvements based on the timeline provided with the district and to be attached as an exhibit to the DA, site phasing document and timeline. And condition two. That they will be authorized to construct and obtain the final inspection occupancy permit for the decant station with that verbiage that they have attached in their letter. Additionally, we will include the condition that the applicant shall obtain the city engineer approval for the interim wastewater discharge proposal prior to phase three development or at the time of construction of the decant and washout areas, as noted on the concept and phasing plans. Additional pretreatment may be required per the city engineer's review. Let me check my notes and make sure I didn't miss anything. Okay. Thank you. That's the motion.

Bernt: Second.

Item #2. Meridian City Council March 8, 2022 Page 32 of 74

Simison: I have a motion and a second and I'm not going to repeat that motion.

Bernt: It was a great motion.

Simison: Is there any discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Condition J is kind of the sticking point for me, so as I mentioned earlier in my

comments I will be opposing.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: It's my understanding the applicant has stated that they are refusing to add the -- the timeline. So, I want to understand the motion maker's thoughts on that and whether that's something that the city is --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. The timeline and site phasing plan are informational and demonstrate the district's intention and I believe that it is to our benefit to have that included in the development agreement and, further, I would just say I believe that they are morally, if not -- they are not legally maybe, but they are morally committed to moving this forward and that gives me a lot of comfort.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, so -- and the way I understood the testimony was that was to demonstrate their intentions. It's not tied to any particular phase or permit. So, it is simply a demonstrative evidence of what their intentions are. But it doesn't tie any permitting or final inspection to that timeline.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will amend my motion to say that instead of the exhibit being attached to ACHD additional condition one, that simply ACHD's site phasing plan and timeline be attached to the DA

Simison: Second agree?

Bernt: I agree. Wholeheartedly.

Simison: Second agrees. Is there any further discussion on the motion? If not, Clerk will call the roll.

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

Simison: Four ayes, one no, and the motion is agreed to.

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

Simison: Commissioner May, did you want to come up and make any comments?

May: Mr. Mayor and Council, for the record Mary May, ACHD Commission President. I just want to say thank you so much. We appreciate the opportunity to be here tonight and to have this dialogue and the fact that we now have some resolution and we are moving forward and I speak for the entire commission and the rest of our team at ACHD, to say that we, too, are committed to building on what I think of as an already good relationship. It's only going to get better and we are looking forward to collaborating and making this really one of the best projects ever and we thank you and, please, know that we are committed. But thank you very much for the -- for the time this evening.

Simison: Thank you. Council, with that we are going to take a 12 minute break. We will reconvene at 8:00 p.m. for our next two items.

(Recess: 7:48 p.m. to 8:00 p.m.)

Simison: All right. Council, we will go ahead and come back out of our recess. Mr. Clerk, are we ready with the audio?

Johnson: We are on.

- 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.

Simison: Okay. With that we will move on to Item 4 this evening, a public hearing for Apex West Subdivision, H-2021-0087. We will open this public hearing with staff comment.

Allen: Thank you, Mr. Mayor, Members of the Council. 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 --

Simison: Sonya, do you have a presentation that you are sharing?

Allen: I didn't realize it wasn't sharing. Thank you.

Bernt: Mr. Mayor, Sonya got really quick to the draw on that and just like quick before I can make a little comment on the public record.

Simison: Yes, Councilman Bernt.

Bernt: I need to recuse myself on this one.

Simison: So, what you are saying is there is a chance I get a vote. Wow. Okay. Thank you for that information. Thank you, Sonya.

Allen: Alrighty. So, this property was annexed with the previous Shafer View Terrace and Apex Developments and is included in their respective development agreements. The Comprehensive Plan designation is shown there on the left map. It is low density residential the green. The medium density residential the yellow. And the medium high density residential the orange. The proposed preliminary plat consists of 208 building lots, 205 single family building lots -- I should say the 208 building lots consists of 205 single family building lots, two lots for future resubdivision for residential homes and one lot for future resubdivision for either townhomes or the development of multi-family apartments and that is that lot on Lake Hazel right here. We have 34 common lots on 96.08 acres of land in the R-2, R-8 and R-15 zoning districts. This subdivision is proposed to develop in four phases as shown on the phasing plan on the right. The proposed plat includes a portion of the parcel to the east, depicted on the plat as Lot 1, Block 5, in the surrounding area and that is this area -- if you could see my cursor -- right here. The entire parcel is required to be included in the boundary of the plat or a property boundary adjustment. The applicant is proposing to submit a revised plat prior to City Council approval of the findings to include the entire parcel in the boundary of the plat. This area will be resubdivided in the future for residential homes. A revised landscape plan is also required to be submitted, both of which will require review by staff for compliance with UDC standards. Additional conditions may be -- may need to be added to the staff report. Access is proposed at the northwest corner of the development from East Quartz Creek Street, a collector street, from South Meridian Road. From South Sublimity Avenue and South Apex Avenue, both collector streets, from 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 of at least 5,000 square feet in area, eight foot wide pathways and street buffers along collector and arterial streets is 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 a half mile, and a playground are proposed in excess of UDC standards. The future development areas will be required to comply with the open space and site amenity standards with 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 required to be piped unless otherwise waived by City Council. The applicant is requesting approval of a waiver to allow the Watkins Drain along the west boundary -- and that is this area right here in green -- to -- excuse me -- to remain open and not be piped. No fencing is proposed to prevent access to the drain. In order for Council to waive the requirement it has to find that the public purpose requiring such will not be served and public safety can be preserved. Conceptual building elevations in a variety of materials and colors were submitted for future single family detached homes in this development as shown. Homes on lots along collector streets are required to incorporate certain design elements as noted in the staff report, since they will be highly visible. And just to back up a little bit. This is a crosssection that the applicant submitted showing the Watkins Drain easement and the pathway and -- and landscaping that's proposed in that area. The Commission did recommend approval of this project with conditions in the staff report. Mike Wardle and Jon Wardle, Brighton Corporation, testified in favor. No one testified in opposition or commented. Written testimony was received from Julie Edwards and Josh Beach, Brighton Corporation. Key issues were concerned with the provision of three common driveways within the development and associated traffic congestion. Concern pertaining to parking in relation to the alley accessed units and the adequacy of such for guests on the adjacent public streets, especially with the common driveways proposed and parking issues -- issues associated with those. And suggest some of the building lots be eliminated in favor of a provision of guest parking, in addition -- 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 their proposed development and others in the area. Key issues of discussion by the Commission are as follows: Desire for South Sublimity Avenue to be built with the first phase as a final build, instead of a temporary fire access. Question pertaining to if Apex East and Apex West will be considered one development for common use of common areas and amenities. The provision of common driveways within the development and associated congestion. Not in favor of common driveways, although they are allowed by code, and in favor of the applicant's request to leave the Watkins Drain open and not pipe it. The Commission did not make any changes to the staff recommendation. The following are outstanding issues for Council tonight. Number one, the Council requests approval of a waiver to UDC 11-3A-6B as I mentioned earlier, 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. Second. Staff requests Council include a modification to condition 2-B in Section 8-A to also include Lots 4 through 11, Block 10, and the requirement for an easement for a 20 foot wide street buffer to be provided on the lots along East Horse Creek Street and South Sublimity Avenue. And, lastly, with submittal of a revised plat and landscape plan

to include the remainder of the legal parcel previously mentioned, staff may identify additional conditions of approval that need to be added to the staff report. Therefore, staff recommends the public hearing is left open and continued in order for Council to have a final review of the revised plans and any added conditions. If the applicant is in agreement with the conditions, findings can be prepared to be approved at the same meeting if deemed appropriate by Council. Staff will stand for any questions.

Simison: Thank you. Council, any questions?

Allen: There has been no written testimony since the Commission hearing also. Thank you.

Simison: Councilman Cavener.

Cavener: Sonya, I think in -- in reading the summary document in your report I think you said that Planning and Zoning recommended approval. I have got my notes that they recommended denial. Am I misremembering, misreading?

Allen: They did recommend approval.

Cavener: Okay.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Sonya. So, I -- we -- we often see the -- these lots that are set aside for multi-family, maybe townhomes in the future, but I haven't often seen lots that are dedicated to single family dwellings that aren't included in the proposed plat. So, can you help me understand the thinking behind those two lots that are on the north that are triangular shaped, does it have to do with kind of how the parcels are already set out or -- it's just unique.

Allen: Mr. Mayor, Council Woman Perreault, I -- I don't really know why, so the applicant can respond to that question in their -- in their presentation. Thank you.

Simison: Council, any other questions for staff? Then will the applicant come forward, please.

Wardle: Mr. Mayor, Members of the Council, Mike Wardle, Brighton Corporation, 2929 West Navigator, Suite 400, in Meridian. 83642. Thankful for the technical capability of some people in the organization that give me the opportunity to address you this evening and I will get to the questions that were raised in due course. I'm -- I'm going to just kind of recover some of the -- the ground that Sonya has covered, but also just note that -- well, let me -- let me start with the first one. When the recommendation for approval was given by the Commission, it was -- quoting directly from the meeting minutes of February

3rd -- as presented with no modifications, but embracing the applicant's request to have a waiver for the open waterway for the Watkins Drain. So, there really were no issues that the Commission had. I mean there was a lot of discussion, but when they made the motion it was a fully affirmative motion. As Sonya noted, this area was part of the annexation that the city did back in 2015. You have already approved three projects or three specific phases of the project as Apex Northwest, Apex Southeast, and Apex East that are denoted in the purple color. This project -- again, two years ago when we brought forward a concept plan and the rezoning and those preliminary plats, it was all zoned at that point in accordance with the Comprehensive Plan. So, everything that is before you is as was approved two years ago in the R-2, R-8 and R-16 zones. A little bit more detail in terms of what the ground looks like today before we get started on this. The Shafer View Subdivision, the -- and there has been applications separate from ours relative to some of the ground in that project, but Shafer View is to the west of us and west of Watkins Drain. Kind of the easterly portion of our project as proposed for specific development is along the Williams Pipeline corridor, that's the green diagonal, in reference to Council Member Perreault's comments about the triangular future development, those were specifically because they were within a parcel and we had to include them, we just don't have the detailed preliminary plats that will come forward at some point in the future. So, part of that was because of the way that the separation from -- of the parcels by the Williams Pipeline -- and that's a very difficult thing to cross without a lot of thought and so we are just not quite ready to make that crossing at this point. But it will happen as part of the area that the Council has already addressed in our past actions for the rezoning and preliminary platting. Now I need to go back and talk a little bit more about some of the elements. You will see just below the Williams Pipeline there is the McBirney Lateral. That, as the preliminary plat will show, will become a -- that lateral will be piped and there will become a pathway corridor that links many of the facilities together on kind of an easterly -- east and west alignment. The Watkins Drain, which forms the west boundary of the project, actually kind of at the beginning down at Lake Hazel, we will be piping the portions that go through the project along Lake Hazel and up Sublimity -- Sublimity Avenue of the collector along that western boundary to a point where it enters adjacent property and goes into that property. But, then, the portion above that that we will propose to be left open we will illustrate in a few moments, just kind of the character of that. So, those are the elements on the ground that we will be dealing with in the course of development. The site plan specifically shows the single family lots with those future R-8 parcels that will be preplatted with adjacent ground in the future and as Sonya has noted, if you look kind of east -- northeasterly from the project where it says future development and has the -- the school site, that's the parcel that we have agreed with staff that will be brought in in the revised preliminary plat, only just to take -- make sure that we don't leave something out that was an original parcel. So, nothing specific will be approved there, except it will be subject to a future preliminary plat application. But just for the parceling purposes it's going to be brought in by a revised preliminary plat and so the only thing that will add to it will be the buffers along Crescendo, the east-west street, It's a collector, and along Locust Grove, which is the arterial on the east side. So, the only -- well, the only real issue that we are going to be just addressing here in a moment is the waiver. But we do have in the project 46 alley or rear-loaded lots that are designated there kind of in the southerly portion of the -- the site. I would note that those lots are 120

feet deep. They will have the 20 foot parking pad at the back. There will be no driveway curb cuts on the streets. The streets are full width ACHD streets. So, on-street parking, so there is no need -- there was some discussion about, well, maybe they need to have a parking lot. There is no need, because we actually have more on-street parking, but we also have the required parking pads at the back of each of those lots. The open space, 16 percent -- 16 plus percent of the area is in the open space and you will see that -- that green McBirney pathway corridor that I mentioned a moment ago. Community pool and playground complex there on the east side that is linked by that pathway corridor also that goes over to the -- the Watkins Drain and Sonya did note the amenities, the pool, playground, and the pathway corridors. And, again, a little bit more detail precisely to show how that McBirney corridor connects the future Williams Pipeline pathway corridor, that will, in fact, be a pathway that connects already to your city park, Discovery Park, is -- has that pathway and that same pipeline going through it. We have the -- the connections that will link people down to the intersection of Lake Hazel and Locust Grove and onto the -- the park to the east. But, then, that McBirney pathway corridor, again, links all of those facilities over to the Watkins, which does have a -- already a sewer access. There is a sewer line that has been constructed into the project and I will illustrate that again in just a moment and that becomes part of the common area pathway corridor along the Watkins Drain. This is the existing Watkins. Shafer View on the left. Apex to the right. That gravel pathway or trail that you see there right now is actually the sewer access maintenance road. That will become a multi-use pathway, 14 feet wide, and so the only issue before the Council this evening, if you agree with the affirmative recommendation of the Planning and Zoning Commission, is the question of will you grant a waiver to maintain the Watkins in an open corridor. This is just a view from the northwest corner of the project looking back with Shafer View on the right, Apex to the left, and, of course, the city's sewer access road future multi-use pathway. This simply shows that there is going to be a section that Sonya already showed to you, but I want to just reinforce. There is a -- a Watkins Drain easement that goes through that area currently. You have a city -- a 25 foot sewer easement that will become the dual purpose pathway and maintenance access and that will be the manicured area as proposed. Everything from the top of bank to the back of the lots will be manicured, but the Watkins Drain itself and the area over to the west would be native landscape and part of that you will see in the next slide is actually -- the property line is at the centerline of the Watkins. I would note that on the very west side you will see that it shows a fence location. There is, in fact, a white rail fence along all of that property, so that where it says fenced property line there is a white rail ranch type fence already in place on those adjacent Shafer View properties. Where the property line, then, deviates and goes down to the center of the Watkins, that actually occurs -- it's an interesting -- it's an engineering phenomenon, but the McBirney lateral actually siphons under the Watkins. So, you will see the McBirney Lateral at the very bottom center of the photo, it ends there, goes into a pipe, goes down through the swale under the Watkins Drain, comes back up and you can see a little roadway connection there that's an access for the purpose of maintenance for the irrigation district, that, then, intersects with the McBirney where it, then, surfaces and runs to the west. So, it's an issue that's been addressed in the past and from that point, then, to the northwest boundary of our property the Watkins Drain is actually centered on the property line and you will see, then, that sewer access road, the gravel road, that will

become paved -- a 14 foot pathway. So, we concur with the staff recommended conditions and the Commission's recommendation for approval and, again, quoting them: As presented with no modifications, but embracing the request for a waiver for the open space -- the open Watkins Drain. We agree with that recommendation and we ask for your approval with that acknowledgment. Be happy to answer any questions that you have.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, that is -- if I understand correctly drain easements generally stay dry most of the year; right? With exception of any excess groundwater that may come through natural causes. So, is -- is that correct, this is not -- there is not active water running through this on a regular basis.

Wardle: Mr. -- Mr. Mayor, Council Member Perreault, that is -- that is correct and it was interesting because of the hearing this evening -- let me go back one slide. The property owner -- if you look the very left side of the slide where the property line jogs down from the Shafer View, that adjacent property owner called me just to find out what our schedule was, noting that they plan to come in sometime this year with an application of their own on their eight acre parcel and I asked the question of him -- I said so would you tell me what the Watkins Drain is like and he said it's wet, but it doesn't really run much water and he said we really are the only ones that put any water to it from our irrigation, but it's not a stream, it's just a -- a wet swale. So, it's not a waterway that -- that would raise concerns for safety, it's purely just a natural swale that picks up the excess drainage that comes out of the area, which as development occurs will be less and less. Thank you.

Simison: Councilman Cavener.

Cavener: I guess I can do that, Dean. Thanks for the reminder. Batting a thousand tonight. Mr. Wardle, I'm certainly supportive of -- of the request and -- but I -- I do have kind of an odd question that you may help me just become a better Council Member. When we pipe these waterways do they need to have a certain amount of moisture running through them with any type of regularity in order for them to function correctly? Do you create scenarios where they can fail because they run dry for a certain amount of time? Just -- not about this particular project, just you are here, you are making a good request that I'm supportive of, because -- because there isn't a lot of water movement and I just would seek your insight and counsel.

Wardle: Well, Mr. Mayor, Councilman Cavener, I kind of anticipated that there may be a question about this, so I have slipped a slide in there from your code and if we, in fact, wanted to create what is deemed a water amenity, we would have to qualify -- we would have to design and note exactly what the flows were and, then, appropriately grade, but

this doesn't even qualify for that purpose and so your code actually says -- and this is the one that we are requesting the waiver for -- in Section A, the purpose, it says -- since I'm going to just pick up the yellow highlights that -- the purpose is to limit the tiling and piping of natural waterways, including drains, where public safety is not a concern and it certainly is not. Then in the subsection on the piping, the natural waterways will remain as a natural amenity and, then, in the subsection B-2 and, then, the fencing section C-2, it talks about maintaining these as maybe left open as a water amenity and that's where you get into the technical details or linear open space. And so, again, there is no public safety issue. It's going to be primarily making sure that stuff that blows into that -- the grasses and weeds there is picked up and since it will be a homeowners association maintained corridor that will occur.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, that follows my -- that was my next question. Could an HOA erect a fence in the future if they choose to do so, if they find that -- that there is a safety issue after all? Is that something that an HOA would be able to do? Is it on -- will they have jurisdiction to do that?

Wardle: Mr. Mayor, Council Woman Perreault, I would assume that they would if they -- if they determined that there was a threat, but there will be eight, essentially, acre lots that will back up to that and it will provide them with kind of a -- a space and a backyard area that will be, frankly, enjoyable. Probably a few critters that will wander through there occasionally. But, yes, an HOA would have the authority if they deemed that there was some kind of a threat.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sorry, I don't want to beat this to death, but is there any -- we are in a desert, we are not like experiencing flash floods or something. Just want to make sure -- have you guys at least taken a look at it, if there is a rain storm to make sure like -- there is not a part of it that is a hazard? I know it feels remote, but I -- I just want to make sure that -- that we are not missing something.

Wardle: Let me go back to the pictures of what that actually looks like.

Strader: And maybe -- maybe to answer the question also, like is there a part of this that if it was full of water would be more than like a foot or two feet deep in terms of the actual terrain I guess.

Wardle: Under extreme conditions and, you know, with a hundred year storm, yeah, there would be the potential of a foot or two of water, but if you look at the channel right there

it's only a couple of feet wide itself. So, yeah, I -- I -- I just don't know how to respond, other than the fact that you will find that this is really similar to a lot of facilities in the community that are actually left open, many of which are improved as amenities, but because there is really no perennial water that runs through here it doesn't really even qualify for the investigation or assessment from an engineering perspective as a water amenity.

Hoaglun: Mr. Mayor?

Simison: Councilmen Hoaglun.

Hoaglun: Just to shed some light on that, we have a drain that used to be on the farm, but now is part of a development and they left that open. There are requirements for safety that -- the slope and different things like that and -- and they lowered it down to have a walking path and during the summer during irrigation season drains can have a fair amount of water, I mean it probably at the deepest gets knee deep, but the rest of the year it is a drain, it -- it takes natural groundwater and water flow and carries it off. A lot of times they are under -- it's a Boise Project Board of Control and I think this one is as well. In fact, they have a letter here and they -- they don't want fencing within the project and whatnot. It can be an amenity and -- and what you are doing is similar to what they did in BridgeTower in terms of having a pathway and doing it. So, it's -- it's -- there hasn't been a safety issue. I mean we see kids making little dams across and whatnot, which they really shouldn't, but they do and, then, they -- they get taken out, so it -- it's something that's actually used there. The ducks are there, the geese are there, and -- and whatnot. So, it makes it -- it makes it nice when -- when it's done correctly, so -- but I know a lot of times the Boise Project Board of Control does not want it piped, because they want that access and they want it open and so -- hope that helps.

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

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody in the audience who would like to provide testimony on this item? We do have someone online. It looks like Julie Edwards is online.

Johnson: Julie, you are able to unmute.

Edwards: Hi. My name is Julie Edwards and I live at 1310 East Mary Lane, which is just north of this subdivision and there is just a couple thing -- couple things. It wasn't about the waterways, but I did have a question about -- if there is any water studies ever done, because the majority of us surrounding this area are on wells and so once the subdivisions go in and, you know, we are not getting the water regenerating back into the aquifer from the agriculture, I'm just wondering if that's something that the neighbors all need to plan for in the future, that we are going to be drilling deeper wells or being forced to connect to city services. So, that's one thing. The other one is in regards to schools

again. I know I bring that up a lot. But, you know, it's -- in the small picture it's listed in the information packet it said this, you know, could generate 132 school age children, 154 once they had the townhomes and so my thing is that, you know, 132 students, that doesn't sound so bad, but when you look at the bigger picture of all the other applicants -- and I was hoping to talk to Marcy Horner at the West Ada School District before this, but she's out of town until tomorrow. So, I just looked at your active public hearing map online and just kind of pulled numbers from there for the schools that were zoned for this area. So, Mary McPherson Elementary, Victory and Mountain View and so there is Apex East, West, Graycliff Estates, Burnside Ridge Estates, Biltmore Estates, just for the elementary school that's almost 700 new homes going in in those and that's just, you know, what hasn't been fully approved yet. So, I know there is other things that are in the works surrounding us as well, so that's in addition to that 700 and same with the middle school, it's just under 600 and high school that was like right around the 600 mark, too. So, that was one other concern. And, lastly, I -- well, I wanted to know what the timeline was for phase three completion, just because it's edging closer to me and I just wanted to know that and also if planting -- and this is a general new development question. I don't know if they have pre-selected trees and shrubs that they are supposed to use, but I was just wondering if there was a way to kind of migrate towards using drought tolerant shrubs, trees, things like that, just doing more native landscaping because we are so dry these days. And that's all. Thank you.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Not a question, just a comment. Thank you for -- for providing that concern. We recently met with the West Ada School District staff and while I agree with you, there appears to be a very acute issue, particularly brewing in south Meridian, when we directly ask them the question of what they needed from us, they -- they told us they didn't need anything from us, that they have the situation with the student population under control. I'm having a hard time, frankly, believing that. I'm doing my own math on it, but it's pretty hard when another agency emphatically disagrees and doesn't provide district wide projections. We are continuing to meet with them. I think, you know, we have meetings coming up, hopefully soon, but I just wanted to tell you I feel like we are trying to address that issue head on, but in a very recent meeting when we directly asked that question of them they told us that they will redraw their boundaries, that they have tools available and that they don't see any issue. So, I would encourage you if you see an issue to be vocal and bring that directly to them. Thanks.

Simison: Thank you. I know we do have two members of our Public Works staff online. Would Council like to hear any of the information about the water issues that were asked by the applicant from Warren or Laurelei, if you are available, to unmute and provide comments to the question for Mrs. Edwards.

Stewart: Mr. Mayor, Members of the Council, you know, the -- I can tell you that -- and let you -- let the lady that testified know that the City of Meridian has been keeping track of the aquifer for about the last 20 years. Every well that we put in we also drill a test well, which has a series of smaller wells inside of it to -- that goes to various aquifers and we track that on a regular basis to see if there is any declines in the aquifer and we have not determined that there is any significant decline in the aquifer in the Meridian area. That the aquifer underneath Meridian seems to be fairly robust at least at this point, but to caveat that a little bit, we don't -- you know, really shallow, depending on how deep the person's well is, we typically take a look at things at two to four hundred feet and deeper. There could be a situation where some private wells are not that deep and we would not necessarily measure those aquifers that they are in, those really really shallow aquifers. But we have not seen any declines in the aquifers that we have been measuring for the last 20 years and you can go to the Department of Water Resources, they have other information that's available on wells that have been drilled and water table and so forth and so that's another resource if they would like to go there.

Simison: Thank you, Mr. Stewart. Is there anybody else that would like to provide testimony? If you are online you can use your raise your hand feature -- raise your hand feature on Zoom or if there is anybody else in the audience that would like to come forward on this application. Seeing none, would the applicant like to close?

Wardle: Yes, Mr. Mayor, Council Members. Again, Mike Wardle, Brighton Corporation. One of the first things that we do whenever we undertake a development is go visit with the school district. We have a reputation for addressing their needs first and foremost and we have identified a future elementary site within the project. We have also worked with Gem Prep and they are under construction for their facility to be open this fall. So, schools, yes, and we all hope and trust that decisions made by West Ada will deal with what appears to be stress and overloading, but they do have the ability to make those changes in boundaries. Ms. Edwards asked about the timeline for phase three. It would appear that 2024 would be probably the earliest that we would be into that northerly area. There is still ground between our phase that's being proposed in Apex West and their property. So, this doesn't get adjacent to them, it just gets closer. Final comment. We agree with the recommendation and ask the Council to affirm that recommendation for approval. We acknowledge that Sonya has asked that the find -- that the issue be left open until findings, so that if we add that parcel that there is any question that needs to come up or be addressed at that point that it can be and we agree with that, but we do ask that the Council approve by motion and second this evening what we have requested and what the Commission has recommended. Thank you.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Mr. Wardle, I do have a question for you regarding the schools and when --when Brighton set out to do this whole concept with Gem Prep being a part of it, it's my understanding that Gem Prep will be about five or six hundred students; is that correct?

Wardle: Mr. Mayor, Council Member Perreault, Jonathan has been the one that has dealt with them. If there is a -- if you can answer that one.

J.Wardle: Mr. Mayor, for the record Jon Wardle, 2929 West Navigator, Meridian, Idaho. 83642. Mr. Mayor, Council Member Perreault, that is correct. Their -- their student body population is designed to be about 600 students at that location.

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

Simison: Council Woman Perreault.

Perreault: We -- we have a lot of hearings, so if memory serves me right, you had another annexation application before us recently where we talked about this again and -- and I guess my question for you would be was it Brighton's anticipation that this would offset the amount of public students that were anticipated to come from the whole project or was it just more of like -- it wasn't necessarily intended to replace what the public schools were offering, it's just something that is being -- a benefit that's being provided to the community, because the -- in our last hearing it was also brought up in the -- that -- that Gem Prep was -- was -- you know, was being built as an asset and -- and so I just -- is that something that you want us to take into consideration in every phase of the Apex development? Because I would anticipate that the student -- that you are probably going to have -- I mean maybe closer to a thousand students coming out of this based on kind of what I'm seeing for West Ada. So, I just want to understand a little bit more about that.

J.Wardle: Mr. Mayor, Council Member Perreault, it's an interesting question. At the time that -- when we started doing the planning for the project we were approached -- we had conversations with West Ada, but we had also been approached by Gem Prep. We did not look at it as a replacement to the responsibility that West Ada has to educate our kids and provide those facilities. This is a plus one. So, this is another opportunity, another option for families to make should they choose. It is a public charter, so it's open to all, but we really viewed it as something similar like we would do with a -- you know, our other amenities. While it's not necessarily Apex specific, there -- there were donations made so that that could be -- that could happen and happen quickly. So, not to replace, but to be a plus one. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Same question I asked last time. Has the timeline changed in terms of delivering your phases overtime. You know, if it -- if it take -- if this whole thing -- if this whole buildout ends up taking you a number of years that is a positive thing in terms of the school

district's ability to absorb students as well. So, if you guys see a big change in your timeline I would just ask that you flag that for us when these hearings come up.

J.Wardle: Mr. Mayor, Council Member Strader, we will do that.

Simison: Council, any additional questions? All right. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Seeing that there is no further questions or comments, I would move that we close the public hearing for H-2021-0087.

Cavener: Second the motion.

Hoaglun: 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. Oh.

Perreault: Sorry. I believe the last outstanding issue for Council was that the public hearing be left open, but I don't know that we can do that if -- if we are going to make a motion tonight. We would have to continue; is that right?

Nary: So, Mr. -- Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, so, yeah, thank you for -- thank you for injecting, Council Member Perreault. So, I -- I think -- Sonya and I talked about this today and we can see what the applicant thinks, but I would agree -- I think what we are trying to get to is clear direction to planning staff to create findings based on the direction and the conversation tonight, but there is this one issue that needs resolution and may require additional findings that are unclear. We don't think so. I mean the potential is probably not, but we want to make sure that there was an opportunity both if there was maybe not meeting of the minds between planning staff and the applicant or a disagreement as to whether that's complying with the Council direction, that there is at one last opportunity for the Council to weigh in on the final findings, but we could, then, approve the findings at the same hearing. So, instead of closing it and, then, waiting another week or two for findings, we would have it prepared and if there is no disagreement or they are very minor, we could finalize it that night. So, I think that was our desire was to not close it, to give direction, to create findings pursuant to that with leaving that one condition left open for a resolution before the final findings come back for approval. If I have misstated that I'm sure Sonya or the application can correct me, but I think that was our desired avenue for tonight.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yes. Kind of habit to close the public hearing, so thanks for the catch there, Council Woman Perreault. So, Bill, in -- in making the motion do we signify that the public hearing will be left open?

Nary: Yes.

Hoaglun: Okay. Thank you. Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: We leave the public --

Allen: Mr. Mayor, excuse me. Councilman Hoaglun, I might just suggest, if I may, that the public hearing just be left open for discussion of that item, rather than clear open. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Let me take a stab at this. After considering --

Simison: Are you going to withdraw your motion to close the public hearing?

Hoaglun: Oh, yes. I withdraw my motion for -- to close the public hearing.

Simison: Second agrees?

Cavener: Second agrees.

Simison: Motion is withdrawn.

Hoaglun: Wow, two of them in one night. I think I have never done that before. Anyway, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: After considering all staff, applicant, and public testimony, I move to approve H-2021-0087 as presented in the staff report for hearing date of March 8th, 2022, and that we include a waiver of UDC-11-3A-6B to allow Watkins Drain to be left open and that the public hearing also be left open for discussion of revised plans and any added conditions.

Cavener: Second.

Allen: Mr. Mayor --

Simison: Have a motion and a second.

Allen: -- clarification from the city attorney if I may. Is -- should they actually be making a decision at this meeting, since the public hearing is being continued?

Nary: So, the way I took that motion is that it is still pending and there is a final decision to be made when the findings are completed, but the direction is to complete the findings but for this one outstanding issue to be resolved. So, it's not a final decision until the findings get approved.

Wardle: Mr. Mayor, I -- I would just maybe suggest one other alternative and that would be to actually close the hearing, make the motion and, then, if that one issue requires some further discussion at the time of findings, that the issue could be reopened at that point, just so that we can avoid confusion only on that one item.

Nary: So, Mr. Mayor, Members of the Council, Mr. Wardle, but, then, we have to renotice it

Wardle: I didn't under --

Nary: We have to renotice the hearing.

Wardle: Oh. Okay.

Nary: So, this would avoid us being able to having to renotice and be able to take action at the final hearing.

Wardle: We are agreeable with that, as long as the Council's direction is clear that they are recommending it -- or approving the project subject to just clarification when that one issue is addressed through the revised preliminary plat, that adds only undeveloped parcel.

Nary: Yes. Subject to the final decision and approval at the next hearing.

Hoaglun: Mr. Mayor?

Simison: I do have a motion and a second, so we are in discussion.

Hoaglun: Yes. To just clarify, I just want to make sure that -- from -- from the -- the staff deal, it is -- for the public hearing to be left open and continued in order for Council to have a final review of the revised plans and any added conditions. So, that's what we want to -- want to follow here and that's why we are leaving the public hearing process open.

Item #2. Meridian City Council March 8, 2022 Page 48 of 74

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have anything specific to state regarding the motion, but before we vote I wanted to mention specifically regarding the public testimony this evening, that because these properties aren't even annexed and we already had conversations with the applicant prior about school enrollment and whatnot, we -- we do take the decision regarding approval of preliminary plat just a little bit differently. I -- I know that Ms. Edwards had mentioned that in a letter that she had written and -- and I want to be clear to her and anybody else that's listening that -- that we are hearing -- but that we -- we address this -- approach this just a little bit differently, because this has already been annexed and they are complying with the zoning, so --

Simison: Is there any further discussion? All those in favor -- you know, because we are not approving the project, so voice vote okay?

Nary: Yes.

Simison: All those in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued. To what date?

Allen: It depends on how long it will take the applicant to revise their plan.

Simison: It depends on how long it will take the applicant to revise their plans.

Bernt: Mr. Mayor?

Simison: Mr. Bernt.

Bernt: You know I better abstain just for the record.

Simison: Yeah. Noted.

Allen: I need the revised plans a few days -- like at least a week before the hearing to get the staff report out.

Nary: The April 5th or whatever the --

Allen: So, if we continue for two weeks I will need the revised plans in a week. The applicant states are good with that.

Simison: Okay. So, all clear -- clear is good for the record? Do we have a date on the record with a motion? Okay. Approved until the 22nd? Okay. Thank you. Let's not do that again.

MOTION CARRIED: FOUR AYES. ONE ABSTAIN. ONE ABSENT.

- 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.

Simison: All right. Next item up is Item 5, Public hearing for Quartet South Subdivision, H-2021-0088. We will open this public hearing with staff comments.

Tiefenbach: Good evening, Mayor, Members of the Council. Alan Tiefenbach, planner with City of Meridian. Get moving here. Okay. This is a proposal for an annexation, rezoning and the preliminary plat. The site is 67 acres, zoned RUT in Ada county, located at the northeast corner of the North Black Cat, West Ustick intersection. July 2020 Quartet Northeast, which is 137 buildable lots, and Quartet Southeast, which were 50 lots, were approved north of this property, which is up in here. This is basically a southern continuance of that development. This is proposed from medium density -- or sorry. This is designated by the future land use map medium density residential, three to eight dwellings per acre. The applicant proposes to annex a total of 67 acres of -- 67.6 acres of land. 48.83 acres on the northern portion of the property is proposed to be rezoned to -- or excuse me -- is proposed to be rezoned to R-8 to allow 229 single family detached homes. The southern 18.78 acres of land is proposed for R-15 zoning to allow 140 single family attached or multi-family units, although the housing type has not been chosen yet. They have not determined what that's going to be. Here is a graphic showing what's been approved or what is in the process out there. Jamestown Ranch Subdivision, which is here, Quartet Northeast and Southeast, which you see down here. The Klamath Basin, Staten Park, and Geddes Subdivisions, those are to the south and Birchstone Creek Subdivision is to the west across the street on Black Cat. To the east, which is here, is all unincorporated and that is the area of the wastewater facility plant and the ACHD maintenance facility where I think you know where that is. There is -- these all have comparable densities in the area, except that what is being proposed with this one includes multi-family and there is no multi-family in this area. Again, the applicant has said they are not sure whether it's going to be multi-family or single family attached. It is important to know, though, that if they do multi-family that would be a conditional use required at that time. There are presently four accesses off of Black Cat Road. These accesses will be closed and the west entrance from North Black Cat will occur from West Aspen Stone, which is here and North Makato Drive, which is already approved as part of the Quartet Subdivision, which is to the north. Internal streets will be built to ACHD local standards. The applicant submitted a traffic study for this application. ACHD

responded that the level of service at the North Black Cat-West McMillan intersection. which is up to the north of here, is functioning at level of service F and that sections of North Black Cat and West Ustick Road also are exceeding the acceptable level of service. J -- as you now know, the integrated five year work plan has been updated as of January 26th. This is not what the Planning Commission knew at the time, where is -- they are -will be widening Ustick Road in this area to five lanes. I hope. That was sort of a joke. Yeah. The North Black Cat-West Ustick intersection was signalized with turn lanes in 2021. This intersection is eventually intended to be widened between 2026-2030. The applicant will be required to construct a dedicated eastbound turn lane on Ustick, Sunnyside, and a dedicated northbound right turn lane on Black Cat and Aspen Stone Drive. The applicant will also be required to construct ten foot wide pathways along North Black Canyon and West Ustick. There are two common drives proposed with this subdivision. I will go back to this. There is a minimum of 15 percent open space meeting the standards listed in UDC and that's -- oh, sorry. Minimum of 15 percent is required with this development. They are showing just about 15 percent -- well, they were and I will show you the updated plans, which has increased the open space, but at the time that this came out 15 percent was being provided. This includes that -- includes two larger parks, several smaller open spaces, some park -- some parkways, as well as the pathways running along the facility. Based on the not guite 49 acre area of land proposed for R-8 zoning, ten amenity points are required. That's the way our new regulations read. Because this is more than 40 acres, amenities are required from all of those categories. This application proposes a community pool and changing room, children's play structures, and a clubhouse. Although the square footage is not indicated, just with staff scaling it out, we determined this clubhouse does scale at a larger than 5,000 square feet. What that means is it qualifies it for six amenity points. There is -- depending on the square footages how many amenity points you get. Let's see. Also the -- the -- yeah. So, also the children's play structure is indicated. That would be one amenity point. Although the 13 points which we came up with would exceed what's required -- again they need to have ten -- it doesn't meet all of the categories, which is what's required. That's easy enough for them to solve, but at the time that we received this it didn't meet all of the amenity categories that were required. This subject property is adjacent to the Naomi Farms property, which is what you see with the brown and the pluses I guess or the crosses. That area is resident -- is designated for mixed use nonresidential. The purpose of that designation is designated areas where new residential dwelling units should not be permitted, as they would deem to be not compatible with the planned or existing uses in the areas. The wastewater treatment plant is approximately 1,200 square feet to the east, which is -- sorry -- right about here. Also as you now know the ACHD facility will be just to the south of this property, about a thousand feet away. Staff does have concerns with this being close to the highly intensive use in regard to noise, light, and traffic. At present the Naomi Farms property could be developed as industrial if it was annexed into the city and it would comply with the future land use map. Staff has recommended to the applicant that a better transition should be provided between this property and the mixed use neighbor -- or, excuse me, mixed use nonresidential designation to the east. The applicant has responded that there may be a future request for a future land use map amendment to allow additional residential uses in this area and I mean, again, this area in here and the applicant has noted that a buffer or transition via

a road or something like that could be provided as part of this request. The applicant also states that the mixed use nonresidential designation is intended to provide that transition, which is why this project shows houses directly backing up 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 the future ACHD maintenance facility, we may not support a change to the -- to the residential designation in this area. However, whether or not the City Council is compliant -- is inclined to support redesignating this area for residential, unless the applicant procures his property or the current property owner is also an applicant, staff cannot ascertain whether or not an appropriate transition is provided based on a parcel that's not owned by the applicant and not part of this proposal. Staff does have concerns with higher density residential and actually low density residential this close to industrial uses, not only because of the wastewater treatment plant, but backing up to the Naomi parcel and because it's now going to be relatively close to the ACHD maintenance -- maintenance facility, which will have light, sound, and traffic impacts. Council should determine if there has been an adequate transition in this area. The applicant has submitted elevations of the single family homes. These are depicted as one and two story structures with attached garages and a variety of architectural elements. Submitted elevations do seem to meet our architectural requirements. Design review is required for single family attached or multi-family. Again, the applicant said they are not sure which type it would be. However, since they have not provided us elevations at this time, we are proposing that as a condition of approval that if you were to approve this, the architecture of any single family attached or multi-family units be generally consistent with what's being shown here with the single family elevations, so that it blends better. The application does meet most of the requirements of the UDC, so within the density range there is 15 percent, which has gone up, which I will talk about in a second. The minimum 4,000 square foot are met and the applicant has provided the required amenity points, although not within all of the required categories, which, again, is easy for them to fix. However, staff, as I said, does have concerns with the density and the proximity to the industrial uses, the existing traffic in the area, the level of service and the timing of future improvements, which will be somewhat helped with the new Ustick widening. At the February 3rd, 2002, Planning Commission meeting the Planning Commission recommended denial of this application. Their concerns include the length of the block to the east without a break, which is -- this is the previous one, which is what you can see in this pointer here. That the traffic study that was analyzed was more than four -- four years old and this traffic study was actually done before most of the development in this area had even been approved. The existing level of -- the existing traffic level of service in the area now, which is not good. That the timing for future improvements, except for Ustick, were at least ten years out. They also had issues with how close it was to the residential -- or, excuse me, to the industrial uses, to the ACHD facility, to the wastewater treatment plant, that there is no lack of transition. There was a comment about whether they were trying to fit in as many lots as they could. Since the time of the Planning Commission meeting the applicant has submitted these revised drawings and on the right I'm pointing out what the significant changes are. First one is a break in the block length. So, again, there is a requirement how long a block length can be. They have added this trail connection here -- I don't know if you can see it well, just because of how small it is, but what I'm showing there with the arrow. So, that's breaking

the block length as required. They are narrowing down the street in this area to provide traffic calming. They have widened the lots along the east to reduce the number of lots from 41 to 36, just to make it a little larger on the east. They have redesigned this southern cul-de-sac to make it easier for fire turnaround. This has increased their open space from 15 to just about 16 percent. And as I noted again, since the time of the Planning Commission, this is very new -- ACHD has told us that now they are going to widen Ustick Road, which was certainly one of the major concerns when the Planning Commission saw this. With that staff will conclude our presentation, unless you have any comments or questions.

Simison: Thank you. Councilman Bernt, did you have any statement that you want to make on this one this evening?

Bernt: Same statement. Thank you.

Simison: Okay. Council, any questions for staff?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question, Alan. You know, this is in Ada county right now. RUT. The future land use map is -- designates it as medium density residential. With all the things you just outlined, with transitions and, then, the waste treatment plant, should this have been something else -- zoned something else?

Tiefenbach: I don't think I'm going to answer that one, because I'm sure Caleb's on the line listening.

Hoaglun: I -- I mean the outlining issues and -- and I'm like, okay, are -- are we going in the wrong direction with this, so --

Tiefenbach: Mr. Hoaglun, Members of the Council, I guess -- I don't know if I want to answer that one, but I will say I think staff is comfortable that what is designated to the east as mixed use nonresidential is very appropriate.

Hoaglun: I guess, Mr. Mayor, follow up.

Simison: Councilman Hoaglun.

Hoaglun: Alan, I'm -- I'm -- so, you know, we have areas where we do zone residential and, then, there is commercial. When the residential moves in and, then, a little bit later the commercial comes in and the commercial then -- and I was thinking when I was on council previously on Overland, that's when the Walmart went in and the requirements of where they are shipping was, move it from the back to the side, the walls, the trees, how the lighting works, all those good things that we have when we abut, you know, different

uses together and I'm just thinking, okay, who -- who makes the transition here. Is -- are we trying to -- and what does that transition look like for residential for what's going to be possibly mixed use or something else, which we don't know.

Tiefenbach: Council Person Hoaglun, Mr. Mayor, Members of the Council, I guess that's the million dollar question. Sort of the chicken and the egg; right? Does this applicant provide the -- the transition, since this applicant knows that they are developing next to what will possibly be industrial and they are the ones developing or do we let the applicant build houses directly on the property line and, then, hold somebody who is not part of this application or developing at this time, hold them responsible for the transition. I do know that one of the Planning Commissioner's concerns was that if we did allow houses to directly back to that line that's putting some pretty significant limits now on what kind of uses will occur to that -- to that parcel, because now we have just eliminated a lot of uses that could occur right there on the property line.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: On that same note, however, to be devil's advocate, what if the applicant does do that and, then, a minimally impactful use goes in anyway and now the applicant's spent those funds or modified their application and it was unnecessary.

Tiefenbach: Council Person Perreault, Members of the Council, valid point. Don't think I can answer that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to double check and make sure that I -- I understand the concern about the transition and the property next to it being nonresidential. I just want to make sure that this is not within the area of concern identified in the odor study. So, maybe that's a question for the Public Works Department if they are still online.

McVey: I can -- I can jump in if you would like.

Simison: Sure, Laurelie.

McVey: Okay. Thank you. So, this is actually outside of our -- this particular parcel is outside of the impact -- the odor study impact area. So, at this point the only parcel that -- and I should say this is from the Public Works standpoint, so other planning issues aside, but the only parcel that is of a concern at this point that's non-city owned for the odor study is the parcel directly to the -- the north and -- I guess northwest of this parcel. So, this parcel and the parcel next to it, because of the prevailing wind patterns and odor study, are not a concern -- or significant concern from the odor study standpoint.

Item #2. Meridian City Council March 8, 2022 Page 54 of 74

Strader: Thank you.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: So, Mr. Mayor, Members of Council, maybe to give some context on the past and maybe to answer Council Member Hoaglun's question. Originally this entire area was listed as a nonresidential zone and so the whole area around the treatment plant for a long time would not allow anything other than commercial uses, industrial storage units, those types of things because of the concerns about the plant. Over time the Public Works Department has worked very hard on the -- on the odor and noise studies to figure out where the concern should be and that's kind of where we have landed and in the last iteration of the comp plan that was the conversation of what else can we put here now that we are -- we have a better clarity from the science and from the studies as to where the areas of industrial or nonresidential uses should be and where other things could be. So, I don't know if that answers your question on did we zone it right, but we based it a lot on evaluation and study and analysis of the science around the -- the treatment plant. So, it really was intentional to allow other uses, including residential, to the east of the -or to the west of these properties. Whether and how far and what's close I think, again, we looked at that a lot in those studies on what's appropriate buffer, but it doesn't answer the ultimate question of who is supposed to buffer. Is it both sides? Is it one side? You know, is it -- is it reasonable on the first property owner or is it reasonable to split the difference -- again I think that's your decision.

Perreault: Mr. Mayor?

Perreault: Council Woman Perreault.

Perreault: This is where I really wish that the neighboring property owners would come to the hearings, because I would like to hear their thoughts, even if they don't have a plan in place, just in general and I guess I have to make this assumption that -- that that individual is not showing up to advocate for their own property.

Simison: I don't know that -- do we know they are not here?

Perreault: So -- well, I apologize. Perhaps they are. I assumed that they weren't, because I hadn't read anything -- any -- any entries. But that's --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Alan, this -- this road there to the -- I guess that's to the east. Thank you, Mr. Hoaglun. Where you have got these -- these kind of arrows pointing, my assumption is staff is supportive of this type of change. Again, I'm not the traffic engineer, as we have

learned tonight, but it -- it looks very similar to what was initially proposed and I know there was a lot of concern from the Planning and Zoning Commission about that. Does staff share those same concerns?

Tiefenbach: Mr. Cavener, Members of the Council -- well, certainly they -- they broke up the eastern block. That was -- that was something -- they just weren't meeting the code. They had to do that. The -- the concerns that staff has listed in the staff report and same with the Planning Commission, we are really not related to what they were showing with the road here. These -- these were some tweaks that are positives, that they have broken up the block length, they provided some traffic calming. I believe that -- that Mr. Buongiorno does support the turnaround, but what they are showing here -- what -- what you are seeing here is really not the reason why Planning Commission did not support this and this really was not the -- the cause of most of staff's concerns. Staff's concerns were related to the traffic on the surrounding network, proximity to the ACHD facility, the water treatment plant, the industrial, those were staff's concerns.

Cavener: Thank you.

Simison: Counsel, any additional questions for staff?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Alan, I -- I always gave credit to President Reagan for breaking up the Eastern Block, but if you want staff to be in -- I guess. That's kind of --

Tiefenbach: Might be coming back, Mr. Council Person, by the way things are going on the news.

Hoaglun: I hope not, but you may be right.

Simison: With that I will ask the applicant if they would like to come forward, please.

J.Wardle: Alan, can I share my screen? Thank you. Mr. Mayor, Council Members, good evening. My name is Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. I appreciate the opportunity to come tonight and to talk about this project, which is a continuation of projects that have been brought before you already, which we have called Quartet Northeast and Quartet Southeast and, in fact, this is a continuation and providing some continuity with the community as we move towards Ustick Road. Quartet South includes a variety of -- of housing and living options on 67.61 acres, both single family and alley loaded homes, as well as future townhomes on -- towards the south shown there in yellow. The area designated for -- in red is the R-8 area, which is 48.83 acres. R-15 would be that future attached or multi-family down there in yellow on -- along Ustick and Black Cat Road. In addition to the -- I just want to clarify regarding the R-15. We don't know exactly at this point if it would be a -- a single family attached or a multi-family.

Regardless, that still goes through a process, which is a conditional use process, and we would bring back more detail for the city to review as part of the overall project. The overall density for what you see, both the single family and the multi-family, the R-15, is 5.35 acres for the entire project. When we have gone through and we did an update to the master plan for Quartet South, in the R-8 area we have 9.42 acres of open space, which is 19.3 percent for that and as Alan noted the requirement is 15 percent overall. The R-15, as it stands right now, although this is interim, we are at 7.8 percent., That as I mentioned we will come back. There will be open space requirements for the multifamily in the future. The amenities that are presented before the Council tonight is, yes, we will have a very large clubhouse, which will be over the threshold that Alan mentioned with a large play structure and a community swimming pool. We are trying to emulate the type of amenity package we have done in our Cadence communities, but this is an all ages community, so we are just trying to add some more social interactions opportunities in Quartet South and that's why we are showing a much larger clubhouse in this project. We will be installing ten foot sidewalks on Ustick and on Black Cat with the project as we move forward and like I mentioned, we will bring back the R-15 in the future and bring that back for the city's review and approval. As Alan mentioned, we did make some amendments and adjustments to the design. I just wanted to hit these quickly, just so that you understand what we have done based on, you know, comments that were made, but also ways to improve the overall project. The first one is over on the middle of the project, which I identify as number one. We looked at this -- yes. Originally there was just one long road. It doesn't look like much at the moment, but I'm going to zoom to the next sheet here. When Brahm comes down and connects with -- with this road, it's actually -the movement is a forced right turn and if you are going to go south we are going to choke that with a 24 foot back to back, which is approved by ACHD and the same thing on the bottom here. Is if you are coming up Brahms you are going to be taking a left-hand turn. So, we have broken it up, so that you no longer have that straight continuous road that's kind of shown on the left-hand side here. Like also mentioned, we have reduced the number of lots along the eastern boundary and have increased the open space as well, both in the north-south and in the middle of the project. Overall we have removed six lots along that boundary. On the south there has been lots of comments made about common driveways and we do agree that there was an opportunity to improve the design of this We worked with Mr. Buongiorno to come up with a way that we could perhaps provide still some on-street parking. This would be a 33 foot street coming all the way around, which would allow on-street parking, but we would limit the parking in the bottom of the -- of that turn around, just so there is no impact to the fire department, but this does eliminate the common drive on the southern, which also improves the project. And, finally, you know, we wouldn't want to eliminate all common driveways, but we did want to look at a way to improve it. I -- some of the concerns we have had -- or have heard from Council is these common drives just dead end and it -- it becomes tight. On the righthand side the improvement is we are actually going to install a detached sidewalk. We will have a planter strip. And so there will be a sidewalk that connects from Trilby all the way out to Black Cat and opens it up. It's not closed in. We think that common driveway should still be a tool. They may not need to be the only design solution, but we feel like this one, by adding the pedestrian access and not blocking that off, this is a very good way to do common driveways and I think we have proven that it could be -- it will be very

livable. There were a few items that were in the staff report that we want to address. The first one was arterial frontage improvements and timing of those. The future residential in the R-15, alleys, and, then, the big one is the future land use map. Staff had indicated in the staff report that they wanted from day one Ustick Road and Black Cat improved with our first phase. We have always been a supporter of making roadway improvements. It is, however, problematic for us to do that in this case. There are utility improvements that need to be made. As noted as well, ACHD will be making improvements as well, so there is an opportunity that some things would be thrown away, but we do feel like, yes, we do support those, but the timing of those at the very beginning of the project is not appropriate and we would request that the improvements be made at a time such that those phases adjacent to that -- or in concert with ACHD's improvement be the -- the opportunity for those. So, we request Condition 1-B be deleted. Regarding the 140 residences in the future on the R-15, like I said, it could be single family attached or it could be multi-family. Either way it's going to require a CUP. We will bring that back. If it's single family there will be a plat associated with that. If it's multi-family the CUP -- and we will meet the open space requirements. We are just asking that this condition be modified, so that it can run concurrent with the CUP and not prior to that submittal. Alleys -- we have actually -- we have really just narrowed this down to a single issue. Staff had made a comment that this doesn't comply with the city's ordinance. It actually does comply. You can see from one end to the other. What the -- where they want to avoid those is when they make a -- like a turn and it doesn't -- you can't see through, kind of a blind corner. But this one you can see all the way through and you can see this way as well. So, we are asking that condition be deleted. Finally, the big item, which has a lot of history. It actually goes back to 2001. If you want to go back in time and we can -- I can bring back the -- the future land use maps and we might need to do that tonight, but this mixed use nonresidential designation has been on the city's Comprehensive Plan since at least 2001 where the question came up was who is responsible for the buffer. There were early conversations that perhaps there could be a change in this use. Let's just take that off the table. We know that the use today -- or in the Comprehensive Plan is mixed use nonresidential. We don't have any ownership in that. We can't speak for that owner. They would need to come do that on their own. As it stands today, this is mixed use nonresidential and the city's Comprehensive Plan is very clear as to how that should be treated. Just like a commercial project in any designation would buffer or transition to residential, this one is no different. If you look at the city's Comprehensive Plan, which I have a snapshot up here in the corner, as well as a concept diagram that is also in your Comprehensive Plan, this shows specifically how that transition is to occur and I will zoom into this on the next one. I have just created the highlights here. I have taken the same exhibit here. I have taken the mixed use nonresidential and made it brown, just like it is on your -- on your future land use map and the residential in yellow. That exhibit shows clearly, as does your -- the narrative in the future -- in the Comprehensive Plan that transitional use is encouraged on the perimeter of the mixed use nonresidential area between any existing or planned residential development. In fact, tonight the ACHD project that came before you provided that transition to Naomi Farms, even though they are in that designation it is an existing residential. Little nuance that was perhaps missed, but that was, in fact, a -- a requirement of the ACHD project for that landscape buffer. Also in the city's exhibit it clearly shows that there is single family residential coming right

up to the mixed use nonresidential. If you look here it shows that there is existing industrial use or new industrial use in the middle, perhaps some flex use, light manufacturing and, then, going to office and light distribution along the perimeter before you would get to the single family. This has been codified in your Comprehensive Plan. This has actually been in the Comprehensive Plan -- I think this exhibit has at least going back to 20 -- the previous one and 2011. This exhibit has been there since that time. This just simply shows the type of zones that could occur within the mixed use nonresidential, from C-C all the way up to I-H. There was a project to the east, they are showing I-L, but these are zones that could be allowed. The city has built in transitions that are required for these. On I-L or I-H there is a minimum of 25, up to 40 feet between that use and residential. When you look at the C-C through the H-E, it's anywhere from 20 on L-O -- I don't know you do L-O here, but more traditionally be 25 feet. So, the city is already built in these transitions into the UDC. Finally, if there was a heavy user that decided they wanted to come along and build on the boundary, there are additional setback requirements built into the UDC under additional requirements, anywhere from 300 feet, depending on the industry, to light heavy, or if it was a food and beverage processing that would be 600 feet. The city has already anticipated some of these uses and how they should transition. The mixed use nonresidential is the transition. It's not the adjoining use. We are -- we have been part of the comp plan process for a long time. We are familiar with it. The Comprehensive Plan is very clear. When you go back to your exhibit and the way that the language is, that the transitional uses, whether it's to us on the west or to the south, those transitional uses should be required against residential and that's where that transition would have come from. I just want to show one other thing here. It's not really clear, but you can also see if they have designated in your exhibit a landscape buffer, even from those transitional uses against the residential. In summary we are requesting the following conditions be deleted or modified. We want 1-B, 2-A and 2-B to be deleted and modify 1-C that the applicant be required to amend the development agreement concurrent with the CU for the multi-family piece on the R-15 zone. We feel like the modifications that we have made from a design perspective actually improve the overall project. It gave us an opportunity to go back and look at some of those things, to break up the long road, to provide some additional opportunities for connectivity to the public roads and to look at it as a whole project. We respectfully request that the City Council approve the Quenzer South annexation and rezone and preliminary plat and I stand for any questions you might have.

Simison: Thank you. We -- we had a minute 45 back on the timer. I was actually surprised. Jon normally goes right to the last second, so --

Turnbull: Pretty punctual. Excuse me. Mayor, Members of the Council. David Turnbull. 2929 West Navigator in Meridian. I just wanted to highlight a couple of things and I usually don't speak at these, because Jon does a much better job. Mike and Jon do a much better job. But if you take a look at this area that we redesigned on that area on the east side, that roadway -- and I think Jon did a good job of zooming in on that. We actually went through so many iterations between the Planning and Zoning Commission hearing and this hearing from -- and -- and I -- and I mentioned to our team -- and -- and this goes back -- we don't always do everything perfect, but every project we do we like to do it

better and we like to look at it with fresh eyes. So, we looked at this and we looked at it with common drives that would break up that area and we looked at it with little Snoopy dog entrances that would break up that area and in the end I said, well, let's listen to what the Council has been saying. We need to take a look at common drives with new eyes, not make them sterile, like sometimes they are. Provide for some connectivity and in this case why don't we just connect it all the way through, but create those chokers and that -- those chicanes in this area, so it makes it look like a -- like a private street, it still meets ACHD standards. But the other thing that you will notice here, if you zoomed out, now we have around that common park four sided -- they are all alley loaded homes with no driveways facing that common park. So, that's kind of like something that I think really enhances the feel of the overall project and so those are some of the things that we feel like -- we want you to know that we hear what you say and we are always looking at ways to improve and, then, I think Jon made it abundantly clear what the issue is on the perimeter buffer with the resident -- the nonresidential use to the east. Whenever we have done commercial projects next to residential we have provided the buffer on our commercial properties. Thank you.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, let's go back to talking about Ustick. So, I want to understand the ACHD report and their requirements of you for the turn lanes. So, they are requesting a turn lane on Ustick eastbound coming -- and heading north; is that right? And would that not, then, be constructed with their development and improvement and -- and not something that you would be required to do?

J.Wardle: Mr. Mayor, Council Member Perreault, we actually were anticipating that we would be doing -- you would have that center turn lane where -- it actually would go through the intersection. It just doesn't dead end there. There would be a widening there. It does get back to the timing of their improvements and the way that we are phased on this project, we actually -- see if I can get to that. Our phasing here is we would be doing the red area first and, then, we would go green and so perhaps by the time we get down here ACHD is a little bit closer and we can coordinate those. We are -- we are willing to make the improvements at the time that they needed, but it may be better to coordinate with them, so we are not throwing things away.

Perreault: Mr. Mayor, follow up.

Simison: Council Woman Perreault.

Perreault: Thank you. That's where I was going with that was how you were -- how that was going to work, because based on the time -- you had mentioned in the Planning and Zoning Commission meeting that you thought that phase one would start summer -- early

as summer of '23 -- or '23. Yeah. So, that means that phase two maybe a year later and they were not confident in their hearing tonight that this section would be done in 2024. So, I didn't know how that would play out.

J.Wardle: Mr. Mayor, Council Member Perreault, we have worked with ACHD very closely on improvements as you can appreciate what we have done out in south Meridian and timing of certain things that they are doing. We will just work with them to make sure that those things are done in concert. I did want to clarify one thing regarding the traffic study. It's been mentioned a couple times that the traffic study was dated. That's not correct. We actually -- our traffic study was done in the summer of '21. We went out and did traffic counts in August of '21. The only part of the traffic study that goes back four years was the intersection of Black Cat and Ustick. At the time we did our traffic counts that intersection was shut down because of the signal, which we now have, and so ACHD requested that we use data from 2018. But, then, we put an inflation factor in it for a 2021 basis. So, there were no traffic counts at the intersection of Black Cat and Ustick when we did our study, but that's not -- it wasn't a correct statement that this was an old traffic study, because we actually went out and did it. There was additional modeling that COMPASS has been doing at the same time related to the State Highway 16 corridor, so this area has a lot of information that is current. So, I just wanted to clarify that, that this is not a dated traffic study. This is a current traffic study, with exception of that intersection. But ACHD dictated that we use 2018 and, then, just inflate that to today's numbers.

Perreault: Mr. Mayor, one more question about traffic.

Simison: Council Woman Perreault.

Perreault: So, am I reading correctly that they also are asking you to do a center turn lane heading north on Black Cat or was it just the right turn into that -- that northerly street and, then, a left turn lane within the development onto Black Cat heading south or are they -- because there is not currently a center turn lane in that, so that would be significant -- a significant road improvement on your part in that section of Black Cat.

J.Wardle: Mr. Mayor, Council Member Perreault, we will be adding a center turn lane on Black Cat through that intersection to make that turn. It's not necessarily needed right now for right turn coming into it, but that moving either southbound -- there needs to be the ability to get out of the lane of traffic to get into the site and so, yes, there will be a center turn lane needed on that. That's also a situation where, you know, timing of -- ACHD just put in the interim signal, but their plans -- this will be a dual lane roundabout. So, there are improvements here at that same time frame, just talking through how that's all going to work together. I will note that that would be our third phase and I would assume that we would be pretty close -- our timing of that phase and what ACHD has of their plans are going to, you know, be pretty consistent. So, we just would look to make sure that we are doing improvements that are additive to what they need.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Question for staff just to clarify. If a future CUP for the R-15 would come in front

of City Council or not.

Tiefenbach: Mr. Mayor, Members of the Council, no, a conditional use -- it would go only to Planning Commission. I suppose you can require something by the DA, but in general no.

J.Wardle: Mr. Mayor, if I can just add something there as well. Council Strader, we are in agreement, however, that there would be a DA modification that would detail what we would be doing there. So, we haven't -- we aren't saying you won't see it. You are going to get an opportunity to see it. If it is single family attached, there is also going to be a plat accompanying that. But, regardless, there will be a DA modification that will come to Council and so you will be able to see that part of the project.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess just to get some feedback on that. I -- I guess the -- the challenge that I have with that is that the most power that the city has is during the annexation process and so, you know, we are all different. My -- my psychology is a control freak psychology and I apologize for that, that's just how I am. I hate the idea of approving something that I am not going to see. I -- I just don't -- I'm not into it. Especially something really dense In this location.

J.Wardle: Mr. Mayor, if I can add one thing to that perhaps to address Council Member Strader's question. We would agree to bring back that CUP so the Council could see that before it got approved. So, it will go to Commission and we would allow the city to see that -- the City Council to see that. It's not required, but we are making a commitment that we would bring that back.

Simison: That's a commitment I would trust. Because we are on commitments from partners this evening.

J.Wardle: Mr. Mayor, I'm not going to respond to that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, that being R-15, I mean for multi-family it doesn't seem to me like that's not quite as dense as you would expect. So, I know you haven't decided what's going to go in there, I just -- as a Council Member and -- and as a real estate professional, I want to make a -- a plea to consider townhomes. We really have a shortage of them in Meridian and we have -- we have approved a lot of apartments, but I would love to see opportunities

for folks to purchase homes that are attached and so I'm just -- that's -- I'm going to leave it there. But I am making a plea to you to consider the townhomes, because we really don't have enough of those as of -- as we encourage a variety of housing in our community.

Turnbull: Mr. Mayor, Members of the Council, Council Member Perreault, I meant to clarify that when I was up here before. I didn't want anybody to get confused about a multi-family designation here. Our intent -- what we are debating on here is something not to exceed a townhome type of a product. So, I don't want anybody to get the impression that we are talking about three or four story apartments here.

J.Wardle: Mr. Mayor, in fact, you know, we -- you know, we have designed this so that it would be a townhome style project. Two story in nature and kind of have built in a density here so that that was also into the traffic study. So, that information is there, it's in the background information and we just wanted to give the whole picture here and just to clarify -- if -- if desired that CUP -- it could be a required condition that it come back for Council review.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Jon, let's -- let's walk through Black Cat and what improvements you are going to be making. I mean with the approved developments already and, then, with this one before us, ACHD is showing that Black Cat in the CIP is to be widened to five lanes from McMillan to Ustick Road between 2031 and 2035 and I know -- I think -- I have seen some turn lanes that you are required to put and what not, but that -- that's going to be awhile before that road gets improved and there is a lot more traffic coming on there. So, can you walk me through how -- how are you mitigating those increases in traffic that these developments bring in?

J.Wardle: Mr. Mayor, Councilman Hoaglun -- Council Member Hoaglun, that's a good question. We are not going to leave those improvements just alone; right? We are going to be required to make those improvements, so that we can get at least a three -- what would be a three lane road by making our piece on that -- you know, we have to expand at least 17 feet. It would be great if we could do more improvements on this roadway section, but given the timing of Black Cat -- in fact, Black Cat from Chinden all the way down to -- to Franklin is a transportation corridor that has a lower priority. It doesn't mean it's not important, but there are some limitations on what ACHD is able to do in the short term. We are fully committed to working with -- as best as we can where there is available right of way to make some improvements ahead of those time frames. We also -- there -- there is a nuance right now in the ACHD requirements, typically on street -- or your sidewalk is in a five foot detached. They are in the process of amending that to be ten feet. We are actually saying we will go ahead and do ten feet, so we have it right to begin with in the right location. So, that improvement is done as the project develops. I -- I would like to be able to say, yes, we are fully committed to do a CDA and make all these

improvements, but there are limitations and ACHD did indicate -- provided your staff a letter today saying, you know, there is priorities in place and it may not be possible to do this if the right of way is not there. Between our project and the project to the north, the ultimate right of way can be dedicated with these two projects and ACHD has the ability to make that happen with these projects and not have to go through any type of condemnation or eminent domain in the future. So, we -- short of being able to say, yes, we could do a CDA, I don't know that we can at this point until priorities change on some of these transportation improvements in this area. I will say, however, it is a very good step by ACHD on the prioritization of Ustick back to Linder. I think that's going to enhance this area dramatically based on -- you know, from just a two lane road to a five lane road with a dual lane roundabout at this location.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If we -- if you don't mind going back to the slide we were just on. So, with Black Cat and -- and I understand what you are saying, incurring that whole cost, right, with phase one -- that's hard to take that on. But what's the timing of each phase and when could improvements start to happen from just -- how does that fit with your timeline? And I understand that that could change, but what you are expecting?

J.Wardle: I anticipated that might come up and I'm just scrolling through my notes here. So -- so, best case for us in terms of development is we would be starting in phase one in summer of 2020 -- we would be able to deliver lots in summer of 2023, which means there would be occupancy starting in the, you know, springtime, early of 2024. And, then, coming down to the green area, this would be a spring 2024 delivery and, then, over here this would be a delivery probably late fall 2024. Again, there -- there -- we are going to have a much better idea with ACHD and their improvements, but our -- our connections down -- connections over to Black Cat and the improvements that we are making actually with Quartet Northeast and Southeast on Black Cat Road with those projects and the future improvements, I -- I feel comfortable and confident that we will be able to marry up our plans with ACHD's plans, so that these things are happening concurrently and also to minimize, you know, what those future restrictions or closures would be on both Ustick and Black Cat. Be better to do improvements all at once than shut down, open, shut down, open.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sure. Yeah. I -- I get what you are saying there in terms of efficiency of -- of -- of kind of the order of operations that you want to do it in. I guess I'm a little bit concerned that I'm sensing a reluctance on their part to enter into a CDA. Do you -- do you feel like

that's the case? Is it just a question of resources at this time and -- and prioritization? Just help -- help us understand that, because you are not the first person. Actually, this has happened now two times in a row where a developer has been just getting -- trouble getting traction on the CDA and I just want to understand kind of what the constraints could be.

J.Wardle: Mr. Mayor, Council Member Strader, I do think it is -- there -- there are two issues here. It's -- their integrated five year work program and the timing of these projects in those. There is also just overall resources that if, you know, they do make their capital plans based on what's happening in the next five years and so it may be problematic to move some of these projects forward. If you look at the list that the City of Meridian has been working with ACHD in terms of prioritization, Black Cat doesn't make that list, because there are other -- you know, there are other pressing needs in the community. I think ACHD is trying to balance those. One of the biggest issues that comes up on projects is right of way acquisition. I mean if they have to get into a situation where there is eminent domain and things like that, but where we have development and there is arterial roadways are built into what that ultimate right of way is, ACHD can accelerate and does accelerate the acquisition of those at the very beginning of the projects. They don't have to wait until that time frame. So, they will -- they will be able to hold that and move -- move it forward. There are other opportunities that they may say -- that they may have dollars available, but they have their bigger projects that they have to work within that plan. So, I wouldn't say that they are reluctant to do it, but it does mean that they would have to prioritize it and move it up, so that it dropped into that five year work program, which it does not exist right now.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. And -- and our Transportation Commission's recommendations and I think the approach that we have taken as a city is kind of a corridor approach, similar to the efficiency you were trying to achieve, we have corridors that we are trying to improve fully and so it -- it -- don't take this the wrong way, but this to me kind of makes it a challenge to make this development as much of a priority if we have this kind of a grade on the road and -- and this sort of timeline. But I appreciate the feedback on your phasing. Let me just mull it over at this point.

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

J.Wardle: Thank you very much.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, you had mentioned on your slides that you would like to delete three sections and run the DA modification and CUP currently. I assume you mean in the same application we can't have the hearings on the same day. But the staff has removed all conditions, because it was proposed denied by the Commission. So, can you help me understand what -- I mean there -- there -- I can't find those numbers in the staff report. So, are you referring to the original staff report before the Commission heard the application or --

J.Wardle: Mr. Mayor, Council Member Perreault, you actually do have conditions in your packet, but that's the section that everything is stricken through. So -- so, those are the conditions that were in the Planning and Zoning Commission. There has been no change to those. In the e-mail and the letter that we provided to Council -- I think it landed in the city on May 1st, we pulled back those conditions that were there before and so these are verbatim and what we have asked for is the same. So, this is part of the -- the letter that we provided on -- this is dated -- well, that says February 2nd, but February 28th and, then, the last three pages show what those conditions are. The -- the project specific conditions. So, that's what we are referencing.

Perreault: Thank you. The staff report attached to the agenda doesn't show any conditions, so I was trying to track that.

J.Wardle: So, Mr. Mayor, Council Member Perreault, what we are asking is taking the conditions that are there with these modifications or deletions.

Perreault: Thank you. Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: In that regard -- I don't know if this is a question for Legal or for Alan. Would we need to continue in order for staff to develop new conditions before we approve or -- that's what we have done in the past when there has been a denial.

Tiefenbach: Members of the Council, Mr. Mayor, the conditions that are listed on the staff report that have been crossed, those were staff's conditions going into Planning Commission. So, when Planning Commission recommended denial, we struck them. It would be easy enough for you to -- I mean the Council has approved cases and just -- what's the word I'm looking for? Reverted the Planning Commission striking and the conditions.

J.Wardle: Mr. Mayor, Council Member Perreault, if I can also give to recent history, Apex East also fell into the same category and the Council took the conditions that have been stricken through and adopted those at that same hearing. So, the conditions are before you, even though they are redlined out. We are just asking that they be stricken -- or not stricken, but brought back into for your consideration with our modifications.

Perreault: I know we haven't -- Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I know we haven't had the public testimony yet, but I just wanted to make sure I understood that before we move forward. Thank you.

Simison: Any further questions for the applicant? Okay. Thank you. Mr. Clerk, do we have anyone signed up to provide testimony this evening?

Johnson: Mr. Mayor, we did not.

Simison: Okay. This is a public hearing. If there is anybody in the audience that would like to come forward and provide testimony, come -- come forward, sir. State your name and address for the record, please.

Rowles: Good evening. Good Evening, Mayor, Council. My name is Mike Rowles. I'm a resident at 5242 West Torana Drive, Meridian. And in The Oaks. I'm sure you are all familiar with that. So, it's my concern that I'm expressing just about the entire concept of dumping, you know, so many families onto -- onto Black Cat and to Ustick. It just -- it just -- you know, I hear about traffic studies and all of that, but what I hear you telling me that it's all going to be okay. That we are going to, you know, add a huge number of families that are exiting or entering onto Black Cat and onto Ustick and I can't see in the planning where there is a way for that to actually be done and I'm maybe missing it, but, anyhow, that was just my concern and -- and the fact is that it's immediate. The congestion on Black Cat and -- and particularly the intersection there -- yeah, it's better with the light, but, oh, my gosh, the Black Cat back up at anytime in the afternoon -- bring a lunch. So, anyhow, that's my concern. Thank you.

Simison: Thank you. Council, any questions? Okay. Then we have Mike online.

Johnson: Okay. You are unable to mute yourself, sir.

Lewis: Michael Lewis. 5343 West McMurtrey Street. It's in Jaden Village, just west of the Ustick and Black Cat intersection. When we are looking at this long term Highway 16 shows the on-ramp and off-ramp is going to be on the Ustick Avenue and there is -- there was the 2026 plan for ACHD to expand Ustick. But as the gentleman before me stated, in the morning and the afternoon when the school is going in or going out, the intersection is a nightmare. The road has been closed down -- I can't even tell you how many times for construction already. So, as a resident it's kind of frustrating. I would just ask you guys to consider the infrastructure before we keep continuing to add to this area. It's not built for this rapid growth. Growth is going to happen, so I'm fine with that, but I just -- the infrastructure needs to be put in place and it doesn't sound like there is anything for a long time going Ustick west towards Owyhee being thought of when we are doing these expansions. And the other thing I heard in a previous testimony was the water. So, is the Meridian wells adequate for this growth? Just to the south of us, Lactalis, pumps over a million gallons a day and they are getting ready to go to 1.5 million gallons a day. So,

is the city prepared -- are we tied into that same aquifer would be my questions for tonight and thank you.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have a question, but I do have a statement for Mike. I wish this wasn't true, it would make planning much easier, but both the schools and the transportation department tend to run behind the city's applications and if -- they bring in their infrastructure and they build their schools after residents have already established there and so if -- even though it's in the -- the plan for Black Cat to be widened in 2031, I think, to '36, if there were no residents on that street, then, ACHD would just likely push it out farther. They have shown that they are willing to step up and move some of their projects forward because of growth. The Ustick intersection was not supposed to be done for another several years and the McMillan intersection, which is going to be done in two years from now, I think, isn't -- was not supposed to be done for another several years. So, they -- they are making improvements that they didn't intend on making because of the growth that's out there and my opinion is -- is that -- that's my cue -- is that the center turn lanes that the applicant is proposing to put in will really help that whole area, in addition to the lights that have been put in. I lived on -- off of Black Cat for many many years and still drive that road constantly and I understand what you are saying. I can -- I can -- can relate.

Simison: Okay. Council, any other questions for -- is there anybody else that would like to provide testimony on this item? Okay. Seeing none, will the applicant like to come forward with final remarks.

J.Wardle: Mr. Mayor, Council, for the record again Jon Wardle with Brighton. We are committed long term -- even in the short term to making improvements before or concurrent with our project. If there is a way to do that and work with ACHD we are going to make it work. We are going to figure it out. In the interim, if need be, as -- as was mentioned, we are going to make sure that these intersections do work for the project and for also traffic coming through, so that people can get out of the lane, so that through traffic can happen. ACHD is making -- expediting projects in this area, which I think is very good. Will it satisfy everything? Absolutely not. And I also think we need to remember that McMillan has always been -- has since probably 2001 has been determined that it's going to be a three lane road and so McMillan will always be constricted and it will always be an impact. There will be improvements made with intersections at McMillan and long term with Black Cat. There is a plan and -- and let's -- we will continue to work with ACHD to make that happen. I just wanted to clarify again -- and -- and David did a good job of this. When we say multi-family sometimes that's a little scary, but our intent here is that it would be townhome style and very likely could be single family for sale. We just needed to vet through that a little bit more and we will bring

a plan back to you. That's our commitment to you. I just wanted to restate that the city in its Comprehensive Plan understands and has detailed how that mixed use nonresidential buffer transition should occur. It's always been that the commercial or the nonresidential provides that transition. The city anticipated that they. Described it by text. But they also graphically showed how that would happen. This mixed use nonresidential. like I mentioned, has been on the city's plans starting back in 2002 and I will show you that there was actually residential still showing up right up against it in 2002. 2011 same situation. 2018 with that update. And this is what exists today as there has been some changes recently and -- and clarifying that. The mixed use nonresidential is the transition to the existing residential or future residential and the city does have a plan, both in the Comprehensive Plan and in the UDC on how that should happen and how that buffer should occur. We are asking that the conditions of approval that were in the staff report be reinstated. That conditions 1-B, 2-A, and 2-B be deleted and that 1-C probably need to work through that a little bit, but be modified. The development -- we will bring a development agreement back to you and we are committing as well to bring the CUP back for a City Council review. Again, we are looking forward to adding a continuation of Quartet as we work out here and provide opportunities for good development and be a good partner with the city and stand for any questions you might have at this point.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Jon, so we have had some applications recently where neighbors have come and said with lots that are really narrow, especially ally load lots, and these are all public streets is my understanding.

J.Wardle: Correct.

Perreault: Even with the public streets and -- and the -- the street parking, because the lots are so narrow and you have got a mailbox and you have got a tree out front, that it doesn't really still leave any space for cars to park between the two homes or maybe one space because of, you know, impediments -- and especially now since Meridian is requiring ten feet -- no parking within ten feet of a mailbox. It's creating issues with street parking on very narrow lots. Can you give us some thoughts on that and whether you anticipate that -- that being a problem in this, because it seems to me like these lots are maybe 35 feet wide, 40 feet wide.

J.Wardle: Mr. Mayor, Council Member Perreault, regarding on-street parking, these streets are designed as a 33 foot street back to back. This is a standard ACHD street that allows parking on both sides. There has been one thing that has changed, whether good or bad. The United States Postal Service no longer allows individual post office mailboxes. So, they are all in clusters. So, every project we do now on a go forward basis we have to identify a location for those. We do anywhere from 80 to 120 in a

location. They are spread out through the community. So, it's very possible that you would have location -- probably even here in the community center with part of that and some of the other common areas. So, they are spread out. So, the parking in front of mailboxes, which I'm sure has been a complaint at times, mailboxes are pulled out of the -- pulled out of the equation. This is a street section just like you would find anywhere else. One of the -- yes, we do have alley loaded homes here and these are averaging 40 feet wide with a minimum two car garage, but also that 20-by-20 parking apron on the back of those homes as well. It's been our experience that, yes, you will have some onstreet parking, but, actually, by eliminating a lot of driveways that parking isn't as congested as it would be with a lot of driveways punching out there on that road. So, we don't believe that there will be an issue and also the -- for mailboxes, that's kind of resolving itself.

Simison: Council, any additional questions, comments?

J.Wardle: Thank you, Mr. Mayor.

Simison: Thank you.

Perreault: Mr. Mayor? Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we close the public hearing for file number H-2021-0088.

Strader: Second.

Simison: I have a motion and seconded to close the public hearing. Is there any discussion? Councilman Cavener.

Cavener: Thanks, Mr. Mayor. I appreciate the -- the motion and the second. I just -- kind of meatier applications like this I -- and the Council brings something up and, then, the applicant may want to provide some extra context, so I would prefer maybe let's keep the public hearing open, we can continue to deliberate and discuss, that way if we have got questions the applicant can -- can respond. That's my suggestion.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I will withdraw my motion to close the public hearing.

Simison: Second agrees?

Strader: Agree.

Simison: Okay. Then would Councilman Cavener like to kick off the conversation to get us going.

Cavener: Well played, Mr. Mayor. Happy to. Appreciate the -- the applicant's testimony. This was one that for me as I was reading the minutes of the Planning and Zoning Commission and going through the application and whatnot, I -- I was really conflicted, because I -- I appreciate what the applicant is trying to achieve. It's a challenging part of town. I think we -- we heard some public testimony with some concern about that. Some of those things the meeting -- kind of changes the meeting and I think the presentation from the highway district earlier gave me some greater comfort, what about their commitment to Ustick and, moreover, the funding they received from the state to make those easterly connections to Highway 16. I also appreciate Mr. Turnbull, Mr. Wardle, you both talking a little bit about that R-15 piece. That's always going to be a little guestionable for me. I -- I -- I like to see multi-family closer to -- to interstates and state highways and while I wasn't envisioning four story apartments, knowing kind of where you are headed and the fact that's going to come back to us gives me good comfort. I think overall I'm --I'm supportive of the application. I'm supportive of the requested condition removal and modification. I think that this is going to continue with -- it's been I think a track record of building a unique part of our community in a unique part of town. So, I -- I think overall I am supportive of the application.

Simison: Or I will accept a motion to close the public hearing.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Very well said, Councilman Cavener. I have nothing else to add. I am also in support of this application. So, I will make a motion, Mr. Mayor, to close the public hearing for H-2021-0088.

Strader: Mr. Mayor?

Simison: Do I have a second for purposes of discussion?

Strader: Sure.

Simison: Okay. Second for purpose of discussion. Council Woman Strader.

Strader: I have been waiting for Council Woman Perreault to say something, because she's been warning us about Black Cat now for two years and I feel like maybe the -- the breaking point has -- has come and gone. I feel really conflicted about this, because I feel like the applicant will make the problem a little bit worse before they make the problem better. You know, I -- I have -- I have been kind of on the fence. I think I can support it, considering it will improve this section of Black Cat earlier than ACHD would normally. I also am happy to hear about ACHD moving up the Ustick widening, although not -- you

know, maybe to the extent we all would love to see, but I do appreciate that. I personally just want to say I could support a motion if the CUP comes back before City Council. I am in the same boat as Councilman Cavener, I just -- yeah, I get concerned about a lot of density in a location like this that's not -- not really near a transportation corridor. So, I would encourage the applicant to focus on the townhome approach and I also just want to say definitively -- and I -- I think that -- that direction was definitely received, but the nonresidential piece I do not support the expansion of residential into that area that's in the FLUM. I just want to say that. So, you don't -- you know, it's only one person, but I just wouldn't want you to waste a lot of resources on that effort, so -- that's it for me.

Simison: So, the second stands on closing the public hearing?

Strader: Yeah.

Simison: Okay.

Strader: Sure.

Simison: Then we will consider the public hearing closed. Just -- just some notes on -and I'm actually really surprised -- not entirely, but a little bit, you know, the state -- it is going through the legislature where they have approved -- where they are recommending 34 million be added to see the improvements of the roads in this area, specifically the mile to the east and west of the access point at Ustick and, quite frankly, it might get them before any of the rest of Ustick gets widened by ACHD. I mean depending on the -- the -- if it's a part of the ITD contract with -- with their project or somebody else's. I understand it hasn't been approved by -- you know, signed into law, it's not there yet, but I -- I want to give some hope to Black Cat and the community that really with the opening of McDermott traffic could go significantly different directions than are currently planned in all these impact studies and you could have well built intersections from this intersection going west to McDermott. Now, I don't know what that does. I don't. But I think that there is hope in this area from what I understand as the elements moving forward, but nothing is inked at this point in time. So, for whatever that is worth of value. I know ACHD probably didn't want to talk about it earlier in their context either, because it's not finalized, but their -- it is moving through the process to improve this area, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to respond to Council Woman Strader's question about Black Cat. So, absolutely, yes, I am an advocate for being very careful how we develop in this area, having been a resident there. Three things on that. I -- I would likely be having a different thought on this application if ACHD wasn't doing that widening on Ustick for sure. I'm really appreciative that the applicant is adding the turn lanes in on both sides of that intersection. Without that I also would be highly considering recommending it a denial on it. But the southern part of Black Cat is really complicated, because you have -- you have

Pine that doesn't go through. You have got Cherry Lane, which is an intersection that -- that is -- it's really not that -- it really doesn't get that congested. Honestly, Ustick and Black Cat gets more congested than Cherry. Probably because it's five lanes. Then you have Pine that doesn't go through, so you have a lot of people turning left there. Then you have a railroad track. Then you have a school and you have a substation and you have -- you know. So, that -- that mile is just exceptionally complicated. This is a little bit less so. But I'm -- but I'm also a little more -- more comfortable with this, too, because the McMillan and Black Cat intersection is going to be improved with the light in the next couple years. So, there is a lot going on that makes me feel more comfortable with -- I also like how the traffic enters and exits on the north and -- very north and very east side of this development. I think that moves it away from the Black Cat-Ustick intersection a little bit more, just kind of how it's designed. So, just to share those thoughts, because I appreciate you asking me that. I am always hyper aware of what happens along Black Cat.

Simison: And to piggyback off that, I mean to a certain extent I don't want to -- you could have people in the north part of this subdivision exiting onto Ustick by passing a lot of the Black Cat traffic and I'm sure they will figure that out.

Johnson: Mr. Mayor, there was not a vote on closing the public hearing.

Simison: Just some discussion.

Johnson: Just making sure.

Simison: Thank you. But I did -- I had forgotten. Is there anymore discussion on that motion? All those in favor signify by saying aye. Opposed nay? The ayes have it. Thank you, Chris.

MOTION CARRIED: FOUR AYES. ONE ABSTAIN. ONE ABSENT.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: President Hoaglun is pointing at me. I was waiting for you to make some comments. Okay. I will make a motion. Mr. Mayor, I -- excuse me. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0088 as presented in the staff report for the hearing date of March 8th, 2022, with the following modifications: To delete Items 1-B, 2-A, and 2-B from the conditions in the staff report and that the DA modification for the multi-family area and the CUP be applied for and processed concurrently and that the City Council hear the CUP application, as well as the Planning and Zoning Commission.

Strader: Second the motion.

Simison: I have a motion and a second. Mr. Nary?

Nary: Mr. Mayor, maybe before the -- I don't think there was a second. I think one of the requests by the applicant was to -- to grant approval of the pre-existing conditions that went to Planning and Zoning that had been recommended denial, so that Alan knows to, then, basically, reverse that -- that action that came before you tonight.

Simison: Does the motion maker agree with that comment?

Perreault: Yes, Mr. Mayor.

Simison: Does second concur?

Strader: Agree.

Simison: Okay. Is there discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not discussion, just a -- just a comment. I just want to thank Alan. I know this particular project's been a little bit of a bouncing ball and I appreciate you keeping us focused on task, the staff report, and the way you communicate to us, just -- you know, we don't always say we appreciate it, but I know that we as a body really appreciate -- particularly on these kind of more nuanced applications. So, thank you.

Simison: Any further -- if not, Clerk will call the roll.

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

Simison: Three ayes, one no, and the item is approved, so -- thank you very much.

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

FUTURE MEETING TOPICS

Simison: With that we don't have any ordinances to do this evening. Future meeting topics, Council?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Perhaps maybe just a conversation for you and Council President to discuss. We have had some -- we have had a presentation, some e-mails with some -- I have received some comments from citizens who had some concerns and some questions about the library and its relationship to the city and what role that we do and don't have. I'm not -- I -- I struggle to find the nexus about what would make for a public hearing, but perhaps maybe an informational session for Council, so we can all be on the same page about what role, if any, we have with the library. With some of the issues that are playing down at the legislature I think -- I'm getting at least more inquiries about our involvement and so perhaps if you and the Council President think it's necessary, that may be a potential topic at a later point in time.

Simison: Duly noted. Anything else under future meeting topics?
Hoaglun: Mr. Mayor?
Simison: Councilman Hoaglun.
Hoaglun: I move for adjournment.
Simison: I have a motion to adjourn. All in favor signify by saying aye. Opposed nay? The ayes have it. We are adjourned.
MOTION CARRIED: FIVE AYES. ONE ABSENT.
MEETING ADJOURNED AT 10:18 P.M.
(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)
MAYOR ROBERT SIMISON DATE APPROVED
ATTEST:
CHRIS JOHNSON - CITY CLERK



ITEM TOPIC: Brightstar Meridian Partial Release of Water Line and Water Meter Easement

PARTIAL RELEASE OF EASEMENT

TYPE OF EASEMENT BEING PARTIALLY R	RELEASED: water line and water meter easement
GRANTEE: CGRANTES: Settlers Crossing LLC	CITY OF MERIDIAN, INCLUDING SUCCESSORS AND ASSIGNS
107008142 in the land records of	18, 2007 and recorded as Instrument Number of Ada County, State of Idaho , an easement of the type was granted to the City of Meridian, an Idaho Municipal perty legally described therein.
WHEREAS, the continuance of a certain portion	of the Easement is no longer necessary or desirable.
	emises, the City of Meridian does hereby release, vacate, at on the lands more particularly described on Exhibit A, acorporated herein.
	pove-described document in and to the remaining lan s nue in the Grantee and shall not be affected in any way
I WIT ESS WHEREOF, THE CITY OF MED proper officers thereunto duly authorized this _22	RIDIAN has caused these presents to be executed by its and day of March, 20 22.
CITY OF MERIDIAN	
Robert E. Simison, Mayor 3-22-2022	
Attest by Chris Johnson, City Clerk 3-22-2022	
STATE OF IDAHO,) : ss. County of Ada)	
This record was acknowledged before	me on $\frac{3\text{-}22\text{-}2022}{}$ (date) by Robert E. Simison an Meridian, in their capacities as Mayor and City Clerk,
(stamp)	
	Notary Signature My Commission Expires: 3-28-2028

Exhibit A

PARTIAL RELEASE OF WATER EASEMENT LEGAL DESCRIPTION





Easement Vacation Description

Vacation of a portion of the Water Line and Water Meter Easement recorded as Instrument No. 107008142, Ada County Records, said easement is within the Southwest Quarter, Section 31, Township 4 North, Range 1 East of the Boise Meridian, Meridian City, Ada County, Idaho, being more particularly described as follows:

Commencing at the found 3.25 inch aluminum cap monument stamped PLS 12087 at the corner common to Township 4 North, Range 1 East and Township 3 North, Range 1 East, and Township 4 North, Range 1 West, and Township 3 North, Range 1, from which the 3.5 inch found brass cap monument stamped PLS 8575 at the Quarter Corner common to Section 31, T4N, R1E and Section 36, T3N, R1W bears N 00° 21' 27" E a distance of 2650.12 feet; thence N 00° 21' 27" E along the township line for a distance of 494.48 feet; thence S 89° 08' 33" E for a distance of 293.53 feet; thence S 00° 58' 29" W for a distance of 74.55 feet to the **REAL**

POINT OF BEGINNING;

Thence S 45° 00' 00" E for a distance of 1.06 feet;

Thence N 89° 06' 49" W for a distance of 3.36 feet;

Thence N 45° 00' 00" E for a distance of 2.34 feet;

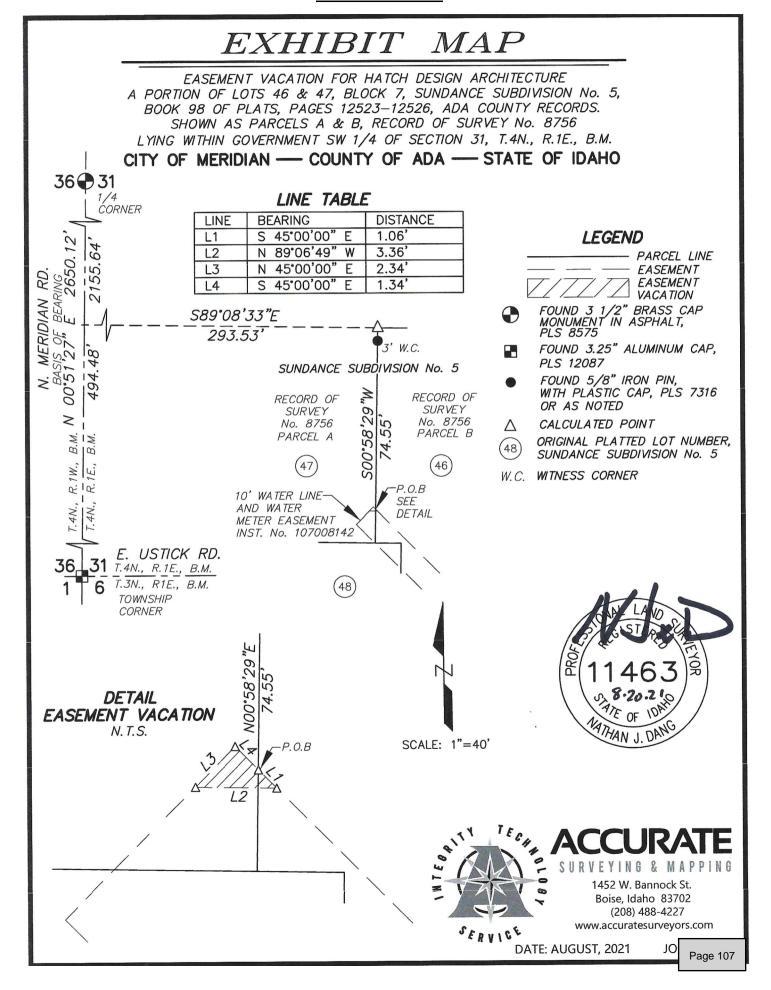
Thence S 45° 00' 00" E for a distance of 1.34 feet to the **REAL POINT OF BEGINNING.**

Easement Vacation area is 2.7 square feet, more or less.



Exhibit B

PARTIAL RELEASE OF WATER EASEMENT EASEMENT MAP





ITEM **TOPIC:** TM Frontline Subdivision Sanitary Sewer and Water Main Easement No. 1

ESMT-2022-0139 TM Frontline Subdivision Sanitary Sewer and Water Main Easement No. 1

SANITARY SEWER AND WATER MAIN EASEMENT

This Easement agreement, made this 22nd day of March 2022 between SCS TM Creek, LLC ("Grantor") and the City of Meridian, an Idaho Municipal Corporation ("Grantee"):

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

WHEREAS, the sanitary sewer and water is to be provided for through underground pipelines to be constructed by others; and

WHEREAS, it will be necessary to maintain and service said pipelines from time to time by the Grantee;

NOW, THEREFORE, in consideration of the benefits to be received by the Grantor, and other good and valuable consideration, the Grantor does hereby give, grant and convey unto the Grantee the right-of-way for an easement for the operation and maintenance of sanitary sewer and water mains over and across the following described property:

(SEE ATTACHED EXHIBITS A and B)

The easement hereby granted is for the purpose of construction and operation of sanitary sewer and water mains and their allied facilities, together with their maintenance, repair and replacement at the convenience of the Grantee, with the free right of access to such facilities at any and all times.

TO HAVE AND TO HOLD, the said easement and right-of-way unto the said Grantee, it's successors and assigns forever.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that after making repairs or performing other maintenance, Grantee shall restore the area of the easement and adjacent property to that existent prior to undertaking such repairs and maintenance. However, Grantee shall not be responsible for repairing, replacing or restoring anything placed within the area described in this easement that was placed there in violation of this easement.

THE GRANTOR covenants and agrees that Grantor will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers within the area described for this easement, which would interfere with the use of said easement, for the purposes stated herein.

THE GRANTOR covenants and agrees with the Grantee that should any part of the right-of-way and easement hereby granted shall become part of, or lie within the boundaries of any public street, then, to such extent, such right-of-way and easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of the aforementioned and described tract of land, and that Grantor has a good and lawful right to convey said easement, and that Grantor will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

THE COVENANTS OF GRANTOR made herein shall be binding upon Grantor's successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind.

IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their signatures the day and year first herein above written.

[END OF TEXT; SIGNATURES TO FOLLOW]

GRANTOR:

SCS TM CREEK LLC an Idaho limited liability company

By: SCS Management LLC, an Idaho limited liability company It's Manager

By: MI A FULL

Michael A. Hall, President

STATE OF IDAHO) : ss.

County of Ada)

This record was acknowledged before me on May de 7, 2022, by Michael A. Hall, as the President of SCS Management LLC, an Idaho limited liability company, manager of SCS TM Creek LLC, an Idaho limited liability company.

DONNA WILSON COMMISSION #67674 NOTARY PUBLIC STATE OF IDAHO Notary Public for Idaho
My Commission Expires:

GRANTEE: CITY OF MERIDIAN		
Robert E. Simison, Mayor 3-22-2022		
Attest by Chris Johnson, City Clerk 3-2	22-2 022	
STATE OF IDAHO,) : ss. County of Ada)		
This record was acknowledged Robert E. Simison and Chatheir capacities as Mayor and Cit	ris Johnson on behalf of the	
(stamp)		
	Notary Signature	3-28-2022



March 8, 2022 Project No. 20-208 City of Meridian Sewer and Water Easement SCS TM Creek LLC Legal Description

Exhibit A

A parcel of land for a City of Meridian Sewer and Water Easement over a portion of Northwest 1/4 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the North 1/4 corner of said Section 14, which bears N89°13′12″W a distance of 2,657.79 feet from a found aluminum cap marking the Northeast corner of said Section 14, thence following the northerly line of said Northwest 1/4 of the Northeast 1/4,589°13′12″E a distance of 222.84 feet; Thence leaving said northerly line, 500°46′48″W a distance of 276.36 feet to POINT OF BEGINNING 1.

Thence S89°13′12″E a distance of 18.51 feet to the easterly boundary line of a parcel of land as described in Special Warranty Deed per Inst. No. 2018-039705;

Thence following said easterly boundary line, S47°53'14"E a distance of 23.88 feet;

Thence leaving said easterly boundary line, S00°28'31"W a distance of 14.23 feet;

Thence N89°13'12"W a distance of 36.51 feet to a point hereinafter referred to as "POINT A";

Thence N00°46′48″E a distance of 30.00 feet to POINT OF BEGINNING 1.

Said parcel contains 952 square feet, more or less.

TOGETHERWITH:

Commencing at a point previously referred to as "POINT A", thence S00°25'43"W a distance of 195.41 feet to POINT OF BEGINNING 2.

Thence S89°13'12"E a distance of 36.36 feet; Thence S00°28'31"W a distance of 30.00 feet; Thence N89°13'12"W a distance of 36.51 feet; Thence N00°46'48"E a distance of 30.00 feet to POINT OF BEGINNING 2.

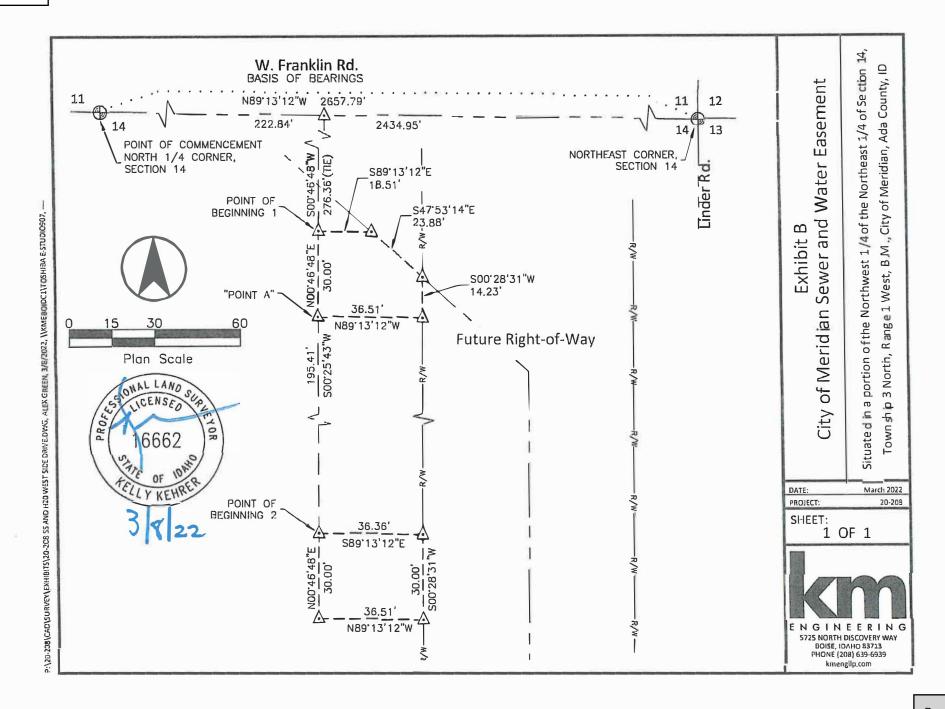
Said parcel contains 1,093 square feet, more or less

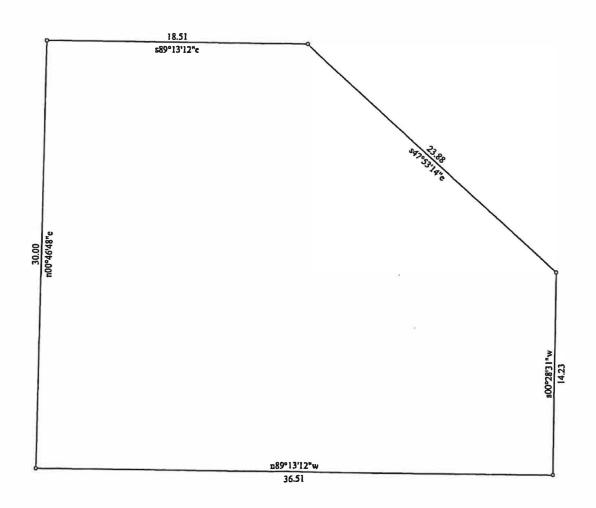
Said description contains a total of 2,045 square feet, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

All subdivisions, deeds, records of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.

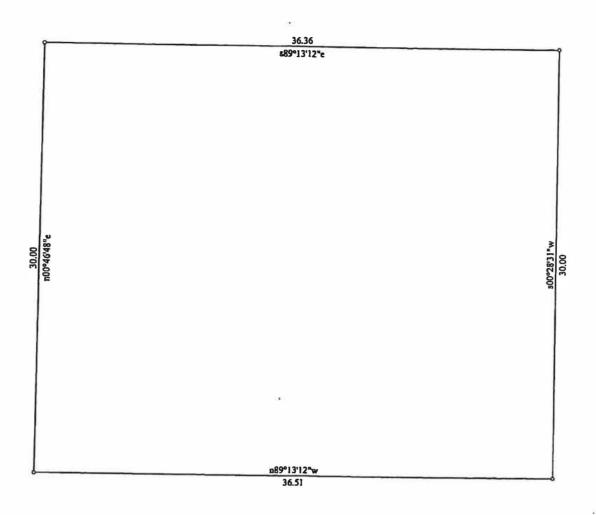
Attached hereto is Exhibit B and by this reference is made a part hereof.







Title: SCS TM Creek LLC Sewer and Water Easement		Date: 03-08-2022	
Scale: 1 inch = 6 feet File: Deed Plotter (1).des			
Tract 1: 0.022 Acres: 952 Sq Feet: Closure = n81.4424w 0.01 Feet: Precision =1/17826: Perimeter = 123 Feet			
001=s89.1312e 18.51 003=s00.2831w 14.23 005=n00.4648e 30.00 002=s47,5314e 23.88 004=n89.1312w 36.51		005=n00.4648e 30.00	



Title: SCS TM Creek LLC		Date: 03-08-2022
Scale: 1 inch = 6 feet File: Deed Plotter (1).des		
Tract 1: 0.025 Acres: 1093 Sq Feet: Closure = s88.1412w 0.01 Feet: Precision =1/13897: Perimeter = 133 Feet		
001=s89.1312e 36.36		
002=s00.2831w 30.00 004=n00.4648e 30.00		



ITEM **TOPIC:** TM Frontline Subdivision Sanitary Sewer and Water Main Easement No. 2

ESMT-2022-0140 TM Frontline Subdivision Sanitary Sewer and Water Main Easement No. 2

SANITARY SEWER AND WATER MAIN EASEMENT

THIS Easement Agreement, made this 22 day of March 20 22 between SCS Brighton II LLC ("Grantor") and the City of Meridian, an Idaho Municipal Corporation ("Grantee");

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

WHEREAS, the sanitary sewer and water is to be provided for through underground pipelines to be constructed by others; and

WHEREAS, it will be necessary to maintain and service said pipelines from time to time by the Grantee;

NOW, THEREFORE, in consideration of the benefits to be received by the Grantor, and other good and valuable consideration, the Grantor does hereby give, grant and convey unto the Grantee the right-of-way for an easement for the operation and maintenance of sanitary sewer and water mains over and across the following described property:

(SEE ATTACHED EXHIBITS A and B)

The easement hereby granted is for the purpose of construction and operation of sanitary sewer and water mains and their allied facilities, together with their maintenance, repair and replacement at the convenience of the Grantee, with the free right of access to such facilities at any and all times.

TO HAVE AND TO HOLD, the said easement and right-of-way unto the said Grantee, it's successors and assigns forever.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that after making repairs or performing other maintenance, Grantee shall restore the area of the easement and adjacent property to that existent prior to undertaking such repairs and maintenance. However, Grantee shall not be responsible for repairing, replacing or restoring anything placed within the area described in this easement that was placed there in violation of this easement.

THE GRANTOR covenants and agrees that Grantor will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers within the area described for this easement, which would interfere with the use of said easement, for the purposes stated herein.

THE GRANTOR covenants and agrees with the Grantee that should any part of the right-of-way and easement hereby granted shall become part of, or lie within the boundaries of any public street, then, to such extent, such right-of-way and easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of the aforementioned and described tract of land, and that Grantor has a good and lawful right to convey said easement, and that Grantor will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

THE COVENANTS OF GRANTOR made herein shall be binding upon Grantor's successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind.

IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their signatures the day and year first herein above written.

[END OF TEXT; SIGNATURES TO FOLLOW]

G	RA	N٦	ГО	R:

SCS BRIGHTON II LLC an Idaho limited liability company

By: Brighton Corporation, an Idaho corporation, Manager

By: Robert L. Phillips, President

STATE OF IDAHO) : ss. County of Ada)

This record was acknowledged before me on _______, 20 _____, 20 ______, by Robert L. Phillips, as the President of Brighton Corporation, an Idaho corporation, manager of SCS Brighton II LLC, an Idaho limited liability company.

Mari

SHARI VAUGHAN Notary Public - State of Idaho Commission Number 20181002 My Commission Expires Jun 1, 2024 Notary Public for Idaho
My Commission Expires: 6-1-2024

GRANTEE: CITY OF MERIDIAN
Robert E. Simison, Mayor 3-22-2022
Attest by Chris Johnson, City Clerk 3-22-2022
STATE OF IDAHO,) : ss.
County of Ada)
This record was acknowledged before me on 3-22-2022 (date) by Robert E. Simison and Chris Johnson on behalf of the City of Meridian, in their capacities as Mayor and City Clerk, respectively.
(stamp)
Notary Signature My Commission Expires: 3-28-2028



March 8, 2022 Project No. 20-208 City of Meridian Sewer and Water Easement SCS Brighton II LLC Legal Description

Exhibit A

A parcel of land for a City of Meridian Sewer and Water Easement over a portion of Northwest 1/4 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the North 1/4 corner of said Section 14, which bears N89°13′12″W a distance of 2,657.79 feet from a found aluminum cap marking the Northeast corner of said Section 14, thence following the northerly line of said Northwest 1/4 of the Northeast 1/4, S89°13′12″E a distance of 369.73 feet; Thence leaving said northerly line, S00°46′48″W a distance of 274.73 feet to **POINT OF BEGINNING 1.**

Thence S00°40′10″W a distance of 30.00 feet;
Thence N89°19′50″W a distance of 36.45 feet to a point hereinafter referred to as "POINT A";
Thence N00°28′31″E a distance of 30.00 feet;
Thence S89°19′50″E a distance of 36.55 feet to POINT OF BEGINNING 1.

Said parcel contains 1,095 square feet, more or less.

TOGETHERWITH:

Commencing at a point previously referred to as "POINT A", thence N79°30′33"W a distance of 75.15 feet to the easterly boundary line of a parcel of land as described in Special Warranty Deed per Inst. No. 2018-039705 and being **POINT OF BEGINNING 2**.

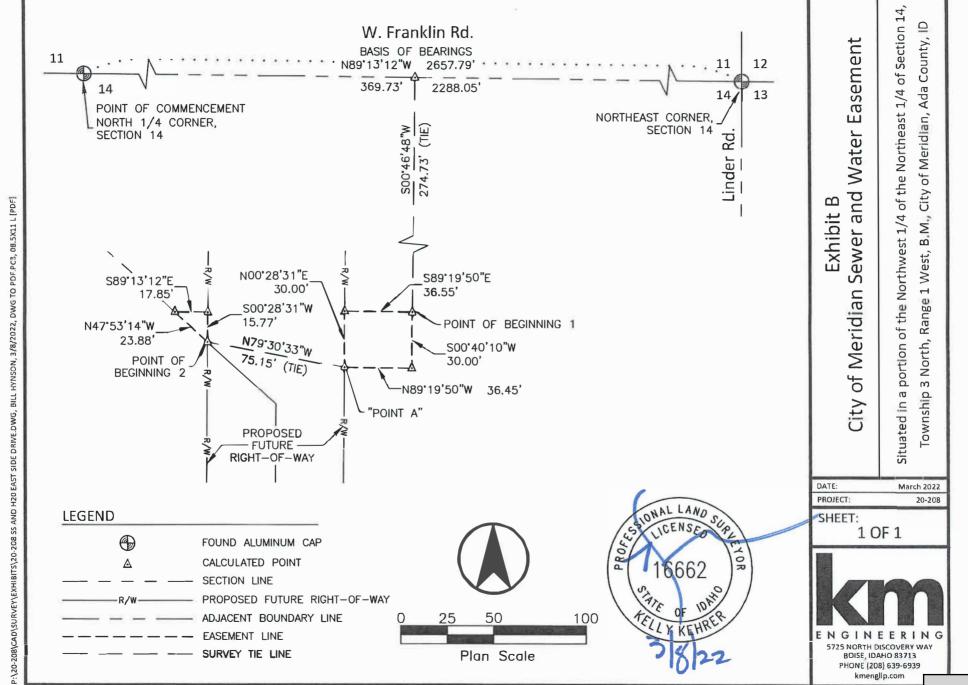
Thence following said easterly boundary line, N47°53′14″W a distance of 23.88 feet; Thence leaving said easterly boundary line, S89°13′12″E a distance of 17.85 feet; Thence S00°28′31″W a distance of 15.77 feet to **POINT OF BEGINNING 2**.

Said parcel contains 141 square feet, more or less.

Said description contains a total of 1,236 square feet, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

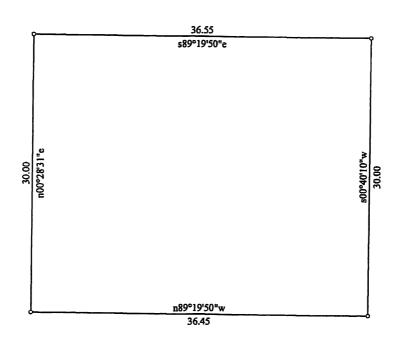
All subdivisions, deeds, records of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.

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



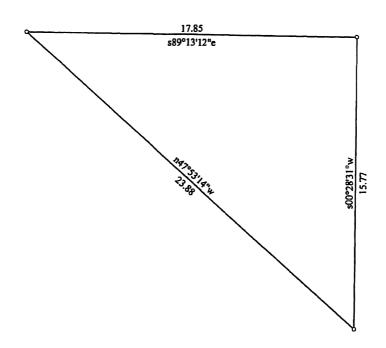
Page 123

Item #5.



Title: SCS Brighton II LLC Sewer and Water Easement Date: 03-08-20		
Scale: 1 inch = 10 feet File:		
Tract 1: 0.025 Acres: 1095 Sq Feet: Closure = n84.4548e 0.00 Feet: Precision =1/79445: Perimeter = 133 Feet		
001=s00.4010w 30.00 003=n00.2831e 30.00 002=n89.1950w 36.45 004=s89.1950e 36.55		

Item #5.



Title: SCS Brighton II LLC Sewer and Water Easement Date D		Date: 03-08-2022
Scale: 1 inch = 5 feet File:		
Tract 1: 0.003 Acres: 141 Sq F	cet: Closure = s64.4123w 0.00 Feet: Precision =1/19107: Perimeter =	58 Feet
001=n47.5314w 23.88 002=s89.1312e 17.85	003=s00.2831w 15.77	



ITEM TOPIC: TM Frontline Subdivision Water Main Easement No. 1

ESMT-2022-0141 TM Frontline Subdivison Water Main Easement No. 1

WATER MAIN EASEMENT

THIS Easement Agreement, made this 22 day of March, 2022 between SCS Brighton II LLC ("Grantor"), and the City of Meridian, an Idaho Municipal Corporation ("Grantee");

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

WHEREAS, the water main is to be provided for through underground pipelines to be constructed by others; and

WHEREAS, it will be necessary to maintain and service said pipelines from time to time by the Grantee;

NOW, THEREFORE, in consideration of the benefits to be received by the Grantor, and other good and valuable consideration, the Grantor does hereby give, grant and convey unto the Grantee the right-of-way for an easement for the operation and maintenance of water mains over and across the following described property:

(SEE ATTACHED EXHIBITS A and B)

The easement hereby granted is for the purpose of construction and operation of water mains and their allied facilities, together with their maintenance, repair and replacement at the convenience of the Grantee, with the free right of access to such facilities at any and all times.

TO HAVE AND TO HOLD, the said easement and right-of-way unto the said Grantee, it's successors and assigns forever.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that after making repairs or performing other maintenance, Grantee shall restore the area of the easement and adjacent property to that existent prior to undertaking such repairs and maintenance. However, Grantee shall not be responsible for repairing, replacing or restoring anything placed within the area described in this easement that was placed there in violation of this easement.

THE GRANTOR covenants and agrees that Grantor will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers within the area described for this easement, which would interfere with the use of said easement, for the purposes stated herein.

THE GRANTOR covenants and agrees with the Grantee that should any part of the right-of-way and easement hereby granted shall become part of, or lie within the boundaries of any

Water Main Easement Version 01/01/2020 Page 127

Item #6.

public street, then, to such extent, such right-of-way and easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of the aforementioned and described tract of land, and that Grantor has a good and lawful right to convey said easement, and that Grantor will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

THE COVENANTS OF GRANTOR made herein shall be binding upon Grantor's successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind.

IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their signatures the day and year first herein above written.

[END OF TEXT; SIGNATURES TO FOLLOW]

Water Main Easement Version 01/01/2020 Page 128

GRANTOR:	SCS BRIGHTON II LLC an Idaho limited liability company
	By: Brighton Corporation, an Idaho corporation, Manager
	By:
STATE OF IDAHO) : ss. County of Ada)	
This record was acknowledged before Phillips, as the President of Brighton Corpor II LLC, an Idaho limited liability company.	ation, an Idaho corporation, manager of SCS Brighton
SHARI VAUGHAN Notary Public - State of Idaho Commission Number 20181002	My Commission Expires:le-1-202+

My Commission Expires Jun 1, 2024

GRANTEE: CITY OF MERIDIAN	
Robert E. Simison, Mayor 3-22-2022	
Attest by Chris Johnson, City Clerk 3	-22-2022
STATE OF IDAHO,) : ss.	
County of Ada)	
	ed before me on 3-22-2022 (date) by Robert E. Simison of the City of Meridian, in their capacities as Mayor and Cit
(stamp)	Notary Signature My Commission Expires: 3-28-2028

Water Main Easement Version 01/01/2020 Page 130



March 8, 2022 Project No. 20-208 City of Meridian Water Main Easement SCS Brighton II LLC Legal Description

Exhibit A

A parcel of land for a City of Meridian Water Main Easement over a portion of Northwest 1/4 of the Northeast 1/4 of Section 14, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the North 1/4 corner of said Section 14, which bears N89°13′12″W a distance of 2,657.79 feet from a found aluminum cap marking the Northeast corner of said Section 14, thence following the northerly line of said Northwest 1/4 of the Northeast 1/4, S89°13′12″E a distance of 362.50 feet;

Thence leaving said northerly line, S00°46′48″W a distance of 711.18 feet to the POINT OF BEGINNING.

Thence S00°46′48″W a distance of 20.00 feet;
Thence N89°13′12″W a distance of 26.89 feet;
Thence N00°28′31″E a distance of 20.00 feet;
Thence S89°13′12″E a distance of 27.00 feet to the **POINT OF BEGINNING**.

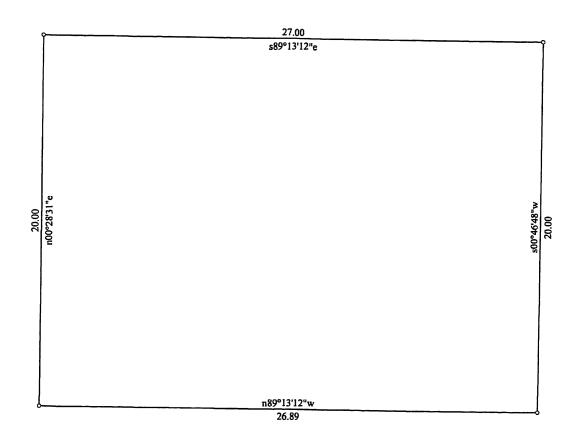
Said parcel contains 539 square feet, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

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



kmengllp.com

Item #6.



Title: SCS Brighton II LLC Water Main Easement		Date: 03-08-2022
Scale: 1 inch = 5 feet File: Deed Plotter (1).des		
Tract 1: 0.012 Acres: 539 Sq Feet: Closure = n84.4602w 0.00 Feet: Precision =1/25770: Perimeter = 94 Feet		
001=s00.4648w 20.00		



AGENDA ITEM

ITEM **TOPIC:** Final Plat for Graycliff Estates Subdivision No. 2 (FP-2022-0005) by KB Home, Located at 684 W. Harris St.



MEMO TO CITY COUNCIL

Staff Contact: Sonya Allen Meeting Date: March 8, 2022

Topic: Final Plat for Graycliff Estates Subdivision No. 2 (FP-2022-0005) by KB Home,

Located at 684 W. Harris St.

Request:

Final Plat consisting of 54 building lots and 6 common lots on 13.26 acres of land in the R-8 zoning district.

Information Resources:

Click Here for Application Materials

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING

3/22/2022

DATE:

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner

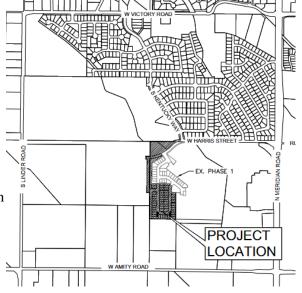
208-884-5533

SUBJECT: FP-2022-0005

Graycliff Estates No. 2

LOCATION: 684 W. Harris St., in the SE 1/4 of Section

25, Township 3N., Range 1W.



I. PROJECT DESCRIPTION

Final plat consisting of 54 buildable lots and 6 common lots on 13.26 acres of land in the R-8 zoning district for the second phase of Graycliff Estates Subdivision.

II. APPLICANT INFORMATION

A. Applicant:

Sabrina Durtschi, KB Home – 1414 Bannock, Boise, ID 83702

B. Owner:

Thomas Coleman, KB Home – 1414 Bannock, Boise, ID 83702

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat (H-2019-0129) in accord with the requirements listed in UDC 11-6B-3C.2.

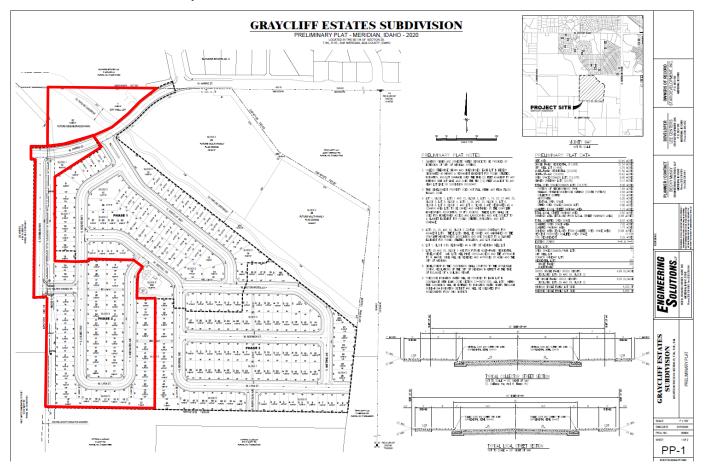
In order for the proposed final plat to be deemed in substantial compliance with the approved preliminary plat as set forth in UDC 11-6B-3C.2, the number of buildable lots cannot increase and the amount of common area cannot decrease. There is no change to the number of buildable lots or common open space, therefore, Staff deems the proposed final plat to be in substantial compliance with the approved preliminary plat as required.

IV. DECISION

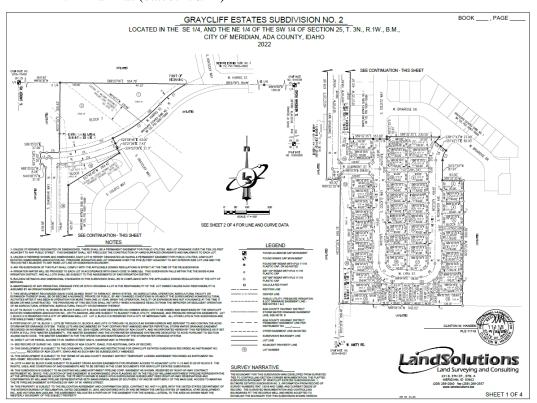
Staff recommends approval of the proposed final plat with the conditions noted in Section VI of this report.

V. EXHIBITS

A. Preliminary Plat (dated: 1/31/2020)

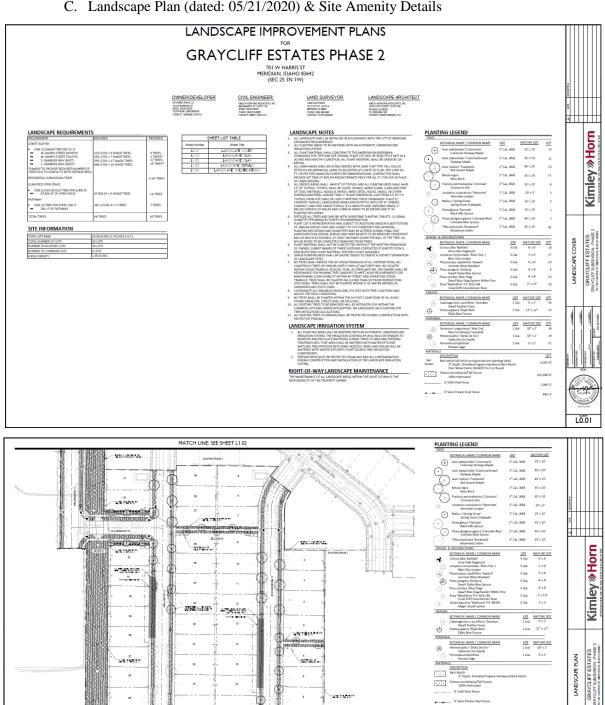


B. Final Plat (dated: 1/6/22)



GRAYCLIFF EST	ATES SUBDIVISION NO. 2	BOOK, PAGE
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		CLINTON IN HANGEST TO THE PARTY OF THE PARTY
		Land Surveying and Consulting

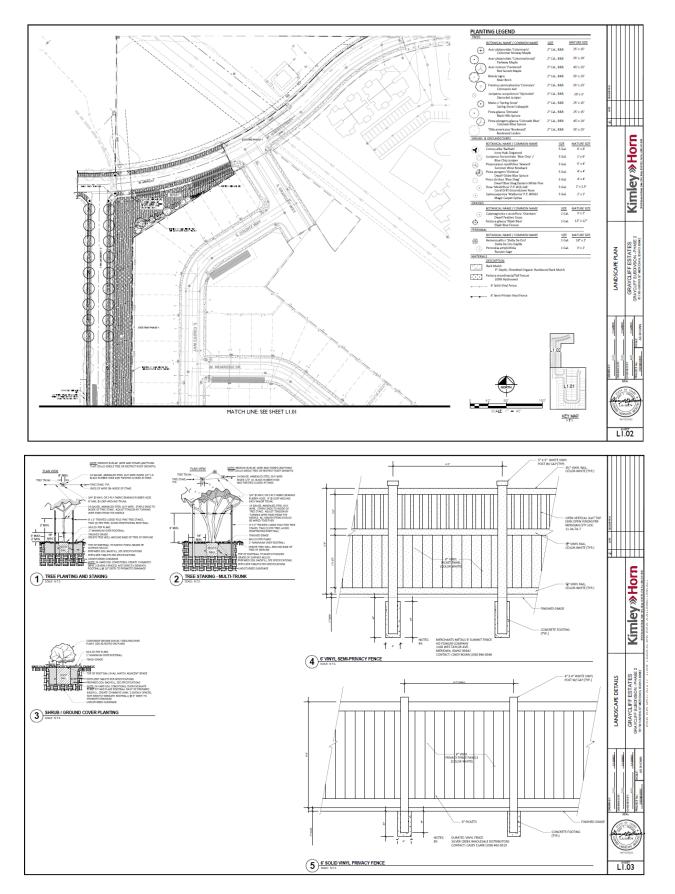
C. Landscape Plan (dated: 05/21/2020) & Site Amenity Details



SERVICE.

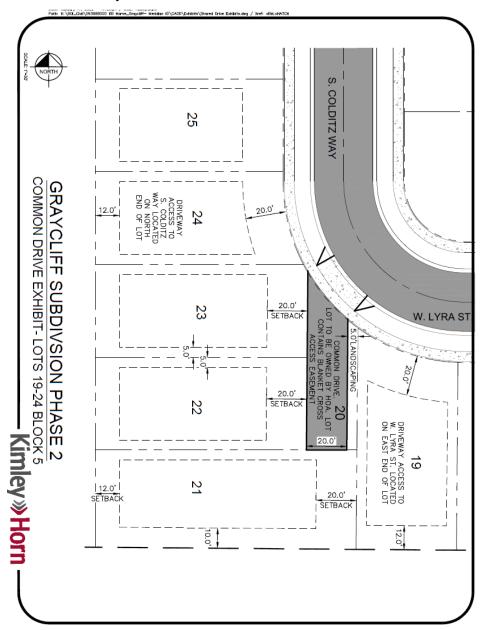
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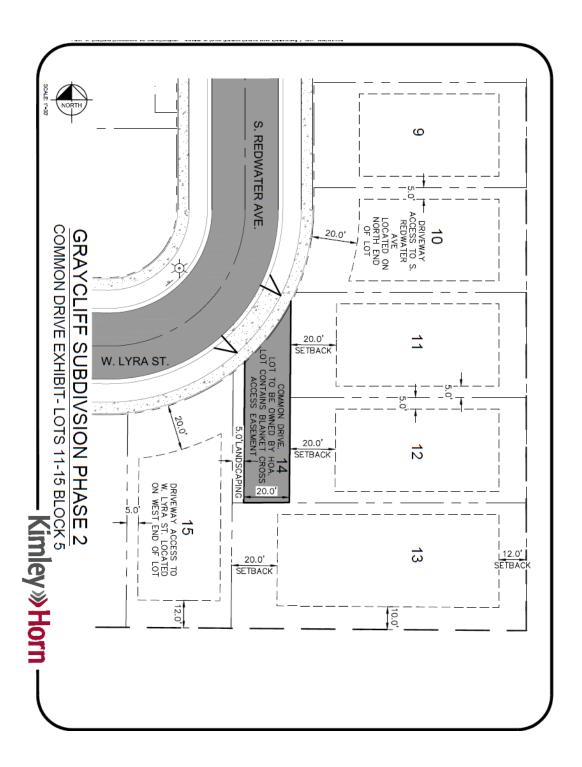
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Page 5

D. Common Driveway Exhibits





VI. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

- Applicant shall meet all terms of the approved annexation (Development Agreement Inst. #2015-112095, 1st Addendum Inst. #2019-086664, and 2nd Addendum Inst. #2020-066784) and preliminary plat (H-2019-0129) applications approved for this site.
- 2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years of the City Engineer's signature on the previous phase final plat (on or before December 23, 2023); *or* apply for a time extension, in accord with UDC 11-6B-7.
- 3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
- 4. The final plat prepared by Land Solutions, stamped by Clinton W. Hansen, dated: 1/6/2022, included in Section V.B shall be revised as follows:
 - a. Note #8: "... Lot 1, Block <u>27</u> is reserved for a City of Meridian well lot. Lot 2, Block <u>27</u> is reserved for a City of Meridian Park, unless the City Council determines a public park is not preferred in this development..."
 - b. Graphically depict the ACHD storm water drainage easements referenced in Note # 9.
 - c. Note #12: Include the recorded instrument number for the CC&R's.
 - d. Add note: "The bottom of structural footing shall be set a minimum of 12-inches above the highest established normal ground water elevation."
 - e. Include the recorded instrument number for the ACHD permanent easement line noted in the Legend.
 - f. Include the recorded instrument number for the existing ACHD permanent easement graphically depicted on the plat.
 - g. Depict the public pedestrian easement for the multi-use pathway across Lot 2, Block 7 and include the recorded instrument number for the easement.

A copy of the revised plat shall be submitted with the final plat for City Engineer signature.

- 5. The landscape plan prepared by Kimley Horn, dated 01/14/2022, included in Section V.C, shall be revised as follows:
 - a. The street buffer along S. Oakbriar Way shall include shrubs and other vegetative groundcover; and trees shall be depicted within the buffer south of W. Learmont St. outside of the Sundell lateral easement as set forth in UDC 11-3B-7C.3 and as depicted on the preliminary plat landscape plan. Revise the Landscape Requirements table accordingly.
 - b. Depict shrubs and other vegetative groundcover along all pathways as set forth in UDC 11-3B-12C.2.
 - c. Include the total linear footage of parkways (minus 26' for each driveway) and the required vs. provided number of trees in the Landscape Requirements table. *In areas where there is an ACHD storm water drainage easement that prohibits trees, the required trees shall be placed elsewhere on the site.*
 - d. Depict landscaping within Lot 2, Block 7 in accord with the standards listed in UDC <u>11-3G-3E</u>; and a 10-foot wide multi-use pathway with landscaping along the pathway in accord with the standards listed in UDC <u>11-3B-12C</u>. Note: The improvements in this lot are not required

to be installed until the larger park area develops. If the City Council determines a public park is not preferred in this development, the area shall be developed as private open space for the development.

A copy of the revised landscape plan shall be submitted with the final plat for City Engineer signature.

Note: Alternative Compliance to UDC 11-3B-12C for the landscaping (i.e. trees) required adjacent to the multi-use pathway and to UDC 11-3G-3E.2 for the landscaping (i.e. trees) required within common open space within the Williams pipeline easement on Lot 2, Block 7 was previously approved with H-2018-0054. A total of 35 additional trees were required to be provided within the development (or within another City park as determined appropriate by the Planning Division and Park's Department) based on the calculations provided.

- 6. All development within the Williams Northwest Pipeline easement must adhere to the most current standards in the Williams Gas Pipeline Developers' Handbook.
- 7. Future development shall be consistent with the minimum dimensional standards listed in <u>UDC</u> <u>Table 11-2A-6</u> for the R-8 zoning district.
- 8. Future homes within the development shall be generally consistent with the building elevations referenced in the Development Agreement (Inst. #2020-066784).
- 9. The rear and/or side elevations of 2-story homes abutting the collector streets (W. Harris St. and S. Oakbriar Way) on Lots 14-15, Block 1 and Lots 21-32, Block 5, shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the public street. Single-story structures are exempt from this requirement.
- 10. Common driveways shall be paved with a surface with the capability of supporting fire vehicles and equipment in accord with UDC 11-6C-3D.4.
- 11. A perpetual ingress/egress easement shall be filed with the Ada County Recorder for the common driveways, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment as set forth in UDC 11-6C-3D.8; a copy of said easement shall be submitted to the Planning Division prior to signature on the final plat by the City Engineer.
- 12. Homes on Lots 11-13 and 21-23, Block 5 shall comply with the setbacks depicted on the common driveway exhibits in Section V.D.
- 13. The well lot (i.e. Lot 1, Block 7) shall be conveyed to the City of Meridian by deed after the plat is recorded, prior to issuance of the first Certificate of Occupancy within the development.
- 14. The City park lot (i.e. Lot 2, Block 7) shall be conveyed to the City of Meridian by deed at such time as the larger park area is also conveyed to the City that lies in the adjacent Brundage Estates and Biltmore Estates subdivisions. If determined by the City Council that a public park is *not* preferred in this development, this lot shall be improved as private open space for the development. In the interim, this lot shall be maintained by the Homeowner's Association and kept free of weeds.
- 15. A surety valid for a period of three (3) years shall be submitted to the City for the 10' wide multiuse pathway, landscaping and irrigation improvements on Lot 2, Block 7, the future City park lot, prior to signature on the final plat by the City Engineer; the surety may be required to be extended if the remainder of the land designated for a City Park isn't ready to develop at that time. If the City Council determines a City park is not preferred in this development during the

aforementioned time period (or the extended time period, as applicable), the surety will be released and the lot shall be improved as private open space for the development; or, if ownership of the lot is transferred to the developer of the adjacent parcels for improvement as a City Park and that developer agrees to improve the lot as part of the future City Park, the surety will be released. Landscaping/irrigation shall not be installed on this lot until the larger 11+/- acre park area is ready to be developed that is also part of Biltmore Estates and Brundage Estates subdivisions.

- 16. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster, Sue Prescott, at 208-887-1620 or Susan,L.Prescott@usps.gov for more information.
- 17. All fencing shall comply with the standards of UDC 11-3A-7C.
- 18. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

- 1. Water valve spacing shall not exceed 800 feet.
- 2. Water blowoffs should be installed per City standard drawing W13.
- 3. Manholes shall be placed in the roadway whenever possible. Manhole SSMH B3 and SSMH B2 are currently located in the sidewalk and common driveway and must be moved to the roadway.
- 4. Separation between infiltration trench and sewer main is 10 foot minimum.
- 5. The streetlight plan has not been approved. The streetlights will need to be installed and operational, with approved record drawing, before any form of occupancy.
- 6. No geotechnical report was provided with this application. A geotechnical report will be required to be submitted and reviewed prior to signature of the final plat.

General Conditions:

- 7. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 8. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
- 9. 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.
- 10. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
- 11. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.

- 12. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 13. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 14. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
- 15. 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.
- 16. 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.
- 17. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 18. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 19. All grading of the site shall be performed in conformance with MCC 11-1-4B.
- 20. 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.
- 21. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 22. 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.
- 23. 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.
- 24. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental

- Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
- 25. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
- 26. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 27. 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.
- 28. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
- 29. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
- 30. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.



AGENDA ITEM

ITEM **TOPIC:** Final Plat for TM Center No. 1 (FP-2022-0009) by Brighton Development, Inc., Generally Located on the East Side of S. Ten Mile Rd. Between S. Vanguard Way and W. Cobalt Dr.



MEMO TO CITY COUNCIL

Staff Contact: Sonya Allen Meeting Date: March 22, 2022

Topic: Final Plat for TM Center No. 1 (FP-2022-0009) by Brighton Development, Inc.,

Generally Located on the East Side of S. Ten Mile Rd. Between S. Vanguard Way and

W. Cobalt Dr.

Request:

Final plat consisting of 7 building lots on 7.44 acres of land in the C-G zoning district for TM Center Subdivision No. 1.

Information Resources:

Click Here for Application Materials

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



DATE: 3/22/2022

TO: City Council

FROM: Sonya Allen, Associate Planner

208-884-5533

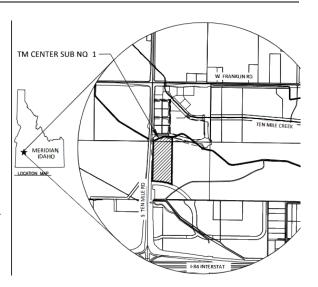
SUBJECT: FP-2022-0009

TM Center No. 1

PROPERTY LOCATION:

Northeast corner of S. Ten Mile Rd. & S. Vanguard Way in the NW ¼ of Section

14, T.3N., R.1W.



I. PROJECT DESCRIPTION

Final plat consisting of 7 building lots on 7.44 acres of land in the C-G zoning district for TM Center No. 1.

Note: The proposed final plat is actually the fourth phase of the TM Center Subdivision preliminary plat (H-2020-0074). [TM Creek No. 5 (1st phase FP-2021-0027); TM Crossing No. 5 (2nd phase FP-2021-0045); TM Frontline (3rd phase FP-2021-0047)]

II. APPLICANT INFORMATION

A. Applicant

Josh Beach, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

B. Owner:

Robert Phillips, DWT Investments, LLC – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat (H-2020-0074) as required by UDC 11-6B-3C.2. The proposed final plat depicts three (3) fewer buildable lots than shown on the approved preliminary plat. Therefore, Staff finds the proposed final plat is in substantial compliance with the approved preliminary as required by UDC 11-6B-3C.

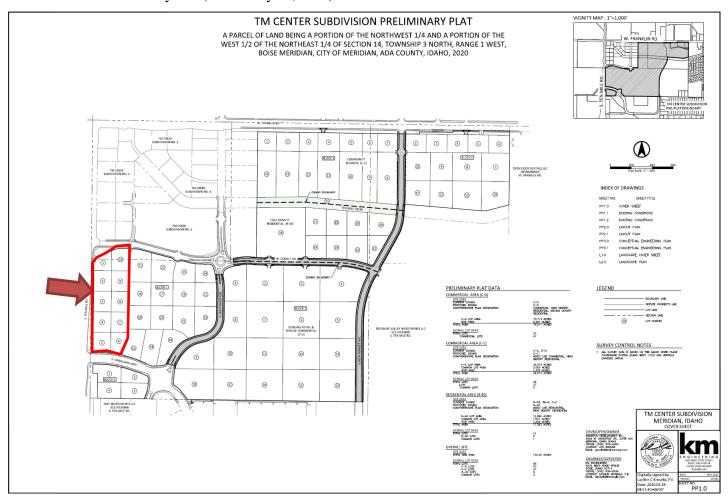
IV. DECISION

A. Staff:

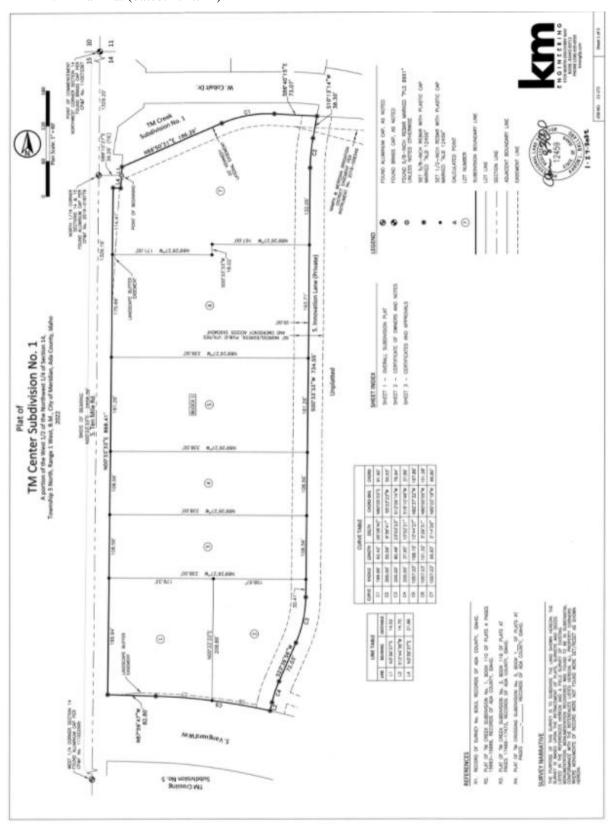
Staff recommends approval of the proposed final plat with the conditions of approval in Section VII of this report.

V. EXHIBITS

A. Preliminary Plat (dated: May 29, 2020)



B. Final Plat (dated: 1/27/22)



Plat of TM Center Subdivision No. 1

CERTIFICATE OF OWNERS.

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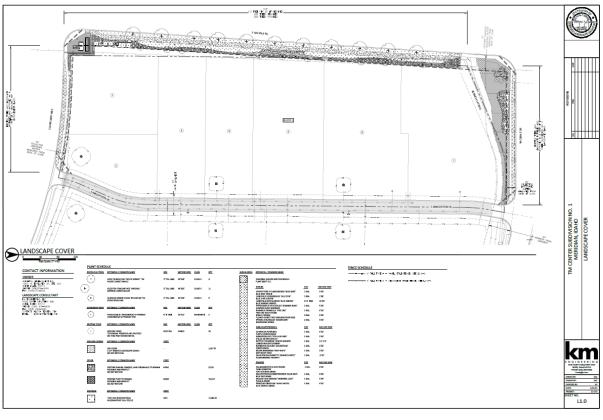
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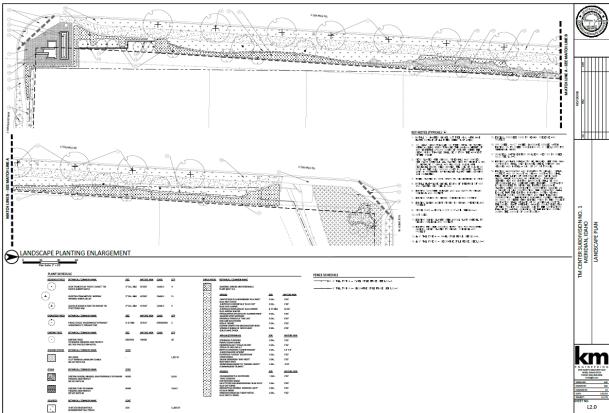




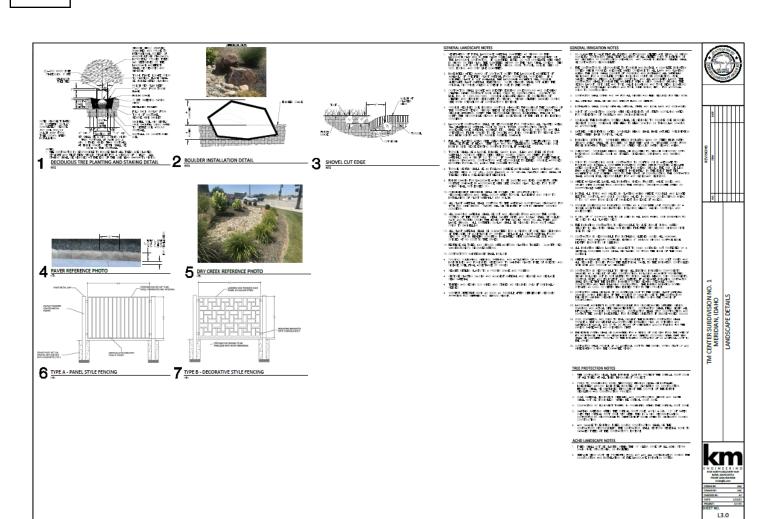
ASS NO. 31-070

C. Landscape Plan (dated: 2/17/21)





Page 5



VI. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

- 1. Applicant shall comply with all previous conditions of approval associated with this development [TM Center H-2020-0074, DA Inst. #2021-089157].
- 2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years of the City Engineer's signature on the previous phase final plat, *or* apply for a time extension, in accord with UDC 11-6B-7.
- 3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
- 4. The final plat prepared by KM Engineering, stamped on 1/27/22 by Aaron L. Ballard, included in Exhibit B shall be revised as follows:
 - a. Note #13: Include the recorded instrument number of the ACHD license agreement.
 - b. References: R4 Include the recorded book and page numbers of the TM Crossing Subdivision No. 5 plat.
- 5. The landscape plan prepared by KM Engineering, dated 2/17/22 included in Exhibit C, is approved as submitted.
- 6. Submit a private street application and obtain approval for S. Innovation Ln. prior to submittal of the final plat for City Engineer signature.
- 7. The subject property shall be subdivided prior to issuance of any Certificates of Occupancy for the site per requirement of the Development Agreement.
- Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

- 1. Sewer on the southern boundary needs to run in South Vanguard Way right-of-way, not in the easement.
- 2. Ensure no sewer services pass through infiltration trenches.
- 3. Water services to properties should be 8-inch diameter main to allow for future connection.
- 4. Fire lines, fire hydrants, and water services should be connected outside of right-of-way; multiple connection points in right-of-way is not desirable. Installing an 8-inch water main on a property boundary line to serve two properties is acceptable.
- 5. All dead-end water mains must have a blow-off and two valves at the tee.
- A streetlight plan has not been approved. The streetlights will need to be installed and operational, with approved record drawings submitted, before any form of occupancy will be granted.
- 7. Streetlights are required on the South Ten Mile Road frontage.

General Conditions:

- 1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
- 3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
- 5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
- 6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
- 9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.

- 12. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
- 14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
- 19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
- 20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 21. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.

- 23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
- 24. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.



AGENDA ITEM

ITEM **TOPIC:** Final Order for Biltmore Estates Subdivision No. 4 (FP-2022-0007) by Engineering Solutions, Generally Located 1/4 mile South of W. Victory Rd., on the West Side of S. Kentucky Way and 1/2 Mile West of S. Meridian Rd.

Item #9.

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: 3/8/2022 ORDER APPROVAL DATE: 3/22/2022

IN THE MATTER OF THE)	
REQUEST FOR FINAL PLAT)	
CONSISTING OF 33 BUILDING)	CASE NO. FP-2022-0007
LOTS AND 5 COMMON LOTS ON)	
10.85 ACRES OF LAND IN THE R-4	ORDER OF CONDITIONAL
ZONING DISTRICT FOR)	APPROVAL OF FINAL PLAT
BILTMORE ESTATES NO. 4.	
BY: ENGINEERING SOLUTIONS)	
APPLICANT)	
)	
)	
)	

This matter coming before the City Council on March 8, 2022 for final plat approval pursuant to Unified Development Code (UDC) 11-6B-3 and the Council finding that the Administrative Review is complete by the Planning and Development Services Divisions of the Community Development Department, to the Mayor and Council, and the Council having considered the requirements of the preliminary plat, the Council takes the following action:

IT IS HEREBY ORDERED THAT:

1. The Final Plat of "PLAT SHOWING BILTMORE ESTATES SUBDIVISION NO. 4, A PARCEL OF LAND BEING A PORTION OF THE S ½ OF THE N ½ OF SECTION 25, T.3N., R.1W., B.M., CITY OF MERIDIAN, ADA COUNTY, IDAHO, 2022, HANDWRITTEN DATE: 12/7/2022, by CLINTON W.

HANSEN, PLS, SHEET 1 OF 3," is conditionally approved subject to those conditions of Staff as set forth in the staff report to the Mayor and City Council from the Planning and Development Services divisions of the Community Development Department dated March 8, 2022, a true and correct copy of which is attached hereto marked "Exhibit A" and by this reference incorporated herein.

- 2. The final plat upon which there is contained the certification and signature of the City Clerk and the City Engineer verifying that the plat meets the City's requirements shall be signed only at such time as:
 - 2.1 The plat dimensions are approved by the City Engineer; and
 - 2.2 The City Engineer has verified that all off-site improvements are completed and/or the appropriate letter of credit or cash surety has been issued guaranteeing the completion of off-site and required on-site improvements.

NOTICE OF FINAL ACTION

AND RIGHT TO REGULATORY TAKINGS ANALYSIS

The Applicant is hereby notified that pursuant to Idaho Code § 67-8003, the Owner may request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that this is a final action of the governing body of the City of Meridian, pursuant to Idaho Code § 67-6521. An affected person being a person who has an

interest in real property which m	nay be adversely affected by this decision ma	y, within twenty-
eight (28) days after the date of	this decision and order, seek a judicial review	w pursuant to Idaho
Code§ 67-52.		
By action of the City Co	uncil at its regular meeting held on the	day of
, 2	2022.	
	By:	
	Robert Simison Mayor, City of Meridian	1
Attest:		
Chris Johnson City Clerk		
Copy served upon the Applicant, Development Department and C	, Planning and Development Services Divisio City Attorney.	ns of the Community
Ву:	Dated:	

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING 3/

3/8/2022

DATE:

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner

208-884-5533

SUBJECT: FP-2022-0007

Biltmore Estates No. 4

LOCATION: Generally located 1/4 mile south of W.

Victory Rd. on the west side of S.

Kentucky Way and a 1/2 mile west of S. Meridian Rd., in the north 1/2 of Section

25, T.3N., R.1W.



I. PROJECT DESCRIPTION

Final plat consisting of 33 building lots and 5 common lots on 10.85 acres of land in the R-4 zoning district for the fourth phase of Biltmore Estates Subdivision.

II. APPLICANT INFORMATION

A. Applicant:

Engineering Solutions – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

B. Owner:

Lee Centers, Biltmore Estates, LLC – PO Box 518, Meridian, ID 83680

C. Representative:

Becky McKay, Engineering Solutions – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat (PP-14-004), time extension (TECC-2021-0001) and associated conditions of approval as required by UDC 11-6B-3C.2. Conditions of approval associated with the time extension require an additional 2.35-acres of common open space and site amenities totaling (4) points to be provided in the last two phases of development (i.e. Phases 4 and 5). The Applicant proposes 8-foot wide parkways throughout this phase and future phase 5 and additional open space through the removal of a building lot; a pickleball court is also planned which counts as (4) points and meets the amenity requirement.

There is one (1) fewer buildable lot in Block 7 and more common open space depicted on the proposed final plat than shown on the approved preliminary plat. The remaining open space and site amenity points required with the time extension will be provided in the next and final phase of development. An exhibit should be submitted with that application demonstrating compliance with the conditions of approval associated with TECC-2021-0001.

Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

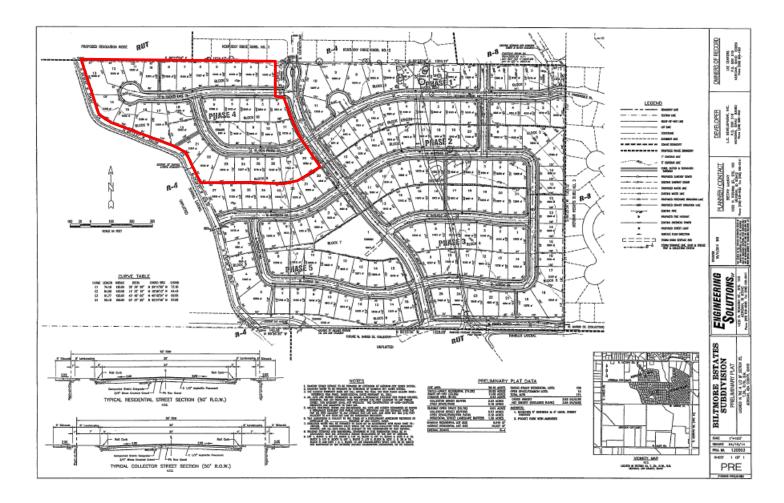
IV. DECISION

A. Staff:

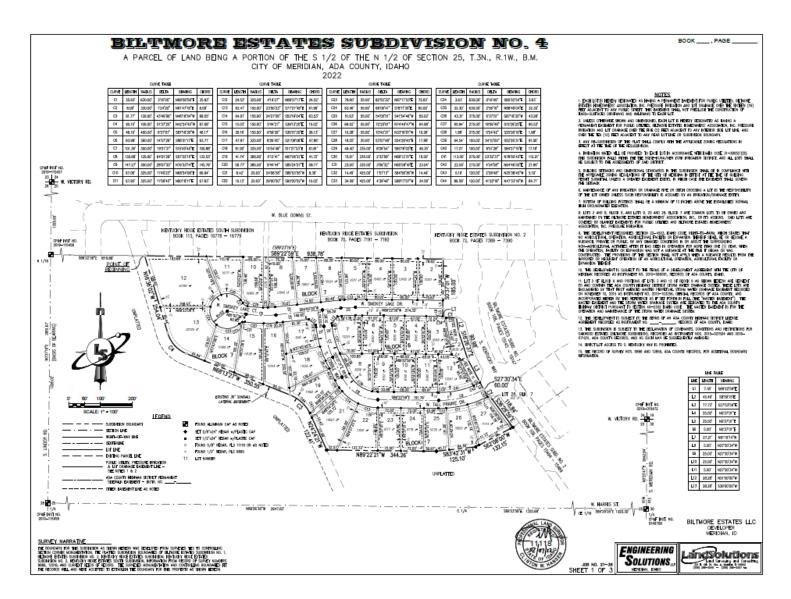
Staff recommends approval of the proposed final plat with the conditions of approval in Section VI of this report.

V. EXHIBITS

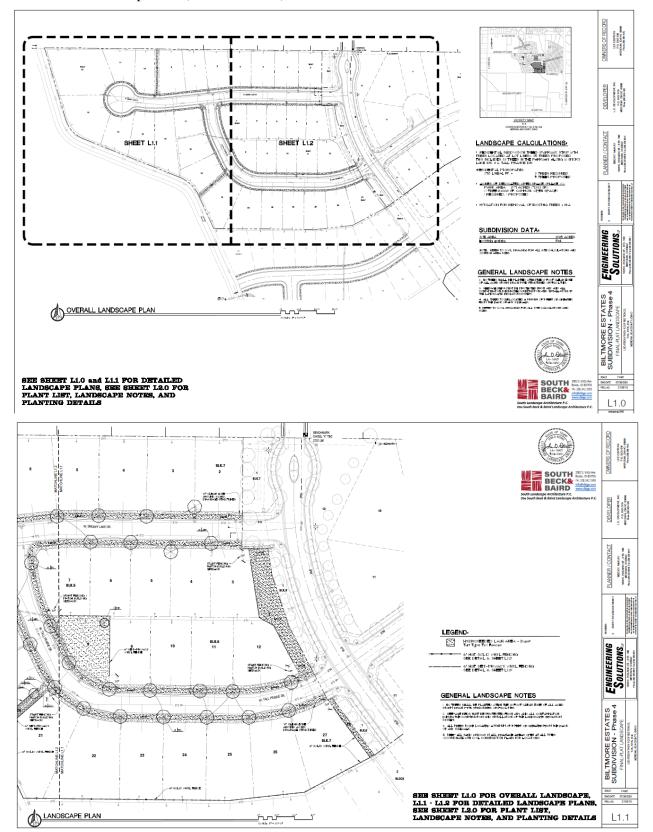
A. Preliminary Plat (date: 4/15/2014) - Revised



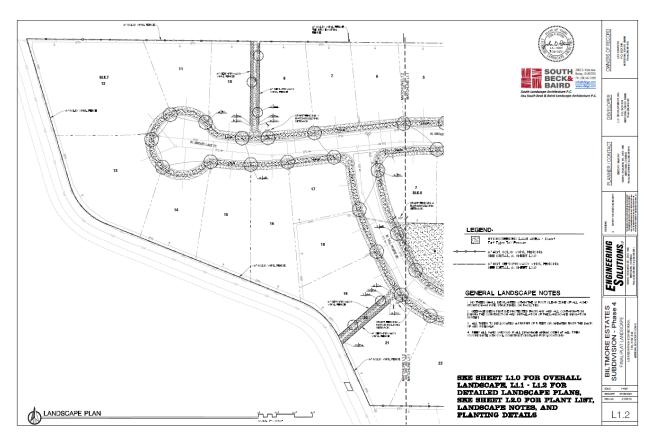
B. Final Plat (date: 2/7/2022)

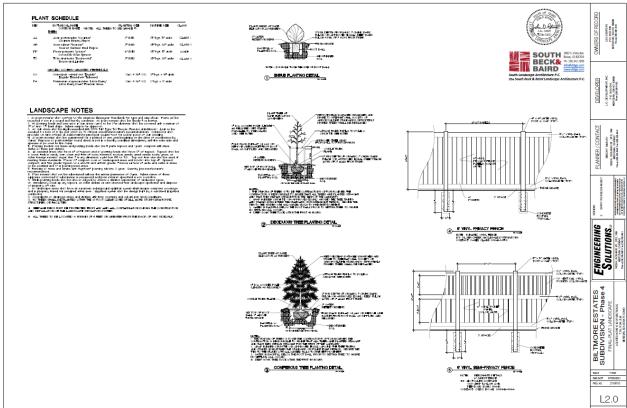


C. Landscape Plan (date: 9/14/2021)



Page 4





VI. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

- 1. Applicant shall comply with all previous conditions of approval associated with this development [AZ-13-014 (Ord. #14-1594) Victory South; PP-14-0004, Development Agreement Inst. #114052420 Biltmore Estates; A-2019-0366; TECC-2021-0001).
- 2. The applicant shall obtain the City Engineer's signature on the final plat by December 18, 2023 as approved with the most recent time extension (TECC-2021-0001); or, a time extension may be requested.
- 3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
- 4. The final plat shown in Section V.B prepared by Engineering Solutions, LLP, stamped on 2/7/2022 by Clinton W. Hansen, shall be revised as follows:
 - a. Note #10: Correct the recorded instrument number for the development agreement; it should be Inst. #114052420.
 - b. Note #12: Include the recorded instrument number of the ACHD License Agreement.
 - Include the recorded instrument number of the ACHD permanent sidewalk easement in the Legend.

Note: A condition of the preliminary plat required an easement for a water main to be provided through Lot 9, Block 7; however, Public Works no longer needs the easement to be provided.

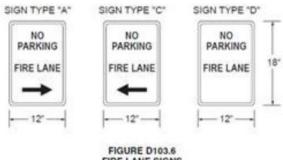
An electronic copy of the revised plat shall be submitted with the final plat for City Engineer signature.

- 5. The landscape plan shown in Section V.C, dated 2/7/20, shall be revised as follows:
 - a. The total linear feet of parkways (excluding 26' for each driveway) shall be included in the calculations table along with the required vs. proposed number of trees.

An electronic copy of the revised plat shall be submitted with the final plat for City Engineer signature.

- 6. All development shall comply with the dimensional standards for the R-4 zoning districts listed in UDC <u>Table 11-2A-5</u>. In the case where a wider easement exists, a greater setback may be required (i.e. a 16-foot wide PUDI easement is depicted on the plat adjacent to any public street).
- 7. The rear and/or sides of homes on lots that face or back up to S. Kentucky Way (i.e. Lot 2, Block 7; Lots 3 & 12, Block 6; and Lot 27, Block 7) shall incorporate articulation through changes in materials, color, modulation, and architectural elements (horizontal and vertical) to break up monotonous wall planes and roof lines.
- 8. Submit a copy of the Ada County Street Name Review letter for the final plat with the final plat submittal for City Engineer signature.
- 9. Install "No Parking Fire Lane" signs in the cul-de-sac per requirement of the Fire Department in accord with ACHD standards. The bottom of the sign(s) should be 7-feet above the road/sidewalk surface and shall not be in the travel way. The sign(s) shall be installed about 6-inches to 1-foot behind the curbing or edge of pavement on a Telspar post. No other signs shall be approved:

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.



FIRE LANE SIGNS

- 10. All ditches are required to be piped in accord with UDC 11-3A-6A unless waived by City Council or used as a water amenity or linear open space.
- 11. This phase shall comply with the most recently adopted Public Works standards and specifications as required with the most recent time extension (TECC-2021-0001).
- 12. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster, Sue Prescott, at 887-1620 for more information.
- 13. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

- 1. A streetlight plan has not been approved. Streetlights must be installed and operational, with approved record drawings submitted, prior to occupancy of any building within the development.
- 2. Where possible use pipe fittings instead of deflection angles on water main.

General Conditions:

- 3. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 4. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.

- 5. 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.
- 6. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
- 7. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
- 8. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 9. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 10. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
- 11. 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.
- 12. 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.
- 13. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 14. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 15. All grading of the site shall be performed in conformance with MCC 11-1-4B.
- 16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 17. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed

- in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 20. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
- 21. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
- 22. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 23. 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.
- 24. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
- 25. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
- 26. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.



AGENDA ITEM

ITEM **TOPIC:** Findings of Fact, Conclusions of Law for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.

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



In the Matter of the Request for 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.

Case No(s). H-2021-0029

For the City Council Hearing Date of: March 8, 2022 (Findings on March 22, 2022)

A. Findings of Fact

- 1. Hearing Facts (see attached Staff Report for the hearing date of March 8, 2022, incorporated by reference)
- 2. Process Facts (see attached Staff Report for the hearing date of March 8, 2022, incorporated by reference)
- 3. Application and Property Facts (see attached Staff Report for the hearing date of March 8, 2022, incorporated by reference)
- 4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 8, 2022, incorporated by reference)

B. Conclusions of Law

- 1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
- 2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
- 3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
- 4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
- 5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
- 6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of March 8, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for Annexation and Zoning is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 8, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director

or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of March 8, 2022.

- 3 -

By action of the City Council at its regular meeting held on the 2022.	day of,
COUNCIL PRESIDENT BRAD HOAGLUN	VOTED
COUNCIL VICE PRESIDENT JOE BORTON	VOTED
COUNCIL MEMBER JESSICA PERREAULT	VOTED
COUNCIL MEMBER LUKE CAVENER	VOTED
COUNCIL MEMBER TREG BERNT	VOTED
COUNCIL MEMBER LIZ STRADER	VOTED
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED
Mayor Robert Simison	
Attest:	
Chris Johnson City Clerk	
Copy served upon Applicant, Community Development Department, Attorney.	Public Works Department and City
By: Dated:	

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING

7/13/2021 March 8, 2022

DATE:

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner

208-884-5533

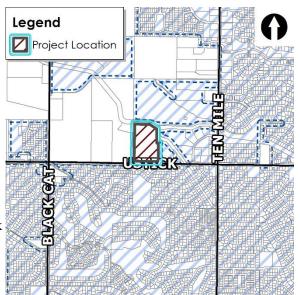
SUBJECT: H-2021-0029

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,	Fivemile Creek abuts the north property boundary;	
hazards, flood plain, hillside)	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	March 25, 2021 – 3 attendees	
attendees:		
History (previous approvals)	N/A	

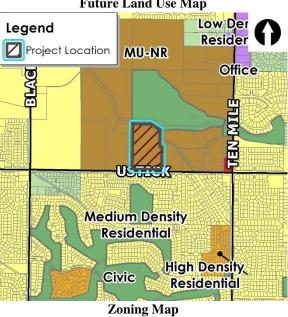
B. Community Metrics

Access (Artcraid/Collectors/State Hwy/Local) (Existing and Proposed) Stub Access (Artcraid/Collectors/State Hwy/Local) (Existing and Proposed) Stub Access (Street/Inerconnectivity/Cross Access Street/Inerconnectivity/Cross Access (Artcraid/Collectors/State Hwy/Local) (Existing and Proposed) Stub Access (Artcraid/Collectors/State Hwy/Local) (Existing and Proposed) Stub Access (Artcraid/Collectors/State Hwy/Local) (Existing and Proposed) Stub Access (Artcraid/Collectors/State Hwy/Local) (Existing and Proposed) Existing Road Network Existing Artcraid Sidewalks/ Buffers Duffers Proposed Road Improvements Existing Artcraid Sidewalks/ Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel. Ustick Road is existing arterial street with 2 to 3 lanes of travel.	Description	Details	Page
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	Services		
Estimated Project See application			
Sewer ERU's	 Estimated Project Sewer ERU's 	See application	

Descrip	otion	Details	Page
•	WRRF Declining Balance	14.15	
•	Project Consistent with WW Master Plan/Facility Plan	Yes	
•	Impacts/Concerns	 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			
•	Distance to Services	0'	
•	Pressure Zone	1	
•	Estimated Project Water ERU's	See application	
•	Water Quality Concerns	None	
•	Project Consistent with Water Master Plan	Yes	
•	Impacts/Concerns	• No utilities are shown with application. A utility plan will need to be reviewed by Public Works.	

C. Project Area Maps

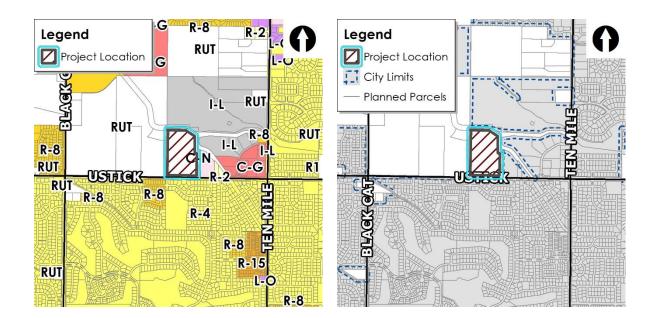
Future Land Use Map



Aerial Map



Planned Development Map



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/compplan)

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 chipseal 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 (<u>UDC 11-2</u>):

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 prosed 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 <u>UDC Table 11-3C-6B</u> 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 ½ 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* <u>11-3A-6</u>, <u>11-3A-7</u>):

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is proposed as shown on the 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* <u>11-3A-15</u>):

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:

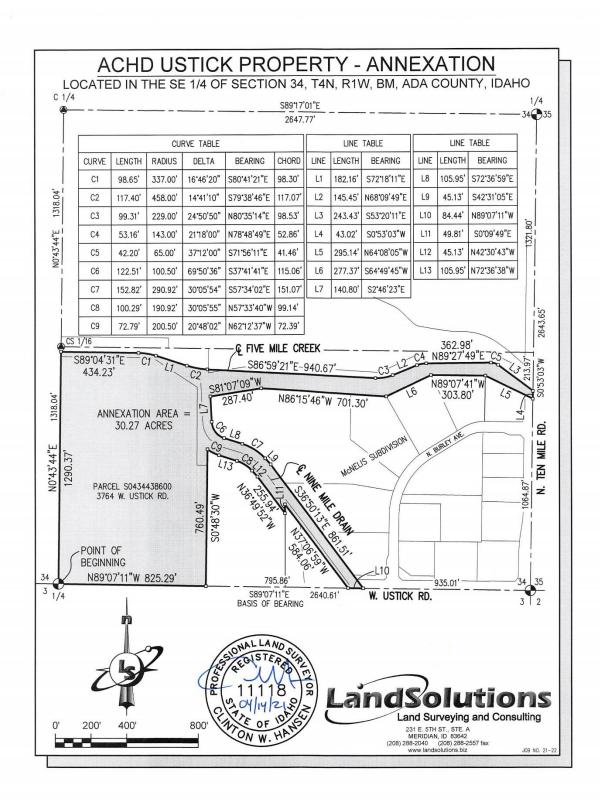
Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement per the Findings in Section IX of this staff report.

- 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:
 - <u>a.</u> <u>In favor: Becky McKay, Applicant Representative</u>
 - 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.
 - <u>f.</u> Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - a. None
 - 3. Key issue(s) of discussion by Commission:
 - <u>a.</u> <u>Timeline for the use of the site, construction of the westbound deceleration lane, and overall phasing;</u>
 - 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;
 - 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.
 - <u>4.</u> 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. The Meridian City Council heard these items on July 13, 2021, July 27, 2021, September 7, 2021, and March 8, 2022. At the March 8th public hearing, the Council moved to approve the subject Annexation and Zoning request.
 - 1. Summary of the City Council public hearing:
 - <u>a.</u> <u>In favor: Becky McKay, Applicant Representative; Steve Price, ACHD Legal Counsel; Jennifer Berenger, ACHD.</u>
 - b. <u>In opposition: None</u>

- <u>Commenting: Becky McKay; Steve Price; Jennifer Berenger; Lloyd Carnegie, ACHD; Heather Friddle, ACHD; Ryan Olsen, neighbor.</u>
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: Bill Nary, City Attorney
- 2. Key issue(s) of public testimony:
 - <u>a.</u> What kind of landscaping, fencing, and architecture will be utilized along the Ustick frontage.
- 3. Key issue(s) of discussion by City Council:
 - a. <u>Timeline of adjacent road improvements (Ustick Road) in conjunction with timeline of proposed site development—specifically, should project be approved without Ustick widened and should the required deceleration lane be constructed first, at a minimum;</u>
 - b. Accuracy of the proposed phasing plan;
 - <u>c.</u> <u>Has the Applicant worked with the City Engineer and Public Works to determine an appropriate alternative to connecting to City Sewer as it is not currently available Yes;</u>
 - d. Clarification on Staff's proposed DA provisions;
 - e. <u>Clarification from ACHD on proposed uses, design, and timelines for specific site as</u> well as Ustick widening project from Linder to Black Cat.
- 4. City Council change(s) to Commission recommendation:
 - <u>a.</u> Additional provision per Staff's previous memos and presentations regarding the proposed decant station and water treatment;
 - <u>b.</u> Strike condition VIII.A1.j and add provisions per Applicant's letter dated March 2, 2022.

VII. EXHIBITS

A. Annexation and Zoning Legal Descriptions and Exhibit Maps



<u>Legal Description</u> 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 ½, from which a point marking the southeast corner of said SE ½ 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 $53^{\circ}20'11"$ E a distance of 243.43 feet to a point on the easterly boundary of said SE 1/4;



ACHD Ustick Property Annexation Job No. 21-22 Page 1 of 3 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 $36^{\circ}50'13''$ E a distance of 861.51 feet to a point on the southerly boundary of said SE 1/3;

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:



ACHD Ustick Property Annexation Job No. 21-22 Page 2 of 3 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 $\frac{1}{2}$;

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.

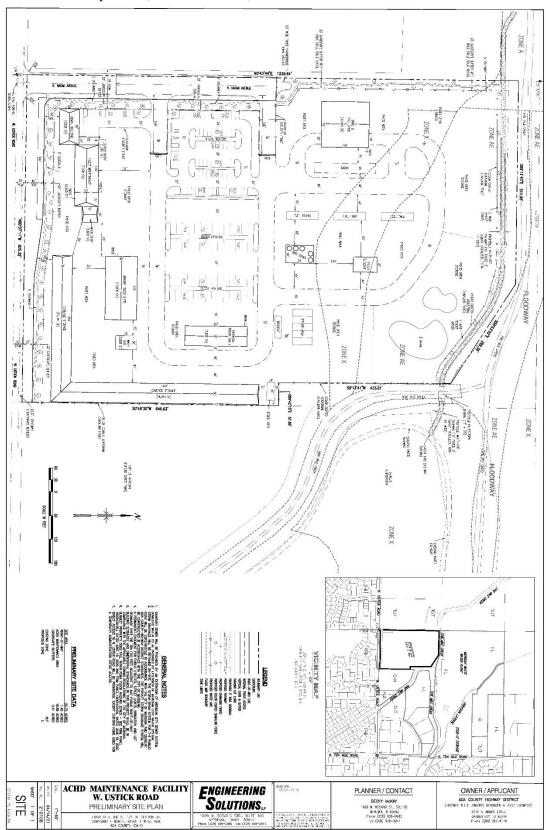
Clinton W. Hansen, PLS Land Solutions, PC April 14, 2021





ACHD Ustick Property Annexation Job No. 21-22 Page 3 of 3

B. Revised Concept Plan (dated: 4/14/2021)



Page 18

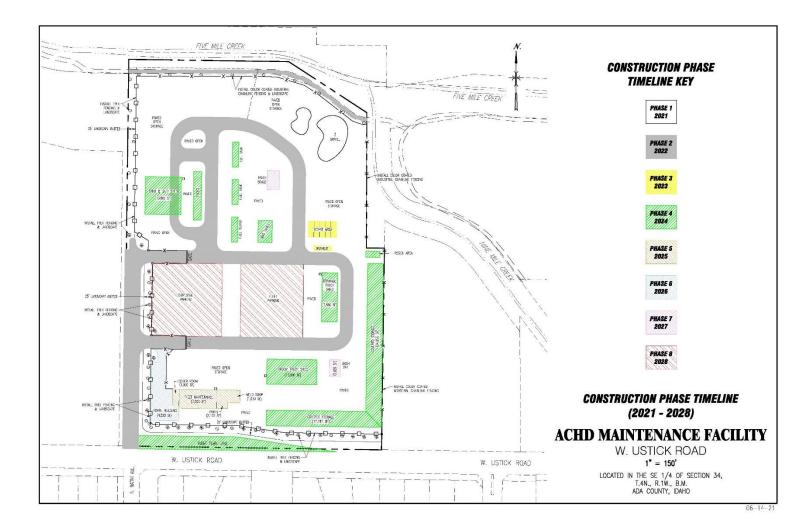
C. Color Concept Plan (dated May 18, 2021)



D. TREX Fence Example



E. <u>Revised Phasing Plan (6/14/2021)</u> Not updated and NOT APPROVED (Not updated to reflect 1-year shift; i.e. Phase 1 begins in 2022 instead of 2021):



F. Site Phasing and Trip Generation (informational only):

Site Phasing & Trip Generation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
Ustick Site Development	Annexation & Re-Zoning, Walking Path, Architecture Design	Design Review, Site Prep, Fencing/ Lighting, Connect to City Services, Access Road (Naomi Ln)	Construct Decant Station	Broom Shed, Drainage Shed, Covered Sheds, Fuel Islands, Salt/ Sand Shed, Mag Chloride Tanks	Fleet Buildings, Equipment & Winter Ops Parking Pads	Administrative Building	Truck Wash/Scales	Outlier Projects, Solar Covered Parking
Ustick Rd Widening	Design	ROW	Construction	Construction				
Trip Generation (per day)	No Trip Generation	No Trip Generation	20 Trips Per Day with 3 Trips in the PM peak hour			22 Trips Per Day with 3 Trips in the PM peak hour		No New Trips -Ancillary Use

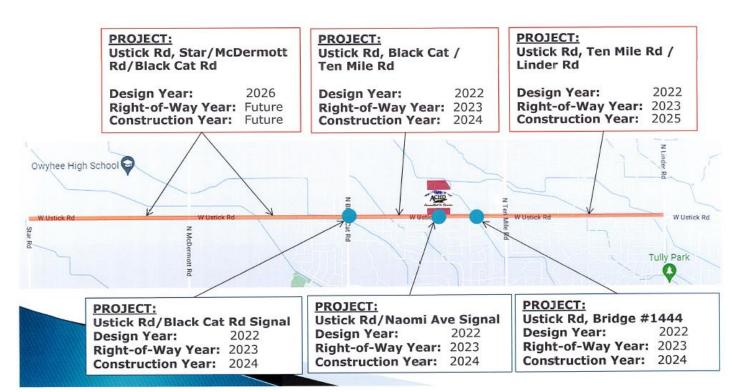
G. Integrated Five Year Work Plan diagram (informational only):



2022-2026 Integrated Five Year Work Plan



Widen Ustick Rd to 5 lanes with curb, gutter, sidewalk and Level 3 bike facility



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 <u>structures Administrative building and Covered Storage building</u> 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. <u>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.</u>
- k. Building permits will be issued for the on-site improvements based on the timeline and exhibits provided by ACHD (the submitted exhibits noted as "Site Phasing and Trip Generation" and "Integrated Five Year Work Plan diagram" are informational only).

- <u>ACHD</u> will construct the planned deceleration turnout lane prior to any building permit request.
- 1. ACHD is authorized to construct and obtain final inspection/occupancy permit for the decant station so that it may be operated during development of the site. As outlined in the timeline and submitted phasing plan, the decant station will be constructed within calendar year 2024. The site may also be used for staging equipment and outdoor storage.
- m. <u>Applicant shall obtain City Engineer approval for interim wastewater discharge proposal prior to construction of the Decant and Washout areas as noted on the concept and phasing plans. Additional pretreatment may be required per City Engineer review.</u>
- 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 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 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 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.
- 2.5 All 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

 $\underline{https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230782\&dbid=0\&repo=MeridianCity}$

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;

City Council 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;

City Council 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;

City Council 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

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

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

City Council finds the annexation is in the best interest of the City per the discussions held at the Council hearings.



AGENDA ITEM

ITEM **TOPIC:** Findings of Fact, Conclusions of Law 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.

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



In the Matter of the Request for 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., by Brighton Development.

Case No(s). H-2021-0088

For the City Council Hearing Date of: March 8, 2022 (Findings on March 22, 2022)

A. Findings of Fact

- 1. Hearing Facts (see attached Staff Report for the hearing date of March 8, 2022, incorporated by reference)
- 2. Process Facts (see attached Staff Report for the hearing date of March 8, 2022, incorporated by reference)
- 3. Application and Property Facts (see attached Staff Report for the hearing date of March 8, 2022, incorporated by reference)
- 4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 8, 2022, incorporated by reference)

B. Conclusions of Law

- 1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
- 2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
- 3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
- 4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
- 5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
- 6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of March 8, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for Annexation and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 8, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of March 8, 2022

By action of the City Council at its regular meeting held on the [year].	day of,
COUNCIL PRESIDENT BRAD HOAGLUN	VOTED
COUNCIL VICE PRESIDENT JOE BORTON	VOTED
COUNCIL MEMBER JESSICA PERREAULT	VOTED
COUNCIL MEMBER LUKE CAVENER	VOTED
COUNCIL MEMBER TREG BERNT	VOTED
COUNCIL MEMBER LIZ STRADER	VOTED
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED
Mayor Robert Simison	n
Attest:	
Chris Johnson City Clerk	
Copy served upon Applicant, Community Development Departr Attorney.	ment, Public Works Department and City
By: Dated:	

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING 3/8/2022

DATE:

TO: Mayor & City Council

FROM: Alan Tiefenbach

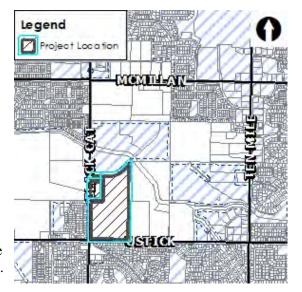
208-884-5533

SUBJECT: AZ, PP - H-2021-0088

Quartet South Subdivision

LOCATION: Parcels S043425555, 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,	Five Mile Creek parallels the properties northern property
hazards, flood plain, hillside)	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		
• Staff report (yes/no)	Yes		
Access (Arterial/Collectors/State	N. Black Cat Rd. and W. Usti	ck Rd. are existing accesses.	
Hwy/Local)(Existing and Proposed)			
Stub Street/Interconnectivity/Cross	Plat shows a northern stub	and a southern stub.	
Access			
Existing Road Network	N. Black Cat Rd. and W. Usti		
Existing Arterial Sidewalks /	None along the frontage of th		
Buffers	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.		
Duoma and Dand Immuniyamanta			
Proposed Road Improvements	Applicant will be required to on Ustick, northbound right to		
	turn lane on Black Cat Rd.	arii fanc and south bound icit	
Fire Service	turn tune on Black Cut Ru.		
Distance to Fire Station	1.7 miles to Fire Station 2		
• Fire Response Time	< 5 minutes		
Resource Reliability	> 80%		
Risk Identification	2, resources are not adequate		
 Accessibility 	Yes		
Special/resource needs	Aerial device will be required		
Water Supply	1,000 gpm required		
Other Resources	None		
Police Service			
Distance to Police Station	6.5 Miles		
 Police Response Time 	P3 3:40		
	P2 7:03		
	P1 10:43		
Calls for Service	-	23	
 % of calls for service split 	% of P3 CFS	1.3%	
by priority	% of P2 CFS	69.9%	
	% of P1 CFS	26.9%	
• Crimes	73		
• Crashes	19		

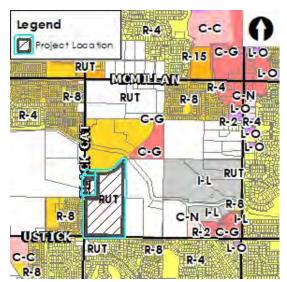
Wastew	vater		
	Comments	Flow has been committed.See site specific conditions for additional information.	
Water		^	
•	Distance to Water Services	Directly Adjacent	
•	Pressure Zone	1	
•	Water Quality	No concerns	
•	Project Consistent with Water Master Plan	Yes	
	Comments	Water main needs to be built in the proposed road at the northeast corner, extending the existing water stub from the Quartet Southeast Subdivision	

C. Project Area Maps

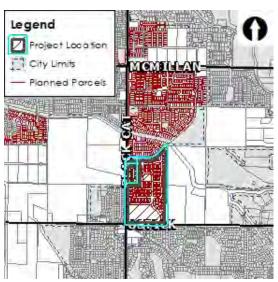




Zoning Map



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 (AOCI). 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 crossaccess 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 redesignating 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* <u>11-2</u>):

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 the 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* <u>11-3A-3</u>):

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* <u>11-3C</u>):

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* <u>11-3A-17</u>):

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* <u>11-3B</u>):

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* <u>11-3A-6</u>, <u>11-3A-7</u>):

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 townhouses 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.
- C. The Meridian City Council heard these items on March 8. 2022. At the public hearing, the Council moved to approve the subject annexation and preliminary plat request.
 - 1. Summary of the City Council 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. Two citizens testified in regard to existing traffic along N. Black Cat Rd, W. Ustick Rd and that the City should require infrastructure to catch up before any more projects are approved in this area.
- 3. Key issue(s) of discussion by City Council:
 - a. Council discussed timing of improvements
 - <u>b.</u> <u>Discussion regarding preferring the conditional use any multifamily come to them rather than just the Planning Commission</u>
 - <u>Council noted their preference for the multifamily lots to the south developed with townhouses rather than apartments.</u>
- 4. City Council change(s) to Commission recommendation:
 - a. Council reverted Staff's conditions of approval back from the Commission's deletion.
 - <u>b.</u> Council added a condition that any conditional use permit for multifamily shall be <u>approved by Council.</u>
 - <u>C.</u> Deleted staff condition regarding all frontage improvements along N. Black Cat Rd. and
 <u>W. Ustick Rd. being required to be constructed with the first phase of development.</u>
 - <u>Revised staff condition to require concept plan and conceptual elevations to be</u> submitted concurrently with any CUP for multifamily development.
 - <u>e</u> <u>Deleted staff's conditions regarding transition being provided adjacent to the property to</u> the east.

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 561°06'05"W a distance of 123.38 feet;

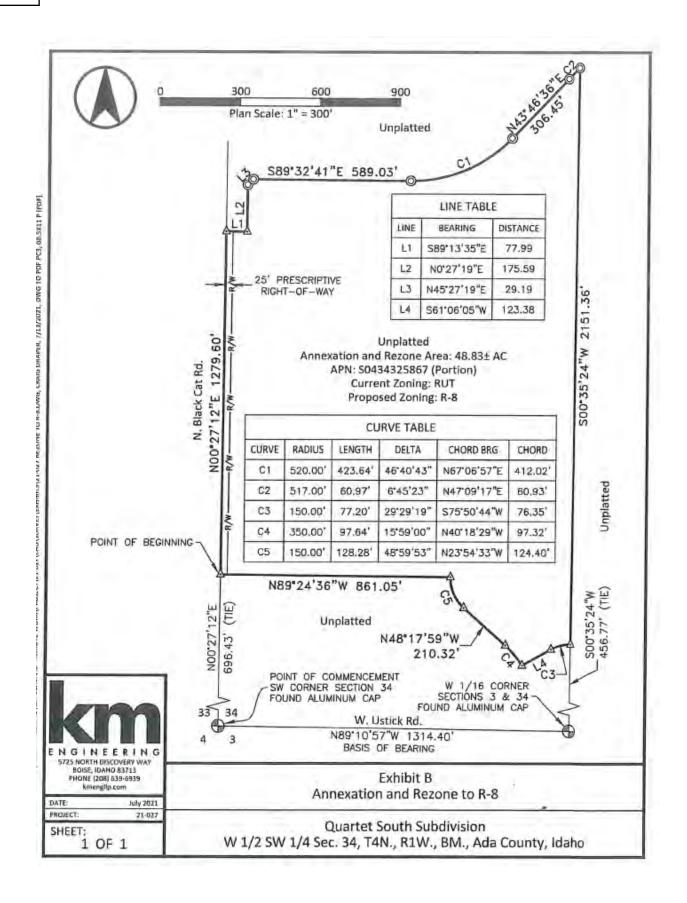
Thence 97.64 feet along the arc of a curve to the left, said curve having a radius of 350.00 feet, a delta angle of 15°59'00", a chord bearing of N40°18'29"W and a chord distance of 97.32 feet;

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:

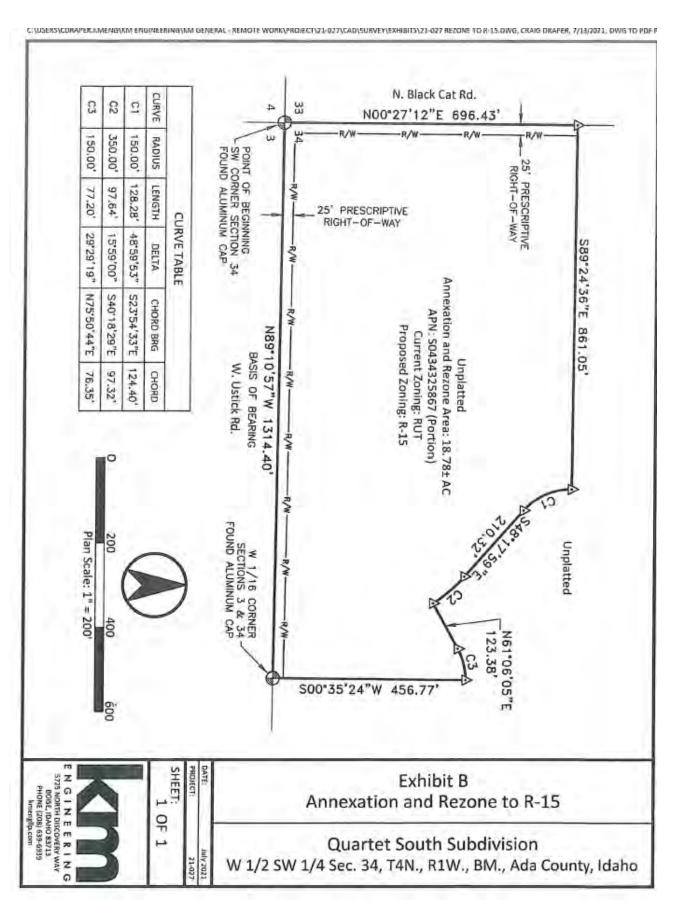
Thence following said easterly line, S00°35′24″W a distance of 456.77 feet to an aluminum cap marking the Southeast corner of said West 1/2 of the Southwest 1/4 (West 1/16 corner);

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.



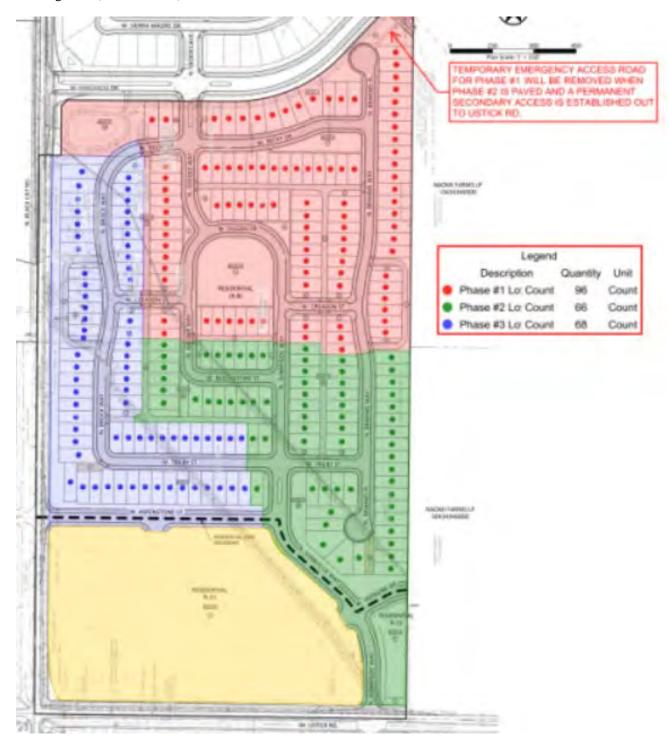


Page 17

B. Preliminary Plat (date: 1/25/2022-2/25/2022)



C. Phasing Plan (date: 7/25/21)

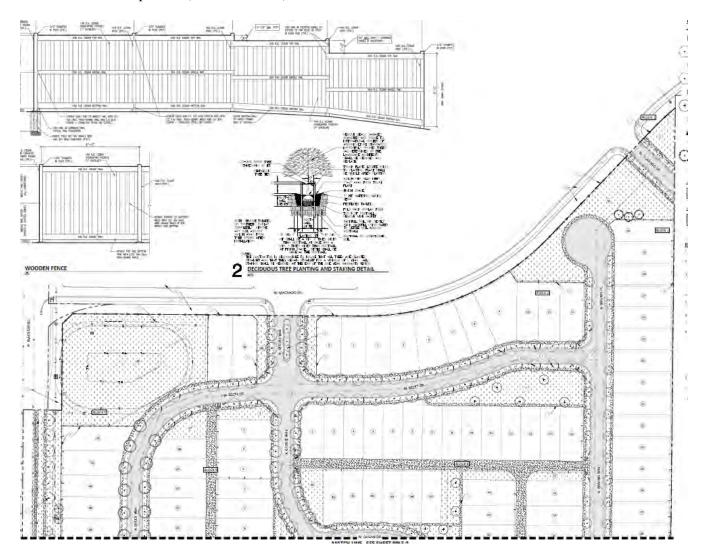


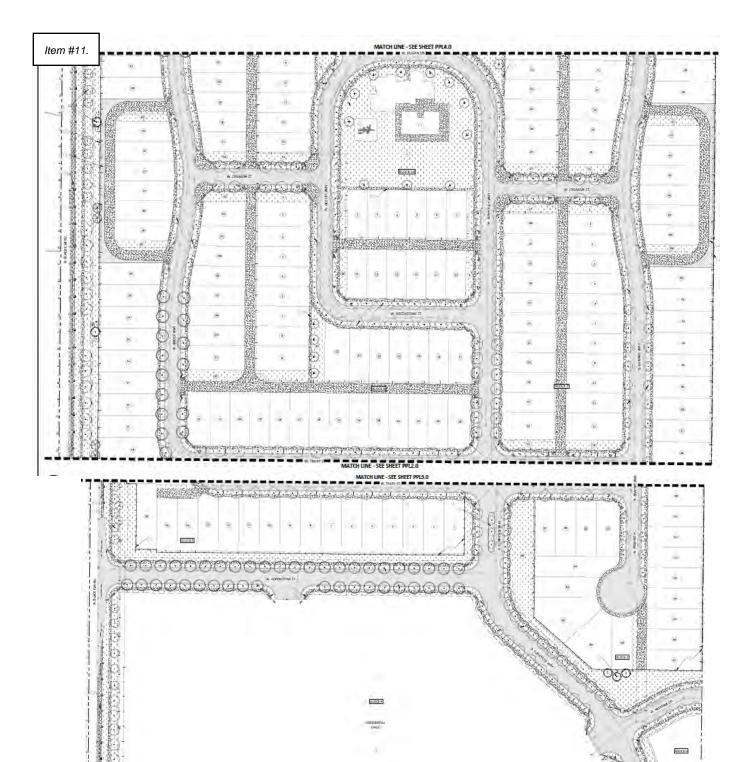
D. Color Rendering (date: 11/2/2021 3/7/2022)



Page 20

E. Landscape Plan (date: 7/15/2021)

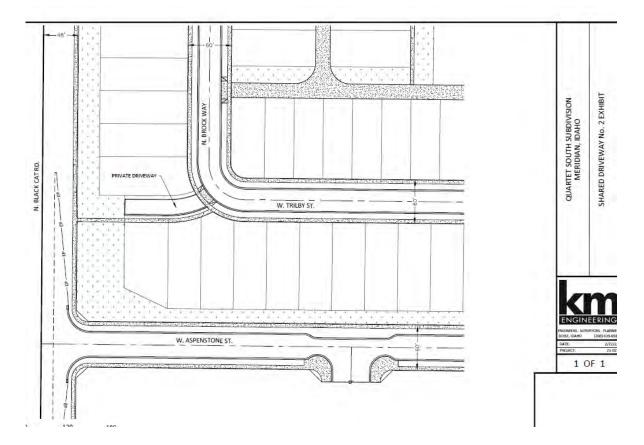




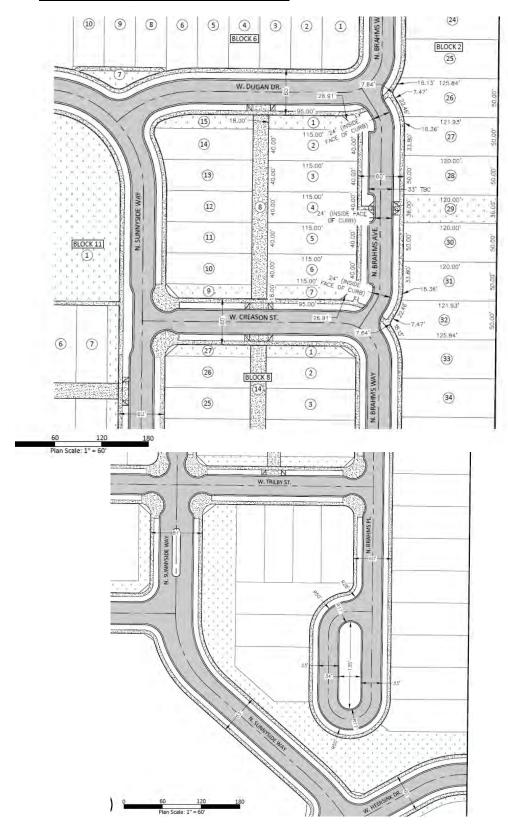
F. Common Open Space Exhibit (date: 1/25/2022 2/2022)



G. Common Drive Exhibits (date: 7/15/21 2/22/2022)



H. Road Realignments (date 2/25/2022)



Page 25

I. Conceptual Elevations















VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, 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 concurrently with submitting a CUP for a multi-family development.
- d. <u>City Council shall grant final approval or denial on any future conditional</u> use permit for multifamily uses.
- e. 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.
- f. 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 2/25/2022, 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 2/25/2022.

- 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 fencings 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

- 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 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
- 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 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

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243071&dbid=0&repo=MeridianCity</u>

E. MERIDIAN POLICE DEPARTMENT

 $\underline{https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243231\&dbid=0\&repo=MeridianCity}$

F. CITY ARBORIST

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243078&dbid=0&repo=MeridianCity</u>

G. NAMPA & MERIDIAN IRRIGATION DISTRICT

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244626&dbid=0&repo=MeridianCity</u>

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

 $\underline{https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250630\&dbid=0\&repo=MeridianC} \underline{ity}$

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;

Council finds annexation of the subject site with an R-8 and R-15 zoning designation is 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, Council 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;

Council finds the map amendment will not be materially detrimental to the public health, safety, and welfare. The Council considered oral or written testimony that was 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

Council finds that the proposed zoning amendment would not 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 Council finds this annexation (as applicable) is in the best interest of city.

B. PRELIMINARY PLAT (UDC 11-6B-6)

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (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, Council 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;
 - Council 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;
 - Council 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;
 - Council 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 *Council finds the development will not be detrimental to 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.



AGENDA ITEM

ITEM **TOPIC:** Memorandum of Agreement Between Idaho Public Television and Meridian Police Department Regarding 360 Virtual Reality Video



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Police Department Meeting Date: 3/22/2022

Presenter: Chief Basterrechea **Estimated Time:** 10 Minutes

Topic: MOA Between Idaho Public Television and Meridian Police Department Regarding

360 Virtual Reality Video

Recommended Council Action:

Approval of Memorandum of Agreement

Background:

Idaho Public Television received a grant for the 360 Virtual Reality Video. They will pay for the video we will provide officers for the video.

MEMORANDUM OF AGREEMENT BETWEEN IDAHO PUBLIC TELEVISION AND MERIDIAN POLICE DEPARTMENT REGARDING 360 VIRTUAL REALITY VIDEO

This MEMORANDUM OF AGREEMENT BET	WEEN IDAHO PUBLIC TELEVISION
AND MERIDIAN POLICE DEPARTMENT REGARDI	ING 360 VIRTUAL REALITY VIDEO
("MOA") is entered into this day of	, 2022, by and between the City of
Meridian, Idaho, on behalf of the Meridian Police Depart	tment, a municipal corporation
organized under the laws of the state of Idaho whose add	lress is 33 E. Broadway Avenue,
Meridian, Idaho ("City"), and the Idaho State Board of E	ducation, on behalf of Idaho Public
Television, whose address is 1455 N. Orchard Street, Bo	ise, Idaho ("IPTV") (collectively,
"Parties").	

WHEREAS, IPTV has received a grant from the Idaho Workforce Development Council to create a series of 360-degree virtual reality videos ("Videos") for the purpose of engaging youth in career opportunities and encouraging the pursuit of post-secondary education;

WHEREAS, IPTV has proposed that the Meridian Police Department ("MPD") participate in creating a Video featuring the work and functions of MPD officers;

WHEREAS, the Parties seek, by this MOA, to establish the respective rights and responsibilities with regard to recordings collected by IPTV in the course of creating the Video;

NOW, THEREFORE, in consideration of the mutual promises, covenants, terms and conditions hereinafter contained, the parties hereto do mutually agree as follows:

- 1. **Scope of Work.** IPTV shall work with MPD's designated contact person to identify aspects of law enforcement that will be represented in the Video, to select MPD personnel appropriate and available to discuss or demonstrate such aspects, and to schedule interviews and other interactions with MPD personnel at mutually suitable dates, times, and places. IPTV shall be responsible for obtaining any and all necessary permissions and releases from individuals featured in the Video.
- 2. **Use of Footage.** IPTV's use of the video footage, images, and audio recordings collected of MPD personnel, operations, activities, and property shall be limited to the purposes set forth in the proposal attached hereto as *Exhibit A*. City authorizes no other use of images or video footage of City's employees, agents, invitees, volunteers, or guests.
- 3. **MPD Approval.** Prior to broadcasting the Video on air, IPTV shall obtain MPD's written approval of the final Video. IPTV shall not broadcast any footage or images collected in the course of interviews or interactions with MPD personnel without MPD's express, prior, written approval, which MPD shall not unreasonably withhold.
- 4. **Copyright.** IPTV shall retain the right and permission, without restriction, to copyright any and all images and raw video footage created by IPTV, and the final Video produced by IPTV. IPTV shall provide to MPD a final copy of the Video for City to disseminate by

- posting on its website for recruiting and educational purposes, without payment or compensation in any form to IPTV, except that City shall acknowledge IPTV to be the creator of the Video.
- 5. **Relationship of Parties.** It is the express intention of Parties that IPTV is an independent actor and not an employee, agent, joint venturer, independent contractor, or partner of City. Nothing in this MOA shall be interpreted or construed as creating or establishing the relationship of employer and employee between IPTV and City or between IPTV and any official, agent, or employee of City. Both parties acknowledge that IPTV is not an employee of City.
- 6. **Waiver.** IPTV waives any and all claims and recourse against City, including the right of contribution for loss and damage to persons or property arising from or in any way connected with or incident to IPTV's recording of MPD officer or employee activity or interviews, or in any subsequent processing, publication, or reproduction thereof, except for liability arising out of concurrent or sole negligence of City or its officers, agents or employees.
- 7. **Discrimination prohibited.** In performing services pursuant to this MOA, IPTV shall not unlawfully discriminate in violation of any federal, state or local law, rule or regulation against any person on the basis of race, color, religion, sex, national origin or ancestry, age or disability.
- 8. **Entire agreement.** This MOA constitutes the entire understanding between the Parties. This MOA supersedes any and all statements, promises, or inducements made by either party, or agents of either party, whether oral or written, whether previous to the execution hereof or contemporaneous herewith. The terms of this MOA may not be enlarged, modified or altered except upon written agreement signed by both parties hereto.
- 9. **Heirs and assigns.** This MOA shall be binding upon the parties hereto, their heirs, successors, assigns, and personal representatives and references to IPTV and City shall include their respective heirs, successors, assigns, and personal representatives.
- 10. **Governing law.** This MOA shall be governed by the laws of the State of Idaho.
- 11. **Warranty of authority.** City specifically warrants that it is authorized to convey the permissions and releases granted hereunder on behalf of its employees insofar as such employees were acting within the scope of their employment, in an open and public location, when photographed by IPTV, and given such circumstances, City acknowledges on behalf of its employees that no claim may be brought against IPTV for libel or invasion of privacy.
- 12. **City Council approval required.** The validity of this MOA shall be expressly conditioned upon City Council action approving the MOA. Execution of this MOA by the persons referenced below prior to such ratification or approval shall not be construed as proof of validity in the absence of Meridian City Council approval.

Item #12.

	IN WITNESS WHEREOF, the parties hereto have executed this MOA on the day
of	, 2022.
IPTV	:
BY:	Jeff Tucker, General Manager Jeff Tucker, General Manager
CITY	OF MERIDIAN:
BY:	
	Robert E. Simison, Mayor
	Attact
	Attest:
	Chris Johnson
	City Clerk



AGENDA ITEM

ITEM **TOPIC:** Project Agreement Between City of Meridian with the Nampa and Meridian Irrigation District for Landscape Improvements at #12 and #12 West Ada St.

PROJECT AGREEMENT

This PROJECT AGREEMENT, made and entered into this ____ day of _____, 2022, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, party of the first party, hereinafter referred to as the "District," and

THE CITY OF MERIDIAN, a political subdivision and municipality of the State of Idaho,
33 East Broadway Avenue, Meridian, Idaho 83642

party or parties of the second part, hereinafter referred to as the "City,"

WITNESSETH:

WHEREAS, the parties hereto entered into a Master Agreement entered into March 18, 2014 and recorded as Instrument No. 114029168 in the records of Ada County, Idaho, hereinafter referred to as the "Master Agreement;" and,

WHEREAS, the District and the City intended by entering the Master Agreement to establish a process for the City's submission of encroachment proposals and the District's consideration of such proposals and to provide the general conditions for the District's approval and permission of encroachment proposals affecting the District's ditches, property, operations and maintenance; and,

WHEREAS, the City is the owner of the real property/ right of way/license (burdened with the easement of the District hereinafter mentioned) particularly described in the "Legal Description" attached hereto as Exhibit A and by this reference made a part hereof; and,

WHEREAS, the District controls the irrigation/drainage ditch or canal known as the RUTLEDGE LATERAL (hereinafter collectively referred to as "ditch or canal") together with the real property and/or easements to convey irrigation and drainage water, to operate and maintain the ditch or canal, and which crosses and intersects said described real property of the City as shown on Exhibit B attached hereto and by this reference made a part hereof; and,

WHEREAS, the City seeks permission to: 1) construct and install grass landscaping and sprinklers (specifically excluding trees) within the District's easement where the Rutledge Lateral crosses through the intersection of N. Meridian Road north of E. Ada Street in Meridian, Idaho, under the terms and conditions of said Master Agreement and those hereinafter set forth,

NOW, THEREFORE, for and in consideration of the premises and of the covenants, PROJECT AGREEMENT Page 1 of 5 agreements and conditions hereinafter set forth and those set forth in said Master Agreement, the parties hereto agree as follows:

- 1. City may: a) construct and install grass landscaping and sprinklers (specifically excluding trees) within the District's easement where the Rutledge Lateral crosses through the intersection of N. Meridian Road north of E. Ada Street in Meridian, Idaho, as shown in the attached project plans stated as Exhibit B-1.
- 2. Any construction or crossing of said ditch or canal shall be performed in accordance with the project plans shown in Exhibit B-1 and the "Special Conditions" stated in Exhibit C, attached hereto and by this reference made part thereof.
- 3. The parties hereto incorporate in and make part of this Project Agreement all the covenants, conditions, and agreements of said Master Agreement unchanged except as the result of the provisions of this Project Agreement.

The covenants, conditions and agreements herein contained and incorporated by reference shall constitute covenants to run with, and running with, all of the lands of the City described in said Exhibit A, and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

END OF TERMS - SEE FOLLOWING PAGES FOR SIGNATURES

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first hereunto duly authorized by resolution of its Board of Directors and the City has hereunto subscribed its corporate name to be subscribed and its seal to be affixed thereto, all as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

STATE OF IDAHO		
County of Canyon) ss:)	
On thisin and for said State, me to be the Presiden DISTRICT, the irriga	personally appeared Dona t and Secretary, respectiv	2022, before me, the undersigned, a Notary Public ald Barksdale and Michael Comeskey, known to rely, of NAMPA & MERIDIAN IRRIGATION I the foregoing instrument and acknowledged to me.
	WHEREOF, I have here ertificate first above writt	eunto set my hand and affixed my official seal, the ten.
		Notary Public for
		Notary Public for
STATE OF IDAHO County of		
On thisin and for said State.	_ day of, 2 personally appeared	2022, before me, the undersigned, a Notary Public and
known to me to be th The CITY OF MERI to me that such entity	e DIAN, the entity that exe executed the same.	2022, before me, the undersigned, a Notary Public and, respectively, of cuted the foregoing instrument and acknowledged
IN WITNESS day and year in this c	S WHEREOF, I have here ertificate first above written	cunto set my hand and affixed my official seal, the ten.
		Notary Public for,
		The state of the s

EXHIBIT A Legal Description

The City has a right-of-way and or license from the property owner to construct, install and maintain the improvements provided for in this Project Agreement and which are located at or near the intersection of N. Meridian Road, north of E. Ada Street in the SE1/4 of Section 12, Township 3 North, Range 1 West, B.M., Ada County, Idaho. A copy of the City's license is attached hereto as **Exhibit A-1** and by this reference incorporated herein.

EXHIBIT B Crossing Location

See Exhibit B-1 attached hereto.

EXHIBIT C Special Conditions

- a. Construction sprinklers and landscaping provided for in this Project Agreement shall be in the area generally shown in Exhibit B-1, attached hereto and by this reference made a part hereof. The Rutledge Lateral at this location is an open ditch and the City acknowledges that the District may, now and in the future, remove and deposit spoils along the banks of the Rutledge Lateral and on top of any landscaping installed pursuant to this Project Agreement.
- b. City shall notify the water superintendent of the District prior to and immediately after construction so that he or the District's engineers may inspect and approve the construction.
- c. City acknowledges that the District's easement for the Rutledge Lateral includes a sufficient area of land to convey irrigation and drainage water, to operate, clean, maintain and repair the Rutledge Lateral, and to access the Rutledge Lateral for those purposes, and that, in the location of the City's project, NMID claims a minimum easement dimension for the Rutledge Lateral of 45 feet, 25 feet to the left and 20 feet to the right of the centerline looking downstream.
- d. Construction authorized by this Agreement shall be completed within one year of the date of this Agreement. Time is of the essence.
- e. The duration of the permission granted by this Project Agreement shall be in perpetuity, for the life and maintenance of the encroachments including construction, operation, maintenance, repair and reconstruction.

END OF SPECIAL CONDITIONS

ADA COUNTY RECORDER Phil McGrane BOISE IDAHO Pgs=4 ANGIE STEELE CITY OF MERIDIAN, IDAHO

2022-021567 03/02/2022 09:22 AM NO FEE

LICENSE AGREEMENT FOR LANDSCAPE IMPROVEMENTS AND MAINTENANCE

This LICENSE AGREEMENT FOR LANDSCAPE MAINTENANCE ("Agreement") is made effective this 31 day of December, 2021 ("Effective Date"), by and between the City of Meridian, a municipal corporation organized under the laws of the State of Idaho ("Licensee") whose address is 33 E. Broadway, Meridian, Idaho 83642, and Concept Investments, LLP, a limited liability partnership organized under the laws of the State of Idaho ("Licensor") whose mailing address is P.O. Box 6404, Boise, Idaho 83707-6404. Licensee and Licensor may be collectively referred to as "Parties."

WHEREAS, Licensor owns Ada County parcel nos. R1039000247 and R1039000260 (the "Subject Parcels" or "Licensed Premises"), located at 12 E. Ada and 20 E. Ada Street in Meridian, Idaho, which are strips of land that abut Northbound and Southbound Meridian road, part of the "split connector" roadway project;

WHEREAS, the Subject Parcels are adjacent to properties owned by the Ada County Highway District and the Nampa Meridian Irrigation district, said parcels having been landscaped with a mix of turf, shrubs, natural grasses, and trees;

WHEREAS, the Subject Parcels are not currently landscaped and Licensor has no immediate plans to develop the Subject Parcels;

WHEREAS, Licensee desires to install landscaping and maintain the Subject Parcels on behalf of the citizens of Meridian to provide a visually pleasing open space until such time as Licensee desires to develop the Subject Parcels;

WHEREAS, it is mutually beneficial for both Parties for Licensee to assume responsibility for landscaping and maintaining the Subject Parcels;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- 1. Grant of license. Licensor hereby grants to Licensee, as grantee, a non-exclusive license on, over, across, under, and through the Licensed Premises, for the limited purposes of installation and maintenance of landscaping, to including turf, shrubs, natural grasses, and trees at Licensee's discretion for use as landscaped open space.
- 2. Term and termination. This Agreement shall be in effect for an Initial Term beginning on the Effective Date ending on September 30, 2031. After the Initial Term, this agreement will automatically renew for successive one-year extension terms, unless terminated by either party upon 90-day notice prior to the end of the current extension term. Licensor may terminate this agreement at any time upon receiving conditional development approval for a site development application

PAGE 1 OF 3 Page 134

from the City of Meridian for the Subject Parcel(s). Licensor shall provide Licensee at least ninety (90) days' written notice of Licensor's intent to develop the property. Licensee's obligation to maintain the Licensed Premises is subject to annual budget appropriations by the City of Meridian.

- 3. Maintenance. Licensee shall maintain the landscaping on the Licensed Premises in good condition and repair, and as may be needed to satisfy applicable laws, policies, and reasonable discretion of Licensor, and sound landscape maintenance practices.
- 4. Damage or destruction. In the event that the landscaping on the Licensed Premises is damaged or destroyed, in whole or in part, Licensee may restore or replace the landscaping, subject to availability of sufficient funds.
- 5. Water. Licensee shall pay for the provision of and continued use of water to the Licensed Premises, if any.
- 6. Insurance to be obtained by Licensee. Licensee shall obtain all necessary property and other insurance as may be required in order to protect its insurable interests for its rights and obligations described within this Agreement. Insurance of Licensor's insurable interests shall be the sole responsibility of Licensor.
- 7. Binding on Successors. This Agreement shall be binding on the successors, administrators, executors and assigns of all parties hereto, and shall run with the land.
- 8. Hold harmless. Licensee agrees to hold the Licensor, its successors, assigns, and agents harmless from any and all claims, liability, losses, costs, charges, or expense that arise from Licensee's use or use by its employees, licensees, agents, invitees, or representatives, of the Licensed Premises pursuant to the license granted hereby.
- 9. Remedies. In the event of a breach hereunder by either party, the non-breaching party shall have all remedies available at law or in equity, including the availability of injunctive relief. In any suit, action or appeal therefrom to enforce or interpret this Agreement, the prevailing party shall be entitled to recover its costs incurred therein, including reasonable attorneys' fees.
- 10. Assignment. Neither party shall sell, transfer, or assign its interest in this Agreement without first providing written notice to the other party.
- 11. Obstructions. Neither Licensor nor Licensee shall install or permit any fence, sign, or other barrier within or across the Licensed Premises. However, the foregoing shall not prohibit the installation of temporary barricades reasonably necessary for security and/or safety purposes in connection with repair or maintenance of the Licensed Premises, so long as such work is conducted in the most expeditious manner reasonably possible.
- 12. Notices. All notices, demands and requests required or desired to be given under this Agreement must be in writing and shall be deemed to have been given as of the date such writing is mailed, via U.S. Mail, prepaid and addressed to the respective Party's current registered agent as enumerated in the records of the Idaho Secretary of State.

- 13. Entire agreement. This Agreement constitutes the entire understanding between the Parties. This Agreement supersedes any and all statements, promises, or inducements made by either party, or agents of either party, whether oral or written, and whether previous to the execution hereof or contemporaneous herewith. The terms of this Agreement may not be enlarged, modified or altered except upon written agreement signed by both parties hereto.
- 14. Agreement governed by Idaho law. The laws of the State of Idaho shall govern the validity, interpretation, performance and enforcement of this Agreement. Venue shall be in the courts of Ada County, Idaho.
- 15. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remainder of this Agreement shall not be affected.
- 16. Warranty of authority. The person executing this Agreement on behalf of Licensor represents and warrants due authorization to do so on behalf of Licensor, and that upon execution on behalf of Licensor, the same is binding upon, and shall inure to the benefit of, Licensor.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed the day and year first written above.

END OF TEXT. SIGNATURES ON NEXT PAGE.

LICENSE AGREEMENT PAGE 3 OF 3

LICENSOR:	
Concept Investments, LLP	WHEL MILL
Lith Josh	NOTARY OF THE PROPERTY OF THE
By: Clinton Tate , Pe	artner OF OF ORIGINAL
STATE OF IDAHO)	
COUNTY OF ADA) On this 28 day of February.	2022, before me, Rachel Myers, a Notary aton Tate, known or identified to me to be
the person who executed the instrument on bel	alf of Concept Investments, LLP, and acknowledged to me
that such LLP executed the same.	and or convert in comments, 221, and addition to age to me
	eunto set my hand and affixed my official seal the day and year
in this certificate first above written.	and the second s
	Richel, Misers
	Notary Public for Idaho
	Residing at namoa, Idaho
	My commission expires October 10, 2023
LICENSEE:	
City of Meridian	ATTEST:
61 -	A Caland
(ANN) C	M ERIDIANA-
Dalant E Cincins Marson 2 1 2022	Chris Johnson, City Clerk 1-2022
Robert E. Simison, Mayor 3-1-2022	Chris Johnson, City Clerk
STATE OF IDAHO))ss.	· ·
COUNTY OF ADA)	
On this 1st day of March	before me, the undersigned, a Notary Public
	ert E. Simison and Chris Johnson, known to me to be the
	of Meridian, Idaho, and who executed the within instrument,
and acknowledged to me that the City of Meric	
	eunto set my hand and affixed my official seal the day and
year first above written.	Charlene Way
	Notary Public for Idaho Residing at Meridian, Idaho
CHARLENE WAY	6
COMMISSION # 67390 NOTARY PUBLIC	My commission expires
STATE OF IDAHO	







AGENDA ITEM

ITEM **TOPIC:** Mayor's Office: Net-Zero Budget Amendment in the Amount of \$13,150.00 Capturing Donated Revenues from Local Business Sponsors for the Support of Mayor's Youth Advisory Council (MYAC) Programs Including Treasure Valley Youth Safety Summit, MYAC Kick-Off, etc. and Do The Right Program Needs

3/8/2022 2:31 PM

City of Meridian FY2022 Budget Amendment Form

Personnel Costs Full Time Equivalent (FTE):											0			
Fund#	Dept.#	G/L#	Proj.#	G/L# Description		Total		(MERIDIA))IAN *	
01	1313	41200	0	Wages								11 II I		
01	1313	41206	0	PT/Seasonal Wages								IDAHO		
01	1313	41210	0	Overtime					Please only complete the fields					
01	1313	41304	0	Uniform Allowance				hi	ghlig	ghted in Oran	ge.			
01	1313	42021	0	FICA	\$	-						Ame	ndment Details	
01	1313	42022	0	PERSI	\$	-	l	Title:		Spo	nsorship: Do th	e Right	: & MYAC	
01	1313	42023	0	Worker's Comp	\$	-	l				ment Name:		layor's Office	
01	1313	42025	0	Employee Insurance	\$	-	l	Pr	ese	nting Depart	ment Name:	N	layor's Office	
Total Personnel Costs \$ - Department #: 1313														
Operating Expenditures Primary Funding Source: 1														
Fund#	Dept.#	G/L#	Proj.#	G/L# Description	0	ne-Time	С	n-Going		Total	Trimary rank		CIP#:	
01	1313	52710	0	Community Events Expenses	\$	10,000			\$	10,000		Proje	ect #:	
01	1313	57101	0	Business Meals	\$	150			\$	150				
01	1310	52710	0	Community Events Expenses	\$	3,000	_		\$	3,000		_	ency? ☐ Yes ☑ No	
01	1313		0				_		\$	-	New Lev	el of Ser	vice? ☐ Yes ☑ No	
01	1313		0				<u> </u>		\$	-				
01	1313		0				<u> </u>		\$	-	Cle	erks Offi	ce Stamp	
01	1313		0				\vdash		\$	-				
01	1313		0				<u> </u>		\$	-				
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-	1313		0				\vdash		\$	-				
01 01	1313		0				\vdash		\$					
01	1313		U	Total Operating Expenditures	ć	13,150	Ļ	Date of Council Approval						
Capital 0	utlav			Total Operating Expenditures	Ť	13,130	Ť		<u> </u>	13,130				
Fund#	Dept.#	G/L#	Proj.#	G/L# Description		Total		Acknowl	edg	gement			Date	
01	1313		0											
01	1310		0					David	Μi	les			3/2/2022	
01	1313		0					Departme	ent	Director				
01	1313		0								REVIEW			DD 0/40/00
01	1313		0								By Todd L	.avoie at	t 8:55 am, Mar 11, 2022	BP 3/10/22
01	1313		0				i	Chief Fin	anci	al Officer				
				Total Capital Outlay	\$	-		_						
Revenue	/Donations	;						Appro\	/ec	d Brad F	loaglun 8:	<u>50ar</u> r	n 3/12/2022	
Fund#	Dept.#	G/L#	Proj.#	G/L# Description		Total		Council	iaisc	on /	,			
01	1313	34800	0	Donated Revenue (ICCU)	\$	10,000	ı	(15		- 9	_		3-15-22	
01	1313	34800	0	Donated Revenue (ICCU)	\$	3,000			W				J-1J-ZZ	
01	1313	34800	0	Donated Revenue (CapEd)	\$	150		Mayor	•)			
				Total Revenue/Donations	\$	13,150								
								Total A	Am	endmen	t Request	\$	-	

Page 266

3/8/2022 2:31 PM

City of Meridian FY2022 Budget Amendment Form

Total Amendment Cost - Lifetime

i otai mi	Total Americanient Gost Energine														
	Prior Year(s)	Fiscal Year	F	iscal Year		Fiscal Year	Fis	Fiscal Year Fiscal Year			Department Name:	Mayor's Office			
	Funding	2022		2023		2024		2025 2026		Title:	Title: Sponsorship: Do the Right & MYAC				
Personnel		\$ -	\$	-	\$	-	\$	-	\$	-	Instructions for Submitting Budget Amendments:				
Operating		\$ 13,150	\$	-	\$	-	\$	-	\$	-	> Department will send Amendment with Directors signature to Finance (Budget Analyst) for review				
Capital		\$ -									➤ Finance will send Amendment to Council Liaison for signature				
Total	\$ -	\$ 13,150	\$	-	\$	-	\$	-	\$	-	> Council Liaison will send signed Amendment to Mayor				
Total Estimated Project Cost: \$ 13,15								13,150	► Mayor will send signed Amendment to Finance (Budget Analyst)						
Evaluati	on Question	ıs								•) will send approved copy of Amendmen			

Evaluation Questions

Please answer all Evaluation Questions using the financial data referenced above.

1. Describe what is being requested?

This is a net-zero budget amendment accepting donated revenue from ICCU and CapEd for MYAC program related expenses and Do The Right related expenses. ICCU donated \$10,000 for MYAC programs for various upcoming events including Treasure Valley Youth Safety Summit, MYAC Kick Off, and others. ICCU also donated \$3,000 for upcoming Do The Right related expenses. CapEd also donated \$150 for MYAC program related expenses specifically event related business meal expenses.

2. Why was this budget request not submitted during the current fiscal year budget cycle?

MYAC activities and events are based primarily on donated revenue that is raised in the given fiscal year. In this case, these funds were donated during the current (FY22) budget year for FY22 program needs.

3. What is the explanation for not submitting this budget request during the next fiscal year budget cycle?

See #2 above.

4. Describe the proposed method of funding? If funding is split between Funds (i.e. .General ,Enterprise, Grant), please include the percentage split. List the amounts and sources of anticipated additional revenue that will result from approval of this request.

Donated revenue used to cover funding needs.

5. Does this request align with the Department/City's strategic plan? If not, please explain how this request was not included in the Department/City strategic plan?

Yes - youth and community engagement and programs.

6. Does this request require resources to be provided by other departments? If yes, please describe the necessary resources to be provided by other departments.

No.

7. Does this Amendment include any needed Equipment or Software that will utilize the City's network? (Yes or No)

No.

> Department will add copy of Amendment to Council Agenda using Novus Agenda Manager

8. Is the amendment going to result in the disposal of an asset? (Yes or No)

No.

9. Any additional comments?

N/A

\$13.500 Received RCPT22-0045 and RCPT22-0051

Total Amendment Request \$

Every effort should be made to avoid reopening the budget for an amendment. Departments will need to provide back up and appear before the City Council to justify budget amendments. Budget amendments are intended for emergency or mandatory changes to the original balanced budget. Changes to the original balanced budget may cause a funding shortfall.

Page 267



ITEM **TOPIC:** City of Meridian February 2022 Financial Report

CITY of MERIDIAN FINANCE REPORT

February 2022 - FY22

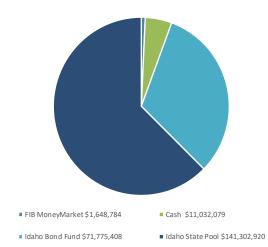
Report	PAGE #
Investment Graphs	2
Fund Balance	3



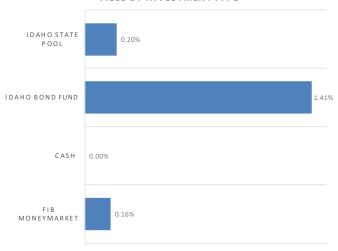
FINANCE REPORT February 2022 - FY22

MERIDIAN*

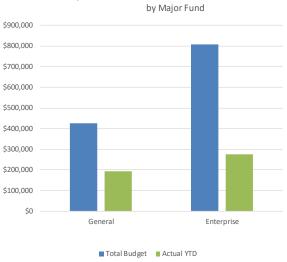
City of Meridian Investment Portfolio



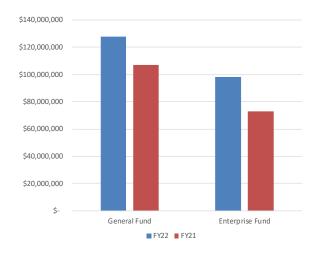
CITY OF MERIDIAN INVESTMENT PORTFOLIO YIELD BY INVESTMENTTYPE



City of Meridian Interest/Investment Income



City of Meridian Cash/Investments Balance by Major Fund



FINANCE REPORT

February 2022 - FY22



GENERAL FUND BALANCE ALLOCATIONS



ENTERPRISE FUND BALANCE ALLOCATIONS





AGENDA ITEM

ITEM **TOPIC:** Police Department: Fiscal Year 2022 Budget Amendment in the Amount of \$39,701.00 for Transition of the Current Part-Time Anti-Drug Coordinator Position to a Full-Time Position



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Police Department Meeting Date: March 15, 2022

Presenter: Chief Tracy Basterrechea **Estimated Time:** 15 Minutes

Topic: Police Department: Request to Transition the Part-Time Anti-Drug Coordinator

Position to a Full-Tim Position

Recommended Council Action:

Approval

Background:



Anti-Drug Coalition Coordinator: Part-time to Full-time

The fulltime Substance Abuse Prevention Coordinator and part-time Anti-drug Coordinator have been working at capacity limiting new opportunities and increased expansion of prevention programming to Meridian community members, especially the youth in our community.

Growth Comparison:

Growth Category	2015	2019 (pre COVID)	2021 (COVID)	
Average number of active MADC members	15+	30+	30+	
MADC community partners	20+	40+	40+	
Prevention education at events annually	30+	70+	60+	
Email distribution subscribers	100+	400+	350+	
Community members reached	Not tracked	21,000+	*5,000+	

^{*}Prevention education shifted from in-person to online, impacting tracking rates for community members reached.

Efficiencies: while the coalition has grown substantially over the last five years, further expansion of prevention outreach and programming has plateaued due to staff constraints. If this position became fulltime, one of our top priorities would be increasing prevention education to youth through our longtime partnership with West Ada School District. In addition, we would expand our local and state partnerships accepting invitations to serve on workgroups and collaborate on expanding prevention programming.

Communication: our substance abuse prevention education and resource referrals are done through a variety of communication methods. With the addition of a fulltime position we could increase:

- Prevention communications throughout the City, State and Police Department
- Prevention education in collaboration with community partners
- Social media

Recruitment: making this position fulltime would help attract candidates who are more likely to remain in the position for an extended amount of time (long-term cost savings benefit to the City) and come to the City with a broader set of prevention knowledge and skills to build upon.

3/10/2022 12:19 PM

City of Meridian FY2022 Budget Amendment Form

Personn	el Costs			Full Time Equivalent (FTE):		0.5		0 _		
Fund#	Dept.#	G/L#	Proj.#	G/L# Description		Total		AA ERII	DIAN	
01	2110	41200	0	Wages	\$	20,384		, A L DIVI	10040 7	
01	2110	41206	0	PT/Seasonal Wages					IDAHO	
01	2110	41210	0	Overtime			Please only complete t			
01	2110	41304	0	Uniform Allowance			highlighted in Ora	nge.		
01	2110	42021	0	FICA	\$	1,559			endment Details	
01	2110	42022	0	PERSI	\$	2,434		ug Coalition Coordinat	or to Full Time	
01	2110	42023	0	Worker's Comp	\$	711		rtment Name:	Police	
01	2110	42025	0	Employee Insurance	\$	14,612	Presenting Depar	rtment Name:	Police	
Total Personnel Costs \$ 39,701 Department #: 2110										
-	ıg Expendit							Primary Funding Sc	ource: 1	
Fund#	Dept.#	G/L#	Proj.#	G/L# Description	0	ne-Time	On-Going Total		CIP#:	
01	2110		0				\$ -	Proj	ect #:	
01	2110		0				\$ -			
01	2110		0				\$ -		gency? Yes No	
01	2110		0				\$ -	New Level of Se	rvice? Yes No	
01	2110		0				\$ -			
01	2110		0		-		\$ -	Cierks Off	fice Stamp	
01	2110		0				\$ -	Silker Flagring		
01	2110 2110		0		-		\$ - \$ -			
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01	2110		0		+		\$ -			
01	2110		0				\$ -			
01	2110		0		1		\$ -			
				Total Operating Expenditures	\$	-	\$ - \$ -	Date of Council App	roval	
Capital (Outlav									
Fund#	Dept.#	G/L#	Proj.#	G/L# Description		Total	Acknowledgement		Date	
01	2110		0				1 7	1 1	03/10/22	
01	2110		0				hour L. D.	aleneure	- 03/10/22	
01	2110		0				Department Director		3.10.22 38	
01	2110		0		 				3.10.17 38	3/10/22
01	2110		0						3.10.ZZ	1,100
01	2110		0				Chief Financial Officer			
				Total Capital Outlay	<u> </u>	-		144.00	00/4//0000	
Revenue	e/Donations						Approved Treg E	sernt 11:32 pm	03/14/2022	
Fund#	Dept.#	G/L#	Proj.#	G/L# Description		Total	Council liaison			
01	2110		0				There ?		3-15-22	
01	2110	1	0				11/100 /		0-10-22	
01	2110	The state of the s	0				Mayor			
				Total Revenue/Donations	\$_\$	-				
							Total Amendmer	nt Request \$	39,701	

Item #16.

3/10/2022 12:19 PM

City of Meridian FY2022 Budget Amendment Form

	Prior Year(s)	Fiscal Yea	F	iscal Year		Fiscal Year		cal Year	F	Fiscal Year		Department Name:	Police
	Funding	2022		2023	_	2024		2025	_	2026	Title:	Anti Drug Coalition Coording tting Budget Amendments:	nator to Full Time
Personnel Operating		\$ 39,70	1 \$	39,701	\$ \$	39,701	\$ \$	39,701	\$	39,701		nendment with Directors signature to Fin	anna (Dudant tucket) for and
Capital		\$ -	٠		,		J		٠	er afterior		lment to Council Lialson for signature	ance (Budget Analyst) for revie
Total	\$ -	\$ 39,70	1 \$	39,701	\$	39,701	\$	39,701	\$	39,701		signed Amendment to Mayor	
						Total Estimate	d Pro	ject Cost:	\$	198,503		mendment to Finance (Budget Analyst)	
Evaluati	on Question	ns										will send approved copy of Amendment	to Department
Please ans	wer all Evaluation	on Questions	usin	g the financ	ial d	ata referenced al	oove.					y of Amendment to Council Agenda using	•
1. Describ	ne what is being	requested?										, <u>, , , , , , , , , , , , , , , , , , </u>	g
Spirit in the name of the party of			mak	o the part	timo	anit-drug coalitie	on coc	ordinator	noci	ition into a f	full time position. By	doing so, this will allow us to	avnand avr
									-			and our local and state partn	•
						anding preventio				idility. III add	artion, we would exp	and our local and state partir	erships accepting
-	the same of the last of the la	-	-				-	-	-	-			
2. Why w	as this budget i	request not s	ubmi	tted during	the	current fiscal yea	r bud	lget cycle	?			- MAYMINI - TO A MODELLA CONTRACTOR	ATTENDED OF THE PROPERTY OF TH
Discussion	ns have been or	ngoing and a	final	decision by	city	leadership was n	ot rea	ached unt	il la	st month.			
									_				
3. What i	s the explanation	on for not su	mitt	ing this bud	lget i	request during th	e nex	t fiscal ye	ar b	oudget cycle	?		
											tion. Continued delar lue to staffing constr	y will further negatively impa aints.	ct our prevention
						s split between Fu			eral ,	,Enterprise,	Grant), please includ	le the percentage split. List t	he amounts and
General F					-								
5. Does th	nis request align	with the De	partn	nent/City's	strat	tegic plan? If not,	pleas	se explain	hov	w this reque	st was not included i	n the Department/City strate	egic plan?
Yes.													
6. Does t	his request requ	uire resource	s to b	e provided	by c	ther department	s? If	yes, pleas	e de	escribe the r	necessary resources t	to be provided by other depa	rtments.
No. Exisit	ng equipment a	and resource	alre	ady in plac	e fro	m the part-time p	ositio	on.					
7. Does th	nis Amendment	include any	need	ed Equipme	ent o	r Software that w	/ill uti	lize the Ci	ity's	network? (\	es or No)	No]
8. Is the a	mendment goir	ng to result i	the	disposal of	an a	sset? (Yes or No)						No	
9. Any ad	ditional comme	nts?											-10
						s who are more li n knowledge and					for an extended amo	ount of time (long-term cost s	avings benefit to the

Total Amendment Request \$ 39,701

Every effort should be made to avoid reopening the budget for an amendment. Departments will need to provide back up and appear before the City Council to justify budget amendments.

Budget amendments are intended for emergency or mandatory changes to the original balanced budget. Changes to the original balanced budget may cause a funding shortfall.

Page 276



AGENDA ITEM

ITEM **TOPIC:** Parks and Recreation Department: Fiscal Year 2022 Budget Amendment for a Not-to-Exceed Amount of \$2,098,000.00 for Lakeview Golf Course Improvements



Mayor Robert E. Simison

City Council Members:

Treg Bernt Joe Borton Luke Cavener Brad Hoaglun Jessica Perreault Liz Strader

MEMORANDUM

TO: Mayor Simison and City Council

FROM: Mike Barton, Parks Superintendent

DATE: March 14, 2022

RE: Lakeview Golf Course Improvements – Budget Amendment

Background:

On March 8, 2022, we discussed the Lakeview Golf Course bid results with Council. The discussion was centered around three options for improvements. Council directed us to move forward with Option 1, the entire 18-hole irrigation system replacement, all alternates, including concrete cart paths, and an allowance for several incidental costs. Council directed us to come back with a budget amendment of \$2,098,000 to add enough funding to our existing budget to complete these improvements.

Action:

Approve a budget amendment of \$2,098,000 for the aforementioned improvements at Lakeview Golf Course.

3/9/2022 10:52 AM

City of Meridian FY2022 Budget Amendment Form

Personn	el Costs			Full Time Equivalent (FTE):						
Fund#	Dept.#	G/L#	Proj.#	G/L# Description	Total	(X/ FRIDIAN L					
01	5300	41200	0	Wages) Y L DI (IDII II)			
01	5300	41206	0	PT/Seasonal Wages				IDAHO			
01	5300	41210	0	Overtime		Please only complete the fields highlighted		elds highlighted			
01	5300	41304	0	Uniform Allowance			in Orange.				
01	5300	42021	0	FICA	\$ -			Amendment Details			
01	5300	42022	0	PERSI	\$ -	Title:	Lakevie	iew Golf Course Capital Improvements			
01	5300	42023	0	Worker's Comp	\$ -			rtment Name: Parks and Recreation			
01	5300	42025	0	Employee Insurance	\$ -	Pi	resenting Depa	artment Name: Parks and Recreation			
		•		Total Personnel Cost	ts \$ -	_		Department #: 5300			
Operation	ng Expenditi	ures				•		Primary Funding Source: 1			
Fund#	Dept.#	G/L#	Proj.#	G/L# Description	One-Time	On-Going	Total	CIP#:			
01	5300	1	0	G, Eli Description	One rime	On Comb	\$ -	Project #:			
01	5300		0				\$ -	Troject #.			
01	5300		0				\$ -	Is this for an Emergency? Yes V No			
01	5300		0				\$ -	New Level of Service? ☐ Yes ☑ No			
01	5300		0				\$ -				
01	5300		0				\$ -	Clerks Office Stamp			
01	5300		0				\$ -				
01	5300		0				\$ -				
01	5300		0				\$ -				
01	5300		0				\$ -				
01	5300		0				\$ -				
01	5300		0				\$ -				
01	5300		0				\$ -	Date of Council Approval			
				Total Operating Expenditure	es <u>\$</u> -	\$ -	\$ -	, , , , , , , , , , , , , , , , , , , ,			
Capital (Outlay										
Fund#	Dept.#	G/L#	Proj.#	G/L# Description	Total	Acknowl	edgement	Date			
01	5300	93408	0	Golf Course Improvements	\$ 2,098,000	St	5.	ddoway 3/9/22			
01	5300		0			$\mathcal{O}\mathcal{U}$	we sa	220 Way 319122			
01	5300		0			Departme	ent Director				
01	5300		0					REVIEWED By Todd Lavoie at 11:21 am, Mar 15, 2022 RP 3/9/2022			
01	5300		0					By Todd Lavoie at 11:21 am, Mar 15, 2022 BP 3/9/2022			
01	5300		0			Chief Fin	ancial Officer				
				Total Capital Outla	y \$ 2,098,000			0 00 0140/0000			
Revenue	/Donations	;				Appro	oved Luke	e Cavener 8:35 am 3/16/2022			
Fund#	Dept.#	G/L#	Proj.#	G/L# Description	Total	Council	ialison /				
01	5300		0			1	19	3-16-22			
01	5300		0				New /	3-10-22			
01	5300		0			Mayor					
				Total Revenue/Donation	s \$ -	-,					
						Total	Amendmer	nt Request \$ 2,098,000			

Total Amendment Cost - Lifetime

Page 279

Item #18.

3/9/2022 10:52 AM

City of Meridian FY2022 Budget Amendment Form

	Prior Year(s)	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	De	epartment Name:	Parks and Recreation		
	Funding	2022	2023	2024	2025	2026	Title: Lak	eview Golf Course C	apital Improvements		
Personnel	·	\$ -	\$ -	\$ -	- \$ -	\$ -	Instructions for Submitting	Budget Amendments:			
Operating		\$ -	\$ -	\$ -	- \$ -	\$ -	> Department will send Amendme	ent with Directors signature t	to Finance (Budget Analyst) for review		
Capital		\$ 2,098,000					➤ Finance will send Amendment t	o Council Liaison for signatur	e		
Total	\$ -	\$ 2,098,000	\$ -	\$ -	- \$ -	\$ -	➤ Council Liaison will send signed	Amendment to Mayor			
Total Estimated Project Cost: \$ 2,098,000 → Mayor will send signed Amendment to Finance (Budget Analyst)											
Evaluati	Evaluation Questions Finance (Budget Analyst) will send approved copy of Amendment to Department										
Please answer all Evaluation Questions using the financial data referenced above. > Department will add copy of Amendment to Council Agenda using Novus Agenda Manager									•		
4 D	and the second										
	oe what is being										
			unding needed	to contract for the	e replacement of t	the irrigation sys	stem, pressurized irrigation	n pumping system an	d concrete cart paths as		
discussed	with council on	3-8-22.									
2 14/6	oo thio budaat s		maitte a di divisio a	the comment fines.	room brindensk strolo?	1					
	2. Why was this budget request not submitted during the current fiscal year budget cycle?										
The full so	cope of the proje	ect was unknov	vn at that time	е.							
3. What i	s the explanatio	n for not subm	itting this bud	get request during	the next fiscal yea	ar budget cycle?					
It's more	cost effective ar	d less disrupti	ve to the golf o	operation to contra	ct for the entire a	mount at one ti	me. This will save future m	nobilization costs and	minimize our exposure to		
future cos	st escalation.										
4 Describ	- 41		-112 If f1	to a to a alteriore.	. F	nal Entanguisa (2				
			•	ing is split between approval of this re	•	rai ,Enterprise, (Frant), please include the	percentage split. List	t the amounts and sources		
or arrucipa	ateu auuitionai i	evenue that w	ill result from	approvar or triis re	quest.						
General F	und										
5. Does th	is request align	with the Depa	rtment/City's	strategic plan? If n	ot, please explain	how this reques	st was not included in the	Department/City stra	ategic plan?		
Yes.											
6. Does t	his request requ	ire resources t	o be provided	by other departme	ents? If yes, please	e describe the n	ecessary resources to be p	provided by other de	partments.		
No.			· ·								
140.											
7. Does th	is Amendment	include any ne	eded Fauipme	nt or Software tha	t will utilize the Cit	tv's network? (Y	es or No)	No.			
				an asset? (Yes or N		e, o necwork: (1		No.			
o. is tile a	menument gon	5 to result III ti	ic disposal of	an asset: (165 01 1V	υ _j			INU.			

Total Amendment Request \$ 2,098,000

Every effort should be made to avoid reopening the budget for an amendment. Departments will need to provide back up and appear before the City Council to justify budget amendments.

Budget amendments are intended for emergency or mandatory changes to the original balanced budget. Changes to the original balanced budget may cause a funding shortfall.

FY22 Approved Budget = \$2,690,467 FY22 Budget Amendment = \$2,098,000 Total Needs = \$4,788,467

Page 280

9. Any additional comments?



AGENDA ITEM

ITEM **TOPIC:** Construction Contract Between the City of Meridian and Lexicon, Inc. dba Heritage Links for Public Works Construction of Lakeview Golf Course Irrigation and Cart Path Improvements in the Not-To-Exceed Amount of \$4,379,150.00



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Keith Watts **Meeting Date:** 3/22/2022

Presenter: Mike Barton & Keith Watts **Estimated Time:** 5 Minutes

Topic: Approval of bid and Construction Contract for the Not-To-Exceed amount of

\$4,379,150

Recommended Council Action:

Approve award of bid and contract to Heritage Links for the Lakeview Golf Course Irrigation and Cart Path Improvements project for the Not-To-Exceed amount of \$4,379,150.00 and authorize the Procurement Manager to sign the contract and resulting purchase order.

Background:

The bid was live on the City's website for 35 days and sent directly to 5 golf course contractors. The bid was downloaded by 49 different contractors and plan rooms. We received 5 letters of intent to bid. The City only received one bid. The single bid came in at 99.5% of the project estimate.

CONTRACT FOR PUBLIC WORKS CONSTRUCTION LAKEVIEW GOLF COURSE IRIGATION & CART PATH IMPROVEMENTS PROJECT # 11236.C

THIS CONTRACT FOR PUBLIC WORKS CONSTRUCTION is made this 22nd day of March, 2022, and entered into by and between the City of Meridian, a municipal corporation organized under the laws of the State of Idaho, hereinafter referred to as "CITY", 33 East Broadway Avenue, Meridian, Idaho 83642, and Lexicon, Inc. d/b/a Heritage Links, a corporation organized under the laws of the State of Arkansas, hereinafter referred to as "CONTRACTOR", whose business address is 6707 Cypress Creek Parkway, Houston, Texas 77069 and whose Public Works Contractor License # is C-055700.

INTRODUCTION

Whereas, the City has a need for services involving Golf Course Construction; and

WHEREAS, the Contractor is specially trained, experienced and competent to perform and has agreed to provide such services;

NOW, THEREFORE, in consideration of the mutual promises, covenants, terms and conditions hereinafter contained, the parties agree as follows:

TERMS AND CONDITIONS

1. Scope of Work:

- 1.1 CONTRACTOR shall perform and furnish to the City upon execution of this Contract and receipt of the City's written notice to proceed, all services and work, and comply in all material respects, as specified in the document titled "Scope of Work" acopy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, together with any amendments that may be agreed to in writing by theparties.
- 1.2 All documents, drawings and written work product prepared or produced by the Contractor under this Agreement, including without limitation electronic data files, are the property of the Contractor; provided, however, the City shall have the right to reproduce, publish and use all such work, or any part thereof, in any manner and for any purposes whatsoever and to authorize others to do so. If any such work is copyrightable, the Contractor may copyright the same, except that, as to any work which is copyrighted by the Contractor, the City reserves a royalty-free, non-exclusive, non-transferable, and irrevocable license to reproduce, publish and use such work, orany part thereof, and to authorize others to do so.

- 1.3 The Contractor shall provide services and work under this Agreement consistent with the requirements and standards established by applicable federal, state and city laws, ordinances, regulations and resolutions and that are in effect at the time of performance of this Agreement. The Contractor represents and warrants that it will perform its work in accordance with generallyaccepted industry standards and practices for the profession or professions that are used in performance of this Agreement and that are in effect at the time of performance of this Agreement. Except for that representation and any representations made or contained in any proposal submitted by the Contractor and any reports or opinions prepared or issued as part of the work performed bythe Contractor under this Agreement, Contractor makes no other warranties, eitherexpress or implied, as part of this Agreement.
- 1.4 Services and work provided by the Contractor at the City's request under this Agreement will be performed in a timely manner in accordance with a Schedule of Work, which the parties hereto shall agree to. The Schedule of Work may be revised from time to time upon mutual written consent of the parties.

2. Consideration

- 2.1 The Contractor shall be compensated on a Not-To-Exceed basis (except as provided herein) as provided in Exhibit B "Payment Schedule" attached hereto and by reference made a part hereof for the Not-To-Exceed amount of **\$4,379,150.00**.
- 2.2 The Contractor shall provide the City with a monthly statement and supporting invoices, as the work warrants, of fees earned and costs incurred for services provided during the billing period, which the City will pay within 30 days of receipt of a correct invoice and approval by the City. The City will not withhold any Federal or State income taxes or Social Security Tax from any payment made by City to Contractor under the terms and conditions of this Agreement. Payment of all taxes and other assessments on such sums is the sole responsibility of Contractor.
- 2.3 Except as expressly provided in this Agreement, Contractor shall not be entitled to receive from the City any additional consideration, compensation, salary, wages, or other type of remuneration for services rendered under this Agreement including, but not limited to, meals, lodging, transportation, drawings, renderings or mockups. Specifically, Contractor shall not be entitled by virtue of this Agreement to consideration in the form of overtime, health insurance benefits, retirement benefits, paid holidays or other paid leaves of absence of any type or kind whatsoever.

3. Term:

3.1 This agreement shall become effective upon execution by both parties, and shall expire upon (a) completion of the agreed upon work, (b) or unless sooner

terminated as provided in Sections 3.2, 3.3, and Section 4 below or unless some other method or time of termination is listed in Exhibit A.

- 3.2 Should Contractor default in the performance of this Agreement or materially breach any of its provisions, City, at City's option, may terminate this Agreement by giving written notification to Contractor.
- 3.3 Should City fail to pay Contractor all or any part of the compensation set forth in Exhibit B of this Agreement on the date due, Contractor, at the Contractor's option, may suspend its performance of the work or terminate this Agreement if the failure is not remedied by the City within ten (10) days from the date payment is due.

4. Termination:

4.1 If, through any cause not caused by the CITY, CONTRACTOR, its officers, employees, or agents fails to fulfill in a timely and proper manner its obligations under this Agreement, violatesany of the covenants, agreements, or stipulations of this Agreement, falsifies anyrecord or document required to be prepared under this agreement, or engages in fraud, dishonesty, or any other act of misconduct in the performance of this contract, or if the City Council determines that termination of this Agreement is inthe best interest of CITY, the CITY shall thereupon have the right to terminate this Agreement by giving written notice to CONTRACTOR of such termination and specifying the effective date thereof at least fifteen (15) days before the effectivedate of such termination, provided that such termination shall not be effective if CONTRACTOR cures the reason therefor within such fifteen (15) day period. CONTRACTOR may terminate this agreement at any time by giving at least sixty (60) days notice to CITY.

In the event of any termination of this Agreement, all finished or unfinished documents, data, and reports prepared by CONTRACTOR under this Agreement shall, at the option of the CITY, become its property, and CONTRACTOR shall be entitled to receive just and equitable compensation for any work satisfactorily complete hereunder plus, in the event of a termination by the CITY for any reason other than an uncured default by CONTRACTOR, the reasonable and actual costs incurred by CONTRACTOR by reason of such termination.

4.2 Notwithstanding the above, neither party shall be relieved of liability for damages sustained by the other party by virtue of any breach of this Agreement by such party. This provision shallsurvive the termination of this agreement and shall not relieve either party of its liability to the other party for damages.

5. Independent Contractor:

5.1 In all matters pertaining to this agreement, CONTRACTOR shall be acting as an independent contractor, and neither CONTRACTOR nor any officer, employee or agent of CONTRACTOR will be deemed an employee of CITY. Except as

expressly provided in Exhibit A, Contractor has no authority or responsibility to exercise any rights or power vested in the City and therefore has no authority to bind or incur any obligation on behalf of the City. The selection and designation of the personnel of the CITY in the performance of this agreement shall be made by the CITY.

- 5.2 Contractor, its agents, officers, and employees are and at all times during the term of this Agreement shall represent and conduct themselves as independent contractors and not as employees of the City.
- 5.3 Contractor shall determine the method, details and means of performing the work and services to be provided by Contractor under this Agreement. Contractor shall be responsible to City only for the requirements and results specified in this Agreement and, except as expressly provided in this Agreement, shall not be subjected to City's control with respect to the physical action or activities of Contractor in fulfillment of this Agreement. If in the performance of this Agreement any third persons are employed by Contractor, such persons shall be entirely and exclusively under the direction and supervision and control of the Contractor.

6. Sub-Contractors:

Contractor shall require that all of its sub-contractors be licensed per State of Idaho Statute # 54-1901

7. Removal of Unsatisfactory Employees:

The Contractor shall only furnish employees who are competent and skilled for work under this contract. If, in the reasonable opinion of the City, an employee of the Contractor isincompetent or disorderly, refuses to perform in accordance with the terms and conditions of the contract, threatens or uses abusive language while on City property, or is otherwise unsatisfactory, that employee shall be removed from all work under this contract.

8. Indemnification and Insurance:

8.1 CONTRACTOR shall indemnify and save and hold harmless CITY and it's elected officials, officers, employees, agents, and volunteers from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property and losses and expenses and other costs including litigation costs and reasonable attorney'sfees, to the extent arising out of, resulting from, or in connection with the negligence or willful misconduct, in the performance of this Agreement, by the CONTRACTOR, its servants, agents, officers, employees, guests, and business invitees, except to the extent caused by or arising out of the negligent or tortious conduct of CITY or its employees. CONTRACTOR shall maintain, and specifically agrees that it will maintain, throughout the term of this Agreement, liability insurance, in which the CITY shall be named an additional insured, with respect to the liabilities assumed by CONTRACTOR hereunder, in the minimum amounts as

General Liability One Million Dollars (\$1,000,000) per incident or follow: occurrence, Automobile Liability Insurance One Million Dollars (\$1,000,000) per incident or occurrence and Workers' Compensation Insurance, in the statutory limits as required by law.. The limits of insurance shall not be deemed a limitation of the covenants to indemnify and save and hold harmless CITY; and if CITY becomes liable for an amount in excess of the insurance limits herein provided with respect to a claim for which the CITY is entitled to indemnity hereunder, CONTRACTOR covenants and agrees to indemnify and save and hold harmless CITY from and for all such losses, claims, actions, or judgments for damages or injury to persons or property and other costs, including litigation costs and reasonable attorneys' fees, to the extent arising out of, resulting from, or in connection with the performance of this Agreement by the Contractor or Contractor's officers, employs, agents, representatives or subcontractors and resulting in or attributable topersonal injury, death, or damage or destruction to tangible or intangible property. CONTRACTOR shall provide CITY with a Certificate of Insurance, or other proof of insurance evidencing CONTRACTOR'S compliance with the requirements of this paragraph and file such proof of insurance with the CITY at least ten (10) days prior to the date Contractor begins performance of it's obligations under this Agreement. In the event the insurance minimums are changed, CONTRACTOR shall promptly submit proof of compliance with the changed limits. Evidence of all insurance shall be submitted to the City Purchasing Agent with a copy to Meridian City Accounting, 33 East Broadway Avenue, Meridian, Idaho 83642.

- 8.2 Insurance is to be placed with an Idaho admitted insurer with a Best's rating of no less than A-.
- 8.3 Any deductibles, self-insured retention, or named insureds must be declared in writing and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles, self-insured retentions or named insureds; or the Contractor shall provide a bond, cash or letter of credit guaranteeing payment of losses and related investigations, claim administration and defense expenses.
- 8.4 To the extent of the indemnity in this contract, Contractor's Insurance coverage shall be primary insurance regarding the City's elected officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City or the City's elected officers, officials, employees and volunteers shall be excess of the Contractor's insurance and shall not contribute with Contractor's insurance except as to the extent of City's negligence.
- 8.5 The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- 8.6 All insurance coverages for subcontractors shall be subject to all of the insurance and indemnity requirements stated herein.

- 8.7 The limits of insurance described herein shall not limit the liability of the Contractor and Contractor's agents, representatives, employees or subcontractors.
- 8.8 Notwithstanding any other provisions to the contrary in this Agreement, neither the City nor Contractor shall be liable under any cause of action related to the subject matter thereof, whether in agreement, warranty, tort (including negligence), strict liability, products liability, professional liability, indemnity, contribution, or any other cause of action for special, indirect, incidental, or consequential losses or damages, including loss of profits, use, opportunity, revenues, financing, bonding capacity, or business interruptions, or damages or losses for principal office expenses.

9. Time is of the Essence:

The parties hereto acknowledge and agree that time is of the essence withrespect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of, and a default under, this Agreement by the party so failing to perform, subject to applicable notice and cure periods set forth herein.

10. Bonds:

Payment and Performance Bonds are required on all Public Works Improvement Projects per the ISPWC and the City of Meridian Supplemental Specifications & Drawings to the ISPWC, which by this reference are made a part hereof. Contractor is required to furnish faithful performance and payment bonds in the amount of 100% of the contract price issued by surety licensed to do business in the State of Idaho with a Best's rating of no less than A-. In the event that the contract is subsequently terminated for failure to perform, the contractor and/or surety will be liable and assessed for any and all costs for the re-procurement of the contract services.

11. Warranty:

All construction and equipment provided under this agreement shall be warranted for 2 years from the date of the City of Meridian acceptance per the ISPWC and the Meridian Supplemental Specifications & Drawings to the ISPWC and any modifications, which by this reference are made a part hereof.

All items and work found to be defective during a warranty inspection and subsequently corrected will require an additional two (2) year warranty from the date of City's acceptance of the corrected work.

THE WARRANTIES SET FORTH IN THIS SECTION 10 ARE SOLE AND EXCLUSIVE, AND IN LIEU OF ANY AND ALL OTHER WARRANTIES RELATING TO THE WORK, WHETHER STATUTORY, EXPRESS OR IMPLIED, AND

CONTRACTOR DISCLAIMS ANY SUCH OTHER WARRANTIES, INCLUDING BUT NOT LIMITED TO ANY AND ALL WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND WARRANTIES ARISING FROM COURSE OF DEALING AND/OR USAGE OF TRADE.

During the warranty period, the City shall (i) establish and conduct a reasonable maintenance and repair program in and around the property; (ii) comply in all respects with the requirements set forth in the manufacturers' warranties on all equipment, fixtures and systems; and (iii) grant to Contractor such reasonable easements and rights of access necessary to inspect the work during the warranty period and correct or replace any defect covered by Contractor's warranty.

12. Changes and Delays:

The CITY may, from time to time, request changes in the Scope of Work to be performed hereunder. Such changes, including any increase or decrease in the amount of CONTRACTOR'S compensation or time for performance, which are mutually agreed upon by and between the CITY and CONTRACTOR, shall be incorporated in written amendments which shall be executed with the same formalities as this Agreement.

If the Contractor is delayed at any time in the commencement or progress of the work by, (1) a delay in or failure of the City, its other contractors or the Architect to perform their respective obligations, (2) changes in the sequencing of the work ordered by the City, or arising from decisions of the City or the acts or omissions of its other contractors that impact the time of performance of the work; (3) a suspension by the City; and (4) by labor disputes, fire, unusual delay in deliveries, pandemics, abnormal adverse weather conditions not reasonably anticipatable, unavoidable casualties, or any causes beyond the Contractor's control then the Contractor's compensation (solely with respect to items (1), (2) and (3) above) and/or time for performance shall be adjusted by Change Order by written agreement of City and Contractor. Contractor shall be entitled to receive any verifiable third-party costs associated with any increased costs (such as increased equipment rental expense) plus, with respect to items (1), (2) and (3) above, out-of-pocket costs associated with demobilization and remobilization.

13. Taxes:

The City of Meridian is exempt from Federal and State taxes and will execute the required exemption certificates for items purchased and used by the City. Items purchased by the City and used by a contractor are subject to Use Tax. All other taxes are the responsibility of the Contractor and are to be included in the Contractor's Bid pricing.

14. Meridian Stormwater Specifications:

All construction projects require either a Storm Water Pollution Prevention Plan

(SWPPP) or an erosion sediment control plan (ESCP) as specified in the City of Meridian Construction Stormwater Management Program (CSWMP) manual. The CSWMP manual containing the procedures and guidelines can be found at this address: http://www.meridiancity.org/environmental.aspx?id=13618.

Contractor shall retain all stormwater and erosion control documentation generated on site during construction including the SWPPP manual, field inspections and amendments. Prior to final acceptance of the job by the City the contractor shall return the field SWPPP manual and field inspection documents to the City for review. A completed Contractor Request to File Project N.O.T. with the EPA form shall be provided to the City with the documents. These documents shall be retained, reviewed and approved by the City prior to final acceptance of the project. Notwithstanding anything herein to the contrary, the City shall pay for all permits, fees, and inspections, including fees associated with the SWPPP and ESCP.

15. ACHD:

Contractor shall be responsible for coordinating with the City to obtain appropriate ACHD permit(s) and will reimburse the City for fees, fines, or penalties City incurs due to Contractor's violation of any ACHD policy. City shall certify to ACHD that Contractor is authorized to obtain a Temporary Highway and Right-of-Way Use Permit from ACHD on City's behalf. The parties acknowledge and agree that the scope of the agency granted by such certification is limited to, and conterminous with, the term and scope of this Agreement.

16. Reports and Information:

- 16.1 At such times and in such forms as the CITY may require, there shall be furnished to the CITY such statements, records, reports, data and information as the CITY may request pertaining to matters covered by this Agreement.
- 16.2 Contractor shall maintain all writings, documents and records prepared or compiled in connection with the performance of this Agreement for a minimum of four (4) years from the termination or completion of this or Agreement. This includes any handwriting, typewriting, printing, photo static, photographic and every other means of recording upon any tangible thing, any form of communication or representation including letters, words, pictures, sounds or symbols or any combination thereof.

17. Audits and Inspections:

At any time during normal business hours and as often as the CITY may deem reasonably necessary, with reasonable prior written notice to CONTRACTOR, there shall be made available to the CITY for examination all of CONTRACTOR'S records with respect to all matters covered by this Agreement. CONTRACTOR shall permit the CITY to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls,

records of personnel, conditions of employment and other datarelating to all matters covered by this Agreement.

18. Publication, Reproduction and Use of Material:

Except as provided herein, (a) no material produced in whole or in part under this Agreement shall be subject tocopyright in the United States or in any other country, And (b) the CITY shall have unrestricted authority to publish, disclose and otherwise use, in whole or in part, anyreports, data or other materials prepared under this Agreement.

19. Equal Employment Opportunity:

In performing the work herein, Contractor agrees to comply with the provisions of Title VI and VII of the Civil Rights Act, Revenue Sharing Act Title 31, U.S. Code Section 2176. Specifically, the Contractor agrees not to discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, political affiliation, marital status, or handicap. Contractor will take affirmative action during employment or training to ensure that employees are treated without regard to race, color, religion, sex, national origin, age, political affiliation, marital status, or handicap. In performing the Work required herein, CONTRACTOR shall not unlawfully discriminate in violation of any federal, state or local law, rule or regulation against any person on the basis of race, color, religion, sex, national origin or ancestry, age or disability.

20. Advice of Attorney:

Each party warrants and represents that in executing this Agreement. It has received independent legal advice from its attorney's or the opportunity to seek such advice.

21. Attorney Fees:

Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys' fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

22. Construction and Severability:

If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.

23. Waiver of Default:

Waiver of default by either party to this Agreement shall not be deemed to be waiver of any subsequent default. Waiver or breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach, and shall not be construed to be a modification of the terms of this Agreement unless this Agreement is modified as provided above.

24. Entire Agreement:

This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral of written, whether previous to the execution hereof or contemporaneous herewith.

25. Assignment:

It is expressly agreed and understood by the parties hereto, that neither party shall have the right to assign, transfer, hypothecate or sell any of its rights underthis Agreement except upon the prior express written consent of the other party.

26. Payment Request:

Payment requests shall be submitted to City of Meridian through the City's project management software. The Project Manager will compare the invoice against the Payment Schedule in the Agreement for compliance. Upon approval that the work has been done and is in compliance with the Agreement, the Project Manager will approve the pay request for processing. City of Meridian payment terms are Net 30 from the date City receives a correct invoice. Final payment will not be released until the City has received a tax release from the Tax Commission. Retainage of five percent (5%) of the current contract value will be withheld from the final pay application(s) until final completion has been met and releases from both the Idaho Tax Commission and Surety have been received by the City.

27. Cleanup:

Contractor shall keep the worksite clean and free from debris. At completion of work and prior to requesting final inspection, the Contractor shall remove all traces of waste materials and debris resulting from the work. Final payment will not be made if cleanup has not been performed.

28. Order of Precedence:

The order or precedence shall be the contract agreement, the Invitation for Bid document, then the winning bidders submitted bid document.

29. Compliance with Laws:

In performing the scope of work required hereunder, CONTRACTOR shall comply with all applicable laws, ordinances, and codes of Federal, State, and local governments.

30. Applicable Law:

This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Idaho, and the ordinances of the City of Meridian.

31. Notices:

Any and all notices required to be given by either of the parties hereto, unless otherwise stated in this agreement, shall be in writing and be deemed communicated when mailed in the United States mail, certified, return receipt requested, addressed as follows:

<u>CITY</u> <u>CONTRACTOR</u>

City of Meridian Procurement Manager 33 E Broadway Ave Meridian, ID 83642 208-489-0417 Lexicon, Inc. d/b/a Heritage Links Attn: Jon O'Donnell 6707 Cypress Creek Parkway Houston, Texas 77069 Phone: 281-866-0909

Email: jono@heritage-links.com Idaho Public Works License #

Either party may change their address for the purpose of this paragraph by giving written notice of such change to the other in the manner herein provided.

32. Approval Required:

This Agreement shall not become effective or binding until approved by the City of Meridian.

33. Remedies

CITY OF MERIDIAN

The remedies provided for in this Agreement are the sole and exclusive remedies of the parties and are exclusive of all other remedies available at law or in equity.

BY:KEITH WATTS, Procurement Manager	BY:		
Dated:	Dated:		

LAKEVIEW GOLF COURSE IRRIGATION & CART PATH IMPROVEMENTS Project 11236.C

LEXICON, INC. d/b/a HERITAGE LINKS

Approved by Council:

Project Manager Mike Barton

EXHIBIT A

SCOPE OF WORK

REFER TO INVITATION TO BID PKS-2216-11236.C
ALL ADDENDUMS, ATTACHMENTS, AND EXHIBITS included in the Invitation to Bid Package # PKS-2216-11236.C are by this reference made a part hereof.

SPECIFICATIONS / SCOPE OF WORK

All construction work shall be done in accordance with the current version of the Idaho Standards for Public Works Construction (ISPWC), the 2013 City of Meridian Supplemental Specifications to the ISPWC (and any Addendums).

See separate attached documents:

- SPECIFICATIONS Section 02811 (25 pages) Revised & attached below:
- PLANS by Bear Design Group, LLC dated January 2022 (19 pages)

Exhibit B

MILESTONE / PAYMENT SCHEDULE

A. Total and complete compensation for this Agreement shall not exceed \$4,379,150.00.

MILESTONE DATES/SCHEDULE			
Milestone 1	Substantial Completion	270 Days from Notice to Proceed	
Milestone 2	Final Completion	300 Days from Notice to Proceed	

PRICING SCHEDULE

Contract includes furnishing all labor, materials, equipment, and incidentals as required for the per IFB PKS-2216-11236.C

NOT TO EXCEED CONTRACT TOTAL \$4,379,150.00

This is a fixed price contract with a not to exceed amount, except as provided in the Agreement. No price adjustments will be allowed formaterial escalation. Line item pricing below will be used for invoice verification and any additional increases or decreases in work requested by city.

Contract Pricing Schedule

Item No.	Description	Quantity	Unit	Unit Price
1	Mobilization	1	LS	\$125,000
2	Base Bid (Back 9 Irrigation System, Pump Station, Central Control System, Weather Station)	1	LS	\$1,960,732
3	Front 9 Irrigation System	1	LS	\$1,611.318
4	Pump Station Filters	1	LS	\$56,250
5	Gravity Irrigation Improvements	1	LS	\$23,850
6	Concrete Cart Paths	1	LS	\$602,000

Lakeview Golf Course Irrigation Renovation Project March 10, 2022

Schedule of Values

<u>Description</u>	<u>Unit</u> Measure	<u>Unit Cost</u>	
Overhead Costs			
Mobilization	LS	\$125,000.00	
Gravity Irrigation			
Gravity Irrigation Improvements	LS	\$23,850.00	
Road Crossings			
Bore	EA	\$75,000.00	
Cut & Patch	LF	\$75,000.00	
Irrigation Pump Station			
Prefabricated Pump Station	EA	\$225,000.00	
Wet Well and Pump Pad	EA	\$35,000.00	
30" HDPE DR17 Intake	LF	\$20,000.00	
Intake Screen	EA	\$4,000.00	
Power	EA	\$10,000.00	
Central Control System			
Rain Bird Cirrus, ICI-3000	EA	\$47,500.00	
iPad, Otterbox	EA	\$1,500.00	
Weather Station	EA	\$17,250.00	
Sprinkler Assemblies			
65' Full Circle VIH Rotor (Detail 7 & 8/IR300)	EA	\$635.00	
65' Part Circle VIH Rotor (Detial 7 & 8/IR300)	EA	\$650.00	
65' Part Circle VIH Rotor w/tail (Detial 7 & 8/IR300)	EA	\$650.00	
50' Part Circle VIH Rotor (Detial 7 & 8/IR300)	EA	\$650.00	
Landscape Rotor (Detail 9/IR300)	EA	\$185.00	
Remote Control Valve Assembly			
2" Elec. Control Valve (Detail 17/IR301)	EA	\$1,250.00	
Quick Couple Valve Assembly			
Quick Coupler Valve (Detail 5/IR300)	EA	\$250.00	
Galor Godpior Varyo (Botali Ori 1000)		Ψ200.00	
Air Release Valve Assembly			
Quick Coupler Valve (Detail 4/IR300)	EA	\$900.00	
Lateral Isolation Valve Assembly			
16"x2" Lateral Valve Assembly (Detail 3/IR300)	EA	\$550.00	

n #19.				
		Unit		
	Description	Measure	Unit Cost	
	<u>Description</u>	IVICASAIC	Onit Cost	
10"v	2" Lateral Valve Assembly (Detail 3/IR300)	EA	\$525.00	
	2" Lateral Valve Assembly (Detail 3/IR300)	EA	\$525.00	
	" Lateral Valve Assembly (Detail 3/IR300)	EA		
	, , , , , , , , , , , , , , , , , , , ,	EA	\$500.00 \$500.00	
6 XZ	" Lateral Valve Assembly (Detail 3/IR300)	EA	\$500.00	
Maii	nline Isolation Valve			
	Mainline Valve Assembly (Detail 2/IR300)	EA	\$10,000.00	
	Mainline Valve Assembly (Detail 2/11000)	EA	\$4,500.00	
	Mainline Valve Assembly (Detail 1/118300)	EA	\$3,250.00	
	ainline Valve Assembly (Detail 1/IR300)	EA	\$2,250.00	
	ainline Valve Assembly (Detail 1/IR300)	EA	\$1,500.00	
0 101	annine valve Assembly (Betail 1/111000)	LA	ψ1,500.00	
Pipe				
	HDPE 4710 DR13.5	LF	\$80.00	
	HDPE 4710 DR13.5	LF	\$48.00	
	HDPE 4710 DR13.5	LF	\$36.00	
	DPE 4710 DR13.5	LF	\$24.00	
	DPE 4710 DR13.5	LF	\$16.00	
	DPE 4710 DR11	LF	\$4.00	
2 11	DI L 47 10 DITTI	LI	φ4.00	
Fitti	nge			
	HDPE TEE	EA	ΦEGE 00	
	HDPE 1EE	EA	\$565.00	
	HDPE 45 EL	EA	\$550.00	
	12" REDUCER	EA	\$550.00	
	8" REDUCER	EA	\$535.00 \$535.00	
	O NEDOCEN HDPE TEE	EA	\$552.50	
	HDPE 90 EL	EA	\$515.00	
	HDPE 45 EL	EA	\$515.00	
	10" REDUCER	EA	\$130.00	
	8" REDUCER	EA	\$130.00	
	6" REDUCER	EA	\$112.50	
	HDPE TEE	EA	\$390.00	
	HDPE 90 EL	EA	\$400.00	
	HDPE 45 EL	EA	\$420.00	
	8" REDUCER	EA	\$85.00	
	6" REDUCER	EA	\$85.00	
	DPE TEE	EA	\$167.50	
	DPE 90 EL	EA	\$115.00	
	DPE 45 EL	EA	\$115.00	
	" REDUCER	EA	\$55.00	
	DPE TEE	EA	\$50.00	
	DPE 90 EL	EA	\$45.00	
	DPE 45 EL	EA	\$45.00	
2" H		LS	\$5,000.00	
- ''			+=,====	
Elec	trical			
12-2	Communication Wire	LF	\$0.61	
	Communication Wire	LF	\$0.48	
Grou	inding & Arrestor Assembly	EA	\$250.00	
1	-	-		

tem #19.		_		
	<u>Description</u>	<u>Unit</u> <u>Measure</u>	<u>Unit Cost</u>	
incia	entals			
Incid	entals	LS	\$5,000.00	
Dem	0			
Rem	oval of Existing Irrigation	LS	\$7,500.00	

SECTION 02811

GOLF COURSE IRRIGATION

PART I -GENERAL

1.1 SUMMARY

- A. Section Includes
 - 1. Pipe and fittings, valves, sprinkler heads, accessories, and connections to water source.
 - 2. Control system.
- B. Related Sections: The following Sections contain requirements that relate to this Section:
 - 1. Division 2 Section 02110 "Site Clearing" for site preparation.
 - 2. Division 2 Section 02211 "Rough Grading" for course improvements.

1.2 SYSTEM PERFORMANCE REQUIREMENTS

- A. Location of Sprinklers and Devices: Design location is intended for maximum irrigation efficiency. All Sprinklers will be located by Irrigation Consultant
- B. Minimum Water Coverage:
 - 1. Not less than: Turf Areas: 100 percent.
- C. All flow velocities, within the entire irrigation system, shall not exceed 5 feet per second.

1.3 **SUBMITTALS**

- A. Product data including pressure rating, rated capacity, settings, and electrical data of selected models for the following:
 - Valves, including general-duty, underground, automatic control, and quick-coupler types, isolation and valve boxes.
 - 2. Sprinklers.
 - 3. Wiring and Splice Kits.
 - 4. Irrigation system record drawings.
 - 5. Control system.
 - 6. IC Modules.
- B. Wiring diagrams for electrical controllers, valves, and devices.
- C. Maintenance data for inclusion in "Operating and Maintenance Manual" specified in Division 1 Section "Contract Closeout" for the following:
 - 1. Seasonal activities of start-up, shut-down and winterization, including blow-out operation of sprinkler system with compressed air.
 - 2. Automatic control valves.
 - 3. Sprinklers.
 - 4. Controllers.
 - 5. Irrigation system record drawings.
 - 6. Central control system.
 - 7. Remote Control.
- D. HDPE pipe, valves and fittings:
 - 1. The following information shall be submitted by pipe and fitting suppliers:
 - a. Name of the pipe manufacturer and a list of the piping and quantities to be provided by manufacturer. A Certificate of Origin is required for all pipe not manufactured in the United States.
 - b. Name(s) of fitting manufacturer(s) and lists of fittings and quantities to be provided by manufacturer. A Certificate of Origin is required for all fittings not manufactured in the United States.

- c. Pipe and fitting product data indicating conformance with this specification, applicable standards, and warranty provisions, including written documentation regarding any intended variance from this specification and applicable standards.
- d. At the time of shipment, the supplier shall provide certified documentation of pipe and fitting conformance with this specification and applicable pipe and fitting standards specified herein.
- 2. The following information shall be submitted by Fusion Providers.
 - a. Documentation that each Fusion Technician has met requirements for joining proficiency for each type of fusion joint performed by the Fusion Technician under this specification.
 - b. Documentation of conformance with this specification and applicable standards, including written documentation regarding any intended variance from this specification and applicable standards. This will include fusion joint warranty information and recommended project specific fusion parameters.
 - c. The following MANUAL AS-RECORDED DATA is required from the Contractor and/or Fusion Provider:
- 3. Manual Datalogging for each fusion joint performed on the project, including joints that were rejected. Submittals of the Fusion Technician's joint reports are required as requested by the Owner or Engineer. Specific requirements of the Fusion Technician's joint manual datalogging shall include:
 - a. Fusion technician's name or initials
 - b. Date and exact time at completion of fusion process
 - c. Once the technician has completed this process, they are confirming that they followed all safety and fusion procedures for the fusion machine used.

1.4 QUALITY ASSURANCE

- A. Installer Qualifications: Engage an experienced company, foreman, superintendent and laborers with a minimum of five years experience and who have successfully installed irrigation systems similar in material, design, and extent to that indicated for Project that have resulted in construction with a record of successful in-service performance.
- B. Listing/Approval Stamp, Label, or Other Marking: On equipment, specialties, and accessories made to specified standards.
- C. Listing and Labeling: Equipment, specialties, and accessories that are listed and labeled.
 - 1. The Terms "Listed" and "Labeled": As defined in "National Electrical Code," Article 100.
 - 2. Listing and Labeling Agency Qualifications: A "Nationally Recognized Testing Laboratory" (NRTL) as defined in OSHA Regulation 1910.7.
- D. HDPE pipe, valves and fittings:
 - 1. REFERENCES:
 - a. This section contains references to the following documents. They are a part of this section to the extent referenced in this specification. Where a referenced document contains references to other standards, those documents are included as references under this section as if referenced directly. In the event of a conflict between the requirements of this section and those of the referenced documents, the requirements of this specification shall prevail.
 - b. Unless otherwise specified, references to documents shall mean the latest published edition of the referenced document in effect at the time of construction.

Reference	Title
AWWAC651	Standard for Disinfecting Water Mains
ANSI/AWWA C901	Polyethylene (PE) Pressure Pipe and Tubing, ½ In. (13 mm) Through 3 In. (76 mm) for
	Water Service
ANSI/AWWA C906	Polyethylene (PE) Pressure Pipe and Fittings, 4 In. (100 mm) Through 63 In. (1,600 mm),
	for Water Distribution and Transmission
ASTMC923	Standard Specification for Resilient Connectors Between Reinforced Concrete Manhole
	Structures, Pipes and Laterals
AWWAM55	Manual of Water Supply Practices, PE Pipe-Design and Installation
ASTMD1603	Standard Test Method for Carbon Black in Olefin Plastics
ASTM D2321	Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and
	Other Gravity-Flow Applications
ASTMD2774	Standard Practice for Underground Installation of Thermoplastic Pressure Piping
ASTMD3035	Standard Specification for Polyethylene (PE) Plastic Pipe (DR-PR) Based on Controlled
	Outside Diameter
ASTMD3261	Standard Specification for Butt Heat Fusion Polyethylene (PE) Plastic Fittings for
	Polyethylene (PE) Plastic Pipe and Tubing
ASTMD3350	Standard Specification for Polyethylene Plastics Pipe and Fittings Materials
ASTMD4218	Standard Test method for Determination of Carbon Black Content in Polyethylene
	Compounds by the Muffle-Furnace Technique
ASTMF585	Standard Practice for Insertion of Flexible Polyethylene Pipe Into Existing Sewers
ASTM F714	Standard Specification for Polyethylene (PE) Plastic Pipe (SDR-PR) Based on Outside
	Diameter
ASTMF1055	Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter
	Controlled Polyethylene Pipe and Tubing
ASTMF1290	Standard Practice for Electrofusion Joining Polyolefin Pipe and Fittings
ASTMF1417	Standard Test Method for Installation Acceptance of Plastic Gravity Sewer Lines Using
	Low-Pressure Air
ASTMF1962	Standard Guide for Use of Maxi-Horizontal Directional Drilling for Placement of
	Polyethylene Pipe or Conduit Under Obstacles, Including River Crossings
ASTMF2164	Standard Practice for Field Leak Testing of Polyethylene (PE) Pressure Piping Systems
	Using Hydrostatic Pressure
ASTMF2206	Standard Specification for Fabricated Fittings of Butt-Fused Polyethylene (PE) Plastic
	Pipe, Fittings, Sheet Stock, Plate Stock, or Block Stock
ASTMF2620	Standard Practice for Heat Fusion Joining of Polyethylene Pipe and Fittings
ASTMF2786	Standard Practice for Field Leak Testing of Polyethylene (PE) Pressure Piping Systems
	Using Gaseous Media Under Pressure (Pneumatic Leak Testing)
NSF/ANSI 61	Drinking Water System Components-Health Effects
PPI TR-4	PPI Listing of Hydrostatic Design Basis (HDB), Strength Design Basis (SDB), Pressure
	Design Basis (PDB) and Minimum Required Strength Ratings for Thermoplastic Piping
	Materials for Pipe
PPI TR-46	Guidelines for Use of Mini-Horizontal Directional Drilling for Placement of High-
-	Density Polyethylene Pipe

E. Product Options: Irrigation system piping, specialties, and accessories are based on specific types, manufacturers, and models indicated. Components with equal performance characteristics produced by other manufacturers may be considered, provided deviations in dimensions, operation, and other characteristics do not change design concept or intended performance as judged by the Irrigation Consultant. The burden of proof of product equality is on the Contractor. Any substitutions must be approved by the Irrigation Consultant in writing prior to installation.

1.4 HOPE MANUFACTRUER REQUIREMENTS

- A. High density polyethylene (HDPE) pipe and fittings shall be manufactured in accordance with the following standards
 - 1. ASTM D3035 ½ in through 24-in pipe
 - 2. ASTM F714- 3-in through 54-in pipe

- 3. AWWA C901- 1/2 In. (13mm) through 3 In. (76 mm) pipe and tubing
- 4. AWWA C906 4 In. (100 mm) through 63 In (1,600 mm) pipe and fabricated fittings
- 5. ASTM D3261 butt fusion fittings, saddles and flange adapters
- 6. ASTM Fl055 electrofusion couplings and saddles.
- 7. ASTM F2206 fabricated fittings

1.5 HDPE FUSION TECHNICIAN REQUIREMENTS

- A. Each Fusion Technician shall be separately qualified to make each type of fusion joint. Fusion joint types are butt fusion, saddle fusion, electrofusion, and socket fusion. Only AquaFUSION® qualified technicians shall make fuses during initial construction and during the contractor warranty period. Qualification to make one type of fusion joint shall not qualify a Fusion Technician to make a different type of fusion joint.
- B. Each Fusion Technician making butt fusion joints shall be qualified to make butt fusion joints in accordance with ASTM F2620. Qualification shall have occurred not more than 12 months before performing fusion joining on site in accordance with this specification. Qualification shall be a documented demonstration of proficiency by making joints in accordance with ASTM F2620 that are proved to be satisfactory by destructive testing (bend-back test) in accordance with ASTM F2620. Prior to any fused HDPE pipe being installed in the trench, the contractor shall perform a bend back test (in accordance with ASTM F 2620). These tests shall be random. The fusion technician will not know in advance which of his/her fusions will be tested. The completed test specimen shall be manually data logged (each will be marked clearly with name of technician, date, passed or failed written with a silver, metallic Sharpie marker). These completed test specimens will remain onsite for inspection of the irrigation consultant till the project is completed. Tests will be performed as follows, one test per diameter, per week, per technician.
- C. Each Fusion Technician making saddle fusion joints shall be qualified to make saddle fusion joints in accordance with ASTM F2620. Qualification shall have occurred not more than 12 months before performing on-site fusion joining in accordance with this specification. Qualification shall be a documented demonstration of proficiency by making joints in accordance with ASTM F2620 that are proved to be satisfactory by destructive testing in accordance with ASTM F2620.
- D. Each Fusion Technician making electrofusion fitting joints shall be qualified to make electrofusion fitting joints in accordance with ASTM Fl290 and the electrofusion fitting manufacturer's recommended procedure. Qualification shall have occurred not more than 12 months before performing on-site fusion joining in accordance with this specification. Qualification shall be a documented demonstration of proficiency by making joints in accordance with ASTM Fl290 and the electrofusion fitting manufacturer's recommended procedure that are proved to be satisfactory by destructive testing in accordance with ASTM Fl290 and the electrofusion fitting manufacturer's recommended procedure.
- E. Each Fusion Technician making socket fusion joints shall be qualified to make socket fusion joints in accordance with ASTM F2620. Qualification shall have occurred not more than 12 months before performing on-site fusion joining in accordance with this specification. Qualification shall be a documented demonstration of proficiency by making joints in accordance with ASTM F2620 that are proved to be satisfactory by destructive testing in accordance with ASTM F2620.

1.6 APPROVED HDPE SUPPLIERS

- A. Pipe and fitting suppliers shall be approved by the Project Consultant.
- B. The following pipe manufacturers are approved:
 - a. AquaFuse®
 - b. ISCO
- C. The following fitting manufacturers are approved:
 - a. AquaFuse®

- b. ISCO
- D. The following on-site qualification training are approved:
 - a. AquaFuse®
- E. The following mainline and isolation valves are approved:
 - a. ControlFloTM
 - b. AquaFuse®
 - c. Leemco

1.7 PROJECT CONDITIONS

A. Perform site survey, research public utility records, and call Digline verify existing utility locations.

1.8 SEQUENCING AND SCHEDULING

- A. Maintain uninterrupted water service to all facilities during normal working hours. Arrange for temporary water shutoff with Owner.
- B. Maintain Uninterrupted existing irrigation system during construction. Arrange for temporary water shutoff with Owner. Provide alternate water source for irrigation if water is to be shut off for more than (2) days.
- C. Provide proposed construction schedule to Ownership prior to construction. Coordinate hole closure with Course staff minimum one week in advance. Maximum number of holes closed simultaneously shall be limited to two holes unless approved by Ownership in advance.

1.9 EXTRA MATERIALS

- A. Deliver extra materials to Owner. Furnish extra materials matching products installed as described below. Package them with protective covering for storage and label clearly describing contents.
 - **1.** Quick Coupler Valves, Hose Swivels and Operating Keys: Furnish (3) extra parts.
 - 2. VIH Rotors: Furnish (6) extra full heads and (6) extra part circle heads, each model.
 - 3. Remote Control Valves: Furnish (2) extra valve assemblies, for each assembly type. To exclude lateral isolation valve.
 - 4. Landscape Sprinklers: Furnish (2) extra full circle rotors and (2) extra adjustable heads, each model.
 - 5. Landscape Spray/Rotary Sprinklers: Furnish (6) extra each model spray body and nozzle.
 - 6. Lateral Isolation Valves: Furnish (2) extra each model lateral isolation valve.

1.10 SUBSTITUTIONS

A. Substitutions to the specified equipment will be permitted with the express written approval of the Irrigation Consultant. Substitutions will be approved only when the substituted item is equivalent or better in quality and performance than the item originally specified. The final determination for "equivalents" rests with the Irrigation Consultant. Their decision shall be final and binding.

1.11 INSTALLATION WARRANTY

A. See Agreement.

B. As part of the warranty, the Contractor shall be responsible for deactivating and winterizing the system prior to the onset of the freezing season and for reactivating the system at the onset of the spring growing season; each event must be accomplished once during the warranty period. In the event the system is completed in a season when it will not be in use, the Contractor shall winterize the system upon completion of testing (and approval by the Irrigation Consultant) and reactivate the system in the spring. The Contractor shall submit a letter to the Irrigation Consultant certifying that the system was winterized and drained and indicate the date such action was accomplished. The Contractor shall be responsible for any damage resulting from failure to comply. Contractor shall instruct and demonstrate winterization and startup techniques for Owner.

1.12 RAIN BIRD BRANDED WARRANTY

- A. All Valve-In-Head rotors and swing joint shall carry a 5-year parts replacement warranty.
- B. All other Rain Bird branded components shall carry a minimum I-year parts replacement warranty.

1.13 HDPE PIPE, FITTINGS AND VALYES

- A. Pipe and fitting suppliers shall provide a twenty five-year HDPE system warranty covering defects in product material and workmanship. A successful pressure test or pressure leak test prior to the expiration of the warranty period shall not relieve the supplier of warranty responsibility for the full warranty term.
- B. Fusion providers shall provide a one-year warranty from the date of installation acceptance covering defects in fusion joining workmanship that shall provide for remaking defective butt fusion, saddle fusion, electrofusion, or socket fusion joints. A successful pressure test or pressure leak test prior to the expiration of the warranty period shall not relieve the installer of warranty responsibility for the full warranty term.

1.14 ALLIED MATERIAL WARRANTY

A. All components not covered under the Rain Bird or HDPE pipe, fitting and valve warranty shall carry a minimum I-year parts replacement warranty.

PART 2 MATERIALS

2.1 SWING JOINTS:

- Swing Joints shall have AquaFuse® thread inlet and modified stub ACME threads with elastomeric O-ring seals at each rotating joint and meets ASTM Standard F2768 (Standard Specification for Modified Stub ACME Thread Joint with Elastomeric Seal in plastic piping components). Each rotating joint shall be sealed with an elastomeric O-ring, installed precompressed in a sealing groove free of parting lines to prevent leakage as produced by CMF Global.
- B. Rain Bird Swing Joints:
 - 1. Rain Bird 702-IC/752-IC Series Rotors: Rain Bird SJ-12-125-43
 - 2. Landscape Rotors: Rain Bird SJ-18-100-41
 - 3. Quick Couple Valve: Rain Bird SJ-18-100-41
- C. Or approved Equal

2.2 VIH ROTORS:

- A. Full-circle sprinklers shall be Rain Bird A-702-IC-70-32.
- B. Part-circle sprinklers shall be Rain Bird A-752-IC-70-36, A752-IC-70-26.

- 2.3 LANDSCAPE ROTORS:
 - A. Rain Bird 8005-SS Series, nozzle per plan.
- 2.4 ROTARYSPRAYHEADS:N/A
- 2.5 2" REMOTE CONTROL VALVES:
 - A. Rain Bird 200-PESB-PRS-ICM with ICM adapter.
- 2.6 2" REMOTE CONTROL VALVE & FILTER:
 - B. Rain Bird 200-PESB-PRS-ICM with ICM adapter.
 - C. Netafim LVCZ150HP-NV filter kit.
- 2.7 CENTRAL CONTROL SYSTEM:
 - A. The computerized central control system shall be the Rain Bird Cirrus as hereinafter specified. It shall be capable of controlling three (3) independent, 18-hole golf courses, plus one "other" area, each consisting of greens, tees, fairways, approaches, perimeters, roughs and miscellaneous areas. The central shall include the Rain Bird Cirrus Computer Assembly, a field hardware (Integrated Control) interface, an uninterruptible power supply rated at 980 Watts or higher, a power circuit surge arrestor and a grounding network grid with surge arrestors, all as hereinafter specified.
 - B. All Cirrus central control systems shall be "Hybrid" compatible. Cirrus Hybrid computer systems shall have the flexibility to control up to three (3) field interfaces in any combination of interface type. Each of the interfaces will require a separate serial port for each device. To enable the functionality of these items, a Cirrus system Hybrid software module and additional interfaces (MIM, MIM-LINK or MIM-LINK900, ICI or LDI as needed) shall be supplied as specified on the drawings.
 - C. Cirrus software shall include the following modules; Automatic WeatherTM, Smart WeatherTM, Rain Bird MessengerTM, Hybrid Software, Smart SensorsTM, The Freedom SystemTM, Map Utilities, Map Layers and Multiple Weather Stations. An additional module purchase is required for Smart PumpTM.
 - D. The Cirrus system shall provide for the selection of three (3) different flow measurement units U.S. gallons per minute (GPM), cubic meters per hour (M3/H) or liters per second (LIS). It shall also provide for the selection of any one of 22 different languages for display.
 - E. Cirrus Software Capacity The Cirrus software shall operate in the Microsoft® Windows® 10 32 or 64-bit environment and shall be capable of controlling any one (1) or up to eight (8) of the four (4) types of Rain Bird field control systems: hard-wired satellite controllers; LINK or LINK900 radio-operated satellite controllers, decoder field devices, or IC System.
 - F. The Cirrus software, when used with an IC System, shall have the capacity to control a maximum of24,000 single ICMs and activate up to 24,000 rotors or valves using eight (8) IC Interfaces and a Hybrid software module.
 - G. Continuous "real-time" communication Between the central computer, interfaces and field satellite controllers, decoders or IC modules, the system shall provide continuous operation and response at all times. Continuous field "feedback" status information shall be registered in the computer software and also at the satellite interface when satellite systems are used. Cirrus shall be a program/schedule-based system providing maximum flexibility of programming and giving the operator absolute and full control of the entire system. The Cirrus system shall be capable of unlimited programs residing in the system at one time. Each program shall be further defined by a number of smaller schedules. A maximum of 50 programs and up to 50 schedules per program may be operated simultaneously. All programming shall be maintained in

- the computer memory and on the hard drive, from which they shall be executed. Programming shall NOT be "downloaded" to the field satellites. It shall NOT be possible to change or reprogram from the field thus assuring the operator full control at all times.
- H. A "time window" may be defined for each individual program, confining its operation to this specific time period. Individual programs shall be capable of being designated for up to six (6) start times. Individual schedules shall be capable of being designated for up to 12 start times within the specified time window for their program. It shall be possible to designate the sequence of operation of areas and the sequence of operation of stations in these areas, within a given schedule.
- I. **Dynamic Flo-Manager**® feature shall be included with the software and automatically distribute and limit flow within the system, to eliminate hydraulic "overload" while maintaining maximum system operating efficiency, without the requirement of entering flow zone or branch piping data. The system shall also be capable of entering complete flow management database information for up to six (6) independent pump stations; up to 250 piping network branches and up to 999 flow zones for each pump station. This shall result in the highest efficiency of pump station operation, shortest watering cycle time and conservation of energy. During operation, individual flow graphs shall be automatically generated for each of the three (3) courses, with individual station activity information being presented in colorful charts. Flow graphs shall be automatically stored in the software for future access and reference.
- J. The Cirrus Smart WeatherTM optional software module, when specified, shall monitor and respond to climatic conditions as they occur by tracking evapotranspiration (ET) rates and other sensory inputs from up to five (5) on-site weather stations. Smart Weather shall also log weather conditions for future reference. Smart Weather shall provide automatic response from user- defined thresholds on up to five (5) WS-PRO2 Weather Stations. The Smart Weather responses shall be provided to the computer for programmed response and shall be capable of sending an email or text message to the user for alarm conditions with the optional Rain Bird Messengei¹M module.
- K. **Pump Profiling**TM Cirrus shall provide user-definable limits for irrigation system capacity to manage system flow and decrease power consumption during peak electrical periods. If so desired, the user shall define irrigation system capacity for each hour of the day to optimize system efficiency according to electrical demand. The Cirrus software shall automatically increase or decrease system capacity according to these user-defined limits.
- L. **Programming Flexibility** The Cirrus system shall also provide for programs to be set to adhere to manual water budgeting; at the system level, at the individual program level and/or at the individual schedule level. A watersaver feature shall provide water budgeting capabilities from zero (0) to 300% in one (1) % increments. Automatic rain shutdown shall be possible with the integration of a rain sensor.
- M. An innovative, guided initialization and "start-up" programming method in Cirrus shall result in a customized QuickStartTM program that gets the system "up" and "operating" in the shortest possible time. Built-in rotor database tables shall provide for easy specification of station sprinklers for custom irrigation scheduling. Precipitation rates for each station shall be automatically calculated with the selection of sprinkler model, pattern and spacing.
- N. A unique QuickIRRTM method of programming shall provide for a quick and easy method to automatically build programs to meet all irrigation challenges and allow programming by specific areas and designating sequence of operation of these areas. This feature is enhanced in Cirrus by providing the ability to program multiple courses. Select the course, hole, area, sequence and run time and Cirrus will calculate the most efficient irrigation sequencing.
- 0. A "Dry Run" feature shall provide for simulation of a program prior to operation, enabling the user to make the necessary adjustments before actually operating it in the field. A printout of the "dry run" results shall be possible, as well as being displayed on the monitor.
- P. The Cirrus Cycle+ SoakTM feature works with Flo-Manager to achieve maximum efficiency and conservation. It helps control water application on slopes and in areas with poor drainage. Cycle + Soak shall maintain pump station demand while preventing over application in challenging areas of the course.

- The Cycle + Soak feature will ensure the maximum cycle time defined by the user is never exceeded and will not change with changes in station runtime.
- Q. Graphical display of the golf course can be achieved using GPS, CAD, aerial photograph or the Scorecard function. Each hole can be defined to indicate the areas to be irrigated such as greens, tees, fairways, approaches, perimeters, roughs and miscellaneous areas. The system shall provide for multi-station programming and operation of individual stations. A station data table shall give complete database information for each individual station.
- R. The FREEDOM SystemTM The Cirrus system shall be capable of direct manual access of any station at any time. Full system remote control via handheld radio or remote telephone commands shall be possible with the integration of The FREEDOM SystemTM and handheld software module.
- S. **Logs and Troubleshooting** The Cirrus system shall provide for an individual course, daily and seasonal logs for record keeping and easy compliance with regulatory requirements regarding water usage. A unique "Cost Estimator" feature shall provide projections of water and power costs for specific irrigation cycles, which can be used in establishing budget requirements.
- T. When used with an Integrated Control System, the Cirrus software shall contain detailed diagnostics software that measures a series of parameters related to system operation. These parameters shall include ICI and ICM operation. The software diagnostics shall be capable of polling individual station ICM's on each wire path and display the number of passed and failed ICMs on each wire path. The diagnostics shall also be capable of measuring the total mA draw on each wire path. Individual ICM's can be interrogated to confirm communication with the central control software as well as measure the voltage at each ICM for troubleshooting purposes. The diagnostics shall be capable of communicating with each ICM by "fast connect" or through the "long address" setting based on the diagnostic function.
- U. **Hardware---Computer** Furnish and install at the central location a Rain Bird Cirrus computer assembly consisting of the following minimum specifications:
 - 1. DELUM Optiplex¹ M 7040 Mini Tower
 - 2. Intel® CoreTM i5-6500 Processor
 - 3. 8GB, DDR4 RAM
 - 4. 1TB Solid State Drive
 - 5. US English (QWERY) Wireless Keyboard and Mouse8X DVD+/-RW Optical Disk Drive
 - 6. Intel® Integrated Graphics
 - 7. 24" Widescreen HD LED-Lit Flat-Panel Monitor
 - 8. 16 GB USB Flash Drive
 - 9. 6 Serial (RS232/COM) Ports
 - 10. 1 Parallel Port
 - 11. 10 External USB 2.0 Ports (6 USB 3.0, 4 USB 2.0)
- V. Preinstalled software shall consist of:
 - 1. Rain Bird Cirrus software program
 - 2. Microsoft Windows® 10 Professional 64-bit
- W. Voltage Stabilizer (120VAC)-At the central location, furnish and install a combination voltage stabilizer and uninterruptible power source. Unit shall have a minimum rated output of 1440VA and 980 Watts. It shall be suitable for 50/60 Hz operation with input power of 120VAC. The unit shall operate in the AC mode from 82VAC input up to 144VAC input, regulating the output voltage within proper limits. Transfer to battery mode shall occur at any input voltage less than 75VAC or greater than 154VAC. In battery mode, output shall be a pure Sine wave form. Stepped or approximated Sine wave forms shall not be acceptable. Output voltage regulation shall be less than 5% at full load. Frequency regulation shall be+/- 3 Hz on battery. Surge energy rating shall be a minimum of 459 Joules. Battery back-up shall have a minimum time of approximately 14 minutes minimum at half-load capacity. The unit shall have Quick Status Indicators and an LCD menu-driven display screen showing power status, control settings, configuration, test and diagnostics, and logs. USB and Smart-Slot computer interface ports shall enable communication with the central control computer. The tower housing shall have a minimum of eight (8) "battery and surge" NEMA 5-15R electrical outlets. The voltage stabilizer shall be the APC Smart-UPS 1500 or higher.

2.8 ISOLATION VALVES:

- A. Ductile Iron Mainline Valves: Ductile Iron Resilient Seated Gate Valves 250 PSI Polyethylene Pipe End Sizes 4" 12":
 - 1. Valves shall conform to the latest revision of AWWA Standard C509/C515 covering resilient wedge (RS) gate valves for water supply service.
 - 2. AWWA C509/C515 valves shall have an iron body, bonnet, and O-ring plate. The wedge shall be fully encapsulated with rubber.
 - 3. The sealing rubber shall be permanently bonded to the wedge casting per ASTM D429.
 - 4. Valves shall be supplied with O-ring seals at all pressure retaining joints. No flat gaskets shall be allowed.
 - 5. The valve shall be non-rising stem (NRS), opened by turning left or right, and provided with either a 2" square operating nut or a hand wheel. The operating nut and hand wheel shall be marked with the word "Open" and an arrow to indicate the direction to open.
 - 6. Stems shall be cast copper alloy or stainless steel with an integral collar in full compliance with AWWA. All stems shall operate with copper alloy stem nuts independent of the wedge.
 - 7. All stems shall have two O-rings located above the thrust collar and one O-ring below. The upper stem O-rings shall be replaceable with valve fully opened and subjected to full pressure. The stems on 2"-12" or 63mm-315mm sizes shall also have a low torque thrust bearing located both above and below the stem collar to reduce friction during operation.
 - 8. Waterway shall be smooth, unobstructed, and free of all pockets, cavities, and depressions in the seat area.
 - 9. The body, bonnet, and O-ring plate shall be coated, both on the interior and the exterior, with fusion-bonded epoxy. Epoxy shall be applied in accordance with AWWA C550 and be NSF 61 certified.
 - 10. Each valve shall have the maker's name, the pressure rating, and the year in which it was manufactured cast into the body. Prior to shipment from the factory, each valve shall be hydrostatically pressure tested to the requirements of AWWA C509/C515.
 - 11. AquaFuse® ControlFloTM Valves shall have all component parts cast and assembled in the USA and shall be manufactured by the Clow Valve Company.

B. Poly Lateral Isolation Valves:

- 1. AguaFuse ControlFlow 360 Ball Valve AFBV0200Y-MFNO-360.
- 2. All valves shall be ball valve type constructed from High Density Polyethylene PE 4710 Full Port and manufactured in accordance with AWWA C901, AWWA C906, ASTM D2513, ASME Bl6.40, CFR 49 Part 192 and CSA Bl37.4.
- 3. Manufacturing facility must be ISO 9001 certified.
- 4. All valves must be serialized for complete material and process traceability.
- 5. Valve should maintain a bubble tight seal throughout the entire pressure and temperature range and provide blow-out proof stem and Seal design.
- 6. All valves must be PE4710 material both body and ends.
- 7. Operation must be 360 degree open to close.
- 8. Valves shall be temperature rated -20°F 140°F Valve body must provide resistance to mechanical and thermal loads as supplied by AquaFuse® ControlFloTM.

2.9 VALVE OPERATING KEYS:

- A. Rain Bird 55-K-l.
- B. The contractor shall provide three keys of each type required to operate all types of manual gate valves used.

2.10 VALVEBOXES:

- a. Automatic Electric Valves:
 - 1. Rain Bird VB-JMB-H. Extensions as required.

- 2. Carson 1324 Spec Grade Valve Box with Green "T" Lid and Bolt. Extensions as required.
- 3. Or approved Equal.

B. Lateral Isolation Valves:

- 1. Rain Bird VB-l0RND-L. Extensions as required.
- 2. Carson 910 Spec Grade Valve Box with Green "T" Lid. Extensions as required.
- 3. Or approved Equal.

C. Mainline Isolation Valves:

- 1. Rain Bird VB-l0RND-L. Extensions as required.
- 2. Carson 910 Spec Grade Valve Box with Tan "T" Lid. Extensions as required.
- 3. Or Approved Equal.

D. Air Relief Valve:

- 1. Christy B24 Concrete Valve Box with B24D Lid and B24xl2 extensions as required.
- 2. Or approved Equal.

E. Splices:

- 1. Rain Bird VB-IORND-BLK. 10" CL 200 PVC Riser
- 2. Carson 910 Spec Grade Valve Box with Black "T" Lid. 10" CL 200 PVC Riser.
- 3. Or approved Equal.

2.11 FLUSH VALVE AND AIR-RELIEF VALVE:

A. Crispin ICIOA AirNac Combo Valve assembly as detailed.

2.12 WIRE CONNECTORS:

- All high voltage splice kits shall be Direct Bury Multi-Mold Resin 85 Series as manufactured by 3-M.
- b. Wire 24-volt splice kits shall be Direct Bury Splice Kits (DBY) as manufactured by 3-M.
- c. All 24 volt and 120-volt wire splices are to be placed in Carson 910 valve boxes with black lid.

2.13 WIRING:

- A. 120 and 220 volt and wiring shall be type UF, direct burial copper wire sized as shown on the irrigation plan. 120 and 220 volt wiring shall be three conductor Tray cable and shall consist of one black power wire, one white common wire, and one green ground wire which is to be one wire size smaller that the power wire which the ground is servicing. Grounding shall be provided per manufacturer's recommendation.
- B. 24V Power wire shall be red 14-2 PE UF/UL direct bury as manufactured by Regency or approved equal.

2.14 WEATHER STATION:

d. Rain Bird WS-PRO2-WLS as manufactured by Campbell Scientific with solar/battery power and radio communication. Weather station shall be equipped with Solar Radiation Sensor, Air Temperature and Relative Humidity Probe Tipping Bucket Rain Gage, and either the Wind Set or Sonic Wind Sensor.

3.1 PIPE AND FITTINGS

F. PE4710 100% Fused System:

- 1. PE4710 100% Fused System Component material (compound) for all fittings (general and service), valves (mainline and lateral), and pipe shall be high density bimodal High-Performance polyethylene copolymer designed for extrusion of potable water, reclaimed water, industrial, and mining pipe."PE4710 Fused System Component material (compound) shall have a PENT value at 2.4 MPa and 80 °C of>10,000 hours per ASTM F 1473 and It is listed by the Plastics Pipe Institute (PPI TR-4, as both PE 4710 and PE 100) and is certified to ANSVNSF Standard 14, ANSI/NSF Standard 61, CSA BI37.1 and CSA BI37.4 and have Oxidative Resistance Classification of CC3".
- 2. All Fused PE4710 material (compound) shall conform to material requirements specified in pipe standard: ASTM D3035 or ASTM F714 or AWWA C901 or AWWA C906, fitting standard: AWWA C906 or ASTM D3261 or ASTM F2206 or ASTM F1055 as applicable for the pipe or fitting. PE4710 material (compound) shall meet the requirements of ASTM D3350 and shall meet or exceed Cell Classification 445574C and 445576C and is Certified NSF Standard 14 and/or Standard 61 for Potable Water Pipe and Fittings and have an Oxidative Resistance Classification of CC3.
- 3. PE4710 material (compound) shall have a hydrostatic design basis (HDB) rating at 140°F (60°C) ofnot less than 1000 psi that shall be listed in PPI TR-4 in the name of the pipe manufacturer.
- 4. PE4710 pipe and fitting material (compound) in PE4710 pipe and fittings shall contain color and ultraviolet (UV) stabilizer meeting the requirements of Code C or E per ASTM D3350. Code C material shall contain 2 to 3 percent carbon black to provide indefinite protection against UV degradation when material from the pipe is tested in accordance with ASTM D1603 or ASTM D4218. Code E material used for coextruded OD color stripes or a coextruded ID color layer shall contain sufficient UV stabilizer to protect the pipe against UV degradation for at least 24 months of unprotected outdoor exposure. Coextruded color PE compound material shall be PE4710 pipe material compound, varying only by color and UV stabilizer.
- 5. Clean rework materials derived from pipe production by the same manufacturer are acceptable as part of a blend with new material for the production of new pipe provided that the rework material is the same PE4710 material designation as the new material (compound) to which it is added. Finished products containing rework material shall meet the requirements this specification.
- G. PE4710 pipe and butt fusion fittings shall have plain ends for butt fusion.

H. PE4710 pipe:

- 1. Nominal straight lengths of 3 inch and larger pipe shall be 40 ft. or 50 ft.
- 2. Nominal coil lengths of 4-inch and smaller pipe shall be 500 ft. Longer or shorter coils such as 800 ft for 4-inch pipe, 1000 ft for 3-inch pipe, or 2000 ft for 2 inch or smaller pipe shall be acceptable. Pipe shall be black. Coextruded lavender or purple stripes or a coextruded lavender or purple layer shall be an acceptable option.
- 3. Pipe shall be permanently marked using heated indent printing in accordance with ASTM D3035 or ASTM F714 as applicable for the pipe size including:
 - a. Nominal size and sizing system, e.g., IPS or DIOD
 - b. DRorSDR
 - c. Standard Designation, ASTM D3035 or ASTM F714 material designation, and pressure rating or pressure class for water at 73°F.
 - a) Marking the Standard Designation on the pipe shall serve as the manufacturer's certification that the pipe has been manufactured, sampled and tested and has been found to comply with the requirements of the standard.
 - b) The ASTM D3035 or ASTM F714 pipe pressure rating for water at 73°F shall be "PE4710 PRI 61" where 161 = pressure rating in psi
 - 4. Extrusion production-record code
 - 5. Manufacturer's Trademark or trade name "AquaFuse".

I. PE4710 fittings:

 PE4710 butt fusion, saddle fusion, electrofusion and fabricated fittings shall be manufactured from PE4710 material (compound) in accordance with this specification.

- All fittings molded and fabricated shall be manufactured in the U.S.A. and must be NSF-61 Approved and manufactured at a Factory Mutual (FM) approved facility that has been inspected and approved by FMRC, and are audited frequently to ensure compliance and promote continuing improvement.
- PE4710 fittings shall comply with ASTM D3261 for molded butt fusion and saddle fusion fittings, flange adapters and MJ adapters, or shall comply with ASTM F2206 or AWWA C906 for fabricated butt fusion fittings, or shall comply with ASTM F1055 for electrofusion fittings.
- 3. PE4710 fittings shall comply with the marking requirements of ASTM D3261 for molded butt and saddle fusion fittings, flange adapters and MJ adapters or shall comply with the marking requirements of ASTM F2206 or AWWA C906 for fabricated butt fusion fittings, or shall comply with the marking requirements of ASTM F1055 for electrofusion fittings.
- 4. PE4710 fittings shall have pressure class ratings not less than the pressure class rating of the pipe to which they are joined.

3.2 FUSION JOINTS

- A. Unless otherwise specified, PE4710 pipe and fittings shall be assembled in the field with butt fusion, saddle fusion or electrofusionjoints. **Electrofusion couplings can only be installed** if **pipe is prepared with a professional rotary scraper.** ASTM F2620 and the pipe manufacturer's recommended procedure shall be observed for butt fusion and saddle fusion joints. ASTM Fl290 and the electrofusion fitting manufacturer's recommended joining procedure shall be observed for electrofusionjoints.
- B. Field butt fusion, saddle fusion and electrofusionjoints shall be made by Fusion Technicians that are qualified in accordance with this specification to make the specific fusion joint type.
- C. Field fusion joints shall be recorded and documented in accordance with this specification.

3.3 MECHANICAL CONNECTIONS AND FITTINGS FOR PRESSURE APPLICATIONS

A. Connections shall be defined in conjunction with the linking of project piping, as well as the tie-ins to other piping systems.

B. MECHANICAL AND COMPRESSION FITTINGS

- 1. Acceptable mechanical and compression fittings for use with PE4710 pipe and fittings shall be mechanical fittings that are qualified by the mechanical fitting manufacturer for use with HDPE pipe and fittings.
- 2. Mechanical and compression fittings for use with HDPE pipe shall provide restraint against longitudinal separation that is inherent to the design of the joint. Mechanical joints that do not provide restraint against pull-out or push-off are prohibited. An insert stiffener must be used to ensure long term restraint and water tight seal. Compression Fittings are to be used for REPAIRS ONLY.
- 3. Mechanical connections to non-HDPE devices and appurtenances shall be by bolted flange adapter or MJ adapter. Flange adapter and MJ adapter connections shall be assembled, installed and tightened in accordance with flange adapter or MJ adapter manufacturer's instructions. Flange bolt tightening shall be in accordance with PPI TN-38.

B. GASKETED, PUSH-ON FITTINGS

- 1. Gasket push-on fittings shall be fitted with insert stiffener and an external mechanical restraint that span across the joint and are assembled in accordance with restraint manufacturer's instructions.
 - a. Thrust blocking does not provide acceptable restraint and is prohibited.
 - b. Where plain-end PE4710 pipe is assembled with push-on fittings, the PE4710 pipe end shall be fitted with electrofusion restraints so that external mechanical restraint may be secured to the PE4710 pipe.
- 2. Where PE4710 pipe is connected to gasket mechanical joint fittings or appurtenances, the connection shall be made by butt fusing a PE4710 MJ Adapter to the PE4710 pipe and connecting the PE4710 MJ Adapter to the mechanical joint fitting or appurtenance.

C. SLEEVE-TYPE COUPLINGS

1. Sleeve-type mechanical couplings shall be manufactured for use with HDPE pipe, and shall be restrained and shall be fitted with insert stiffener as indicated on the drawings and in these specifications. Umestrained sleeve-type couplings are prohibited.

D. EXPANSION AND FLEXIBLE COUPLINGS

1. Expansion-type mechanical couplings are prohibited.

E. CONNECTION HARDWARE AND COATING

- 1. Bolts shall be carbon steel grade 5 or 8 with a minimum 105,000 PSI tensile strength conforming to SAE J429. Bolts shall be standard ANSI Bl.l, Class 2A coarse threads. Nuts shall conform to ASTM A563 and be standard ANSI Bl.l, Class 2A coarse threads. All bolt heads and nuts shall be hexagonal. Identification on the head of the bolt shall be three slash marks.
- 2. Bolts and nuts shall be finished with the TRIPAC 2000 coating system to significantly reduce the effects of corrosion. A multi-step process shall be utilized to chemically clean, abrasive blast and prime with zinc/nickel phosphate primer prior to application of the Xylan fluoropolymer. Wear resistance (K-Factor) shall be in the range of 6 to 8 (excellent) and minimal effects should be seen after a 2000-hour Salt Spray test conforming to ASTM B-117.

4.1 CONSTRUCTION:

4.01 DELIVERY AND OFF-LOADING

- A. All piping shall be bundled or packaged for transportation by commercial carrier to the site.
- B. Before off-loading, pipe shall be inspected for damage. Any pipe damaged in shipment shall be assessed and either accepted or rejected as directed by the Owner or Engineer, and the pipe supplier shall be notified of rejected pipe within 7 days of delivery at the site. Rejected pipe shall be quarantined for disposition. Each pipe shipment shall be checked for quantity and proper pipe size, color and type.
- C. Pipe shall be off-loaded and handled in accordance with the pipe manufacturer's instructions and AWWA M55.
- D. The Contractor shall be responsible for correct procedures in loading, unloading, stacking, transporting, and handling all materials to be used in the system. The Contractor shall avoid rough handling which could affect the useful life of equipment. Pipe shall be handled in accordance with the manufacturer's recommendations on loading, unloading, and storage.

4.02 HANDLING AND STORAGE

- A. Pipe lengths should be placed and stored on level ground. Pipe should be stored at the job site in the unit packaging provided by the manufacturer. The interior of the pipe, as well as all end surfaces, should be kept free from dirt and foreign matter.
- B. Pipe shall be handled and supported with the use of woven fiber pipe slings or approved equal. Care shall be exercised when handling the pipe to not cut, gouge, scratch or otherwise abrade the piping in any way. Use of hooks, chains, wire rope or any other handling device which creates the opportunity to damage the surface of the pipe is strictly prohibited.
- C. Covering or shading of PE4710 pipe and fittings against exposure to ultraviolet light from sunlight is not required.
- D. Materials shall be stored to insure the preservation of their quality. Materials can be stored on the site providing the storage area is approved by the Owner, see Site Summary Plan.

Disposal of rubbish and waste material shall be continuous. Upon completion of the system, the contractor shall remove all temporary structures, rubbish, and waste material remaining from the installation.

4.03 EXCAVATION AND BACKFILL:

- A. The Contractor shall do all necessary trenching and backfilling required for the proper installation of the system. Only mainlines will be installed with trenches. All pipe 2-1/2" and smaller shall be installed using the "pulling method".
- B. The Contractor shall use backfilling equipment and techniques that will tamp the backfill in such a manner that no settling will result.
- C. Trench bottoms and backfill material will be free from rock or stones over 1/2 inch in diameter, clodded dirt, or other unsuitable substances to prevent damage to pipe during backfill operation. The trench bottom is to be smooth and where rock or other debris is encountered, over excavation of 6 inches is required and suitable material will be used to form an adequate pipe bed.
- D. Backfilling of trenches containing plastic pipe shall be done when the pipe is cool to avoid excessive contraction in cold weather. All pipe embedment material should be selected and placed carefully, avoiding stones (over 1/2" in size), frozen lumps, and debris. Sharp stones and crushed rock larger than 3/4 inch which could cause significant scratching or abrasion of the pipe, should be excluded from the embedment material.
- E. Contractor shall perform all boring, cutting, removal, and/or repair of pavement, where pipes must be installed across existing roads, paths, walkways or other pavement. Such work shall be coordinated with the owner and/or governmental agencies to minimize time of close for any road, walkway, etc. Where cart path crossings are required, contractor shall cut and remove pavement and provide a temporary gravel repair until Contractor is able to pave prior to finalization of project.
- F. Lateral pipe is to be installed with a vibratory plow, the Contractor should use due care to ensure the pipe is not damaged by scraping or stretching during installation, and a bullet with a diameter at least 1" greater than the pipe being installed shall be used.
- G. Trenches shall be made wide enough to allow a minimum of 6 inches between parallel pipes.

 Trenches for pipes shall be made of sufficient depths to provide the minimum cover from finished grade as follows:
 - 1. 30" minimum cover over main lines (pipe 3" and larger).
 - 2. 24" minimum cover over lateral lines (pipe 2-1/2" and smaller).
 - 3. 36" minimum cover over 24-volt electric wires.
- H. Where 120-Volt power wire and 24-volt power wire share the same mainline trench, they are to be laid on opposite sides of the mainline and at different elevations allowing for a minimum separation of 18" with the 120-volt power near the bottom of the pipe and the 24-volt control wire near the top of the pipe.
- I. Where the 120-volt power wire is not in the mainline trench, it is to be installed in a trench with a minimum of 36 inches of cover.
- Maintain all warning signs, shoring, barricades, flares, and red lanterns as required by any local ordinances.
- K. Backfill shall be placed in layers of twelve inches (12") or less and tamped in place. The contractor shall guarantee that all trenches and other disturbed areas will be free from settling of more than one-half inch (1/2"). Should more settling than this occur, the Contractor shall regrade

- and reseed the trench. This no-settlement guarantee shall be in effect for one year following the final acceptance.
- L. If rock is encountered in sufficient amounts that it cannot be removed by trencher or backhoe, the Contractor shall notify the Owner and they shall negotiate the additional cost incurred in the handling of such areas of excavation.
- M. If existing utilities or other components are damaged during construction, they are to be repaired by the contractor at no additional cost to the owner.
- All equipment on the golf course shall be equipped with a non-aggressive turf type tread. No tracks allowed.

4.04 MAINLINE INSTALLATION:

- A. Mainline installation is to be in accordance with manufacture's recommendations. Mainline is to be installed in one complete operation with all associated components (fittings, mainline valves, lateral valves, etc.) The mainline is to be tested under normal operating pressure for at least 24 hours prior to making lateral connections. Mainlines are to be flushed and all air removed prior to connecting laterals.
- B. Routing of mainline shall be in accordance with the plans wherever possible. The Contractor may make necessary adjustments to avoid obstacles provided the adjustments do not conflict with the intent of the plans and specifications. All such changes or adjustments are subject to the approval of the Owner.
- C. Joining of O-ring pipe shall be completed with a lubricant approved by the pipe manufacturer. Pipe Manufacturer's recommendations shall be used to join pipe lengths. Gasketed fittings shall be installed by cutting the pipe square, removing burrs and using a rasp or beveling tool to taper the cut ends of pipe. Lubricant shall be also used to install fittings per manufacturer's recommendations.
- D. HDPE pipe shall be fused as per manufactures specifications and per section 4.05.
 - D. All mainline trenches are to be closed at the end of each day.
- E. Where mainlines are to cross shallow drainage pipes, irrigation contractor shall adjust mainline depth to route pipe over or under drainage pipe as required.

4.05 FUSION PROCESS

A. GENERAL

- 1. Butt and saddle fusion of PE4710 pipe and fittings shall be in accordance with ASTM F2620 and the manufacturer's recommended joining procedure.
- 2. Electrofusion of PE4710 pipe and fittings shall be performed in accordance with ASTM Fl290 and the electrofusion fitting manufacturer's recommended procedure.
- 3. PE4710 pipe and fittings shall be fused by qualified fusion technicians, as documented by the fusion provider. Training records for qualified fusion technicians shall be available to Owner or Engineer upon request.
- 4. As each fusion joint is constructed the contractor is required to perform MANUAL DATALOGGING on all fusions. This is written next to all fusions with a metallic ink marker (such as Sharpie or equivalent) that will include fusion technician's name or initials, date and exact time at completion of fusion process. Once the technician has completed this process, they are confirming that they followed all safety and fusion procedures for the fusion machine used.

- 5. Butt fusion machines shall incorporate the following properties, including the following elements:
 - a. HEAT PLATE Heat plates and the non-stick coatings on heating surfaces shall be in good condition without heating surface gouges or scratches. The non-stick coating shall be intact, clean and free of any contamination. Heater controls and temperature indicators shall function properly, and electrical cords and connections shall be in good condition. The heat plate shall maintain a uniform and consistent temperature on all areas of the heating surfaces on both sides of the heat plate.
 - b. CARRIAGE Carriage shall travel smoothly with no binding at less than 50 psi for hydraulic fusion machines. Clamps shall be in good condition with proper inserts for the pipe size being fused.
 - c. GENERAL MACHINE- Overview of machine body shall yield no obvious defects, missing parts, or potential safety issues during fusion.
- 6. Other equipment specifically required for fusion processes shall include the following:
 - a. Pipe rollers shall be used to support pipe to either side of the butt fusion machine and provide for vertical and lateral pipe alignment straight through the butt fusion machine.
 - b. A protective enclosure that provides for full machine motion of the clamps, heat plate, fusion assembly and carriage shall be provided for fusion in inclement and/or windy weather. Pipe ends shall be covered or blocked where open pipe ends could allow prevailing winds to blow through the pipe.
 - Fusion machine operations and maintenance manual shall be kept with the fusion machine at all times.

B. JOINT RECORDING

1. MANUAL DATALOGGING on all fusions. This is written next to all fusions with a metallic ink marker (such as Sharpie or equivalent) that will include fusion technician's name or initials, date and exact time at completion of fusion process. Once the technician has completed this process, they are confirming that they followed all safety and fusion procedures for the fusion machine used.

4.06 INSTALLATION

- A. The PE4710 pipe and fittings shall be installed such that PE4710 pipe curvature is not less than the minimum bending radius recommended by the pipe manufacturer.
- B. Direct burial installation of PE4710 pressure pipe shall be in accordance with ASTM D2774 and the pipe manufacturer's recommendations.
- C. Direct burial installation of PE4710 non-pressure pipe shall be in accordance with ASTM D2321 and the pipe manufacturer's recommendations.
- D. Installation of PE4710 pipe by horizontal directional drilling shall be in accordance with ASTM Fl962 or PPI TR-46 and the pipe manufacturer's recommendations.
- E. Installation of PE4710 pipe by slip lining or insertion within a casing or host pipe shall be in accordance with ASTM F585 and the pipe manufacturer's recommendations.
- F. Tracer Wire -All PE4710 piping shall be installed with a continuous, insulated PE, UF, TW, THW, THWN, or HMWPE insulated copper, 10 gauge or thicker wire for pipeline location purposes by means of an electronic line tracer.
 - 1. The wires shall be installed along the entire length of the pipe.
 - 2. Sections of wire shall be spliced together using approved splice caps and waterproof seals. Twisting the wires together is not acceptable.

4.07 MAKING CONNECTIONS TO NON-PE4710 PIPING SYSTEMS

- A. Approximate locations for non-PE4710 piping systems are shown on the drawings or detailed in the specifications. Prior to making connections into existing piping systems, the Contractor shall:
 - 1. Verify the actual field location, size, piping material and service ofnon-PE4710 piping systems.

- 2. Obtain all required non-PE4710 piping manufacturer(s) approved fittings (i.e., saddles, sleeve type couplings, flanges, tees, etc., as shown).
- 3. Have installed all temporary pumps and/or pipes in accordance with established connection plans.
- 4. Have on hand pipe stoppers, blind flanges or other devices to seal a valve or appurtenance that fails to seal properly. When applied to pressure rated valves or appurtenances, all such devices shall be pressure rated equal to or greater than the pressure rating of the valve or appurtenance to which they are attached.
- B. Where PE4710 pipe connects in-line to unrestrained gasket push-on piping, the end of the PE4710 pipe shall be anchored in-line within 10 ft of the connection to restrict longitudinal movement of the PE4710 pipe.
 - 1. The PE4710 pipe shall be fitted with a PE4710 wall anchor or electrofusion flex restraint.
 - 2. The PE4710 wall anchor or electrofusion flex restraints shall be encased in reinforced concrete that is sufficient to withstand Poisson effect longitudinal loads in accordance with AWWA MS5 In-Line Anchoring.
- C. Unless otherwise approved by the Engineer, new piping systems shall be completely assembled and successfully tested prior to making connections to non-PE4710 piping systems.

4.08 PIPE SYSTEM CONNECTIONS

A. Pipe connections shall be installed per applicable standards and regulations, as well as per the connection manufacturer's recommendations and as indicated on the drawings. Pipe connections to structures shall be installed per applicable standards and regulations, as well as per the connection manufacturer's recommendations.

4.09 TRACER WIRE TESTING

- A. Upon completion of installation by direct burial, slip lining, directional boring or pipe bursting, the Contractor shall demonstrate that the tracer wire is continuous and unbroken through the entire run of the pipe.
 - 1. Demonstration shall include full signal conductivity (including splices) when energizing for the entire run in the presence of the Owner or Engineer.
 - 2. If the wire is broken, the Contractor shall repair or replace it. Pipeline installation will not be accepted until the tracer wire passes a continuity test.

4.10 TAPPING FOR POTABLE AND NON-POTABLE WATER APPLICATIONS

- A. Tapping shall be performed using standard saddle fusion fittings, electrofusion saddle fittings, or mechanical tapping saddles or sleeves designed for use on HDPE piping. Tapping by threading directly into the PE4710 pipe wall is prohibited.
- B. Branching connections requiring a larger diameter shall be made with saddle fusion branch saddle fittings or mechanical branch connection fittings as specified and indicated on the drawings.
- C. Equipment used for tapping shall be made specifically for tapping HDPE pipe:
 - 1. Tapping bits shall be carbide tipped and designed for clean burr-free drilling, specifically made for HDPE pipe. 'Hole saws' made for cutting wood, steel, ductile iron, or other materials are strictly prohibited.
 - 2. Manually operated or power operated drilling machines may be used.
- D. Taps may be performed while the pipeline is filled with water and under pressure ('wet' tap), or when the pipeline is not filled with water and not under pressure ('dry' tap).

4.11 TESTING

- A. Testing shall comply with all local building codes, statutes, standards, local jurisdiction, and laws.
- B. Segments of the pipe may be tested separately in accordance with standard testing procedure, as approved by the Owner and Engineer.
- C. HYDROSTATIC LEAKAGE TESTING FOR PRESSURE PIPING

- 1. Hydrostatic leakage testing shall comply with ASTM F2164. Joint leakage and any defective materials and/or workmanship shall be repaired or replaced by the Contractor during the warranty period stated in the Agreement at no additional cost to the Owner.
- 2. Pneumatic (compressed air) leakage testing of PE4710 pressure piping is prohibited.

D. LEAKAGE TESTING FOR NON-PRESSURE PIPING

- Non-pressure piping such as sewers shall be tested for excessive leakage in accordance with ASTM Fl 417.
- 2. Joint leakage and any defective materials and/or workmanship shall be repaired or replaced by the Contractor during the warranty period stated in the Agreement at no additional cost to the Owner.

4.12 CHECK LIST FOR CONTRACTORS

A. All system components must be 100% fused with a Zero "O" allowable leakage rate for a minimum of 25 years and with a **PENT value at 2.4 MPa and 80** °C of>10,000 hours per ASTM F1473 from the Pump Station connection to the Swing Joint assembly and no other alternatives shall be accepted.

The fused components consist of the following:

- 1. Fused lateral connection to swing joint- Rated at> 335 PSI Operating Pressure
- 2. Fused gear operated lateral isolation valves NSF/ANSI Standard 61 certified.
- 3. Fused mainline valves AWWA CS 50 and NSF/ANSI Standard 61 certified.
- 4. Molded fittings thru 12" FM Approved, AWWA, NSF/ANSI Standard 61 certified.
- 5. Fabricated fittings 14" and larger FM Approved, AWWA, NSF/ANSI Standard 61 certified.
- 6. Pipe FM Approved, AWWA, NSF/ANSI Standard 14 and 61 certified.

B. SUBMITTALS

- 1. The following information shall be submitted by the contractor or system supplier:
 - a. A Certificate of Analysis issued by the manufacturers Quality Assurance that confirms that the products in the "Check List For Contractors" section meets all requirements including a PENT value at 2.4 MPa and 80 °C of>10,000 hours per ASTM F 1473.
 - b. A Certificate of Origin is required for all products not manufactured in the United States.

4.13 ELECTRICAL WORK:

- A. The Contractor is responsible for all electrical work pertaining to the irrigation system unless otherwise noted on the plan.
- **B.** All electrical shall be installed per local and national codes.
- C. All high voltage power shall be installed by a licensed electrician.

4.14 UTILITIES

- A. The Contractor shall be required to locate all utilities within the limits of construction, including private and public utilities prior to construction. Notwithstanding the foregoing, Owner shall provide and pay for construction water, point of connection and all electricity including all connections that are required for the work.
- B. Owner shall be responsible to Digline to verify utility locates and make Contractor aware of other possibleutilities not located. Contractor shall not be responsible for any utilities which are not marked or which are improperly marked.
- C. Any and all damage caused by Contractor to located utilities, tile lines, and existing water lines will be repaired by the Contractor at the Contractors expense. Any and all damage to non-located utilities, tile lines, and existing water lines will be repaired by the Contractor and paid for by the

Owner subject to agreement of a negotiated price.

4.15 OUICK COUPLE VALVES:

A. Quick couple valves are to be installed with prefabricated swing joint assemblies as shown in the details. One quick coupler valve shall be provided for each tee complex and one quick coupler valve shall be provided for each green and tee complex and located per plan.

4.16 LATERAL LINES:

- A. Pipe and fittings shall be thoroughly cleaned of dirt, dust and moisture immediately before the fusion process.
- B. Lateral pipes and fittings shall be installed in accordance with the manufactures recommendations.
- C. The pulling technique shall be used and a bullet with a diameter 1" greater than the pipe will be required.
- D. All lateral lines shall be flushed thoroughly prior to installing sprinklers and electric valves. Flushing shall be completed by plumbing a minimum five-foot length of 1.25" pipe threaded to the swing joint outlet and directed to discharge water downhill of trench or excavated hole. No water allowed within excavated area prior to plumbing the sprinkler head.

4.17 SPRINKLERHEADS:

- A. All sprinkler heads are to be installed on swing joints as shown on the detail sheet.
- B. Sprinklers are to be installed with the top of the sprinkler body at finish grade and level to maintain equal water distribution in 360 degrees rotation.
- C. Sprinklers shall be installed at least 12" away from curbs, sidewalks or buildings. The contractor shall be responsible for damage from landscape maintenance operations to sprinklers which are installed incorrectly.

4.18 CONTROL EQUIPMENT INSTALLATION

- A. Installation of all control equipment wired, and radio is to be complete in accordance with manufacturers recommendations. Refer to details and manufacturer installation manuals for detailed installation instructions.
- B. Central controller shall be located at the superintendent's office.
- C. Contractor shall provide Irrigation Consultant with daily records of all decoder addresses on VIH rotors and electric solenoid-controlled valves on the "as-staked" plan provided to Contractor by Irrigation Consultant.
- D. Contractor shall install all radio communication equipment as necessary to provide communication throughout the property.

4.19 FIELD GROUNDING:

A. All central control and field control units shall be ground per manufacturers recommendations. Grounding shall be tested by Contractor to ensure the minimum resistance is achieved at each controller unit. Report detailing resistance test shall be provided to Irrigation Consultant prior to final payment application.

4.20 CLEANING PREMISES:

See Agreement.

4.21 COURSE PLAYABILITY:

A. The Contractor may coordinate with the Golf Pro and Superintendent to close two golf holes throughout construction.

4.22 CARE OF SOD AND TURF:

- A. For all phases of the installation requiring trenching or excavating, sod shall be cut, removed and replaced alive within all areas of the golf course. Turf elevated due to pulling laterals and 24-volt wiring shall be rolled to establish a level surface after all connections have been completed. All areas disturbed by construction or equipment shall be graded to conform to their specified or original condition and be sodded as approved by the Owner. No more than 1000 feet of trench will be permitted to be unrestored at any one time.
- B. It shall be the Contractors responsibility to care for sod/seed until established. Scheduling of irrigation shall be coordinated with Superintendent.
- C. Any turf loss due to lack of irrigation as a result of not maintaining the existing irrigation system is the responsibility of the contractor. All turflost shall be cut, removed and resod with a sod mix approved by the Superintendent. Turfloss shall be identified by the Golf Course Superintendent.

4.23 VEGETATION:

A. No trees or shrubs shall be cut, pruned or removed without authorization of the Owner in writing. Any trees removal that is required and approved shall be cut and removed by golf course personnel.

4.24 REMOVAL OF EXISTING IRRIGATION EQUIPMENT:

- A. Existing irrigation equipment shall be removed by Contractor. Contractor shall coordinate construction schedule with golf course superintendent for removal of existing irrigation equipment.
- B. All irrigation valves, rotors and field satellites, valve boxes or other components visible on the surface shall be removed and returned to Owner.
- C. All voids in finish grade from removal of irrigation shall be filled with topsoil from mainline excavation, graded flush with surrounding grade and sodded.

4.25 ADDITIONAL HEADS & DECODERS FOR SHOP INVENTORY:

A. See Section 1.7.

4.26 EXISTING IRRIGATION SYSTEM:

A. The existing irrigation system shall be kept fully operational during the construction of the new irrigation system during the irrigation season. If the existing system is damaged by Contractor during the irrigation season, the contractor shall repair the existing system to provide irrigation to the golf course as water is needed to maintain vegetation. If the existing system is damaged by Contractor outside the irrigation season, damaged location shall be adequately marked for possible future repair by the contractor prior to the following irrigation season if required to maintain existing vegetation. The contractor shall coordinate construction of the new irrigation system so that the existing system can be removed as the new system is installed.

B. Work shall proceed from the new pump station and proceed out to the extremities of the property. The existing system is to be kept operational during construction and if required, the new system can be temporally connected to the existing system to provide irrigation during the construction period.

4.27 ROAD CROSSINGS:

A. All road crossings shall be bored. No cut and patch shall be allowed.

4.28 CART PATH CROSSING AND REPAIR:

- A. Cart path crossings are to be made by cutting cart path and pulling the pipe under the path with a vibratory plow. Provide a temporary gravel repair which will be suitable for a future pavement base. Contractor will provide all permanent repairs to street and cart path crossings. Repair shall match exiting conditions.
- B. Mainline crossings shall be made by making a 3-foot cut and removing existing pavement.

 Provide a temporary gravel repair which will be suitable for a future pavement base. Contractor will provide all permanent repairs to cart path and street crossings. Repair shall match exiting conditions.
- C. Where possible, cart path crossings shall be made by boring pipe under the path.

4.29 GPS SURVEYING OF STAKED SPRINKLERS:

- a. Location of all sprinklers will be marked with GPS by Baer Design Group, LLC in upto six site visits. Additional staking requested the Contractor will be at the Contractors expense at a rate of \$140/hr plus all travel expense.
- b. Contractor shall install sprinkler heads within 6 inches of GPS's location. Contractor is responsible to provide offset markers during excavation for head set to ensure rotor is installed in desired location.
- c. The Contractor will provide one person to assist in the head staking and the same person shall be used to stake the entire golf course.
- d. The Contractor is to provide whiskers for marking head locations. Whisker colors shall be pink for full circle sprinkler heads and blue for part circle sprinkler heads. The irrigation consultant is to be notified at least 10 working days prior to each staking phase.
- E. Contractor shall provide Whiskers for staking of sprinklers
 - 1. Whiskers shall be Stake All Whiskers by Black Burn Marking Flags and Marking Products. https://blackburnflag.com/marking/stake-whiskers/stake-all-whiskers/
 - 2. Full circle rotors shall be marked with blue whiskers.
 - 3. Pare circle rotors shall be marked with pink whiskers.
- F. The irrigation consultant is to be notified at least 10 working days prior to each staking phase.

4.30 RIPRAP: NIA

4.31 OTHER INSTRUCTIONS:

- A. Manufacturer's recommendations and instructions will be followed on the installation of all equipment constituting the irrigation system.
- B. Valve boxes are to be installed so that the top of the box is in the same plane as the ground surface

- directly surrounding the box.
- C. The Contractor shall securely cover all openings into the pipe system at the end of the day.
- D. The Contractor shall conduct their operations in a manner to comply with all provisions of the Soil Erosion and Sedimentation Control Act, as well as preventing the entry of fuels, oils, chemicals, or sewage or other harmful substances into any bodies of water or aquifers.
- E. Any existing equipment removed and not used in the irrigation system shall remain the property of the Owner. Removed equipment shall be cleaned and delivered to the Owner prior to completion of the contract.

5.1 FINALIZATION:

5.2 **TESTING:**

- A. The Owner's authorized representative shall be responsible for inspection of the Contractor's work while such work is in progress. The Contractor will be notified of any work which does not meet the installation instructions and will be required to correct such work.
- B. Upon completion of construction, the contractor will test the entire system under the normal working conditions. Upon visual inspection of the ground, should any leak be found, it shall be promptly repaired. All components will be checked for proper operation. Any malfunctioning equipment or leak shall be repaired and retested until it is in satisfactory working condition.
- C. Upon completion of construction, the Contractor will test all grounding and provide a written report to the Owner on the installed performance for each wire leg, central control, weather station, pump station and other grounding system.

5.3 ADJUSTING THE SYSTEM:

- A. Upon completion of the system the Contractor shall adjust the sprinkler heads to provide optimum performance, and all controllers, and other equipment will be set so that the overall operation of the system is at its most efficient.
- B. The irrigation consultant will assist the Contractor in programming the central controller.
- C. The Contractor shall flush all lines and evacuate all air from the system.
- D. The Contractor shall adjust the pressure of all heads to provide performance which is specified on the irrigation plan. Minor adjustment during the guarantee period will be made by the Owner.

5.4 NOTIFICATION AND COMPLETION OF REQUIREMENTS:

A. When the Contractor is satisfied that they have completed the requirements of the contract documents, and has tested the system, the contractor shall submit a written statement which indicates the installation is complete. At a prearranged time, within ten (10) days following receipt of such statement from Contractor, the system will be inspected by theOwner and Irrigation Consultant and any items found which do not constitute completion of the irrigation system will be noted. The Contractor will be notified of corrections in writing. Failure to provide such written notification within such ten (10) day period shall be deemed acceptance of such completed work.

5.5 OWNER'S ACCEPTANCE:

A. Final acceptance of the work may be obtained from the Owner upon the satisfactory completion of all work. The Owner may accept the system prior to completing corrections deemed necessary

Item #19.

during the final inspection. Any appropriate deductions for such conditions will be made to the final payment.

5.6 RECORD DRAWINGS:

- A. The contractor shall furnish the Owner with a reproducible "Record" drawing with each payment request showing all sprinkler heads, valves, station addresses, flush valves, and pipelines to a reasonable scale and provide a minimum of two dimensions taken from fixed, obvious objects to each automatic and manual control valve, and quick coupling valve.
- B. Contractor shall provide Owner with an Operations and Maintenance Manual. Instruction sheets and parts lists covering all operating equipment installed on the project will be bound into a 3-ring binder and furnished to the Owner in two copies.

5.7 OPERATIONAL INSTRUCTIONS:

- A. After completion, testing and acceptance of the system the Contractor will instruct the Owner's personnel in the operation and maintenance of the system.
- 5.8 WARRANTY: See Agreement.
- 5.9 GUARANTEE: See Agreement.
 - A. See Agreement.
 - **B.** In the Fall following final acceptance of the installation the Contractor shall "winterize" the system as part of the guarantee.
 - C. In the Spring following final acceptance of the installation the Contractor shall turn the system on and make any necessary repairs as part of the guarantee.
 - **D.** Any damage to the equipment not covered by the guarantee will be repaired by the Contractor and charged to the Owner at the Contractor's regular service rates. It will be the responsibility of the Contractor to get the signed work order before making any non-warranty repairs.
 - E. Emergency repairs may be made by the Owner without relieving the contractor of his guarantee obligation. Emergency repairs shall only be made by Owner in the event of an emergency threatening life or property and which Contractor is unable to commence within twenty-four (24) hours following written notice from Owner.

5.10 OWNER'S RESPONSIBILITY DURING CONSTRUCTION:

A. Owner shall pay for all permits required on the project.

5.11 OWNER'S RESPONSIBILITY POST CONSTRUCTION:

A. It will be the Owner's responsibility to maintain the system in good working order during the guarantee period, performing necessary minor maintenance, keeping the grass from obstructing the sprinkler heads, and preventing damage during landscape maintenance operations. The foregoing shall be in addition to the Owner's obligations set forth in Section 10 of the Agreement.