



## **CITY COUNCIL SPECIAL MEETING**

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Tuesday, November 30, 2021 at 6:00 PM

---

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

---

### **Agenda**

#### **VIRTUAL MEETING INSTRUCTIONS**

To join the meeting online: <https://us02web.zoom.us/j/88624918515>

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

Webinar ID: 886 2491 8515

#### **ROLL CALL ATTENDANCE**

\_\_\_ Jessica Perreault

\_\_\_ Joe Borton

\_\_\_ Brad Hoaglund

\_\_\_ Treg Bernt

\_\_\_ Liz Strader

\_\_\_ Luke Cavener

\_\_\_ Mayor Robert E. Simison

#### **PLEDGE OF ALLEGIANCE**

#### **ADOPTION OF AGENDA**

#### **CONSENT AGENDA [Action Item]**

1. Approve Minutes of the November 16, 2021 City Council Regular Meeting
2. Approve Minutes of the November 23, 2021 City Council Regular Meeting
3. Small Talk Clinic (Verona Subdivision No. 3) Water Main Easement
4. Findings of Fact, Conclusions of Law for Red Aspen (H-2021-0066) by KM Engineering, LLP, Located at the southeast corner of S. Linder Rd. and W. Overland Rd.
5. Agreement Between the City of Meridian and Brighton Development, Inc. to Accept Payment in Lieu of Installing Streetlights at Bainbridge No. 11 and No. 12 Subdivisions
6. Agreement Between the City of Meridian and Challenger Development, Inc. to Accept Payment in Lieu of Installing Streetlights at Cache Creek Subdivision
7. Agreement Between the City of Meridian and Triple D Development, Inc. to Accept Payment in Lieu of Installing a Streetlight at Prevail No. 3 Subdivision

- [8.](#) Animal Welfare and Enforcement Agreement Between the City of Meridian and the Idaho Humane Society
- [9.](#) Master Interagency Governmental Agreement Between the City of Meridian and the Meridian Library District for Waiver of Costs and Fees

**ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]**

**DEPARTMENT / COMMISSION REPORTS [Action Item]**

10. Mayor's Office: Recommendation of Appointment of Bruce Freckleton to Community Development Director with an Effective Date of December 21, 2021
- [11.](#) Legal/Police Department: Presentation Regarding Idaho Opioid Settlement Intrastate Allocation Agreement
- [12.](#) Approval of Idaho Opioid Settlement Intrastate Allocation Agreement Between the State of Idaho, Health Districts, and Eligible Local Governments

**ACTION ITEMS**

*Public Hearing process: Land use development applications begin with presentation of the project and analysis of the application by Planning Staff. The applicant is then allowed up to 15 minutes to present their project. Members of the public are then allowed up to 3 minutes each to address City Council regarding the application. Citizens acting as a representative of a Homeowner's Association may be allowed up to 10 minutes to speak on behalf of represented homeowners who have consented to yielding their time. After all public testimony, the applicant is allowed up to 10 minutes to respond to questions and comments. City Council members may ask questions throughout the public hearing process. The public hearing is then closed, and no further public comment is heard. City Council may move to continue the application to a future meeting or approve or deny the application. The Mayor is not a member of the City Council and pursuant to Idaho Code does not vote on public hearing items unless to break a tie vote.*

- [13.](#) **Public Hearing** and Second Reading Continued from November 23, 2021 of Ordinance No. 21-1954: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the (Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project, Which Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; and Providing an Effective Date
- [14.](#) **Public Hearing** and Second Reading Continued from November 23, 2021 of Ordinance No. 21-1956: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project, Which First Amendment Seeks to Annex Certain Parcels to the Existing Union District Project Area; Which First Amendment Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; and Providing an Effective Date



15. Approval of Johnson St Right-of-Way Vacation (H-2021-0079) by Hawkins Companies, Located on the south side of W. Waltman Ln. approximately 1/8-mile west of S. Meridian Rd., between 235 and 295 W. Waltman Ln.
- A. Request: Vacation of an Ada County Highway District (ACHD) right-of-way (i.e. Johnson St.) located between 235 and 295 W. Waltman Ln.
16. **Public Hearing** Continued from November 23, 2021 for Fast Eddy's at Eagle (H-2021-0068) by Steve Eddy, Located at 3775 N. Eagle Rd.
- A. Request: Modification to the Existing Development Agreement (H-2018-0006 - Inst. #2018-042029) to remove the requirement for the driveway along the west side of the retail store to be extended to the north property boundary for future extension and interconnectivity in accord with UDC 11-3A-3A; and a cross-access/ingress-egress easement to be provided to the property to the north (Parcel #R4582530202, 13984 W. Jasmine Ln.).
17. **Public Hearing** Continued from November 23, 2021 for Regency at River Valley Phase 3 (H-2021-0059) by Bach Homes, Located at 3270 and 3280 E. River Valley St. and 2480 N. Eagle Rd.
- A. Request: Modification to the existing Development Agreements (Inst. #113005608 – SGI and Inst. #2020-062947 – Bach Storage) to remove the property from the existing agreements and create one new agreement for the development of a 134-unit multi-family project.

## **FUTURE MEETING TOPICS**

## **ADJOURNMENT**



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the November 16, 2021 City Council Regular Meeting

## **Meridian City Council**

**November 16, 2021.**

A Meeting of the Meridian City Council was called to order at 6:10 p.m., Tuesday, November 16, 2021, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Joe Dodson, Kyle Radek, Brian Caldwell, Joe Bongiorno and Dean Willis.

### **ROLL-CALL ATTENDANCE**

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

Simison: Council, we will call the meeting to order. For the record it is Tuesday, November 16th, 2021, at 6:10 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

### **PLEDGE OF ALLEGIANCE**

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

(Pledge of Allegiance recited.)

### **COMMUNITY INVOCATION**

Simison: Next item on the agenda is the community invocation, which tonight will be delivered by Ben Blakey of Compass Bible Church. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection.

Blakey: Heavenly Father, we come before you and ask your blessing on this meeting tonight. We thank you so much for your blessing on our community. We thank you for your faithfulness day by day, season by season, year by year, to us. We lift up the Mayor and these Council Members and ask that you would fill them with wisdom and insight to always do what is best and right. We lift up our community. God your word calls us to put away anger, clamor, wrath and bitterness and to be tender hearted to one another, to be kind, forgiving one another. And, God, we just pray that those things would be the things that characterize our community, God, and we ask that those things would characterize this meeting tonight as well. We lift it all up to you in Jesus's name, amen.

### **ADOPTION OF AGENDA**

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

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: This is going to be a long one, so bear with me and I have good people around me that if I muck it up, which I for sure will, someone is going to say you did it wrong, Treg. You need to do it this way. So, here we go. Next week's 6:00 o'clock meeting is going to be, unfortunately, cancelled, because of a lack of a quorum and because of next week's meeting -- cancellation of next week's meeting this adoption of the agenda is going to be somewhat lengthier than normal. To start off, Mr. Mayor, I move that we change the agenda to reflect the following. MDC will withdraw recommendation for Option B, which is Item 15, so we are going to strike that from the agenda tonight. And going forward we are going to continue Items 14 and 16 that were originally scheduled for the 23rd to the 30th to a special meeting and -- Mr. Nary, did I do a good job? It's -- it's a miracle. With that and those changes, Mr. Mayor, I move that we adopt the agenda as amended.

Hoaglund: Second the motion.

Simison: I have a motion and a second to adopt the agenda as amended. Is there any discussion or questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Making sure we have got a quorum check for the 30th. I know I'm out of state that particular day.

Simison: I believe that they quorum checked everyone else while they were here and they were satisfied to that.

Cavener: Okay.

Simison: Any other questions or comments? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the agenda is adopted as amended with the other items as well.

MOTION CARRIED: ALL AYES.

## **CONSENT AGENDA [Action Item]**

- 1. Fowler Orthodontics Water Main Easement**
- 2. The Landing Subdivision No. 13 Pedestrian Pathway Easement**

3. **Interagency Agreement Between the City of Meridian and Ada County Highway District (ACHD) for Roadway Construction/Water and Sewer Improvements for Ten Mile Rd. and Victory Rd. to Overland Rd., ACHD Project No. 519041**
4. **Interagency Agreement Between the City of Meridian and Ada County Highway District (ACHD) for Roadway Construction/Water and Sewer Improvements for Ten Mile Rd. and Victory Rd. Roundabout, ACHD Project No. 319038**
5. **License Agreement For Meridian Police Department Canine Training at Ada County Weed, Pest and Mosquito Abatement**
6. **Approve Agreement and Purchase Order 22-0128 to Safebuilt, LLC for Fiscal Year 2022 Plan Review Services in the Not-to-Exceed Amount of \$998,950.00 and Authorize Procurement Manager to Sign**
7. **Task Order 11084.a to Mountain Waterworks for Well 26 Water Treatment Design for the Not-to-Exceed Amount of \$310,801.00**

Simison: Next item up is the Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

### **ITEMS MOVED FROM THE CONSENT AGENDA**

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

### **PUBLIC FORUM – Future Meeting Topics**

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

Johnson: Mr. Mayor, the only sign up was actually for a later project.

**PROCLAMATIONS [Action Item]****8. National Apprenticeship Week**

Simison: Okay. Then we will bypass that and, then, we will go ahead and move on to Item 8, which is a proclamation for National Apprenticeship Week. If I could if -- they are here -- if Maureen and Jeffrey could join me at the podium for the reading of the proclamation that would be great. Council and the public, we are here tonight to read a proclamation for National Apprenticeship Week. So, I'm -- I know two of the three people that are up here. I don't necessarily know the third, but we have Maureen O'Toole, the vice-president for Youth Appreciation -- Youth Apprenticeship Program at the Idaho Business for Education and Jeffrey Bacon, the federal project manager of the Workforce Development Council, and who else is joining us? Okay. I know Gina Robison from the Idaho Department of Labor is also here with us. So, we are going to read a proclamation and, then, ask you all just to make a few remarks about the importance of this week and -- and we also do have the chair of the West Ada board here, so apprenticeship can always be important for them as well, so -- so, whereas National Apprenticeship Week is celebrating its seventh anniversary of raising awareness of the vital role registered apprenticeships provide in creating opportunities by allowing apprentices to earn while they learn and preparing a pathway to well paying careers in Meridian and across the nation and whereas registered apprenticeship programs enable employers to develop and train their future workforce while offering career seekers affordable paths to secure high paying jobs and whereas Meridian recognizes the role of registered apprenticeship in expanding opportunities in our workforce are all qualified individuals who wish to contribute to America's industries and whereas registered apprenticeship provides a one stop shop to engage and connect labor, business, and education partners with apprenticeships and industry specific resources and whereas as a proven and industry driven training model registered apprenticeship provides a critical talent pipeline that can train and build up our workforce to address the needs of our country. Therefore, I, Mayor Robert E. Simpson, hereby proclaim November 15th through 21st, 2021, as National Apprenticeship Week in the City of Meridian and urge the residents of our community and communities across the country to recognize the value of and support apprenticeships during this week and throughout the year. Dated the 16th of day of November 2021. So, thank you for being here and allowing us to do this. I think that at this point in time with where we are as a country and our needs in the labor market it is probably more appropriate than any other point in time in our nation's history. So, thank you for being here and I will allow you to say a few words.

O'Toole: Thank you, Mr. Mayor. Thank you, Councilmen. So, we are part of a group effort across the state of Idaho to connect men and women to good paying jobs and careers right here in Idaho. Let's stick to exporting potatoes and keep talent right here in the state. So, we are working across the state to create apprenticeships across occupations and industries. So, this is my partner from the Department of Labor. This is my partner from the workforce development. And we gave a presentation today. We are talking to veterans about this opportunity. We are talking to youth. You just have to be 16 to be an apprentice. So, over the last year we placed 200 more apprentices in local

jobs this year than the year before, because employers are starting to figure out that if you want to get talent you got to keep what you have, so --

Robison: And that's 16 to any age you can be an apprentice and you can use it to reinvent your career and start something new.

## **DEPARTMENT / COMMISSION REPORTS [Action Item]**

### **9. Public Works: Fiscal Year 2022 Budget Amendment in the Amount of \$873,975.00 for Well 18 Water Treatment**

Simison: All right. Next item on the agenda is the Department/Commission Reports and I will -- first up is Public Works Fiscal Year 2020 Budget Amendment in the amount of 873,975 dollars for Well 18. Kyle, you are going to do this? Okay.

Radek: Yes, Mr. Mayor, Council Members. This is a budget amendment for Well 18 treatment facility. As you all are aware, our treatment facilities are intended to remove problematic constituents from the water, iron, magnesium, and ammonia generally and that's what this one is intended to do. We originally budgeted for this -- this construction contract a year and a half ago and we did not anticipate the drastic change in costs. This is very similar to Well 17 budget amendment where we -- we had to get an extra 500,000 dollars to complete that. The treatment facility projects largely have not changed. They have the same components in them. Haven't gold plated anything. They are intended to function safely and for a long time and efficiently to benefit the -- the residents of the city and this was bid out in August. We got one bidder. It was 2.1 million dollars and since we only got one bidder we decided the best thing to do was to -- well, we actually contacted some of the contractors we expected to bid on it and there were a lot of other projects that they were interested in that were bigger than ours and so we wanted to get more competition on the bid and we bid it out again. We had five bidders. The low bidder was the same bidder, but their price came down almost 250,000 dollars. So, we believe we have done the -- the appropriate steps to try to -- try to get a good bid on it and move forward on the project. The project is in its third year. The -- the iron and manganese removal equipment has been procured and it will be delivered and with this budget amendment we will be able to start on the construction and that filter tank and equipment will have a place to live. So, with that I will stand for any questions. We are asking for approval of the Well 18 Water Treatment Budget Amendment for 873,975 dollars and authorizing the Mayor to sign.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I would move approval of a fiscal year 2022 budget amendment for Public Works in the amount of 873,975 dollars for Well 18 water treatment.



Bernt: Mr. Mayor, was at 873?

Hoaglund: Eight hundred seventy-three thousand nine hundred seventy-five.

Simison: Do I have a second?

Borton: Second.

Simison: I have a motion and a second to approve the budget amendment in the amount of 873,975 dollars. Is there any discussion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Kyle, I appreciate the efforts -- little extra efforts to go out rebid, ensure that the pricing is appropriate. We know it's difficult, but those extra efforts save taxpayer money and you did a good job. So, thanks for that.

Simison: Any other questions or comments? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

**10. Construction Contract Between the City of Meridian and Lacy Mechanical, Inc. for Public Works Construction of Well 18 Water Treatment Facility Project for the Not-To-Exceed Amount of \$1,883,430.00 and Authorize Procurement Manager to Sign Contract and Associated Purchase Order**

Simison: Next item up is Item 10, a construction contract between the City of Meridian and Lacy Mechanical for the construction of Well 18 water treatment facility. Did I see Mr. -- is Mr. Watts in the room?

Watts: Mr. Mayor, Council Members, yes, as Kyle has stated, we had to go back out to bid for this, so we contacted the contractors. Our neighboring city to the south had a very large project, it was keeping contractors from bidding until they found out if they won that bid or not, even the subs were not giving the generals any information. So, once that job bid we went back out again, contacted the contractors and they agreed to put a bid in with us and as Kyle said, we saved almost 250,000 dollars by going back out. We ended up getting five bids on the project, which was fantastic in this market. So, we were pretty happy. With that just ask for approval of the agreement.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move approval of the construction contract between the City of Meridian and Lacy Mechanical, Inc., for Public Works construction of Well 18 water treatment facility project for the not-to-exceed amount of 1,883,430 dollars and authorize the procurement manager to sign contract and associated purchase order.

Strader: Second the motion.

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

MOTION CARRIED: ALL AYES.

**11. Parks and Recreation Department: Discussion of Discovery Park Phase 2 Bid Results and Approval of AIA A133 Guaranteed Maximum Price Amendment to Kreizenbeck Constructors for the Not-To-Exceed Amount of \$12,591,602.00**

Simison: Next item up is Item 11, Parks and Recreation Department, discussion of Discovery Park phase two bid results and approval of a not to exceed amount of 12,591,602 dollars. Mr. Barton.

Barton: Good afternoon, Mayor and Council. We were in front of you last summer presenting designs for Discovery Park phase two. We received direction from you -- primarily was the addition of a skate park and a bike park, some other modifications. We finalized those plans this fall, put the project out to bid, without the skatepark and without the bike park, because those will be done under separate design build contracts. So, the -- the total of all the bids that we received for the base project, including the soft costs for construction, are a total of 12,591,602 dollars, which is what we are asking for that guaranteed maximum price amendment. I would make note that there -- in that price there is a nine percent contingency in there and that any unused contingency would be returned to the city. So, going forward pending the approval of that guaranteed maximum price, we will start construction this spring, work through designs of both the skate park and the bike park and bring those designs back to you to look at. We feel that with the one -- almost 1.8 million dollars left over to build those two amenities that we -- we do have plenty of funds in our existing budget to accomplish that. So, I would be happy to answer any questions you have and ask for your approval.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Cavener: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Do we have any preliminary estimates on the bike and skate park and if that -- how much more that might be above what we have set aside -- what we have budgeted?

Barton: Yeah. Great -- great question, Mr. Mayor and Council Woman Perreault. So, we have -- we have put out an RFP for skate park design build and bike park design build. We didn't have a responsive bidder on the bike park design build. So, now we are in negotiations. The skate park we do have a responsive bidder. Their initial estimate came in at 438,000 and that's roughly the square footage that we talked about and -- but I hate to take and put that number out that -- I mean take that with a grain of salt, because that's not a finalized design or a final price, but we are in that -- that's -- it's a -- it's in the realm of 500,000 and, then, the remaining amount plus any returned unused contingency would be returned to go towards the bike park or be returned into our impact fee account.

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. And, Mike, thanks. Council Member Perreault asked one of my questions. My second one is just if you could refresh my memory as to the source of the funds for this park and the phase two upgrades.

Barton: Yeah. Great question, Mr. Mayor and Councilman. This project is funded a hundred percent from park impact fee funds.

Cavener: Great. Thanks, Mike. And I guess, Mr. Mayor, I guess I put myself as some of our members of the community that are in the audience tonight and if I heard 12 and a half million dollars for parks I might start to scratch my head and so I think it's just a good reminder for our residents that -- that growth is paying for this. This is not coming on the backs of our existing taxpayers. I think that's very very important to note.

Simison: Thank you, Mr. Cavener, for making that point. Council, any other questions or comments? Or motions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve the Parks and Recreation request -- actually, do we need to approve that -- I should ask Bill. Do we need to approve the amount or specifically what kind of motion are we needing?

Nary: It's to -- Mr. Mayor, Members of the Council, Council Member Perreault, so you are approving the Discovery Park phase two bid results and approval of the AIA contract.

Perreault: Okay. So, the bid results. Okay.

Nary: Yes.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I make a motion to approve the Discovery Park phase two bid results and approval of the AIA A133 guaranteed maximum price amendment to the Kreizenbeck Contractors -- Constructors for the not to exceed amount of 12,591,602 dollars.

Bernt: Second.

Simison: I have a motion and a second. Do I have any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and it is agreed to. Thanks, Mike.

MOTION CARRIED: ALL AYES.

## **ACTION ITEMS**

### **12. Public Hearing for Red Aspen (H-2021-0066) by KM Engineering, LLP, Located at the southeast corner of S. Linder Rd. and W. Overland Rd.**

- A. Request: Annexation and Zoning of 2.99 acres of land with a request for the C-G zoning district for the purpose of constructing an approximate 30,000-square-foot flex space building on 2.19 acres of land.

Simison: Okay. Council, next item up is under Action Items, it's Item 12, public hearing for Red Aspen, H-2021-0066. I will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor, Members of Council. Good to see everybody here. As noted, the first item up for tonight is Red Aspen. Later on we will get to the fun one. This will be fun in other ways.

Simison: Yeah. I heard this one had a great presentation at P&Z.

Dodson: It really did. I hope we get the same thing, so -- we will be good to go. The project before you is for Red Aspen. The site consists of 2.9 acres of land, currently zoned RUT in the county, which is Rural Urban Transition. It's located at the southeast corner of Linder and Overland. Has a future land use designation of commercial and medium density residential. You can't see it on this map, but the medium density is just

a sliver along the bottom of the property, because as I will note later on, future land use designations are not parcel specific. To the north is Overland Road and north of that is some general industrial, which includes the Camping World business, as well as Bish's further to the northeast. To the east is R-8 zoning, although it is the newest Meridian fire station. To the south is R-15 zoning and some multi-family in the form of some four-plexes -- two story four-plexes and to the west is Linder Road, which -- and, then, further west of that is C-C zoning with some commercial development that is currently under development. It's not all built out. The request before you tonight is for annexation and zoning only. It's to annex all 2.99 acres of land with a request for C-G zoning for the purpose of constructing an approximate 30,000 square foot flex space building on 2.19 acres of land. So, the difference in the zoning -- or the zoning -- I should say the annexation and, then, the actual boundary of the project is the zoning must go to the centerline of the street. Despite two future land use designations, the city anticipates commercial uses on this corner, especially because it is adjacent to two major arterial roadways and near a planned interstate overpass. God willing. The proposed use of flex space is subject to specific use standards, UDC 11-4-318, and is proposed to serve as the core office and warehouse of the local business Red Aspen. Red Aspen is a social selling online beauty company and aims to utilize their site as their new main hub for their growing business. Again, it is a local business started here in Meridian, so they want to stay here. Flex space is a principally permitted use in the requested C-G zoning district and, to be clear, just like at P&Z, flex space does not mean warehouse. It can have a warehouse component, it could have retail, it could have office, it can have a myriad of different uses in and out of it. Usually local businesses use this use for its flexibility. Hence flex space. Access to the site is proposed via one connection to Linder and one connection to Overland Road, with both accesses restricted to right-in, right-out. The access point from Linder is actually an existing 25 foot wide access point for the multi-family project to the south. The applicant is proposing to widen this curb cut to 40 feet and share it with that project. It's my understanding that that access point and the sharing of that has been approved between the two parties. ACHD has reviewed the proposal for both accesses and supports the applicant's request, including to widen the existing Linder accesses. Both access points are as far away as you can physically get from the intersection, which is great. The applicant has proposed to place the building near the hard corner and pull it away from the existing multi-family residential to the south, approximately 119 feet as currently shown, and that does include the required 25 foot landscape buffer to the south as a land use buffer between commercial and residential uses. The applicant has proposed -- sorry. No buffer is required adjacent to the fire station, because it's not a residential use. The applicant is also showing the required landscape buffers adjacent to arterial streets, with one adjacent to Overland being shown wider than the required 25 feet. This was discussed at the Commission hearing. Staff -- I should say -- well, before I get there -- due to the required right of way dedication the proposed building is shown approximately 42 feet back, rather than the 25 feet from Overland. It has led to the building being further south than staff originally anticipated and because of that and because -- in order to help the site get -- or to help the applicant get some of the site back for buildable area, staff is recommending the applicant reduce the street buffer to Overland by going through the alternative compliant -- compliance process with the future application, which would be certificate of zoning compliance after

-- if the application is approved for annexation and zoning. Staff finds that the revision of the site has at least two positive outcomes. One being the building can be moved further north towards Overland and create a better presence and streetscape along this corridor and moving the building further north creates further separation from the existing multi-family to the south, while at the same time allowing more area for the truck maneuver -- maneuverabil -- that's not a word. For the trucks maneuvering in the south half of the site. The applicant has stated the planned hours of operation are Monday through Friday, 9:00 to 5:00, with occasional Saturday hours during the holiday season, which would be October to December. Most importantly, the applicant has stated that any freight deliveries will only occur during normal business hours. So, none of the 6:00 a.m. drops or 10:00 p.m. And due to the proposed hours of operation staff believes the proposed DA provisions and screening methods will be sufficient for any noxious consequences of the proposed use. Staff did not include any specific provisions limiting the hours of operation, because of the already limits by code in the C-G zoning district. Site -- the site and floor plan do show compliance with the specific use standards for proposed flex space. They cannot have more than 70 percent warehouse and no less than 20 percent office. The -- this also includes the position of the loading docks, as you can see here on the south end of the site. They are facing to the east and not facing an arterial, nor facing residential use. The loading docks and roll-up doors meet the specific use standards. The Commission did recommend approval of this project. At the hearing there was not much discussion. Some of it really focused on some clarification of my comments and my conditions in my staff report, as well as discussion regarding the applicant's request to modify DA provision to allow -- I guess some of the uses -- I have made -- I have provision in there limiting the uses and so there was some discussion about why I limited the uses to what I did. The Commission did add a condition of approval to -- as I have noted, because I missed it, to require the applicant obtain a property boundary adjustment. However, in the Commission motion they said prior to City Council. That's physically impossible between Commission and Council just because of the processing with the county, but in my Commission recommendation to the Council I have modified that condition, so that it reads appropriately, which is just prior to certificate zoning compliance, which is perfectly fine, because there are three existing parcels here, so they can either combine them, move -- move them, they just can't go underneath the building. They also modified DA provision A-1-B to increase the height limit consistent with the C-C zoning district, which is 50 feet, rather than the C-G zoning district height limit to 65. There were no -- there was no written testimony before the Commission hearing or after. So, after that I will stand for any questions.

Simison: Thank you, Joe. Council, any questions? Would the applicant like to come forward? If you could state your name and address for the record.

McKinney: My name is Jesse McKinney and our business address is 989 South Industry Way here in Meridian.

Reese: I'm Genie Reese. Same address.

Moore: Amanda Moore. Same address.

McKinney: We are so excited to be here this evening. Thank you so much for having us. We are here with Red Aspen and at Red Aspen we are on a mission --

(All three in unison). To inspire women to stand up, stand out, and stand together by uniting passion with purpose.

McKinney: We are Meridian homegrown and we are excited to stay here in Meridian. To give you a little bit about us. We started in 2017. We are very thrilled, because we have about 10,000 sales reps all over the country and we will end the year at somewhere around 30 million dollars in revenue.

Reese: We launched Red Aspen just four short years ago with a line of false lashes and they have expanded to include over 150 spews, including color cosmetics and press on nails.

Moore: Currently our office here in Meridian has about three different locations. So, as the COO I would not be -- I would be so happy if we combined them all into one beautiful warehouse where we could continue to grow our business and stay here in Meridian and maybe even add a little splash of pink.

McKinney: We would like to thank the Council for their consideration and we hope we get a resound -- a resounding thumbs up. Thanks, everyone.

Simison: Thank you. Council, any questions? Okay. This is a public hearing. Mr. Clerk, do we have anyone signed up to testify on this item?

Johnson: Mr. Mayor, we had five people sign in. The three that said they wanted to testify just did. The other two did not indicate wishing to testify.

Simison: Would you like to call out their names and invite them up to testify, make sure --

Johnson: I certainly can. It looks like we have Josh Gantz and Cornel Larson.

Larson: Thank you, Mr. Mayor, Members of the City Council in Meridian. My name is Cornel Larson. My address is 210 Murray in Boise. I am the architect on the project here tonight with the client and wanted to let you know that we are okay with the staff report. It's acceptable to us. We also -- we would like to thank Joe, staff, for helping us through the project and the process and as well as our neighbor, who had agreed to give us a shared access, so that we could actually make this site work for the Red Aspen folks. Steve Smith. And ACHD has worked well with us on it, too. So, we have got pretty much all the players on board for the project. So, tonight we are here just to ask for your support for this annexation and rezone. I would be happy to answer any questions you might have on zoning or the building or any of those items.

Simison: Council, any questions?



Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I want to understand the flex space designation. So, it seems to me from the project description that you have a very specific use and oftentimes when we are presented with flex space requests it's because there is an intention to have multiple tenants or that the -- the use of the property may change at some point in the future. So, is that -- is that a designation that the city staff recommended that you put on this based on the style of the structure or was that something that the applicant was requesting specifically?

Larson: Mr. Mayor, Council Woman Perreault, we looked at all the definitions and the uses in the C-G zone and the flex space fits this building pretty well. They have office space. They have a need for an area where they do their online productions, photography, those kind of issues. They also have need for a conference room and a space that they can package and ship their product to their various vendors. So, the flex space designation is a -- is a good designation for this use based on the current code that's in Meridian.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Mr. Larson, how much bright pink could we expect at this location? I heard the applicants reference potential for the exterior to bring a splash of color to Meridian. Can you comment on that?

Larson: Mr. Mayor, Council Woman Strader, we anticipate doing some pink on the doors and maybe on the signage. The rest of the building will be pretty neutral tones. It wouldn't be all pink by any means.

Strader: Got it. Thank you.

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

Larson: Thank you, Mr. Mayor.

Simison: Mr. Clerk, anybody else signed up?

Johnson: Mr. Mayor, that was everyone.

Simison: Okay. Is there -- this is a public hearing. If there is anybody in the audience that would like to come forward and provide testimony on this item you can do so at this time or if there is anybody online, please, use the raise your hand function and we can

bring you in to provide testimony. Seeing no one either online or in the room wishing to provide testimony on this item, Council?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: One question for staff. There is reference in the staff report of -- of -- and maybe you touched on it and I missed it, but the -- having a DA provision that limits the height to 50 feet, like a C-C zoning, similar to the adjacent. Is that part of the DA provision, a condition that's --

Dodson: Yes, sir. Yeah. That's already in there.

Borton: Okay.

Simison: Do I have a motion to close the public hearing?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing.

Borton: Second.

Simison: Have a motion and a second to close the public hearing. All in favor signify by saying aye. Opposed nay? The ayes have it.

MOTION CARRIED: ALL AYES.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Before we make another motion I just want to say congratulations for a successful Meridian business. These type of success stories resonate in our city, because we do such a great job and we have entrepreneurs who are willing to make investments and -- and take risk and it's evident in this particular application and congratulations on your business and your success. It really speaks volumes of your -- what you are doing. So, congratulations.

Simison: And I didn't want to preclude the vote, but I had the pleasure of going and visiting their business a while back and hearing about this challenge and I want to also thank Tori and others for trying to work and help them find property, which would allow them to do

this and they were interested in staying in Meridian and commitment to being part of our community. So, with that I would love a great motion.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm thrilled to make a motion and echo the same comments that my fellow Council Members and Council President and Mayor made. We love seeing a homegrown business succeed in Meridian and expand. It's very exciting. So, with that after considering all staff, applicant, and public testimony I move to approve file number H-2021-0066 as presented in the staff report for today's hearing date.

Bernt: Second.

Simison: I have a motion and a second to approve item H-2021-0066. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

**13. Public Hearing for Centerville Subdivision (H-2021-0046) by Engineering Solutions, LLP, Located at 4111 E. Amity Rd. (including the outparcel to the south) and 5200 S. Hillsdale Ave., at the southeast corner of S. Hillsdale and E. Amity**

- A. Request: Annexation and Zoning of 40.49 acres of land from RUT to the R-8 (13.38 acres), R-15 (24.17 acres), and C-C (2.95 acres) zoning districts.
- B. Request: A Preliminary Plat consisting of 249 total lots (124 single-family residential lots, 79 townhome lots, 4 multifamily lots, 4 commercial lots, 34 common lots, and 4 other lots) on 38.95 acres of land.

Simison: We will just let the room clear out. Most people are going to stick around for the next one, so -- okay. Next item on the -- next item on the agenda is a public hearing for Centerville Subdivision, H-2021-0046. We will open this public hearing with staff comments from Joe.

Dodson: Thank you, Mr. Mayor. This will be the Joe show tonight. So, we will be good to go. The application before you, as noted, is Centerville Subdivision. It is located at the

southeast corner of Amity and I believe it's South Hillsdale. Yes. South Hillsdale Avenue. Amity is an arterial. Hillsdale is a collector street. You guys have my outline, but I will jump around a little bit on that, just to let you know. The site consists of 40 and a half acres of land, currently zoned RUT, like the last project. It's located across three different parcels at -- which is 4111 East Amity, 40 -- or sorry. 5200 South Hillsdale. And, then, the out-parcel, which would be to the east of 5200 South Hillsdale. There is no application history with the city with this -- with these properties. The future land use designation for this property is both medium density residential and mixed use neighborhood and, again, as I noted, these are not parcel specific. I want to be very clear on that, because I know this has come up in the public testimony, both P&Z, written, and otherwise and across every project I seem to get. The -- having two designations the applicant landowner can -- they have the -- the opportunity to use either -- mix both, however. This applicant has chosen to use both. But it is not required to match where the lines are in its area. It could be seen as a preferred with whoever -- however we drew the map, but, again, the landowner has flexibility in how they present the application. It does not mean Council has to approve that, but they have the flexibility to present something that could be both or only one of them. The requests before you tonight are multiple. Annexation and zoning of 40 and a half acres of land from RUT to the R-8 zoning district. R-15. And the C-C zoning district. R-8 is requested for 13.38 acres. R-15, 24.17. And the C-C zoning district for 2.95 acre -- 2.95 acres. The concept plan shows 219 single family units and 16 multi-family units and a preliminary plat consisting of 249 total lots, which is 124 single family units, 79 townhome lots, four multi-family lots, four commercial lots and, then, a lot of other common lots on 38.95 acres of land. There has been no CUP for the multi-family, which are, again, only four buildings of four four-plexes. They would have to come in later for those and that would be handled through your conditional use permit with the Planning and Zoning Commission. First we will go through some general discussion over the project and, then, go to the revisions that occurred between the two Commission hearings. The project is proposed in four phases. All of the detached single family is proposed in the first and second phase, as well as open space and amenities for the most part. Sorry. Nine townhome lots and the accesses to Hillsdale and Amity are proposed in the first phase. So, you have the access road to Amity, the access road to Hillsdale. So, the applicant is required to do that if they want more than 30 homes. They need to have two access points. The existing stubs that are to the southeast corner, which you can see -- one from the east, one from the south, are proposed to be constructed in the second phase with the remaining R-8 single family lots. So, this line also delineates where the R-8 versus R-15 zoning is requested. So, you have all the R-8 zoning -- almost all of it -- within the second phase and the detached single family within the R-15 in the first phase. The commercial lots and the second access to Hillsdale -- the first area of the townhome lots and the four four-plex buildings are proposed in phase three, which is directly at the corner of Hillsdale and Amity. The southwest corner of the project, which is closest to the elementary school, is proposed in phase four and includes the remaining townhomes and a large linear open space area with additional amenities. The qualified open space consists of the required street buffers, the large centralized open space lot, large linear open spaces and other small areas throughout the site that include -- or I should say have pedestrian connectivity throughout the entire site. The correct number of amenities are proposed based on the size of the property. The future CUP will confirm

the required minimum number of amenities for the multi-family portion. So, just the 16 units. But preliminarily I can say that they have ample amenities and open space for both. Access to the site as noted is proposed to South Hillsdale and East Amity. The applicant is extending two local stub streets into the site, as noted again, in the southeast corner generally, with a pedestrian connection between the two. There used to be, from my understanding, a direct vehicular connection. Neighbors didn't want that and staff also agree with that. It will slow down some of the traffic and cut-through traffic. Just a pedestrian connection is adequate. There was a TIS required, which is your traffic impact study, because more than one hundred units were proposed. Originally -- so, I'm kind of jumping ahead of myself here, but originally more units were proposed and with that there is a projection of 2,600 additional vehicle trips per day and 266 additional trips per hour in the p.m. peak hour. The TIS and ACHD recommended the following improvements to both roads. To Hillsdale Avenue and the Amity Road intersection -- right here in the corner -- recommended for an interim signal. That is slated to be a roundabout in the future, but in the meantime they wanted to -- want an interim signal. For the Amity Road and Amarita Avenue entrance, which is this access here, there should be a dedicated eastbound right-turn lane and a dedicated westbound left-turn lane on Amity. Staff has recommended conditions of approval consistent with those recommendations. Safe access to schools is always a priority. ACHD recommended -- the applicant has agreed to install a rapid rectangular flashing beacon at the Hillsdale and Hill Park intersection for an additional safe crossing for current and future residents. So, that would be at this access here. There was some discussion about having it further south, but because there is an existing one further south in front of the school, ACHD, the applicant, staff, as well as West Ada School District, would prefer it at this intersection. The project area as noted does have a different land use designation on it -- future land use designations. To the south -- and it is different than the existing development to the south and southwest, which you can see on this map. To the south is actually low density residential. So, this site is not supposed to match what is to the south according to the future land use map. The majority of the site does contain the medium density residential designation, which allows residential uses at three to eight dwelling units per acre. There is a relatively small, relative to the rest of the site, of mixed use neighborhood, which allows six to 12 dwelling units per acre. As part of a larger mixed use area further to the west that does encompass approximately 70 acres. So, again, mixed use neighborhood area is much more involved on the west side, which is already a majority residential because of the Hill Century Farm project, with some commercial and storage along the Amity frontage. Approximately half of this mixed use area -- again, there is a proof of residential. The applicant has proposed transitional lot sizes and density. So, to the right is the latest plan. Just to note. Along the perimeter of the property they have proposed traditional lot sizes and density within this project. Along the south and east boundaries they have matched the lot sizes of the existing development. Smaller lot sizes are proposed towards the interior of the project, culminating in the townhome and multi-family and commercial lots on the west and northwest part of the site. Staff does find that the proposed project is compatible with the surrounding development because of the transitional density proposed, which is discussed throughout our Comprehensive Plan about wanting that, especially when you go from low density, medium, and, then, to a mixed use designation and has an increase of density per those future land use designations. At the Commission hearing this project

was heard twice. It was continued from I believe an August hearing to its October hearing. Between those hearings the applicant removed all the apartments, which are shown on the left. This was the original plan -- plan. They removed all of the apartment units, except for the four four-plexes over there. So, again, 16 units there. There is now 219 units, which is down from the original 327. So, more than a hundred units were removed. Multi-family was replaced by more townhomes and drive aisles were replaced by 28 foot wide private streets, since the units front on greenspace. The applicant has now received private street approval for those private streets, which are an administrative approval only. They added three additional commercial lots and included a proposal for a portion of C-C zoning right to here. So, these four lots. One is a daycare and, then, three flex space lots. Because of the addition of C-C zoning, the overall area of the residential portion of the project was actually reduced by 30 -- to 36.45 acres, rather than 38.95. The gross density is six dwelling units per acre, which is down from 8.4. So, almost two and a half units per acre less. Staff was fine with the loss of one hundred units. The applicant has made a significant adjustment to mitigate the Commission's concerns over density and its impact in nearby schools and the transportation network. For the four additional commercial properties the applicant has proposed a new right-in, right-out access to Hillsdale, which is right here. It matches up with the access on the west side of Hillsdale. ACHD has approved this additional street connection and does not plan to limit it at this time. And by limit I mean restrict it to right-in, right-out. The applicant also moved the proposed pool amenity from the multi-family area here to the large central open space, which was also discussed at the Commission hearing. Initial review of the revised landscape plan shows continued compliance with the required open space. They have also added some additional amenities. I believe there is a sports court here. Probably pickleball, as we all love. Tot lot. As well as gazebo, playground area here, and these large linear open spaces are much appreciated when it comes to open spaces. They provide both walkable, as well as usable area. At the Commission hearing -- both of them -- there was a lot of discussion from the public, as well as the Commission, on the proposed density and how it transitions through the site. There is a desire to have more commercial and less apartments, which they changed. Overall concerns with additional residential in this area and the impact of the roadways and the neighborhood school, which is always a concern with any new project. There was discussions on how staff measures and analyzes density of projects when there is multiple future land uses, which I did discuss in my staff report. I have analyzed this against the lower density, the more restrictive, the three to eight, rather than give them any potential of using the mixed use neighborhood up to 12 units per acre, I just analyzed the whole project overall and they meet the medium density, which is more restrictive. There was a discussion about a desire to reduce the density further than the applicant has proposed currently with the revised layout and wanted a removal of any multi-family, as well as more reduction in the number of townhome units. The Commission had some of the same discussion. They supported the revised layout that included more attached single family commercial and the new multi-family four-plex buildings. There was discussion about the amount and availability of parking for these areas surrounding the townhomes and the increased commercial lots. So, to be clear, based on the widths that they are proposing, the private drives to be, there can be on-street parking on one side of this, where the applicant has gracefully put some bulb outs, which is appreciated, and there is also -- you can't really

see it here, but there is backup parking all along the -- the west side of the street, too. Each of the townhome units will have a parking pad and two car garage, which will exceed our parking standards for each unit and, then, the multi-family will need to maintain their parking standards as well. So, will the commercial based upon their square footage. From -- because I don't have the site plan of each of the commercial buildings and, then, the multi-family, I cannot say a hundred percent that they are meeting it, but based upon review and similar projects they are more than likely going to vastly exceed the off-street parking requirements in this neighborhood, as well as because all the local streets will be 33 feet wide, which allow on-street parking where no driveways exist. The -- following the second Commission hearing in October, the Commission did not make any additional changes to the staff -- to the staff report beyond those noted within the memo dated October 15th. Subsequently, sections of the staff report were modified and that was in the Commission recommendation to Council. It also included the revised plans and recommended revisions to any of the conditions. At this time there are no outstanding issues for City Council, because the private street application was applied for and approved prior to the hearing. There have been multiple pieces of testimony submitted, both before the Commission hearing, after the Commission hearing and prior to this Council meeting. I don't want to downplay them, but I can't go into all of them, there is a very high number, but talks about school capacity, talks about traffic, density, the standard ones that we get nowadays for sure as we continue to grow and influx our spaces here. No pun intended on that, actually. There was some new discussion this time concerning the conflict of the future land use map and, then, just overall too much density. That had seemed to be hit on a lot more this time. So, I do want to let the neighbors know that I do read these as they come in. I don't just brush you off. I promise I read them. After that I will stand for any questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks. Maybe just to start off, when it comes to floating a designation, we do allow people to float designations, right, in our Comprehensive Plan and how we proceed, but we also talk a lot about transition. So, can you talk me through how we sort of think through balancing transition with floating designations when it comes to a project like this?

Dodson: Council Woman Strader, thank you. Great question. So, first, floating is an interesting word that's no longer used in our Comprehensive Plan. When a -- this project has both of these designations on the property, so it can use either or use both or one of them. I guess we could use the term float them throughout the site, but the Comprehensive Plan does not talk about floating designations across sites anymore like it used to. When we analyze these, frankly, because this site has a majority of medium density residential versus mixed use, I largely looked at this from the medium density residential component. That -- generally, whichever one is the most dominant and, then, you also combine that with what the applicant is proposing, that's how I'm generally going



to analyze it and as well medium density residential was more restrictive in its density, so I wanted to analyze it against that. Really, the only mixed use neighborhood component of the project is the addition of commercial. If they didn't have that, no commercial uses would be allowed to be proposed without a map amendment. So, that's really the only mixed use component that has been proposed. Medium density residential allows the townhome units and allows the detached single family. So, that all matches with the future land use and medium density. When staff analyzes these, a lot goes into it in that way and, again, it -- it can be largely driven by what the applicant presents by their private property rights and we compare that to code. The Comprehensive Plan is a guide. It is not codified. It is a -- I'm not going to say pie in the sky, but it is something that we aspire to. If we had it perfectly every time we would never do map amendments and everything would fit all in these boxes and they don't, as we all know. That's why the future annexations are not parcel specific, so that an applicant has flexibility in what they propose. I hope that answers your question.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If it's okay I have a couple of maybe follow-ups along the same vein.

Dodson: No problem.

Strader: Thank you. So -- okay. So, let's take, then, sort of drilling down -- curious. So, you are analyzing the whole site against the more restrictive designations. You are seeing now it fits medium density residential. If you looked at just the parcel that's on the far left would that also meet the definition of medium density residential?

Dodson: Of the existing parcels, ma'am?

Strader: Yeah. So, we have three -- three pieces of land in front of us; right?

Dodson: Right.

Strader: There is one it's kind of --

Dodson: Uh-huh.

Strader: -- a little bit of an odd shape on the left. It seems to be where most of the density is. If you looked at that one in isolation would that also meet the definition of medium density residential?

Dodson: If I split the site in half I think you would be hard pressed to meet it and, then, if you took it even further you might, because of the commercial. There is really not that many units here comparatively. And in no way is this high density residential per our code. Per really planning. It's -- it's less than eight units to the acre, which is medium.

Generally we don't look at a site like that, especially -- we don't look at a site based on the existing parcels because a project will always encompass more than one when it has a large area like this.

Strader: Okay. Mayor, one more. Thank you. Just holistically. So, when it comes to like a mixed use neighborhood designation we know this is an area that is underserved by retail and other uses. How much flexibility do we have to require commercial within the mixed use neighborhood designation? Do we have the ability to require all commercial, for example? Is there a precedent for that in City Council decisions?

Dodson: Council Woman Strader, great question. Your last one I don't know the precedent. My assumption is, no, that there has not been a point where we required -- in a mixed use project -- and mixed use I mean not just the designation, but when there is residential and a mixed use designation or residential and commercial component, that I do not know of a time where the city has required a certain area all be commercial. However, I did call this out in my staff report. I have had discussions with the -- with a few of the neighbors and have had discussions with the applicant about that. This came up at the Commission hearing as well. The Council has power to say, no, there needs to be more commercial. Absolutely. I don't know if you can draw a line based upon the future land use map. There is not really a need to do that. You can draw a line based upon the proposed site plan and the areas. That's probably easier and more efficient of our time and your time, but you -- the Council definitely has power to require more commercial and, to be more specific, what kind of uses are even proposed. You could require retail. You can require or prohibit flex space. All of that is in your purview.

Strader: Perfect. Thanks.

Dodson: You are very welcome.

Simison: Council, any additional questions for staff? All right. Then, I will ask the applicant to, please, come forward.

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. Engineering Solutions. Business address 1029 North Rosario in Meridian. I'm representing Challenger Development on this particular piece of property. As Joe indicated, we are asking for annexation and zoning of 40.50 acres. We have got 13.38 acres of R-8, 24.17 acres of R-15 and 2.95 acres of C-C, which is a commercial designation. This particular piece of property is unusual in the fact that it has a mixed use neighborhood designation and medium density residential designation on a parcel that is technically a little bit less than 40 acres. So, one of the things when we met with your staff was they said, you know, we want an integrated site plan. We -- we really need you to do your best, based on the fact that we understand the property is only 39 acres, we want you to integrate commercial. We want you to integrate a multi-family component. A townhome component. A single family component. Plus we want you to do transitional single family lot sizes, obviously, to be compatible with the adjoining Rockhampton Subdivision that's to the east and to the Howry No. 2 Subdivision, which they call Hillsdale -- or what is it?

Hillsdale Creek Subdivision to the south. So, we worked diligently with the staff. I came back multiple times with various sketches and -- and got input and so we kind of got what the staff kind of envisioned. We had our neighborhood meeting on June 3rd. In that neighborhood meeting we had 355 dwelling units, which consisted of 125 single family, 26 townhomes and 204 multi-family and, then, we had a daycare. The neighborhood -- we had a great turnout at the site. It was warm, it was nice, and they said, hey, hey, hey, the density is too much. You have got to bring that density down. We don't like that. We don't like the direct connections to the stub streets. We don't want cut-through traffic. We need you to look at what you can do to minimize cut-through. What you can do to better transition and lower that density. So, we had a second neighborhood meeting in June -- at the end of June. We dropped our single family lots from 125 to 124. We dropped our multi-family lots from 204 to 168. We eliminated the continuous -- we had a street that came straight up through here and they were worried about traffic coming through and cutting through the Rockhampton and going out to Cloverdale. We also had concerns about the Hillsdale Creek. So, we went ahead and we cut off that vehicular connection and did a pedestrian connection. We also eliminated the apartment buildings that were on our south side and we incorporated some townhomes and, then, they wanted to see elevations. So, we brought elevations to them. Keep in mind this particular property, being the fact that it's on Amity, which is an entryway corridor, you have Eagle Road -- you have Eagle Road, which is directly to the west, which is a -- a multi-modal in your Comprehensive Plan and a key transportation corridor, with commercial here, the Albertson's center, a new roundabout that's been constructed, they -- they have widened Eagle Road here and, then, we have Century Hill Farms commercial. So, they have a significant amount of commercial and we just have a small amount of commercial that lops over into this particular parcel and so one of the things I told the staff is I said, you know, I don't want to be competing with Brighton. There is no way I can compete with the Albertson's or the -- the pad sites that they propose on their project, so, you know, we, obviously, have to -- we have to come up with something that will work as kind of a neighborhood commercial component. So, we did submit to the Planning and Zoning Commission and we went before the Commission and the Commission said, wow, you know what, we don't like the apartments. Don't like them at all. Don't like the three story. We want you -- they specifically told me -- eliminate the high density apartments. They said this area we don't feel it's appropriate for apartments, even though we got the YMCA -- South Meridian YMCA there, we have got Hillsdale Elementary, we have got the Century Hill Farm's park. You are just east of a multi-modal arterial, but we want you to look and focus more on townhomes. We want less impact on that neighborhood. Less impact on the transportation system. Reduce your overall density. Move your primary amenity to the central open space. Limit your residential structures to two story and improve your transition and add additional commercial and we want you to blend and integrate that commercial to provide a better mixed use project and so we took that -- I said, you know, hey -- this was -- this was August. I said, you know, I need a couple months to do this. So, I went back to my client. You know, we -- we worked on the site plan and this is what we came up with. We came up with what I thought was -- was a far superior plan. We ended up eliminating all the multi-family. We have townhomes that are rear loaded. We have townhomes that are front loaded. We have townhomes that are front loaded here and all of these townhomes are on open space, either on collector

buffers or linear open space or in open space along the south boundary and, then, we have townhomes up here that are two story that are also alley load. So, you can kind of see -- oops. Then the other thing we did is we talked to the client and he said, well, you know, I can't compete with Brighton, you know. You know, they have got -- they have got medical office, they are going to have retail, they have assisted living. You know, we have got to come up with some component that, obviously, will work in this area and we can't just lop off and have commercial that -- that has no chance of any survival. So, we come up with the flex space idea. The daycare is perfect and I have the daycare right here at the entrance. I have an island here. So, we have a right turn in, we have a loop out and a right turn out. So, it's -- it's designated to -- to serve this development as a whole, but yet it can serve the community as a whole and, then, we came up with the flex space and one of the things that we came up with the Commission was, well, you know, hey, what -- what do you describe flex space? Well, flex space is single story. Flex space has higher ceilings. You can have retail. You can have office. You can have a combination of a distribution -- like a -- they distribute coffee, but yet they have a coffee shop. You can have -- you can have multiple uses. And so that was kind of our intent and, then, we wanted to have some rental component in the -- in the complex and so that's why I thought, well, you know, we will just put four four-plexes. That's 16 units. Just 16 units. They are backing up to an arterial. And so as you can see the big thing we wanted to do was, one, make it walkable. That's really important. In your Comprehensive Plan it talks about -- in that mixed use neighborhood creating walkability. So, with the entryway corridor we have 35 feet along Amity. We have micropaths that lead to that 35 feet. This is a ten foot pathway. So, it's bicycle and pedestrian friendly. We also have an access that is -- aligns with Shelburne South. Directly across from them. We are going to be required to do a turn lane eastbound and a westbound turn lane at this entrance. Plus widen Amity to 17 feet and, then, install a ten foot detached sidewalk all along that frontage. Secondly, we are going to be building, obviously, a 20 foot buffer minimum size and allocating area for a future roundabout and ACHD came to us and they said, you know what, we have got one property owner to the north we can't get right away from, so we are going to have to go for a signalized intersection. You guys do the signalized intersection. We said absolutely. So, ACHD in their staff report and in your staff report ACHD said at the 61st lot you shall install a signalized intersection here at Century -- or Hillsdale and Amity. That intersection -- without us at build out at 2025 is a level of service F on that left-hand turn. So, staff has put in your conditions of approval with the first phase we will install this signal. ACHD will provide the materials. We have to, obviously, design and install it. Secondly, one of the comments brought up by the neighborhood was safe route to school. Getting over safely to the Y and Hillsdale Elementary. I went through there and I looked, they -- they have a rapid flashing signal right across from the school on Hillsdale Avenue, but we -- I met with Marcy Horner and I said, Marcy, I said we would like to make it safe for our residents and our kids to get across either to the Y or to the school. I said where would you want that? And she said we want it right here at your collector entrance. We have -- we have a collector right here, we have a median, and so we are going to install a rapid flashing signal there and the school district said even though we have that flashing signal we have to have a crossing guard and so they said we will have a crossing guard right there at your entrance and, then, we will have a crossing guard right there in front of the elementary. We -- one of the things the staff

asked me to do is utilize this central open space here and so we have a pool facility. We have a tot lot. We have a pickleball court. We have -- and they said, you know, make this feel soft. So, we have detached sidewalks all along this roadway and, then, these are all alley load. These are 28 feet wide, so we exceed the minimum and, then, they said we also want you to integrate the -- the commercial into the townhomes, but yet segregate it and I'm like, well, gosh, how do I do that? So, we created this linear open space and, then, we have notch outs for -- and we have 12 parallel parking spaces, in addition to the parking spaces that are in front of the four-plexes and the daycare and the flex space and, then, we have walking paths that run behind. We will not be putting any sight obscuring fencing, that will all be wrought iron. Mr. Barton has indicated that for the -- the townhomes he wants wrought iron to keep it open looking, to keep it -- to keep the feel well and -- and so that is very important to us. I'm going to switch over here. As far as our open space, when we submitted this application the open space requirement was ten percent, because you were still doing your ordinance amendment. However, we designed this to meet your new ordinance, knowing that it would be coming into effect. Our qualified open space in this particular project is six acres, 15.4 percent. We have a central common area of 1.93 acres, with a plaza area, a swimming pool facility, a community playground, pickleball court, pathways, off-street parallel parking. We have ten foot pathways along Amity. We have a pocket park at our entrance off of Amity Road with public art, a plaza, and a pathway. We have a MEW area that's almost a half acre, with covered sitting areas and pathways. We also have linear open space in the southern portion of our townhomes with landscaping, pathways, a tot lot, and a gazebo, with other micro paths and natural pathway connections to the adjoining subdivisions. This kind of shows you like a blow up of the landscape plan. You can see we have a plaza area. This is our pocket park and, then, we have pathways that lead out. We have micropaths that lead up to Amity. Got a little excited. Sorry. Here we have pathways and micropaths that come through and, then, we have detached walks that lead in to make it inviting. We have pathways that go south and they go north and they go east and they go west and, then, we have pathway that comes along here and goes out along the Cunningham Lateral. The Cunningham Lateral cuts through this corner of the property. We already received approval from the -- from the irrigation district, New York, to pipe that and the Bureau of Reclamation. So, we will pipe that, it will be grassed, and we will have a natural gravel surface. These show you some of the townhomes. This is kind of a farmhouse design. We wanted to kind of mix it up a little bit. These are a rear entry. I will try to hurry. Read through. These are my front load. That's the four-plex. And these are the single family homes, which we have 85 foot lots. We have 90 foot lots. We have 74. We have 64. And we have 34. And you can see the dwelling -- or 36. I'm sorry. And, then, this is the flex space that we would like to emulate. This is over on Eagle. Pass through their -- their DR. You can see they have the swing doors that come up, like the garage doors, and, then, that's where they load material for distribution and, then, they also have commercial uses. May I answer any questions?

Simison: Thank you, Becky.

McKay: Sorry.

Simison: No. You're good.

McKay: A lot to go through.

Simison: Council, any questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Becky. I'm curious why the desire to put the multi-family on the Amity side and the flex space on the Hillsdale side? It seems to me that you would want the flex space to -- to be on the side with greater traffic flow.

McKay: The flex space -- there we go. So, the flex space is here at the intersection of Hillsdale and Amity. So, we do have good visibility here. You have the St. Luke's. You have a veterinary office. You have -- I think a dentist. Then you have the South Meridian Y. So, we felt that the flex space being visible from Hillsdale would be more neighborhood type commercial. We asked ACHD for this access here, which is right across from the Century Hill Farm's commercial area, so people could come in and what we envisioned is you could have -- you could have a coffee shop, you could have somebody that has a small business that lives in the neighborhood and wants to lease space. Somebody that has a small distribution center, but yet they need small office. So, we wanted it integrated into the neighborhood. When you stick it out on an arterial, then, you are talking about arterial commercial and we have no -- as you can see no direct access to Amity, because you are going to have a signalized intersection here. So, you are going to have to pull that traffic in here. If people come in here, then, we would have intrusive traffic that possibly would come back this way. So, in talking with the staff in -- in looking at the transportation patterns and the trips generated, trying to reduce those trips, this made more sense and we will have a signalized intersection, so they can safely go out.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Becky, you mentioned that build out would be completed in 2025. So, it sounds like one phase a year starting in 2022?

McKay: Yes, sir.

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

Simison: Councilman Hoaglund.

Hoaglund: Question about the -- I read somewhere -- and I can't remember what phase the daycare would be moved up, be one -- one of the earlier phases; is that correct, the building of the daycare?

McKay: Mr. Mayor, Councilman Hoaglund, the daycare is in the third phase. So, the first phase would take in the Amity entrance and, then, we would establish our primary collector that comes in here off of Hillsdale, our central amenity and, then, our single family detached lots. Our second phase would, then, be this area to the east and, then, we had the third phase, which would be the daycare and, then, our flex space, our four-plex and townhomes and, then, we have our fourth phase, which is here on the southwest corner.

Hoaglund: Okay. Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. It must have been ready -- it was a part of discussion about maybe moving that time frame up just for the daycare and instead of waiting to phase three it would be earlier. So, that may not be true. I just --

McKay: Yeah. You know, Mayor, Councilman Hoaglund, you know, it could -- it could be incorporated into the -- the first phase since we will be building this collector and the island here and just, then, as long as we didn't come in more than 150 feet we would not be required to do a turnaround. I beat you to the punch, didn't I?

Hoaglund: One last one, Mr. Mayor.

Simison: Councilman Hoaglund.

Hoaglund: And I understand on -- on people going out that the daycare is available, they can drop off, swing out --

McKay: Yes, sir.

Hoaglund: -- come out, swing in, but when they come back home and they come to pick up what does that route look like?

McKay: When they come back home they have two options. So, I did think about that. So, they can come down Amity, come in the Amity entrance and, then, come down and, then, go in and pick up the kids, but, then, they have to make a right out, because one of the ACHD requirements was because this is a collector they did not want a full access, because they need to have stacking. Now, at full build out we will see -- with the third phase we will see parents come in, we have a loop drive, they drop the kids off -- I did this at Crossfield, it worked out slick, and, then, they right out, come up to the signal and, then, they go north -- or west and northbound. Seventy percent of our traffic and our trips are going to be northbound.



Hoaglund: Okay. Thank you.

McKay: It's just -- that's where the jobs are. They are going to be heading to -- to Meridian, to Boise city, but it's -- 70 percent of our trips will be west and, then, northbound.

Hoaglund: All right. Thank you.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Thank you. I did want to clarify even further on that median. That was not originally proposed by the applicant, but ACHD's comments -- that was one of their required revisions was to put that median, because they did not want those north-south accesses on the collector that close to the intersection. So, that was not an applicant decision or staff decision, that I was ACHD saying if you want them at all they -- there has to be a median. That came up in the Commission hearing, because there was concern about the -- the flow as discussed, but that's just something that we are going to have a say in.

McKay: Mr. Mayor, Joseph is correct. That was an ACHD requirement. That was a requirement to keep those approaches at that location.

Bernt: Joseph? That's official.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Becky, I want to touch on a couple of things that I -- I assume we are going to probably hear the public testimony and I think it's important maybe for you to address some of this from the get go. I know that Council received a letter and you received a letter from West Ada in July that indicated attendance versus capacity. My assumption is there isn't an updated letter that takes into account actual enrollment that began this fall and I guess maybe just giving Council a flavor -- we have got two of the three schools that are proposed to serve this neighborhood that are already over capacity and while Hillsdale looks like it's under capacity on paper, those residents who live in this area -- and I think full disclosure the Cavener family at one point was going to be a Hillsdale family, so I know the challenges that that school has had with being over capacity. So, I got to be real honest, that's always a big red flag for me and so I guess I want to give you at least an opportunity at the beginning to address why this product makes sense right now given the significant limitations of the schools to support this large residential use.

McKay: Mr. Mayor, Councilman Cavener, that's an excellent question. I have worked very closely with West Ada School District on this particular project. I have had multiple conversations with Marcy Horner. What Marcy indicated to me is that the Hillsdale Elementary has a capacity of only 700 students, that they were -- obviously, had 600. For 2021 and '22 626 students. Marcy did qualify that, that Blue Valley Elementary is planned within the South Ridge Subdivision at Linder and Overland Road. At this time they have approved plans and they are ready to go. The only thing that they need is a bond and due to COVID they do not know what the timing of that bond would be. However, she did qualify that and said Gem Prep Charter School will serve the same area as Hillsdale Elementary, which will open in fall of 2022. In the first year it will have a capacity of 312 students and, then, additional capacity thereafter of 500. So, she said some of these families could choose that. The overflow school -- she indicated they -- they do have an elementary overflow school for this site and what she -- they have done is they keep shrinking the Hillsdale Elementary boundaries. Initially Hillsdale Elementary's boundaries went far beyond this section and as this section has developed significantly, they are pulling those boundaries back. As you well know, the West Ada School District plans to have an elementary within each section where we have significant residential development and that section feeds that school. So, eventually, the Sky Mesas, the Highlands, the -- the other projects that were mentioned in some of the comments from the existing neighbors that are taking place out in this area will be going to other schools, but it will shrink to this section, because, one, they like those kids to be able to walk to the schools, because it cuts down on their cost for transportation. But that -- that's -- that's their long-term plan.

Cavener: Mr. Mayor, an additional question if I may.

Simison: Councilman Cavener.

Cavener: Thank you. I just wanted to give you a chance if you want to respond to the -- in the staff report that talks about traffic level of service. I know Kristy's on. I may have a question for her later on after testimony, but E's and F's don't typically get me very excited about the roadway impacts and I guess like the school, I wanted to give you an opportunity to respond.

McKay: Mr. Mayor, Councilman Cavener, that's a great question. Obviously, when the TIS was done we were -- we were in COVID conditions, so ACHD and COMPASS were providing the formulas in which the traffic engineers were told to use for the background traffic and, then, obviously, going out to the 2025 year. Without our project the Eagle and Amity intersection was operating as a level of service F. That was prior to the improvement of the dual roundabout that has been completed and the expansion of Eagle Road. Secondly, there were comments in the staff report that level of service F for the left-hand turns at Hillsdale and Amity -- well, we will be alleviating that by installing the signal and we have to install it with our first phase. So, not only are we -- it's -- it's going to operate at level of service F regardless without us. Once we go ahead and put in a signal it starts operating at level of service B. Then we will be widening Amity. We will be adding decel lanes, left turn lanes at our entrances, along with the project to the north

and, then, there were comments in the original TIS that talked about the ACHD and that the improvements along Amity were pushed out to 2036 and 2040. If you look at the 2022-2026 integrated five year work plan, it is still in draft form, that ACHD anticipates to adopt sometime this month. They have moved Amity and Cloverdale roundabout up to a design year of 2023. Right of way acquisition 2024-25. Construction year 2026. Amity from Cloverdale to Five Mile has been -- has been moved up from a 2024 design year, 2025 right of way acquisition, 2026 construction and, then, from Eagle to Cloverdale they have a design year of 2026. So, it looks like to me, based on this draft five year work plan from ACHD, that they are accelerating their build out in that year -- or build -- accelerating their build out in this area to accommodate the growth that they have seen and the City of Meridian has indicated this is a priority growth year. So, I assume that that has translated into this five year work plan and we are doing what we can to mitigate our impact.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Can either now or at a later point in time maybe Kristy Inselman provide some -- some context around that as well?

Simison: Let's wait until we get out of the applicant testimony.

Cavener: That's fine. Totally fine. Thank you, Mayor.

Simison: Council, any additional questions for the applicant?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think it would be appropriate to get public testimony at this time.

Simison: And our intention is to take a break before we get into that, so with that we will go ahead and take a recess. At least for ten minutes, maybe 15. So, we will try to reconvene by -- Mr. Cavener, if you can be ready hopefully by 7:50 to 7:00 -- and, if not, we will try to do 7:55.

Cavener: No problem. Thanks, Mayor.

Simison: Thanks.

(Recess: 7:39 p.m. to 7:56 p.m.)

Simison: All right. Council, we will go ahead and come out of recess and we will begin with public testimony this evening. So, just a reminder to the community. When you come

up you will be asked to state your name and address for the record and you will have three minutes, unless we have anyone who signed up to represent a homeowners association where they will be given ten minutes. So, Mr. Clerk, I will turn this over to you.

Johnson: Thank you, Mr. Mayor. First we have James Phillips with the Southern Rim Coalition.

Phillips: Mayor, City Council, James Phillips. 4140 East Rockhampton Street, Meridian, Idaho. 83642. And I'm here representing Meridian Southern Rim Coalition.

Johnson: It's a very touchy mouse. Try to move to the right, click somewhere around the rim and, then, you will have to scroll, because you are in PDF. Joe is going to grab it.

Phillips: Context -- context is important. Very very important. Here is a list of public concerns and points of frustration that -- that southern Meridian residents are experiencing. I'm sure you are well aware of this and -- and I'm sure there is a number of people that's going to speak about these points. I'm not. But context is key and I'm sure that if the Council -- Mayor and Council had a magic wand to resolve all these public concerns and points of frustration they would waive it. I a hundred percent believe that. So, context is key. I'm going to go to a magical world where none of these issues exist. None of these. None of these. A magical world where we have great job housing ratios. Where traffic is not a concern. Where the traffic study was actually done on up-to-date data and not outdated models. A world where schools are not crowded and a world where we have a way to balance growth to develop impact fees. It doesn't exist, but this is the journey we are going to go through. In that perfect world -- even in that perfect world the current plan, the application, breaks public trust in a few different ways and these are -- the public trusts City Council to enforce these things, even if they are guidelines. As these are the expectation that the public has. One, FLUM consistency. And we will talk about that a bit. Two. Surrounding compatibility. Note not complimentary. Compatibility. Three. Transitional densities, particularly where they take place, across alleys and roadways. Four. Appropriate zoning as per the designation land use. You will see the MUN. I have a couple notes here around MUN, MDR, and those zonings and what's expected there. And five -- the fifth piece there is on walkability. Now, I color code -- coded this, so it will be consistent throughout the presentation. So, when you see the orange referring to that FLUM. When you see the purple surrounding compatibility. Red transitional density. That line is sensitive. The application is not consistent with the FLUM. Now, I understand, I use the word float and I know it's not in that comp plan and that's okay, I get it. What I'm talking about is how they arrange the densities and specifically what the comp plan does refer to when you talk about abutting parcels, that -- you know, I get it, land use designations are not parcel specific, but the reason why they couple those together is because P&Z -- P&Z staff understands that this provision does not get -- also doesn't give the applicant carte blanche to reconfigure it to a designation any way they want. It has limits; right? And -- and conditions. And it talks about those limits and conditions in the plan itself. And so that's what this slide is about. It's just talking about highlighting where those limits are and what -- the conditions for those provisions. In this instance developer

purchased all three parcels. So, in aggregate the parcels perfectly match the designation. So, there is no provision needed to float or to move designations as it's already provided. But even with that, I get that they still -- developer can still take those and reinterpret it the way that they want. I get that. The second slide -- second image here is the original plan with the apartment complex. In order to reduce -- in order to have dwelling densities within the max range of the MUN it requires considering more than 50 percent of that land to be MUN and that, again, against -- that hits a limit within the comp plan. It's floating above that 50 percent land being developed. So, that's how and I'm glad that P&Z saw that and -- and also glad that developer iterated on that. Second one is around -- they replaced the apartments with the townhouses. This reduced a lot -- and removed a lot of concern around density. So, that's not one of the points when I talk about the colors, density was not one of the points of concern. Here is what is of concern -- if you look at the -- what the public expects -- and maybe I shouldn't have used the same triangle shape as a FLUM. Maybe I should have used an amoeba to express what I'm trying to say here so there is no confusion. But the issue is if you look at the east -- the west-east density transition we are good. You see this gradual all the way up to the neighborhood adjacent Rockhampton in Boise. We don't have the same -- I live in Hillsdale Creek -- going from north to south on that west side. That is the issue and that is not in line with the FLUM. It's like the -- the people that did the FLUM kind of knew that you needed to have a little transitional density between the mixed use and the less dense neighborhoods just to the south. Just to highlight that point, going down a little bit, diving into the detail on that -- on that southwest corner. We have -- where we have that Cunningham Lateral easement, the Hillsdale Avenue -- Street and the Hillsdale Creek entry, those all help to a degree to provide buffering between Centerville townhomes and the surrounding residential homes. However, this is not enough and for two reasons. One is the extreme difference between the lots proposed in Centerville, those townhome lots, .055 of an acre, and the adjacent neighboring home lots, ranging from .2 to .6 almost acres. That is a huge dramatic change in density in such a short small space. The second point it has to do with actually the elevation. Centerville lots, the smaller townhouse lot, sit at a higher elevation to the surrounding neighborhood homes to the south and to the home to the west. The townhomes depicted in the application would awkwardly perch over the Hillsdale Avenue entrance and, more importantly, into the -- the surrounding residential homes. This is the issue. Finally, I'm not going to be able to -- for the sake of time I -- each one of these color codes can have its own slide to talk to. I just don't have time to go through that. I don't want to take up Council's time too much either. But there is important things to illustrate here and -- and this is -- I don't want to be overly prescriptive. This could be done any different ways and I'm sure the applicant could be more creative than I can about how to resolve these issues, but they are still issues and concerns that the public has expressed multiple times throughout this process. So, in addition to those MUN that -- following the FLUM for transitional densities, in addition to take into account the higher elevation and larger lots, the purple there. The red there is all about limiting back fence density transitions, which CUP does spell out where to put transition densities. It's across alleyways and roads, not across back fences. That -- that's a point of frustration of homebuyers if they buy a home and don't realize what's going to be built behind them, which does happen -- which has happened even in Hillsdale Creek and the other neighborhoods. The blue there represents the MDR, R-8 zonings. The dotted line within

the plan is actually the boundary. That's all -- where it goes from R-15 to R-8. So, that we ask that the public expects that the MDR designation has that R-8 zoning and there is -- there is not a big difference here between what the application has versus what the R-8 minimum standards are. We are talking about maybe 500 to 600 square feet difference or about five to seven feet of -- of street frontage. But it's all the difference in the world to those future residents. They can use that additional few feet to put a fence in so they can have pets. They can use the additional few feet so they can put patios in. So, in addition -- I will wrap up here. So, in addition to those there is other things like walkways. You can't get to the open park from the north-south areas. You have to walk all the way around and so opening up, providing a path, walkway, for residents, particularly those that live down in that lower road, would be super important for the public. Now, in addition to the --

Simison: If you can wrap up, please.

Phillips: Yes. So, in closing, I'm a software engineer by trade. We have an 80/20 rule where it's the last 20 percent that's the hardest to get right and to finish, but it's also the last 20 percent that makes all the difference in the world. Stepping back, coming out of this magical world where everything is right -- we are -- we are at that -- almost 20 percent, but not when you take into consideration all these external concerns and points of frustration, we are back to like 20/80.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Councilman Perreault.

Perreault: Thank you. I appreciate this. You put a lot of work into this. My question for you is -- is -- is the concern -- if you go back up to your first slide, is the concern the location of where the mixed use neighborhood -- oh, sorry. The -- there we go. Is it the concern the location or is the concern that you don't want anymore than eight acres of -- of mixed use neighborhood versus medium density residential? And -- and I want to clarify that, because staff has already stated that they are using the mixed -- the medium density residential criteria even for the residential in the mixed use neighborhood area. So, I guess I'm just not understanding the concern about the locations of -- this slide doesn't make sense to me if we are using basically the same lower standard for the density.

Phillips: Yes. So, I will put -- what hat do you want me to put on, the -- the magical world where none of those external -- no magical world. Okay. So, the issue is externally to this plan we have such low job-to-housing ratios that it causes urban sprawl. I come from -- I lived in Arizona. I know urban sprawl and what -- what that is. It's when there is a lot of car dependency within the community. When you have such low job housing ratios and you put in higher density, what you are creating is a car dependent sprawl. That's the problem. The plan itself, according to the -- the specs of the P&Z -- this -- density is

not a problem. It's -- it's -- that's not the problem. It's not even a -- look, there is a location issue with the MUN coming all the way down to the bordering neighborhood, but, yeah, that's not a problem. The problem is the external concerns around this area. Time should be on our side to get this in-fill right.

Perreault: Mr. Mayor, follow up?

Simison: Council Woman Perreault.

Perreault: So, are you suggesting there should be more job opportunities --

Phillips: Yes.

Perreault: -- in this project?

Phillips: Yes. I would appreciate more commercial, because in order to -- to increase that job to housing ratio, to prevent the urban sprawl of car dependency communities, that's what's needed.

Perreault: And may I ask is that reflective of the Meridian Southern Rim Coalition's position on this?

Phillips: Great question. I will have to confer with the -- the rest of the -- to do that. This is probably more of a personal opinion. But with the number of people that I talked to as well, commercial is important.

Perreault: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Phillips, I just wanted to -- if you go slide down -- I think it was one more slide you had -- no. One more then. Oh, no. Yeah. I'm sorry. I take that back. Go ahead. Back up. Back up.

Phillips: Yeah. This thing is super sensitive, so --

Hoaglund: Yeah. Oh, yes, it is. It is. I was just curious, because when I heard the presentation from the applicant's representative, along Rockhampton to the north apparently they are going to reroute a canal -- a waterway. I couldn't see -- and I don't think Becky laid out how many feet that is, but it looks like there is -- usually those easements are quite large and, then, it looks like there is some gradient -- and I have been out there, but it's been a while. It drops down to Rockhampton. Any idea what the distance is from that back fence line to their fence line?

Phillips: What's the size of the lot? I can kind of extrapolate out.

Hoaglund: Yeah. And maybe this is a question for the applicant. I was just curious at that distance, because it looks quite -- like there is a lot of distance and -- but if the elevation is -- if you could describe the elevation. Are we talking about this roof line here is to the base of where their grass would be or --

Phillips: So that the fence line on the entry to Hillsdale Creek hits the roofline of those houses, if that makes sense. So, there is -- there is a fence line that follows the entryway of the Hillsdale. That hits the roofline of those houses.

Hoaglund: Okay.

Simison: Yeah. There is a pretty big gradient.

Hoaglund: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sure. Thank you. Just to further explore a little bit. So, we have already invested in this area; right? As a city. We have a sewer trunk shed. We have built -- and that's one of the most expensive components. We have a huge public park. You have probably heard in the beginning of the meeting that we are spending another 12 million dollars in impact fees to build that public park. Clearly this is an area where there is going to be development. We are planning for that. We have already invested in the infrastructure -- a lot of the infrastructure for this area. but there are issues; right? There is issues with traffic. There is issues with schools. What do you think is an appropriate solution here for what to me actually does sound like a density concern. Maybe not density specific to this parcel, but what you are describing is a concern about sprawl. You have people locating their homes in an area where they will have to commute to work. Do you think that it would be better to get a development tonight that has a lower density and move forward or are you -- what do you think the solution is?

Phillips: So, the ratio for the -- so, the dwelling -- the job-to-housing ratio -- is that the ratio; right? So, if you effect a numerator it has an effect. If you effect the denominator it has an effect and so there is nothing fundamentally wrong to have more -- more dense building, fill-in work, it just -- you have to make sure that there is jobs that accompany that. Yeah. Brighton did a pretty good job on that top part of the adjacent property to do that and the Albertson's right there helps quite a bit as well, but we need -- we need more. Like south -- southern Meridian is like -- the joke is called a food desert, because you can't -- the restaurants you have to like -- you have to go out of southern Meridian to -- to go to restaurants. Areas where they have commercials that you have restaurants, for example, is a good -- good solution there.



Strader: Mr. Mayor, follow up?

Simison: Council Woman Strader.

Strader: Yeah. So -- right. And, then, part of that balance is as a city we are setting those future uses in the future land use map; right? And so I guess, you know, a question I would have is does the addition of commercial into this development give you any comfort around changing that mix specific to this parcel? Like in a magic world where you could wave a wand, what if half of this was commercial? Would that make you feel better about the issues of transition? Right? Because, then, you still have a transition issue, but would that make you feel better about the transition issues and the sprawl?

Phillips: Well, I will speak personally, just -- I would feel more comfortable with more commercial, again, to get that job to housing ratio at the right mark, again, to reduce that car dependent community that we don't want to have. That's problematic.

Strader: Just your insight?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I don't know if you know this, James, but, you know, in the COMPASS report it talked about housing within one mile, jobs within one mile, and that's where the ratio comes as zero point --

Phillips: Yeah. Six hundred whatever. Within the mile.

Hoaglund: Yeah. Jobs within the mile 670. I'm assuming, but I don't know -- and I don't know if you know. They probably aren't taking in account Albertson's and all the commercial that will be developed and off commercial that will be happening in those areas in Brighton or are they counting future jobs?

Phillips: Great question. I tried to dig into that to figure it out. I didn't get a hold of COMPASS to answer it. If asked any question that we should -- that will probably get answered as it informs the decision of this plan.

Hoaglund: Thank you.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: My short answer to that is I believe it is existing jobs, not -- not planned. Because, frankly, I don't know how you -- how you plan for that. You don't necessarily

know what those are going to be, especially when you have undeveloped commercial lots.

Phillips: Joe knows.

Dodson: Sometimes. Sometimes I know things.

Simison: Council, any additional questions?

Bongiorno: Mr. Mayor?

Simison: Yes.

Bongiorno: Over here.

Simison: Deputy Chief.

Bongiorno: Somebody asked for that distance between the fence and the other fence across the way. It's roughly 130 feet.

Simison: I was going to do a hundred, but I didn't want to guess, so thank you.

Bongiorno: Yeah. No. I -- I kind of know how to use mapping, so that's what I came up with.

Hoaglund: So, Mr. Mayor, what we are saying is all Joes know?

Simison: No. Down there. Those Joes know.

Phillips: I think I have it up on the slide right now. Not all the property is across that street. There is property right next door to those townhomes, too. Both within the Centerville and in Hillsdale.

Borton: Mr. Mayor?

Simison: Yes, Joe.

Borton: Just -- just to comment. I appreciate your -- your thoughts and input on this and amongst the considerations I think -- this isn't really a question, but just an observation that you have highlighted well -- is the trade-offs, right, with an expansion of commercial uses on this property can capture trips perhaps, create employment near the residences, but, technically, increases the problems with traffic from a pure traffic count; right? Because it draws folks to the commercial that -- beyond who reside here. So, if you wanted to have more commercial you might capture trips local here internally, provide those services nearby, at the same time create additional traffic problems that we are also trying to address. So, it is a challenge. I guess we are mindful of that -- of those trade-

offs that come with the idea of mixed use neighborhood and having a larger commercial component than -- than what's portrayed here.

Phillips: Something that City Council did that was really good -- when we were having stream -- like pain points because of school issues, capacity issues, with Hillsdale Creek because of the hokey boundaries, the city put together that -- maybe about a year, year and a half ago, you sit down, talk with West Ada and it came up with some action items about what to do about that. I think we now have someone that can provide more insight back and forth between the two organizations. We need to do the same thing. I don't know if we already do, but we need to do the same thing for the ACHD. Of the organizations that I -- I called, that's the one that probably is the one that I have the least confidence in right now is ACHD. Just reading through the TIF. Like it's --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Along the lines of what Councilman Borton was sharing, oftentimes in the commercial sector it -- they follow rooftops. So, if there is not a certain amount of rooftops they are just not going to bring that in and we have an application for 40 acres in the southwest corner of -- of Ten Mile and Franklin. That's a hugely traveled intersection and that developer was telling us the difficulty in getting businesses to come into that location and you can imagine the amount of traffic that flows through that area. So, it's not just about -- there is a desire there, but -- but no applicant, this one or another, is going to build commercial space for it to sit and -- and they are not going to -- and so I -- I completely understand where you are coming from. That's -- I'm not contradicting your idea on that. It's just it's -- it would really be one of those things where the decision becomes that this would need to happen in the future -- later in the future when there is more rooftops in the area, whether they are here or whether they are elsewhere, before we are going to get that kind of commercial to housing ratio.

Phillips: It sounds like we need a good marketing for the city that highlights that point -- that really low job housing ratios to say, hey, not only that, but people are working remote now, so you have these built-in customers, if you pump -- if you put down businesses here in this area.

Simison: All right. Thank you.

Phillips: Thank you.

Johnson: Mr. Mayor, next is Kacie Hergert. She is on Zoom. Kacie, you can unmute yourself.

Simison: Kacie, if you --

Hergert: Okay.

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

Hergert: So, my name is Kacie Hergert. I reside at 5305 South Hill Farm Avenue in the Century Farm Subdivision. Can you guys actually see me?

Simison: We see a picture, but not you personally.

Johnson: We just have you unmuted. We don't have you on camera.

Hergert: Okay. Perfect. All right. And so I have been an Ada county resident for over 15 years. My family moved to south Meridian in July of 2018 and I wholeheartedly get the appeal of raising a family in the Treasure Valley and more specifically in the City of Meridian. We are all witnessing unparalleled growth, but there seems to be this false notion that we can develop our way into sustainability as a city and that's just simply not true. I want to address the impact that the Centerville development will undoubtedly have on emergency response times. BoiseDev recently published a story addressing emergency response times in Meridian and Meridian Fire Department Chief Kris Blume was asked if the addition of Fire Station 7 and Station 8 would resolve the delayed response times Meridian residents currently face when emergency personnel is needed. Blume said it will help, but it won't fix. The reality is the City of Meridian has experienced such explosive growth over a very short period of time that the public safety, as well as all public services, are stretched to keep up with the growth and as new developments go in that bring new people to the community, which brings more needs from the city services, as well as fire and the police departments. The location of the emergency and its proximity to the fire department doesn't solely determine the response time. Several factors determine how quickly crews can arrive. National and local standards put into place also affect how quickly firefighters can respond and something I learned is they abide by OSHA standards, which is two in two out. Uniquely to Meridian and Ada county, fire engines are staffed with three people. So, that means if they go on a call and they are required to go into the occupancy, they cannot until a second unit shows up, because you have to have two firefighters on the outside, two on the inside in case any of them need to be rescued. He also goes on to state that more than 80 percent of the calls that the department -- the department receives are medical emergencies and according to the American Heart Association brain death and irreversible damage can happen in just four to six minutes after an incident, making response times critical. I want to speak a little bit personally here. On August 23rd I experienced firsthand just how critical emergency response times can be. Driving home for a routine wellness track with my six week old baby, a car ran a red light at the intersection of 27th and Main and we collided at 35 miles per hour. Police were on scene in four minutes. EMT six minutes. I will never forget being on the phone with that 911 dispatcher begging her to do whatever she could to get that ambulance there as quickly as possible. When your child's life is in danger six minutes is an eternity. Undoubtedly you will be asked by the developer tonight to focus on the facts and not the emotions, but the facts mean nothing when someone's life is at stake. I sincerely hope -- I will wrap up here. I sincerely hope that none of you guys have

to experience the level of helplessness and sheer terror I did in a moment after my accident, but I can't help but think if that accident had occurred closer to my house would my outcome have been different. I ask that the Council deny the Centerville application and allow the city to focus on the necessary infrastructure needed to sustain and control residential growth, strategically expand commercial growth, and provide Meridian citizens with the quality of life that I think we all deeply desire. Thank you.

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

Johnson: Mr. Mayor, next is Jarrod Galm.

Galm: Mr. Mayor, Members of the Council, my name is Jarrod Galm and I live at 3868 East Woodville Drive here in Meridian. I'm representing my family and other neighbors to oppose the proposed Centerville community. I'm going to speak to you about how this project will affect schools now and in the future. West Ada School District faces significant challenges as it grapples with the explosive population growth our area has experienced in the past several years. In these proceedings Engineering Solutions paints a romantic picture of more schools being planned to accommodate area students. Sadly, those schools are planned, but there is no funding to pay for their construction without relying on ballot initiatives for levies. There is not currently an elementary school under construction in south Meridian to help alleviate overcrowding. Home values have skyrocketed recently and as a result property taxes have risen as well. While we would all like to say that we are going to do it for the children, be noble and vote to accept property tax increases to pay for new schools, reality is most residents probably won't. Yes, a levy extension for West Ada narrowly passed in the most recent election, but those funds are for operational purposes, not for building new schools. Hillsdale Elementary is across the street from this proposed development and last year it was beyond capacity to adequately serve students and had an enrollment cap in place. Earlier this year that cap was lifted due to a boundary redraw, but the school is faced with overcrowding again, with another cap eminent forcing children who live within the walk zone to be bused to other areas schools. This is not good for traffic, the environment, or the children. It's important to know that Hillsdale Elementary, unlike other schools, does not have the physical outdoor space to add modular units or portable classrooms to accommodate more students. Once it reaches its cap there is no room for growth. The district will have no choice but to bus kids elsewhere as they have done in the past. If you look at the school impact table, Lake Hazel Middle School and Mountain View High School are already over capacity this year and will be beyond their capacities for years to come. Using the district's formula to estimate the number of new students needing accommodation, the development would bring in 97 students, putting Hillsdale at 105 percent of capacity, Lake Hazel Middle at 108 percent, and Mountain View High at 121 percent. These numbers do not include the current construction occurring in Sky Mesa, Lavender Heights, The Keep, East Ridge, Orchard Creek, Shelburne, Calistoga and Century Farm. Based on these developments and using West Ada's formula, another 200 or so students will be residing within the boundaries of Hillsdale and other schools shortly. As is evident, these schools will not be able to support the influx of students as area schools eclipse capacity, the quality of education diminishes. The applicant may

suggest that Owyhee High and its new charter school located in north Meridian will alleviate some of the burdens, but that isn't the case. The charter school will draw 300 students from all over the district and Owyhee serves students in western Meridian many miles from the development and Mountain View High. In conclusion, I understand that the state drives education funding and that local leadership believes it is powerless to help. That's not true. It's incumbent on local government to manage growth, relieve the pressure on our education system until the state can deliver educational resources to accommodate growth. The buck stops with you. I'm not against development or progress, but I am against a developer trying to alter a plan that was thoughtfully established by the city to manage growth. The Centerville Subdivision as presented doesn't fit with the existing south Meridian neighborhoods or the spirit of the city's master plan. I implore you to deny it.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Is it Mr. Fallen?

Galm: Galm.

Strader: Galm. Thanks a lot for coming before us. One of the last comments you made was that you don't feel like this development fits with the neighborhood. What would make it fit with your neighborhood?

Galm: Oh, I think it's -- you know, there is no high density, you know, townhomes or apartments in that area and I think that the zoning with, you know, single -- single homes -- single family homes, which much of that area is comprised of, would be a better fit. I do agree with -- with James, his assessment that, you know, more commercial specifically. I think, you know, food, you know, because he -- as he did mention it is a food desert. There is nothing -- and, yes, Albertson's is going in, but I think that that area could benefit from having, you know, a coffee shop or, you know, a bagel shop, restaurant, someplace that -- where people could walk to, go sit down, have a cup of coffee with their neighbors. You know, having a balance between those single family and commercial like that I think would be more in line with what the applicant is proposing.

Strader: Thanks. Yeah. I think one of the things that's hard, right, is -- I think to Council Woman Perreault's point, you are going to typically see commercial come after the residential is built out. It's a little bit of a chicken and egg thing. We are living in one of the most overpriced housing markets in the country right now. I mean you touched on home values. You know, how do you personally balance that trade off between, you know, housing affordability and -- and the school overcrowding issue? We have been told by the West Ada School District that they will continuously redraw their boundaries to address growth. Maybe we will get more detail on that tonight. If you felt like the

boundaries will be adjusted regularly, does that give you more comfort in terms of seeing additional housing in your part of Meridian?

Galm: I would agree with that. I mean I think -- you know, the problem that I have is, you know, when you have a school in your community and, you know, kids are being bused, you know, several miles away that that -- you know, that kind of upsets the apple cart, so to speak, and kind of, you know, limits your time and, you know, causes all sorts of other issues as I alluded to. You know, the -- the district has to accommodate growth and, you know, it's basically you are -- you are playing -- you know, it's like a shell game, you know, how many kids can you fit into, you know, this area. Okay. Next year because of growth we are going to move people, you know, over here. You know, I don't envy the position that the school is in and I understand -- you know, obviously, house values are probably not going to come down and, you know, there is a need for affordable housing, which, you know, Challenger is known for providing. I'm not against that, like I said. But, you know, again, it's finding that balance and being able to provide, you know, those -- those resources that kind of suit the community.

Strader: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Respectfully -- and I appreciate, before I say this, everyone that is here, because without public testimony it actually makes our jobs harder. We need to hear from the public about what's happening in your neighborhoods. I'm going to play Devil's advocate a little bit. There are many times when this Council has made decisions progressively, despite information we might have received that was a little bit on the -- on the -- on the border, like it is here, where, you know, yeah, we have a little bit of overcrowding, but we think it will figure itself out based on information that we receive from the district or -- or whatnot. Just as an example, a lot of that area those decisions have been made and many of you may not even have homes in that area if Council hadn't made a decision to proceed with building when it wasn't perfect and I'm not advocating for this project, I'm just saying that there are many times when we make those decisions when it doesn't fit perfectly and it has benefited many residents that live in that south area. So, we are -- I'm hearing you, we are hearing you, but we would love for it to fit perfectly. We would have like half an hour meetings every week. No. But as -- as for the -- the commercial element as well, the tough part about it is we don't have any -- we can say, yeah, okay, you can put a commercial building or, you know, daycare, whatever, we don't -- we don't have any control over what ends up there. We don't have control over whether it's a coffee shop or whether it's a restaurant or -- we don't. It's just -- that's not in our purview. So, just wanted to share that with you, because I think there are some folks that truly believe that we -- we have control over the actual businesses that go in those locations and we don't.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I just wanted to respond -- editorial comment, Jarrod, that last part -- you know, the state will figure out -- you know, figure out how to -- how to fund schools and -- and we are talking about a legislature that last session worked on trying to fix property taxes to lower property taxes and what they did in House Bill 389 was on new developments and new annexations, they cut their property taxes by ten percent that they -- they would pay. They exempt the value out. So, they don't have to pay property taxes. This is new growth and we want growth to pay for itself and so we take impact fees, we will build a new fire station up the hill, but to fund it to pay for the firefighters that will be there, everybody has to pay. Well, all of a sudden this new growth they aren't paying their fair share. So, I know you put your faith in the state to fix it. I don't so much. So, just to -- just to let you know. Don't be disappointed.

Galm: I understand.

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

Johnson: Mr. Mayor, next is Amy Johnson. Okay. I combined you both. So, who signed in online? Who had the presentation? Okay. Amy -- so, Amy, come on up and, then, Amy we will get your presentation next. Apparently there is two Chris's as well, so --

A.Johnson: I actually think she can take all the mass e-mails that I have been getting every day. If I can send those to that Amy Johnson I would appreciate it. All right. So, I'm Amy Johnson. I am the West Ada School Board trustee representative for zone two, which is where this subdivision is located. I want to make very clear I'm not here representing the board. This is not a board testimony. This is me as an elected official in the zone and I'm here because the community asked me to come. So, I haven't done this before. I'm going to speak a little bit to the school information. I'm going to speak a little bit to the property information. So, I want to give you --

Simison: Amy, could you state your address for the record.

A.Johnson: I'm going to give you the West Ada address, because I don't want mine on public record if I don't have to. So, it's 1303 East Central Drive, Meridian, Idaho. 83642. I want to give you some data -- specific data. So, I don't know if you all got to see the West Ada letter that came in, but I'm going to give you the data on Hillsdale, Lake Hazel, and Mountain View as of today for enrollment. Hillsdale Elementary is 641 students. That is roughly 59 students under capacity. Mountain View High School is 2,374. That is a little over 200 students above capacity. And Lake Hazel Middle School is 1,049, which is 49 students over the program capacity. That is the highest capacity we can put in the building when I talk about program capacity. But there is some additional numbers in the letter that I think are really important to look at, because those are today's capacities. Hillsdale Elementary has 1,556 planned students coming to it in the parcels that you have already approved. Lake Hazel Middle School has 1,479 students coming to it in the parcels that the City of Meridian has already approved. Lake Hazel Middle School also



takes parcel approvals from the unincorporated area of Boise and that number is not counted in there. That's City of Meridian approvals. There are 3,170 students anticipated to come to Mountain View High School in the parcels already approved by this Council. So, that's what's coming at us. Now I want to tell you about what's in the pipeline to help with those students. Nothing. We had a bond available and ready to go prior to COVID hitting. We had to pull it back. We did so. Blue Valley Elementary was in that bond. It is not funded today. We will probably have to redo the drawings and we don't even know if we are going to use that location anymore, because the growth now has moved from where we thought that that would be. So, I wouldn't count on Blue Valley Elementary to solve this problem. That's where we are at today. That's not your problem and I understand that, though. But I want you to understand the problem that's coming at us. What we have done to solve it -- in the meantime we redrew all the boundary lines. We removed the cap on Hillsdale Elementary. We maximized the capacity that we all talked about a year and a half ago. That's why there is 50 seats at Hillsdale today. Our -- our student population growth, our -- sorry. Our student enrollment numbers right now are back up to two years ago, so we are back at 40,000 students. Owyhee High School will be full in one year. We just don't have a senior class right now at the level that we need, but one year we will get there. So, that's where we are at today. I wanted to just mention from a system standpoint, the -- I will -- I will finish up.

Simison: Could you, please, expand on this for another couple minutes, because I'm really curious.

A.Johnson: On which -- on which one?

Simison: All of it. Just keep --

A.Johnson: All of it? Okay. All right. So -- and, you know, I guess I had -- I sat here and I listened to you say 12 and a half million dollars of impact fees for a park expansion and I just about like fell out of my chair. I had no idea what happens at a City Council meeting, but we just barely got 14.7 million from a community much larger than the City of Meridian and it passed by 52 percent. So, that's -- that's what's facing -- and I'm only talking about the south Meridian portion. I'm not talking about the north Meridian portion and I'm not talking about the other areas of the West Ada School District. I only looked and focused where this subdivision goes into play. This development, while it isn't going to hurt -- solve the problem, adds to the problem and it also on top of that it goes above what we thought would be in that usage area. So, when you ask the question what maybe would be a better opportunity, a low density, commercial space are both great answers. But timing is also one of the answers. So, what I -- what I am sitting at when I saw these numbers -- I actually got them today, because I was thinking I'm going to come in here, as holy cow, I don't know how we are going to deal with this, because we -- we don't have anymore capacity even to bus kids anymore. We had it two years ago when Hillsdale was capped. That's not available in south Meridian anymore. That's gone. So, that's -- that's where the school district is at today. I would ask you to consider more than just this development in your kind of thinking going forward. I think we have some bigger conversations to have, but in this case this development doesn't necessarily fit the area

as designed. I would tell you one other thing. There is a daycare already located at the YMCA right there across the street from where this event will go. There is another one at Sienna Elementary and there is another one just down the street at the corner of Amity and Cloverdale. So, the daycare facilities in the area -- there is a pretty good access at that point and, then, the traffic light -- or the, sorry, the crosswalk where that subdivision is at and it goes across the street to the YMCA is great, because that's there, but there are no sidewalks coming down that side of the road for the students, then, to walk down the road to the school. The only way they will be able to access is go all the way around the school or go down the backside of the library -- little pod library that the Meridian Elementary -- or the Meridian library has there today. So, I just kind of picked up a couple things that people testified to to give you some information and I will kind of go from there.

Simison: Thank you. Any question --

Cavener: Mr. Mayor?

Simison: Okay. Councilman Cavener.

Cavener: Thanks, Mayor. First, Amy, thanks for being here. I think in the eight years I have been on Council this is the very first time that we have had an elected representative of another agency come and testify and I think you have provided, at least for me, some added flavor and context for this particular application. My question for you is the Council received a letter from city staff last week that showed that the district is currently at 88 percent of capacity. Is that a number that West Ada is using publicly? Is that a number that you are aware of? And because the numbers are a little bit different from what you shared tonight than what we received in that letter, I'm just curious if you guys have a number in terms of what your capacity is districtwide.

A.Johnson: Can you clarify for me -- staff from West Ada or staff from Meridian City Council?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks. Amy, appreciate the question. From City of Meridian staff.

A.Johnson: Okay.

Cavener: But we used that data from West Ada staff.

A.Johnson: I would have to look into it, Luke. I will tell you this: I asked them to pull me a copy of the letter and when I asked -- we actually are going to have this conversation internally. We sent the strongest letter we possibly have on this subdivision -- or in this development approval. I have read it. I don't think that we are giving you enough information at this point. So, when I read it we were having a conversation about what

the strength of our letters will look like going forward and that's not to say -- I'm not -- I don't want to make that, hey, we are against the development, because that's not to say, but I think we need to provide some good quality information in some of those letters, especially in situations like this and two years ago we were not in this situation. We had a bond we thought was going to come forward. We wouldn't have said the same thing two years ago. But we can't -- I can't say that today.

Cavener: Thank you. I appreciate that.

Simison: So, Trustee Johnson, just curious. You talked about the numbers. We know some of that -- there is a charter school planned in south Meridian. I -- I know you weren't going to take that into consideration for your numbers, but I assume that there will be -- because they can come from anywhere. There is no guarantee that they are just going to come from this part of the community, but do you know what the planned enrollment figure is and through what grades for the charter school that's planned in the Brighton development and how it would -- in theory if it one hundred percent took away from this area's growth, which we know it won't, but --

A.Johnson: I believe the numbers given earlier by the applicant were pretty close. It will be K through 12 at full build out. I actually am super supportive of that school and actually put the connections in place, because it's a way we can help solve some of our capacity issues, so -- but the numbers I just gave you it won't even hit 20 percent.

Simison: Okay. Well, just want to confirm that that was accurate information.

A.Johnson: Close -- close enough. I won't split five or ten student hairs.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If Trustee Johnson could stick around, but do we have Meredith -- or Miranda? Oh, my gosh I'm like losing my marbles tonight. Do we have her here to talk about our analysis of the West Ada School District numbers?

Simison: She does not appear to be.

Strader: Okay. Yeah. Because I -- I think the disconnect and what I'm -- what I want to try to work through at some point is we have our own data that takes the parcels that have been approved and, then, applies a bunch of assumptions about a certain amount being delivered per year. Ah. Thank you so much. So, we end up with our own estimate after permits and development, let's zoom into the footnotes, if the person driving the bus can get over to footnote three. Yeah. So, this is our analysis that I think our city is doing of all the same parcels that you guys are aware of, but we are looking at historically not all of these are going to deliver at the same time; right? So, realistically, if it's -- you know, I think for Hillsdale 1,500 -- that's a huge number, but I think where we all need to get

alignment is, okay, what is a realistic amount that we think will be delivered per year and an absorption rate that is sustainable? But I don't disagree with you at all that that's a huge number and I guess my question would be is that number outside of what the school district planned for and how far outside of that number is it if it is for your long-term planning purposes?

A.Johnson: Yeah. So, we are in the process right now of looking at our long, term facilities plan. We have got some new trustees coming on that will be part of the process. So, you know, I wanted to speak a little bit and clarify the testimony earlier on that I don't think that we can commit to what the developer agent had said yet, because we are really looking at that. You know, preferably, obviously, elementary schools and community neighborhoods are our preference. Let me speak a little bit to kind of the numbers as we look at them, because I can look at this and I can see the analysis, but until I have dug into it I wouldn't know. So, roughly, West Ada School District prior to COVID -- and so we -- you know, we have got to kind of go with the old trends -- grew on average of 600 students in total per year. So, our net growth would be 600 after graduations and everybody moves up; right? So, what that looks like is, basically, we would need a new elementary every -- every three years. Sorry. Three to four years. A new middle school every four to five years. And a new high school every four to five years. Roughly is kind of how those numbers pencil out. We have never hit that category in any of the bonding structure, so -- but when I say that 600, I think that gives you an idea. You figure -- so I take Hillsdale. It's going to move about a hundred students every year into like Hazel Middle or Victory Middle and, then, those two middle schools are going to move 300 students each into the high school and the high school is going to graduate about 500. So, net -- net we are going to see some growth of about a hundred students every year in that one high school, if you think about kind of how that -- so, these numbers to me look a little bit low. Hillsdale Elementary from enrollment to what the letter you got in July is now up 30 students in less than six months and -- and I look at what's approved out there and I think Mr. Galm gave you a lot of it. I don't see how it's not -- it's going to be 60 students a year. That's just not -- that number doesn't even work for me just using the quick math. Especially when the density of -- we just figure 80 percent of the houses in a single family unit will have kids coming into the school system. I will tell you there is one thing in the formula that I saw in your documentation, which, by the way, I have read and I have never done before -- is that on a multi-family unit right now we are estimating only ten percent of a multi-family unit actually produces kids into the school district. I say that figure seems a little off. I'm not sure why that calculation is the way it is. You know, if you go to an apartment complex or a townhome I would be surprised that only one out of every ten townhomes or apartment buildings has a student in them. So, I -- and, actually, Marcy Horner brought that up to me when we talked about it a couple weeks ago and I think her and Miranda are looking at that.

Strader: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Amy, I want to make sure when -- when we have to pass a bond levy in the school district it takes two-thirds and -- to -- to tax people and to build schools. Is there -- and I'm just concerned. We have tremendous growth throughout this community, but some areas more than others and south Meridian is one area feeling really the brunt of a lot of this growth. I'm concerned that -- so, we need schools out there. You run a bond. Well, people in Eagle and Star and maybe even north Meridian -- oh, we have a new high school, we don't need to support that. I don't want to raise my taxes and now all of a sudden it's -- it's upside down. You don't -- definitely don't get two-thirds if even a majority. So, what -- I guess I'm going to ask a loaded question, because I guess being -- being the longest tenured in this community on the Council -- I moved here after fifth grade and I have noticed throughout the 51 years that there has to be a great deal of pain in our school system before people will pass a bond and I know you haven't been on the school board that long, but what are your thoughts about that? Is that a true statement? Is there a way we can avoid that pain? Because we could shut down growth supposedly -- although, you know, we might be subject to lawsuits, but it makes it difficult to make things happen sometimes without a little bit of pain. I don't want to inflict a lot of pain, but you do want to have things move forward. So, thoughts, ideas, help?

A.Johnson: So, two things. One, south Meridian's one area. North Meridian, Star, is the other and, actually, it's worse than south Meridian and the Mayor of Star has actually shared that pain and his thoughts on how to help move some different funding formulas forward for managing growth. I agree with you, historically people had to feel a little bit of pain from a bonding perspective. Here is where I think it's different now than ever before. First of all, during COVID we experienced some pretty expansive growth in this area, more than I think we all would have expected; right? I mean -- so, that coupled with the fact that we couldn't run a bond really in that time frame actually exacerbated the issue today to even more of where we would have normally been. So, think about it this way: We had this massive growth, we didn't follow our normal pattern of a bond every three or four years, and now I don't know -- I will be very honest, I don't know if we even are able to get one passed in the next year. So, what I think used to be a little bit of pain, we are all going to experience a significant amount of pain if we don't think through how this -- how we manage the growth, how we get the funding and how it all goes together and I don't think it will be just the schools, I think that communities will experience some pretty significant pain just based on those numbers and the fact that it takes us three or four years after a bond passes to get a school open. So, that's -- that's when a new school would be able to open.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Good to see you, Amy. So, we -- over the past couple of years we as a Council have had a lot of conversations about will the -- will the school enrollments return to pre-COVID numbers and, you know, we -- nobody's known, really, until this year. So, are you sharing with us that -- that the enrollment numbers have returned and are potentially greater than they were a couple of years ago? My first question. My second is is that

parents are more aware than ever about how their children are involved in school, from what they are studying, to what they are wearing, to, you know, their health at school and personally I think this is the time when you have everybody's attention and when you can get a bond passed, because people want the best for their kids and they will put their money there. So, I have a different -- and -- and maybe that's not what you are hearing from the parents. I have a different philosophy about that. I feel like a bond probably would have passed with flying colors, because people want to support their kids, because they are now more aware than ever of what it takes to teach their children. But, anyhow, so I am curious about the -- the current enrollment numbers and relationships to 2019 and whether they have bounced back or if you are still seeing a lot of parents that are doing the homeschooling and the virtual enrollment.

A.Johnson: So, a couple -- a couple of things. So, first, our enrollment prior to COVID was right around 40,000 students, a little over. We are back at a little over 40,000 students. So, we are -- we saw a dip last year, but we are back up in that spot. We also still have a significant number of parents homeschooling, which means at some point if they make the decision that will change that number also as well. As far as my -- it doesn't mean we will run one, it just means when you look at the numbers on the levy, 52 percent, that's what I'm going off of and, you know, you are right, the awareness, people actually -- when we knocked on doors two years ago didn't even know what a school board trustee did and now I feel like everybody knows my name. The other thing that we knocked on doors and got was we need more food and commercial in south Meridian and I got that as a school board trustee. So, I will share that with you as well, even though I told them I couldn't do anything about that, so --

Simison: Council, any additional questions? Thank you.

A.Johnson: Thank you, guys. It's nice to see you guys in action. I don't know that I like being on this side of the podium though.

Johnson: Mr. Mayor, Amy Johnson.

A.Johnson: Amy Johnson, the second. 4069 East Tenant Drive in Meridian. I reside in Hillsdale Creek Subdivision and just a couple things that have been coming up. I actually have a kiddo in Gem Prep and so I know that proposed thing and they are going to be just K to five, about 300 students, because they cap it about 60. They have two teachers, two classes per grade and, then, every year after that they add as it grows, so -- and it's a lottery based thing, so people can come from all over and get in, so I don't think it will have a significant impact in the least on this. And so kind of the preface, I oppose this as it's written. I concur with very much of the public concerns about the overcrowding, traffic safety, and that this proposal really isn't in keeping with the surrounding neighborhoods in the area. But in addition to this I want to focus mostly on traffic impacts. I sat on the traffic commission for the city of Beaverton, Oregon, for eight years prior to moving here. For reference, Beaverton is actually almost exactly the same size as Meridian and sits squarely next to Portland, Oregon. We actually had our own traffic commission and our own traffic engineer, which I would implore you guys to look into and might help really

with the growth that we are experiencing, because we would have in-house capacity to do that. But I do feel like at this point the Centerville proposal is still too dense. It's going to produce too much traffic in an area that's already saturated and can't accommodate it. They have been using very outdated traffic data that we have already discussed and I think it's really premature to approve this development without more studies being done. So, I would actually propose that we pause this and table it, come back to some -- and get some more data, get more traffic studies that really show the impact of this area. I sat for eight years listening to people really upset and residents really upset over the dense subdivisions that didn't properly plan for growth. They had traffic and parking that really could have been mitigated from the beginning. There is no perfect answer, but I do think Meridian can do better. Another problem I kind of see -- Hillsdale Lane is a collector. It's not going to get any wider. Once this division goes -- or a subdivision goes in it can't grow. So, how they are going to have two left turn lanes -- sorry, I guess I have some pictures here. So -- well, the first picture you can see is heading south on Hillsdale Lane towards the -- the elementary school and you can see that it drops down and there is a blind corner. There is no sidewalk as mentioned prior. So, getting kids safely across and down to school is actually not going to happen with the proposal as it's planned, but going back to the fact that Hillsdale is a collector with no plans, there are two left turn lanes, one for the commercial section in this plan and one just a little bit more going into the townhomes. It's not -- it's going to queue all the way up to Amity and, then, overflow, even with that light. People coming up that hill there is blind spots and you are going to end up getting too many accidents. I -- we sat on the traffic commission and heard that time and time and time again. I have some pictures. I will kind of go through them in just a minute here, but, you know, things have actually been talked to, so I won't keep doing it. But, you know, to exasperate that, parking is a big deal. There are too few spots in this proposal. The four-plex apartments do not have enough parking period. I don't know very many -- even single -- single apartments that have enough parking. You know, they designed 1.2 parking spots per unit. Well, we know that we need more than that and so parking is going to overflow, it's going to overflow into the YMCA and it's going to overflow into our neighborhoods. We played Whack a Mole every single month in Beaverton just getting -- people wanted parking restrictions to keep people from parking on there making it very very unsafe, so -- and another thing that Meridian does not have is public transportation. This is not a walkable community, despite all the walkable paths within their own little community there. We are not going to be walking across Eagle to go to Albertson's. I mean that's a death wish. So, that's just not going to happen. It's not walkable. So, I think getting those multi-units and any -- any kind of rentals is going to not handle that. Can I quickly just go through these pictures really quick, because I kind of think pictures show --

Simison: If you can, please, summarize quickly, yes.

A.Johnson: Very quickly. So, that one's heading south, like the schools down -- right where you can see the Hillsdale Creek sign and the Century Farm sign down there. This next one here -- like -- sorry. The aerial -- okay. Perfect. So, that's kind of an aerial view of that and that's that pickup. So, you can see how the traffic queues up onto Hillsdale Lane and it will actually queue up past the YMCA on most days. This is another view of

the slope that happens there that makes it very unsafe for kids to go down. Kids are already crossing and on bikes, the paths, walking to and from school and we have seen too many near death experiences already. But what I'm kind of focusing on are the left turn lanes proposed over here on Hillsdale Lane. If there is no specific left turn lane for those to back up and cue that it's just not going to work. It's going to be a complete nightmare and I would propose a HAWK, rather than a flashing beacon, if they are going to do that, because it would be more visible based on the slope. So, you can kind of get -- get a bit of a picture there. Trying to get to -- one more. Oh, yeah. So, you can see where that's where the sidewalk stops. So, kids cannot continue down. And, then, this is just a -- after school events people are parking along Rockhampton, which also curves and slopes downward and so that's the kind of parking that's going to get overflowed by the townhouses, because that's the closest to it. So, where people are going to park, they are going to park as close as possible when they don't have any extra parking. That's all I have.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I have driven through here -- I have had the pleasure of driving through here when school is starting and getting out and it is scary.

A.Johnson: It's a nightmare.

Perreault: What -- do you know -- I had read in -- I think in one of the public testimony, but I don't recall the details -- what kind of traffic calming or -- or traffic control measures happen during -- when school is starting and getting out and is that done by the school district? Is that done by volunteers? Neighbors? Can you --

A.Johnson: Yeah. So, there is one crosswalk with the little bleep -- the flashing lights when you push the button with one crosswalk directly in front of the school. That is the only mitigative measures taken by the school or any volunteers at all. As a parent I walk my kids directly around and we actually cut through some green spaces within the neighborhood to avoid walking on the sidewalks, because they are so congested. People are opening doors, people are just -- you have driven through. It is about 15 to 20 minutes of just gridlock and, honestly, I think having the turn lanes on this is just going to exasperate that even further.

Simison: Council, any additional questions? Thank you, Amy. I will take your comments to being you don't like the roundabout. I meet with Director Wong this week, so thank you.

Dodson: Mr. Mayor?



Simison: Yes, Joe.

Dodson: I did just want to clarify really quick and for the benefit of the public, the turn lanes are supposed to be on Amity, not on Hillsdale. Yeah. There we go. She clarified for me then. Thank you.

Johnson: Mr. Mayor, next is Elizabeth McDowell.

McDowell: Mayor, Members of the Council, I'm Elizabeth McDowell. I live at 3839 East Fratello Street in the Shelburne Subdivision. I'm here to speak in opposition to the proposed Centerville Subdivision. I'm a 19 year resident of the Treasure Valley, so I have seen the explosive growth that's taken place in our area in that time. There is no doubt that affordable housing is needed. However, south Meridian is not capable of sustaining this density and speed of growth. It's not the right place and it may not be the right time as well. The issue that I'm most concerned with is the number of homes in south Ada county that are solely relying on well water for their households. These are not necessarily large farms, they are homes on a quarter acre lots built before city water lines were run to the area. Many of them have recently been affected by the incredible surge of new development, causing their wells to suddenly run dry. These are wells that have been adequate for decades. In May of this year Channel 2 news reported on one local resident whose well ran dry. Drilling companies -- wait lists were eight months long. Meanwhile, this homeowner would have no running water to his home. A neighbor even ran a garden hose to the property through his kitchen window, so that this resident would have some water while he worked to resolve this problem and the cost to the homeowner to drill his new well deeper would be 30,000 dollars. I don't know about you, but I don't have 30,000 dollars laying around to dig myself a new well if mine suddenly runs dry because of overdevelopment. This resident is not the only one who is facing this type of issue. Channel 2 reported that this resident received over 600 phone calls from other area residents who were being affected similarly or were concerned that their well could be the next to run dry. Our community is in a crisis for groundwater and this is not just due to our current drought, it is largely brought on by overdevelopment of what was once agricultural land. This land used to be replenished -- used to replenish our aquifer through irrigation and natural precipitation and while you may be tempted to point out that those of us who bought homes in these developments have contributed to this problem, please, understand that we bought our homes trusting that the powers that be would never allow growth that negatively impacts other residents. Idaho Code requires that this commission deny a proposal that would negatively impact current residents and it's incumbent upon this Council to ensure that necessary resources exist to support all residents when a development is approved. We trust you when we move in that responsible development is taking place and while many of us knew nothing of the serious issues that we are hearing tonight until after moving into the area, there is no one that I have spoken to who disapproves of new growth. What we want and what we trust you all to provide is the growth that's supported by all necessary resources. These resources are lacking in south Meridian. They go in much more slowly than homes go in. It takes a lot longer to get that infrastructure up than it takes to get those houses up and that's the concern that we all have and unless and until there are programs available or funding in place that will help

these residents when they lose their running water to their homes and the cost and suffering can be mitigated, it is unconscionable to constitute -- excuse me. It is unconscionable to continue development in south Ada county and I ask that you would deny this proposal and I'm not an expert on anything other than what I just told you, so don't ask me any questions.

Simison: Thank you. Council, any questions?

McDowell: You can. I'm just kidding.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have a question, but thank you for sharing that information. We have heard numerous developments in this area and -- and I have not had a single person that I know have come before us that owned a property in this area on a well that had concerns about the water. So, do you know any of those individuals personally? Have they contacted the city with concerns? Have they asked questions? Because they are not coming to our -- to our hearings.

McDowell: I learned about this -- this individual that I have spoke about specifically through the NextDoor app and I followed his story through the months that it was reported on Channel 2 and from what I understand it isn't -- and through realtor friends that I have as well, that it's a large problem throughout our whole area. This is not just a single homeowner who had an issue. I know that he was in the process of trying to contact every available resource and it was running into dead ends everywhere and I know his name, but I don't know him personally, but I have followed his story. That's probably as much information as I can give on it, because it was just what was publicly available and I can give you his name if -- I don't -- he's not here and I have not spoken with him to get his permission to give his name, but he -- just by researching his name and finding all the articles that I read about his situation, I was mortified that this is a situation that's caused by too many people moving to an area. If I had known personally that my home was going to impact any individual this way, I wouldn't have bought a home in that area and it makes me feel terrible that what we trust to be, you know, development that is approved, the only thing I have heard everybody say all the time when I talk to neighbors about this is how can they allow that and this Council is the they that they are talking about and when growth is happening at such a rate that all of the infrastructure that everybody here is talking about tonight is so profoundly inadequate for the number of homes that are going in, that people are beginning to feel a stirring of discontent and that's what I'm hoping that we can stop, because I -- we are just on the cusp of people being happy where they live and kind of going off the edge of -- I'm not happy that I live here now and I have met numbers of people who have moved to the area who have expressed -- I am sorry that I moved here and that breaks my heart, because I love this area. I have lived here for almost 20 years, like I said, and Meridian is beautiful, I would not want to live in any other city and I think that you guys have the ability to build a city and to develop a

plan that is the most livable, beautiful area in our state and I just hope that we can make it all balance, you know. That's my hope.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah, Elizabeth, I just want to make sure word doesn't get out that Meridian's running out of water, because we are not.

McDowell: Okay.

Hoaglund: Having grown up in the country, growing up in Meridian, working, married into a dairy farm family, our well was 90 feet deep. That really -- it was good water, but when agriculture goes away -- agriculture is very water intensive. Those alfalfa fields, the corn, grain, it takes a lot of water. So, it was easily recharged. Ninety feet wasn't a problem. But when that goes away -- we are actually more efficient with our water now. Residential yards, they use much less water, but that means we aren't recharging to that shallow depth anymore. So, the wells have to be deeper. Now, the wells for the City of Meridian are very deep. They go down, they tap another aquifer level. So, I don't want you to think they are running out of water. For people who are on wells that means they aren't in the city --

McDowell: Right.

Hoaglund: -- not on city water, which goes from a different aquifer, but it certainly is -- yeah, the recharge is not happening in the shallow aquifers. So, just to give you the hydraulic -- and we have people who study and we pay good money for people to study our water system and do we have enough water for growth and those types of things. So, yes, it is very unfortunate for those people with shallower wells, because they are having problems and they are having to go deeper and it is very expensive. So, I feel for them. But as for our community we are not running out of water. I just wanted to make sure that was clarified that, oh, no, you know, so --

McDowell: There were a lot of issues this summer. It may have just been the drought where you all had to water at all different times of day, otherwise, we weren't getting water in our neighborhood. So, I know that was a conversation that I followed on NextDoor as well with a lot of neighbors really struggling with -- and that may have just been the drought this year. I don't know. But it's a concern going forward.

Hoaglund: And, Mr. Mayor, yeah, I could go on and on about our irrigation system and how this valley works and everything, because I was there cleaning ditch because that was so important for this year and it still is, because that's surface water and we certainly are -- surface water and the drought has -- it's caused some shortages and we should be concerned about our surface water. Fortunately, we are in a good area hydraulic -- from

the hydrology standpoint for aquifer water, but we still have to use it. It's a resource we have to be mindful of and use it wisely --

McDowell: Appreciate it.

Hoaglund: -- so, appreciate it. Thank you.

McDowell: Thank you.

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

Johnson: Mr. Mayor, next is George Hoxsey. He is bringing up your presentation for you.

Hoxsey: Mayor, Council Members, my name is George Hoxsey. I live at 4184 East Rockhampton Street in Hillsdale Creek, just immediately south of the proposed development and immediately adjacent to the development as well. While I agree with much of what's been said tonight from other -- other public testimony, I'm going to try and focus my comments in a little bit different area. There are some related topics, but I want to not waste your time and -- and, hopefully, focus on a couple of new points. So, the first thing I want to talk about -- I'm going to focus most of my comments on the northwest corner of the development and the first thing I want to point out is that I feel very strongly that the, you know, commercial zoning from -- from its intent is -- is not aligned with the intent of MUN zoning. I think that's a very important point to point out in terms of a lack of alignment with the FLUM. The other -- the other point I want to talk about labeled number one on here was actually brought up, but I want to dig a little bit deeper. I think we -- you know, we have talked a lot about traffic on Amity. I think the traffic on Hillsdale and the issues there really needs some -- some focus. I could not find any traffic count numbers ever done on Hillsdale. I think the last numbers that were done in the area were about 2018. They used a two percent annual growth rate for traffic on Hillsdale there. I think that's woefully inadequate from 2018 to where we are today in terms of the -- you know, the dramatic growth that's happened in that area. So, I think not having a dedicated left-hand turn lane, which was a conclusion of the TIS, I think is absolutely incorrect. It -- without a left-hand turn lane we are going to get massive bottleneck of traffic coming off of Amity onto Hillsdale and trying to come into Century Farm, trying to go to Hillsdale Elementary, trying to go to the subdivision Hill -- Hillsdale Creek. Secondly, along a very similar point, the new proposed entrance to the commercially zoned area there labeled number two, way too close to the intersection from my perspective. You are going to get massive backup. I actually thought that was going to be a right-in, right-out, which I was still concerned about. I heard tonight that it is not a right-in, right-out. Now, I'm even more concerned about traffic backup there. I think -- I think we are completely missing Hillsdale Road or Hillsdale Avenue there in terms of the left hand turn lanes. A critical point that I think needs to be focused on. What I would propose would be kind of what's outlined here in the red area; right? This is more in line with the FLUM from my -- from my perspective. To earlier comments I think it makes a ton of sense to move some of the commercial along Amity, as opposed to more of it along Hillsdale, and I also think that I -- you know, I would like to see this area that -- you know, the MUN district -- a true MUN

from its intent in terms of neighborhood retail, neighborhood businesses, where the community can gather and have a sandwich or an ice cream or, you know, a coffee or whatever with a plaza; right? I have looked at those cut sheets. That's a very different intent from a zoning perspective than from a true commercial zoning perspective. Just to quickly conclude here. Again, I agree with much of -- much of what's already been said. My ask is that you would deny the proposal as it's currently planned. I do appreciate the progress that has been made through lots of effort from the community and working with Engineering Solutions, so I think we have made progress. I don't think we are where we need to be yet and you can see from my bullet points there, but I know my time is up. Thank you for your time.

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

Hoxsey: Thank you.

Johnson: Mr. Mayor, next is Paul Prestwich.

Prestwich: My name is Paul Prestwich. 5249 South Bleachfield in Meridian. Several of the points that I was going to talk about have been touched on today and that is the future planning of this area. Somebody had asked about, well, were the future jobs calculated into the projections and the answer was no. Each of these projects seems to be created and analyzed in a bubble. So, they are put together, they go to ACHD, they look at everything, say this is the impact this is going to have on our current roads based upon the TIS. Now, the TIS that was used here was outdated like they said, so it's not really reflective of current traffic data. In addition to that, it comes back over to the city planning, who, then, goes ahead and uses all those same data points to make their decisions. Now, one thing I have never read in here is what about all of the approved projects. So, the Shelburne South traffic that's hitting that road, it wasn't included in this traffic study. The Brighton traffic, it's not there. Albertson's. It's not calculated on this road. So, as bad as this subdivision is going to be, all that other stuff is already planned. Just like the schools, we saw that the number of students is greatly over what was anticipated by the Council and what was pulled by our planning. Now, you guys can only base your data -- or your decisions on the data that's given and in looking at this I think one of the guys said here -- and it's true -- one is using .7 children per single family household. Not too realistic in my opinion. It may be some national numbers, but it's not really realistic for here. As Amy Johnson said when you are talking about one child per ten units of multi-family, that doesn't sound very reasonable, unless those are being restricted to just a single bedroom unit, which I don't think is occurring here either. So, you are looking at impacted schools, you are looking at impacted roadways, because we are not capturing that data for the city planners and the commission should be doing that. In addition to this, I just noticed on one of the slides here that Amy the second brought up, which I think was really telling, is that as you are going down Hillsdale Road and you see where the sidewalk ends, there is a bike lane, single white line going down there. As soon as you get to that house and the sidewalk disappears, that white line turns into a dotted white line, so traffic is going to be merging into that lane that you are merging children into, because there is no sidewalk there and that's going down a hill to turn into the school. So, if you look at the, you know,

picture again you will see that and that's all I was wanting to say. Take into consideration all of the future planning that's already been approved, in addition to the project that's before you at this time.

Simison: Thank you. Just a comment, so that -- those numbers that were mentioned, those are local numbers. We have been working with -- we work with the school district to establish those numbers based on real numbers. They used to be 1.3 citywide. So, you recognize that is a citywide average, that may or may not reflect where -- what will happen in this area, because some subdivisions generate a lot more children than others, where others don't. So, just so you understand. We do update those numbers on a regular basis and those do reflect community averages working with the school district. They are not national base numbers, but -- Council, any questions?

Johnson: Mr. Mayor, next we have Melissa Phillips.

M.Phillips: I was starting to wonder if I even put my name in to talk. All right. My name is Melissa Phillips and my address is 4140 East Rockhampton Street in Meridian. Regarding the Centerville Subdivision, I feel we need more details on the elevations and fencing. The slides that Becky had to rush through at the end. But those things are important to me and I wanted to address some of those things. I have concerns with the aesthetics, safety, and livability of the homes, which are all items in the Comprehensive Plan, as I will show you. In the past year and recently I have been driving around other CBH subdivisions just to kind of get an idea of what to expect and this is at Union Square. It's in Boise, but the subdivision has these townhomes and I immediately noticed the exposed gas meters and the driveways and I thought that was a safety concern for accidental vehicles hitting those. There were some that had landscaping, which I think helps, but, then, it reduces the size of the driveway by not much, but when your parking is an issue it can be a lot. The livability, quality of life, health and happiness of residents in Meridian is important to me. I know I personally enjoy sitting outside on the patio with our great weather. With townhomes and the single family homes with the alley driveways you don't get those patios. I did find this neighborhood that has patios available for the R-15 homes, but they are only on the end of the street. So, one on the right and one on the left and I see one it had shrubs to try to provide some privacy and, then, one, obviously, they didn't use it. I also have a concern with the lack of covered patios that CBH puts in their homes. All our surrounding neighborhoods have covered patios. Obviously, on the left we have CBH homes with covered patios, on the right we do not and my concern is that when residents are looking for that place to be outside and hang out they are building structures are using those shade sails, things that aren't as aesthetically pleasing. I think the covered patios really elevate the look of a home and that would help just make it look like the surrounding neighborhoods. Fencing. I heard Becky say real quick about iron fencing, so I am curious to learn more about that, but in these R-15 homes fencing is not put in. There is a temporary fencing there on the left, which doesn't match the fencing across the street in the R-8 homes and, then, in the center here -- this is just one example of many pictures I took where people have their personal belongings between the homes, which lends itself to theft and I worry about people coming in and looking for those opportunities. Obviously, exposed trash cans as

well is not aesthetically pleasing. On the far right this is the same neighborhood, but across the street in the R-8 homes and this house has been here for almost seven years and they still have not completed their fencing. So, I wonder what the HOA -- the builders HOA rules are for that. I do think it's important that we, if we can, have them include the fencing with the home built and not put it on the buying resident. This was just an elevation. I appreciate it. I like the varying roof lines, the stone on the front, except the back doesn't have the same aesthetic appeal and this was the last slide is that in that Union Square Subdivision on the right you see they have -- I don't know what it's called specifically, but the inset parking lots and I really like that idea, because it takes the parking off of the streets and I also noticed there for every nine homes there was nine parking spots, which whether or not that's enough, it was a one to one ratio. On the left I have a screenshot of just a little bit of Centerville. There is nine homes there and only seven parking spaces on the street and, then, my biggest concern -- I have four kids. My concern is always their safety. I worry -- even though those parking spaces are inset there for Centerville, they still hide children. So, when kids are playing and they are on their bikes and families are going for walks, cars hide children and that worries me. So, I just ask that you deny the Centerville Subdivision at this time. It needs time to improve the density, the safety, the aesthetics and the overall quality of the project. Thank you for letting me continue.

Simison: Thank you. Council, any questions? So, that's everyone who has signed up in advance that identified they wished to testify. We did have a few other names that put their name on the list, but they did not indicate a preference to testify, but if you would like to provide testimony at this time, please, come forward and state your name and address for the record or if you are online and you would like to provide testimony, please, use the raise your hand function. It's looks like the -- we already have one person who has already testified before. Yep. Come on up and you are good to go.

R.Prestwich: Mr. Mayor, City Council Members, my name is Rebecca Prestwich. I live at 5249 South Bleachfield Avenue in the Hillsdale Creek development and Bleachfield is the street that is intended to connect to this development, as well as Macumbo on the Rockhampton side and Bleachfield is an odd street to me, because it starts out at Hillsdale with a name and it comes in -- I think it's Auckland at that point. It turns to West Lachlan. It's still the same street and it continues around and becomes Bleachfield. So, it kind of just weaves in like that and, then, it connects directly into the Rockhampton development. So, my concern is is that we have a neighborhood with children playing all of the time on the streets and according to the TIS it's expected that there is going to be somewhere around 200 to 220 cars a day traveling down that street, whether they go to the school or whether they go out Rockhampton over to Cloverdale, that's a lot of automobiles and I would like you to just ask yourself if you lived on a street that had over 200 cars driving down it each day if that would be a street that you would really want to live on. Especially when you are in a community where the children are playing on the street. Where are those children going to play? Because it's a very protected area. There is several questions I want you to -- I want you to ask yourself. Forty acres of land, 219 individual households, and based on the numbers of two point -- well, almost eight people per household, that's 613.20 people living on that small acreage. Now, in the entire

community of Hillsdale Creek, which is about three times that big, there is a -- there is about that many people and only 125 households and it takes about three-quarters of -- of Rockhampton to make up that amount. So, when you are thinking about whether you want to send this plan back to the developer or whether you want to approve it, ask yourself does this plan truly fit seamlessly into the adjoining neighborhoods? And are the transitional buffers adequate and allow a seamless integration into the neighboring communities? Will the approval of this project protect the existing residents property from incompatible land use? And does the development protect the private property rights and values and mitigate against the incompatible uses that are possible and, lastly -- oh, good thing I'm on lastly. The mention of Discovery Park has been often as that it being the community park for us to go to. I have five grandchildren that live in this area and that's why we are here. Been taking my grandchildren to that park since it was first developed. We now have to -- I have -- we have two littles, four years old now. We now have to leave the park, because it's so overcrowded and the big kids bump into them and hurt them and so it's become a park that we can't use very often and from the corner of Amity and Cloverdale that park is 2.7 miles away. It's not on a walkable street in any direction and I appreciate the opportunity to speak with you and I thank you for your listening.

Simison: Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Good news. Phase two of the park is in planning, so it will be coming in the next two years. So, look forward to that, because there is some neat things happening. So, I have a question and it's not specific to you, it's -- it's really all of the members of the community here that -- that have stated concerns about density, about proximity of the homes to larger lots, about transitions between the properties. There is 79 townhome lots that are proposed and in general there are fewer residents that live in a townhome or an apartment than there are in -- in some of the larger homes in the Hillsdale area. So, average home in Hillsdale let's say is 2,500 square feet, you are probably talking about at least four people in -- in general in one of those homes, where you may only have two people that live in the townhome. So, is it -- is it -- is it the number of people that is the concern or is it the -- the proximity of the homes to one another for line of sight reasons or aesthetic reasons? They are very different things to me, because you can have 79 townhomes with two people or you can have half of that with four people in each home. It's the same number of people and the same number of vehicles, it's just I guess I'm trying to get a better understanding of -- of whether that -- if the issue is really the number of people or if it's how it looks or if it's concern over property values and you don't have to answer that for all of your neighbors, but if you have anything to share about that I would appreciate it.

R.Prestwich: Thank you for asking me that. When this -- the Centerville Subdivision was first proposed I spent a considerable amount of time looking through the Idaho statutes, studying the city codes and also the Ada county articles of organization and their codes



and what I really embraced about it was the idea of -- of transitional spaces between developments where you had walking spaces and places for people to go. The wide avenues in the neighborhoods and you had open -- it felt open and it felt large and if you were to go drive into -- down Hillsdale, excuse me, and into Century Farm you would see there is grass and sidewalks and it transitions and even from the school to Century Farm there is a large transitional area and everywhere you go there is those transitions. This development does not provide transitions. I think it was Melissa who showed you the pictures of Union Square. I, too, went out to Union Square, because it's very similar to the proposal that they have made for Center -- for Centerville and the objection is -- is there not enough open space. There is little strips of land and they get to take that and they need -- and they can say, oh, that's space and we can aggregate all the space together and it's six some odd acres, 6.2 or whatever she said, and that's the space that people have to spread out in and to enjoy their walk on and so they are not going to stay as much in their community as they are going to overflow and try to go to places where they have more space, especially with families and it's not that townhouses have less and houses have more, I would differ with you on that, because my neighborhood is full of many retired people and so is Rockhampton where there is only two residents in each house. But in Century Farm many of the families have two, three, four, five, six children and they need space and if you have got little boys you know how that is, you have got to have someplace for them to run and to play. So, it is, it's about not enough transitional space, it's not -- it's about not enough separation. You know, a common back fence between Centerville and Hillsdale Creek is unacceptable. There should be a large area, completely -- even around Rockhampton, they deserve the same treatment. So, it's about having the space that's what I love about this community, it's about having places for families to spend time, because that's what Meridian is all about is family and it's about enjoying the community and the neighbors and I don't have an objection to growth, none of us have an objection to growth, but when we read the plan and we read all of these things that the government has spent thousands I would think -- hundreds of thousands of dollars on -- in creating, we have an expectation you -- you listened to the community, you created this plan, and that's what we were going to get when we moved here and I used to say, oh, I love Meridian. They listen to their citizens. I love it for that reason. But I don't feel that way anymore. Having gone through this process I no longer feel that we as citizens have been listened to the way we should and I don't know where the disconnect is, but we all feel that way and if you would hear what everyone's saying is people who are worried about whether there is going to be enough water, they don't think they are listened to and it's a disappointment, because I don't think that you individually feel that way. I think you feel that you are listening to us and I think that you want to provide us with the best community that we can possibly have and I know from your hearts that that's what you want to do. But we get up here and we speak to you, because we want you to hear that there is a disconnect and we are not communicating it and I appreciate the time to speak with you and I hope that you all have a good evening and thank you for spending so much time us tonight.

Simison: Is there anybody else that would like provide testimony on this project this evening? I see nobody online. So, would the applicant like to come and provide final comments?

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. I will try to address some of the comments. One of the things that I, obviously, want to stress is the fact that a lot of effort and time and money goes into your Comprehensive Plan and your land use map. I have heard a lot of comments that this project doesn't comply with the Comprehensive Plan, it doesn't match the land use map and that is just not the truth. It is just not. When we have medium density residential designation and mixed use residential designation and -- and we are coming in exactly with what your staff has guided us to create what we call a balanced community, then, I don't think we are an error. The comment was, you know, this -- this shouldn't be here. Well, this is an in-fill property. It's developed all the way around us. Nobody's put any open space to the east of us. Nobody's put any open space to the south of us, but I hear comments that we should be. Can I go back to my -- Joe, can you pop that back up if you would? The comment was what is the distance between the townhomes and the -- the homes that are there. One of the things that I did is along Rockhampton I matched them lot line for lot line. Every single lot line here -- oops. Give me time here to get -- there we go. As you can see, every lot line for lot line I matched. Their lots are 80 feet wide. Mine are 80 feet wide. They have lots that range from 9,600 square feet to 11,200 square feet. I have lots that are 9,700 square feet to 13,000 square feet. So, to say that I am not compatible, that I made no effort whatsoever to match their boundaries and their types of lots is incorrect. I did the same thing along the east boundary. Our largest lots around the east boundary range from 9,100 square feet to 1,300 square feet and a lot of the residents in Rockhampton, who have lived there for a very long time, thanked me for that transition and as you can see we transition our zones. We layered our zone, our R-8 and our big lots that adjoin them and, then, we transition to our smaller lots. I have lots that are 90, 85, 80, 75, 64, 36. We have a variety of lots and as we go to the interior of our development they got smaller. As far as these townhomes, the question arose what is the distance. The distance from ours -- this is a collector road. I'm not backing these townhomes up to a home, I'm backing them up to a collector roadway that is a lower elevation. But the distance between my townhome and if this house sits at the 15 foot setback, will be 165 feet. I will be 90 feet from the rear of my townhome to the edge of the sidewalk. I mean it's -- we have -- we have dumped out 33 percent of our density. One hundred and eight units. The Planning and Zoning Commission was absolutely impressed and shocked and said, you know, I don't think we have ever had a project where the developer willingly dropped out 180 units or 33 percent of their density to accommodate us and the neighborhood and we did that. And as far as employment, how many jobs are created in Rockhampton? Zero. How many jobs are created in Hillsdale south of us? Zero we are creating jobs. We are creating neighborhood commercial. That's what the whole -- the -- the flex space if you look at the definition it's retail, it's office, it's small to medium business owners. It is the ability to -- to have different uses within one building that are accommodated. We have talked a lot about traffic. We were going to generate 2,600 vehicle trips per day. Well, with the changes we got our vehicle trips down to 2,055 for the daycare and all the residential, 2,200 with the flex space. If you look at the trips generated I will generate more traffic if I put single family dwellings on this whole parcel. They generate 10.22 trips per day. So, my 124 single family dwellings are going to generate 1,216.7 vehicle trips per day total at build out. The townhomes, 6.4. The four-plexes, 5.4. The flex space only 148 trips per day for the whole

complex. The daycare is 194. So, what we have done is we have lower traffic generators. The question came up about supporting projects further south and east. We -- we plan on the signalization of this intersection. You asked -- you have asked me before what are you going to do to mitigate. We are building a signal. We are building turn lanes out on Amity. We are not building turn lanes on Hillsdale, as one woman was concerned about. We are putting in one of those rapid flashing devices at the location of the school district. I have been dealing with the school district and I guess if -- if Ms. Johnson wants to come and testify on every single development project, I would be happy that she would do that, but to single one project out and say that this project is different than any other, because I have been dealing with her staff for a year now on this project and doing everything that I can to try to make sure that we are generating the lowest number of kids that we can. Councilman Perrault made a good point. Townhomes are typically occupied by a husband and wife. Empty nesters. They are occupied by seniors. We don't see the same generation of kids coming out of townhomes or out of four-plexes. Single family dwellings we do. We see larger families. I -- my kids -- I had three kids and I lived in the West Ada School District since 1987 and since 1987 we have had the same discussion. About bonds, capacities, and impact on our schools and what can we do and I have voted yes on every bond since 1987 and I have lived in the Treasure Valley for 58 years and I have done everything I can to help the district. I have incorporated five elementaries into my projects, two middle schools, and Mountain View High School. Mountain View High School was in my project. We brought sewer across the freeway, because there was no sewer there. I had to get easements from residences to let me take Meridian sewer and we paid for it to get it through their yards and south across and bore the freeway. So, I have been fighting for West Ada school kids for -- for -- since -- since my career started 30 years ago. They are saying that we don't fit into the surrounding neighborhoods. We fit in. We have a diversity of residences. A diversity in uses. That's what your comp plan says. That's what it requires that we do. I have a variety of lot sizes. I went through your comp plan and I'm looking at the goals and I'm looking at everything and -- and it's saying, well, gee, you know, you need to have a variety of housing -- housing types. You need to have townhomes in the mixed use neighborhood. We want townhomes. We want multi-family. We want commercial -- neighborhood commercial component. I'm doing exactly that. What we are doing here isn't going to affect wells that are 50 or 70 feet deep, just as Councilman Hoaglund said. Those shallow wells -- some of them are drying up as we take out of production the agricultural land that has been flood irrigated. This particular project is going to be hooking onto the City of Meridian's central services you have got 12 inch water right in front of me in Amity, 12 inch water in Hillsdale, and your sewer line is right in front of me. All utilities are here. I'm in the priority growth area and this project fits perfectly with your comp plan. As far as the elevations and the fencing we are going to be doing wrought iron fencing we are going to be doing vinyl fencing. I have -- I have 18 and a half percent open space in this project and 15 and a half percent qualified open space and they are telling me, well, what are these kids going to do? Or, gee, what are they -- I'm -- we have got pickleball. We have got two playgrounds. We have got a pool facility. We have picnic shelters. We have pathways. We have so many amenities in here and the one thing that I wanted to do is to compensate for the townhomes and put them on open space. They are on a smaller lot, but I'm putting them on open space. Your Commission supported this project. Your staff supported this project. This is a good

project. I tell you what, we have spent more time on this than any project I have ever worked on to make sure it's the right project in the right location and to bring down the number of trips and the impact and have convinced my client to, like I said, get rid of 108 units. I don't have one apartment building in here and I think we have got a good project and I'm asking the Council to support it. If you can't support this, then, I think you can't approve anything south of I-84, because it's going to generate a trip and it's going to -- it might generate a kid and, I'm sorry, but we are always behind the curve and it's been that way for 30 years and what we can do to improve the safety out here is what's important and this project deserves approval. Thank you.

Simison: Thanks, Becky. Council?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe a quick question for you, Becky. Becky, when you -- when you come before staff in these pre-application meetings -- because I think your point is well heard about the time, the financial investment to get a project before the Council tonight is no small feat and so when you meet with staff do they bring caution to you about the roadway challenges and the school impact, so you are aware of that before you ever submit?

McKay: Mr. Mayor, Councilman Cavener, yes. Those were discussed in length and I did -- I did multiple pre-application conferences on this project talking about those very issues.

Cavener: Okay.

McKay: And that's why we have to put the light in with the first phase. That's why we agreed to put in the rapid flashing safety crossing. It was not a condition of ACHD. It was not a condition of the city. We wanted to be proactive here.

Cavener: Okay. Thank you, Becky. I appreciate that.

McKay: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: There is big issues -- big topic issues that were discussed, but one of the more narrow one was the sidewalk and the crossing, which I failed to recognize. One member of the public showed a good picture that by encouraging the crossing it, then, goes dead end, asking kids to effectively merge into the street where traffic is. So, why would we want there to be a crossing there, as opposed to staying on that same side, going south and crossing closer to in front of the school? In light of the sidewalk gap.

McKay: Mr. Mayor and Councilman Borton, I have been out there at least on six or seven occasions at different times of the day watching what happens and what I was told by Ada County Highway District is there is a single family dwelling --

Borton: Right.

McKay: -- that sits right there. The City of Meridian -- and what I was told by ACHD, the City of Meridian and ACHD, they took -- they -- they owned it, too. Said that they allowed Brighton to not construct sidewalk along the frontage of the existing home and the person that lives in that home has a life trust and that it would not be altered in any fashion until such time as that person either passes or leaves and so there is a gap in the sidewalk. So, my question was -- and some of the residents brought it up at Rockhampton and they said, hey, why don't we put -- if you are going to put a pedestrian crossing, let's put it here. Well, I met with Marcy Horner at West Ada. I talked to Joe Yochum. I talked to -- met with Ada County Highway District and what I was told was they already have a flashing light right in front of the school and that the kids from Rockhampton run across the road and don't come down the sidewalk and come across where they are supposed to and that even though there is a rapid flashing light, they still have to man it and they said -- the principal told Marcy Horner that sometimes they have had somebody man -- man it here for crossings, but they dictated to me that they thought it would be safer to have the crossing here, which, then, would allow the kids to go to the Y and, then, they would have to -- obviously, to reverse the existing residents. I can't solve that problem. It was something that was allowed, which in my opinion should never have been allowed. I have never had an out-parcel house that was part of my project that we did not construct sidewalk across, because you are creating a gap in the pedestrian network. But it was allowed.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Becky. That to me is absolutely shocking.

McKay: It is to me, too.

Strader: And frustrating. I just want to say that and I hope we could look into that, because that's not right.

McKay: Yeah. I -- Mr. Mayor, Council Woman Strader, I -- I brought it up at the highway district. I said, you know, what -- what can we do to solve that and, you know, could -- could we build sidewalks across there and they said, no, that was part of Dave Turnbull and Brighton's deal and it's a living trust and we can't -- we can't touch it and, then, at Rockhampton their sidewalk just stops and, then, they have landscaping. So, I'm going to have -- they -- I asked ACHD how did that happen? How -- why did they not extend their sidewalk to their north boundary and they said, well, we don't know, they should have. So, we have to do that to make the connection to the Rockhampton sidewalk. So,

there were some -- I guess errors that have taken place. I'm trying to fix them. I'm trying to mitigate them the best I can.

Simison: Council, any further questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I have got a question for Kristy with ACHD, but I also would want to give Becky a chance to respond. Is now the appropriate time?

Simison: You bet.

Cavener: Great. Kristy, if you are still on and what feels like yesterday, Ms. McKay was talking about some of the planned roadway improvements in and around this neighborhood and I'm just curious if you can comment on that. I know there has been changes and delays due to some budget challenges. I'm just curious if you could give the Council a -- kind of an update about where those roadway improvements are coming and when?

Inselman: Thank you, Mr. Mayor and City Council. Yes, I am still on and it does feel like it was yesterday. Yeah. So, we are in the process of -- it's kind of an extended adoption of the integrated five year work plan this go around. So, we had done an initial draft and, then, a budget was adopted in, in essence, the funding that we had anticipated when it was first developed was not what was adopted and so about 60 million dollars worth had to be cut out of the program. So, it was redone as quickly as we could and put it back out for public comment, but what we did here in both public comments that we received on the initial, as well as this one, was that Amity was a -- was a priority corridor. With regards to the public, we heard a lot from the public that Amity needed some improvements and widening to three lanes. So, we did and, then, we held five work sessions with our commission and that was also addressed with the commission, then, as well that Amity was a priority and so there -- there are some segments that did accelerate. Becky's correct. Our CIP did have them originally forecasted for further out. But, again, that's always dependent on development and when that occurs and how quickly that occurs. So, currently in the draft plan we do -- we did accelerate the segment of Amity, Cloverdale to Five Mile, for design -- design '24, right-of-way '25, and construction in '26. We have not accelerated Amity, Eagle to Cloverdale, yet, but it is in the program for design in '26. Amity is a difficult corridor as well, because it is an existing deficiency. So, those aren't impact fee eligible. So, those would come out of General Fund, so those come out of -- out of a different source. So, those are harder to accelerate. So, I hope that answers the questions. We do have -- I mean as you know the Eagle Road corridor is finalizing that construction and we do have the Amity and Cloverdale roundabout. Also in for construction in '26, along with the road segment.

Cavener: Great. Thank you, Kristy.

Inselman: Of course.

Simison: Council, any other questions for the applicant or Kristy while she's there at this time? Okay.

McKay: Mr. Mayor, if I could just make one last statement. Our gross density is 6.01 dwelling units per acre and that -- and I backed out the commercial area, so it did not skew it and in the R-15 that we are requesting our density is 7.44 and in the R-8 my density is 3.45. So, as you can see I'm half of what -- just about half what could be -- would be allowed at the maximum allowable density. So, I am not pushing the envelope here at all as far as what I brought before you. Thank you.

Simison: So, Council, I'm assuming you are going to want to leave -- this open until you get to a certain point? I will just stay here in silence until you all are ready to start talking.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A lot went into even getting ready for today. There was over a hundred letters from over a year ago, even before the application was submitted, so we have gone through all of them in preparation and tried to kind of map out the common themes among all of them. Much more input than a lot of the applications that we normally see. So, that -- I anticipated that hours and hours of prep work to flow over into today and the great comments that we heard from the public that took their time to show up here and testify remotely, as well as live, so thank you for doing that. That's a big part of all of our considerations. So, that, coupled with tracking the applicant -- and Becky does fantastic work. She has been doing good work in Meridian for many, many, many years -- require a lot of work, from my perspective, to try and balance -- and first understand all these considerations here, really strong considerations. Much broader for me than fence lines and pathways. These are bigger policy considerations that I found the public bringing up, traffic, school safety, school capacity, these are some of the more macro issues we deal with. So, it just, frankly, took a lot of time. A lot of thought. And I have sat mostly quiet here trying to listen and correlate what's been shared with what we received in writing in advance and to give that more thought and my initial reaction in hearing the finishing of the -- the applicant's remarks, it's not a clear cut, obvious, answer for me and that may not be the most popular, but this one is -- this for me might require some more thought and -- and not to receive more information, but to consider what has been shared and to think about it. It's 10:00 o'clock now, we have been going for a little while. No one's in a rush. So, that's my initial reaction, honestly, is to think about it a little bit. The hearing could be closed, but I think the applicant's brought up really sound points. Principles such as -- you know, the land use designations don't equate to a specific zone; right? So, that principle is not -- we see it all the time and Becky sees it all the time, but it's a -- it's a unique principle that, you know, a mixed use residential land use designation is not a zone and it doesn't correlate directly to a specific use; right? It has a variety of types of uses and commercial is one and so is residential and where is that blend. I could

understand how the neighborhood struggled with that principle and where that line is drawn and how -- how much should be commercial and how much shouldn't and -- and the types of residential uses. I thought there was great discussion in advance of today on that type of issue, but there is nothing about the -- the requested zone that is technically deficient with what's in the future land use map; right? The requested zones fit those areas. It's more of a policy consideration of whether or not it's enough commercial versus residential or should the mixed use residential land use map incorporate a little bit more -- expand, you know, provide more commercial in this overall project than residential, which is more of a policy consideration than a -- than a technical code compliance. That just -- it's just a long winded -- long winded example of why this one is -- it's challenging. I thought all of that discussion was really good and very helpful. And I forgot your name, ma'am, but -- but I'm looking at you right now. In the back. Because you made a comment that -- that -- yeah. It really hit home and -- and what I would hope you take from this hearing and any other time you ever testify is all seven of us absolutely listen. There may be times since -- in different applications where there is a disagreement and that's going to happen. But I don't want anyone in this room or watching to ever get the impression that we don't listen and try and give some thoughtful consideration. We are balancing a wide variety of interests. Some of those might be more broader than adjacent neighborhoods. You know, that might be a very valid concern among many. So, I just hope that even if there is disagreement you will at least feel that we are really working our tails off to listen and try and incorporate those concerns and considerations into trying to make a thoughtful decision and understand if there is somebody that's perhaps upset at maybe every decision that gets made, but -- but it's not because it's a lack of -- of caring and listening and we would say that to the developers and landowners who are taking massive risk and spending enormous amounts of money just to get to this stage of the process. We are listening to them as well and we are listening to their considerations and we don't agree with -- with them as well all the time, so as long as you are left with that -- that's -- that's my hope that -- to the applicant as well, that we truly, sincerely listen and try and make the right decision. So, all that being said, Mayor, I'm -- I'm providing this deep context, because I'm not necessarily comfortable right now. I will listen to -- to my friends up here on the bench and see what everyone else says, but I don't have an abiding conviction one way or other on this. I would like to give it more thought. So, that's sort of where I -- where I'm at after doing all of this work. Before today and including tonight.

Simison: Are we at bench because you are in your quasi-judicial role today?

Borton: Kind of. Yes. I mean we are sort of sitting up on a bench and -- anyway, I just appreciate -- I thought I would share where I'm sitting right now.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm happy to chime in. I -- I appreciate Councilman Borton's comments. Perhaps an application like this is worth chewing on for a little bit longer. I will share a couple of thoughts at least where I'm at, maybe if we want to get at least a conversation



going. I really -- there is a lot of things about this project I -- I really like. I think it does meet the Comprehensive Plan. To me this screams of like a project that Becky McKay would bring forth. Super thoughtfully put together, taking into consideration neighbors and, you know, I think Becky talked a lot about matching, you know, lot lines to try and have as low of an impact on the neighbors as possible, which I -- I really appreciate. The amenities are -- I think are really, really fantastic. This -- Becky asked the question about, you know, residential in south Meridian, if we should be saying no, and I think one of the things that we have really benefited as a Council is we have received better data. I think of the letters that -- you know, that we received from the school district eight years ago that basically just said here is what we think the student population is going to be generated from this application. We have got better data today and it's getting better every week. You know, I heard the frustration from many of the neighbors about the .10 students per multi-family. I know -- I think all of us on Council when we first have heard that have scratched our head as well. That's data that we received from West Ada and -- and I have struggled with that as well. To me the data, the impact on our streets and roads and our schools, in such close proximity to this project to me -- I can't be supportive. As much as I love so much about this project, there are just too many other impacts and, you know, Becky, I know that you have been a huge cheerleader and a huge champion of getting schools built in our -- in our community and I think that it's the fact that things have changed and the way that we have relied on schools to be built in our community has changed. We can't expect the district patrons to come in year after year and build all these new schools. As we get larger there is going to be less desire to do that. The way we are paying for our streets and roads I think has got to change and until I think that we have got a better plan in place to plan for schools to accommodate the students that these neighborhoods are going to generate, I'm going to be really hard pressed to be supportive of -- of any residential application that is driving more students into a district that is growing by leaps and bounds and in this part of town that is so severely overtaxed when it comes to its schools, I just can't in good conscience be supportive of adding more students to those schools. So, I'm happy to continue the conversation. I'm happy to continue to weigh, but I can't see a scenario where I'm going to be supportive of approving this project, as much as I love it.

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. Yeah. I want to address one comment, because I thought it was very insightful and I -- and I completely understand it and I think it was you, Rebecca, who had said, you know, where's the disconnect and it's something I have had to come to grips with. The disconnect that I see, that I have had, is -- is the fact that single family homes are not what I live in and what people can afford anymore. Heck, I can't afford the house I live in now with the property I have. I don't make enough money. I wouldn't be able to -- to afford it the value has gone so -- so high. So, when my kids go to look for a house now it's not going to be like the house I have and that's the hard part, because that's not Meridian, that's not where I grew up. We had big yards. We have a nice home. You know, we have space and it has changed and that I think is -- the disconnect is coming to that realization that it is different. Now, it doesn't mean it has to be bad and we don't want to accept poor quality and that's why we have done things like increase open space

requirements for when there is higher density and those types of things. So, I just wanted to share that thought with you, because I understand it, because I have had to wrestle with it and especially up here, I see those tall skinny things put together, put together, put together, I'm like, oh, man and, then, they are approved, they are in the right zone and everything. That's not Meridian. But it has changed and we may say, well, it's changed for the worse, but at the same time the economics -- that's the situation we are in and we have to look at people going it could be that checker who is going to be working at Albertson's and she is married to someone who works for the City of Meridian and that's the most they can afford. They want to buy a home and that's going to be it. It's not going to be what -- what we are in and so that's -- that's the hard part. So, I hope -- I hope that helps on perspective, because it was -- it was a good comment and it was very sincere and I appreciate that. That workforce housing is important and so that's why we look to these mixes, because we just have to -- we have to get people -- I love homeownership. It's still the way to go. But there are different levels now, way more than we ever used to have to worry about now. I think Joe touched on something when he had the macro comment. This -- this is bigger. I wouldn't be comfortable turning this project down and I also would be uncomfortable approving it, because as you pull back we are now faced with -- I look at schools. I mean there is -- there is fire, we have got a plan in place, we are going to be building a fire station out there. It's a couple -- couple years away, but work has started. But our schools, as -- as I consider that and I had the comment earlier about growing up in this community and there is always that pressure, always that pressure and previously we have been approving developments, looking at school numbers and say we can bus them here and this school is way down, so we can bus them here. You know, in a free market if people don't want their kids bused -- bused, then, they can look elsewhere. But if they are fine with that they can -- they can live there. We allow that choice. We don't make that decision for them. But what Amy Johnson, the first, shared tonight kind of -- it kind of changes that perspective of basically we don't have any -- anywhere else to put them and that is disconcerting. That's -- that's the tough part, because is this the tip of the spear, then, in south Meridian or elsewhere? Because if we take what really has turned into a very good project, you have done some very good things and listened to the neighbors and done some things to make it work, but yet if we are still faced with that choice and can't -- and go we can't approve it, that means anything else that comes before -- the consistency has to be there. We can't say, well, you know, not this one, but this one's okay. No, we are going to have to be consistent about it and I think for me that's the difficulty, that realization -- are we to that tipping point where because of impact on schools are now so great we -- we have to kind of pull back and that's -- that's -- that's a -- that's -- that's a big thing to chew on, because that is a changing dynamic for Meridian and for our work and for the housing needs that are out there and -- and it impacts you. You think, oh, great, if they pull back that's great. Hey, they are still moving here. Demand keeps going up. Those home prices keep increasing. You are going to be living in a million dollar home and go why am I broke, you know, and the property taxes keep going up, even though we do what we can to reduce them. So, there is -- there is that balance there and it's very hard. So, for those of you that this is your first Council meeting, I hope it gives you some insight what we get to wrestle with every week. Maybe not to this degree, because I think you are the tip of the spear where that

realization is now -- uh, maybe we have reached that point where something can't be done, so -- I -- I don't know. I really don't know.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I really appreciate the discussion this evening. After going through the -- you know, my notes and going over all of the public testimony, written and audio, that was provided to us prior to this meeting, which, like Mr. Borton said, was hours and hours of studying and reading. I knew that tonight's application was going to be difficult, especially given the recent election that we just had and -- and I knocked on a lot of doors and I heard a lot of people and concerns all across this great city. I -- something we struggle with a lot -- you know, I -- I -- Becky, your design was thoughtful, especially around the perimeter of this application. I mean it's -- it's rare. Seriously, I -- I -- I dare anyone in this -- in this room to look back at an application where someone like Becky has exactly aligned property lines with existing developments. I'm sorry, that just doesn't happen. If it does it's extremely rare and it's very thoughtful. Are there tweaks that I would make to this -- this application? Sure. Does it make it a terrible application? Absolutely not. But things -- you know, things are changing in our community and whether you like it or not, there is some deep, deep rooted policy decisions that need to be discussed and -- and that's no fault of anyone. It's no fault of the development community. I mean you can yell at the development community -- I mean I -- my -- or opponents that ran against this -- this -- this -- this last campaign season, you know, said multiple times that, you know, we pay too much attention to the developers. I mean -- and that's just honestly not true. It's not true. What Mr. Borton said this evening -- we spend a lot of time going over this and listening. It's just a fact. But the point of the matter is is that those who are thoughtful and those who pay attention understand that the real deep rooted policy discussions that we need to have and they are related to our schools and they are related to our roads, two things that, unfortunately, the City of Meridian we don't have purview over, but we -- thank goodness we have great relationships with these partners, regional partners and -- and they are just discussions that we need to have. At the end of the day what makes this decision hard, along with public testimony and what's been discussed this evening, because I don't disagree with what was stated tonight -- is consistency and to me that's a lot easier said than done. But, you know, our development community spends a lot of money on these things and -- and the reason why they do is because they expect -- they can only look back and say, okay, well, this is what code is and this is what the direction of the city has been going and they make decisions according to advice given from staff and past applications that have been heard before us. But the issue -- the conundrum that we are dealing with is now you have to add on the issue -- the deep policy discussions that we need to have with the schools and the roadways and so I agree with my Council Members, this is a tough one. This is so hard. And -- and I think it boils down to more discussion and I think that, you know, the public deserves this and I also believe that, you know, the development community deserves it as well and at the end of the day -- well, stop with one. You know, we are talking a lot tonight, but you can be -- and it's because we have so much on our -- on our shoulders and our minds, but our state legislature

needs to do a better job with how they fund schools and that's just -- they just need to -- they just need to -- they just need a real deep look at this issue, because it's becoming a huge problem. We have citizens in our state that can't afford their homes. If you look at -- I mean your property taxes -- I believe in the -- at the city's perspective you are getting a big bang for your buck, but most of the taxes you pay are for your schools and some of you -- I look out here -- don't even have kids that go to school and so it's a real tough pill to swallow and it's really a huge issue and I think I call on our state legislators, especially the ones here in Meridian, to really take a deep dive into this and figure it out, because it's becoming a major problem, because people can't afford their homes. I won't talk about ACHD. Those are my thoughts.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I can give some thoughts and probably along the lines of what some of my fellow Council Members are thinking. You know, the problem of the balance and what we are trying to do is we have just two really opposing problems at the same time; right? So, I just read an article, you know, based on the income here we are one of the least affordable housing markets now in the country. We have a massive housing affordability problem and I hear a lot of people move here and they are like don't turn this into California. Let's not import the problems that they have over there. Well, a big problem they have over there is they just didn't build enough houses. That's a big part of how they ended up with that problem. So, I firmly tend to error on the side that in the market we are in, with the amount of people moving here, we need to build more houses. But, you know, on the other hand, I think we received some pretty stunning testimony from one of our school trustees that this is different. Up until now they have moved their boundaries and my understanding was they have continued to adjust them and that they had capacity, but the testimony tonight sounded like we are at a game changing moment where we need to change how we look at things or the framework through which we are looking at development. I -- I think this development did a good job at transition. I think it -- overall when it was revised I think it did a better job of meeting the goals in the Comprehensive Plan. The -- I think overall the development is not a bad development for this part of the city. I don't think it's appropriate to put a huge amount of apartment buildings here. I was glad to see that they changed that, you know. So, I think where I'm at -- I think if I approved this one it might be like one of the last ones I could approve in south Meridian, if I'm being honest, without having a deeper discussion on what's our plan for south Meridian and maybe we need to look at our priority growth areas framework and maybe the priority growth areas needs to adjust based on school capacity. Maybe we need to have some creative discussions, like far -- farther reaching discussions than this one about, you know, how to handle building permits if we, you know, have really limited capacity in our school system and no way to get more. I don't think we are going to solve that tonight. Like the application I think -- I think the applicant did a good job trying to address the overall issues. I don't want to see us just stop, you know, building housing. I don't think any of us wants to see that. I think what we are going to find is that that's going to lead us to some outcomes where we are just completely unaffordable, even worse than we

are now. You know, we have got a -- it's a supply and demand issue. I mean that's how -- that's how you end up in the place that some of our sister cities are in. I don't want us to go there. But we need a plan I think for this area of Meridian and with the testimony from Trustee Johnson I can't ignore that at all. So, yeah, I think maybe we need to schedule some -- on a different agenda some wider kind of brainstorming sessions about how we want to handle growth in this area. I definitely need to reflect and meditative and think and maybe pray that might help, too, to think about how to handle this one. But it's a bigger discussion, where it sounds like we are at a tipping point where we -- we have tried everything we can to maximize capacity and that's just not where we are at. That sounds like a different discussion.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think at the end of the day it's just about smart growth and doing it -- doing it the right way. I don't know if -- Liz said something extremely important. I don't think anyone on this dais is advocating for us to stop building homes. I just -- you know. I think that maybe what we are really -- you know, what we are saying is, you know, more like along the lines of what Mr. Borton said, we just got to think about this for a couple minutes and make sure that we are making the right choice. But we -- we probably have a big topic of conversation tomorrow morning at our -- at our weekly meeting between you and me.

Simison: Yeah. We could. And the old school board, in my opinion, did take on the position that they were going to work to balance out enrollment throughout the city by looking at their boundaries and -- and that is one of those things that, quite frankly, from a community standpoint, they need to do if they ever want to -- if you don't maximize the space you have no one's ever going to approve bonds for you when you really need them. So, there is that aspect. But the board is changing. We have two new people coming on. You have another one maybe in a recall -- who knows what the board is going to look like in two months and what their priorities are going to be. So, it probably does beg the question. I know they can change every two years, but we do need to get a flavor for the new board and what -- what is going to be their priorities and how are they going to handle growth? Maybe the new board says we are not going to go out for bonds ever. That's not part of our plan. What does that mean? So, there is probably a larger conversation to be had on this with the schools, especially with the new leadership in the next two months.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think that -- I think that it's probably prudent to probably continue this and -- right, Becky? Yeah. So, I -- I'm looking at -- I'm looking at some available dates. So, obviously, we have a special meeting on November 30th that's pretty full, stuff that was scheduled for next week, but we have a bunch of stuff on September -- or, excuse me, on December

7th. Let me look at this real quick. We don't have just -- Jessica, do you want some -- I was handed a note that you didn't speak. Do you want to give some thoughts before I wrap this up? I didn't realize that. I apologize.

Perreault: Oh, good. You know I always will butt in if I have something to say. No, I -- all of your comments are very well taken and very well spoken and I don't -- I shared a lot during the testimony this evening, but I don't have much more to add, except that I felt that same exact struggle that you all are describing and I'm a residential real estate associate broker, I'm intimately aware of what's happening with housing in our community and very much feel that need for the additional housing, but as a City Council member my role is to take into account what's best for our entire city and so, yeah, the struggle for us is significant. I -- I would appreciate the extra time to make the consideration that as I was reviewing all of the information for this meeting I felt like that there -- there needed to be something really significant. That would cause me to one hundred percent give my support behind the project and it's not because of the project itself, as many of the Council Members have expressed, we appreciate the significant changes that have been made. We think the improvements to the plan were -- were good. There is a few things I'm not a fan of, but that being said, yes, I'm in the same situation. I have got to really think through where we are and what this means for us and a bigger picture, so I'm in supportive of -- of what I assume is going to be Council Member Bernt's motion.

Dodson: Mr. Mayor?

Simison: Yes, Joseph.

Dodson: Yeah. Calm down, dad. I just wanted to discuss briefly before we do any kind of motion that in the motion that it also might include any wanted revisions to the site plan. What I don't want to do is continue it for the bigger picture and, then, go through all the little things again at the next hearing as well. I want to be able to give the applicant the same time to address any of those comments as well. I have heard that some of -- some tweaks might need to be made. I just want to offer the opportunity to the applicant and to me to have time to revise it, because this is one of -- I don't know how many projects I have, but too many. So, I just want to make sure that we all have time for that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to butt in with one thing and I don't -- I don't know the particulars of Brighton's development across the street, but I would hope in the time that we continue this that someone at the city could contact that homeowner or Brighton or both and knock on that lady's door and say did you realize that you have hundreds of school kids that have an unsafe route to school right in front of your house, because you won't let us put in a sidewalk? I don't know how we missed that one, but that just seems pretty nutty to me. So, if we could just try to -- try to resolve that that would be great there.

Simison: Mr. Nary will handle that conversation.

Nary: Mr. Mayor, Members of the Council, Council Member Strader, so that house is in the trust and the trust is, then, owned by the Y. So, the Y is planning on a future development there of some sort, which will, then, connect the sidewalk. I know the property owners. I'm happy to call her. But I don't anticipate she's going to want more kids walking on the property at this time. But I don't know that. So, I will call and ask her.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Well, I really appreciate you calling, because I think if you just framed that for her that that's a -- it's a safety situation, you know, I would be surprised -- I think that's a real community -- yeah. I don't know the details, but I -- I would be shocked. So, thank you for doing that.

Bernt: Mr. Mayor, I am -- I am more than happy to, you know, continue this. I think that we owe it to the applicant and to the public to -- to give some specifics in regard to what -- why -- you know, I get why we would -- this is a tough one tonight and we need more -- a little bit more time to think about it. I get that. But is there anything more that this Council would like me to add to the -- to the motion?

Simison: You know, I -- not that I know that can be added to the motion. I have been trying to sit up here and wrack my brain to figure out where we have a commercial site that runs into residential in the way that this one does and I can't in my head find it or figure it out and that's been an -- you know, it's like you go into Paramount and there is a school and on the left you have residential -- it doesn't go through the neighborhood. It doesn't connect in through the neighborhood. You know, maybe the applicant has some other ideas, but I'm trying to figure out how this works, you know, how it interplays. Doesn't make sense. Because, then, it gets back to the larger policy question. Well, maybe some of the things that were proposed were more appropriate to extend commercial along that area, because that's -- that's how you need to maneuver traffic through that element. But maybe my mind just is -- can't think of where this -- this type of situation exists in other places of the city. So, that's -- that's kind of -- I can't say that's the motion, but that's one of the things into this project that I think it -- does this make sense? The other thing does a HAWK signal make sense until you can get the sidewalk? Or the flashing lights. I don't know when that makes sense through that -- through that process, which will be -- maybe it makes sense right away, maybe it doesn't.

Dodson: Mr. Mayor? That was me. Sorry. I -- I can agree with you. At least off the top of my head I cannot remember where -- any of my projects at a minimum, but others where the commercial runs into it like this. However, I believe that is why the applicant probably proposed flex space, because when it comes to vehicle trips, they are much lower than like a multi-tenant building and a traditional commercial building, because it's probably going to be the -- what I have seen a lot in these are like a lot of blue collar

workers, honestly, like a solar company or HVAC company or somebody that has like a truck and, then, they have their stock in their office in this building. Simple, easy, it's like a couple work utility trucks in and out in the day and that's it. Very minimal. I -- usually a lot less of a retail component. Flex space standards do not anticipate or want a big retail component in here. So, the vehicle trips are lower for flex space. They are generally in general -- in general commercial is usually separated from residential by a street of some kind, which I -- they kind of have between the private road and the commercial there, but, then, along Amity they do have the abutting four-plexes. They are meeting the separation requirement required by code between C-C zoning and the R-15 zoning, but I would agree, Mr. Mayor, that is rare to have them abutting. So, I understand your points. I definitely do from a planning perspective.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. I was going to comment. If it's a traditional commercial, if you look at Ten Mile and Ustick on the southeast corner, you have a traditional L-shape and, then, there is patio homes behind that and there is a street and the fence and there is restaurants and, boy oh boy, talk about delivery times and upset people and traffic and different things like that, if where they were just commercial businesses, you know, 8:00 to 5:00 -- Gino's closes on Sundays, fortunately, and he quit playing music on the patio and the neighbors complained. He was very good about it. But there is another restaurant there that has an outdoor patio and, you know, people can't enjoy their backyards. You can hear the kegs being brought in. I mean -- so, I'm very aware of that with complaints from neighbors about that and so that traditional type of thing and you don't want restaurants there, so I think flex space will work better, but, yeah, there -- there can be conflicts with -- with neighbors when they go -- go that route, so it all depends on what's -- what's there.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I agree with Council President Brent in that I feel like we need to share some specifics that that's what is fair to do, but I don't have specifics to propose or to share and my -- my gut is telling me that -- that this is a good project for the most part, but this isn't the right time and that's what I'm trying to work through. So, as far as how we would -- I mean I guess -- I guess my question is to ask my fellow Council Members -- normally we do give specifics, the applicant works on those, they come back, we have another conversation. I -- that's not where we are headed with this, though. So, what does the next meeting look like for us?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.



Hoaglund: Is that -- is that question, Council Woman Perreault, the next meeting like do we close the public hearing and no one contacts us, of course, we don't talk about it, because that's -- that's prohibited, but -- or do we leave the public hearing open and let people continue flow of information and, then, we make a decision through the traditional process or how did you mean -- mean your -- your question?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you for that question and it was less about the -- the technicality of the meeting and more what do we expect to have happen? What do we expect the applicant to be doing? I was under the assumption we would close the public hearing this evening. What is it that we want the applicant to be doing? Are we going to have another conversation with them or are we just going to come back and give a decision and all applicant and public testimony is closed? Are we asking the applicant to make specific changes or aren't we? Is it really just a matter of us individually having time to think about it and, then, coming back with a decision?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I can give my -- my preference would be -- besides working on the crossing -- safe route to school issue, I think between now and decision time we need to have a bigger conversation or overall strategy in south Meridian -- a separate meeting, not about this application, but holistically. I would love to see from planning staff a deeper dive kind of analysis on how many units -- you know, the number of -- which they have, but the number of units that are approved, breaking down a realistic pathway as to when those will be delivered, what are we really looking at in terms of capacity issues over time if there is no new bond and there is no new schools being built, what capacity does West Ada have now. Maybe more clarity holistically from West Ada, if we can get it, but I feel like we need to have kind of a -- just a bigger picture kind of a brainstorming conversation on creating a plan around that. That -- that to me would be the next step.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- I -- I understand Council Woman Strader's thoughts on the holistic dive and the -- and the macro approach to these deep policy issues that we need to discuss and I -- I guess -- I haven't been doing this for very long. You know, this is -- I'm somewhat new-ish I guess. But I do understand how government works and how these -- how long it takes to have these policy discussions. We are talking about months, maybe even a year plus before, you know, you have folks, you know, getting together with -- if you do it

right that's -- that's the process and so I'm not sure if we can wait that long to get answers with this particular application.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Specific to Council Woman Strader's request, would it be helpful to have expected enrollment information from West Ada based on where we currently are and where -- where they anticipate us to be. In addition to that maybe some more information from the planning department on the projects that have been approved -- some of them are four years out, some are five years. There is one that's ten years out. If there is any way for us to get information on their phasing plans and when they expect to have certain portions of their residential completed that might give us a better picture. There is a sense of urgency, there really is, but in some ways we do look at what do we really expect -- how many units do we really expect to have built in two years, in four years, in six years, in ten years? I don't think that we digest this information without looking at that in relationship to the expectation of West Ada's enrollment. I would like to see some data on that. That would help me really understand is -- really what the urgency is -- we are talking about this being a tipping point. If we are talking about when do we stop approving projects, I want to be able to say what -- you know, we stop approving them when this -- you know, this happens and this happens and it's not -- it's not -- it's not perfect. There is -- there is not going to be an exact number that we are going to have, but I don't want to make the assumption that the several hundred approvals that we have given are all going to be built next year, because they are not and I -- and I just want to be really careful that we don't move forward and swing in the opposite direction because of a sense of urgency without having more information. Is that what you were getting at?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Totally. Like the numbers that Amy gave are huge numbers; right? But I don't know if that's a fair way to look at it. I think we needed -- we need a strategy around managing growth. It sounds like in south Meridian right now if the schools aren't going to build more schools, but I guess just turning to the applicant, right, like if I'm in the applicant's shoes it doesn't look great right now, but I think we should ask their opinion, you know, do they want a decision very soon or are they willing to wait? I don't know. Council President and Mayor, I will defer to you on how you want to thread that needle.

Simison: Well, I will make a recommendation and move us forward. I would look at a month out -- continuing this for a month out to see how much of this you can absorb, some of these policy issues between now and -- and there could be conversations with the applicant between now and then amongst staff and -- but plan on trying to come back to make a decision on this one as you evaluate how much time and energy and resources you think it will take and as well as we have a conversation with, you know, West Ada

what's from them in between. I can do some fact-finding gathering. But I don't think that you -- you are going to answer these questions before you should make a decision on this application, but it's how long until you at least feel like you have weighed the -- weighed enough to evaluate a decision on this application.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I think -- that's a heavy lift to get all that information, whether it's district wide or even just the south -- south wide and I don't think staff has the bandwidth -- I mean they have got -- these things keep coming in. They roll in. For this particular development application one of the things I would like, Joe, is along the same lines, but just for this one, because they talked -- they -- we have the letter and chose to enroll for capacity and, then, the approved preliminary plat parcels per attendance area and those are some big numbers, the 1,556, 1,479, 3,170. But we know they aren't all coming online at the same time. So, if there is a way to have estimates or at least if we know the phasing -- you know, like this one was, you know, through 2025, okay, there is -- there is that and a lot of these are also going to be phased. So, it looks like a huge number and they go, whoa, that doesn't work. But if we break it down I think for this particular application it will give us a little more information to make a decision. So, that would be helpful.

Borton: Mr. Mayor, just to comment further. I would -- I -- I think what we are asking is I think something that we -- we do need to have the discussion, it's just a matter of when that can be accomplished and when that takes place, because there is a lot of parties that will be involved and there is a lot of data that needs to be gathered and -- and, like I said, we know our Planning Department is really stretched. So, that's -- that's -- so, I think we need to be fair to the applicant and give them a thumbs up or thumbs down and for the folks who are waiting and sitting there and I think some of the letters talked about the longest thing they have ever been involved with and it's going to drive them crazy or some words to that effect. But anyway -- and be fair to them, too, not -- not drag this out and make a decision on this. But go gather information, but it -- it still has -- has implications for what we do in the future as well. So, that's -- that's what I think we -- we need to do right now.

Bernt: Mr. Mayor, there -- there is -- there -- there are some heavy meetings between now and up until the 14th and, then, we have Council Members that are going to be out of town during the holidays that would wish to participate. So, really, truly, the soonest time we could get to this and have full discussion would be the 4th of January.

Simison: The applicant nod is --

Bernt: With that, Mr. Mayor, I believe we are going to keep this public hearing open then and, then, we will continue it. I make a motion, Mr. Mayor, that we continue this public hearing to January 4th, 2022.

Perreault: Second.

Cavener: Second.

Simison: Motion and second to continue the public hearing until January 4th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is continued until January 4th. Thank you all for being here.

MOTION CARRIED: ALL AYES.

Simison: We have got some more business to do, so we are going to keep -- keep on moving through our agenda to try to get this wrapped up this evening.

Bernt: Mr. Mayor, we -- we continued Item No. 14. We scratched Item No. 15. We know -- we know. We are very aware -- so, we scratched Item No. 15 and we continued Item No. 16. So, I think we are to future meeting topics.

Simison: No. Item 14.

Bernt: Oh, yes.

Nary: Mr. Mayor, Members of the Council, the first reading on 14 and 16 and, then, continue the public hearing to your November 30th meeting.

Bernt: Got it.

#### **ORDINANCES [Action Item]**

- 14. First Reading of Ordinance No. 21-1954: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the (Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project, Which Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; and Providing an Effective Date**

Simison: Okay. So, Item 14 is first reading of Ordinance No. 21-1954. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance of the City Council --

Perreault: Mr. Mayor? I'm sorry, Chris. Could we ask that all the discussion move out to the lobby? Thank you. I apologize, Chris, for interrupting you.

Johnson: Okay. This is the first reading of Ordinance No. 21-1954. An ordinance of the City Council of the City of Meridian, Idaho, approving the Option A Urban Renewal Plan for the Northern Gateway District Urban Renewal Project, which plan includes revenue allocation financing provisions; authorizing the City Clerk to transmit a copy of this ordinance and other required information to county and state officials and the affected taxing entities; providing severability; approving the summary of the ordinance; and providing an effective date.

Simison: Councilman Bernt.

Bernt: Mr. Mayor, I move that we continue the second reading until November 30th.

Hoaglund: Second the motion.

Simison: We have had a motion to continue the second reading until November 30th. Is there any discussion? If not, all favor signify by saying aye. Opposed nay? The ayes have it and the item -- second reading will be on November 30th.

MOTION CARRIED: ALL AYES.

- 15. First Reading of Ordinance No. 21-1955: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the (Option B) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project, Which Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; and Providing an Effective Date**

Simison: Item 15 was vacated off the agenda.

- 16. First Reading of Ordinance No. 21-1956: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project, Which First Amendment Seeks to Annex Certain Parcels to the Existing Union District Project Area; Which First Amendment Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; and Providing an Effective Date**

Simison: So, we will move on to Item 16 for first reading of Ordinance No. 21-1956.

Johnson: Thank you, Mr. Mayor. It's an ordinance of the City Council of the City of

Meridian, Idaho, approving the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project, which first amendment seeks to annex certain parcels to the existing union district project area; which first amendment includes revenue allocation financing provisions; authorizing the City Clerk to transmit a copy of this ordinance and other required information to county and state officials and the affected taxing entities; providing severability; approving the summary of the ordinance; and providing an effective date.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue this item for a second reading to November 30th.

Hoaglund: Second the motion.

Simison: I have a motion and a second to continue the second reading until November 30th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it. The motion is agreed to.

MOTION CARRIED: ALL AYES.

## **FUTURE MEETING TOPICS**

Simison: Council, anything under future meeting topics that we didn't already discuss?

Nary: Mr. Mayor? Just one to make the Council aware. So, we have two public hearings scheduled for next Tuesday. That's going to be canceled and since we can't start a meeting without a quorum. We would normally, of course, simply move it to the next scheduled meeting. We will check with the applicants tomorrow and we provide as much public notice as we can on NextDoor and some of the other tools that we have, but we will check with the applicants tomorrow to make sure they are available, since that's the weekend after Thanksgiving. I have no idea what their schedule is like. So, if that's not the case we will have to continue it and re-notice it entirely, so just wanted to make you aware.

Simison: Thank you.

**EXECUTIVE SESSION per Idaho Code 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need.**

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we go into Executive Session per Idaho Code 74-206(1)(a).

Hoaglund: Second the motion.

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

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

Simison: All ayes. Motion carries. We will go into Executive Session.

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (10:50 p.m. to 11:07 p.m.)

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

Hoaglund: Second the motion.

Simison: Motion and second to come out of Executive Session. All in favor?

MOTION CARRIED: ALL AYES.

Bernt: Mr. Mayor, I move we adjourn.

Simison: All in favor?

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 11:08 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR ROBERT SIMISON

\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the November 23, 2021 City Council Regular Meeting



**Meridian City Council**

**November 23, 2021.**

A Meeting of the Meridian City Council was called to order at 6:05 p.m., Tuesday, November 23, 2021, by Mayor Robert Simison.

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

Members Absent: Joe Borton and Treg Bernt.

Also present: Chris Johnson, Bill Nary, Bill Parsons, and Dean Willis.

**ROLL-CALL ATTENDANCE**

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

Simison: For the record it is Tuesday, November 23rd. It's 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.)

**ADOPTION OF AGENDA**

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just to note, we have added two items to the agenda for this evening. We have Item No. 6 under the Consent Agenda and Item No. 17 under Ordinances. So, with that, Mr. Mayor, I move adoption of the agenda as amended.

Cavener: I will second the motion.

Strader: Second.

Simison: Was that a second? Did I have a second?

Cavener: Second.

Strader: Mr. Mayor, that was Liz. And Luke.

Simison: Okay. We have a second. Would the motion maker like to be recognized again? We have --

Hoaglund: Mr. Mayor, yes, there was an item added on No. 6 under the Consent Agenda and Item No. 16 under ordinances.

Simison: Okay. Does the second agree? You said 17 before.

Hoaglund: Oh. Sorry about that. No. 16. Sorry.

Cavener: Mr. Mayor, this is Council Member Cavener. If I'm recognized as the second, then, I agree.

Simison: Okay. We do have you down as the second on that. So, all in favor signify by saying aye. Opposed nay? The ayes have it and the agenda is adopted as amended.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

#### **CONSENT AGENDA [Action Item]**

- 1. Approve Minutes of the October 19, 2021 City Council Regular Meeting**
- 2. Approve Minutes of the November 9, 2021 City Council Work Session**
- 3. Approve Minutes of the November 9, 2021 City Council Regular Meeting**
- 4. Final Plat for Hill's Century Farm Commercial No. 2 (FP-2021-0055) by Brighton Development, Inc., Located on the South Side of E. Amity Rd., Approximately 1/4 Mile East of S. Eagle Rd.**
- 5. Findings of Fact, Conclusions of Law for Intermountain Wood Products Expansion (H-2021-0042) by Kent Brown Planning Services, Located at 255, 335, 381, and 385 S. Locust Grove Rd. and 300 and 330 S. Adkins Way**
- 6. Amended Findings of Fact, Conclusions of Law for McFadden Property (H-2021-0048) by Doug Tamura, Located at 104 W. Cherry Ln.**
- 7. First Amendment to Professional Services Agreement Between the City of Meridian and Trauma Intervention programs, Inc. (TIP)**

8. **Task Order 10650.e for Well 31 Water Treatment Facility to J-U-B Engineers for the Not-to-Exceed Amount of \$257,050.00**
9. **Resolution No. 21-2297: A Resolution of the Mayor and the City Council of the City of Meridian, Directing the City Clerk to Enter in Meridian City Council Meeting Minutes the Tabulation of Votes and Election Results for Meridian City Council Seats 2, 4, and 6, Pursuant to Idaho Code Section 50-412; and Providing an Effective Date**
10. **Police Department: Fiscal Year 2022 Net-Zero Budget Amendment in the Amount of \$43,000.00 for Traffic Enforcement Grant**
11. **City of Meridian Financial Report - October Fiscal Year 2022**

Simison: There were no -- there was a change to the Consent -- were they -- Mr. Nary, did the Consent Agenda -- I thought I heard him say a change to add No. 6 to the Consent Agenda.

Nary: There was the one, No. 6. You are correct.

Simison: Okay. So, the Consent Agenda has been -- had an item No. 6 added to it. So, do I have a motion on the Consent Agenda?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

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

Perreault: Mr. Mayor, this is Council Woman Perreault. I second that.

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 as amended is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

#### **ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]**

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

#### **ACTION ITEMS**

12. **Public Hearing and Second Reading of Ordinance No. 21-1954: An Ordinance of the City Council of the City of Meridian, Idaho, Approving**

**the (Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project, Which Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; and Providing an Effective Date**

Simison: So, we will move into our Actions Items for this evening. The first item up is Item 12, a public hearing and second reading of Ordinance No. 21-1954.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we --

Simison: Let me -- I guess we need to open the public hearing for this item. Okay. Okay. Councilman Hoaglund.

Hoaglund: Mr. Mayor, I move we continue Item 12, public hearing for Ordinance No. 21-1954 to the hearing date of November 30th, 2021.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Council Woman Perreault. I second that motion.

Simison: Okay. I have a motion and a second to continue this item to November 30th, 2021. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 13. Public Hearing and Second Reading of Ordinance No. 21-1956: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project, Which First Amendment Seeks to Annex Certain Parcels to the Existing Union District Project Area; Which First Amendment Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; and Providing an Effective Date**

Simison: Next item up is Item 13 a public hearing and second reading of Ordinance No. 21-1956. Do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we continue Item 13, the public hearing for Ordinance No. 21-1956 to the hearing date of November 30th, 2021.

Perreault: Mr. Mayor, this is Council Woman Perreault. I second that motion.

Simison: I have a motion and a second to continue the public hearing until November 30th, 2021. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**14. Public Hearing for Fast Eddy's at Eagle (H-2021-0068) by Steve Eddy, Located at 3775 N. Eagle Rd.**

- A. Request: Modification to the Existing Development Agreement (H-2018-0006 - Inst. #2018-042029) to remove the requirement for the driveway along the west side of the retail store to be extended to the north property boundary for future extension and interconnectivity in accord with UDC 11-3A-3A; and a cross-access/ingress-egress easement to be provided to the property to the north (Parcel #R4582530202, 13984 W. Jasmine Ln.).

Simison: Next item up is Item 14, the public hearing for Fast Eddy's at Eagle, H-2021-0068. I will open this public hearing and do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we continue Item 14, public hearing for Fast Eddy's at Eagle, H -- at Eagle Road, H-2021-0068, to the hearing date of November 30th, 2021.

Perreault: Mr. Mayor, this is Council Woman Perreault. I second that motion.

Simison: I have a motion and a second from Council Woman Perreault to continue this item until November 30th, 2021. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the hearing is continued.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**15. Public Hearing Continued from October 19, 2021 for Regency at River Valley Phase 3 (H-2021-0059) by Bach Homes, Located at 3270 and 3280 E. River Valley St. and 2480 N. Eagle Rd.**

- A. Request: Request: Modification to the existing Development Agreements (Inst. #113005608 – SGI and Inst. #2020-062947 – Bach Storage) to remove the property from the existing agreements and create one new agreement for the development of a 134-unit multi-family project.

Simison: Next item up is a public hearing that was continued from October 19th, 2021, for Regency At River Valley Phase 3, H-2021-0059. Do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, I move we continue Item 15, public hearing for Regency At River Valley, H-2021-0059, to the hearing date of November 30th, 2021.

Perreault: Mr. Mayor, this is Council Woman Perreault. Did you open that public hearing? I didn't catch that.

Simison: It was previously opened, because it was already continued to this date.

Perreault: Oh. Got you. Thank you. I second Councilman Hoaglund's motion to continue.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**ORDINANCES**

- 16. Ordinance 21-1952A: An AMENDED Ordinance (H-2021-0048 – Mcfadden Property) For Annexation of Portion of The East ½ of the SE ¼ of the SE ¼ of Section 1, Township 3 North, Range 1 West, Ada County, Idaho, and Being More Particularly Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to The Corporate Limits of the City of Meridian as Requested By the City Of Meridian; Establishing and Determining the Land Use Zoning Classification of 20.45 Acres of Land from Rut To C-C (Community Business) Zoning District in the Meridian City Code; Providing That Copies of This Ordinance Shall Be Filed With the Ada County Assessor, the Ada County Recorder, and**

**the Idaho State Tax Commission, As Required By Law; And Providing For a Summary of the Ordinance; and Providing For a Waiver of the Reading Rules; and Providing an Effective Date.**

Simison: Next up is Ordinance No. -- Item 16, Ordinance No. 21-1952. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an Amended Ordinance related to H-2021-0048, McFadden Property for annexation of portion of the East ½ of the SE ¼ of the SE ¼ of Section 1, Township 3 North, Range 1 West, Ada county, Idaho, and being more particularly described in Attachment "A" and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 20.45 acres of land from RUT to C-C (Community Business) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move approval of Item 16, Amended Ordinance 21-1952A with the suspension of rules.

Perreault: Mr. Mayor, this is Council Woman Perreault. I second that motion.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move to adjourn.

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: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 6:14 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR ROBERT SIMISON

\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK





## AGENDA ITEM

**ITEM TOPIC:** Small Talk Clinic (Verona Subdivision No. 3) Water Main Easement

Small Talk Clinic (Verona Subdivision No. 3)

**WATER MAIN EASEMENT**

THIS Easement Agreement, made this 30th day of November, 2021 between Smalley Holdings, 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

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.

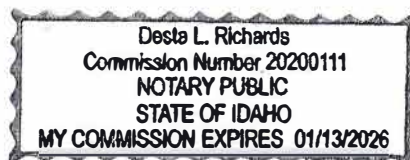
IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their signatures the day and year first herein above written.

Smallkey Holdings LLC.  
Karen Attibbs

STATE OF IDAHO )  
 ) ss  
County of Ada )

This record was acknowledged before me on 02/22/2021 (date) by Karen Hibbs  
(name of individual), [complete the following if signing in a representative capacity, or strike  
the following if signing in an individual capacity] on behalf of Smalley Holdings LLC  
(name of entity on behalf of whom record was executed), in the following representative  
capacity: Manager ☒ (type of authority such as officer or trustee)

(stamp)



*Desta L Richards*  
Notary Signature  
My Commission Expires: 01/13/2026

GRANTEE: CITY OF MERIDIAN

Robert E. Simison, Mayor 11-30-2021

Attest by Chris Johnson, City Clerk 11-30-2021

STATE OF IDAHO, )

: ss.

County of Ada )

This record was acknowledged before me on 11-30-2021 (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: 3-28-2022

February 8, 2021  
Project No. 20-101  
City of Meridian  
Water Easement  
Legal Description

**Exhibit A**

A parcel of land for a City of Meridian Water Easement over a portion of Lot 45, Block 3, Verona Subdivision No. 3 (Book 94, pages 11,422-11,423), situated in a portion Section 26, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

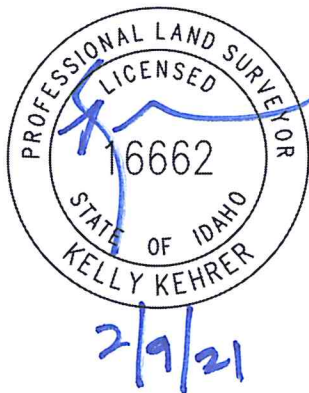
Commencing at a found 1/2-inch rebar marking the Southwest corner of said Lot 45, which bears  $S00^{\circ}21'36''W$  a distance of 186.01 feet from a found 1/2-inch rebar marking the Northwest corner of said Lot 45, thence following the westerly boundary line of said Lot 45,  $N00^{\circ}21'36''E$  a distance of 96.46 feet; Thence leaving said westerly boundary line,  $N90^{\circ}00'00''E$  a distance of 12.50 feet to the **POINT OF BEGINNING**.

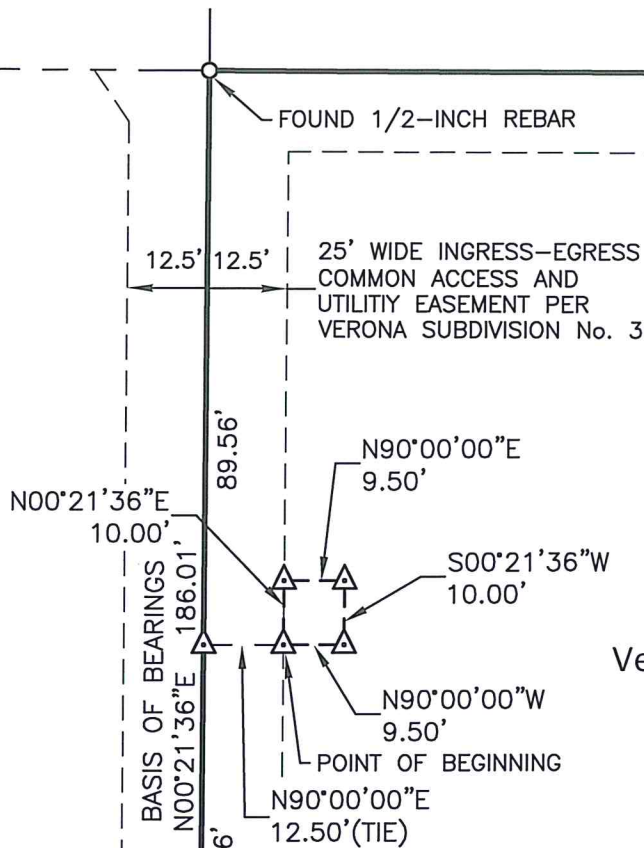
Thence  $N00^{\circ}21'36''E$  a distance of 10.00 feet;  
Thence  $N90^{\circ}00'00''E$  a distance of 9.50 feet;  
Thence  $S00^{\circ}21'36''W$  a distance of 10.00 feet;  
Thence  $N90^{\circ}00'00''W$  a distance of 9.50 feet to the **POINT OF BEGINNING**.

Said parcel contains 95 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.





Lot 45, Block 3  
Verona Subdivision No. 3  
3086 W Milano Dr.



2/9/21

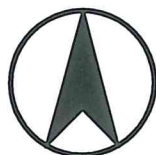
### LEGEND

○	FOUND 1/2-INCH REBAR
△	CALCULATED POINT
—————	PROPERTY BOUNDARY LINE
-----	ADJACENT BOUNDARY LINE
-----	SURVEY TIE LINE
-----	EXISTING EASEMENT LINE
-----	PROPOSED EASEMENT LINE

POINT OF COMMENCEMENT  
FOUND 1/2-INCH REBAR

W Milano Dr.

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



0 30 60 90  
Plan Scale: 1" = 30'

### Exhibit B City of Meridian Water Easement

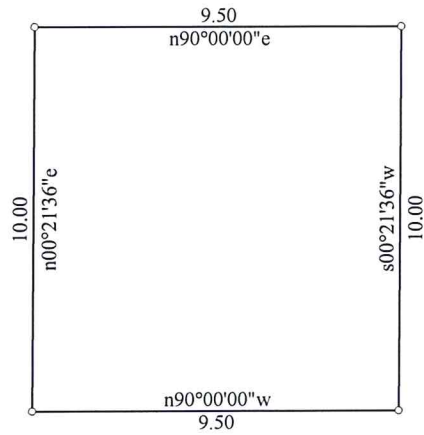
Situated in a portion of Lot 45, Block 3, Verona Subdivision No. 3, Section 26,  
Township 4 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho

DATE: 2/8/21

PROJECT: 20-101

SHEET:  
1 OF 1

Item #3.



Title: City of Meridian Water Easement		Date: 02-08-2021
Scale: 1 inch = 5 feet	File:	
Tract 1: 0.002 Acres: 95 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 39 Feet		
001=n00.2136e 10.00	003=s00.2136w 10.00	
002=n90.0000e 9.50	004=n90.0000w 9.50	



## AGENDA ITEM

**ITEM TOPIC:** Findings of Fact, Conclusions of Law for Red Aspen (H-2021-0066) by KM Engineering, LLP, Located at the southeast corner of S. Linder Rd. and W. Overland Rd.



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



**In the Matter of the Request for Annexation and Zoning of 2.99 acres of land with a request for the C-G zoning district for the purpose of constructing an approximate 30,000 square foot flex space building on 2.19 acres of land, by KM Engineering, LLP.**

**Case No(s). H-2021-0066**

**For the City Council Hearing Date of: November 16, 2021 (Findings on November 30, 2021)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of November 16, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of November 16, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of November 16, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 16, 2021, incorporated by reference)

**B. Conclusions of Law**

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

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of November 16, 2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

#### C. Decision and Order

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

1. The applicant's request for Annexation and Zoning is hereby approved per the conditions of approval in the Staff Report for the hearing date of November 16, 2021, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Preliminary Plat Duration

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

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

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

##### Notice of Conditional Use Permit Duration

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

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

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

#### Notice of Development Agreement Duration

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

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

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

#### E. Notice of Final Action and Right to Regulatory Takings Analysis

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

#### F. Attached: Staff Report for the hearing date of November 16, 2021.

By action of the City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

COUNCIL PRESIDENT TREG BERNT VOTED\_\_\_\_\_

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED\_\_\_\_\_

COUNCIL MEMBER JESSICA PERREAULT VOTED\_\_\_\_\_

COUNCIL MEMBER LUKE CAVENER VOTED\_\_\_\_\_

COUNCIL MEMBER JOE BORTON VOTED\_\_\_\_\_

COUNCIL MEMBER LIZ STRADER VOTED\_\_\_\_\_

MAYOR ROBERT SIMISON VOTED\_\_\_\_\_  
(TIE BREAKER)

\_\_\_\_\_  
Mayor Robert Simison

Attest:

\_\_\_\_\_  
Chris Johnson  
City Clerk

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

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

# STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT



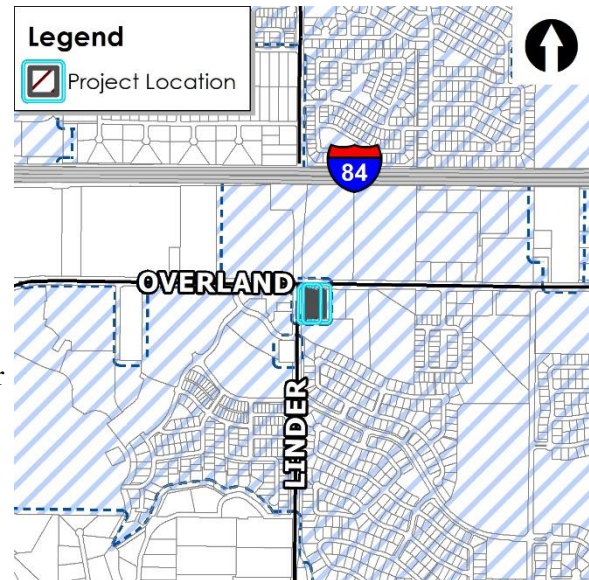
HEARING DATE: 11/16/2021

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner  
208-884-5533

SUBJECT: H-2021-0066  
Red Aspen

LOCATION: The site is located at the southeast corner of S. Linder Road and W. Overland Road, in the NW ¼ of the NW ¼ of Section 24, Township 3N., Range 1W



### I. PROJECT DESCRIPTION

Annexation and Zoning of 2.99 acres of land with a request for the C-G zoning district for the purpose of constructing an approximate 30,000 square foot flex space building on 2.19 acres of land, by KM Engineering, LLP.

### II. SUMMARY OF REPORT

#### A. Project Summary

Description	Details	Page
Acreage	AZ – 2.99 acres; Project Site – 2.19 acres	
Future Land Use Designation	Commercial (majority) and Medium Density Residential	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Flex-Space	
Lots (# and type; bldg./common)	One (1) commercial building lot	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	August 31, 2021 – no attendees	
History (previous approvals)	N/A	

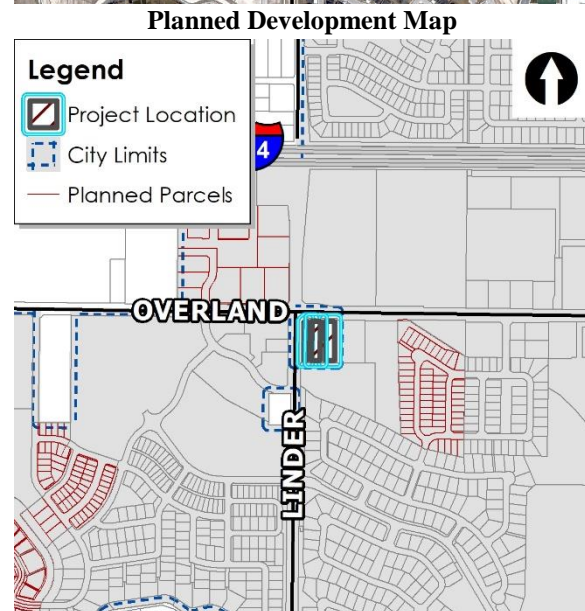
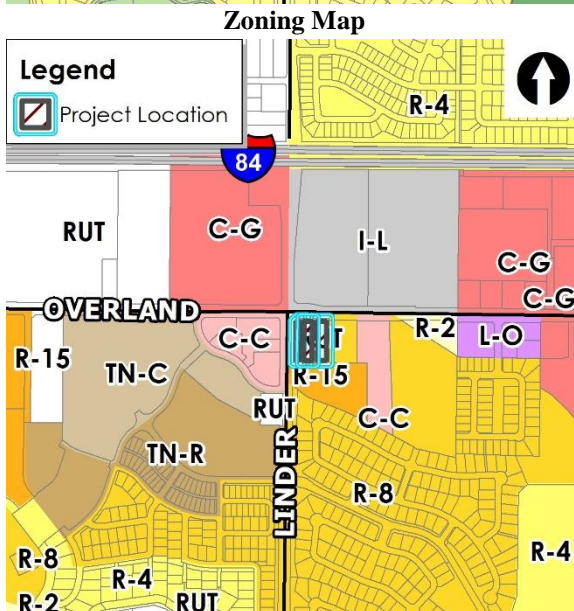
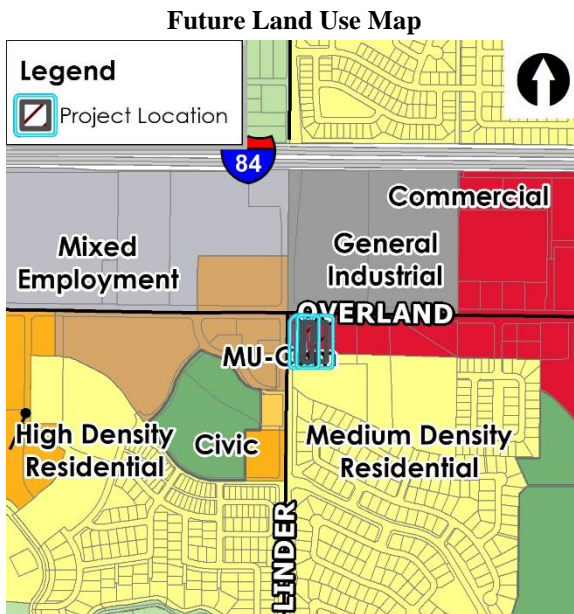
## B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	<p>Yes</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via two driveway connections to the adjacent arterial streets—the access to Overland Road is existing and is proposed to remain.	
Stub Street/Interconnectivity/Cross Access	There is no opportunity for stub street or connectivity between adjacent sites and the subject site due to existing development. Applicant is proposing to widen an existing access to Linder Road and share it with the adjacent residential development to the south.	
Existing Road Network	Yes.	
Existing Arterial Sidewalks / Buffers	No buffers exist along Linder or Overland; existing sidewalk along Overland but not along Linder.	
Proposed Road Improvements	<p>No road improvements are required with this application because the Overland/Linder Road intersection is planned for future improvement. (see ACHD staff report in Section <b>VIII.D</b>).</p> <p>CIP/Five Year Work Plan for adjacent &amp; nearby roadways:  <b>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</b></p> <ul style="list-style-type: none"> <li>Linder Road is scheduled in the IFYWP to be constructed as a new 4-lane I-84 overpass and widened to 5-lanes on each side of I-84 with a level 3 bike facility from Franklin Road to Overland Road in the future.</li> <li>Linder Road is listed in the CIP to be widened to 3-lanes from Victory Road to Overland Road between 2036 and 2040.</li> <li>Linder Road is listed in the CIP to be widened to 5-lanes from Overland Road to Franklin Road between 2036 and 2040.</li> <li>The intersection of Overland Road and Linder Road is listed in the CIP to be widened 6-lanes on the north and south legs and 7-lanes on the east west legs and signalized between 2036 and 2040.</li> </ul>	
Fire Service		
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> </ul>	Directly adjacent to Fire Station #6	
Police Service		
<ul style="list-style-type: none"> <li>Concerns</li> </ul>	None/no comments	
Wastewater		
<ul style="list-style-type: none"> <li>Distance to Sewer Services</li> </ul>	0'	
<ul style="list-style-type: none"> <li>Sewer Shed</li> </ul>	South Black Cat Trunkshed	
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes	



Description	Details	Page
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	<ul style="list-style-type: none"> <li>Parcel S1224223460 has a sewer main stubbed to it – a 20' easement is required onsite until line transitions to a service line.</li> </ul>	
Water		
<ul style="list-style-type: none"> <li>Distance to Services</li> </ul>	0'	
<ul style="list-style-type: none"> <li>Water Quality Concerns</li> </ul>	None	
<ul style="list-style-type: none"> <li>Consistent with Water Master Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Other Comments</li> </ul>	<ul style="list-style-type: none"> <li>There are existing stubs at the west (Linder Rd) and north (Overland Rd) boundaries that either needs to be used or abandoned.</li> </ul>	

## C. Project Area Maps



### III. APPLICANT INFORMATION

#### A. Applicant:

Joshua Jantz, KM Engineering, LLP – 5725 N. Discovery Way, Boise, ID 83713

#### B. Owner:

Jeffrey Majors, Jamco Investments, LLC – 4700 N. Cloverdale Road, Ste. 210, Boise, ID 83714

#### C. Representative:

Same as Applicant

### IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	10/5/2021	10/31/2021
Radius notification mailed to properties within 500 feet	10/5/2021	10/28/2021
Site Posting	10/7/2021	11/1/2021
Nextdoor posting	10/5/2021	10/28/2021

### V. STAFF ANALYSIS

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

Commercial – The Commercial designation is meant to provide a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses. Multi-family residential may be allowed in some cases, but should be careful to promote a high quality of life through thoughtful site design, connectivity, and amenities.

*The project site is approximately two (2.19) acres in size and currently consists of three parcels located at the southeast corner of Linder and Overland and directly abuts the newest Meridian Fire Station along Overland. In addition to the Commercial future land use designation, there is a small area of Medium Density Residential (MDR) along the southern boundary. Because land use designations are not parcel specific, this land use designation is also represented on the subject site but correlates to the residential project to the south (Linder Road Apartments).*

*However, the City anticipates commercial uses on this corner, especially because it is adjacent to two major arterial roadways (Linder and Overland) and near a planned interstate overpass.*

*The proposed use of Flex Space is subject to specific use standards (UDC 11-4-3-18) and is proposed to serve as the core office and warehouse of a local business, Red Aspen. Red Aspen is a social selling (online) beauty company that aims to utilize this site as their new main hub for their growing business. Flex Space is a principally permitted use in the requested C-G zoning district and has no restrictions on semi-truck traffic. However, the Applicant has specifically stated the amount of truck traffic for this business is minimal and mostly handled by smaller delivery trucks. The submitted concept plan shows the proposed truck docks being along the end of the building but facing east towards the Fire Station and meets code as submitted. However, Staff does have concern over the general proximity of the truck docks and turnaround area to the residential project to the south. Further analysis is below.*



*The Applicant has proposed to place the building near the hard corner and pull it away from the existing multi-family residential to the south approximately 119 feet from the south property line. The submitted concept plan depicts this 119 foot distance to include the required 25-foot landscape buffer and solid fencing along the southern property line abutting the multi-family project; no buffer is required adjacent to the Fire Station because it is not a residential use. The Applicant is also showing the required landscape buffers adjacent to the arterial streets with the one adjacent to Overland being shown wider than the required 25 feet. Due to required right-of-way dedication along Overland Road, the proposed building is shown approximately 42 feet behind the existing sidewalk which has led to the building being further south than Staff originally anticipated.*

*In order to help the site gain back some of its usable area and create more space between the proposed use and the existing residential to the south, Staff is recommending the Applicant reduce the street buffer to Overland Road by going through the Alternative Compliance process with future applications. Staff finds this revision to the site has at least two positive outcomes: the building can be moved further north towards Overland to create a better presence and streetscape along this corridor, and; moving the building further north creates further separation from the existing multi-family development to the south while at the same time allowing more area for trucks to safely turnaround in the south half of the site. Staff finds the landscape buffer and linear distance between the proposed use and the existing residential to the south offers adequate transition and mitigation between uses.*

*In addition to the proposed use on the subject site, it is worth noting the surrounding uses in the immediate area. As noted, Fire Station #6 is directly to the west of the subject and there is an existing multi-family residential and R-15 zoning to the south. In addition, Staff has noted S. Linder Road and W. Overland Road abut the site on the west and north, respectively. On the west side of Linder, there is existing C-C zoning with a partially developed commercial/office center. On the north side of Overland is I-L zoning and Camping World, an RV storage, service, and sales business. Furthermore, on the opposite corner of Linder and Overland is the Artemisia Subdivision, zoned C-G and proposed with a number of commercial uses including vehicle sales. Thus, when looking at the surrounding area, nonresidential uses are commonplace.*

*Access to the site is proposed via one connection to Linder Road and one connection to Overland Road with both accesses restricted to right-in/right-out only maneuvers. The Applicant is proposing to share and widen the existing access to Linder Road that the multi-family project uses directly abutting the southern property line. Staff has not seen a written agreement for this shared access and one should be submitted with any future applications. However, Staff does support widening and sharing this access so the site has adequate circulation; without a second access point to the site, any future development on the site will be severely hindered. The proposed access to Overland is an existing curb cut that is supported by both Staff and ACHD. Both proposed access points are as far away from the Linder and Overland intersection as is possible. Staff supports the access to the site as proposed but is recommending a DA provision that the Applicant provide proof of an agreement with the property owner to the south regarding the shared access to Linder with the future Certificate of Zoning Compliance application.*

*The hours of operation for the facility are an additional factor in determining if the proposed use fits in this location. The Applicant has stated the planned hours of operation are Monday thru Friday, 9am to 5:00pm with occasional Saturday hours during the holiday season (October-December). Most importantly, the Applicant has stated that any freight deliveries will only occur during normal hours of operation. Due to the proposed hours of operation, Staff believes the proposed Development Agreement provisions and screening methods will be sufficient in mitigating any noxious consequences of the proposed use.*

***Staff finds the proposed site design combined with the proposed Flex Space use 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, 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.

“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 and sewer services are readily available to the subject site. As previously noted, the subject site is directly adjacent to Fire Station #6 so fire service is not an issue. The proposed access points to the site are supported by Staff and ACHD. Therefore, Staff finds the project complies with this policy.*

“Promote business retention, expansion, and improvement programs.” (2.07.01). *The subject application is for Red Aspen, a locally grown and sustained business. Due to the success of their business, this company needs to expand its footprint here in the Treasure Valley. The owners have a strong desire to remain in Meridian with the proposed project that will help it continue to flourish. Creating a flex space building for existing and future warehouse and office needs is a great fit for this location and the City of Meridian as a whole.*

“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 required and shown adjacent to Linder Road along the west property boundary. The Applicant is proposing to construct the required segment of pathway and complete this large segment of multi-use pathway on the east side of Linder Road creating a continuous pathway from Overland to Victory Middle School. This connection and added pathway would connect to the existing sidewalk along Overland that connects east and west to various projects and uses. In addition, the submitted site plan shows adequate internal sidewalk connections to the arterial sidewalks for overall connectivity.*

“Work with existing industrial businesses to expand or relocate operations to appropriate areas.” (2.08.03C). *The proposed business is not an industrial business but Staff finds it equally important to support existing local businesses to relocate to appropriate areas when expansion is needed. After discussions with Staff and other entities, the Applicant determined the subject corner property is the ideal location to construct their own building designed solely for their business operations. Because the subject area is planned for commercial uses and a majority of the nearby uses are also nonresidential, Staff agrees with the Applicant and believes the subject site is an appropriate and ideal area for Red Aspen.*

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

**C. Existing Structures/Site Improvements:**

There are no existing structures or site improvements.

**D. Proposed Use Analysis:**

The proposed use is for offices and associated warehousing, which falls under Flex Space within Meridian development code. This use is a permitted use in the requested C-G zoning district per UDC Table 11-2B-2 and is also subject to Specific Use Standards (UDC 11-4-3-18). As

previously discussed within the Comprehensive Plan section above, Staff supports the proposed use at this location—it is a nonresidential use which complies with the comprehensive plan, it is an expansion of a locally grown business, and Staff finds there is adequate pedestrian and landscaping improvements proposed. Therefore, Staff finds this is an ideal location for this business and proposed use. Staff analysis of the Specific Use Standards is in *italics* below:

UDC 11-4-3-18 – Flex Space:

A. Office and/or retail showroom areas shall comprise a minimum of thirty (20) percent of the structure and/or tenant space. *The submitted concept plan shows the office area of the building comprising approximately 8,700 square feet in area, equating to approximately 30% of the building area. Proposed office area complies with this standard.*

B. Light industry and warehousing shall not comprise more than seventy (70) percent of the tenant space. *According to the submitted concept plan, approximately 20,800 square feet of floor area is reserved for the warehouse component of the building which equates to 70% of the total building size of 29,440 square feet. Thus, the proposed site plan complies with this standard.*

C. In the C-C, C-G and M-E districts, roll-up doors and loading docks shall not be visible from a public street. *According to the submitted concept plan and conceptual elevations, the Applicant is proposing two loading docks and one roll-up door for the building. The loading docks and roll-up door are proposed to be located at the south end of the building and face the east property line, towards the Meridian Fire Station. Per the submitted concept plan, the loading docks should not be visible from Overland or Linder Roads so Staff finds the proposed locations of these design elements to be in compliance with this standard.*

*In addition, any off-street loading spaces must adhere to UDC 11-3C-8 which prohibits any loading space (i.e. loading docks) to face a residential use and limit hours of operation should it be located within 50 feet of a residential district. The submitted concept plan shows compliance with all standards outlined in this code section—the loading docks face the fire station to the east (not a residential use) and are not within 50 feet of any residential district or use.*

D. Retail use shall not exceed twenty-five (25) percent of leasable area in any tenant space. *Because Red Aspen is an online business, there is no retail area included in the building design. Therefore, this standard is not applicable to the submitted site plan. However, the Applicant will be required to comply with this standard in perpetuity should any redesign of the building space occur and a retail component is added.*

Additional analysis on the proposed use and how it integrates with adjacent uses is in the Comprehensive Plan analysis section above. Staff will confirm compliance with these specific use standards with any future Certificate of Zoning Compliance (CZC) application.

E. Dimensional Standards (UDC 11-2):

The Applicant is proposing to annex the subject property into the City with the C-G zoning district which does not have a minimum lot size. As noted above, the proposed use is a permitted use in the requested zoning district. Furthermore, according to the concept plan, the proposed building, drive aisle and vehicle use areas, and the proposed parking stalls meet UDC dimensional standards.

The project requires a minimum 25-foot wide landscape buffer adjacent to both Linder Road and Overland Road, arterial streets. The submitted concept plan shows compliance with the required street buffers with the landscape buffer along Overland being shown as approximately 42 feet wide and the required 25 foot width along Linder. Within the comprehensive plan section above, Staff has recommended a reduction in the Overland landscape buffer width to be less than 25 feet from the ultimate right-of-way. Through Alternative Compliance, Staff believes a reduced buffer

would help mitigate any noxious uses of the site for the residential project to the south by moving the building further away from the south property line. In addition, shifting the building further north would aid the building in holding this corner and creating a true presence at this intersection.

In addition, the C-G zoning district requires a minimum landscape buffer of 25 feet to any residential use which is applicable along the south property boundary where an existing multi-family residential development exists. The submitted concept plan shows this 25-foot landscape buffer compliant with the required dimensional standards.

According to the conceptual elevations, the building is proposed with a height of approximately 38 feet in height. The C-G zoning district allows a maximum height of 65 feet so the proposed building height complies with this dimensional standard. However, because of adjacent C-C zoning and development, Staff believes limiting the height of any future building on the subject site to the 50-foot height limit of the C-C zoning district instead of the 65-foot limit in the C-G zoning district is a prudent provision to add within the required Development Agreement. Staff recommends this provision in case the proposed use and building is not constructed and a future Applicant proposes a taller building—Staff believes constructing a building up to the allowed 65-foot height in the C-G zoning district does not integrate with adjacent development.

With future CZC submittals, Staff will confirm conformance with the required dimensional standards of the C-G zone and the Flex Space specific use standards (11-4-3-18). Therefore, the proposed project meets all required dimensional standards outlined in UDC 11-2B-3.

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

The Applicant has submitted conceptual elevations of the future flex space building; Administrative Design Review (DES) and a formal review of the elevations will be required with a future CZC submittal. Per the submitted conceptual elevations, the building is proposed to be constructed with tilt-up concrete panels that have a texture coat applied to it. The elevations also show ample cornice work visible on all elevations, faux windows with fenestration, parapet variation, accent material and color around the base of the building, and two-story windows with painted steel canopies. Staff will analyze the future building elevations submitted with the DES application for compliance with the Architectural Standards Manual.

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

Access to the site is proposed via one connection to Linder Road and one connection to Overland Road with both accesses restricted to right-in/right-out only maneuvers. The access point from Linder road is an existing 25-foot wide access point for the multi-family project adjacent to the south and the Applicant is proposing to widen the curb-cut to 40 feet and share it with the residential project. ACHD has reviewed this proposal and supports the Applicant's request to widen the existing Linder access. Staff has not seen a written agreement for this shared access between the adjacent land owner this one; Staff recommends said agreement be submitted with any future application(s). However, Staff does support widening and sharing this access so the site has adequate circulation; without a second access point to the site, any future development on the site will be severely hindered. The proposed access to Overland is an existing curb cut that is supported by both Staff and ACHD. Both proposed access points are as far away from the Linder and Overland Roads intersection as is physically possible. Staff supports the access to the site as proposed but is recommending a DA provision that the Applicant provide proof of a reciprocal cross-access agreement with the property/property owner to the south regarding the shared access to Linder with the future Certificate of Zoning Compliance application.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6B](#) for nonresidential uses based on the ratio for commercial zoned properties of one (1) space for every 500 square feet of gross building floor area. A 29,440 square foot building requiring at least 59 parking spaces with the required parking ratio is proposed. According to the submitted concept plan, 59 parking spaces are proposed, exceeding the minimum requirement by one (1) space. Staff will confirm compliance with these standards at the time of CZC submittal. The proposed use of a flex space will rarely have the full allotment of parking spaces utilized because the warehouse component of the building takes up a larger area while not traditionally requiring the same amount of parking as office or other commercial uses. Furthermore, there will be no customers that go to the proposed building so all of the parking will be for employees.

Therefore, initial review of the concept plan does not give Staff any concern over the amount of parking due to the proposed use of a Flex Space building.

I. Sidewalks and Pathways ([UDC 11-3A-17](#) & [UDC 11-3A-8](#)):

5-foot wide attached sidewalk exists along Overland Road and is required to remain. A 10-foot wide multi-use pathway segment is required along the west boundary and adjacent to Linder Road per the Master Pathways Plan. ACHD is requiring both pedestrian facilities be attached facilities due to future planned road widening and intersection improvements. The concept plan also shows at least 7-foot wide sidewalks adjacent to the future building that connect to the arterial pedestrian facilities offering adequate pedestrian connectivity for the subject site. Furthermore, the additional segment of multi-use pathway and its connection to the sidewalk along Overland would create a fully connected pedestrian network from Overland to Victory Middle School, Bear Creek Park, and back with the additional benefit of connecting the pathway system to the arterial street sidewalk network that has vast regional connectivity. The proposed sidewalks and pathway meet UDC requirements.

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

The Applicant is required to construct landscape buffers along Overland Road, Linder Road, and along the southern boundary as a landscape use buffer. The buffers along Overland and Linder are governed by UDC 11-3B-7; the land use buffer along the south property boundary is governed by UDC 11-3B-9. The Applicant did not submit specific landscape plans for the project and no landscaping is shown on the submitted concept plan. However, the minimum required landscape buffer widths are shown on the concept plan. Staff will ensure compliance with all landscaping standards with the future CZC submittal.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. 6-foot high vinyl fencing is depicted on the concept plan but it is not labeled as existing or proposed. Staff is aware there is existing fencing along the south and east boundaries constructed with the adjacent development. In general, 6-foot fencing should be included along the south and east boundaries for security and screening purposes especially between this subject site and the residential development to the south. Should fencing be proposed, Staff will analyze that with the future CZC submittal.

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

The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15. No irrigation plans have been submitted for Flex Space 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. Commission:

The Meridian Planning & Zoning Commission heard these items on October 21, 2021. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning request.

#### 1. Summary of Commission public hearing:

- a. In favor: Amanda Moore, Genie Reese, and Jesse McKinney – Applicants; Josh Jantz, Applicant Representative; Cornel Larson, Project Architect.
- b. In opposition: None
- c. Commenting: Amanda Moore, Jesse McKinney, Josh Jantz, and Cornel Larson.
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: Bill Parsons, Planning Supervisor; Kurt Starman, Assistant City Attorney.

#### 2. Key issue(s) of public testimony:

- a. Support for the proposed use and ability to keep a Meridian local business here in the City; Clarification on some of Staff's conditions of approval;

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

- a. Clarification on some of Staff's conditions and DA provisions, specifically the proposed height limit and use limitations;
- b. Staff's response to Applicant's request to remove/modify the DA provision limiting uses—
- c. Commission concluded to keep Staff's recommended DA provision after Staff's explanation;
- d. Why Staff is recommending to reduce the landscape buffer along Overland to move the building closer and is there a specific amount/distance required by Staff.

#### 4. Commission change(s) to Staff recommendation:

- a. Add condition of approval per Staff's recommendation to require Applicant obtain a property boundary adjustment.
- b. Modify DA Provision A.1b to increase the height limit consistent with the C-C zoning district.

#### 5. Outstanding issue(s) for City Council:

- a. In the Commission motion, Commission required the Applicant obtain a PBA prior to the Council meeting but this is not possible due to timing with the County processes. Staff believes it was a misunderstanding of the expectation set by Staff at the hearing. In response, Staff has included an appropriate condition regarding the PBA.

### C. The Meridian City Council heard these items on November 16, 2021. At the public hearing, the Council moved to approve the subject Annexation and Zoning requests.

#### 1. Summary of the City Council public hearing:

- a. In favor: Amanda Moore, Genie Reese, and Jesse McKinney – Applicants; Josh Jantz, Applicant Representative; Cornel Larson, Project Architect.
- b. In opposition: None

- c. Commenting: Amanda Moore, Genie Reese, Jesse McKinney, Cornel Larson
  - d. Written testimony: None
  - e. Staff presenting application: Joseph Dodson, Associate Planner
  - f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
  - a. Requesting approval of subject application to keep a local business in the City of Meridian.
- 3. Key issue(s) of discussion by City Council:
  - a. None
- 4. City Council change(s) to Commission recommendation:
  - a. None

## VII. EXHIBITS

### A. Annexation and Zoning Legal Descriptions and Exhibit Maps



**TEALEY'S LAND  
SURVEYING**

12594 W. Explorer Drive, Suite 150 • Boise, Idaho 83713  
(208) 385-0636  
Fax (208) 385-0696

Project. No.: 4865  
Date: July 30, 2021

#### **DESCRIPTION FOR ANNEXATION PARCEL - ASPEN GROVE HOLDINGS, LLC**

A parcel of land lying in the NW 1/4 of Section 24, T.3N., R.1W., B.M., Ada County, Idaho and more particularly described as follows:

**BEGINNING** at the Northwest corner of said Section 24, thence along the North boundary of said Section 24

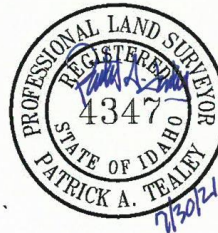
South 89°07'25" East 327.10 feet to a point on the extended West boundary of Record of Survey No. 9277, filed for record in the office of the Ada County Recorder, Boise, Idaho under Instrument No. 112056125; thence along said extended West boundary and along the West boundary of said Record of Survey No. 9227

South 00°41'26" West 397.51 feet to the Southwest corner of said Record of Survey No. 9227, marked by a 5/8" iron pin; thence

North 89°33'34" West 327.10 feet to a point on the West boundary of said NW 1/4 of Section 24; thence along said West boundary

North 00°41'26" East 400.00 feet to the **POINT OF BEGINNING**,

Said parcel contains 2.99 acres, more or less.



W:\4865\TitleReport\4865-annex desc.docx - jdc

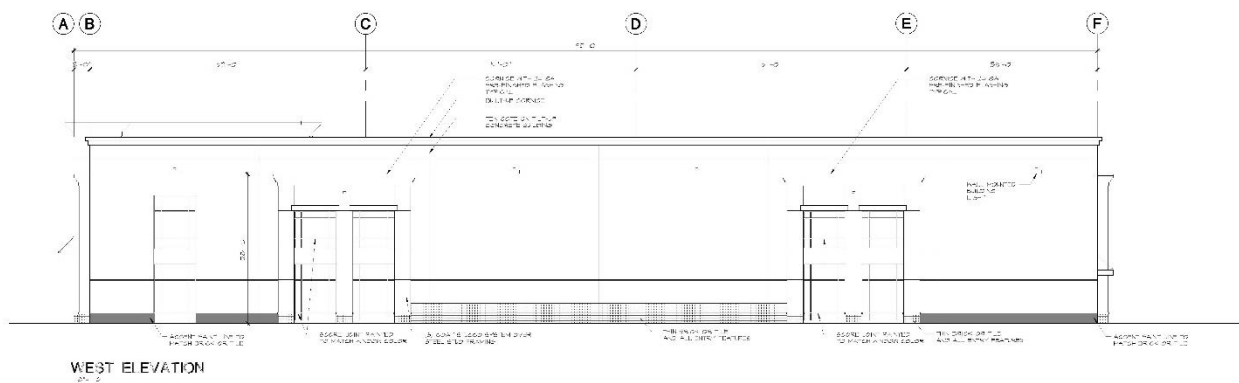
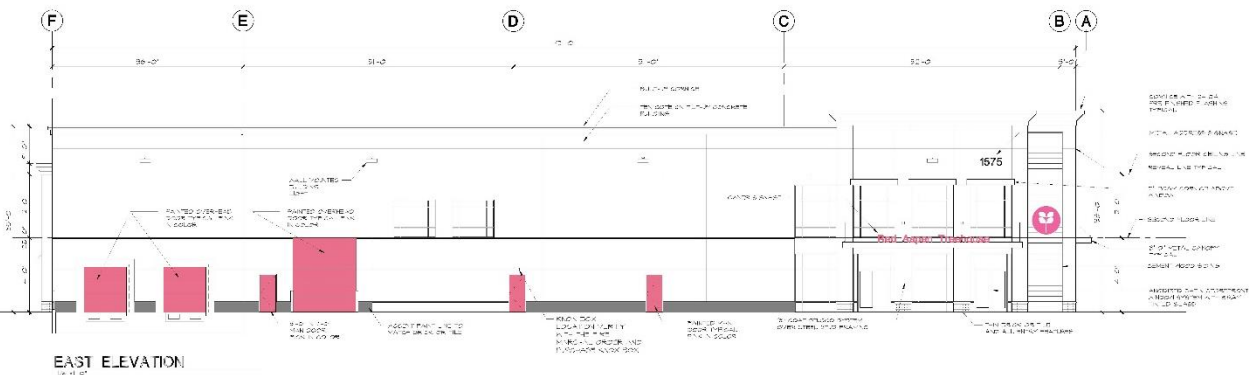






C. Concept Elevations





## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian and the property owner(s) 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 plan and conceptual elevations included in Section VII and the provisions contained herein.
  - b. Future development of the subject site shall have a height limit of ~~40~~ 50 feet consistent with the proposed flex space building and C-C zoning to the west.
  - c. With the future Certificate of Zoning Compliance application, the Applicant shall provide a copy of the recorded reciprocal cross access agreement to share an access to Linder Road with the property to the south.
  - d. The allowed uses on the subject site shall be: flex space, financial institution, healthcare/social services, information industry, personal and professional services, retail (including wine and beer sales), restaurant, research and development, and vertically integrated residential. The Applicant shall adhere to any applicable specific use standards for a proposed use.
2. The Applicant shall obtain a Property Boundary Adjustment prior to building permit submittal to combine the existing lots or adjust them appropriately to meet all dimensional and building code requirements.

### B. PUBLIC WORKS

#### Site Specific Conditions of Approval

1. There are no changes to water or sewer infrastructure proposed. Any changes to water or sewer infrastructure must be reviewed by Public Works.
2. Any used services or mains must be abandoned at the main that will remain in service.
3. Sewer service lines should not run through infiltration trenches.
4. Parcel S1224223460 has a sewer main stubbed to it that is currently not covered in a City utility easement. A 20 foot wide easement is required onsite until the line transitions to a service.

#### General Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then 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. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
10. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
11. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. 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 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.
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. 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](http://www.meridiancity.org/public_works.aspx?id=272).
19. 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. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=239643&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;

*Council finds the proposed zoning map amendment to annex the property into the City of Meridian with the C-G zoning district with the proposed Flex Space use and site design is consistent with the Comprehensive Plan, if all conditions of approval are met.*

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



*Council finds the proposed zoning map amendment and the requested development complies with the regulations outlined in the requested C-G 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;**

*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**

*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.**

*Council finds the annexation is in the best interest of the City.*





## AGENDA ITEM

**ITEM TOPIC:** Agreement Between the City of Meridian and Brighton Development, Inc. to Accept Payment in Lieu of Installing Streetlights at Bainbridge No. 11 and No. 12 Subdivisions



*Mayor Robert Simison*  
City Council Members  
Treg Bernt  
Joe Borton  
Luke Cavener  
Brad Hoaglund  
Jessica Perreault  
Liz Strader

**TO:** Mayor Robert Simison  
Members of the City Council

**FROM:** Jared Hale – Engineering Project Manager

**DATE:** 11/17/2021

**SUBJECT:** **AGREEMENT TO ACCEPT PAYMENT IN LIEU OF INSTALLING  
STREETLIGHTS AT BAINBRIDGE NO. 11 AND NO. 12 SUBDIVISIONS**

**REQUESTED COUNCIL DATE:** 11/30/2021

---

**I. RECOMMENDED ACTION**

**A. Move to:**

1. Approve the attached agreement with Brighton Development, Inc.
2. Authorize the Mayor to sign the agreement.

**II. DEPARTMENT CONTACT PERSONS**

Jared Hale, Engineering Project Manager	208-489-0370
Clint Dolsby, Assistant City Engineer	208-489-0341
Warren Stewart, City Engineer	208-489-0350
Laurelei McVey, Director of Public Works	208-985-1259

**III. DESCRIPTION**

**A. Background**

One of the site-specific conditions of approval for the Bainbridge No. 11 and No. 12 subdivisions was to provide sufficient funds for the installation of street lighting along W. Chinden Boulevard. The streetlights were installed with the Costco street widening project.

**B. Proposed Project**

Pursuant to the attached agreement with Brighton Development, Inc., the City has accepted the estimated amount of \$67,720.00 required to install those streetlights on W. Chinden Blvd. These funds will be used to reimburse the City for installing the streetlights with the Costco project. They have signed the attached agreement and paid the \$67,720.00.

**IV. IMPACT**

**A. Strategic Impact:**

This agreement is in alignment with the Public Works Department's *Strategic Plan 2010-2015* Objective ENG-12, which is to increase street lighting throughout the City to enhance the safety of our citizens in a fiscally responsible manner.

**B. Service/Delivery Impact:**

This agreement will increase the street lighting along W. Chinden Blvd. while ensuring that the lights are installed at the appropriate time and in the appropriate location.

**C. Fiscal Impact:**

Per this agreement the City has received \$67,720. This is the amount required to install the eight lights along the W Chinden Blvd. frontage.

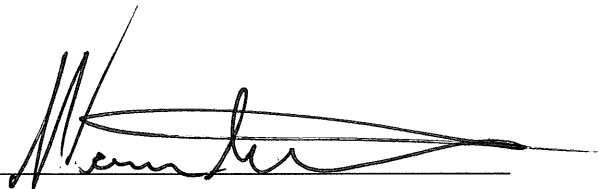
**V. TIME CONSTRAINTS**

Council approval of this agreement will allow Brighton Development, Inc. to finalize the agreement and meet this portion of the lighting requirements for final plat approval.

**VII. LIST OF ATTACHMENTS**

Agreement to Accept Payment in Lieu of Installing Streetlights on W Chinden Blvd at Bainbridge No. 11 and No. 12 subdivisions.

Approved for Council Agenda:



\_\_\_\_\_

**AGREEMENT TO ACCEPT PAYMENT IN LIEU OF INSTALLING STREETLIGHTS  
AT  
BAINBRIDGE NO. 11 AND NO. 12 SUBDIVISIONS**

THIS AGREEMENT for streetlight installation, made this \_\_\_\_ day of April, 2021 between the **City of Meridian**, a municipal corporation organized under the laws of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho (hereinafter "City"), and **Brighton Development, Inc.**, 2929 W. Navigator, Suite 200 Meridian, Idaho 83642, (hereinafter "Brighton").

WHEREAS, Brighton has received from City, conditional approval of the Final Plat for the Bainbridge No. 11 Subdivision, Case No. FP H-2019-0125; and,

WHEREAS, Brighton has received from City, conditional approval of the Construction Plans for the Bainbridge No. 12 Subdivision, Case No. LD-RSUB-2020-0046; and,

WHEREAS, One of the Site Specific Conditions of Approval of City's approval of FP H-2019-0125 is to install streetlights on all public roadways per the City of Meridian Improvement Standards for Street Lighting; and,

WHEREAS, One of the Site Specific Conditions of Approval of City's approval of LD-RSUB-2020-0046 is to reimburse the City for the streetlights that were installed on Chinden Blvd; and,

WHEREAS, W. Chinden Blvd. has been widened and streetlights installed after the approval of Bainbridge No. 11; and,

WHEREAS, City funded the installation of streetlights on W. Chinden Blvd. with the understanding that development would reimburse installation costs that are typically required of development.

**NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

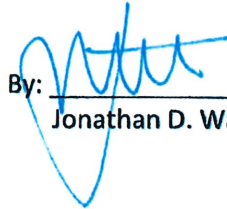
1. Brighton shall pay to City the amount of \$42,325.00 as the amount necessary to supply and install five (5) type 1 streetlights for Bainbridge No. 11 Chinden frontage.
2. Brighton shall pay to City the amount of \$25,395.00 as the amount necessary to supply and install three (3) type 1 streetlights for Bainbridge No. 12 Chinden frontage.
3. City agrees to accept the amount set forth in Articles 1 and 2 in lieu of requiring Bainbridge to install the five (5) streetlights on W. Chinden Blvd frontage of Bainbridge No. 11 Subdivision and three (3) streetlights on W. Chinden Blvd frontage of Bainbridge No. 12. Subdivision.
4. Upon payment of the amount in Articles 1 and 2 by Bainbridge to City, Bainbridge's requirement to install the eight (8) total streetlights on W. Chinden Blvd. shall be considered satisfied.

5. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their heirs, successors and assigns, and shall survive any transfer by Bainbridge of Bainbridge's Property.

IN WITNESS WHEREOF, the parties shall cause this Agreement to be executed by their duly authorized officers the day and year first above written.

**Brighton Development Inc.**

**CITY OF MERIDIAN**

By:   
Jonathan D. Wardle, President

By: \_\_\_\_\_  
Robert E. Simison, Mayor



## AGENDA ITEM

**ITEM TOPIC:** Agreement Between the City of Meridian and Challenger Development, Inc. to Accept Payment in Lieu of Installing Streetlights at Cache Creek Subdivision

**TO:** Mayor Robert Simison  
Members of the City Council

**FROM:** Jared Hale – Engineering Project Manager

**DATE:** 11/19/2021

**SUBJECT: AGREEMENT TO ACCEPT PAYMENT IN LIEU OF INSTALLING  
STREETLIGHTS AT CACHE CREEK SUBDIVISION**

**REQUESTED COUNCIL DATE:** 11/30/2021

---

**I. RECOMMENDED ACTION**

**A. Move to:**

1. Approve the attached agreement with Challenger Development Inc.
2. Authorize the Mayor to sign the agreement.

**II. DEPARTMENT CONTACT PERSONS**

Jared Hale, Engineering Project Manager	208-489-0370
Clint Dolsby, Assistant City Engineer	208-489-0341
Warren Stewart, City Engineer	208-489-0350
Laurelei McVey, Director of Public Works	208-985-1259

**III. DESCRIPTION**

**A. Background**

One of the site-specific conditions of approval for the Cache Creek Subdivision was to provide sufficient funds for the installation of street lighting along S. Locust Grove Road and E. Victory Road. The streetlights will be installed once the road is widened by 2 additional travel lanes.

**B. Proposed Project**

Pursuant to the attached agreement with Challenger Development Inc., the City has accepted the estimated amount of \$42,325, required to install those streetlights on S. Locust Grove Road and E. Victory Road. These funds will be used to install the provided streetlights when the road is widened by two travel lanes in conjunction with a future ACHD project between E. Amity Road and E. Lake Hazel Road. Challenger Development Inc. is in favor of this solution. They have signed the attached agreement and paid the \$42,325.

**IV. IMPACT**

**A. Strategic Impact:**

This agreement is in alignment with the Public Works Department's *Strategic Plan 2010-2015* Objective ENG-12, which is to increase street lighting throughout the City to enhance the safety of our citizens in a fiscally responsible manner.

**B. Service/Delivery Impact:**

This agreement will increase the street lighting along S. Locust Grove Road and E. Victory Road while ensuring that the lights are installed at the appropriate time and in the appropriate location.

**C. Fiscal Impact:**

Per this agreement, the City has received \$42,325. This is the estimated amount required to install the five lights along S. Locust Grove Road and E. Victory Road, and these funds will be reserved for that specific purpose.

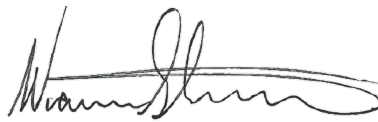
**V. TIME CONSTRAINTS**

Council approval of this agreement will allow Challenger Development Inc. to finalize the agreement, set aside the funds to install the street lights and meet this portion of the lighting requirements for final plat approval.

**VII. LIST OF ATTACHMENTS**

Agreement to Accept Payment in Lieu of Installing Streetlights on S. Locust Grove Road and E. Victory Road at Cache Creek Subdivision.

Approved for Council Agenda: \_\_\_\_\_





**AGREEMENT TO ACCEPT PAYMENT IN LIEU OF INSTALLING STREETLIGHT  
AT  
CACHE CREEK SUBDIVISION**

THIS AGREEMENT for streetlight installation, made this \_\_\_\_ day of November, 2021 between the **City of Meridian**, a municipal corporation organized under the laws of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho (hereinafter "City"), and **Challenger Development Inc.**, 1977 E. Overland Road, Meridian, ID 83642 (hereinafter "Challenger").

WHEREAS, Challenger has received from City, conditional approval of the Final Plat for the Cache Creek Subdivision, Case No. FP-2021-0028; and,

WHEREAS, One of the Site Specific Conditions of Approval of City's approval of FP-2021- 0028; is to install streetlights on all public roadways per the City of Meridian Improvement Standards for Street Lighting; and,

WHEREAS, Challenger is currently unable to install the required streetlights on S. Locust Grove Road and E. Victory Road in front of the Cache Creek Subdivision because S. Locust Grove Road and E. Victory Road have not been built out to its ultimate width; and,

WHEREAS, once the S. Locust Grove Road and E. Victory Road are improved, City is willing to install the required streetlights if Challenger has paid to City the estimated amount necessary to install the streetlights.

**NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

1. Challenger shall pay to City the amount of \$42,325.00 as the amount necessary to supply and install five (5) type 1 streetlights.
2. City agrees to accept the amount set forth in Article 1 in lieu of requiring Challenger to install the five (5) streetlights on S. Locust Grove Road and E. Victory Road in front of the Subdivision.
3. Upon payment of the amount in Article 1 by Challenger to City, Challenger's requirement to install the five (5) streetlights on S. Locust Grove Road and E. Victory Road shall be considered satisfied.
4. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their heirs, successors and assigns, and shall survive any transfer by Challenger of Challenger's Property.

IN WITNESS WHEREOF, the parties shall cause this Agreement to be executed by their duly authorized officers the day and year first above written.

**Challenger Development, Inc.**

**CITY OF MERIDIAN**

Item #6.

By:   
Corey Barton, Manager

By \_\_\_\_\_  
Robert E. Simison, Mayor



## AGENDA ITEM

**ITEM TOPIC:** Agreement Between the City of Meridian and Triple D Development, Inc. to Accept Payment in Lieu of Installing a Streetlight at Prevail No. 3 Subdivision



*Mayor Robert Simison*  
City Council Members  
Treg Bernt  
Joe Borton  
Luke Cavener  
Brad Hoaglund  
Jessica Perreault  
Liz Strader

**TO:** Mayor Robert Simison  
Members of the City Council

**FROM:** Jared Hale – Engineering Project Manager

**DATE:** 11/19/2021

**SUBJECT:** **AGREEMENT TO ACCEPT PAYMENT IN LIEU OF INSTALLING A STREETLIGHT AT PREVAIL NO. 3 SUBDIVISION**

**REQUESTED COUNCIL DATE:** 11/30/2021

---

**I. RECOMMENDED ACTION**

**A. Move to:**

1. Approve the attached agreement with Triple D. Development, Inc.
2. Authorize the Mayor to sign the agreement.

**II. DEPARTMENT CONTACT PERSONS**

Jared Hale, Engineering Project Manager	208-489-0370
Clint Dolsby, Assistant City Engineer	208-489-0341
Warren Stewart, City Engineer	208-489-0350
Laurelei McVey, Director of Public Works	208-985-1259

**III. DESCRIPTION**

**A. Background**

One of the site specific conditions of approval for the Prevail No. 3 Subdivision was to provide sufficient funds for the installation of street lighting along S. Meridian Road (State Highway 69). The streetlight will be installed once sufficient development has taken place in the area. ITD has historically required 1/2-1 mile segments of State Highways have continuous lighting.

B. Proposed Project

Pursuant to the attached agreement with Triple D. Development, Inc, the City will accept the estimated amount of \$8,465, required to install one streetlight on S. Meridian Road. These funds will be used to install a streetlight after sufficient development in the area has taken place, and ITD grants approval for lights between Amity and Lake Hazel. Triple D. Development, Inc. is in favor of this solution and has signed the attached agreement.

IV. **IMPACT**

A. Strategic Impact:

This agreement is in alignment with the Public Works Department's *Strategic Plan 2010-2015* Objective ENG-12, which is to increase street lighting throughout the City to enhance the safety of our citizens in a fiscally responsible manner.

B. Service/Delivery Impact:

This agreement will increase the street lighting along S. Meridian Road while ensuring that the light is installed at the appropriate time and in the appropriate location.

C. Fiscal Impact:

Per this agreement the City has received \$8,465. This is the amount required to install a light along the S. Meridian Road frontage.

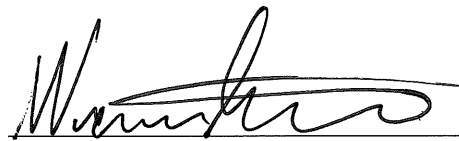
V. **TIME CONSTRAINTS**

Council approval of this agreement will allow Brighton Development, Inc. to finalize the agreement and meet this portion of the lighting requirements for final plat approval.

VII. **LIST OF ATTACHMENTS**

Agreement to Accept Payment in Lieu of Installing Streetlights on S. Meridian Road at Prevail No. 3 Subdivision.

Approved for Council Agenda:

A handwritten signature in black ink, appearing to be 'W. M. ...', is written over a horizontal line.

AGREEMENT TO ACCEPT PAYMENT IN LIEU OF INSTALLING STREETLIGHT  
AT  
PREVAIL NO. 3 SUBDIVISION

THIS AGREEMENT for streetlight installation, made this \_\_\_\_ day of November, 2021 between the **City of Meridian**, a municipal corporation organized under the laws of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho (hereinafter "City"), and **Triple D. Development Inc.**, P.O. Box 1115, Meridian, ID 83680 (hereinafter "Triple D").

WHEREAS, MWT has received from City, conditional approval of the Final Plat for the Prevail No. 3 Subdivision, Case No. FP H-2021-0044; and,

WHEREAS, One of the Site Specific Conditions of Approval of City's approval of FP H-2021-0044; is to install streetlights on all public roadways per the City of Meridian Improvement Standards for Street Lighting; and,

WHEREAS, Triple D is currently unable to install the required streetlight on S. Meridian Road in front of the Prevail No. 3 Subdivision because S. Meridian Road has not been built out to its ultimate width; and,

WHEREAS, once the S. Meridian Road is improved, City is willing to install the required streetlights if Triple D has paid to City the estimated amount necessary to install the streetlights.

**NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

1. Triple D shall pay to City the amount of \$8,465.00 as the amount necessary to supply and install one (1) type 1 streetlight.
2. City agrees to accept the amount set forth in Article 1 in lieu of requiring Triple D to install the one (1) streetlight on S. Meridian Road in front of the Subdivision.
3. Upon payment of the amount in Article 1 by Triple D to City, Triple D's requirement to install the one (1) streetlight on S. Meridian Road shall be considered satisfied.
4. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their heirs, successors and assigns, and shall survive any transfer by Triple D of Triple D's Property.

IN WITNESS WHEREOF, the parties shall cause this Agreement to be executed by their duly authorized officers the day and year first above written.

**Triple D. Development, Inc.**

By:   
Douglas R. McMaster, Manager

**CITY OF MERIDIAN**

By \_\_\_\_\_  
Robert E. Simison, Mayor



## AGENDA ITEM

**ITEM TOPIC:** Animal Welfare and Enforcement Agreement Between the City of Meridian and the Idaho Humane Society



# MEMO TO CITY COUNCIL

---

## Request to Include Topic on the City Council Agenda

<b>From:</b>	Scott Colaianni, Captain, MPD	<b>Meeting Date:</b>	November 30, 2021
<b>Presenter:</b>	Scott Colaianni, Captain, MPD	<b>Estimated Time:</b>	.5 minutes
<b>Topic:</b>	Animal Welfare and Enforcement Agreement Between the City of Meridian and the Idaho Humane Society		

---

### Recommended Council Action:

Approve the agreement and authorize the Mayor's signature.

**Background:** Pursuant to direction provided by City Council at the November 9, 2021 workshop, this agreement establishes terms and conditions of the City's agreement with the Idaho Humane Society from January 1, 2022 to September 30, 2022. By this agreement, the City agrees to pay IHS \$448,851 for animal control, animal shelter, and animal code enforcement services provided during this term. This agreement includes the following provision as requested by Council: "If IHS seeks to increase the contract price for animal welfare and enforcement services to be provided to Meridian in fiscal year 2023, IHS shall provide to Meridian the proposed increased price no later than May 1, 2022, and shall provide a presentation to Meridian City Council explaining the proposed increase by June 1, 2022."



**ANIMAL WELFARE AND ENFORCEMENT AGREEMENT  
BY AND BETWEEN THE CITY OF MERIDIAN AND THE IDAHO HUMANE SOCIETY**

This Animal Welfare and Enforcement Agreement ("Agreement") is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2021 ("Effective Date") by the Idaho Humane Society, Incorporated, an Idaho non-profit corporation ("IHS") and the City of Meridian, a municipal corporation and governmental subdivision, organized and existing pursuant to the laws of the State of Idaho ("Meridian"). IHS or Meridian individually may be referred to herein as a "Party" and collectively as the "Parties."

**WHEREAS**, Meridian desires the assistance of a third-party provider to aid in the provision of certain animal welfare and enforcement services, more particularly described in Exhibit A attached hereto and made a part hereof (the "Scope of Service"), which Meridian is authorized to provide pursuant to Idaho Code Sections 50-302, 50-319, 31-714, and various code provisions of Meridian; and

**WHEREAS**, IHS is uniquely qualified and able to provide the desired services within the territorial limits of Meridian safely and humanely, pursuant to the terms and conditions contained herein.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions set forth herein, the Parties agree as follows:

- A. Effective Date; Term.** The term of this Agreement is from January 1, 2022 (the "Effective Date") through September 30, 2022 (the "Termination Date") (the "Term").
- B. Purpose; Grant of Authority.** IHS shall be Meridian's animal welfare and enforcement contractor and shall be responsible for the enforcement of all applicable animal regulatory ordinances of Meridian City Code and applicable provisions of Idaho Code, except as otherwise stated herein or as IHS and Meridian may otherwise subsequently agree in writing. Nothing contained herein shall be interpreted to preclude Meridian from contracting separately with IHS for the provision of other services.
- C. Contract Price; Payment; Additional Compensation.**
  - 1. Contract Price.** For IHS' performance of services as contemplated by this Agreement during the Term, Meridian agrees to pay IHS the sum of four hundred forty-eight thousand, eight hundred fifty-one dollars (\$448,851).
  - 2. Payment.** Meridian shall pay this amount to IHS in nine (9) equal monthly installments, each installment payable on or before the 15th of each month during the Term.
  - 3. Additional Compensation.** IHS shall sell animal licenses on behalf of Meridian and collect applicable fees. These fees shall be remitted to Meridian as set forth in detail in Schedule 2, attached hereto and incorporated into this Agreement by reference. IHS shall collect animal licensing fees as set forth in Exhibit A. Nothing in this section shall be construed to limit the ability of Meridian to sell its own animal licenses or to permit other third-party entities to sell Meridian's animal licenses, and to collect the fees from such sales.
- D. Annual Review of Operating Expenses.** IHS's operating expenses shall be reviewed annually by the Parties and contract adjustments negotiated based on the budgeted amount in comparison to the actual amount spent on operating costs. If IHS seeks to increase the contract price for animal welfare and enforcement services to be provided to Meridian in fiscal year 2023, IHS shall provide

to Meridian the proposed increased price no later than May 1, 2022, and shall provide a presentation to Meridian City Council explaining the proposed increase by June 1, 2022.

- E. Independent Contractor.** In all matters between the Parties pertaining to this Agreement, the relationship between Meridian and IHS is that of principal and independent contractor. Neither IHS nor any person performing work on behalf of IHS shall be deemed to be an employee of Meridian. The selection and supervision of IHS's personnel performing work pursuant to this Agreement shall be in the sole discretion of IHS. Neither IHS nor any person performing work on behalf of IHS shall be deemed to acquire any of the rights, privileges, powers, or advantages of an employee of Meridian, or vice versa; however, those persons performing work on behalf of IHS shall act as a limited agent on behalf of Meridian, which limited agency granted herein shall be strictly limited to performance under this Agreement expressly set forth herein and shall not extend to any other purpose.
- F. Audits and Inspection.** At any time during normal business hours and as often as Meridian may deem necessary, there shall be made available to Meridian for examination all IHS's records concerning all matters covered by this Agreement. IHS shall permit Meridian to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, and other data relating to all matters covered by this Agreement. At their own expense, Meridian may individually or collectively annually hire an independent auditor to conduct a fiscal year audit of all expenses and revenues and services provided hereunder. Any auditor engaged by Meridian must use the generally accepted auditing standards. IHS shall maintain books, records, reports, and accounts adequate to allow the auditor to evaluate fully, assess, and audit IHS's performance of the Scope of Service.
- G. Grant of Authority to IHS.** Meridian agrees to, and shall, ensure that Meridian takes whatever action Meridian deems necessary to grant or delegate authority to IHS to perform services under this Agreement for that Meridian within Meridian's territorial limits.
- H. Compliance with Laws.** In the performance of services under this Agreement, IHS shall comply with all applicable federal, state, and Meridian's laws, regulations, and ordinances in effect or promulgated during the Term. This obligation includes timely payment of all taxes and license fees. If IHS determines it is unable to comply with any law, regulation, or ordinance in the performance of services under this Agreement, IHS must immediately notify Meridian in writing, and the Parties shall meet to attempt to resolve the matter between themselves with due diligence.
- I. Non-Waiver of Agreement Provisions.** Failure by the representatives of any of the Parties to, at any time, enforce or require strict compliance with any terms or conditions of this Agreement shall not constitute a waiver of, or affect, or impair such terms or conditions in any way; nor shall such failure affect the rights of the Parties to avail themselves at any time of such remedies as they may have for any breach of such terms or conditions against another Party.
- J. Indemnification.** These indemnification provisions apply only between IHS and Meridian, individually and separately. Under no circumstances shall these provisions be construed to require Meridian to indemnify, save, hold harmless, or defend IHS from, for, and against any or all claims, actions, judgments, damages, injuries to persons or property, losses, and expenses caused by or arising from another Meridian's codes that are deemed unconstitutional or in conflict with state or federal law; or the action, or failure to act, of another Meridian or another Meridian's officers, officials, employees, agents, or servants.

1. IHS shall indemnify, save, hold harmless, and defend Meridian from, for, and against any and all direct or third-party claims, actions, judgments, damages, injuries to persons or property, losses, liabilities, and expenses caused by, or arising out of an act or omission of IHS or IHS's officers, employees, agents, servants, and volunteers in connection with IHS's performance under this Agreement and not caused by or arising out of the tortious conduct of any of Meridian or their respective officers, officials, employees, agents, servants, and volunteers, or Meridian's code that is deemed unconstitutional or in conflict with state or federal law.
2. Notwithstanding anything to the contrary in this Agreement, the liability of Meridian is at all times strictly limited and controlled by the provisions of the Idaho Tort Claims Act, Idaho Code Sections 6-901 through 6-929, inclusive, as or hereafter amended. Nothing herein shall be deemed a waiver of any privilege, immunity, protection, or defense afforded to Meridian as a political subdivision of the state of Idaho, under the Idaho Constitution, the Idaho Tort Claims Act, or any other applicable law, and shall not be construed to waive any such protections, which are hereby expressly retained.

**K. Insurance.**

**1. Standard Insurance Coverages and Limits of Liability Required:**

- a. Worker's Compensation Insurance.** Where required by law, IHS shall have and maintain during the Term of this Agreement, Worker's Compensation Insurance, including Employer's Liability, meeting the statutory requirements of the state of Idaho. Employer's Liability insurance in the following minimum amounts:

Bodily Injury by Accident	\$100,000 each accident
Bodily Injury by Disease	\$500,000 policy limit
Bodily Injury by Disease	\$100,000 each employee

If any work is sublet, IHS shall require its subcontractors to provide proof of Worker's Compensation and Employer's Liability Insurance.

- b. Commercial General Liability.** IHS shall have and maintain throughout the Term, Commercial General Liability Insurance, with the following minimum limits of liability:

General Aggregate	\$2,000,000
Product/Completed Operations Aggregate	\$2,000,000
Personal & Advertising Injury Liability	\$1,000,000
Per Occurrence	\$1,000,000
Fire Legal Liability	\$ 50,000

- c. Automobile Liability Insurance.** For all owned, non-owned, and hired vehicles, IHS shall maintain throughout the Term, Business Automobile Liability insurance providing bodily injury and property damage liability coverage for a minimum of one million dollars (\$1,000,000) per occurrence limit. Business Automobile Liability insurance shall be written on a standard ISO policy form, or equivalent, providing coverage for liability arising out of owned, hired, or non-owned vehicles in connection with this Agreement. If IHS has no owned motor vehicles, then hired and non-owned motor vehicle liability coverage with a minimum limit of one million dollars (\$1,000,000) per accident for bodily injury and property damage is required.

2. **Additionally Insured.** IHS shall include Meridian as an additionally insured party to all of the insurance coverage listed above; which shall also be as primary and non-contributory with any insurance or self-insurance coverage or limits of liability maintained by Meridian, and in the form of a duly issued additional insured endorsement and attached to the policy or by the appropriate blanket additional insured policy wording, and in any other manner further required by IHS's insurance coverage to provide Meridian additional insured coverage as set forth herein.
3. **No Limitation of Liability.** Insurance coverage and limits of liability as specified herein are minimum coverage and liability requirements only. Nothing in this Agreement's requirements for minimum insurance coverage shall be interpreted to limit or release the liability of IHS or any of IHS's insurers.
4. **Require Separation of Insured Provision; Cross-Liability Exclusion; and Other Endorsements Prohibited.** IHS's insurance policy shall include a "separation of insureds" or "severability" clause that applies coverage separately to each insured and additional insured, except with respect to the limits of the insurer's liability. IHS's insurance policy shall not contain any provisions, exclusion, or endorsement that limits, bars, or effectively precludes Meridian from coverage or asserting a claim under IHS's insurance policy on the basis that the coverage or claim is brought by an insured or additional insured against an insured or additional insured under the policy. Failure to comply with any of the requisite insurance provisions shall be a material breach of this Agreement and grounds for termination of the Agreement or, if applicable, and at the discretion of Meridian, shall serve as grounds for Meridian to procure or renew insurance coverage with any related costs of premiums to be repaid by IHS or offset against the Contract payment to IHS.
5. **Evidence of Insurance.** IHS shall provide the following as evidence of insurance:
  - a. A certificate of liability insurance evidencing coverages, limits of liability, and other terms and conditions as specified herein. In the "Certificate Holder" field of the certification of insurance, the City of Meridian shall be written in; and
  - b. An attached designated additional insureds endorsement or blanket additional insureds wording to the required insurance policies that names each of Meridian.

At any time upon Meridian's request, IHS shall also cause to be timely furnished a copy of declarations pages and schedules of forms and endorsements. If Meridian tenders a claim or lawsuit for defense and indemnity invoking additional insured status, and the insurer either denies the tender or issues a reservation of rights letter, IHS shall also cause a complete and certified copy of the requested policy to be timely furnished to the requesting Meridian.
6. **Notice of Cancellation or Modification; Renewal.** IHS's certificates of insurance shall be signed by an authorized representative of the issuing insurance carrier and shall state that the issuing company shall provide the Parties with a minimum of thirty (30) days' written notice prior to canceling or reducing any of the policies or limits required by this Agreement. Renewal certificates or binders must be provided to the Parties a minimum of five (5) days prior to the effective date of the renewal. If binders are used, they must be replaced by appropriate insurance certificates no later than thirty (30) days after the effective date.

#### **L. Termination.**

1. Termination of this Agreement shall not relieve the Parties of their obligations or liability to each other incurred prior to the Termination Date.

2. This Agreement shall automatically terminate between every Meridian and IHS immediately upon the following events:

- a. IHS is dissolved; or
- b. The Term expires.

3. This Agreement shall terminate between Meridian and IHS upon the following events and with thirty (30) business days prior written notice to all the other Parties:

- a. Meridian or IHS gives the other Party written notice of termination, which termination shall be effective on the first day of the calendar month that is at least thirty (30) calendar days after delivery of such notice of termination;
- b. Meridian fails to appropriate adequate funds for this Agreement in its budget for the fiscal year, in which case the Meridian shall notify IHS of any non-appropriation of funds within thirty (30) business days of such non-appropriation; or
- c. Meridian and IHS agree, in writing, to terminate this Agreement.

**M. Additional Terms and Conditions.** Additional terms and conditions are contained in the attached Exhibit A.

**N. Miscellaneous Terms.**

1. **Integration.** This Agreement constitutes the entire agreement of the Parties with respect to its subject matter, and this Agreement supersedes all prior agreements and understandings, whether written or oral, with respect to its subject matter.

2. **Amendment.** This Agreement may be amended at any time by mutual written agreement signed by the authorized representative of each Party; provided, however, nothing contained herein shall be interpreted to preclude Meridian from contracting separately with IHS for the provision of other services.

3. **Interpretation.** This Agreement was reviewed by the Parties' legal counsel. Accordingly, this Agreement shall be interpreted and construed fairly, according to its plain language, and not for or against any Party, regardless of which Party drafted it or caused its drafting.

4. **Notices.** Each Party shall deliver all communications in writing either in person, by certified or registered mail (return receipt requested and postage prepaid), by email, or by a recognized overnight courier service, and addressed to the other Parties as set forth below:

Idaho Humane Society  
ATTN: Chief Executive Officer  
1300 S. Bird St.  
Boise, Idaho 83709

jrosenthal@idahohumanesociety.org

City of Meridian  
ATTN: City Clerk  
33 E. Broadway Avenue  
Meridian, Idaho 83642

cityclerk@meridiancity.org

Either Party may change its notice address by notifying the other Party as described in this section.

5. **Attorney's Fees.** In the event of any dispute or litigation arising from this Agreement or its subject matter, the prevailing party in such dispute or litigation may recover its costs and reasonable attorneys' fees as may be provided by applicable Idaho law.

6. **Assignment.** Neither IHS nor Meridian may assign any of their rights or obligations under this Agreement without first obtaining the written consent of the other.

7. **Choice of Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the state of Idaho. Venue for any action brought pursuant to this Agreement shall be in the Fourth Judicial District of the State of Idaho, in and for Ada County.

8. **Non-Discrimination in Employment.** In performing the services required herein, IHS or its subcontractors shall not discriminate against any person on the basis of race, color, religion, sex, sexual orientation, gender identity/expression, national origin or ancestry, age, or disability. It is IHS's responsibility to ensure that its subcontractors comply with this section.

9. **Severability.** Any section or provision of this Agreement that is held invalid by a court of competent jurisdiction shall be stricken, and the remainder of this Agreement shall continue in full effect.

10. **Counterparts.** The Parties may execute this Agreement in one or more counterparts, each of which shall be deemed an original, but all of which together shall be deemed on and the same instrument.

11. **Authority.** By such person's signature below, the person executing this Agreement on behalf of a Party warrants that such person has authority to sign on behalf of that Party.

12. **Approval Required.** This Agreement shall not become effective or binding until approved and executed by the Parties' respective governing boards.

**IN WITNESS WHEREOF**, the authorized agent or representatives of Meridian and IHS execute this Agreement and make it effective on the Effective Date first written above.

**Idaho Humane Society, Incorporated:**

By:

  
\_\_\_\_\_  
Dr. Jeff Rosenthal, Chief Executive Officer

**City of Meridian:**

By:

\_\_\_\_\_  
Robert E. Simison, Mayor

**ATTEST:**

\_\_\_\_\_  
Chris Johnson, City Clerk

## EXHIBIT A

### Scope of Service

The terms and conditions contained in this scope of service are expressly made a part of this Animal Welfare and Enforcement Agreement. IHS shall not be required to perform any task or be responsible for any duty, except as expressly stated herein.

- I. **Statutes and Ordinances.** IHS shall perform its duties under this Agreement in accordance with federal, state, and local laws and regulations. IHS shall act as a limited agent for Meridian to enforce applicable animal provisions of that Meridian's codes and applicable animal provisions of Idaho Code, and shall be responsible for selecting and training qualified animal enforcement and administration officers and employees to carry out these services. IHS shall enforce Meridian City Code, Title 6, Chapter 2, and carry out the duties of the animal control officer as set forth therein, including, without limitation: seizing and impounding animals that are at large and unattended in city limits; seizing, impounding, and euthanizing animals in accordance with IHS policies and the provisions of Meridian City Code; removing and properly disposing of the carcass of any dead animal found in any public place; declaring that an animal is abandoned; deciding whether an abandoned animal shall be euthanized or made available for adoption; declaring that a dog is a vicious dog; issuing uniform citations for violations of Meridian City Code; and providing the Meridian City animal shelter, to include adequate physical accommodations, materials, and staffing to provide basic housing, feeding, watering, vaccination, and supervision of animals impounded therein.
  
- II. **Animal Code Enforcement.** IHS shall act as the limited agent for Meridian in enforcing applicable animal code provisions of Meridian's codes and shall be responsible for selecting and training qualified animal enforcement and administration officers and employees to carry out these services.

#### A. General Enforcement.

1. **General Hours and Days of Service.** Enforcement services shall operate seven (7) days per week, from 8:00 a.m. to 7:00 p.m.
  
2. In performing duties under this Scope of Service:
  - a. IHS shall timely investigate all complaints and calls for animal enforcement service, and as contemporaneously as possible, draft clear and complete reports sufficient to support the prosecution of the offense.
  - b. IHS shall collect available evidence at the time of investigation and shall include it with the corresponding reports as may be necessary.
  - c. IHS shall timely file all citations and reports with the Court and/or prosecutor, as appropriate.
  - d. Upon request by Meridian, IHS shall timely provide to Meridian copies of the citation, reports, or evidence.
  - e. IHS shall appear on time for all court hearings and trials and shall be fully prepared to testify, including, without limitation: having reviewed all relevant reports, audio

recordings, video recordings, and other records and evidence in regard to which the subpoenaed IHS employee may be asked to testify.

- f. For any cases involving animal cruelty and nuisance violations (i.e., bites, barking, aggressive behavior, etc.) the investigating IHS Animal Control Officer shall search IHS's internal case management database for any prior incidents involving the same suspect animal-owner and/or animal. If prior incidents are discovered, a reference to such priors shall be included in the current investigation report.
- g. IHS officers and/or employees shall obey subpoenas and notify Meridian at the earliest opportunity of any scheduling conflicts that may prevent the appearance of a subpoenaed IHS employee at a scheduled court date or meeting.
- h. Meridian's designated prosecutor shall notify IHS at the earliest opportunity of any changes, delays, or cancellations of any court hearings or meetings to which the IHS employee is subpoenaed or scheduled to attend.
- i. IHS shall provide to Meridian an accurate telephone contact list containing the names, titles and direct office telephone numbers of IHS CEO, CFO, Director of Animal Control, Dispatch and Night Dispatch, and the work cell phone numbers, if any, for all Animal Control Officers. IHS shall provide Meridian updated contact lists within thirty (30) days of any changes.
- j. All IHS staff, including, without limitation: Animal Control Officers, and animal welfare dispatch staff, shall return all telephone messages and emails within forty-eight (48) hours of receipt of the message or email.
- k. Meridian shall return all telephone messages and emails from IHS employees within forty-eight (48) hours of receiving the message or email.

#### **B. Emergency Services.**

1. **Hours and Days of Emergency Services.** IHS shall operate emergency services twenty-four (24) hours per day, seven (7) days per week.
2. **Staffing.** IHS employee staffing levels shall be sufficient to provide on-going emergency services to Meridian. For purposes of this Agreement, "Emergency Services" shall include field calls for the following:
  - a. Injured stray dog or cat;
  - b. Dog bite or cat bite with animal still at-large;
  - c. Dog bite of such severity to require quarantine of the animal;
  - d. Vicious or threatening dog with the dog still at-large, constituting a threat to persons or domesticated animals;
  - e. Animal, caught in a trap that is making a disturbance, or that is injuring itself;
  - f. Dog, cat, or livestock causing traffic safety issue;



- g. Animal cruelty violations;
- h. Dangerous animal at-large;
- i. Exotic animals and wildlife;
- j. Multiple calls received on the same non-emergency animal-related problem (IHS officer to be on-call, and police dispatch will evaluate the circumstances to determine whether to respond); and
- k. Request from a law enforcement agency, received after the hours of regular enforcement services, for assistance with an animal.

**C. IHS Employee Training.**

- 1. **New Hires.** All new IHS Animal Control Officers and Dispatchers shall be provided adequate training by IHS. Such professional training shall include, without limitation: citation writing, incident report writing, witness interviewing and investigation skills, evidence collection, case management, preparation for court appearances, and court testimony.
- 2. **On-Going Training.** IHS shall provide on-going training to its IHS Animal Control Officers and Dispatchers for any gaps in skill sets and to address issues raised by Meridian regarding the performance of humane services by IHS in their jurisdictions.

**III. Animal Welfare Services.** IHS shall provide animal welfare services within the territorial limits of Meridian, including investigating complaints, responding to calls for service, patrolling (as time and personnel permit), issuing citations to suspected violators and following through by appearing to testify in court as appropriate, apprehending and impounding stray and other animals, picking up dead or injured animals within the public areas within the territorial limits of Meridian.

**A. General Animal Welfare Services.** IHS employee staffing levels shall be sufficient to provide the on-going general animal welfare services within the jurisdictions of Meridian as follows:

- 1. Impoundment of free-roaming animals to protect the public from animal attacks, bites, and accidents caused by such free-roaming animals.
- 2. Protection of public health through animal disease surveillance in conjunction with the Idaho Department of Health and Welfare.
- 3. Quarantine of disease-suspect and bite case animals.
- 4. Participation in local disaster planning to address animal-related issues.
- 5. Protection of animals by:
  - a. enforcement of cruelty to animals' statutes and codes;
  - b. transport of strays to IHS's shelter; and

- c. the transport of injured animals to IHS's veterinary hospital or other critical care facilities.
- 6. Removal and disposition of dead animals, whether wild or domesticated, from public areas of Meridian's jurisdictions.
- 7. Coordination with appropriate governmental agencies, private entities, and volunteer service groups to respond to reports of injured wild animals and provide transportation of such animals to veterinary hospitals or local wild animal rehabilitation facilities. IHS to act as a liaison in these cases (rather than referring the public to a different agency or entity) to create a great customer service experience and to ensure that animals are safe.
- 8. The provision of field services include, without limitation, responding to the following complaints and calls for service:
  - a. dog at large;
  - b. trapped dog (or other animals);
  - c. livestock at large;
  - d. excessive dog barking;
  - e. unlicensed dog;
  - f. dog or cat without rabies vaccination;
  - g. dogs threatening a person or domestic animal;
  - h. dog or cat bite;
  - i. injured or sick stray dog, cat, or other animals (including wild animals);
  - j. abandoned or mistreated animal;
  - k. negligently confined animal;
  - l. animal cruelty or neglect;
  - m. dead dog, cat, or other animals (including wild animals);
  - n. private kennel inspection;
  - o. prohibited or dangerous mammal or reptile investigation; and
  - p. unsanitary premises (e.g., excessive animal waste inspection).

**B. Shelter Services.**

- 1. Shelter Services shall be open to the public seven (7) days per week from 10:00 a.m. to 6:00 p.m.

- 2. IHS employee staffing levels shall be sufficient to provide the on-going shelter services for Meridian. For purposes of this Agreement, "Shelter Services" shall include:
  - a. Maintaining a lost and found program for animals.
  - b. Holding stray or lost animals in accordance with the applicable Meridian ordinance.
  - c. Examining stray and lost animals for licenses or identification chips, and if a license or chip is found, to make a reasonable attempt to return such animal to its owner.
  - d. Coordinating with IHS's veterinary clinic to ensure that all dogs and cats are spayed or neutered prior to adoption.
- C. Inspection of Breeding Operations.** IHS shall assist in the inspection of breeding operations, pet stores, and vendors of pets for compliance with Meridian's applicable ordinances.

#### **IV. Promotion of Responsible Animal Ownership.**

- A. Promotion of Animal Code Compliance.** IHS shall provide services designed to support the goal of responsible animal ownership in the respective territorial limits of Meridian, including, without limitation, public information and education, making recommendations for needed changes in policies, fees, ordinances and legislation, and other community animal welfare matters. IHS shall strive to reduce animal-related violations and increase voluntary compliance with animal-related provisions. This goal may be achieved by vigorous and prompt animal code enforcement, public education, and positive reinforcement for responsible pet owners who abide by the law.
- B. Reduction in Surrender, Impoundment, and Euthanization of Animals.** The Parties shall seek to reduce the number of animals surrendered and impounded at the IHS shelter and subsequently euthanized. For purposes of this Scope of Service and the underlying Agreement, an "Impounded Animal" is any animal picked up by IHS, Meridian, or a private citizen and then delivered to IHS.
- C. Humane Education Classes.** IHS shall provide court-ordered humane animal education classes to individuals convicted of animal cruelty and neglect regularly (no less frequently than every sixty (60) days). IHS may charge a fee for such humane animal education classes, which is paid by the individuals who attend such classes.
- D. Promote Animal Adoptions; Spay and Neuter.** To maximize the live-release rate of animals, IHS will make reasonable efforts to promote animal adoptions. IHS shall continually educate the public (with special educational outreach provided by IHS to local youth) regarding the benefits of spaying or neutering pets.
- E. Promote Dog License Code Compliance.** IHS shall promote citizen compliance with dog license ordinance provisions through participation in and cooperation with Meridian's licensing programs.
- F. IHS Recommendations.** IHS may provide Meridian with written recommendations for amendments to Meridian's animal-related ordinances or fee schedule in writing. Whether to accept and adopt such recommendations is in the sole discretion of Meridian.

**V. Recordkeeping; Reports and Documentation; Operating Procedures.**

**A. Recordkeeping.** IHS shall prepare and maintain complete and accurate records regarding the performance of Scope of Services, including, without limitation, detailed annual operating expenses records and the disposition of Impounded Animals. IHS shall account for services under this Agreement separately from other functions to the extent administratively feasible and shall provide a reasonable basis for allocated costs.

**1. Operating Expense Records.** IHS shall maintain accurate and complete records of its operating expenses in connection with the Scope of Services. The records shall be maintained in such a manner that IHS can provide information about its animal enforcement operating expenses separately from its other operations for Meridian.

**2. Fees Reconciliation Records.** IHS shall maintain accurate and complete records of the fees it collects on behalf of each of Meridian. Each year as part of its annual report to Meridian, IHS shall accurately reconcile all the fees on behalf of Meridian for the purpose of calculating the offset amount of Meridian's paid portion of IHS's annual operating expenses.

**B. Annual Report.** IHS shall provide a written annual report, no later than January 31st of each year to each of Meridian. The annual report shall be written in the format provided in Schedule 1, attached hereto and incorporated by reference, and share information regarding IHS's operational expenses, collection and reconciliation of fees, provided service levels, and education efforts provided to Meridian for the prior twelve (12) months. IHS shall maintain books, records, reports, and accounts adequate to allow the auditor to fully evaluate, assess and audit IHS's performance of the Scope of Service, as provided further in Section E of the Agreement.

**1. In-Person Presentation.** Meridian may request IHS to present the annual report or a subsequent report to its governing body at a public meeting. The in-person presentation shall occur within thirty (30) days of the request.

**2. Target Service Levels Documentation.** Part of the annual report to Meridian shall include documentation showing the current service levels in the Meridian jurisdiction in comparison to a three-year average baseline and provide projected target service levels for the next twelve (12) months. The documentation shall include statistical information with respect to the following services:

- a. number of field calls within the jurisdictions of Meridian, sorted by call category;
- b. IHS shall make available to Meridian the raw data of IHS Animal Control Officer response times to the calls for service upon request. IHS shall calculate and provide the average response times to calls for service within Meridian;
- c. number of citations issued for animal code violations;
- d. number of reports written and routed for prosecutor screening;
- e. number of Impounded Animals;
- f. number of days Impounded Animals were boarded;

- g. number of Impounded Animals returned to the owner;
- h. number of animals adopted;
- i. number of dog licenses sold by IHS;
- j. number of spay and neuter procedures performed;
- k. number of volunteer hours logged;
- l. number of animals fostered; and
- m. number of live-release rates for dogs and cats.

**C. Requested Reports and Documentation.** Meridian may request that IHS provide reports or documentation in addition to the annual report as may be necessary to assist Meridian in its budgeting process. IHS shall timely respond to all Meridian requests for additional reports and documents.

**D. Standard Operating Procedures.** IHS shall develop internal standard operating procedures and policies ("SOPs") related to the services provided under this Agreement. All applicable IHS employees are to be trained on these SOPs. Upon request, IHS shall produce a current and accurate written copy of these SOPs.

# SCHEDULE 1

## FORM OF ANNUAL REPORT

Idaho Humane Society Annual Statistics

Date: January \_\_\_\_, 20\_\_

	Ada County	Kuna	Boise	Meridian	Combined Total
City/County Field Calls divided by category:					
Aggressive					
Attack					
Barking					
Bite					
Dead/Injured					
Dog at Large					
Large/Small Animal Cruelty/Neglect					
Miscellaneous					
Pickup-Cat					
Pickup-Dog					
Total amount of calls					
IHS average response times to Calls for Service					
Number of citations issued for Animal Code violations					
Number of reports written and routed for prosecution					
Number of animals handled					
Number of animals impounded					
Average number of boarded days per animal					
Number of animals returned to owner					
Live-Release rate total					
Cats					
Dogs					
Number of spay/neuter procedures performed					
Number of animals fostered					
Number of animals adopted					
Number of city licenses sold by IHS					
Number of volunteer hours logged					

Signature \_\_\_\_\_

Date \_\_\_\_\_

## SCHEDULE 2

### DOG LICENSING FEES

The City of Meridian hereby authorizes and empowers IHS to issue dog licenses on behalf of Meridian in accordance with all applicable provisions of Meridian City Code and the following terms:

- A. Issuance of dog licenses:** IHS shall issue dog licenses only after verification of compliance with all provisions of Meridian City Code section 6-2-3(A)(2), including, but not limited to:
  - 1. Verification that the owner of any dog to be licensed is eligible for the license fee sought to be paid, *i.e.*, whether dog to be licensed is neutered or spayed; whether dog owner/user is visually or hearing impaired or disabled; whether dog owner is training such dog as seeing eye, hearing ear, or guide dog; and/or whether replacement license tag will indeed replace validly issued, lost tag.
  - 2. Collection of appropriate license fee.
- B. Rabies education.** IHS shall provide to each dog owner to whom a dog license is issued written information regarding the importance of vaccinating dogs against rabies.
- C. Official log:** IHS shall keep an official, monthly, written log of all dog licenses issued by IHS on the form provided by City and shall keep such written log complete and current at all times.
- D. Administrative fee:** City hereby authorizes IHS to collect and keep an administrative fee of fifty percent (50%) of the amount of each dog license fee collected on City's behalf.
- E. Monthly submission to City Clerk:** City shall provide dog license tags to IHS. At the end of each month during the term of this Agreement, IHS shall submit to the Meridian City Clerk:
  - 1. All dog license fees collected by IHS on City's behalf; and
  - 2. A true and correct copy of the IHS's monthly log, completed in full. Such fees and log shall be submitted to the Meridian City Clerk no later than the tenth (10th) day of the month following the month for which the fees were collected and the monthly log completed.
- F. Remission of discrepancy:** If, following the Meridian City Clerk's review and accounting of IHS's issuance of dog licenses, the Meridian City Clerk notifies IHS of a discrepancy in fees collected and data reported by IHS in the log or quantity of unissued tags, IHS shall remit to City funds in the amount of such discrepancy. IHS's obligation to remit to City funds in an amount corresponding to the number and type of dog licenses issued and the number of unissued dog license tags returned to City shall not be excused for any reason, regardless of IHS's assertion of loss, theft, misplacement, mistake, or mismanagement of fees, tags, and/or data.



## AGENDA ITEM

**ITEM TOPIC:** Master Interagency Governmental Agreement Between the City of Meridian and the Meridian Library District for Waiver of Costs and Fees





# MEMO TO CITY COUNCIL

---

## Request to Include Topic on the City Council Agenda

<b>From:</b>	Bill Nary, City Attorney	<b>Meeting Date:</b>	November 30, 2021
<b>Presenter:</b>	Bill Nary, City Attorney	<b>Estimated Time:</b>	.5 minutes
<b>Topic:</b>	Master Interagency Governmental Agreement with the Meridian Library District for Waiver of Costs and Fees		

---

### Recommended Council Action:

Approve the agreement and authorize the Mayor's signature.

**Background:** This master agreement outlines the general terms and conditions under which the City will waive development and building fees for construction projects undertaken by the Meridian Library District. The agreement contemplates that when MLD starts a specific project, MLD will contact the City Attorney, and he will notify City staff in Community Development, who will calculate the specific amount of fees that will be waived, pursuant to the terms of the master agreement and according to the City's fee schedule. Then the City Attorney will prepare a task order for waiver of specific fees for that project, to be reviewed and signed by the MLD Board, approved by City Council, and signed by the Mayor.

## MASTER INTERAGENCY GOVERNMENTAL AGREEMENT FOR WAIVER OF COSTS AND FEES

This MASTER INTERAGENCY GOVERNMENTAL AGREEMENT FOR WAIVER OF COSTS AND FEES ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021 ("Effective Date"), by and between Meridian Library District, a public library district organized under the laws of the State of Idaho ("District") and the City of Meridian, a municipal corporation organized under the laws of the State of Idaho ("City") (collectively, "Parties").

**WHEREAS**, District is a public library district organized and operating pursuant to Title 33, Chapter 27, Idaho Code, and City is a municipal corporation organized and operating pursuant to Title 50, Idaho Code;

**WHEREAS**, both Parties are taxing districts, as defined by Idaho Code § 63-201, and serve largely the same constituencies, comprised of the same taxpayers;

**WHEREAS**, District and City desire to enter into a fee waiver agreement whereby neither party may be obligated to pay certain specified fees or charges to the other; and

**WHEREAS**, Idaho Code § 67-2332 provides that one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform, provided that such contract is authorized by the governing body of each party and that such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties;

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, and in consideration of the mutual promises and covenants herein contained, and in consideration of the recitals above, which are incorporated herein, City and District agree as follows:

- I. **Purposes; powers.** In accordance with Idaho Code § 67-2332, the purposes, powers, rights, and objectives of each of the parties are as set forth in the recitals above. Each of the recitals above are incorporated into the body of this Agreement.
- II. **Fees to be waived; generally.** During the term of this Agreement, District shall not be obligated to pay to City the following enumerated fees and charges.
  - A. **Impact fees.** City shall waive impact fees that would otherwise be assessed by City pursuant to Title 10, Chapter 7, Meridian City Code.
  - B. **Development application fees.** City shall waive application fees for development applications submitted to City by District.
  - C. **Building permit fees – City employee services.** City shall waive fees for building permits submitted by District for which services are provided by City employees. City

shall not waive fees for building permits submitted by District for which services are provided by independent contractors.

- D. Plan review fees – City employee services.** City shall waive fees for building and fire plan review services provided to District by City employees. City shall not waive fees for building and fire plan review services provided to District by independent contractors.

**III. Process for fee waiver; specific projects.** District shall initiate, and City shall process, a fee waiver request pursuant to the following procedure:

- A. Request.** District may make a request that City waive fees under this Agreement for a particular project by submitting a written request for such waiver to the City Attorney.
- B. Enumeration and amount of waivable fees.** The City Attorney shall consult City staff in the Community Development, Public Works, and other City departments, as necessary to determine which fees qualify for a waiver pursuant to the terms of this Agreement, and the amount of each type of fee to be waived.
- C. Task order.** The City Attorney shall prepare a task order enumerating the type and amount of fees to be waived by City pursuant to this Agreement. Following execution of such task order by the respective governing boards of the Parties, the City shall waive otherwise applicable fees, pursuant to the terms of this Agreement and such task order.

**IV. Fees not waived.** City shall not waive the following fees, except and unless by written amendment or separate agreement signed by both Parties:

- A. Utility fees.** City shall not waive fees for any service related to utilities (*e.g.*, water, sewer, reclaimed water, meters, assessments).
- B. Fees not enumerated.** City shall not waive applicable fees for any service except as specifically set forth in this Agreement.

**V. General provisions.**

- A. Notice.** Any and all notice required to be provided by either of the Parties hereto, unless otherwise stated in this Agreement, shall be in writing and shall be deemed communicated upon mailing by United States Mail, or sent via e-mail, addressed as follows:

**District:**  
Director  
Meridian Library District  
1326 W. Cherry Lane  
Meridian ID 83642  
director@mld.org

**City:**  
City Clerk  
City of Meridian  
33 E. Broadway Ave.  
Meridian ID 83642  
cityclerk@meridiancity.org

Either party may change its address for the purpose of this provision by giving written notice of such change in the manner herein provided.

- B. Term.** This Agreement shall become effective as of the Effective Date upon execution by both parties, and shall expire on September 30, 2031, unless earlier extended or terminated. The term of this Agreement may be extended by written mutual agreement of District and City. If the parties fail to mutually extend this Agreement, and neither has terminated, the term of this Agreement, or such other terms as the parties have agreed upon in writing, shall be renewed automatically for one-year periods thereafter unless terminated by either party in the manner provided in this Agreement.
- C. Termination.** Either party may terminate this Agreement upon sixty (60) days' written notice to the other, provided, however, that any fees that would have been due and payable by the terminating party eighteen (18) months prior to the date of termination that were not owed due to the existence of this Agreement shall become immediately due and payable, and shall be paid on the date of termination of this Agreement.
- D. Waiver.** Each party shall waive and releases the other, and its agents, employees, heirs, executors, administrators, assigns, and/or personal representatives, from any and all civil claims and/or rights for damages that each party or such other persons or entities now have or may have hereafter have against the other and/or its employees, agents, officials, officers, volunteers, and guests, suffered in connection with or arising out of this Agreement.
- E. Constitutional debt limitation.** Nothing in this Agreement shall be construed to be an indebtedness or liability in violation of Article VIII, Section 3 of the Idaho Constitution.
- F. Costs and attorneys' fees.** If either party brings any action or proceedings to enforce, protect or establish any right or remedy under the terms and conditions of this Agreement, the prevailing party shall be entitled to recover reasonable costs and attorneys' fees, as determined by a court of competent jurisdiction, in addition to any other relief awarded.
- G. 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.
- H. Severability.** If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.
- I. Waiver, acknowledgments and modifications.** The failure of a party to insist on the strict performance of any provision of this Agreement or to exercise any right or remedy upon a breach hereof shall not constitute a waiver of any provision of this Agreement or limit such party's right to enforce any provision or exercise any right. No acknowledgments required hereunder, and no modification or waiver of any provision of

this Agreement or consent to departure therefrom, shall be effective unless in writing and signed by District and City.

- J. Scope of relationship.** The parties hereto agree that nothing herein contained shall be construed to create a joint venture, partnership, or other similar relationship which might subject any party to liability for the debts and/or obligations of the others, except as otherwise expressly agreed in this Agreement.
- K. Time is of the essence.** Time shall be of the essence for all events and obligations to be performed under this Agreement.
- L. Compliance with law.** Throughout the course of this Agreement, the Parties shall comply with any and all applicable federal, state, and local laws.
- M. Nondiscrimination.** Throughout the course of this Agreement, District shall not discriminate against any person as to race, creed, religion, sex, age, national origin, sexual orientation, or any physical, mental, or sensory handicap.
- N. 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, 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.
- O. Governing boards' approval required.** The validity of this Agreement shall be expressly conditioned upon action by the respective governing boards of the Parties to approve the Agreement.

**IN WITNESS WHEREOF,** the parties hereto have executed this Agreement the Effective Date written above.

**MERIDIAN LIBRARY DISTRICT:**



Megan Larsen, Chair  
Meridian Library District Board of Trustees

**CITY OF MERIDIAN:**

\_\_\_\_\_  
Robert E. Simison, Mayor

Attest: \_\_\_\_\_  
Chris Johnson, City Clerk



## AGENDA ITEM

**ITEM TOPIC:** Legal/Police Department: Presentation Regarding Idaho Opioid Settlement  
Intrastate Allocation Agreement



Mayor Robert E. Simison

**City Council Members:**

Treg Bernt  
Joe Borton  
Luke Cavener

Brad Hoaglund  
Jessica Perreault  
Liz Strader

TO: Robert E. Simison and Members of the City Council

FROM: Kurt Starman, Deputy City Attorney and Tracy Basterrechea, Police Chief

RE: Idaho Opioid Settlement Intrastate Allocation Agreement

DATE: November 22, 2021

**MEMORANDUM**

The State of Idaho recently joined two nationwide settlement agreements that resolve several opioid-related claims against Johnson & Johnson and three opioid distributors. Unless the City intends to pursue its own claims against Johnson & Johnson and the distributors, it would be advantageous for the City to join these settlement agreements, as well.

Based on the default allocation formula in the settlement agreements, the City would receive approximately \$431,000 over 17 years to combat the opioid crisis. These funds could be used, for example, to assist the Meridian Anti-Drug Coalition with its efforts.

As noted above, the settlement agreements include a default allocation formula. However, the settlement agreements also allow each state to develop its own allocation formula. Consequently, the State of Idaho is proposing an Intrastate Allocation Agreement that would modify the default allocation formula. Under the default allocation formula, settlement funds would be distributed as follows: 15 percent to the State; 15 percent to cities and counties; and 70 percent to a trust fund which would be administered by a committee. Under the Intrastate Allocation Agreement, the State would receive 40%; cities and counties would receive 40%; and the State's regional health districts would receive 20%. Under this formula, it is anticipated the City would receive approximately \$1,150,000 over 17 years (as opposed to \$431,000 under the default allocation formula). Further, the City would be eligible to receive additional funding associated with other pending opioid claims, including claims against Purdue Pharma. One disadvantage, however, is that the Intrastate Allocation Agreement includes additional reporting and accounting requirements, including a requirement for an audit each year that could cost up to \$7,000. Nevertheless, the Intrastate Allocation Agreement is superior to the default allocation formula because it would provide far more funding to the City to combat the opioid crisis.

The nationwide settlement agreements are not yet in final form. It is anticipated, however, that the settlement agreements will be ready for the City Council's consideration within the next 45 days. In the interim, the State is requesting that cities and counties approve the Intrastate Allocation Agreement by December 3, 2021. Therefore, Staff recommends that the City Council approve the Intrastate Allocation Agreement.



## AGENDA ITEM

**ITEM TOPIC:** Approval of Idaho Opioid Settlement Intrastate Allocation Agreement Between the State of Idaho, Health Districts, and Eligible Local Governments





Mayor Robert E. Simison

**City Council Members:**

Treg Bernt  
Joe Borton  
Luke Cavener

Brad Hoaglund  
Jessica Perreault  
Liz Strader

TO: Robert E. Simison and Members of the City Council

FROM: Kurt Starman, Deputy City Attorney and Tracy Basterrechea, Police Chief

RE: Idaho Opioid Settlement Intrastate Allocation Agreement

DATE: November 22, 2021

**MEMORANDUM**

The State of Idaho recently joined two nationwide settlement agreements that resolve several opioid-related claims against Johnson & Johnson and three opioid distributors. Unless the City intends to pursue its own claims against Johnson & Johnson and the distributors, it would be advantageous for the City to join these settlement agreements, as well.

Based on the default allocation formula in the settlement agreements, the City would receive approximately \$431,000 over 17 years to combat the opioid crisis. These funds could be used, for example, to assist the Meridian Anti-Drug Coalition with its efforts.

As noted above, the settlement agreements include a default allocation formula. However, the settlement agreements also allow each state to develop its own allocation formula. Consequently, the State of Idaho is proposing an Intrastate Allocation Agreement that would modify the default allocation formula. Under the default allocation formula, settlement funds would be distributed as follows: 15 percent to the State; 15 percent to cities and counties; and 70 percent to a trust fund which would be administered by a committee. Under the Intrastate Allocation Agreement, the State would receive 40%; cities and counties would receive 40%; and the State's regional health districts would receive 20%. Under this formula, it is anticipated the City would receive approximately \$1,150,000 over 17 years (as opposed to \$431,000 under the default allocation formula). Further, the City would be eligible to receive additional funding associated with other pending opioid claims, including claims against Purdue Pharma. One disadvantage, however, is that the Intrastate Allocation Agreement includes additional reporting and accounting requirements, including a requirement for an audit each year that could cost up to \$7,000. Nevertheless, the Intrastate Allocation Agreement is superior to the default allocation formula because it would provide far more funding to the City to combat the opioid crisis.

The nationwide settlement agreements are not yet in final form. It is anticipated, however, that the settlement agreements will be ready for the City Council's consideration within the next 45 days. In the interim, the State is requesting that cities and counties approve the Intrastate Allocation Agreement by December 3, 2021. Therefore, Staff recommends that the City Council approve the Intrastate Allocation Agreement.

## IDAHO OPIOID SETTLEMENT INTRASTATE ALLOCATION AGREEMENT BETWEEN THE STATE OF IDAHO, HEALTH DISTRICTS, AND ELIGIBLE LOCAL GOVERNMENTS

The State, by and through the Attorney General, and the undersigned Participating Local Governments and Participating Health Districts, in consideration of the promises and the mutual covenants set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, enter into this Idaho Opioid Settlement Intrastate Allocation Agreement (“Agreement”) and covenant and agree as follows:

### General Principles

Capitalized terms not defined below have the meanings set forth in the Definitions section of this Agreement.

- The people of the State of Idaho and Idaho communities have been harmed by the opioid epidemic, which was caused by misconduct committed by certain entities within the Pharmaceutical Supply Chain.
- The State of Idaho, *ex rel.* Lawrence Wasden, Attorney General (the “State”), and certain Participating Local Governments are separately engaged in litigation seeking to hold the Pharmaceutical Supply Chain Participants accountable for the damage they caused.
- The State, Health Districts, and the Participating Local Governments share a common desire to abate and alleviate the impacts of the Pharmaceutical Supply Chain Participants’ misconduct throughout the State of Idaho.
- Settlements resulting from the investigations and litigation with Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson have taken the form of National Settlement Agreements.
- This Agreement is intended to facilitate compliance by the State and by the Participating Local Governments with the terms of the National Settlement Agreements and, to the extent appropriate, with other settlements related to the opioid epidemic reached by both the State and Participating Local Governments.
- Idaho’s share of settlement funds from the National Settlement Agreements will be maximized only if all Idaho Local Governments of a certain size participate in the settlements.
- The National Settlement Agreements will set a default allocation between each State and its political subdivisions unless they enter into a state-specific agreement regarding the distribution and use of settlement amounts (a “State-Subdivision Agreement”), and this Agreement is intended to serve as such a State-Subdivision Agreement under the National Settlement Agreements.
- The State and certain Participating Local Governments are also involved in ongoing litigation with other Pharmaceutical Supply Chain Participants and the aforementioned investigations and litigation have caused some Pharmaceutical Supply Chain Participants

to declare bankruptcy, and they may cause additional entities to declare bankruptcy in the future.

- This Agreement is also intended to serve as a State-Subdivision Agreement for future resolutions of claims through settlement or in bankruptcy court where both the State and Participating Local Governments have filed suit concerning alleged misconduct in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic and the resolution of such claims provide for payments (including payments through a trust) to both the State and Participating Local Governments and allow for the allocation between a state and its political subdivisions to be set through a state-specific agreement (“Future Resolutions”). This includes but is not limited to serving as a Statewide Abatement Agreement under the bankruptcy resolutions in *In re Purdue Pharma L.P., et al.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.) and *In re Mallinckrodt PLC, et al.*, Case No. 20-12522 (JTD) (Bankr. D. Del.).
- The State is participating in litigation and investigations of certain other Pharmaceutical Supply Chain Participants for which Participating Local Governments are not involved and resolution of such claims are not subject to this Agreement.

## A. Definitions

As used in this Agreement

1. The terms “Future Resolutions,” “State,” and “State-Subdivision Agreement” are defined under General Principles in this Agreement.
2. “Approved Purpose(s)” shall mean those uses identified in the agreed Opioid Abatement Strategies attached as Exhibit A.
3. “Governing Body” means (1) for a county, the board of county commissioners; (2) for a municipality, the city council; and (3) for a health district, the district board of health.
4. “Health Districts” shall mean the seven regional public health districts created pursuant to Title 39, Chapter 4, Idaho Code.
5. “Litigating Participating Local Governments” means the Participating Local Governments that filed an initial complaint in the Opioid Litigation by September 1, 2020.
6. “MDL Litigation” means the matter captioned *In re: National Prescription Opiate Litigation*, MDL 2804 (N.D. Ohio).
7. “National Settlement Agreements” means the national opioid settlement agreements dated July 21, 2021, with Settling Defendants Johnson & Johnson and Distributors AmerisourceBergen, Cardinal Health and McKesson as well as their subsidiaries, affiliates, officers, and directors named in the National Settlement Agreements, including all amendments thereto.

8. “Non-Litigating Participating Local Governments” means the Participating Local Governments who are not Litigating Participating Local Governments.
9. “Non-Participating Health District” means a Health District who is not a Participating Health District.
10. “Non-Participating Local Government” means a city or county who is not a Participating Local Government.
11. “Opioid Funds” shall mean monetary amounts obtained through the National Settlement Agreements and Future Resolutions as defined in this Agreement. Not included are funds paid to the State to resolve State claims against Pharmaceutical Supply Chain Participants for which Participating Local Governments were not a party or did not otherwise participate. Also not included are funds paid to Participating Local Governments solely to resolve Participating Local Governments’ claims against Pharmaceutical Supply Chain Participants, not claims by the State.
12. “Opioid Litigation” means existing or potential legal claims against Pharmaceutical Supply Chain Participants seeking to hold them accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance relating to the unlawful manufacture, marketing, promotion, distribution, or dispensing of prescription opioids.
13. “Participating Local Government” shall mean a county or city within the geographic boundaries of the State who participates in this Agreement and who participates in the National Settlement Agreements and/or Future Resolutions. A Local Government may be a Participating Local Government under the National Settlement Agreements and not for some or all Future Resolutions or vice versa if it does not choose to participate in the National Settlement Agreements or some or all Future Resolutions. Eligible local governments include: (1) all counties within the State of Idaho; and (2) cities within the State of Idaho who are either involved in Opioid Litigation or who have a population of over 10,000.<sup>1</sup> For the avoidance of doubt, a county or city must sign this Agreement to become a “Participating Local Government.”
14. “Participating Health District” shall mean a Health District who agrees to participate in this Agreement and in the National Settlement Agreements and/or Future Resolutions. A Health District may be a Participating Health District under the National Settlement Agreements and not for some or all Future Resolutions or vice versa if it does not choose to participate in the National Settlement Agreements or some or all Future Resolutions. For the avoidance of doubt, a Health District must sign this Agreement to become a “Participating Health District.”
15. “Parties” shall mean the State, Participating Health Districts, and Participating Local Governments.
16. “Pharmaceutical Supply Chain” shall mean the process and channels through which licit opioids are manufactured, marketed, promoted, distributed, or dispensed.

<sup>1</sup> All references to population in this Agreement shall refer to published U. S. Census Bureau population estimates as of July 1, 2019, released March 2020, and shall remain unchanged during the term of this Agreement. These estimates can currently be found at <https://www.census.gov/data/datasets/time-series/demo/popest/2010s-counties-total.html>.

17. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of licit opioids.
18. “Public Health District Fund” means the fund established under Idaho Code § 39-422.
19. “State-Directed Opioid Settlement Fund” means the fund established under Idaho Code § 57-825.

## **B. Allocation of Settlement Proceeds**

1. All Opioid Funds shall be divided with forty percent (40%) to the State (“State Share”); forty percent (40%) to the Participating Local Governments (“LG Share”); and twenty percent (20%) to the Participating Health Districts (“HD Share”).<sup>2</sup>
2. All Opioid Funds, regardless of allocation, shall only be utilized for Approved Purposes included in Exhibit A. Compliance with this requirement shall be verified through reporting, as set out in Section D of this Agreement. The parties acknowledge that under the terms of the National Settlement Agreements there are certain allowed non-Opioid Remediation expenditures which require additional reporting under those agreements. Additionally, the parties acknowledge that under the National Settlement Agreements no less than eighty-five percent (85%) of the funds must be used for Opioid Remediation with at least seventy percent (70%) of funds used solely for future Opioid Remediation.
3. **Receipt and Distribution of the State Share:** Funds will be deposited into the State-Directed Opioid Settlement Fund after payment of attorney’s fees and costs to the State’s outside counsel as provided in Section C.
4. **Receipt and Distribution of the LG Share:** The LG Share shall be paid by check or wire transfer directly to the Participating Local Governments after payment of funds into the Idaho Attorney Fee Back-Stop Fund as provided in Section C.5. Each Participating Local Government will be allocated the percentage of the remaining LG Share as set forth in Exhibit B. Payments will be made directly to each Participating Local Government, and subject to the mechanisms for auditing and reporting set forth below to provide accountability and transparency to the public to verify appropriate use of the funds. Each Participating Local Government may elect to have its share reallocated to the Participating Health District within which it is located. Any funds allocated to a Non-Participating Local Government or to Participating Local Government that cannot be paid under the terms of this Agreement, the National Settlement Agreements, or a Future Resolution shall be allocated to the Participating Health District in which the Local Government is located. A county and some or all of its incorporated cities, in so far as all are Participating Local Governments, may enter into a separate intracounty allocation agreement to modify how the total funds available to said county and cities under Exhibit B are allocated amongst themselves. For the avoidance of doubt, a county or city must agree in writing in order to have its share reallocated under an intracounty allocation agreement. Such an agreement shall not modify any of the other terms or requirements of the National Settlements, Future Resolutions, or this Agreement.

<sup>2</sup> This Agreement assumes that any opioid settlement for Native American Tribes will be dealt with separately.

5. **Receipt and Distribution of the HD Share:** The HD Share shall be paid directly to the Public Health District Fund after payment of attorney's fees and costs to the State's outside counsel as provided in Section C. Funds would be allocated among each Participating Health District based on the aggregate of the percentages allocated to the Local Governments within each such Health District as determined pursuant to paragraph 4 above, and as set forth specifically in Exhibit C. These funds would also be subject to the mechanism for auditing and reporting set forth below to provide accountability and transparency to the public to verify appropriate use of the funds. Any funds allocated under Exhibit C to a Non-Participating Health District shall be allocated to the Participating Health Districts in proportion to the allocation set forth in Exhibit C. If any Participating Health District ceases to exist, the funds shall be allocated between the remaining Participating Health Districts as provided for in this paragraph. If all Participating Health Districts cease to exist, the HD Share will be split equally between the State Share and the LG Share.
6. The State, Participating Health Districts, and Participating Local Governments may coordinate for implementation of opioid remediation strategies. The Parties agree that collaboration promotes the effective use of Opioid Funds and that they will coordinate with trusted partners to collect and share information about successful regional and other high-impact strategies and opioid treatment programs.

### **C. Payment of Counsel and Opioid Litigation Expenses**

1. The Parties recognize that the funds being shared under this agreement were obtained through significant effort by outside counsel retained by the State and Litigating Participating Local Governments in the Opioid Litigation.
2. The National Settlement Agreements provide for the payment of all or a portion of the attorney's fees and legal expenses owed by the State and Litigating Participating Local Governments to outside counsel retained for Opioid Litigation. To effectuate this the court in the MDL Litigation has established a common benefit fund to compensate attorneys for services rendered and expenses incurred that have benefitted plaintiffs generally in the litigation (the "Common Benefit Fund"). The Parties anticipate that Future Resolutions may also provide for the payment of all or a portion of attorney's fees and legal expenses.
3. If funds for attorney's fees and expenses under the National Settlement Agreements, Future Resolutions, and the Common Benefit Fund are insufficient to cover the attorney fee obligations of the State and Litigating Participating Local Governments (as modified by Judge Polster's August 6, 2021 Order in the MDL Litigation), the deficiencies will be covered as set forth in further detail below.
4. Deficiencies for outside counsel for the State shall be paid as follows:
  - a. As a means of covering any deficiencies in payment for outside counsel retained by the State specifically for Opioid Litigation, five percent (5%) of the State Share and five percent (5%) of the HD Share from the National Settlements and Future Resolutions not exempt under Section C.7 shall be sent to outside counsel prior to payment to the State-Directed Opioid Settlement Fund and the Public Health

District Fund. No funds from the LG Share shall be used to pay attorney's fees for outside counsel for the State.

- b. Outside counsel for the State shall maintain the funds in a separate trust account, not comingled with other funds. Outside counsel for the State shall make application to the Idaho Attorney General's Office for payments out of the trust account for a deficiency, meaning the difference between what their fee agreements would entitle them to (as limited by this Section) minus what they have already collected from attorney fee funds established under the National Settlement Agreements and Future Resolutions and the Common Benefit Fund.
  - c. Any remaining funds in the account in excess of the amounts needed to cover the deficiency in attorney's fees as provided in this Section shall revert back to the State Share and HD Share and shall be allocated as provided in Section B.
  - d. Outside counsel for the State shall make a report to the Idaho Attorney General's Office every two (2) years setting forth the balance of the trust account and any outstanding potential deficiencies in order for the Idaho Attorney General's Office to assess whether the trust fund is overfunded and funds should be reverted or underfunded and more funding should be provided.
5. Deficiencies for outside counsel for Litigating Participating Local Governments shall be paid as follows:
  - a. As a means of covering any deficiencies in payment for outside counsel retained by Participating Local Governments specifically for the Opioid Litigation, a supplemental Idaho Attorney Fee Back-Stop Fund shall be established.
  - b. The Idaho Attorney Fee Back-Stop Fund shall be funded by ten percent (10%) of the LG Share from the National Settlement Agreements and Future Resolutions not exempt under Section C.7. No funds from the State Share and HD Share shall be used to pay attorney's fees to counsel for the Litigating Participating Local Governments. If some or all of the Participating Local Governments believe that ten percent (10%) will not be sufficient to cover a deficiency in attorney's fees those Participating Local Governments can enter into an agreement to hold back an additional amount of up to two and one-half percent (2.5%) of the LG Share allocated to those Participating Local Governments under Exhibit B to be put into the Idaho Attorney Fee Back-Stop Fund. For the avoidance of doubt, no funds above the original ten percent (10%) shall be held back to fund the Idaho Attorney Fee Back-Stop Fund from the share allocated to a Participating Local Government under Exhibit B without their express written agreement, and in no circumstance may the overall amount withheld exceed twelve and one-half percent (12.5%).
  - c. Payments out of the Idaho Attorney Fee Back-Stop Fund shall be determined by majority vote of a committee ("Idaho Attorney Fee Back-Stop Fund Committee") consisting of three members:
    - i. One (1) member appointed by the Litigating Participating Local Governments;

- ii. One (1) member appointed by the Non-Litigating Participating Local Governments; and
    - iii. One (1) member jointly appointed by all of the other members listed above.
  - d. Outside counsel retained by Litigating Participating Local Governments may apply to the Idaho Attorney Fee Back-Stop Fund only for a deficiency, meaning the difference between what their fee agreements would entitle them to (as limited by this Section) minus what they have already collected from attorney fee funds established under the National Settlement Agreements and Future Resolutions and the Common Benefit Fund. For the avoidance of doubt, collectively, outside counsel for Litigating Participating Local Governments are limited to being paid, at most, and assuming adequate funds are available under the National Settlement Agreements, Future Resolutions, the Common Benefit Fund and the Idaho Attorney Fee Back-Stop Fund, attorney's fees totaling fifteen percent (15%) of the LG Share.
  - e. Any funds remaining in the Idaho Attorney Fee Back-Stop Fund in excess of the amounts needed to cover the deficiency in attorney's fees as provided in this Section shall revert back to the LG Share and shall be allocated as provided in Section B.
  - f. Applications for funds from the Idaho Attorney Fee Back-Stop Fund must be supported by an affidavit of the attorney setting forth the basis and method of computation for the attorney's fees request. The Idaho Attorney Fee Back-Stop Fund Committee may also request additional documentation to support an application.
  - g. The Idaho Attorney Fee Back-Stop Fund Committee shall meet at least once annually to review applications and determine whether to release and/or revert funds. Every two (2) years, the Idaho Attorney Fee Back-Stop Fund Committee shall assess the amount remaining in the fund to determine if it is overfunded or underfunded.
6. The Parties agree that should a Future Resolution not provide for any payment of attorney's fees, the parties will confer and in good faith consider an amendment to this Section to provide for additional funds.
7. This Section (Section C) shall not apply to settlements involving McKinsey or the bankruptcy proceedings *In re Purdue Pharma L.P., et. al.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.) and *In re Mallinckrodt PLC, et al.*, Case No. 20-12522 (JTD) (Bankr. D. Del) or other Future Resolutions in so far as the express terms limit the payment of attorney's fees and would not allow for the payment of attorney's fees from the State Share, LG Share, and HD Share.



## **D. Compliance Reporting and Accountability**

1. Participating Health Districts, Participating Local Governments, and the State shall maintain, for a period of at least five (5) years, records of Opioid Fund expenditures and documents underlying those expenditures, so that it can be verified that funds are being or have been utilized in a manner consistent with the National Settlement Agreements, Future Resolutions, and this Agreement. During and after the term of this Agreement, the Attorney General shall have access to persons and records related to this Agreement and expenditures of Opioid Funds.
2. Opioid Funds can only be used for an Approved Purpose when the Governing Body of a Participating Local Government or Participating Health District includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Funds for that Approved Purpose during a specified period of time. The budget or resolution should: (1) indicate that it is an authorization for expenditure of Opioid Funds, (2) state the specific Approved Purpose the governing body intends to fund as identified in Exhibit A, and (3) state the amount dedicated to each Approved Purpose for a stated period of time.
3. Opioid Funds are subject to the financial audit requirements for Participating Local Governments and Participating Health Districts as provided under Idaho Law, and shall be separately accounted for in any such audit. If any such audit reveals an expenditure inconsistent with the terms of this Agreement, the Participating Local Government or Participating Health District shall immediately report the finding to the Idaho Attorney General.
4. For every fiscal year in which a Participating Local Government or Participating Health District receives, holds, or spends Opioid Funds, the Local Government or Health District must submit an annual financial report specifying the activities and amounts it has funded. The annual financial report shall be provided to the Idaho Attorney General by emailing the report to [opioidsettlement@ag.idaho.gov](mailto:opioidsettlement@ag.idaho.gov) within ninety (90) days of the last day of the state fiscal year covered by the report. Each annual financial report must include the following information: (1) the amount of Opioid Funds available at the beginning of the fiscal year; (2) the amount of Opioid Funds received during the fiscal year; (3) the amount of Opioid Funds disbursed or applied during the fiscal year, broken down by Approved Purposes set forth in Exhibit A; (4) the amount of Opioid Funds available at the end of the fiscal year. The annual financial reports provided to the Idaho Attorney General will be made publically available by publication on the Idaho Attorney General's website <https://www.ag.idaho.gov/consumer-protection/opioid-settlement/> and be maintained on that webpage for a period not less than five (5) years. The Attorney General will also post annual reports of State expenditures of Opioid Funds on the Idaho Attorney General's website and maintain said reports on the webpage for a period not less than five (5) years.
5. If the National Settlement Agreements or any Future Resolutions require that a Participating Local Government or Participating Health District file, post, or provide a report or other document beyond those described in this Agreement, or if any Participating Local Government or Participating Health District communicates in writing

with any national administrator or other entity created or authorized by the National Settlement Agreements or any Future Resolutions regarding compliance with the National Settlement Agreement or Future Resolutions, the Participating Local Government or Participating Health District shall email a copy of any such report, document, or communication to the Idaho Attorney General at [opioidsettlement@ag.idaho.gov](mailto:opioidsettlement@ag.idaho.gov).

6. Every Participating Local Government and Participating Health District shall make a good faith effort to comply with all of its reporting obligations under this Agreement. A Participating Local Government or Participating Health District that engages in a good faith effort to comply with its reporting obligations under Section D.7 and D.8 but fails in some way to report information in an accurate, timely, or complete manner shall be given an opportunity to remedy this failure within a reasonable time. A Participating Local Government or Participating Health District that does not engage in a good faith effort to comply with its reporting obligations under this Agreement, or that fails to remedy reporting issues within a reasonable time, may be subject to action for breach of contract. Notwithstanding anything to the contrary herein, a Participating Local Government or Participating Health District that is in substantial compliance with the reporting obligations in this Agreement shall not be considered in breach of this Agreement.
7. If it appears to the State that a Participating Local Government or Participating Health District is using or has used Opioid Funds for non-Approved Purposes, the State may on written request seek and obtain the documentation underlying the report(s) described in this Section (Section D), as applicable. The Participating Local Government or Participating Health District receiving such request shall have fourteen (14) days to provide the requested information. The State and the Participating Local Government or Participating Health District receiving such request may extend the time period for compliance with the request only upon mutual agreement.
8. Following a request made pursuant to D.7, if the State determines that a Participating Local Government or Health District spent any Opioid Funds on an expenditure inconsistent with the terms of this Agreement, the State shall send notice to the Participating Local Government or Participating Health District of such determination and allow sixty (60) days to cure the inconsistent expenditure through budget amendment or repayment. If a Participating Local Government or Participating Health District does not make the cure within sixty (60) days, the State may (i) reduce future Opioid Fund payments to that Participating Local Government or Participating Health District by an amount equal to the inconsistent expenditure; and (ii) to the extent the inconsistent expenditure is greater than the expected future stream of payments, initiate a process up to and including litigation to recover the overage. The State may recover any litigation expenses incurred to recover the funds. Any recovery or redistribution shall be distributed consistent with Section B.4 above.

## **E. Other Terms**

1. This Agreement shall become effective at the time a sufficient number of local governments have joined the Agreement to qualify this Agreement as a State-Subdivision

Agreement under the National Settlement Agreements or any Future Resolutions. If this Agreement does not thereby qualify as a State-Subdivision Agreement, this Agreement will have no effect. Once effective, this Agreement will remain in effect until at least one (1) year after the last date on which any Opioid Funds are spent by Participating Local Governments and Participating Health Districts pursuant to the National Settlement Agreements and any Future Resolutions.

2. The Parties agree to make such amendments as necessary to implement the intent of this agreement. After this Agreement becomes effective, amendments may only be made to this Agreement if approved in writing by the Attorney General and at least two-thirds of the Participating Local Governments and Participating Health Districts.
3. This Agreement shall be governed by and construed under the laws of the State of Idaho using Idaho law. Any action related to the provisions of this Agreement, except as otherwise provided in the National Settlement Agreements or Future Resolutions, must be adjudicated by the Idaho state courts of Ada County in the State of Idaho.
4. This Agreement does not supersede or alter the terms of the National Settlement Agreements or any Future Resolutions except to the extent those terms allow for a State-Subdivision Agreement to do so.
5. If any part of this Agreement is declared invalid or becomes inoperative for any reason, such invalidity or failure shall not affect the validity and enforceability of any other provision.
6. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall be considered one and the same agreement. A signature transmitted by facsimile or electronic image shall be deemed an original signature for purposes of executing this Agreement.
7. Each person signing this Agreement represents that he or she is fully authorized to enter into the terms and conditions of, and to execute, this Agreement on behalf of the named governmental entity, and that all necessary approvals and conditions precedent to his or her execution have been satisfied.

**FOR THE STATE OF IDAHO**



LAWRENCE G WASDEN  
ATTORNEY GENERAL  
STATE OF IDAHO

DATE: October 25, 2021

*[Other Signature Pages to Follow]*

**Exhibit A**  
**Approved Opioid Abatement Strategies**

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

**A. TREAT OPIOID USE DISORDER (OUD)**

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following<sup>1</sup>:

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Treatment of trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

<sup>1</sup> As used in this Exhibit A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs. Priorities will be established through the mechanisms described in the Public Creditor Trust Distribution Procedures.

## Exhibit A

### Approved Opioid Abatement Strategies

8. Training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD or mental health conditions, including but not limited to training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
14. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

#### **B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY**

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

**Exhibit A**  
**Approved Opioid Abatement Strategies**

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED**  
**(CONNECTIONS TO CARE)**

Provide connections to care for people who have – or at risk of developing – OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

**Exhibit A**  
**Approved Opioid Abatement Strategies**

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.



**Exhibit A**  
**Approved Opioid Abatement Strategies**

14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

**D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS**

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
  1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
  2. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
  3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
  4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;
  5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
  6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.



## Exhibit A

### Approved Opioid Abatement Strategies

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

**E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME**

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (NAS), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; expand long-term treatment and services for medical monitoring of NAS babies and their families.

**Exhibit A**  
**Approved Opioid Abatement Strategies**

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
6. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Enhanced family supports and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.
10. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

**F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS**

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:

**Exhibit A**  
**Approved Opioid Abatement Strategies**

1. Increase the number of prescribers using PDMPs;
2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increase electronic prescribing to prevent diversion or forgery.
8. Educate Dispensers on appropriate opioid dispensing.

**G. PREVENT MISUSE OF OPIOIDS**

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Fund community anti-drug coalitions that engage in drug prevention efforts.
6. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
7. Engage non-profits and faith-based communities as systems to support prevention.
8. Fund evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school

## Exhibit A

### Approved Opioid Abatement Strategies

employees, school athletic programs, parent-teacher and student associations, and others.

9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create of support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

#### **H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)**

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.

## Exhibit A

### Approved Opioid Abatement Strategies

9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Provide training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Support screening for fentanyl in routine clinical toxicology testing.

### PART THREE: OTHER STRATEGIES

#### **I. FIRST RESPONDERS**

In addition to items in section C, D and H relating to first responders, support the following:

1. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

#### **J. LEADERSHIP, PLANNING AND COORDINATION**

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid-

## Exhibit A

### Approved Opioid Abatement Strategies

or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.

3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

#### K. **TRAINING**

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

#### L. **RESEARCH**

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.

**Exhibit A**  
**Approved Opioid Abatement Strategies**

6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

**EXHIBIT B**  
**ALLOCATION OF LOCAL GOVERNMENT SHARE**

Local Government	Percentage of Local Government Share
Ada County, Idaho	13.2776278333%
Adams County, Idaho	0.1446831902%
Ammon City, Idaho	0.0812916024%
Bannock County, Idaho	3.0595589832%
Bear Lake County, Idaho	0.6082712041%
Benewah County, Idaho	0.6526829809%
Bingham County, Idaho	1.6421270812%
Blackfoot City, Idaho	0.6283857401%
Blaine County, Idaho	0.9137717551%
Boise City, Idaho	12.7586409110%
Boise County, Idaho	0.3309644652%
Bonner County, Idaho	2.5987361786%
Bonneville County, Idaho	3.7761253875%
Boundary County, Idaho	0.8788284447%
Burley City, Idaho	0.4485975363%
Butte County, Idaho	0.1839745518%
Caldwell City, Idaho	1.1958553249%
Camas County, Idaho	0.0422073443%
Canyon County, Idaho	5.0120113688%
Caribou County, Idaho	0.4396183832%
Cassia County, Idaho	0.7270235866%
Chubbuck City, Idaho	0.4841935447%
Clark County, Idaho	0.0420924425%
Clearwater County, Idaho	0.4890418390%
Coeur D'Alene City, Idaho	2.7593778237%
Custer County, Idaho	0.2133243878%
Eagle City, Idaho	0.1711876661%
Elmore County, Idaho	0.8899512165%
Franklin County, Idaho	0.5753624958%
Fremont County, Idaho	0.5716071696%
Garden City, Idaho	0.5582782838%
Gem County, Idaho	1.3784025725%
Gooding County, Idaho	0.6966472013%
Hayden City, Idaho	0.0047132146%
Idaho County, Idaho	0.8474305547%
Idaho Falls City, Idaho	3.8875027578%
Jefferson County, Idaho	0.9842670749%
Jerome City, Idaho	0.4169017424%
Jerome County, Idaho	0.6223444291%
Kootenai County, Idaho	5.6394798565%
Kuna City, Idaho	0.1849461724%

Local Government	Percentage of Local Government Share
Latah County, Idaho	1.2943861166%
Lemhi County, Idaho	0.4880814284%
Lewis County, Idaho	0.2882543555%
Lewiston City, Idaho	2.0176549375%
Lincoln County, Idaho	0.1930184422%
Madison County, Idaho	1.2748404845%
Meridian City, Idaho	2.4045650754%
Minidoka County, Idaho	0.9140620922%
Moscow City, Idaho	0.6590552650%
Mountain Home City, Idaho	0.5706694591%
Nampa City, Idaho	3.3274647954%
Nez Perce County, Idaho	1.2765833482%
Oneida County, Idaho	0.2371656647%
Owyhee County, Idaho	0.5554298409%
Payette County, Idaho	1.2750728102%
Pocatello City, Idaho	2.9494898116%
Post Falls City, Idaho	0.6781328826%
Power County, Idaho	0.3505171035%
Preston City, Idaho	0.1496220047%
Rexburg City, Idaho	0.1336231941%
Shoshone County, Idaho	1.2841091340%
Star City, Idaho	0.0001322772%
Teton County, Idaho	0.4258195211%
Twin Falls City, Idaho	1.8245765222%
Twin Falls County, Idaho	3.3104301873%
Valley County, Idaho	0.8074710814%
Washington County, Idaho	0.4917358652%



**EXHIBIT C**  
**ALLOCATION OF HEALTH DISTRICT SHARE**

<b>Health District</b>	<b>Percentage of Health District Share</b>
District 1 (Panhandle)	14.50%
District 2 (North Central)	6.87%
District 3 (Southwest)	13.38%
District 4 (Central)	31.95%
District 5 (South Central)	10.11%
District 6 (Southeastern)	11.31%
District 7 (Eastern)	11.88%

**IDAHO OPIOID SETTLEMENT INTRASTATE ALLOCATION AGREEMENT  
BETWEEN THE STATE OF IDAHO, HEALTH DISTRICTS, AND ELIGIBLE LOCAL  
GOVERNMENTS**

**SIGN-ON**

By signing below I represent that I am fully authorized to enter into the Idaho Opioid Settlement Allocation Agreement on behalf on the named governmental entity, and that all necessary approvals and conditions precedent to my execution have been satisfied.

Signature: \_\_\_\_\_

Name: Robert E. Simison

Title: Mayor

Governmental Entity: City of Meridian

Date: \_\_\_\_\_

**VOLUNTARY REALLOCATION**

**[DO NOT FILL OUT UNLESS YOUR GOVERNMENT HAS SIGNED ON ABOVE AND  
WISHES TO VOLUNTARILY REALLOCATE ITS SHARE OF FUNDS TO ITS REGIONAL  
PUBLIC HEALTH DISTRICT]**

By signing below I represent that the named governmental entity does not wish to receive the funds allocated to it under the Idaho Opioid Settlement Allocation Agreement and has authorized that its share of funds instead be allocated to the following regional public health district established under Title 39, Chapter 4, Idaho Code.

Name of Public Health District: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Governmental Entity: \_\_\_\_\_

Date: \_\_\_\_\_



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing and Second Reading Continued from November 23, 2021 of Ordinance No. 21-1954: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the (Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project, Which Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; and Providing an Effective Date



# MEMO TO CITY COUNCIL

## Request to Include Topic on the City Council Agenda

**From:** Cameron Arial, Community Development      **Meeting Date:** November 16, 2021  
**Presenter:** Cameron Arial      **Estimated Time:** 10 minutes  
**Topic:** Official Public Hearing and Second Reading of Ordinance No. 21-1954: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the (Option A)<sup>1</sup> Urban Renewal Plan for the Northern Gateway District Urban Renewal Project

### Recommended Council Action

There is the second reading of Ordinance 21-1954 approving the Urban Renewal Plan for the Northern Gateway District Urban Renewal Project. This is also the official hearing to take public comment regarding the Urban Renewal Plan for the Northern Gateway District Urban Renewal Project. There is no Council action required at this time. Council adoption of Ordinance No. 21-1954 is proposed to occur following the third and final reading on December 7, 2021.

### Background

On July 13, 2021, the Second Amendment to the Meridian Revitalization Plan deannexed 133 parcels from the original downtown Meridian Revitalization District which will sunset in 2026. The proposed Northern Gateway District (the "District") includes those deannexed parcels, in addition to 17 parcels not previously included in an urban renewal district.

The following required City and Meridian Development Corporation (MDC) actions and approvals have preceded this proposed ordinance approving the Urban Renewal Plan for the Northern Gateway District (the "Plan"):

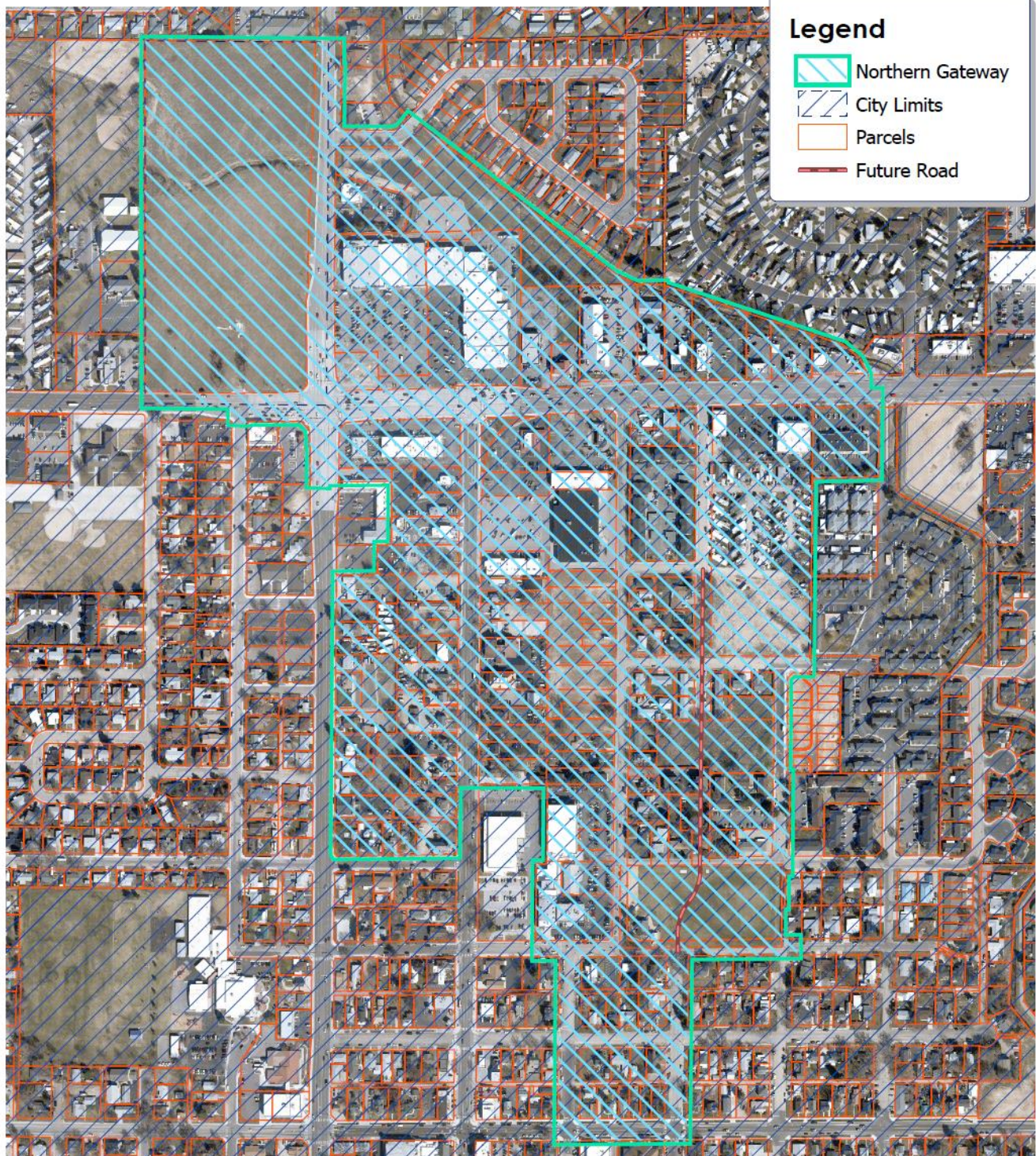
MDC Approval and Transmittal of Eligibility Report	June 9, 2021
City Council Approval of Eligibility Report	July 6, 2021
MDC Approval & Transmittal of Northern Gateway District Urban Renewal Plan	September 22, 2021
Planning and Zoning Commission Confirmation of Conformance of Northern Gateway Urban Renewal Plan with City Comprehensive Plan	October 7, 2021

The establishment of the 126.23-acre Northern Gateway District will encourage new investment and continued redevelopment of private properties, generating tax increment to fund capital improvements and continued public-private partnerships to support new development.

<sup>1</sup> Option A includes a 17.64-acre parcel known as the McFadden parcel at the northwest corner of Cherry Lane and Meridian Road, owned by Kobe LLC, which was officially annexed into the City on October 31, 2021. Option B excluded the parcel and was withdrawn by MDC following execution of a Development Agreement by the property owner and approval of annexation and Development Agreement by the City Council.



Northern Gateway District – Option A





Plan development began with identification of needed infrastructure improvements as well as potential projects that may be funded through future tax increment generated by anticipated new investment and redevelopment of properties within the proposed District. Specific street improvements and utility upgrades are cited in Plan Attachment 5.1 which lists a total of \$33,925,000 in improvements and projects.

Current market rents often cannot support rising development costs or produce the returns necessary to justify private equity investment or to secure traditional bank financing for the redevelopment of many small parcels throughout the District. The assemblage of parcels can spread soft developments costs over a larger area and, when coupled with MDC's ability to reimburse qualifying public infrastructure improvements associated with new construction, can spur development interest.

Based on projected new private investment of \$310,000,000, it is estimated that redevelopment and other Plan activities will generate tax increment revenue of \$35,085,665 over the 20-year life of the Plan (Attachment 5.2).

MDC will retain its "pay-as-go" philosophy, carefully considering funding assistance for qualifying development costs and activities on a reimbursement basis, with a nexus to increased tax increment resulting from new private investment.

### **Future Actions**

This is the official public hearing and second of three required ordinance readings. The third reading and adoption of the Northern Gateway Urban Renewal Plan are scheduled for December 7, 2021.

**CITY OF MERIDIAN ORDINANCE NO. 21-1954**

**BY THE CITY COUNCIL:**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, APPROVING THE (OPTION A) URBAN RENEWAL PLAN FOR THE NORTHERN GATEWAY DISTRICT URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND THE AFFECTED TAXING ENTITIES; PROVIDING SEVERABILITY; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Meridian City Council and Mayor of Meridian respectively on or about July 24, 2001, adopted and approved a resolution creating the Urban Renewal Agency of Meridian, Idaho, also known as the Meridian Development Corporation (“MDC” or the “Agency”), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the “Law”), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the “Act”) upon making the findings of necessity required for creating said Agency;

**WHEREAS**, on October 8, 2002, the City Council (the “City Council”) of the City of Meridian, Idaho (the “City”), after notice duly published conducted a public hearing on the Meridian Revitalization Plan Urban Renewal Project, which is also referred to as the Downtown District (the “Downtown District Plan”);

**WHEREAS**, following said public hearing, the City Council on December 3, 2002, adopted Ordinance No. 02-987 approving the Downtown District Plan, making certain findings and establishing the Downtown District revenue allocation area (the “Downtown District Project Area”);

**WHEREAS**, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Ten Mile Road -An Urban Renewal Project (the “Ten Mile Plan”). The public hearing was continued to June 21, 2016, for further testimony;

**WHEREAS**, following said public hearings, the City Council adopted its Ordinance No. 16-1695 on June 21, 2016, approving the Ten Mile Plan, making certain findings and establishing the Ten Mile revenue allocation area (the “Ten Mile Project Area”);

**WHEREAS**, the City Council, after notice duly published, conducted a public hearing on the First Amendment to the Meridian Revitalization Plan Urban Renewal Project (the “First Amendment to the Downtown District Plan”);

**WHEREAS**, following said public hearing, the City Council adopted its Ordinance No. 20-1881 on June 9, 2020, approving the First Amendment to the Downtown District Plan deannexing certain parcels from the Downtown District Project Area and making certain findings;

**WHEREAS**, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Union District Urban Renewal Project (the “Union District Plan”);

**WHEREAS**, following said public hearing, the City Council adopted its Ordinance No. 20-1882 on June 9, 2020, approving the Union District Plan, making certain findings, and establishing the Union District revenue allocation area, which included the parcels deannexed pursuant to the First Amendment to the Downtown District Plan (the “Union District Project Area”);

**WHEREAS**, the City Council, after notice duly published, conducted a public hearing on the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project (the “Second Amendment to the Downtown District Plan”);

**WHEREAS**, following said public hearing, the City Council adopted its Ordinance No. 21-1933 on July 13, 2021, approving the Second Amendment to the Downtown District Plan deannexing certain parcels from the Downtown District Project Area and making certain findings (collectively, the Downtown District Plan, and amendments thereto, are referred to as the “Existing Downtown District Plan,” and the Downtown District Project Area, and amendments thereto, are referred to as the “Existing Downtown District Project Area”);

**WHEREAS**, the Existing Downtown District Plan, the Ten Mile Plan, and the Union District Plan are collectively referred to as the “Existing Urban Renewal Plans” and their respective revenue allocation project areas are collectively referred to as the “Existing Project Areas;”

**WHEREAS**, there is an additional urban renewal plan and an urban renewal plan amendment and their respective revenue allocation project areas that may or will be considered by the City Council prior to December 31, 2021, specifically, the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project and the Urban Renewal Plan for the Linder District Urban Renewal Project, collectively referred to as the “Proposed Urban Renewal Plans” and their respective revenue allocation project areas are collectively referred to as the “Proposed Project Areas;”

**WHEREAS**, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

**WHEREAS**, an urban renewal plan shall (a) conform to the general plan for the municipality as a whole, except as provided in§ 50-2008(g), Idaho Code; and (b) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions;

**WHEREAS**, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must



make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

**WHEREAS**, based on inquiries and information presented by certain public entities, certain interested parties and property owners, MDC commenced certain discussions concerning examination of an area, most of which was located within the City, and a portion of which was located within the City's area of impact within unincorporated Ada County and subject to a pending voluntary annexation into the City, to determine whether the area may be deteriorating or deteriorated and should be examined as to whether such an area is eligible for an urban renewal project;

**WHEREAS**, in 2021, MDC authorized Kushlan | Associates to commence an eligibility study and preparation of an eligibility report for an area 126.226 acres in size, approximately 77 acres of which was deannexed from the boundaries of the Downtown District Project Area. The area is generally located in the central part of the City, northeast of the City's downtown core, and east of Meridian Road and south of Fairview Avenue extending to Pine Avenue between NE 2nd Street and E. 3rd Street, and which area also included a commercial area east of Meridian Road fronting Fairview Avenue on the north and a 17.64-acre parcel located on the northwest corner of Meridian Road and Cherry Lane. The eligibility study area is commonly referred to as the Northern Gateway District Study Area (the "Study Area");

**WHEREAS**, MDC obtained an eligibility report entitled Northern Gateway Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Report"), which examined the Study Area, which area also included real property located within unincorporated Ada County for the purpose of determining whether such area was a deteriorating area, a deteriorated area, or a combination of both a deteriorating area and a deteriorated area, as those terms are defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

**WHEREAS**, pursuant to Idaho Code Sections 50-2018(8), (9) and 50-2903(8), which define the qualifying conditions of a deteriorating area and a deteriorated area, several of the conditions necessary to be present in such an area are found in the Study Area, i.e.,

- a. the presence of a substantial number of deteriorated or deteriorating structures; and deterioration of site;
- b. age or obsolescence;
- c. the predominance of defective or inadequate street layout;
- d. faulty lot layout in relation to size, adequacy, accessibility, or usefulness; obsolete platting;
- e. insanitary or unsafe conditions; and
- f. diversity of ownership;

**WHEREAS**, the Study Area contains open land;

**WHEREAS**, under the Act a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. See, Idaho Code § 50-2903(8)(c);

**WHEREAS**, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list the additional conditions applicable to open land or open areas, including open land areas to be acquired by MDC, which are the same or similar to the conditions set forth in the definitions of “deteriorating area” and “deteriorated area;”

**WHEREAS**, the Study Area is not “predominantly” open; however, the Report addresses the necessary findings concerning including open land within any urban renewal area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

**WHEREAS**, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

**WHEREAS**, the MDC Board, on June 9, 2021, adopted Resolution No. 21-026, accepting the Report and authorized the Chair, Vice-Chair, or Administrator of MDC to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct MDC to prepare an urban renewal plan for the Study Area, which plan may include a revenue allocation provision as allowed by the Act;

**WHEREAS**, the City Council on July 6, 2021, adopted Resolution No. 21-2273, declared the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29 of Title 50, Idaho Code, as amended, that such Study Area is appropriate for an urban renewal project, and directed MDC to commence preparation of an urban renewal plan for the area designated;

**WHEREAS**, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

**WHEREAS**, the portion of the Study Area lying outside the City limits and within unincorporated Ada County was a 17.64-acre parcel located on the northwest corner of Meridian Road and Cherry Lane, and commonly referred to as 104 W. Cherry Lane, Meridian, Idaho, which parcel is owned by Kobe LLC and commonly referred to as the McFadden Property (the “McFadden Property”). At the time the City Council directed MDC to prepare an urban renewal plan for the Study Area, the McFadden Property was pending a voluntary annexation into the City;

**WHEREAS**, in order to implement the provisions of the Act and the Law either MDC may prepare a plan, or any person, public or private, may submit such plan to MDC;

**WHEREAS**, MDC and its consultants have under the planning process during 2021 for the area previously designated as eligible for urban renewal planning;

**WHEREAS**, MDC has embarked on an urban renewal project referred to as the (Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project (the “Northern Gateway District Plan”), as set forth in Exhibit 3 attached hereto, and the corresponding urban

renewal/revenue allocation area referred to as the Northern Gateway District Project Area (“Northern Gateway District Project Area” or “Revenue Allocation Area”), to redevelop a portion of the City, pursuant to the Law and the Act, as amended;

**WHEREAS**, the Northern Gateway District proposes to create an urban renewal area commonly known as the Northern Gateway District Project Area, which area is shown on the “Boundary Map of Northern Gateway District Urban Renewal Project Area and Revenue Allocation Area” and described in the “Legal Description of Northern Gateway District Urban Renewal Project Area and Revenue Allocation Area,” which are attached to the Northern Gateway District Plan as Attachments 1 and 2 respectively;

**WHEREAS**, the Act authorizes MDC to adopt revenue allocation financing provisions as part of an urban renewal plan;

**WHEREAS**, the Northern Gateway District Plan contains revenue allocation financing provisions as allowed by the Act;

**WHEREAS**, MDC and the City Council reviewed and considered the proposed public improvements within the Northern Gateway District Project Area during a joint meeting on August 24, 2021;

**WHEREAS**, the Agency Board considered all comment and information submitted to the Agency during several earlier Board meetings throughout 2021, and the Board meeting held on September 22, 2021;

**WHEREAS**, on September 22, 2021, the Agency Board passed Resolution No. 21-036 proposing and recommending the approval of the Northern Gateway District Plan;

**WHEREAS**, the Agency submitted the Northern Gateway District Plan to the Mayor and City Council;

**WHEREAS**, the Mayor and City Clerk have taken the necessary action in good faith to process the Northern Gateway District Plan consistent with the requirements set forth in Idaho Code Sections 50-2906 and 50-2008;

**WHEREAS**, pursuant to the Law, at a meeting held on October 7, 2021, the Meridian Planning and Zoning Commission considered the Northern Gateway District Plan and found by P & Z Resolution No 21-01 that the Northern Gateway District Plan is in all respects in conformity with the City of Meridian Comprehensive Plan, as may be amended (the “Comprehensive Plan”) and forwarded its findings to the City Council, a copy of which is attached hereto as Exhibit 1;

**WHEREAS**, the notice of public hearing of the Northern Gateway District Plan was caused to be published by the Meridian City Clerk in the *Idaho Press* on October 15 and 29, 2021, a copy of said notice is attached hereto as Exhibit 2;

**WHEREAS**, as of October 15, 2021, the Northern Gateway District Plan was submitted to the affected taxing entities and separately to the Ada County Highway District (“ACHD”), available to the public, and under consideration by the City Council;

**WHEREAS**, on October 12, 2021, the City Council held a public hearing on the annexation of the McFadden Property;

**WHEREAS**, the public hearing was continued to October 26, 2021;

**WHEREAS**, following the public hearing the City Council adopted Ordinance No. 21-1952 on October 26, 2021, annexing the McFadden Property, and the Ordinance Summary was published in the *Idaho Press*, on October 31, 2021;

**WHEREAS**, the City Council during its regular meeting of November 23, 2021, held such public hearing on the Northern Gateway District Plan as noticed;

**WHEREAS**, as required by Idaho Code sections 50-2905 and 50-2906, the Northern Gateway District Plan contains the following information with specificity which was made available to the general public and all affected taxing districts prior to the public hearing on November 23, 2021, the regular meeting of the City Council, at least thirty (30) days but no more than sixty (60) days prior to the date set forth final reading of the Ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

**WHEREAS**, the Northern Gateway District Plan authorizes certain projects to be financed by owner/developer participation agreements and proceeds from revenue allocation. Revenue allocation bonds or loans are permissible;

**WHEREAS**, appropriate notice of the Northern Gateway District Plan and revenue allocation provision contained therein has been given to the affected taxing districts and to the public as required by Idaho Code §§ 50-2008 and 50-2906;

**WHEREAS**, it is necessary and in the best interest of the citizens of the City, to adopt the Northern Gateway District Plan and to adopt, as part of the Northern Gateway District Plan,

revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Northern Gateway District Plan, in order to: encourage private development in the urban renewal area; prevent and arrest decay of the City due to the inability of existing financing methods to provide needed public improvements; encourage taxing districts to cooperate in the allocation of future tax revenues arising in the Northern Gateway District Project Area in order to facilitate the long-term growth of their common tax base; encourage private investment within the City; and to further the public purposes of the Agency;

**WHEREAS**, the City Council finds that the equalized assessed valuation of the taxable property in the revenue allocation area as shown and described in Attachments 1 and 2 of the Northern Gateway District Plan is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the Northern Gateway District Plan;

**WHEREAS**, under the Law and Act any such plan should provide for (1) a feasible method for the location of families who will be displaced from the urban renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan should conform to the general plan of the municipality as a whole; (3) the urban renewal plan should give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of the children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan should afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise;

**WHEREAS**, if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in the Law, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area;

**WHEREAS**, pursuant to Chapter 14, Title 40, Idaho Code, the Ada County Highway District ("ACHD") is granted certain authority and jurisdiction over public rights of way within the Northern Gateway District Project Area;

**WHEREAS**, ACHD also has the opportunity to provide comments on the proposed Northern Gateway District Plan;

**WHEREAS**, under the Law and Act, Idaho Code Sections 50-2903(8)(f) and 50-2018(8) and (9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in Section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years;

**WHEREAS**, the Agency obtained written consent concerning certain property within the Northern Gateway District Project Area, which may have been deemed an agricultural operation, as stated above. A true and correct copy of the agricultural operation consent is included as Attachment 6 to the Northern Gateway District Plan;

**WHEREAS**, the base assessment roll of the Northern Gateway District Project Area, together with the base assessment roll values of the Existing Project Areas, cannot exceed ten percent (10%) of the current assessed values of all the taxable property in the City;

**WHEREAS**, it is necessary, and in the best interests of the citizens of the City to adopt the Northern Gateway District Plan;

**WHEREAS**, the City Council at its regular meeting held on November 23, 2021, considered the Northern Gateway District Plan as proposed and made certain comprehensive findings.

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

**SECTION 1:** It is hereby found and determined that:

- (a) The Northern Gateway District Project Area as defined in the Northern Gateway District Plan is a deteriorated area or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, development and redevelopment of the urban renewal area pursuant to the Northern Gateway District Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Northern Gateway District Plan conforms to the City of Meridian Comprehensive Plan as a whole.
- (e) The Northern Gateway District Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed-use components of the Plan and the need for overall public improvements), and shows consideration for the health,

safety, and welfare of any children, residents, or businesses in the general vicinity of the urban renewal area covered by the Northern Gateway District Plan.

- (f) The Northern Gateway District Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development and redevelopment of the urban renewal area by private enterprises.
- (g) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(l), the Northern Gateway District Plan provides a feasible method for relocation obligations of any displaced families residing within the Northern Gateway District Project Area.
- (h) The collective base assessment rolls for the revenue allocation areas under the Existing Project Areas, the Proposed Project Areas and the Northern Gateway District Project Area, do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
- (i) The Plan includes the requirements set forth in Idaho Code § 50-2905 with specificity.
- (j) The Northern Gateway District Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes (if any), land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code section 50-2018(9) and Idaho Code section 50-2903(8)(f), does not include any agricultural operations for which the Agency has not received written consent.
- (l) The portion of the Northern Gateway District Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.
- (m) The portion of the Northern Gateway District Project Area which is identified for residential uses is necessary and appropriate as there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City.

- (n) The McFadden Property was timely annexed into the City and may be included within the boundaries of the Northern Gateway District Project Area.

**SECTION 2:** The City Council finds that the Northern Gateway District Project Area does include a portion of open land, that the Agency may acquire any open land within the Northern Gateway District Project Area, and that the Northern Gateway District Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses. Provided, however, the City Council finds that for the portions of the Northern Gateway District Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

**SECTION 3:** The City Council finds that one of the Northern Gateway District Plan objectives to increase the residential opportunity does meet the sound needs of the City and will provide housing opportunities in an area that does not now contain such opportunities, and the portion of the Northern Gateway District Project Area which is identified for nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of City's Comprehensive Plan, to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

**SECTION 4:** The Northern Gateway District Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the November 23, 2021, hearing and incorporate changes or modifications, if any.

**SECTION 5:** The boundaries of the Northern Gateway District Project Area overlap the boundaries of the ACHD, which has the responsibility for the maintenance of roads and highways within the City. The Agency has negotiated an agreement with the ACHD pursuant to Idaho Code Section 50-2908(2)(a)(iv).

**SECTION 6:** The City Council declares that nothing within the Northern Gateway District Plan is intended or shall be interpreted to usurp the jurisdiction and authority of ACHD as defined in chapter 14, Title 40, Idaho Code. Further, pursuant to Section 40-1415, Idaho Code, ACHD has authority over the planning, location, design, construction, reconstruction, and maintenance of the City rights of way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads, and retaining walls. In the planning process, ACHD shall take into consideration the principles contained in the Plan.

**SECTION 7:** No direct or collateral action challenging the Northern Gateway District Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Northern Gateway District Plan.

**SECTION 8:** Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Ada County Assessor, and to the appropriate officials of Ada County Board of County Commissioners, City of Meridian, Ada County Highway District, West Ada School District, Ada County Ambulance/EMS, Meridian Cemetery Maintenance District, College of Western Idaho, Meridian Free Library District, Mosquito Abatement District, the Western Ada Recreation District, and the State Tax Commission a copy of this Ordinance, a



copy of the legal description of the boundaries of the Revenue Allocation Area, and a map indicating the boundaries of the Northern Gateway District Project Area.

**SECTION 9:** The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Northern Gateway District Plan, the equalized assessed valuation of which the City Council hereby determines is in and is part of the Northern Gateway District Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Northern Gateway District Plan.

**SECTION 10:** The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Northern Gateway District Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

**SECTION 11:** So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code section 50-2006 to designate itself as the Agency Board.

**SECTION 12:** This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2021, to the extent permitted by the Act.

**SECTION 13:** The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such determination shall not affect the validity of remaining portions of this Ordinance.

**SECTION 14:** The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

**SECTION 15:** All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

**SECTION 16:** Savings Clause. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

PASSED by the City Council of the City of Meridian, Idaho, this \_\_\_\_ day of December 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this \_\_\_\_ day of December 2021.

**APPROVED:**

---

Robert Simison, Mayor

**ATTEST:**

---

Chris Johnson, City Clerk

**Exhibit 1**

A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating  
Conformity of the (Option A) Urban Renewal Plan for Northern Gateway District Urban Renewal  
Project with the City of Meridian's Comprehensive Plan

**CITY OF MERIDIAN****BY THE PLANNING AND  
ZONING COMMISSION****A RESOLUTION OF THE PLANNING AND ZONING COMMISSION FOR THE CITY  
OF MERIDIAN, IDAHO, VALIDATING CONFORMITY OF THE (OPTION A) URBAN  
RENEWAL PLAN FOR THE NORTHERN GATEWAY DISTRICT URBAN RENEWAL  
PROJECT WITH THE CITY OF MERIDIAN'S COMPREHENSIVE PLAN**

WHEREAS, the Urban Renewal Agency of the City of Meridian (the "City"), Idaho, also known as Meridian Development Corporation (hereinafter "MDC"), the duly constituted and authorized urban renewal agency of the City, has submitted the proposed (Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project (the "Northern Gateway District Plan") to the City; and

WHEREAS, the Mayor and Meridian City Council referred the Northern Gateway District Plan to the City Planning and Zoning Commission for review and recommendations concerning the conformity of said Northern Gateway District Plan with the City's Comprehensive Plan, as amended (the "Comprehensive Plan"); and

WHEREAS, on October 7, 2021, the City Planning and Zoning Commission met to consider whether the Northern Gateway District Plan conforms with the Comprehensive Plan as required by Idaho Code § 50-2008(b); and

WHEREAS, the City Planning and Zoning Commission has reviewed said Northern Gateway District Plan in view of the Comprehensive Plan; and

WHEREAS, the City Planning and Zoning Commission has determined that the Northern Gateway District Plan is in all respects in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF MERIDIAN, IDAHO:

Section 1. That the Northern Gateway District Plan, submitted by MDC and referred to this Commission by the Mayor and City Council for review, is in all respects in conformity with the City's Comprehensive Plan.

Section 2. That Exhibit A, the memorandum from Brian McClure, Comprehensive Associate Planner dated September 30, 2021, outlining the analysis supporting the determination that the Northern Gateway District Plan is in conformity with the City's Comprehensive Plan, is hereby adopted and incorporated as part of this Resolution.

Section 3. That the City Clerk is hereby authorized and directed to provide the Mayor and Meridian City Council with a signed copy of this Resolution relating to said Northern Gateway District Plan.

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

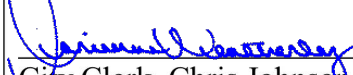
**ADOPTED** by the Planning and Zoning Commission of the City of Meridian, Idaho, this 7th day of October 2021.

**APPROVED:**



Chair, Planning and Zoning Commission  
By Andrew Seal Vice Chairperson

**ATTEST:**



City Clerk, Chris Johnson 10-07-2021  
By Adrienne Weatherly, Deputy City Clerk

## **Exhibit 2**

Notice Published in the *Idaho Press*

## LEGAL NOTICE

**NOTICE OF REGULAR MEETING AND PUBLIC HEARING BY THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO TO CONSIDER THE URBAN RENEWAL PLAN FOR THE NORTHERN GATEWAY DISTRICT URBAN RENEWAL PROJECT (OPTION A) OF THE URBAN RENEWAL AGENCY OF MERIDIAN, IDAHO, ALSO KNOWN AS MERIDIAN DEVELOPMENT CORPORATION**

NOTICE IS HEREBY GIVEN that on **Tuesday, November 23, 2021, at 6:00 p.m.** in City Council Chambers, Meridian City Hall, 33 E. Broadway Avenue, Meridian, Idaho, 83642, and/or in virtual meeting as may be noticed on the City's website ([www.meridiancity.org](http://www.meridiancity.org)), the City Council of the City of Meridian, Idaho ("City") will hold, during its regular meeting, a public hearing to consider for adoption the proposed Urban Renewal Plan for the Northern Gateway District Urban Renewal Project (Option A) (the "Plan"), of the Urban Renewal Agency of Meridian, Idaho, also known as Meridian Development Corporation ("Agency"). The urban renewal and revenue allocation area boundary is coterminous and is hereinafter described. The Plan proposes that the Agency undertake urban renewal projects, including identifying public facilities for funding, pursuant to the Idaho Urban Renewal Law of 1965, chapter 20, title 50, Idaho Code, as amended. The Plan being considered for adoption contains a revenue allocation financing provision pursuant to the Local Economic Development Act, chapter 29, title 50, Idaho Code, as amended, that will cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2021, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the Plan. The City Council will be considering the second reading of an ordinance to adopt the Plan at the meeting scheduled for November 23, 2021, at 6:00 p.m. An additional reading will follow consistent with the City's ordinance approval process.

The general scope and objectives of the Plan are:

- The engineering, design, installation, construction, and/or reconstruction of streets and streetscapes, including but not limited to improvements and upgrades to portions of Northeast 2nd Street, Northeast 2 1/2 Street, Northeast 3rd Street, Carlton Avenue, Washington Avenue, Main Street, Northeast 4th Street, Badley Avenue, Gruber Avenue, State Avenue, Pine Avenue, Meridian Road frontage north of Fairview, Cherry Lane, and Fairview Avenue frontage and related pedestrian facilities, curb and gutter, intersection and rail crossing improvements, and traffic signals;
- The engineering, design, installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state, and local regulations for storm water discharge and to support private development;
- The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;
- The engineering, design, installation, construction and/or reconstruction of sidewalks and related pedestrian facilities, curb and gutter and streetscapes, including but not limited to improvements to portions of Northeast 2nd Street, Northeast 2 1/2 Street, Northeast 3rd Street, Carlton Avenue, Washington Avenue, Main Street, Northeast 4th Street, Badley Avenue, Gruber Avenue, State Avenue, Pine Avenue, Meridian Road frontage north of Fairview, Cherry Lane, and Fairview Avenue frontage;
- The engineering, design, installation, construction, and/or reconstruction of utilities including but not limited to improvements and upgrades to the water distribution system, including extension of the water distribution system, water capacity improvements, water storage upgrades, sewer system improvements and upgrades, including extension of the sewer collection system, lift station, and improvements, and upgrades to power, gas, fiber optics, communications, and other such facilities;
- Removal, burying, or relocation of overhead utilities; removal or relocation of underground utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; undergrounding or piping of laterals; addition of fiber optic lines or other communication systems; public parking facilities, and other public improvements, including but not limited to fire protection systems, floodway and flood zone mitigation; and other public improvements that may be deemed appropriate by the Board;
- The engineering, design, installation, and/or construction of a public parking structure or structures and/or public surface parking lots and related public improvements;
- The acquisition of real property for public right-of-way and streetscape improvements, utility undergrounding, extension, upgrades, public parks and trails, pedestrian facilities, pathways and trails, recreational access points and to encourage and enhance housing affordability and housing diversity, enhance transit options and connectivity, decrease underutilized parcels, create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers for qualified developments;
- The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code Section 50-2011, and any disposition policies adopted by the Agency;
- The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility undergrounding extension and upgrades, public facilities, and to encourage and enhance housing affordability and housing diversity, enhance mobility options and connectivity, decrease underutilized parcels and surface parking lots, eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- The management of any property acquired by and under the ownership and control of the Agency;
- The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- The engineering, design, installation, construction, and/or reconstruction of below ground infrastructure to support the construction of certain municipal buildings pursuant to Idaho Code Section 50-2905A;
- The provision of financial and other assistance to encourage and attract business enterprise, including but not limited to start-ups and microbusinesses, mid-sized companies, and large-scale corporations;

p. The provision of financial and other assistance to encourage greater density and a diverse mix of rental rates and housing options;

q. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;

r. The preparation and assembly of adequate sites for the development and construction of facilities for mixed-use residential (including affordable and/or workforce housing when and if determined to be a public benefit), commercial, office, retail areas, medical facilities, and educational facilities;

s. The environmental assessment and remediation of brown-field sites, or sites where environmental conditions detrimental to redevelopment exist;

t. In collaboration with property owners and other stakeholders, working with the City to amend zoning regulations (if necessary) and standards and guidelines for the design of streetscape, plazas multi-use pathways, parks, and open space and other like public spaces applicable to the Project Area as needed to support implementation of this Plan;

u. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;

v. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;

w. The provision for relocation assistance to displaced Project Area occupants, as required by law, or within the discretion of the Agency Board for displaced businesses;

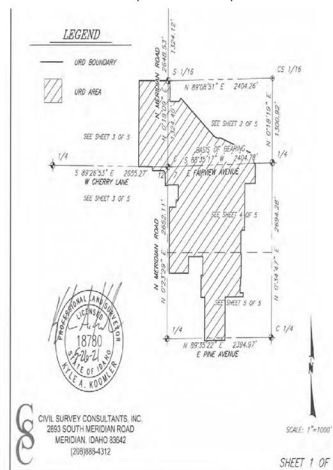
x. Agency and/or owner-developer construction, participation in the construction and/or management of public parking facilities and/or surface lots that support a desired level and form of development to enhance the vitality of the Project Area;

y. Other related improvements to those set forth above as further set forth in Attachment 5.

Any such land uses as described in the Plan will be in conformance with zoning for the City and the City's Comprehensive Plan, as amended. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Project Area.

The Urban Renewal Project Area and Revenue Allocation Area herein referred to is described as follows:

An area consisting of approximately 126 acres, inclusive of rights-of-way, and is generally east of Meridian Road and south of Fairview Avenue. A portion of the Project Area fronts the north side of Fairview Avenue east of Meridian Road. The Project Area also includes a 1764-acre parcel located at the northwest corner of Meridian Road and Cherry Lane, and as more particularly described in the Plan and depicted in the Map below:



Copies of the proposed Plan are on file for public inspection and copying at the office of the City Clerk, Meridian City Hall, 33 E. Broadway Avenue, Meridian, Idaho 83642, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, exclusive of holidays. Costs for copying are outlined in Idaho Code Section 74-102. The proposed Plan can also be accessed online at <https://bit.ly/NorthernGatewayA>. For additional assistance in obtaining a copy of the Plan in the event of business office interruptions, contact the office of the City Clerk at 208-888-4433.

At the hearing date, time, and place noted above (November 23, 2021, at 6:00 p.m.), all persons interested in the above matters may appear and be heard. Because social distancing orders may be in effect at the time of the hearing, written testimony is encouraged. Written testimony must be submitted at least five working days prior to the hearing. Oral testimony may be limited to three minutes per person. Information on assessing the meeting remotely will be posted on the published agendas, no later than 48 hours prior to the meeting at <https://meridiancity.org/agendas>. Additional information regarding providing testimony in compliance with any social distancing orders in effect may be obtained by calling 208-888-4433 or by email at [cityclerk@meridiancity.org](mailto:cityclerk@meridiancity.org).

Meridian City Hall is accessible to persons with disabilities. All information presented in the hearing shall also be available upon advance request in a form usable by persons with hearing or visual impairments. Individuals with other disabilities may receive assistance by contacting the City twenty-four (24) hours prior to the hearing.

DATED: October 8, 2021.

Chris Johnson, City Clerk

October 15, 29, 2021

156888

### **Exhibit 3**

(Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project



(Option A)

**URBAN RENEWAL PLAN FOR THE  
NORTHERN GATEWAY DISTRICT URBAN RENEWAL PROJECT**

**MERIDIAN URBAN RENEWAL AGENCY  
(also known as Meridian Development Corporation)**

**CITY OF MERIDIAN, IDAHO**

**Ordinance No. \_\_\_\_\_**

**Adopted \_\_\_\_\_**

**Effective \_\_\_\_\_**

## TABLE OF CONTENTS

	Page
100 INTRODUCTION .....	1
101 General Procedures of the Agency .....	4
102 Procedures Necessary to Meet State and Local Requirements: Conformance with Idaho Code Sections 50-2008 and 50-2906 .....	5
103 History and Current Conditions of the Area .....	6
104 Purpose of Activities .....	7
105 Open Land Criteria .....	9
200 DESCRIPTION OF PROJECT AREA.....	10
300 PROPOSED REDEVELOPMENT ACTIONS .....	10
301 General.....	10
302 Urban Renewal Plan Objectives .....	13
303 Participation Opportunities and Agreements .....	14
303.1 Participation Agreements.....	14
304 Cooperation with Public Bodies .....	16
305 Property Acquisition .....	17
305.1 Real Property .....	17
305.2 Personal Property .....	19
306 Property Management.....	19
307 Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project.....	19
308 Demolition, Clearance and Site Preparation .....	20
309 Property Disposition and Development .....	20
309.1 Disposition by the Agency.....	20
309.2 Disposition and Development Agreements .....	20
309.3 Development by the Agency.....	22
310 Development Plans .....	23
311 Personal Property Disposition.....	23
312 [Reserved] .....	23
313 Participation with Others .....	23
314 Conforming Owners.....	24
315 Arts and Cultural Funding .....	24
400 USES PERMITTED IN THE PROJECT AREA.....	24
401 Designated Land Uses.....	24
402 [Reserved] .....	24
403 Public Rights-of-Way .....	24

404	Other Public, Semi-Public, Institutional, and Nonprofit Uses .....	25
405	Interim Uses .....	26
406	Development in the Project Area Subject to the Plan .....	26
407	Construction Shall Comply with Applicable Federal, State, and Local Laws and Ordinances and Agency Development Standards .....	26
408	Minor Variations .....	26
409	Nonconforming Uses .....	27
410	Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement .....	28
500	METHODS OF FINANCING THE PROJECT .....	28
501	General Description of the Proposed Financing Method.....	28
502	Revenue Allocation Financing Provisions.....	29
502.1	Economic Feasibility Study .....	31
502.2	Assumptions and Conditions/Economic Feasibility Statement .....	31
502.3	Ten Percent Limitation .....	32
502.4	Financial Limitation.....	33
502.5	[Reserved] .....	35
502.6	Participation with Local Improvement Districts and/or Business Improvement Districts .....	35
502.7	Issuance of Debt and Debt Limitation .....	35
502.8	Impact on Other Taxing Districts and Levy Rate .....	35
503	Phasing and Other Fund Sources .....	38
504	Lease Revenue, Parking Revenue, and Bonds.....	38
505	Membership Dues and Support of Community Economic Development .....	39
600	ACTIONS BY THE CITY AND OTHER PUBLIC ENTITIES .....	39
601	Maintenance of Public Improvements .....	40
700	ENFORCEMENT .....	40
800	DURATION OF THIS PLAN, TERMINATION, AND ASSET REVIEW .....	40
900	PROCEDURE FOR AMENDMENT OR MODIFICATION .....	42
1000	SEVERABILITY .....	42
1100	ANNUAL REPORT AND OTHER REPORTING REQUIREMENTS .....	42
1200	APPENDICES, ATTACHMENTS, EXHIBITS, TABLES .....	43

### **Attachments**

Attachment 1	Boundary Map of Northern Gateway District Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Legal Description of Northern Gateway District Urban Renewal Project Area and Revenue Allocation Area
Attachment 3	Private Properties Which May be Acquired by the Agency
Attachment 4	Map Depicting Expected Land Use and Current Zoning Map of the Project Area
Attachment 5	Economic Feasibility Study
Attachment 6	Agricultural Operation Consent

## 100 INTRODUCTION

This is the Urban Renewal Plan (the “Plan”) for the Northern Gateway District Urban Renewal Project (the “Project”) in the city of Meridian (the “City”), county of Ada, state of Idaho. Attachments 1 through 6 attached hereto (collectively, the “Plan Attachments”) are incorporated herein and shall be considered a part of this Plan.

The term “Project” is used herein to describe the overall activities defined in this Plan and conforms to the statutory definition of an urban renewal project. Reference is specifically made to Idaho Code Sections 50-2018(10) and 50-2903(13) for the various activities contemplated by the term “Project.” Such activities include both private and public development of property within the urban renewal area. The Northern Gateway District Project Area is also referred to as the “Project Area” or the “Revenue Allocation Area.”

This Plan was prepared by the Board of Commissioners (the “Agency Board”) of the Meridian Urban Renewal Agency, also known as Meridian Development Corporation (the “Agency” or “MDC”), its consultants, and staff, and reviewed and recommended by the Agency pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”), and all applicable local laws and ordinances.

Idaho Code Section 50-2905 identifies what information the Plan must include with specificity as follows:

- (1) A statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality;
- (2) A statement listing the kind, number, and location of all proposed public works or improvements within the revenue allocation area;
- (3) An economic feasibility study;
- (4) A detailed list of estimated project costs;
- (5) A fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds are repaid, upon all taxing districts levying taxes upon property on the revenue allocation area;
- (6) A description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred;
- (7) A termination date for the plan and the revenue allocation area as provided for in Section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar

year following the last year of the revenue allocation provision described in the urban renewal plan; and

- (8) A description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets.

This Plan includes the above information with specificity.

The proposed development and redevelopment of the Project Area as described in this Plan conforms to the City of Meridian Comprehensive Plan (the “Comprehensive Plan”), adopted by the Meridian City Council (the “City Council”) on December 17, 2019, by Resolution No. 19-2179. The Agency intends to rely heavily on any applicable City zoning and design standards. This Plan also conforms to the goals set forth in Destination: Downtown, which is a vision plan for the long-term future of the downtown area of the City, which seeks to establish downtown as a premier destination and home to local business.

**This Plan is subject to the Plan modification limitations and reporting requirements set forth in Idaho Code Section 50-2903A. Subject to limited exceptions as set forth in Idaho Code Section 50-2903A, if this Plan is modified by City Council ordinance, then the base value for the year immediately following the year in which modification occurs shall include the current year’s equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency’s revenue stream.**

**A modification shall not be deemed to occur when “[t]here is a plan amendment to make technical or ministerial changes to a plan that does not involve an increase in the use of revenues allocated to the agency.” Idaho Code § 50-2903A(1)(a)(i). Annual adjustments as more specifically set forth in the Agency’s annual budget will be required to account for more/less estimated revenue and project timing, including prioritization of projects. Any adjustments for these stated purposes are technical and ministerial and are not modifications under Idaho Code Section 50-2903A.**

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the development, redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project Area. The Agency retains all powers allowed by the Law and Act. This Plan presents a process and a basic framework within which plan implementation, including contracts, agreements and ancillary documents will be presented and by which tools are provided to the Agency to fashion, develop, and proceed with plan implementation. The Plan has balanced the need for flexibility over the twenty (20)-year timeframe of the Plan to implement the improvements identified in Attachment 5, with the need for specificity as required by Idaho Code Section 50-2905. The Plan narrative addresses the required elements of a plan set forth in Idaho Code Section 50-2905(1), (2), (5), (7) and (8). Attachment 5, together with the Plan narrative, meet the specificity requirement for the

required plan elements set forth in Idaho Code Section 50-2905(2)-(6), recognizing that actual Agency expenditures are prioritized each fiscal year during the required annual budgeting process.

Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan. The public-private relationship is crucial in the successful development and redevelopment of the Project Area. Typically, the public will fund enhanced public improvements like utilities, streets, and sidewalks which, in turn, create an attractive setting for adjacent private investment for a mix of uses including residential, (including but not limited to increased density, and mixed income projects such as affordable and/or workforce housing), light industrial, commercial facilities, including office and retail, recreational, or other community facilities.

The purpose of the Law and Act will be attained through the implementation of the Plan. The priorities of this Plan are:

- a. The installation and construction of public improvements, including new local, collector and arterial streets; improvements to existing roadways and intersections, including the installation of traffic signals; installation of curbs, gutters and streetscapes, which for purposes of this Plan, the term “streetscapes” includes sidewalks, lighting, landscaping, benches, bike racks, public art, signage, way-finding, and similar amenities between the curb and right-of-way line, and other public improvements; installation and/or improvements to fiber optic facilities; improvements to public utilities including water and sewer improvements, and fire protection systems; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; installation and construction of pathways; and improvement of storm drainage facilities;
- b. The planning, design, construction and reconstruction of local roads and pathways to support access management, connectivity, and pedestrian mobility;
- c. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions;
- d. The strengthening of the economic base of the Project Area and the community by the installation of needed public improvements to stimulate new private development providing greater housing density and diversity of housing stock, increased employment opportunities and economic growth;
- e. The provision of adequate land for open space, street rights-of-way and pedestrian rights-of-way, including pathways along Meridian Road, East Fairview Avenue/West Cherry Lane, future 3<sup>rd</sup> Street, and Washington Avenue;

- f. The reconstruction and improvement of street corridors to allow traffic flows to move through the Project Area, along with the accompanying utility connections;
- g. The provision of public service utilities, which are necessary to the development of the Project Area, such as water system improvements, sewer system improvements, and improvements to the storm drainage facilities;
- h. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- i. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located;
- j. The acquisition of real property to support development and/or redevelopment initiatives consistent with the Law and Act; and
- k. The funding of necessary public infrastructure to accommodate both public and private development.

## **101 General Procedures of the Agency**

The Agency is a public body, corporate and politic, as defined and described under the Law and the Act. The Agency is also governed by its bylaws as authorized by the Law and adopted by the Agency. Under the Law, the Agency is governed by the Idaho open meeting law; the Public Records Act; the Ethics in Government Act of 2015, Chapters 1, 2 and 4 of Title 74, Idaho Code; reporting requirements pursuant to Idaho Code Sections 67-450B, 67-1076<sup>1</sup>, 50-2903A and 50-2913; and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code, as well as other procurement or other public improvement delivery methods.

Subject to limited exceptions, the Agency shall conduct all meetings in open session and allow meaningful public input as mandated by the issue considered or by any statutory or regulatory provision.

The Agency may adopt separate policy statements. Any modification to any policy statement is a technical or ministerial adjustment and is not a modification to this Plan under Idaho Code Section 50-2903A.

---

<sup>1</sup> Pursuant to House Bill 73, passed during the 2021 Legislative Session, significantly effective as of January 1, 2021, with the remaining sections in full force and effect on and after January 1, 2022, Idaho Code Section 67-450E is superseded by Idaho Code Section 67-1076.



## **102 Procedures Necessary to Meet State and Local Requirements: Conformance with Idaho Code Sections 50-2008 and 50-2906**

Idaho law requires that the City Council, by resolution, must determine a geographic area be a deteriorated area or a deteriorating area, or a combination thereof, and designate such area as appropriate for an urban renewal project prior to preparation of an urban renewal plan. A consultant was retained to study a proposed project area (the “Study Area”) and prepare an eligibility report. The Northern Gateway Urban Renewal District (Proposed) Eligibility Report (the “Report”) was submitted to the Agency. The Agency accepted the Report by Agency Resolution No. 21-026 on June 9, 2021, and thereafter submitted the Report to the City Council for its consideration<sup>2</sup>.

The Study Area was deemed by the City Council to be a deteriorating area and/or a deteriorated area and therefore eligible for an urban renewal project by adoption of Resolution No. 21-2273 on July 6, 2021. With the adoption of Resolution No. 21-2273, the City Council declared the Study Area described in the Report to be a deteriorated area and/or a deteriorating area as defined by the Law and Act, and further directed the Agency to commence preparation of an urban renewal plan.

Under the Law and Act, Idaho Code Sections 50-2903(8)(f) and 50-2018(8) and (9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in Section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years.

In accordance with the Law and Act, the necessary agricultural operation consent was obtained from the owner of the agricultural operation within the Project Area for property that has been used as an agricultural operation within the last three (3) years. A copy of the agricultural operation consent is attached hereto as Attachment 6.

An underdeveloped seventeen (17) acre parcel located in the northwest corner of the Project Area and generally bounded by Meridian Road on the east and Cherry Lane on the south was originally located within unincorporated Ada County. The parcel was annexed into the City prior to City Council consideration of this Plan.

The Plan was prepared and submitted to the Agency for its review and approval. The Agency approved the Plan by the adoption of Agency Resolution No. 21-036, on September 22, 2021, and submitted the Plan to the City Council with its recommendation for adoption.

In accordance with the Law, this Plan was submitted to the Planning and Zoning Commission of the City. After consideration of the Plan, the Commission reported to the City Council that this Plan is in conformity with the City’s Comprehensive Plan.

---

<sup>2</sup> Following adoption of Agency Resolution No. 21-026, technical minor edits were made to the Report.

Pursuant to the Law and Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was duly published in the *Idaho Press*, a newspaper having general circulation in the City. The City Council adopted this Plan on \_\_\_\_\_, \_\_\_\_\_, by Ordinance No. \_\_\_\_\_.

### **103 History and Current Conditions of the Area**

As more specifically described in the Report, this Project Area is generally located in central Meridian, northeast of the City's downtown core. The Project Area contains approximately 126 acres, inclusive of rights-of-way, and is generally east of Meridian Road and south of Fairview Avenue. A portion of the Project Area fronts the north side of Fairview Avenue east of Meridian Road. The Project Area also includes a 17.64-acre parcel located at the northwest corner of Meridian Road and Cherry Lane.

The Project Area includes mixed zoning for primarily commercial and residential uses. Current uses may not be wholly consistent with zoning and/or the City's vision set forth in the Comprehensive Plan and/or Destination: Downtown, wherein the vision for this area contemplates four (4) main goals promoting livability, mobility, prosperity, and sustainability. The use of the urban renewal tool to support these goals is critical to the success of the vision. Current conditions reflect aged residences converted to commercial uses over time with nineteen (19) vacant parcels. More than half of the Project Area is devoted to commercial uses and/or vacant parcels zoned for commercial use, with residential uses being the next most significant land use category. The Project Area's largest single parcel is the 17.64-acre underdeveloped parcel located in the northwest corner of Meridian Road and Cherry Lane. In its totality the Project Area is reflective of the shifting urban geography of the City. The Report cites a number of deteriorating conditions existing within the Project Area, including a substantial number of deteriorating or deteriorated structures, deterioration of site, age or obsolescence, the predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, obsolete platting, insanitary and unsafe conditions, and diversity of ownership. Together with deteriorating infrastructure, diversity of ownership represents a significant impediment to development: 105.63 parcel acres in the Project Area are owned by one hundred and fifty (150) entities, which can create issues with necessary property assemblage to support economic development and/or housing opportunities. The foregoing conditions have arrested or impaired growth in the Project Area.

The Plan proposes installation and improvements to rights-of-way (arterials, collectors, and local roads), pathways, sidewalks, curbs, gutters, and other streetscape improvements; transit infrastructure; public parking facilities; public infrastructure, including improvements to sewer and water infrastructure, power and fiber installation and/or upgrades; property acquisition to support economic development and housing opportunities and other publicly owned assets throughout the Project Area, as more specifically set forth in Attachment 5, creating the opportunity to revitalize the Project Area and to support transportation infrastructure, as well as mixed-use residential and commercial development consistent with the City's Comprehensive Plan and Destination: Downtown. Other identified improvements include façade improvements; historic lighting; wayfinding/signage; installation and/or improvements to public plazas, parks,

and open space; environmental remediation; and related planning studies to best implement the proposed public infrastructure improvements.

The 17-acre undeveloped parcel, together with the other approximately 19 vacant parcels are underdeveloped and are not being used to their highest and best use. A goal of this Plan is to support development opportunities of this site that will ultimately contribute significantly to the tax base.

The preparation and approval of an urban renewal plan, including a revenue allocation financing provision, gives the City additional resources to solve the transit, public infrastructure, and development impediment issues in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the Project Area may be used by the Agency to finance a variety of needed public improvements and facilities. Finally, some of the new developments may also generate new jobs in the community that would, in turn, benefit area residents long-term. Additionally, the proposed infrastructure improvements could support a variety of housing opportunities with diverse rental and income ranges, which supports and adds to the fabric of the Project Area.

It is unlikely individual developers or public partners will take on the prohibitive costs of constructing the necessary infrastructure in the Project Area without the ability of revenue allocation to help offset at least some of these costs. But for urban renewal and revenue allocation financing, the proposed public improvements to support revitalization of the Project Area would not occur.

#### **104 Purpose of Activities**

Attachment 5 includes the public improvements lists identifying with specificity the proposed public improvements and projects contemplated in the Project Area. The description of activities, public improvements, and the estimated costs of those items are intended to create an outside limit of the Agency's activity. Due to the inherent difficulty in projecting future levy rates, future taxable value, and the future costs of construction, the Agency reserves the right to:

- a. Change funding amounts from one Project to another.
- b. Re-prioritize the Projects described in this Plan and the Plan Attachments.
- c. Retain flexibility in funding the various activities in order to best meet the Plan and the needs of the Project Area.
- d. Retain flexibility in determining whether to use the Agency's funds or funds generated by other sources.
- e. Alter the location of proposed improvements set forth in Attachment 5 to support development when it occurs. The information included in Attachment 5 describes a realistic development scenario recognizing it is difficult to project with any

certainty where the improvements will be sited until any future projects submit plans to the City for design review and permitting.

**The Agency intends to discuss and negotiate with any owner or developer of the parcels within the Project Area seeking Agency assistance during the duration of the Plan and Project Area.** During such negotiation, the Agency will determine the eligibility of the activities sought for Agency funding, the amount the Agency may fund by way of percentage or other criteria including the need for such assistance. The Agency will also take into account the amount of revenue allocation proceeds estimated to be generated from the developer's activities. The Agency also reserves the right to establish, by way of policy, its funding percentage or participation, which would apply to all developers and owners and may prioritize certain projects or types of projects.

Throughout this Plan, there are references to Agency activities, Agency funding, and the acquisition, development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the Agency but, rather, grant to the Agency the discretion to participate as stated subject to achieving the objectives of this Plan and provided such activity is deemed eligible under the Law and the Act. The activities listed in Attachment 5 will be determined or prioritized as the overall Project Area develops and through the annual budget setting process.

The activities listed in Attachment 5 are not prioritized but are anticipated to be completed as determined by available funds. As required by the Law and Act, the Agency will adopt more specific budgets annually. The projected timing of funding is primarily a function of the availability of market conditions and financial resources but is also strategic, considering the timing of private development partnership opportunities and the ability of certain strategic activities to stimulate development at given points in time within the planned 20-year period of the urban renewal district and revenue allocation area.

The Study (Attachment 5) has described a list of public improvements and other related activities with an estimated cost in 2021 dollars of approximately \$33,925,000. This amount does not take into account inflationary factors, such as increasing construction costs, which would increase that figure depending on when the owner, developer and/or Agency is able to develop, construct or initiate those activities. The Study has concluded the capacity of revenue allocation funds through the term of the Plan based on the assumed development projects and assessed value increases will likely generate an estimated \$35,085,665. The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts predicted in the event higher increases in assessed values occur during the term of the Plan for the improvements and activities identified. Additionally, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified.

## 105 Open Land Criteria

This Plan contemplates Agency acquisition of property within the Project Area, in part, to support economic development/demonstration projects and housing. The Project Area is not predominantly open, and it does not include any agricultural zoning districts; however, the Project Area includes parcels that are vacant and/or transitioning agricultural operations that could meet the undefined “open land” requiring the area meet the conditions set forth in Idaho Code Section 50-2008(d). These conditions include defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout, all of which are included in one form or another in the definitions of deteriorated area or deteriorating area set forth in Idaho Code Sections 50-2018(8), (9) and 50-2903(8). The issues listed only in Idaho Code Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and “the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.”

Open land areas qualify for Agency acquisition and development for residential uses if the City Council determines there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City, that the need for housing will be increased as a result of the clearance of deteriorated areas, that the conditions of blight in the area and the shortage of decent, safe and sanitary housing contributes to an increase in the spread of disease and crime and constitutes and menace to the public health, safety, morals, or welfare, and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City. Due to the City’s expected growth, the need for housing, including affordable and/or workforce housing, is significant and integral to a successful mixed-use Project Area. Further, the existing zoning designations in the Project Area allow for mixed-density residential, and the future land use map shows areas of projected increased residential density, including surrounding potential commercial projects.

Open land areas qualify for Agency acquisition and development for primarily nonresidential uses if acquisition is necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives if any of the deteriorating area conditions set forth in Idaho Code Sections 50-2018(8), (9) and 50-2903(8) apply. But such areas also qualify if any of the issues listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The substantial number of deteriorating structures, a predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, and economic disuse, are all conditions which delay or impair development of the open land areas and satisfy the open land conditions as more fully supported by the Report, which was prepared by Kushlan | Associates.

This Plan does anticipate Agency acquisition of property within the Project Area; however, the acquisition of specific parcels is unknown at this time. Should the Agency determine the need to acquire property as further set forth in Attachment 3, then the open land areas qualify for Agency acquisition and development.

## **200 DESCRIPTION OF PROJECT AREA**

The boundaries of the Project Area and the Revenue Allocation Area are shown on the Boundary Map of Northern Gateway District Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 1, and incorporated herein by reference, and are described in the Legal Description of Northern Gateway District Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 2, and incorporated herein by reference. For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way or other natural boundary unless otherwise stated.

## **300 PROPOSED REDEVELOPMENT ACTIONS**

### **301 General**

The Agency proposes to eliminate and prevent the spread of deteriorating conditions and deterioration in the Project Area by employing a strategy to improve and develop public and private lands, to increase connectivity and transit options, and to grow the economy in the Project Area. Implementation of the strategy includes, but is not limited to the following actions:

- a. The engineering, design, installation, construction, and/or reconstruction of streets and streetscapes, including but not limited to improvements and upgrades to portions of Northeast 2<sup>nd</sup> Street, Northeast 2 ½ Street, Northeast 3<sup>rd</sup> Street, Carlton Avenue, Washington Avenue, Main Street, Northeast 4<sup>th</sup> Street, Badley Avenue, Gruber Avenue, State Avenue, Pine Avenue, Meridian Road frontage north of Fairview, and Fairview Avenue frontage and related pedestrian facilities, curb and gutter, intersection and rail crossing improvements, and traffic signals;
- b. The engineering, design, installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state, and local regulations for storm water discharge and to support private development;
- c. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;
- d. The engineering, design, installation, construction and/or reconstruction of sidewalks and related pedestrian facilities, curb and gutter and streetscapes, including but not limited to improvements to portions of Northeast 2<sup>nd</sup> Street, Northeast 2 ½ Street, Northeast 3<sup>rd</sup> Street, Carlton Avenue, Washington Avenue, Main Street, Northeast 4<sup>th</sup> Street, Badley Avenue, Gruber Avenue, State Avenue, Pine Avenue, Meridian Road frontage north of Fairview, and Fairview Avenue frontage;
- e. The engineering, design, installation, construction, and/or reconstruction of utilities including but not limited to improvements and upgrades to the water

distribution system, including extension of the water distribution system, water capacity improvements, water storage upgrades, sewer system improvements and upgrades, including extension of the sewer collection system, lift station, and improvements, and upgrades to power, gas, fiber optics, communications, and other such facilities;

- f. Removal, burying, or relocation of overhead utilities; removal or relocation of underground utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; undergrounding or piping of laterals; addition of fiber optic lines or other communication systems; public parking facilities, and other public improvements, including but not limited to fire protection systems, floodway and flood zone mitigation; and other public improvements that may be deemed appropriate by the Board;
- g. The engineering, design, installation, and/or construction of a public parking structure or structures and/or public surface parking lots and related public improvements;
- h. The acquisition of real property for public right-of-way and streetscape improvements, utility undergrounding, extension, upgrades, public parks and trails, pedestrian facilities, pathways and trails, recreational access points and to encourage and enhance housing affordability and housing diversity, enhance transit options and connectivity, decrease underutilized parcels, create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers for qualified developments;
- i. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code Section 50-2011, and any disposition policies adopted by the Agency;
- j. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility undergrounding extension and upgrades, public facilities, and to encourage and enhance housing affordability and housing diversity, enhance mobility options and connectivity, decrease underutilized parcels and surface parking lots, eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- k. The management of any property acquired by and under the ownership and control of the Agency;
- l. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;

- m. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- n. The engineering, design, installation, construction, and/or reconstruction of below ground infrastructure to support the construction of certain municipal buildings pursuant to Idaho Code Section 50-2905A;
- o. The provision of financial and other assistance to encourage and attract business enterprise, including but not limited to start-ups and microbusinesses, mid-sized companies, and large-scale corporations;
- p. The provision of financial and other assistance to encourage greater density and a diverse mix of rental rates and housing options;
- q. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- r. The preparation and assembly of adequate sites for the development and construction of facilities for mixed-use residential (including affordable and/or workforce housing when and if determined to be a public benefit), commercial, office, retail areas, medical facilities, and educational facilities;
- s. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to redevelopment exist;
- t. In collaboration with property owners and other stakeholders, working with the City to amend zoning regulations (if necessary) and standards and guidelines for the design of streetscape, plazas multi-use pathways, parks, and open space and other like public spaces applicable to the Project Area as needed to support implementation of this Plan;
- u. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- v. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;
- w. The provision for relocation assistance to displaced Project Area occupants, as required by law, or within the discretion of the Agency Board for displaced businesses;



- x. Agency and/or owner-developer construction, participation in the construction and/or management of public parking facilities and/or surface lots that support a desired level and form of development to enhance the vitality of the Project Area;
- y. Other related improvements to those set forth above as further set forth in Attachment 5.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by Law and Act.

### **302 Urban Renewal Plan Objectives**

Urban renewal activity is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions. As set forth in greater detail in Section 103, the Project Area has a history of stagnant growth and development compared to other areas of the City based on deteriorated or deteriorating conditions that have arrested or impaired growth in the Project Area primarily attributed to: a substantial number of deteriorating or deteriorated structures, widespread deterioration of site, underdeveloped properties; inadequate connectivity; lack of multi-use paths; the predominance of defective or inadequate street layout, faulty lot layout, , insanitary and unsafe conditions, and diversity of ownership. The Plan for the Project Area is a proposal to work in partnership with public and private entities to improve, develop, and grow the economy within the Project Area by the implementation of a strategy and program set forth in Section 301 and in Attachment 5.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of the Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. All development under an owner participation agreement shall conform to those standards specified in Section 303.1 of this Plan.

**It is recognized that the Ada County Highway District has exclusive jurisdiction over all public street rights-of-way within the Project Area, except for state highways. Nothing in this Plan shall be construed to alter the powers of the Ada County Highway District pursuant to Title 40, Idaho Code.**

This Plan must be practical in order to succeed. Particular attention has been paid to how it can be implemented, given the changing nature of market conditions. Transforming the Project Area into a vital, thriving part of the community requires an assertive strategy. The following list represents the key elements of that effort:

- a. Initiate simultaneous projects designed to revitalize the Project Area. From street and utility improvements to significant new public or private development, the

Agency plays a key role in creating the necessary momentum to get and keep things going.

- b. Develop new mixed-use residential, retail, office and commercial areas including opportunities for community, cultural, educational, medical, and recreational facilities, as well as encourage economic development opportunities.
- c. Secure and improve certain public open space in critical areas.
- d. Initiate projects designed to increase affordable and workforce housing options and increased transportation and connectivity options.

Without direct public intervention, much of the Project Area could conceivably remain unchanged and in a deteriorated and/or deteriorating condition for the next twenty (20) years. The Plan creates the necessary flexible framework for the Project Area to support the City's economic development while complying with the "specificity" requirement set forth in Idaho Code Section 50-2905.

Land use in the Project Area will be modified to the extent that underutilized, underdeveloped, deteriorated, deteriorating and vacant land and land now devoted to uses inconsistent with the future land uses of the area will be converted to mixed-use, retail residential (including affordable and/or workforce housing) and commercial areas, cultural centers, food halls, transit oriented development, educational facilities, other public facilities and improvements, including but not limited to streets, streetscapes, water and sewer improvements, environmental and floodplain remediations/site preparation, public parking, community facilities, façade improvements, parks, plazas and pedestrian/bike pathways. In implementing the activities described in this Plan, the Agency shall give due consideration to the provision of adequate open space, park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of residents in the general vicinity of the Project Area covered by the Plan.

### **303 Participation Opportunities and Agreements**

#### **303.1 Participation Agreements**

The Agency may enter into various development participation agreements with any existing or future owner of property in the Project Area, in the event the property owner seeks and/or receives assistance from the Agency in the development and/or redevelopment of the property. The terms "owner participation agreement," "participation agreement," or "development agreement" are intended to include all participation agreements with a property owner, including reimbursement agreements, grant agreements or other forms of participation agreements. In that event, the Agency may allow for an existing or future owner of property to remove the property and/or structure from future Agency acquisition subject to entering into an owner participation agreement. The Agency may also enter into owner participation agreements

with other future owners and developers within the Project Area throughout the duration of the Plan in order to implement the infrastructure improvements set forth in this Plan.

Each structure and building in the Project Area to be rehabilitated or to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this Plan will be considered to be satisfactorily rehabilitated and constructed pursuant to the requirements of the Law and Act, and the Agency will so certify, if the rehabilitated or new structure meets the standards set forth in an executed owner participation agreement and complies with the applicable provisions of this Plan, local codes and ordinances and the Idaho Code. Additional conditions described below:

- Any such property within the Project Area shall be required to conform to applicable provisions, requirements, and regulations of this Plan. The owner participation agreement may require as a condition of financial participation by the Agency a commitment by the property owner to meet the greater objectives of the land use elements identified in the Comprehensive Plan, Destination: Downtown and applicable zoning ordinances and other requirements deemed appropriate and necessary by the Agency. Upon completion of any rehabilitation each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition that will continue throughout an estimated useful life for a minimum of twenty (20) years.
- All such buildings or portions of buildings which are to remain within the Project Area shall be rehabilitated or constructed in conformity with all applicable codes and ordinances of the City.
- Any new construction shall also conform to all applicable provisions, requirements, and regulations of this Plan, as well as all applicable codes and ordinances of the City.

**All owner participation agreements will address development timing, justification and eligibility of project costs, and achievement of the objectives of the Plan. The Agency shall retain its discretion in the funding level of its participation. Obligations under owner participation agreements shall terminate no later than the termination date of this Plan, December 31, 2041. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under the owner participation agreement.**

In all owner participation agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into an owner participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

In the event a participant under an owner participation agreement fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this Plan and an owner

participation agreement, the real property or any interest therein may be acquired by the Agency in accordance with Section 305.1 of this Plan and sold or leased for rehabilitation or development in accordance with this Plan.

Owner participation agreements may be used to implement the following objectives:

- a. Encouraging property owners to revitalize and/or remediate deteriorated areas or deteriorating areas of their parcels to accelerate development in the Project Area.
- b. Subject to the limitations of the Law and the Act, providing incentives to property owners to encourage utilization and expansion of existing permitted uses during the transition period to prevent a decline in the employment base and a proliferation of vacant and deteriorated parcels in the Project Area during the extended redevelopment of the Project Area.
- c. To accommodate improvements and expansions allowed by City regulations and generally consistent with this Plan for the Project Area.
- d. Subject to the limitations of the Law and Act, providing incentives to improve nonconforming properties so they implement the design guidelines contained in this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses through the term of the Plan.
- e. Provide for advance funding by the developer/owner participant of those certain public improvements related to or needed for the private development and related to the construction of certain public improvements. In that event, the Agency will agree as set out in the participation agreement to reimburse a portion of, or all of, the costs of public improvements identified in the participation agreement from the revenue allocation generated by the private development. Though no specific advance funding by a developer/owner participant is shown in the cash analysis attachments, this Plan specifically allows for such an advance.

### **304 Cooperation with Public Bodies**

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. All plans for development of property in the Project Area by a public body shall be subject to Agency approval, in the event the Agency is providing any financial assistance.

Subject to applicable authority, the Agency may impose on all public bodies the planning and design controls contained in this Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan; provided, however, the Ada County Highway District has exclusive jurisdiction over Ada County Highway District streets. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements of the Project Area as allowed by the Law and Act.

The Agency intends to cooperate to the extent allowable with the City and the Ada County Highway District (or the Idaho Transportation Department), as the case may be, for the engineering, design, installation, construction, and/or reconstruction of public infrastructure improvements, including, but not limited to those improvements set forth in Section 301 and in Attachment 5. The Agency shall also cooperate with the City and the Ada County Highway District (or the Idaho Transportation Department) on various relocation, screening, or undergrounding projects and the providing of fiber optic capability. To the extent any public entity, including the City and/or the Ada County Highway District, has funded certain improvements, the Agency may reimburse those entities for those expenses. The Agency also intends to cooperate and seek available assistance from state, federal and other sources for economic development.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the Agency and then shall be bound by the Plan and other land use elements and shall conform to those standards specified in Section 303.1 of this Plan.

This Plan does not financially bind or obligate the City, Agency and/or any other public entity to any project or property acquisition; rather, for purposes of determining the economic feasibility of the Plan certain projects and expenditures have been estimated and included in the analysis. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in any participation agreement and in the annual budget adopted by the Agency Board.

## **305 Property Acquisition**

### **305.1 Real Property**

Only as specifically authorized herein, the Agency may acquire, through the voluntary measures described below, but is not required to acquire, any real property located in the Project Area where it is determined that the property is needed for construction of public improvements, required to eliminate or mitigate the deteriorated or deteriorating conditions, to facilitate economic development, including acquisition of real property intended for disposition to qualified developers through a competitive process, and as otherwise allowed by law. The acquisition shall be by any means authorized by law, including, but not limited to, the Law, the Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970,

as amended, but shall not include the right to invoke eminent domain authority except as authorized by Idaho law and provided herein. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property, without acquiring the land upon which those structures and fixtures are located.

The Agency intends to acquire any real property through voluntary or consensual gift, devise, exchange, or purchase. Such acquisition of property may be for the development of the public improvements identified in this Plan. Acquisition of property may be for the assembly of properties for redevelopment to achieve Plan goals including public benefits such as affordable and/or workforce housing. Such properties may include properties owned by private parties or public entities. This Plan anticipates the Agency's use of its resources for property acquisition.

In the event the Agency identifies certain property which should be acquired to develop certain public improvements intended to be constructed under the provisions of this Plan, the Agency shall coordinate such property acquisition with any other public entity (e.g., without limitation, the City, the state of Idaho, or any of its authorized agencies), including the assistance of Agency funds to acquire said property either through a voluntary acquisition or the public entity's invoking of its eminent domain authority as limited by Idaho Code Section 7-701A.

The Agency is authorized by this Plan to acquire the properties for the uses identified in Attachment 3 hereto, including but not limited to property to be acquired for the extension or expansion of certain rights-of-way.

The Agency is authorized by this Plan and Idaho Code Sections 50-2010 and 50-2018(12) to acquire the properties identified in Attachment 3 hereto for the purposes set forth in this Plan. The Agency has identified its intent to acquire and/or participate in the development of certain public improvements, including, but not limited to those identified in Section 301 of the Plan and/or Attachment 5 hereto. Further, the Agency intends to acquire real property to facilitate commercial and/or economic development projects and/or high-density residential development by assembling and disposing of developable parcels. The Agency's property acquisition will result in remediating deteriorating conditions in the Project Area by facilitating the development of mixed-use, residential (including affordable and/or workforce housing), commercial and retail areas. The public improvements are intended to be dedicated to the City and/or other appropriate public entity, as the case may be, upon completion. The Agency reserves the right to determine which properties identified, if any, should be acquired. The open land areas qualify for Agency acquisition as further set forth in Section 105 of this Plan.

It is in the public interest and may be necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the Agency, or by the City with the Agency acting in an advisory capacity<sup>3</sup>, to acquire real property in the Project Area for the public improvements identified in this Plan, which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

---

<sup>3</sup> House Bill 1044, adopted by the Idaho Legislature during the 2021 Legislative Session, limited the Agency's ability to exercise eminent domain.

Under the provisions of the Act, the urban renewal plan “shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area.” Idaho Code Section 50-2018(12). The Agency has generally described those properties by use as set out in Attachment 3 for acquisition for the construction of public improvements. The Agency may also acquire property for the purpose of developing streetscape and public utilities, as well as to pursue disposition to third parties pursuant to a competitive process as set forth in Section 309. The Agency reserves the right to determine which properties, if any, should be acquired.

### **305.2 Personal Property**

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain as limited by Idaho Code Section 7-701A for the purpose of developing the public improvements described in Section 305.1.

### **306 Property Management**

During the time real property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for development and/or redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

### **307 Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project**

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The Agency reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as a matter of state law under the Act or the Law. The Agency may determine to use as a reference the relocation benefits and guidelines promulgated by the federal government, the state government, or local government, including the State Department of Transportation and the Ada County Highway District. The intent of this section is to allow the Agency sufficient flexibility to award relocation benefits on some rational basis, or by payment of some lump-sum per case basis. The Agency may also consider the analysis of replacement value for the compensation awarded to either owner occupants or businesses displaced by the Agency to achieve the objectives of this Plan. The Agency may adopt relocation guidelines which would define the extent of relocation assistance in non-federally assisted projects and which relocation assistance to the greatest extent feasible would be uniform. The Agency shall also coordinate with the various local, state, or federal agencies concerning relocation assistance as may be warranted.

In the event the Agency's activities result in displacement of families, the Agency shall comply with, at a minimum, the standards set forth in the Law. The Agency shall also comply with all applicable state laws concerning relocation benefits and shall also coordinate with the various local, state, or federal agencies concerning relocation assistance.

### **308 Demolition, Clearance and Site Preparation**

The Agency is authorized (but not required) to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

Further, the Agency is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency including site preparation and/or environmental remediation. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, parks, pedestrian walkways, public parking facilities, drainage facilities, and other public improvements necessary to carry out this Plan.

### **309 Property Disposition and Development**

#### **309.1 Disposition by the Agency**

For the purposes of this Plan, the Agency is authorized to sell, lease, lease/purchase, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property under the reuse provisions set forth in Idaho law, including Idaho Code Section 50-2011 and pursuant to any disposition policies adopted by the Agency. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

Real property acquired by the Agency may be conveyed by the Agency and, where beneficial to the Project Area, without charge to any public body as allowed by law. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan.

Air rights and subterranean rights may be disposed of for any permitted use within the Project Area boundaries.

#### **309.2 Disposition and Development Agreements**

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of deteriorating conditions, all real property sold, leased, or conveyed by the Agency is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as the Agency deems may be necessary to prevent transfer, retention, or use of



property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, lease/purchases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Ada County, Idaho.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, disability/handicap, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a disposition and development agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as required by law.

As required by law or as determined in the Agency's discretion to be in the best interest of the Agency and the public, the following requirements and obligations shall be included in the disposition and development agreement.

That the developers, their successors, and assigns agree:

- a. That a detailed scope and schedule for the proposed development shall be submitted to and agreed upon by the Agency.
- b. That the purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment and not for speculation.
- c. That the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the developer(s).
- d. That the site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Plan.
- e. All new construction shall have a minimum estimated life of no less than twenty (20) years.
- f. That rehabilitation of any existing structure must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.

- g. That the Agency receives adequate assurance acceptable to the Agency to ensure performance under the contract for sale.
- h. All such buildings or portions of the buildings which are to remain within the Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City.
- i. All disposition and development documents shall be governed by the provisions of Section 410 of this Plan.
- j. All other requirements and obligations as may be set forth in any participation policy established and/or amended by the Agency.

**The Agency also reserves the right to determine the extent of its participation based upon the achievements of the objectives of this Plan. Obligations under any disposition and development agreement and deed covenants, except for covenants which run with the land beyond the termination date of this Plan, shall terminate no later than December 31, 2041. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any disposition and development agreement.**

### **309.3 Development by the Agency**

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct public improvements within the Project Area for itself or for any public body or entity, which public improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the public improvements authorized under Idaho Code Sections 50-2007, 50-2018(10) and (13), and 50-2903(9), (13), and (14), and as otherwise identified in Attachment 5, attached hereto, and incorporated herein by reference, and this Plan, and may acquire or pay for the land required, therefore.

Any public facility ultimately owned by the Agency shall be operated and managed in such a manner to preserve the public purpose nature of the facility. Any lease agreement with a private entity or management contract agreement shall include all necessary provisions sufficient to protect the public interest and public purpose.

The Agency may enter into contracts, leases, and agreements with the City, the Ada County Highway District or other public body or private entity pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under Idaho Code Section 50-2908(2)(b) and Section 500 of this Plan or out of any other available funds.

### **310 Development Plans**

All development plans (whether public or private) prepared pursuant to disposition and development agreements or participation agreements shall be submitted to the Agency Board for approval and architectural review. All development in the Project Area must conform to those standards specified in Section 410. Additionally, development must be consistent with all City ordinances.

### **311 Personal Property Disposition**

For purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

### **312 [Reserved]**

### **313 Participation with Others**

Under the Law, the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the Law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Community Development Block Grant Program ("CDBG"), the Economic Development Administration, the Small Business Administration, or other federal agencies. In order to enhance such grants, the Agency's use of revenue allocation funds is critical.

Under those regulations the Agency may participate with the private sector in the development and financing of those private projects that will attain certain federal objectives including the creation or redevelopment of affordable and/or workforce housing or transit improvements.

The Agency may, therefore, use the federal funds for the provision of assistance to private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms to support, for any other activity necessary or appropriate to carry out an economic development project.

As allowed by law, the Agency may also use funds from any other sources or participate with the private or public sector with regard to any programs administered by the Idaho Department of Commerce, or other State or federal agencies, for any purpose set forth under the Law or Act.

The Agency may enter into contracts, leases, and agreements with the City, ACHD, or other public body or private entity, pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in

the Project Area and allocated to the Agency under Idaho Code Section 50-2908(2)(b) and Section 500 of this Plan or out of any other available funds.

### **314 Conforming Owners**

The Agency may, at the Agency's sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without an owner participation agreement with the Agency, provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan.

### **315 Arts and Cultural Funding**

The Agency may dedicate resources for the construction or purchase of facilities for the placement and maintenance of public art and arts projects may be selected and provided by the Agency, separately from any construction costs of developers. Though not required, the Agency Board generally makes selections of the works of art with assistance from the City and the Meridian Arts Commission and may include review and approval of the City Council.

When possible, any Agency arts funding will be used to leverage additional contributions from developers, other private sources, and public or quasi-public entities for purposes of including public art within the streetscape projects identified in this Plan.

## **400 USES PERMITTED IN THE PROJECT AREA**

### **401 Designated Land Uses**

The Agency intends to rely upon the overall land use designations and zoning classifications of the City, as may be amended, and as depicted on Attachment 4 and as set forth in the City's Comprehensive Plan and within the Meridian zoning ordinance and requirements, including the future land use map and zoning classifications, as may be amended. For the most part, the Project Area includes a mix of uses including mixed-use residential (mixed density and income), commercial, retail and office development, as well as public open spaces, and public structured parking and/or surface lots. Such improvements are consistent with the current zoning designations. Provided, however, nothing herein within this Plan shall be deemed to be granting any particular right to zoning classification or use.

### **402 [Reserved]**

### **403 Public Rights-of-Way**

The Project Area contains existing maintained public rights-of-way included within the boundaries, as set forth on Attachments 1. Any new roadways, including new collectors and/or local roads to be engineered, designed, installed, and constructed in the Project Area, will be constructed in conjunction with any applicable policies and design standards of the City or Ada

County Highway District (and State and Federal standards, as the case may be) regarding dedicated rights-of-way. Additional public streets, alleys, and easements may be created in the Project Area as needed for proper development, and other potential roadways generally described in this Plan and in Attachment 5.

Additional improvements to existing streets, alleys and easements may be created, improved, or extended in the Project Area as needed for development. Existing dirt roadways, streets, easements, and irrigation or drainage laterals or ditches may be abandoned, closed, or modified as necessary for proper development of the Project Area, in accordance with any applicable policies and standards of the Idaho Transportation Department, the City or Ada County Highway District regarding changes to dedicated rights-of-way, and appropriate irrigation or drainage districts regarding changes to laterals or ditches.

Any development, maintenance and future changes in the existing interior or exterior street layout shall be in accordance with the objectives of this Plan and the standards of the City, the Ada County Highway District, or the Idaho Department of Transportation as may be applicable; shall be effectuated in the manner prescribed by State and local law; and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access (including cars, trucks, bicycles, etc.), vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;
- b. The requirements imposed by such factors as topography, traffic safety, and aesthetics; and
- c. The potential need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project Area by providing convenient and efficient vehicular access and movement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

#### **404 Other Public, Semi-Public, Institutional, and Nonprofit Uses**

The Agency is also authorized to permit the maintenance, establishment, or enlargement of public, semi-public, institutional, or nonprofit uses, including park and recreational facilities; educational, fraternal, and employee facilities; philanthropic and charitable institutions; utilities; governmental facilities; railroad rights-of-way and equipment; and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the

provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

#### **405 Interim Uses**

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable City Code or Ada County Code.

#### **406 Development in the Project Area Subject to the Plan**

All real property in the Project Area, under the provisions of either a disposition and development agreement or participation agreement, is made subject to the controls and requirements of this Plan. No such real property shall be developed, redeveloped, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

#### **407 Construction Shall Comply with Applicable Federal, State, and Local Laws and Ordinances and Agency Development Standards**

All construction in the Project Area shall comply with all applicable state laws, the Meridian City Code, as may be amended from time to time, and any applicable City Council ordinances pending codification, including but not limited to, regulations concerning the type, size, density and height of buildings; open space, landscaping, light, air, and privacy; the undergrounding of utilities; limitation or prohibition of development that is incompatible with the surrounding area by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors; parcel subdivision; off-street loading and off-street parking requirements.

In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area in the event of a disposition and development agreement or participation agreement.

#### **408 Minor Variations**

Under exceptional circumstances, the Agency is authorized to allow a variation from the limits, restrictions, and controls established by this Plan. In order to allow such variation, the Agency must determine that:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;

- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls;
- c. Allowing a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Allowing a variation will not be contrary to the objectives of this Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In allowing any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety, or welfare and to assure compliance with the purposes of the Plan. Any variation allowed by the Agency hereunder shall not supersede any other approval required under City codes and ordinances and shall not be considered a modification to the Plan.

#### **409 Nonconforming Uses**

This Section applies to property owners seeking assistance from the Agency regarding their property. The Agency may permit an existing use to remain in an existing building and site usage in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use within the Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project Area where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

All nonconforming uses shall also comply with the City codes and ordinances.

#### **410 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement**

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish heights of buildings, density, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area. Any development must also comply with the City's zoning ordinance regarding heights, setbacks, density, and other like standards.

In the case of property which is the subject of a disposition and development agreement or owner participation agreement with the Agency, no new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan. Under a disposition and development agreement or owner participation agreement, the design guidelines and land use elements of the Plan shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under this Plan and subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. One of the objectives of this Plan is to create an attractive pedestrian environment in the Project Area. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the Project Area. The Agency shall find that any approved plans do comply with this Plan. The Agency reserves the right to impose such design standards on an ad hoc basis through the approval process of the disposition and development agreement or owner participation agreement. Any change to such approved design must be consented to by the Agency and such consent may be conditioned upon reduction of Agency's financial participation towards the Project.

In the event the Agency adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the Project Area. These additional design standards or controls will be implemented through the provisions of any disposition and development agreement or owner participation agreement. These controls are in addition to any standards and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinances.

### **500 METHODS OF FINANCING THE PROJECT**

#### **501 General Description of the Proposed Financing Method**

The Agency is authorized to finance this Project with revenue allocation funds, financial assistance from the City (loans, grants, other financial assistance), the state of Idaho, the federal government or other public entities, interest income, developer advanced funds, donations, loans



from private financial institutions (bonds, notes, line of credit), the lease or sale of Agency-owned property, public parking revenue, or any other available source, public or private, including assistance from any taxing district or any public entity.

The Agency is also authorized to obtain advances, lines of credit, borrow funds, and create indebtedness in carrying out this Plan. The Agency may also consider an inter-fund transfer from other urban renewal project areas. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the Agency. The City, as it is able, may also supply additional assistance through City loans and grants for various public improvements and facilities. The City, or any other public agency, as properly budgeted, may expend money to assist the Agency in carrying out this Project.

As allowed by law and subject to restrictions as are imposed by law, the Agency is authorized to issue notes or bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

## **502 Revenue Allocation Financing Provisions**

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2021. These revenue allocation provisions shall apply to all taxing districts which are located in or overlap the Revenue Allocation Area shown and described on Attachments 1 and 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The Agency specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Project.

The Agency, acting by one or more resolutions adopted by its Board, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay as costs are incurred (pay-as-you-go) or to pledge all or any portion of such revenues to the repayment of any moneys advance-funded by developers or property owners, borrowed, indebtedness incurred, or notes or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code Section 50-2903(14)) of one or more urban renewal projects.

The Agency may consider a note or line of credit issued by a bank or lending institution premised upon revenue allocation funds generated by a substantial private development contemplated by the Study, as defined in Section 502.1, which would allow the Agency to more quickly fund the public improvements contemplated by this Plan. Likewise, a developer/owner advanced funding of certain eligible public infrastructure improvements to be reimbursed pursuant to an owner participation agreement could achieve the same purpose.

Upon enactment of a City Council ordinance finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer

shall deposit allocated revenues as provided in Idaho Code Section 50-2908. The Agency shall use such funds solely in accordance with Idaho Code Section 50-2909 and solely for the purpose of providing funds to pay the Project Costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board.

A statement listing proposed public improvements and facilities, a schedule of improvements, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code Section 50-2905 is included in this Plan and in Attachment 5 to this Plan. This statement necessarily incorporates estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Agency is hereby authorized to adjust the presently anticipated urban renewal projects and use of revenue allocation financing of the related Project Costs to effectuate the general objectives of the Plan in order to account for revenue inconsistencies, market adjustments, future priorities, developers/owners seeking Agency assistance pursuant to an owner participation agreement, and unknown future costs. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in the annual budget.

The Agency may appropriate funds consisting of revenue allocation proceeds on an annual basis without the issuance of notes or bonds. The Agency may also obtain advances or loans from the City or Agency, or private entity and financial institutions in order to immediately commence construction of certain of the public improvements. Developer advanced funding of public improvements could also achieve the same purpose. The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part, including reimbursement to developers for the cost of eligible public improvements.

Revenues will continue to be allocated to the Agency until termination of the revenue allocation area as set forth in Section 800. Attachment 5 incorporates estimates and projections based on the Agency's and its consultants' present knowledge and expectations concerning the length of time to complete the improvements and estimated future revenues. The activity may take longer depending on the significance and timeliness of development. Alternatively, the activity may be completed earlier if revenue allocation proceeds are greater, or the Agency obtains additional funds from another source.

The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part, including reimbursement to any owner/developer for the cost of eligible public improvements pursuant to an owner participation agreement.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

The Agency reserves the right to either pay for Project Costs from available revenue (pay-as-you-go basis) or borrow funds by incurring debt through notes or other obligations.

Revenue allocation proceeds are deemed to be only a part of the proposed funding sources for the payment of public improvements and other project improvements. Additionally, project funding is proposed to be phased for the improvements, allowing various sources of funds to be accumulated for use.

### **502.1 Economic Feasibility Study**

Attachment 5 constitutes the Economic Feasibility Study (the “Study”), prepared by Kushlan | Associates. The Study constitutes the financial analysis required by the Act and is based upon existing information from property owners, developers, the Agency, the City, and others.

### **502.2 Assumptions and Conditions/Economic Feasibility Statement**

The information contained in Attachment 5 assumes certain completed and projected actions. All debt is projected to be repaid no later than the duration period of the Plan. The total amount of bonded indebtedness (and all other loans or indebtedness), developer reimbursement and the amount of revenue generated by revenue allocation are dependent upon the extent and timing of private development. Should all of the proposed development take place as projected, the project indebtedness could be extinguished earlier, dependent upon the bond sale documents or other legal obligations. Should private development take longer to materialize, or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and debt may continue for its full term.

The Plan and the Plan Attachments incorporate estimates and projections based on the Agency’s and consultants’ present knowledge and expectations. The Plan proposes certain public improvements as set forth in this Plan and in Attachment 5, which will facilitate mixed-use commercial, residential, office and retail development in the Revenue Allocation Area.

The assumptions set forth in the Study are based upon the best information available to the Agency and its consultants through public sources or discussions with property owners, developers, the City, and others. The information has been analyzed by the Agency and its consultants in order to provide an analysis that meets the requirements set forth under the Law and Act. At the point in time when the Agency may seek a loan from lenders or others, a more detailed and then-current financial pro forma will be presented to those lenders or underwriters for analysis to determine the borrowing capacity of the Agency. As set forth herein, the Agency reserves the right to fund the Project on a “pay-as-you-go” basis. The Agency Board will prioritize the activities set forth in this Plan and determine what funds are available and what activities can be funded. The Agency will establish those priorities through its mandated annual budgetary process.

The list of public improvements, or activities within Attachment 5 are prioritized by way of feasibility based on estimated revenues to be received, amounts funded, and by year of funding. The projected timing of funding is primarily a function of the availability of financial resources and market conditions but is also strategic, considering the timing of anticipated or projected private development partnership opportunities and the ability of certain strategic activities to stimulate development at a given point in time within the duration of the Plan and Project Area.

The assumptions concerning revenue allocation proceeds are based upon certain anticipated or projected new developments, assessed value increases, and assumed tax levy rates as more specifically set forth in Attachment 5. Further, the financial analysis set forth in Attachment 5 has taken into account and excluded levies that do not flow to the Agency consistent with Idaho Code § 50-2908. In projecting new construction, the Study considered parcels identified as expected to develop over the life of the Project Area, communications with potential developers and City staff, and historical market absorption rates for commercial, office, retail, and residential improvements.

The types of new construction expected in the Project Area are mixed-use residential (including affordable and workforce housing), commercial, office and retail projects, and related public improvements, including streetscapes, installation and/or improvements to public open spaces and plazas. The Project Area has potential for a significant increase in mixed-use, high-density residential, commercial, office and retail growth due to the location of the Project Area. However, without a method to construct the identified public improvements such as main water and sewer lines, street infrastructure, and pedestrian amenities, development is unlikely to occur in much of the Project Area.

It is understood that application of certain exemptions, including the homeowner's exemption and Idaho Code Section 63-602K, which provides for personal property tax exemption to businesses may have the effect of reducing the increment value, which in turn reduces revenue.

### **502.3 Ten Percent Limitation**

Under the Act, the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed taxable value for the entire City. According to the Ada County Assessor, the assessed taxable value for the City as of January 1, 2020,<sup>4</sup> less homeowners' exemptions, is \$10,375,837,804. Therefore, the 10% limit is \$1,037,583,780.

---

<sup>4</sup> Due to the timing of the assessment process and creation of this Plan, the 2020 certified values have been used to establish compliance with the 10% limitation. Using the 2020 values, the total adjusted base value of the existing and proposed revenue allocation areas combined with the value of this Project Area are less than 2.62% of the total taxable value of the City. Even assuming an increase in values for 2021, the combined adjusted base values of the revenue allocation areas would not exceed 10% of the current assessed taxable value for the entire City.

The adjusted base assessed value of each of the existing revenue allocation areas as of January 1, 2020, is as follows:

Downtown District <sup>5</sup>	\$146,334,050
Ten Mile District	\$39,539,125
Union District	\$2,144,360
Proposed Northern Gateway District	\$68,832,974
Proposed Linder District <sup>6</sup>	\$11,978,500
Proposed Union District Addition	\$3,414,100

The adjusted base values for the combined existing and proposed revenue allocation areas and the estimated base value for the proposed Project Area, less homeowners' exemptions, is \$272,243,109, which is less than 10% of the City's 2020 taxable value.

#### **502.4 Financial Limitation**

The Study identifies a number of capital improvement projects. Use of any particular funding source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limitations set forth in the Law, the Act, by contract, or by other federal regulations. If revenue allocation funds are unavailable, then the Agency will need to use a different funding source for that improvement.

The amount of funds available to the Agency from revenue allocation financing is directly related to the assessed value of new improvements within the Revenue Allocation Area. Under the Act, the Agency is allowed the revenue allocation generated from inflationary increases and new development value. Increases have been assumed based upon the projected value of new development as that development occurs along with possible land reassessment based on a construction start.

The Study, with the various estimates and projections, constitutes an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the project. Multiple financing sources may be utilized including annual revenue allocations, developer contributions, city contributions, interfund loan, federal funding, grants, property disposition and other financing sources as permitted by law. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred.<sup>7</sup> Based on these funding sources, the conclusion is that the Project is feasible.

The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts projected in the Study for the purpose of funding the additional identified

<sup>5</sup> Less area deannexed by the First Amendment to the Meridian Revitalization Plan Urban Renewal Project, and the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project.

<sup>6</sup> May not be established until calendar year 2022.

<sup>7</sup> See Idaho Code § 50-2905.

projects and improvements. The projections in the Study are based on reasonable assumptions and existing market conditions. However, should the Project Area result in greater than anticipated revenues, the Agency specifically reserves the ability to fund the additional activities and projects identified in this Plan. Further, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified, including but not limited to disposition and development agreements and owner participation agreements. The Agency may also re-prioritize projects pursuant to market conditions, project timing, funding availability, and other considerations as more specifically detailed in the annual budget.

The proposed timing for the public improvements may have to be adjusted depending upon the availability of some of the funds and the Agency's ability to finance any portion of the Project. **Any adjustment to Project timing or funding is technical or ministerial in nature and shall not be considered a modification of the Plan pursuant to Idaho Code Section 50-2903A.**

Attachment 5 lists those public improvements the Agency intends to construct or fund through the term of the Plan. The costs of improvements are estimates only as it is impossible to know with any certainty what the costs of improvements will be in future years. There is general recognition that construction costs fluctuate and are impacted by future unknowns, such as, the cost of materials and laborers. Final costs will be determined by way of construction contract public bidding or by an agreement between the developer/owner and Agency. The listing of public improvements does not commit the Agency, City, or other public entity, to any particular level of funding; rather, identification of the activity in the Plan allows the Agency to negotiate the terms of any reimbursement with the developer and/or the public entities. This Plan does not financially bind or obligate the Agency, City or other public entity to any project or property acquisition; rather, for purposes of determining the economic feasibility of the Plan certain projects and expenditures have been estimated and included in the analysis. The City has not committed to fund any public infrastructure improvements within the Project Area. Such decisions concerning capital improvement projects and/or other expenditures are made by the City annually pursuant to its budget and appropriations process. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in any participation agreement and in the annual budget adopted by the Agency Board. The proposed location and siting of the proposed public infrastructure and other improvement projects in the Project Area are generally described in Attachment 5 recognizing that the specific location of the projects will depend on the type and timing of development. The change in the location of the improvements shown in Attachment 5 does not constitute a modification to the Plan.

The Agency reserves its discretion and flexibility in deciding which improvements are more critical for development or redevelopment, and the Agency intends to coordinate its public improvements with associated development by private developers/owners. Where applicable, the Agency also intends to coordinate its participation in the public improvements with the receipt of certain grants or loans which may require the Agency's participation in some combination with the grant and loan funding.

Generally, the Agency expects to develop those improvements identified in Attachment 5 first, in conjunction with private development within the Project Area generating the increment as identified in Attachment 5.

The Plan has shown that the equalized valuation of the Revenue Allocation Area as defined in the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

#### **502.5 [Reserved]**

#### **502.6 Participation with Local Improvement Districts and/or Business Improvement Districts**

Under the Idaho Local Improvement District (“LID”) Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, storm drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the Agency reserves the authority, but not the obligation, to participate in the funding of local improvement district facilities. This participation may include either direct funding to reduce the overall cost of the LID or to participate as an assessed entity to finance the LID project. Similarly, to the extent allowed by the Law and the Act, the Agency reserves the authority, but not the obligation, to participate in the funding of the purposes specified under the Business Improvement Districts Code, Chapter 26, Title 50, Idaho Code.

#### **502.7 Issuance of Debt and Debt Limitation**

Any debt incurred by the Agency as allowed by the Law and Act shall be secured by revenues identified in the debt resolution or revenue allocation funds as allowed by the Act. All such debt shall be repaid within the duration of this Plan, except as may be authorized by law.

#### **502.8 Impact on Other Taxing Districts and Levy Rate**

An estimate of the overall impact of the revenue allocation project on each taxing district is shown in the Study through the new development projections set forth in Attachment 5.

The assessed value for each property in a revenue allocation area consists of a base value and an increment value. The base value is the assessed value as of January 1 of the year in which a revenue allocation area is approved by a municipality, with periodic adjustments allowed by Idaho law. The increment value is the difference between the adjusted base assessed value and current assessed taxable value in any given year while the property is in a revenue allocation area. Under Idaho Code Section 63-802, taxing entities are constrained in establishing levy rates by the amount each budget of each taxing district can increase on an annual basis<sup>8</sup>.

<sup>8</sup> House Bill 389 passed during the 2021 Legislative Session, effective in significant part as of January 1, 2021, further limits a taxing entity’s ability to increase the property tax portion of its budget. The Study has considered the impact of House Bill 389 on the Project’s overall feasibility.

Taxing entities submit proposed budgets to the County Board of Commissioners, which budgets are required to comply with the limitations set forth in Idaho Code Section 63-802. Therefore, the impact of revenue allocation on the taxing entities is more of a product of the imposition of Idaho Code Section 63-802, then the effect of urban renewal.

The County Board of Commissioners calculates the levy rate required to produce the proposed budget amount for each taxing entity using the assessed values which are subject to each taxing entity's levy rate. Assessed values in urban renewal districts which are subject to revenue allocation (incremental values) are not included in this calculation. The combined levy rate for the taxing entities is applied to the incremental property values in a revenue allocation area to determine the amount of property tax revenue which is allocated to an urban renewal agency. The property taxes generated by the base values in the urban renewal districts and by properties outside revenue allocation areas are distributed to the other taxing entities. Properties in revenue allocation areas are subject to the same levy rate as they would be outside a revenue allocation area. The difference is how the revenue is distributed. If the overall levy rate is less than assumed, the Agency will receive fewer funds from revenue allocation.

In addition, without the Revenue Allocation Area and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected during the term of the Plan; hence, there would be lower increases in assessed valuation to be used by the other taxing entities. The Study's analysis is premised upon the fact the proposed development would not occur but for the ability to use revenue allocation funds to fund certain significant public infrastructure improvements.

One result of new construction occurring outside the revenue allocation area (*see* Idaho Code §§ 63-802 and 63-301A) is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction<sup>9</sup>. From and after December 31, 2006, Idaho Code Section 63-301A prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within a revenue allocation area until the revenue allocation authority is terminated. Any new construction within the Project Area is not available for inclusion by the taxing entities to increase their budgets. Upon termination of this Plan and Project Area or deannexation of area, the taxing entities will be able to include a percentage<sup>10</sup> of the accumulated new construction roll value in setting the following year's budget and revenue pursuant to Idaho Code Sections 63-802 and 63-301A.

As the 2021 certified levy rates are not determined until late September or October 2021, the 2020 certified levy rates have been used in the Study for purposes of the analysis.<sup>11</sup> Further, it is anticipated that the parcel located in unincorporated Ada County will be annexed in prior to

<sup>9</sup> House Bill 389 amended Idaho Code Sections 63-802 and 63-301A limiting the value placed on the new construction roll and available to a taxing district for a budget capacity increase. This could result in lower levy rates over time.

<sup>10</sup> Pursuant to House Bill 389, 80% of the total eligible increment value is added to the new construction roll.

<sup>11</sup> Due to the timing of the taxing districts' budget and levy setting process, certification of the 2021 levy rates did not occur until this Plan had been prepared. In order to provide a basis to analyze the impact on the taxing entities, the 2020 levy rates are used. Use of the 2020 levy rates provides a more accurate base than estimating the 2021 levy rates.



City Council consideration of this Plan, and therefore, the affected taxing districts for the City have been identified. Those taxing districts and their 2020 certified levy rates are as follows:<sup>12</sup>

<u>Taxing Districts:</u>	<u>Levy Rates:</u>
The City of Meridian	.002230856
The West Ada School District (School District No. 2)	.000014472
Ada County	.002149935
Emergency Medical District/Ada County Ambulance	.000118422
Mosquito Abatement District	.000021106
The Ada County Highway District	.000701539
Meridian Library District	.000430489
Meridian Cemetery District	.000048343
Western Ada Recreation District	.000037736
College of Western Idaho	.000124266
<b>TOTAL<sup>13</sup></b>	<b>.005877164</b>

House Bill 587, as amended in the Senate, effective July 1, 2020, amends Idaho Code Section 50-2908 altering the allocation of revenue allocation funds to the Agency from the Ada County Highway District levy<sup>14</sup>. This amendment will apply to this Project Area and provides: “[i]n the case of a revenue allocation area first formed or expanded to include the property on or after July 1, 2020, all taxes levied by any highway district, unless the local governing body that created the revenue allocation area has responsibility for the maintenance of roads or highways” will be allocated to the applicable highway district, which in this case is the Ada County Highway District.

However, amended Idaho Code Section 50-2908 further provides the highway district and Agency may enter into an agreement for a different allocation. A copy of any agreement is required to be submitted to the Idaho State Tax Commission and to the Ada County Clerk by the Ada County Highway District as soon as practicable after the parties have entered into the agreement and by no later than September 1 of the year in which the agreement takes effect. The Plan includes significant transportation elements, and the Agency intends to work with the Ada County Highway District to enter into an agreement allowing the Agency to retain the revenues from the highway district levies.

The Study has made certain assumptions concerning the levy rate. The levy rate is estimated to be 10% lower than the combined 2020 certified levy rate to adjust for the impact of House Bill 389, as well as considering the rapidly increasing property values. The levy rate is anticipated to remain level for the life of the Project Area. As the actual impact of the property

<sup>12</sup> It is unclear how the personal property tax exemption set forth in Idaho Code Section 63-602KK, and as amended by House Bill 389, effective January 1, 2022, may impact the levy rate.

<sup>13</sup> Net of voter approved bonds and levies.

<sup>14</sup> Senate Bill 1107, as amended in the Senate, effective July 1, 2021, made a corresponding amendment to Idaho Code Section 40-1415(3) to address the responsibility for funding certain urban renewal projects.

value fluctuations on the levy rate is unknown, the Study has assumed a combined conservative levy rate of .0053. Land values are estimated to inflate at 8%/year for five (5) years and then inflate at a rate of 4%/year for the remaining duration of the Project Area. Improvement values are estimated to inflate at a rate of 10%/year for five (5) years, and thereafter are estimated to inflate at a rate of 5%/year for the duration of the Project Area. Estimated new development is anticipated to be fully on the tax rolls in years 2025, 2027, 2028, 2029, 2030, 2032, 2033 and 2035. It is further estimated the properties in the district will generate \$500,000 in taxable value annually. If the overall levy rate is less than projected, or if expected development fails to occur as estimated, the Agency shall receive fewer funds from revenue allocation.

Pursuant to Idaho Code Section 50-2908, the Agency is not entitled to revenue allocation proceeds from certain levy increases which are allowed by either specific statutory authorization or approved by an election of the qualified electors of the particular taxing district. Therefore, for any levy election, the Agency will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Project Area. The Study has taken this statute into account.

### **503 Phasing and Other Fund Sources**

The Agency anticipates funding only a portion of the entire cost of the public improvements shown on Attachment 5. Other sources of funds may include City, other public entity partners, and developer participation. It is important to note this Plan does not financially bind or obligate the City, Agency and/or any other public entity to any project or property acquisition. Agency and/or other public entity participation in any project shall be determined by the amount of revenue allocation funds generated and pursuant to the annual budgeting process.

### **504 Lease Revenue, Parking Revenue, and Bonds**

Under the Law (*see* Idaho Code § 50-2012), the Agency is authorized to issue revenue bonds to finance certain public improvements identified in the Plan. Under that type of financing, the public entity would pay the Agency a lease payment annually which provides certain funds to the Agency to retire the bond debt. Another variation of this type of financing is sometimes referred to as conduit financing, which provides a mechanism where the Agency uses its bonding authority for the Project, with the end user making payments to the Agency to retire the bond debt. These sources of revenues are not related to revenue allocation funds and are not particularly noted in the Study, because of the “pass through” aspects of the financing. Under the Act, the economic feasibility study focuses on the revenue allocation aspects of the Agency’s financial model.

These financing models typically are for a longer period of time than the 20-year period set forth in the Act. However, these financing models do not involve revenue allocation funds, but rather funds from the end users which provide a funding source for the Agency to continue to own and operate the facility beyond the term of the Plan as allowed by Idaho Code Section 50-2905(8) as those resources involve funds not related to revenue allocation funds.

## **505 Membership Dues and Support of Community Economic Development**

The Act is premised upon economic development being a valid public purpose. To the extent allowed by the Law and the Act, the Agency reserves the authority to use revenue allocation funds to contract with non-profit and charitable organizations established for the purpose of supporting economic development and job creation. Additionally, the Agency reserves the authority to expend revenue allocation funds to join, participate and support non-profit organizations established to support Agency best practices and administration. The District Operating Expenses identified in the Study shall be deemed to include expenditures for the purposes described in this section as may be deemed appropriate during the annual budgetary process.

## **600 ACTIONS BY THE CITY AND OTHER PUBLIC ENTITIES**

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing deterioration. Actions by the City may include, but not be limited to, the following:

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.
- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- c. Imposition, wherever necessary, of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- e. Building Code enforcement.
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the development and/or redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- g. The undertaking and completing of any other proceedings necessary to carry out the Project.

- h. Administration of Community Development Block Grant funds that may be made available for this Project.
- i. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.
- j. Joint funding of certain public improvements, including but not limited to those identified in this Plan and Attachment 5 to the Plan.
- k. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.
- l. Assist with coordinating and implementing the public improvements in the Project Area identified in the Study.

**The foregoing actions, if taken by the City and/or the Ada County Highway District, do not constitute any commitment for financial outlays by the City.**

In addition to the above, other public entities shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan.

#### **601 Maintenance of Public Improvements**

The Agency has not identified any commitment or obligation for long-term maintenance of the public improvements identified. The Agency will need to address this issue with the appropriate entity, public or private, who has benefited from or is involved in the ongoing preservation of the public improvement. The Agency expects to dedicate public improvements to the City.

#### **700 ENFORCEMENT**

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

#### **800 DURATION OF THIS PLAN, TERMINATION, AND ASSET REVIEW**

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan, shall be effective for twenty (20) years from the effective date of the Plan subject to extensions set forth in Idaho Code Section 50-2904. The revenue allocation authority will expire on December 31, 2041, except for any revenue allocation proceeds received in calendar year 2042, as contemplated by Idaho Code Section 50-2905(7). The Agency may use proceeds in 2042 to complete the projects set forth herein. As stated in the Plan, any disposition

and development agreement or owner participation agreement obligations will cease as of December 31, 2041.

Idaho Code Section 50-2903(5) provides the Agency shall adopt a resolution of intent to terminate the revenue allocation area by September 1. In order to provide sufficient notice of termination to the affected taxing districts to allow them to benefit from the increased budget capacity, the Agency will use its best efforts to provide notice of its intent to terminate this Plan and its revenue allocation authority by May 1, 2042, or if the Agency determines an earlier terminate date, then by May 1 of the early termination year:

- a. When the Revenue Allocation Area plan budget estimates that all financial obligations have been provided for, the principal of and interest on such moneys, indebtedness, and bonds have been paid in full or when deposits in the special fund or funds created under this chapter are sufficient to pay such principal and interest as they come due, and to fund reserves, if any, or any other obligations of the Agency funded through revenue allocation proceeds shall be satisfied and the Agency has determined no additional project costs need be funded through revenue allocation financing, the allocation of revenues under Idaho Code Section 50-2908 shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts in which the Revenue Allocation Area is located in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the Revenue Allocation Area; and the powers granted to the urban renewal agency under Idaho Code Section 50-2909 shall thereupon terminate.
- b. In determining the termination date, the Plan shall recognize that the Agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the Plan.
- c. For the fiscal year that immediately predates the termination date, the Agency shall adopt and publish a budget specifically for the projected revenues and expenses of the Plan and make a determination as to whether the Revenue Allocation Area can be terminated before January 1 of the termination year pursuant to the terms of Idaho Code Section 50-2909(4). In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by May 1, but in any event, no later than September 1, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Revenue Allocation Area by December 31 of the current year, and declaring a surplus to be distributed as described in Idaho Code Section 50-2909 should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho State Tax Commission as provided in Idaho Code Section 63-215.

Upon termination of the revenue allocation authority of the Plan to the extent the Agency owns or possesses any assets, subject to the following paragraph, the Agency intends to dispose of any remaining assets by granting or conveying or dedicating such assets to the City, unless based on the nature of the asset, disposition to another public entity is more appropriate.

As allowed by Idaho Code Section 50-2905(8), the Agency may retain assets or revenues generated from such assets as long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets. Similarly, facilities which provide a lease income stream to the Agency for full retirement of the facility debt will allow the Agency to meet debt services obligations and provide for the continued operation and management of the facility. For those assets which do not provide such resources or revenues, the Agency will likely convey such assets to the City, depending on the nature of the asset.

## **900 PROCEDURE FOR AMENDMENT OR MODIFICATION**

To the extent there are any outstanding loans or obligations, this Plan should not be modified pursuant to the provisions set forth in Idaho Code Section 50-2903A. Modification of this Plan results in a reset of the base value for the year immediately following the year in which the modification occurred to include the current year's equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency's revenue stream as more fully set forth in Idaho Code Section 50-2903A subject to certain limited exceptions contained therein. As more specifically identified above, the Agency's projections are based on estimated values, estimated levy rates, estimated future development, and estimated costs of future construction/improvements. Annual adjustments, as more specifically set forth in the Agency's annual budget, will be required to account for more/less estimated revenue and prioritization of projects. Any adjustments for these stated purposes are technical and ministerial and are not deemed a modification under Idaho Code Section 50-2903A(1)(a)(i).

## **1000 SEVERABILITY**

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

## **1100 ANNUAL REPORT AND OTHER REPORTING REQUIREMENTS**

Under the Law, the Agency is required to file with the City, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include the financial data and audit reports required under sections 67-1075 and 67-1076, Idaho Code. This annual report shall be considered at a public meeting to report these findings and take comments from the public.

Additionally, the Agency must comply with certain other reporting requirements as set forth in Idaho Code Section 67-1076<sup>15</sup>, the tax commission plan repository, *see* Idaho Code § 50-2913, and the tax commission's plan modification annual attestation, *see* Idaho Code § 50-2903A. Failure to report the information requested under any of these statutes results in significant penalties, including loss of increment revenue, and the imposition of other compliance measures by the Ada County Board of County Commissioners.

## **1200 APPENDICES, ATTACHMENTS, EXHIBITS, TABLES**

All attachments and tables referenced in this Plan are attached and incorporated herein by their reference. All other documents referenced in this Plan but not attached are incorporated by their reference as if set forth fully.

---

<sup>15</sup> House Bill 73, passed during the 2021 Legislative Session, significantly effective as of January 1, 2021, with the remaining sections in full force and effect on and after January 1, 2022, establishes a uniform accounting system for local governmental entities, including urban renewal agencies, which is to be administered by the State Controller. Going forward, Idaho Code Section 67-450E is superseded by Idaho Code Section 67-1076.

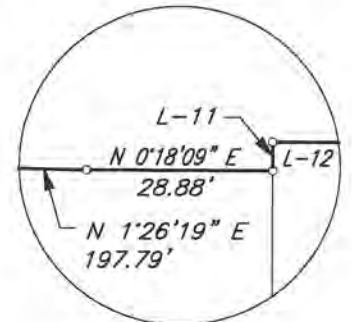
Attachment 1

Boundary Map of Northern Gateway District Urban Renewal Project Area and Revenue  
Allocation Area





SEE  
DETAIL B



SCALE: 1"=300'

URD AREA

LINE DATA

LINE DATA		
LINE	BEARING	DISTANCE
L-1	S 88°35'17" W	35.08'
L-2	N 1°24'43" W	54.39'
L-3	N 27°07'54" W	75.58'
L-4	N 51°10'43" W	78.50'
L-5	N 0°29'39" E	5.24'
L-6	S 88°51'10" W	100.83'
L-7	N 64°55'11" W	91.10'
L-8	S 38°12'39" W	48.77'
L-9	N 89°42'29" W	183.94'
L-10	N 65°44'09" W	8.70'
L-11	N 89°37'07" W	4.50'
L-12	N 0°18'09" E	90.62'

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C-1	52°04'52"	35.00	31.81	17.10	30.73	S 61°00'00" E

## EXHIBIT B (CONTINUED)

SCALE: 1"=300'

## LEGEND

— URD BOUNDARY



URD AREA



## LINE DATA

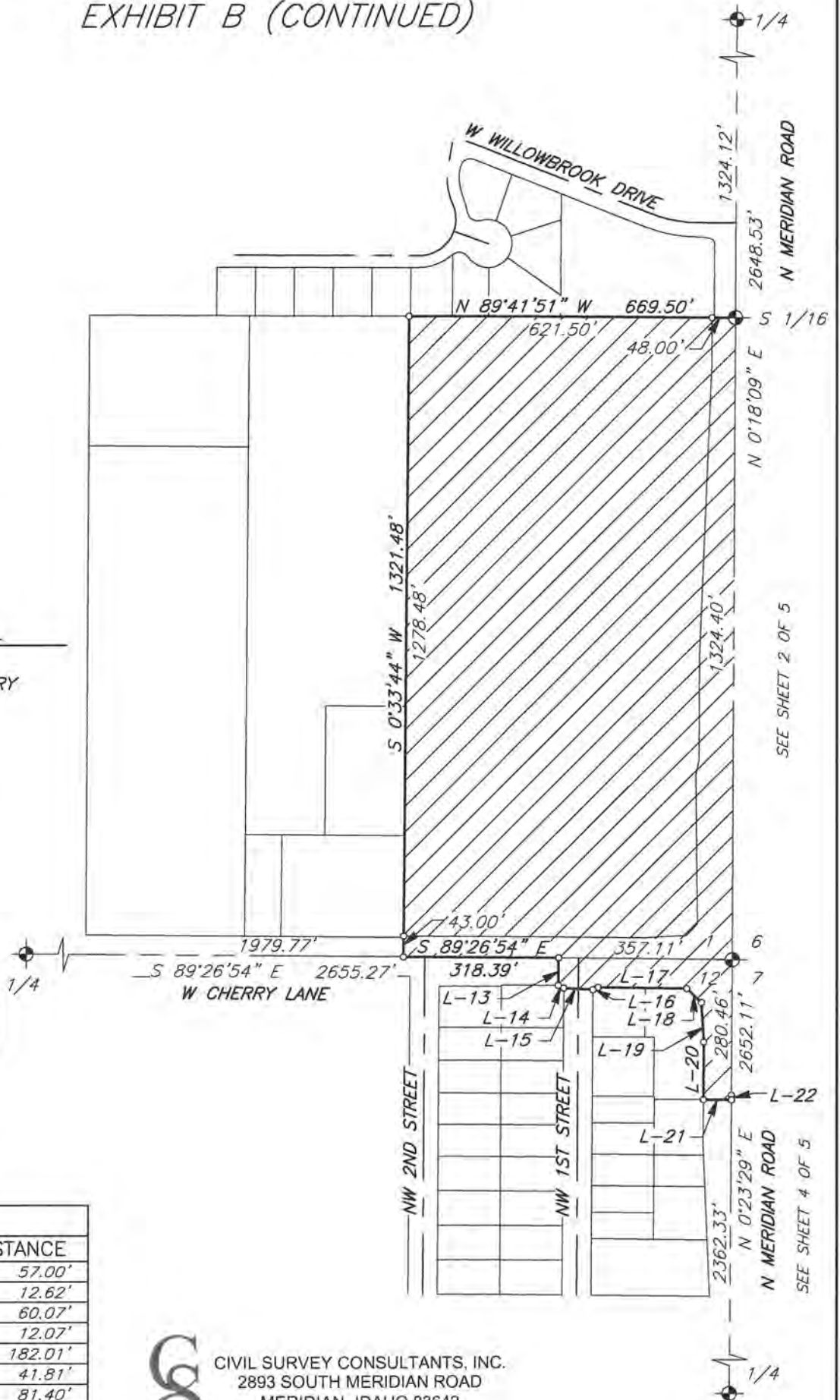
LINE	BEARING	DISTANCE
L-13	S 0°33'06" W	57.00'
L-14	S 62°43'15" E	12.62'
L-15	S 86°48'50" E	60.07'
L-16	N 66°24'13" E	12.07'
L-17	S 89°26'54" E	182.01'
L-18	S 45°34'48" E	41.81'
L-19	S 3°25'19" E	81.40'
L-20	S 0°23'29" W	119.26'
L-21	S 89°36'31" E	57.50'
L-22	N 0°23'29" E	9.32'



CIVIL SURVEY CONSULTANTS, INC.  
 2893 SOUTH MERIDIAN ROAD  
 MERIDIAN, IDAHO 83642  
 (208)888-4312

SHEET 3

Page 265



## EXHIBIT B (CONTINUED)



SCALE: 1"=300'

## LEGEND

— URD BOUNDARY



URD AREA



## LINE DATA

LINE	BEARING	DISTANCE
L-22	N 0°23'29" E	9.32'
L-23	N 89°36'58" E	240.02'
L-24	S 89°36'58" W	50.01'
L-25	S 0°23'29" W	106.39'
L-26	S 89°36'05" W	150.01'
L-27	N 45°34'47" E	27.80'
L-40	N 45°34'47" E	27.80'
L-41	S 88°23'46" E	62.38'

N MERIDIAN ROAD  
N 0°23'29" E 2652.11'

SEE SHEET 3 OF 5

12 1

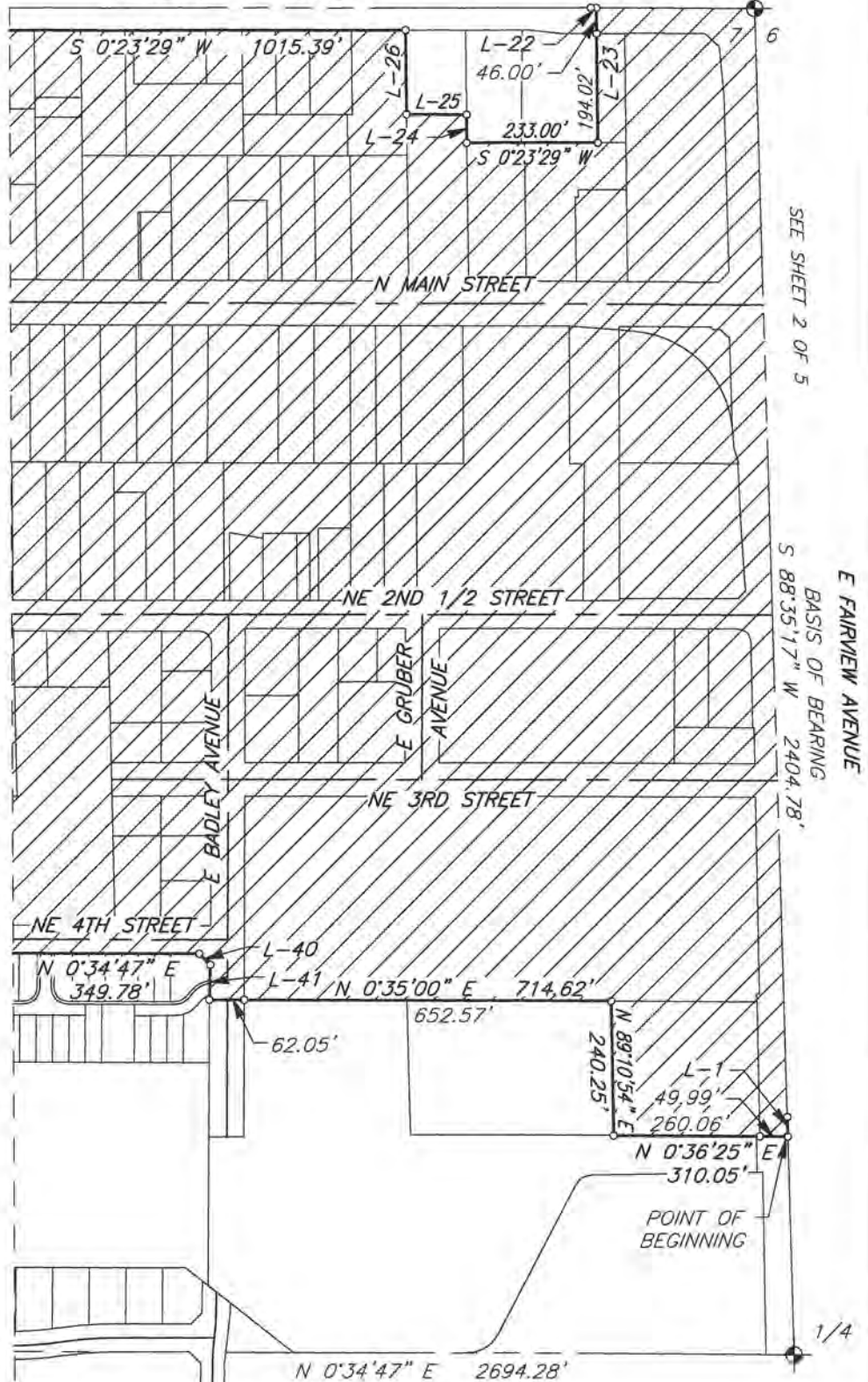
7 6

SEE SHEET 2 OF 5

BASIS OF BEARING  
S 88°35'17" W 2404.78'

E FAIRVIEW AVENUE

SEE SHEET 5 OF 5



CIVIL SURVEY CONSULTANTS, INC.  
2893 SOUTH MERIDIAN ROAD  
MERIDIAN, IDAHO 83642  
(208)888-4312

SHEET 4



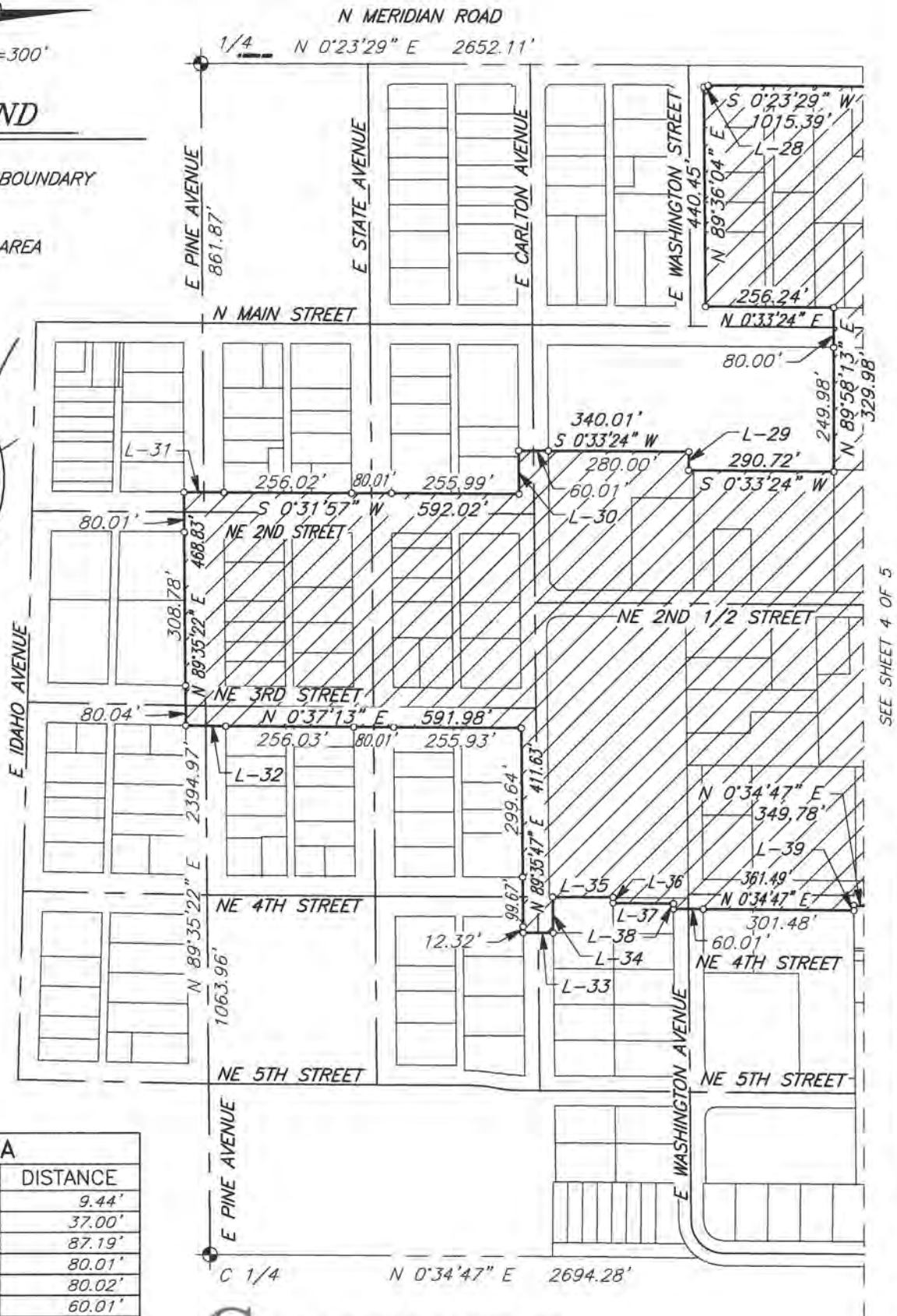
## EXHIBIT B (CONTINUED)

SCALE: 1"=300'

## LEGEND

URD BOUNDARY

URD AREA



## LINE DATA

LINE	BEARING	DISTANCE
L-28	S 23°44'59" E	9.44'
L-29	N 89°26'36" W	37.00'
L-30	N 89°35'47" E	87.19'
L-31	S 0°32'08" W	80.01'
L-32	N 0°58'55" E	80.02'
L-33	N 0°34'47" E	60.01'
L-34	S 89°35'47" W	71.98'
L-35	N 0°35'03" E	120.38'
L-36	N 89°35'47" E	11.00'
L-37	N 0°35'00" E	120.38'
L-38	N 89°35'47" E	10.60'
L-39	S 89°36'17" W	10.00'

CIVIL SURVEY CONSULTANTS, INC.  
 2893 SOUTH MERIDIAN ROAD  
 MERIDIAN, IDAHO 83642  
 (208)888-4312

SHEET 5

Attachment 2

Legal Description of Northern Gateway District Urban Renewal Project Area and Revenue  
Allocation Area

**EXHIBIT A**  
**URBAN RENEWAL DISTRICT BOUNDARY DESCRIPTION**  
**FOR**  
**MERIDIAN DEVELOPMENT CORPORATION**

**NORTHERN GATEWAY (Option A)**

A description for Urban Renewal District purposes located in the SE 1/4 of the SE 1/4 of Section 1, and in the NE 1/4 of the NE 1/4 of Section 12, Township 3 North, Range 1 West, also being in the S 1/2 of the SW 1/4 of Section 6, and in the NW 1/4 of Section 7, and in the N 1/2 of the SW 1/4 of Section 7, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at a brass cap monument marking the southeasterly corner of said S 1/2 of the SW 1/4 of Section 6, from which a brass cap monument marking the southwesterly corner of said Section 6 bears S 88°35'17" W a distance of 2404.78 feet;

Thence S 88°35'17" W along the southerly boundary of said Section 6 a distance of 389.74 feet to the POINT OF BEGINNING;

Thence continuing S 88°35'17" W a distance of 35.08 feet to a point;

Thence leaving said southerly boundary N 1°24'43" W a distance of 54.39 feet to a point marking the southwesterly corner of that *PARCEL* as shown on Record of Survey No. 2969, Instrument No. 94082169, found in the office of the Recorder, Ada County, Idaho;

Thence N 27°07'54" W along the southwesterly boundary of said *PARCEL* a distance of 75.58 feet to a point marking the westerly corner of said *PARCEL*, said point being the southerly corner of *PARCEL A* as described in Warranty Deed Instrument No. 96048180 as found in said office of the Recorder;

Thence leaving said southwesterly boundary of said *PARCEL* and along the southwesterly boundary of said *PARCEL A* the following described courses:

Thence N 51°10'43" W a distance of 78.50 feet to a point;

Thence N 71°30'43" W a distance of 684.82 feet to a point;

Thence N 0°29'39" E a distance of 5.24 feet to a point marking the southeasterly corner of *LA PLAYA MANOR ESTATES SUBDIVISION* as found in Book 70 of plats at Pages 7187 – 7188 in said office of the Recorder;

Thence leaving said southwesterly boundary of said *PARCEL A* and along the southwesterly boundary of said *LA PLAYA MANOR ESTATES SUBDIVISION* the following described courses:

Thence S 88°51'10" W a distance of 100.83 feet to a point;

Thence N 64°55'11" W a distance of 91.10 feet to a point;

Thence N 52°28'52" W a distance of 886.26 feet to a point on the southerly right-of-way of E Carmel Drive;

Thence continuing N 52°28'52" W a distance of 60.00 feet to a point on the northerly right-of-way of E Carmel Drive;

Thence leaving said southwesterly boundary of *LA PLAYA MANOR ESTATES SUBDIVISION* and along said northerly right-of-way the following described courses:

Thence S 38°12'39" W a distance of 48.77 feet to a point;

Thence a distance of 31.81 feet along the arc of a 35.00 foot radius curve right, said curve having a central angle of 52°04'52" and a long chord bearing S 64°15'05" W a distance of 30.73 feet to a point;

Thence N 89°42'29" W a distance of 183.94 feet to a point;

Thence N 65°44'09" W a distance of 8.70 feet to a point on the easterly right-of-way of N Meridian Road;

Thence leaving said northerly right-of-way and along said easterly right-of-way the following described courses:

Thence N 1°26'19" E a distance of 197.79 feet to a point;

Thence N 0°18'09" E a distance of 28.88 feet to a point;

Thence N 89°37'07" W a distance of 4.50 feet to a point;

Thence N 0°18'09" E a distance of 90.62 feet to a point on the northerly boundary of said S 1/2 of the SW 1/4 of Section 6;



Thence leaving said easterly right-of-way S 89°08'51" W along said northerly boundary a distance of 43.51 feet to a point marking the northwesterly corner of said S 1/2 of the SW 1/4 of Section 6;

Thence N 89°41'51" W along the northerly boundary of said SE 1/4 of the SE 1/4 of Section 1 a distance of 48.00 feet to a point on the westerly right-of-way of N Meridian Road, said point being on the northerly boundary of that *PARCEL* as shown on Record of Survey No. 9135, Instrument No. 112011184, found in said office of the Recorder;

Thence continuing N 89°41'51" W along said northerly boundaries a distance of 621.50 feet to a point marking the northwesterly corner of said *PARCEL*;

Thence leaving said northerly boundaries S 0°33'44" W along the westerly boundary of said *PARCEL* a distance of 1278.48 feet to a point on the right-of-way of W Cherry Lane;

Thence continuing S 0°33'44" W along an extension of said westerly boundary a distance of 43.00 feet to a point on the southerly boundary of said SE 1/4 of the SE 1/4 of Section 1;

Thence leaving said extension S 89°26'54" E along said southerly boundary a distance of 318.39 feet to a point;

Thence leaving said southerly boundary S 0°33'06" W a distance of 57.00 feet to a point on the southerly right-of-way of W Cherry Lane;

Thence along said southerly right-of-way the following described courses:

Thence S 62°43'15" E a distance of 12.62 feet to a point on the westerly right-of-way of NW 2nd Street;

Thence leaving said westerly right-of-way S 86°48'50" E a distance of 60.07 feet to a point on the easterly right-of-way of NW 2nd Street;

Thence leaving said easterly right-of-way N 66°24'13" E a distance of 12.07 feet to a point;

Thence S 89°26'54" E a distance of 182.01 feet to a point;

Thence S 45°34'48" E a distance of 41.81 feet to a point on the westerly right-of-way of N Meridian Road;

Thence leaving said southerly right-of-way and along said westerly right-of-way the following described courses:

Thence S 3°25'19" E a distance of 81.40 feet to a point;

Thence S 0°23'29" W a distance of 119.26 feet to a point;

Thence leaving said westerly right-of-way S 89°36'31" E a distance of 57.50 feet to a point on the westerly boundary of said NW 1/4 of Section 7;

Thence N 0°23'29" E along said westerly boundary a distance of 9.32 feet to a point on the extension of the northerly boundary of *PARCEL A* as shown on Record of Survey No. 10448, Instrument No. 2016-028560, found in said office of the Recorder;

Thence N 89°36'58" E along said extension a distance of 46.00 feet to a point marking the northwesterly corner of said *PARCEL A*;

Thence continuing N 89°36'58" E along the northerly boundary of said *PARCEL A* a distance of 194.02 feet to a point marking the northeasterly corner of said *PARCEL A*;

Thence S 0°23'29" W along the easterly boundaries of said *PARCEL A* and of *PARCEL B* of said Record of Survey No. 10448 a distance of 233.00 feet to a point marking the southeasterly corner of said *PARCEL B*;

Thence S 89°36'58" W along the southerly boundary of said *PARCEL B* a distance of 50.01 feet to a point;

Thence leaving said southerly boundary S 0°23'29" W a distance of 106.39 feet to a point;

Thence S 89°36'05" W a distance of 150.01 feet to a point on the easterly right-of-way of N Meridian Road;

Thence along said right-of-way the following described courses:

Thence S 0°23'29" W a distance of 1015.39 feet to a point;

Thence S 23°44'59" E a distance of 9.44 feet to a point on the northerly right-of-way of E Washington Street;

Thence leaving said easterly right-of-way N 89°36'04" E along said northerly right-of-way a distance of 440.45 feet to a point on the westerly right-of-way of N Main Street;

Thence leaving said northerly right-of-way N 0°33'24" E along said westerly right-of-way a distance of 256.24 feet to a point on the extension of the northerly boundary of that *PARCEL* as shown on Record of Survey No. 1171, Instrument No. 8761859, found in said office of the Recorder;

Thence leaving said westerly right-of-way N 89°58'13" E along said extension a distance of 80.00 feet to a point marking the northwesterly corner of said *PARCEL*;

Thence continuing N 89°58'13" E along the northerly boundary of said *PARCEL* a distance of 249.98 feet to a point marking the northeasterly corner of said *PARCEL*, said point being the northwesterly corner of *SCHOOL PLAZA SUBDIVISION NO. 1* as found in Book 64 of plats at Pages 6501 – 6502 in said office of the Recorder;

Thence along the easterly boundary of said *PARCEL* and the westerly boundary of said *SCHOOL PLAZA SUBDIVISION NO. 1* the following described courses:

Thence S 0°33'24" W a distance of 290.72 feet to a point;

Thence N 89°26'36" W a distance of 37.00 feet to a point;

Thence S 0°33'24" W a distance of 280.00 feet to a point marking the southeasterly corner of said *PARCEL* and marking the southwesterly corner of said *SCHOOL PLAZA SUBDIVISION NO. 1*;

Thence leaving said boundaries S 0°33'24" W along an extension of said boundaries a distance of 60.01 feet to a point on the northerly boundary of Block 5 of *F A NOURSES SECOND ADDITION* as found in Book 2 of plats at Page 64 in said office of the Recorder;

Thence leaving said extension N 89°35'47" E along said northerly boundary a distance of 87.19 feet to a point marking the northeasterly corner of said Block 5;

Thence S 0°31'57" W along the easterly boundary of said Block 5 a distance of 255.99 feet to a point marking the southeasterly corner of said Block 5;

Thence continuing S 0°31'57" W a distance of 80.01 feet to a point marking the northeasterly corner of Block 2 of said *F A NOURSES SECOND ADDITION*;

Thence continuing S 0°31'57" W along the easterly boundary of said Block 2 a distance of 256.02 feet to a point marking the southeasterly corner of said Block 2;

Thence S 0°32'08" W a distance of 80.01 feet to a point on the southerly right-of-way of E Pine Avenue as shown on Record of Survey No. 11653, Instrument No. 2018-119154, found in said office of the Recorder;

Thence along said southerly right-of-way the following described courses:

Thence N 89°35'22" E a distance of 80.01 feet to a point marking the northwesterly corner of that right-of-way vacated to adjoining owners, as described in Instrument No. 98218, of Block 7 of the amended plat of the *TOWNSITE OF MERIDIAN* as found in Book 1 of plats at Page 30 in said office of the Recorder;

Thence continuing N 89°35'22" E a distance of 308.78 feet to a point marking the northeasterly corner of said vacated right-of-way of Block 1 of the amended plat of *ROWAN ADDITION* as found in Book 2 of plats at Page 52 in said office of the Recorder;

Thence continuing N 89°35'22" E a distance of 80.04 feet to a point marking the northwesterly corner of said vacated right-of-way of Block 6 of said amended plat of *ROWAN ADDITION*;

Thence leaving said southerly right-of-way N 0°58'55" E a distance of 80.02 feet to a point marking the southwesterly corner of Block 3 of *COTTAGE HOME ADDITION* as found in Book 1 of plats at Page 42 in said office of the Recorder;

Thence N 0°37'13" E along the westerly boundary of said Block 3 a distance of 256.03 feet to a point marking the northwesterly corner of said Block 3;

Thence continuing N 0°37'13" E a distance of 80.01 feet to a point marking the southwesterly corner of Block 6 of said *COTTAGE HOME ADDITION*;

Thence continuing N 0°37'13" E along the westerly boundary of said Block 6 a distance of 255.93 feet to a point marking the northwesterly corner of said Block 6;

Thence N 89°35'47" E along the northerly boundary of said Block 6 a distance of 299.64 feet to a point marking the northeasterly corner of said Block 6;

Thence continuing N 89°35'47" E a distance of 99.67 feet to a point the northwesterly corner of Lot 1 of Block 1 of *EASTSIDE PARK SUBDIVISION* as found in Book 20 of plats at Pages 1312 – 1313 in said office of the Recorder;

Thence continuing N 89°35'47" E along the northerly boundary of said Lot 1 a distance of 12.32 feet to a point on an extension of the easterly boundary of Lot 1 of Block 3 of said *EASTSIDE PARK SUBDIVISION*;

Thence leaving said northerly boundary N 0°34'47" E a distance of 60.01 feet to the southeasterly corner of said Lot 1 of Block 3;

Thence S 89°35'47" W along the southerly boundary of said Lot 1 a distance of 71.98 feet to the southwesterly corner of said Lot 1;

Thence N 0°35'03" E along the westerly boundary of said Lot 1 a distance of 120.38 feet to the northwesterly corner of said Lot 1;

Thence N 89°35'47" E along the northerly boundary of said Lot 1 a distance of 11.00 feet to a point;

Thence leaving said northerly boundary N 0°35'00" E a distance of 120.38 feet to a point on the northerly boundary of said Block 3;

Thence N 89°35'47" E along said northerly boundary a distance of 10.60 feet to a point on the extension of the easterly right-of-way of NE 4th Street;

Thence leaving said northerly boundary N 0°34'47" E along said extension a distance of 60.01 feet to a point on said easterly right-of- way;

Thence continuing N 0°34'47" E along said easterly right-of-way a distance of 301.48 feet to a point on the southerly boundary of *FORTY THREE NORTH SUBDIVISION* as found in Book 116 of plats at Pages 17417 – 17419 in said office of the Recorder;

Thence S 89°36'17" W along said southerly boundary a distance of 10.00 feet to a point marking the southwesterly corner of said *FORTY THREE NORTH SUBDIVISION*;

Thence along the westerly boundary of said *FORTY THREE NORTH SUBDIVISION* the following described courses:

Thence N 0°34'47" E a distance of 349.78 feet to a point;

Thence N 45°34'47" E a distance of 27.80 feet to a point marking the northwesterly corner of said *FORTY THREE NORTH SUBDIVISION*;



Thence leaving said westerly boundary S 88°23'46" E along the northerly boundary of said *FORTY THREE NORTH SUBDIVISION* a distance of 62.38 feet to a point on the extension of the easterly boundary of that *PARCEL* as shown on Record of Survey No. 10184, Instrument No. 2015-067809, found in said office of the Recorder;

Thence N 0°35'00" E along said extension a distance of 62.05 feet to a point marking the southeasterly corner of said *PARCEL*;

Thence continuing N 0°35'00" E along the easterly boundary of said *PARCEL* a distance of 652.57 feet to a point marking the southwesterly corner of that *PARCEL* as shown on Record of Survey No. 2532, Instrument No. 9353397, found in said office of the Recorder;

Thence leaving said easterly boundary N 89°10'54" E along the southerly boundary of said *PARCEL* as shown on Record of Survey No. 2532 a distance of 240.25 feet to a point marking the southeasterly corner of said *PARCEL* as shown on Record of Survey No. 2532;

Thence N 0°36'25" E along the easterly boundary of said *PARCEL* as shown on Record of Survey No. 2532 a distance of 260.06 feet to a point on the southerly right-of-way of E Fairview Avenue;

Thence leaving said easterly boundary and continuing N 0°36'25" E along and extension of said easterly boundary a distance of 49.99 feet to the POINT OF BEGINNING.

This parcel contains approximately 126.226 acres.

NOTE: This description was prepared using record information including Record of Surveys, Subdivision Plats and Deeds acquired from the Ada County Recorder's office. No field survey has been performed.

Prepared by: Kyle A. Koomler, PLS  
Civil Survey Consultants, Incorporated  
May 26, 2021



### Attachment 3

#### Private Properties Which May Be Acquired by the Agency









1. The Agency has not identified any particular parcel for the construction of public improvements or for private redevelopment. Properties which may be subject to acquisition include parcels to:
  - a) assemble with adjacent parcels to facilitate development and/or redevelopment;
  - b) assemble with adjacent rights-of-way to improve configuration and enlarge parcels for development and/or redevelopment;
  - c) reconfigure sites for development and possible extension of streets or pathways;
  - d) assemble for future transfer to qualified developers to facilitate the development of mixed-use, residential (including affordable and/or workforce housing), commercial, office and retail areas; or
  - e) assemble for the construction of certain public improvements, including but not limited to streets, streetscapes, water and sewer improvements, environmental and floodplain remediation/site preparation, public parking, community facilities, parks, pedestrian/bike paths and trails, recreation access points, and other public facilities.
2. The Agency reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
3. The Agency reserves the right to acquire property needed to provide adequately sized sites for high priority projects for the development of public improvements (the exact location of which has not been determined).
4. Other parcels may be acquired for the purpose of facilitating catalyst or demonstration projects, constructing public parking, constructing new streets or pathways, enhancing public spaces, or to implement other elements of the urban renewal plan strategy and/or any master plan for the Project Area, including support for affordable and/or workforce housing projects.

#### Attachment 4





### Map Depicting Expected Land Uses and Current Zoning Map of the Project Area

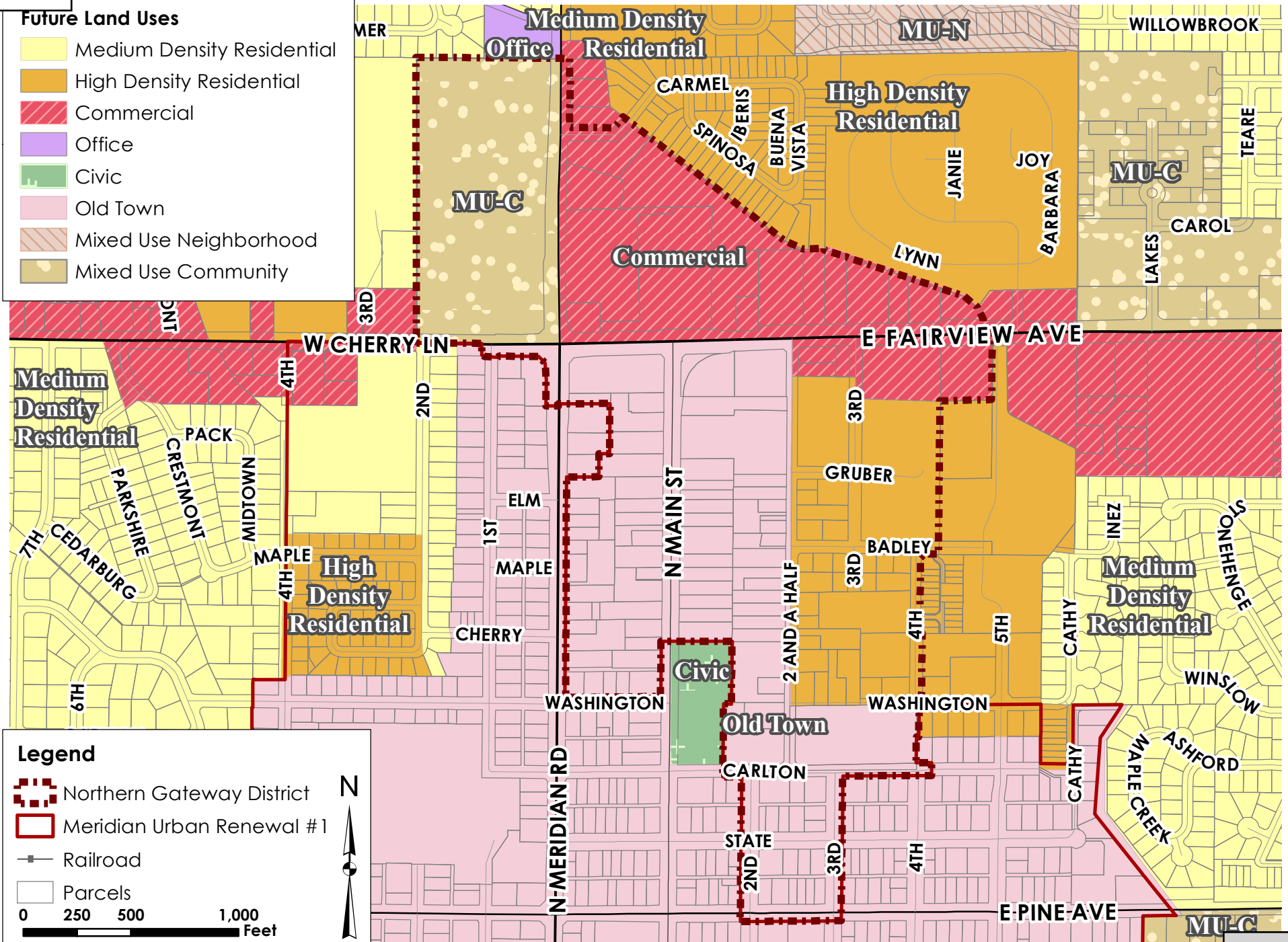


### Future Land Uses

-  Medium Density Residential
-  High Density Residential
-  Commercial
-  Office
-  Civic
-  Old Town
-  Mixed Use Neighborhood
-  Mixed Use Community

### Legend

-  Northern Gateway District
  -  Meridian Urban Renewal #1
  -  Railroad
  -  Parcels
- 0 250 500 1,000 Feet



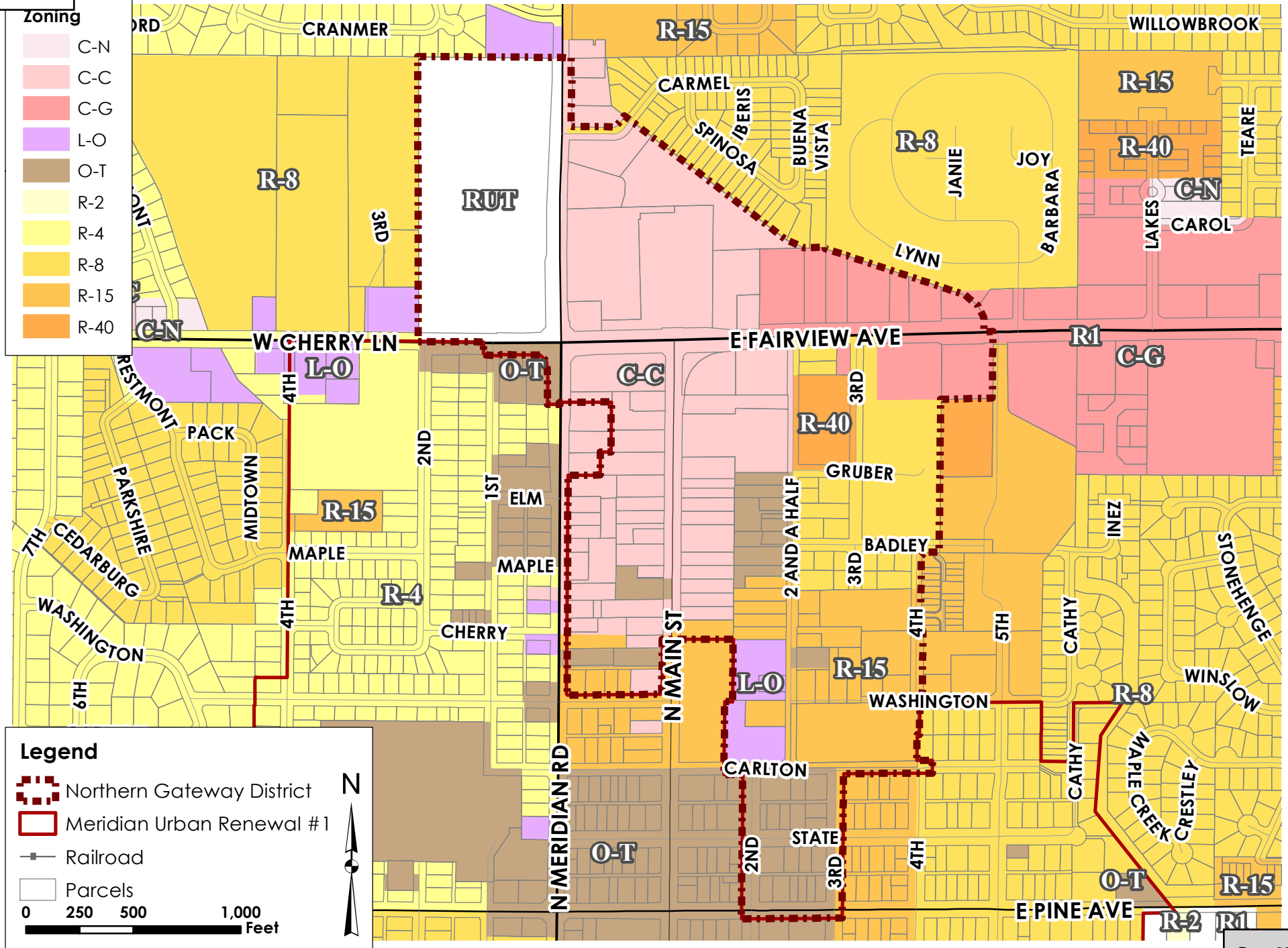
Item #13.

**Zoning**

- C-N
- C-C
- C-G
- L-O
- O-T
- R-2
- R-4
- R-8
- R-15
- R-40

**Legend**

- Northern Gateway District
  - Meridian Urban Renewal #1
  - Railroad
  - Parcels
- 0 250 500 1,000 Feet



Attachment 5  
Economic Feasibility Study

## ATTACHMENT 5.1 (Option A)

### Public Improvements within the Revenue Allocation Area

This attachment includes a projected list of proposed public works or improvements within the Northern Gateway District Project Area (the “Project Area”). The proposed improvements within the Project Area include improvements to streets, utilities, and other public rights-of-way amenities as well as improvements to parks and open space, transit improvements, façade improvements, historic lighting, wayfinding, environmental remediation, planning studies and public parking. Property acquisition to support development goals is also contemplated.

The Northern Gateway District Improvement List set forth below identifies needed investments to support private investment in capital facilities. Capital facilities generally have long useful lives and significant costs. The overall project and the infrastructure to support it are all consistent with the vision articulated in the City of Meridian Comprehensive Plan, Destination: Downtown Plan, the future land use map and as required in City development regulations. The cost estimates provided by the City are based upon prices for similar construction in the area.

Estimated costs expected to be incurred in implementing the urban renewal plan are as follows:

#### Northern Gateway District Improvement List

Open Area Development Costs	
Utilities	\$3,000,000
<u>Collector Roadways</u>	<u>\$1,000,000</u>
Sub-total Open Area Development Costs	\$4,000,000
Redevelopment Project Area Costs	
Street Improvements	\$11,000,000
Other Streetscapes	\$1,000,000
Utilities	\$5,200,000
Transit improvements	\$1,500,000
Façade Improvements	\$1,000,000
Historic Lighting	\$750,000
Property Acquisition	\$3,000,000
Wayfinding / Signage	\$250,000
Public Parking	\$2,000,000
Public Plazas, Parks & Open Space	\$2,500,000
Environmental Remediation	\$1,500,000
Planning Studies	\$236,000
Sub-total Redevelopment Area Costs	\$29,925,000
Grand Total	\$33,925,000

The projects and estimated costs have been derived from the City of Meridian, the Meridian Development Corporation (MDC) and Vitruvian Planning, the transportation consultant, in part, based upon similar works being carried out in the broader community. The costs are estimated in 2021 dollars and are not inflated. Costs will likely vary from the costs detailed here, as they will be subject to inflation and further project refinement and timing. The cost estimates used in this analysis are considered estimates for the purpose of financial planning.

The Project Area is estimated to generate \$35,085,665 in tax increment revenue between 2022 and 2041 in addition to the initial \$75,000 loan from MDC to activate the program<sup>1</sup>.

The total from both sources is estimated to be \$35,160,665. There are presently \$33,925,000 of project costs identified in the Northern Gateway District Improvement List. It is generally understood that projects will occur on a pay-as-you-go basis recognizing there may be an opportunity for owner/developer advanced funding of projects, which eligible costs would then be reimbursed through an Owner Participation Agreement (OPA), or other similar agreement, from resources derived from the Project Area.

Administrative costs over the 20-year life of the district are estimated at \$975,000 or approximately 2.6% of total estimated revenue. The initial inter-district loan to support startup costs is assumed to be repaid at 5% interest for a total obligation of \$112,500.

The total estimated expenditures equal \$35,012,500, leaving a \$148,165 positive program balance of at the end of the 20-year term. See attached cash flow analysis for detailed estimates.

The Urban Renewal Plan for the Northern Gateway District Project (the “Plan”) provides for the Plan and Project Area to extend through its maximum term of 20 years.

### Project Funding

Secure funding includes revenue allocation funds and is money MDC is highly likely to receive. The funds may not be in MDC’s possession at the beginning of the Plan period, but it is virtually certain that MDC will receive the funds. MDC may need to take specific actions to generate the funding, but those actions are within its powers. Despite the high probability of secure funding, no project can proceed until a specific, enforceable funding plan is in place.

Potential funding is money that might be received by MDC. In every case MDC is eligible for the funding, and the source of funding exists under current law. However, each potential funding source requires one or more additional steps or decisions before MDC can obtain the resources, and the ultimate decision is outside of MDC’s independent control. The City’s capital

---

<sup>1</sup> As the Idaho property tax system provides for taxes being paid in arrears, revenue allocation proceeds will be received in FY 2042. However, the final year of income has not been considered in determining the economic feasibility of the District.

contributions or Community Development Block Grant funding are examples of potential funding. Thus, potential funding is not assumed in determining financial feasibility.

Unfunded projects, or portions of projects lack secure or potential funding. At this time, all projects are anticipated to be funded.

The amount of tax increment contributed to the project will may vary depending upon the actual cost of infrastructure.

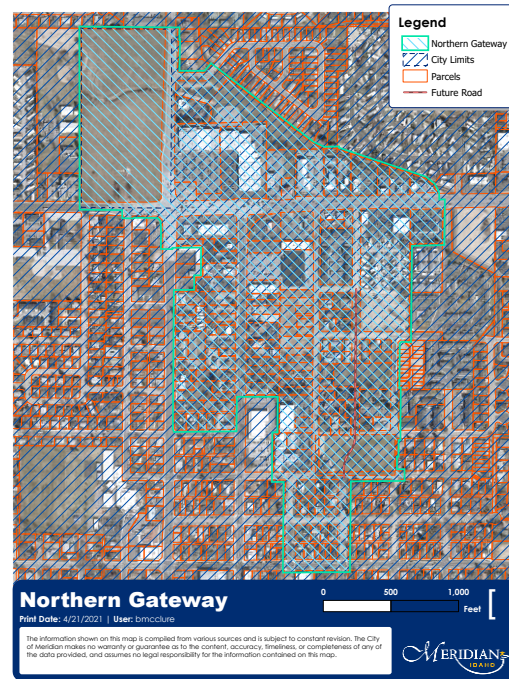
The Plan proposes certain public improvements that will facilitate development in the Project Area. The overall investment package will be funded from a variety of financing methods and sources. The primary method of financing MDC's obligation will be through the use of tax increment revenue (i.e., incremental property taxes from the revenue allocation area). This Plan anticipates that at least a portion of the tax increment revenue will be used to reimburse an owner/developer through a negotiated agreement for some or all of the eligible improvement costs. The issuance of bonds is not anticipated in this analysis of financial feasibility.

Other sources of funding for project may include, but are not limited to:

- Local Improvement District (LID)
- Business Improvement District (BID)
- Development Impact Fees
- Franchise Fees
- Grants from federal, state, local, regional agencies and/or private entities
- Other bonds, notes and/or loans
- Improvements and/or payments by developers

The total project costs and the amount of tax increment are estimates. The estimated project costs and revenues are based on MDC's present knowledge and expectations supported by detailed information from property owners, City and MDC staff and MDC's consultants based in part upon current construction projects in the broader community.

## Map of Proposed Northern Gateway District



## Summary of Projects

Based on the Northern Gateway District Improvement List set forth above, the estimated total costs for the public improvements are \$33,925,000.

### Cost of Operations and Improvements by Year (2021-2042)

Year	Secure Funding (TIF & MDC Loan)	Potential Funding	District Operating Expenses	Capital and Program Expenses And Repay Inter-district Loan	Total Project Liabilities
2021	\$75,000	\$0	\$0		\$0
2022	\$38,172	\$0	\$25,000		\$25,000
2023	\$79,830	\$0	\$50,000	\$50,000	\$100,000
2024	\$125,301	\$0	\$50,000	\$125,000	\$175,000
2025	\$333,941	\$0	\$50,000	\$262,500	\$312,500
2026	\$475,588	\$0	\$50,000	\$400,000	\$450,000
2027	\$598,223	\$0	\$50,000	\$550,000	\$600,000
2028	\$912,403	\$0	\$50,000	\$850,000	\$900,000
2029	\$1,215,713	\$0	\$50,000	\$1,000,000	\$1,050,000

2030	\$1,428,075	\$0	\$50,000	\$1,500,000	\$1,550,000
2031	\$1,756,969	\$0	\$50,000	\$1,700,000	\$1,750,000
2032	\$1,863,706	\$0	\$50,000	\$1,800,000	\$1,850,000
2033	\$2,055,176	\$0	\$50,000	\$2,000,000	\$2,050,000
2034	\$2,362,110	\$0	\$50,000	\$2,300,000	\$2,350,000
2035	\$2,631,278	\$0	\$50,000	\$2,600,000	\$2,650,000
2036	\$2,781,286	\$0	\$50,000	\$2,700,000	\$2,750,000
2037	\$2,938,672	\$0	\$50,000	\$2,900,000	\$2,950,000
2038	\$3,103,800	\$0	\$50,000	\$3,100,000	\$3,150,000
2039	\$3,277,052	\$0	\$50,000	\$3,200,000	\$3,250,000
2040	\$3,458,829	\$0	\$50,000	\$3,400,000	\$3,450,000
2041	\$3,649,551	\$0	\$50,000	\$3,600,000	\$3,650,000
2042	\$0	\$0	0		\$0
<b>Total</b>	<b>\$35,160,665</b>	<b>\$0</b>	<b>\$975,000</b>	<b>\$34,037,500</b>	<b>\$35,012,500</b>

Note: This analysis anticipates a positive fund balance of \$148,165 the end of the project.



## **ATTACHMENT 5.2 (Option A)**

### **Economic Feasibility Study**

The Plan, as currently envisioned, is economically feasible because the proposed development is sufficient to fully cover the anticipated cost of redevelopment program.

The economic feasibility of the Plan is based on the following factors:

- The amount of development anticipated in the Project Area
- The timing of the proposed taxable development
- The nature of the proposed development
- The amount of tax revenue to be generated by the proposed development
- The cost of public improvement projects
- If revenue equals or exceeds project costs, the Plan is economically feasible.

The following is a summary of the analysis and estimates of the factors used to determine the economic feasibility of the Plan.

#### **The Economic Feasibility Analysis**

##### **Summary:**

Over the course of the Plan and the Northern Gateway District, \$35,085,665 of Tax Increment Revenue will be generated using the development scenarios proposed by the City and MDC, in consultation with its consultants and property owners within the Northern Gateway District. The Economic Feasibility Study assumes a minimum of 10% of annual revenue allocation area proceeds, or TIF revenue, will be used for administration of the Northern Gateway District with that amount capped at \$50,000 per year, for a total of \$975,000 for administration costs over the 20-year lifespan of the District.

The attached spreadsheets entitled “Northern Gateway District Revenue Model” and “Northern Gateway District Cash Flow Analysis” gives a more detailed outlook on the revenues and expenses of the development scenario.

The following assumptions were made in the formulation of the Financial Feasibility Analysis:

- Land Value Increase @ 8% / Year for 5 years, then 4% / year for the balance of the term.
- Improvement Value Increase @ 10% / Year for 5 years, then 5% / year for the balance of the term.
- Tax Rate is reduced 10% and held constant through the life of the Plan
- Total Cost of Improvements over the life of the project: \$33,925,000 (City and consultants’ estimates)

- Tax rate does not include levies excluded pursuant to Idaho Code 50-2908, such as voter approved bonds/levies after 2007, judgment levies or the School District Plant or supplemental levies excluded by law.

The Economic Feasibility Analysis shows that the project will generate adequate funds within the Project Area to fund the necessary capital improvements.

4820-9976-3190, v. 6

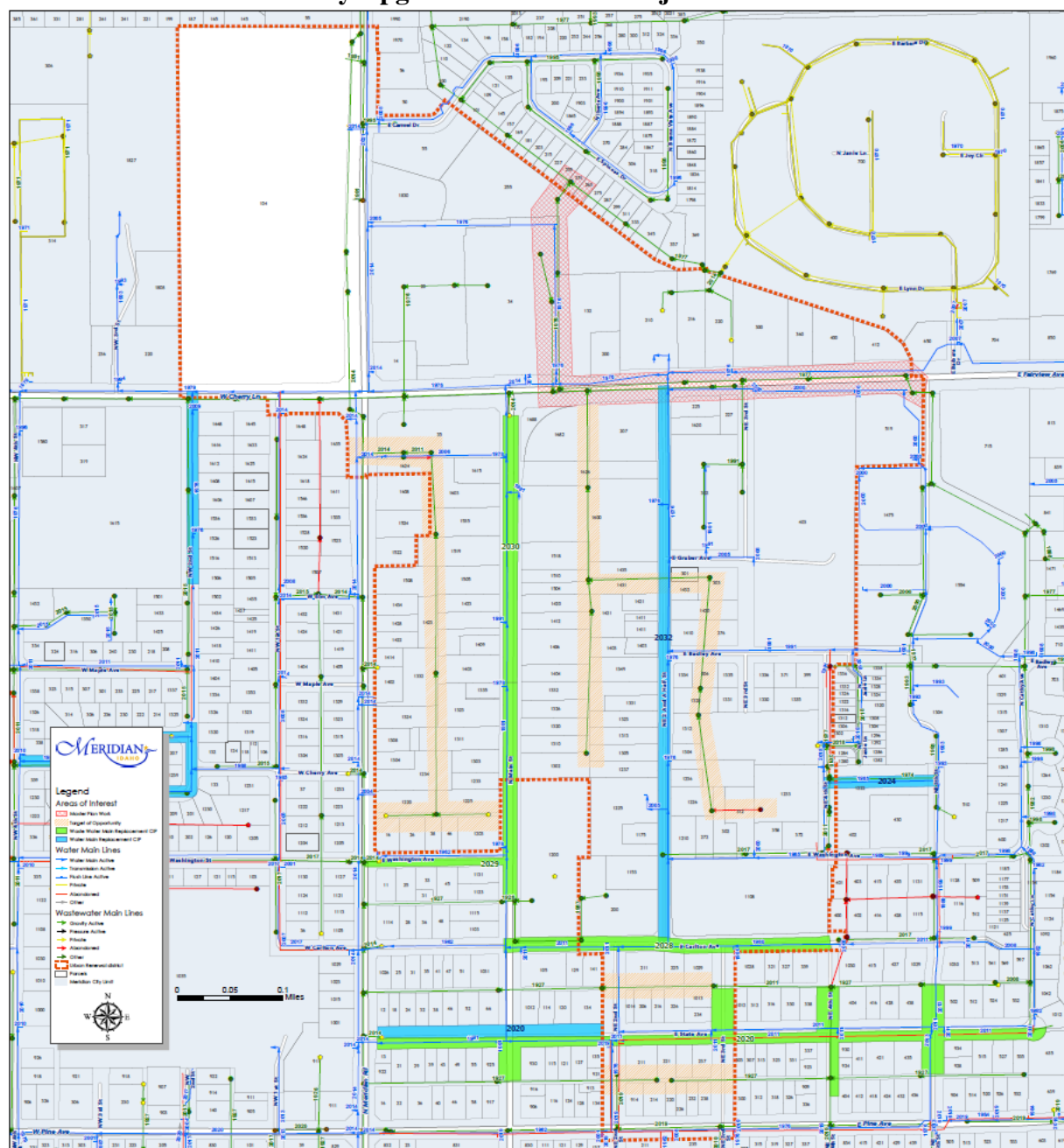
## Street Improvements – More Detailed Description

Street Section	Length (LF)	Construction	Design	Construction Contingency	Total Estimate (Rounded)
2 & 1/2 St, Carlton to Fairview	2,000	\$ 3,050,000	\$ 460,000	\$ 610,000	\$ 4,100,000
3rd Street, Carlton to Pine	700	\$ 475,000	\$ 70,000	\$ 100,000	\$ 600,000
3rd Street, Fairview to Carlton	2,000	\$ 1,770,000	\$ 270,000	\$ 350,000	\$ 2,400,000
Carlton, w/o 2nd to e/o 4th	900	\$ 1,260,500	\$ 190,000	\$ 250,000	\$ 1,700,000
Washington, 2 & 1/2 to 4th	600	\$ 371,000	\$ 60,000	\$ 70,000	\$ 500,000
Meridian Rd frontage, n/o Fairview	1,300	\$ 182,000	\$ 30,000	\$ 40,000	\$ 300,000
Fairview Ave frontage, W 2nd to E 5th	2,700	\$ 1,294,000	\$ -	\$ 260,000	\$ 1,600,000
Main St frontage, Fairview to Washington	1,700	\$ 2,100,000	\$ 320,000	\$ 420,000	\$ 2,800,000
4th, Washington Badley	400	\$ 218,000	\$ 30,000	\$ 40,000	\$ 300,000
Badley, 2 & 1/2 to 4th	600	\$ 371,000	\$ 60,000	\$ 70,000	\$ 500,000
Gruber, 2 & 1/2 to 4th	600	\$ 239,000	\$ 40,000	\$ 50,000	\$ 300,000
State Ave, w/o 2nd to e/o 3rd	400	\$ 134,000	\$ 20,000	\$ 30,000	\$ 200,000
2nd, Pine to Carlton	600	\$ 183,000	\$ 30,000	\$ 40,000	\$ 300,000
Pine frontage, w/o 2nd to e/o 3rd	400	\$ -	\$ -	\$ -	\$ -
<b>Totals</b>	<b>14,900</b>	<b>\$ 11,647,500</b>	<b>\$ 1,750,000</b>	<b>\$ 2,330,000</b>	<b>\$ 15,700,000</b>

### Notes:

- Assumes no right of way acquisition
- Design estimated at 15% of construction, rounded
- Contingency of 25% applied to construction costs, rounded
- Water main and Wastewater Main estimates supplied by City of Meridian Public Works
- Local/Collector Street costs adjusted down when major Water/WW Main planned due to road work incorporated into those costs

## Estimated Location of Utility Upgrades Within the Project Area



## Red – Water and Wastewater Main Lines In Need of Expansion or Replacement

### Blue – Water Main Lines Planned for Replacement

Green – Wastewater Lines

# Northern Gateway District Revenue Model

Year	Land Value (+8% annually for 5 years then 4%)	Initial Imprv. Value (+ 10% Annually for 5 years then 5%)	Total Assessed Value	Annual New Const. Value on tax roll	Cum. New Const Value + Inflation @ 10% for 5 years then 5%)	Cum total Taxable Value	Cumulative Homeowne rs' Exemption	Taxable Value	Increment Value (I - Base Value)	Levy Rate (Flat)	Tax Increment Yield	Admin Costs (10%)	Funding for Capital Projects / Debt Service
2021	\$ 27,641,100	\$ 46,297,100	\$ 73,938,200	\$ -	\$ -	\$ 73,938,200	\$ 2,775,726	\$ 71,162,474	\$ -	0.0053			
2022	\$ 29,852,388	\$ 50,926,810	\$ 80,779,198	\$ 500,000	\$ 500,000	\$ 81,279,198	\$ 2,914,512	\$ 78,364,686	\$ 7,202,212	0.0053	\$ 38,172	\$ 3,817	\$ 34,355
2023	\$ 32,240,579	\$ 56,019,491	\$ 88,260,070	\$ 500,000	\$ 1,025,000	\$ 89,285,070	\$ 3,060,238	\$ 86,224,832	\$ 15,062,358	0.0053	\$ 79,830	\$ 7,983	\$ 71,847
2024	\$ 34,819,825	\$ 61,621,440	\$ 96,441,265	\$ 500,000	\$ 1,576,250	\$ 98,017,515	\$ 3,213,250	\$ 94,804,266	\$ 23,641,792	0.0053	\$ 125,301	\$ 12,530	\$ 112,771
2025	\$ 37,605,411	\$ 67,783,584	\$ 105,388,996	\$ 30,500,000	\$ 32,155,063	\$ 137,544,058	\$ 3,373,912	\$ 134,170,146	\$ 63,007,672	0.0053	\$ 333,941	\$ 33,394	\$ 300,547
2026	\$ 40,613,844	\$ 74,561,943	\$ 115,175,787	\$ 15,500,000	\$ 49,262,816	\$ 164,438,602	\$ 3,542,608	\$ 160,895,995	\$ 89,733,521	0.0053	\$ 475,588	\$ 47,559	\$ 428,029
2027	\$ 42,238,398	\$ 78,290,040	\$ 120,528,438	\$ 15,500,000	\$ 67,225,956	\$ 187,754,394	\$ 3,719,738	\$ 184,034,656	\$ 112,872,182	0.0053	\$ 598,223	\$ 50,000	\$ 548,223
2028	\$ 43,927,934	\$ 82,204,542	\$ 126,132,476	\$ 50,500,000	\$ 121,087,254	\$ 247,219,730	\$ 3,905,725	\$ 243,314,005	\$ 172,151,531	0.0053	\$ 912,403	\$ 50,000	\$ 862,403
2029	\$ 45,685,051	\$ 86,314,769	\$ 131,999,820	\$ 45,500,000	\$ 172,641,617	\$ 304,641,437	\$ 4,101,011	\$ 300,540,426	\$ 229,377,952	0.0053	\$ 1,215,703	\$ 50,000	\$ 1,165,703
2030	\$ 47,512,453	\$ 90,630,507	\$ 138,142,961	\$ 25,500,000	\$ 206,773,698	\$ 344,916,658	\$ 4,306,062	\$ 340,610,596	\$ 269,448,122	0.0053	\$ 1,428,075	\$ 50,000	\$ 1,378,075
2031	\$ 49,412,952	\$ 95,162,033	\$ 144,574,984	\$ 45,500,000	\$ 262,612,383	\$ 407,187,367	\$ 4,521,365	\$ 402,666,002	\$ 331,503,528	0.0053	\$ 1,756,969	\$ 50,000	\$ 1,706,969
2032	\$ 51,389,470	\$ 99,920,134	\$ 151,309,604	\$ 500,000	\$ 276,243,002	\$ 427,552,606	\$ 4,747,433	\$ 422,805,172	\$ 351,642,698	0.0053	\$ 1,863,706	\$ 50,000	\$ 1,813,706
2033	\$ 53,445,048	\$ 104,916,141	\$ 158,361,189	\$ 15,500,000	\$ 305,555,152	\$ 463,916,341	\$ 4,984,805	\$ 458,931,536	\$ 387,769,062	0.0053	\$ 2,055,176	\$ 50,000	\$ 2,005,176
2034	\$ 55,582,850	\$ 110,161,948	\$ 165,744,798	\$ 35,500,000	\$ 356,332,909	\$ 522,077,708	\$ 5,234,045	\$ 516,843,662	\$ 445,681,188	0.0053	\$ 2,362,110	\$ 50,000	\$ 2,312,110
2035	\$ 57,806,164	\$ 115,670,045	\$ 173,476,210	\$ 25,500,000	\$ 399,649,555	\$ 573,125,765	\$ 5,495,748	\$ 567,630,017	\$ 496,467,543	0.0053	\$ 2,631,278	\$ 50,000	\$ 2,581,278
2036	\$ 60,118,411	\$ 121,453,548	\$ 181,571,958	\$ 500,000	\$ 420,132,033	\$ 601,703,991	\$ 5,770,535	\$ 595,933,456	\$ 524,770,982	0.0053	\$ 2,781,286	\$ 50,000	\$ 2,731,286
2037	\$ 62,523,147	\$ 127,526,225	\$ 190,049,372	\$ 500,000	\$ 441,638,634	\$ 631,688,007	\$ 6,059,062	\$ 625,628,945	\$ 554,466,471	0.0053	\$ 2,938,672	\$ 50,000	\$ 2,888,672
2038	\$ 65,024,073	\$ 133,902,536	\$ 198,926,609	\$ 500,000	\$ 464,220,566	\$ 663,147,175	\$ 6,362,015	\$ 656,785,161	\$ 585,622,687	0.0053	\$ 3,103,800	\$ 50,000	\$ 3,053,800
2039	\$ 67,625,036	\$ 140,597,663	\$ 208,222,699	\$ 500,000	\$ 487,931,594	\$ 696,154,294	\$ 6,680,116	\$ 689,474,178	\$ 618,311,704	0.0053	\$ 3,277,052	\$ 50,000	\$ 3,227,052
2040	\$ 70,330,038	\$ 147,627,546	\$ 217,957,584	\$ 500,000	\$ 512,828,174	\$ 730,785,758	\$ 7,014,121	\$ 723,771,636	\$ 652,609,162	0.0053	\$ 3,458,829	\$ 50,000	\$ 3,408,829
2041	\$ 73,143,239	\$ 155,008,923	\$ 228,152,163	\$ 500,000	\$ 538,969,583	\$ 767,121,745	\$ 7,364,827	\$ 759,756,918	\$ 688,594,444	0.0053	\$ 3,649,551	\$ 50,000	\$ 3,599,551
				<b>\$ 310,000,000</b>							<b>\$ 35,085,665</b>	<b>\$ 855,283</b>	<b>\$ 34,230,382</b>

## Northern Gateway District Revenue Model

### Assumptions

Land Values inflate at 8% per year for 5 years (*consistent with recent assessed value history*) then at 4% for remainder of the Plan term

Improvement Values inflate at 10% per year for 5 years (*consistent with recent assessed value history*) then at 5% for remainder of the Plan term

Tax rate reduced by 10% from 2020 certified rate then held constant for the remainder of the Plan term

Homeowners' Property Tax Exemption increases at 5% per year

Revenue Allocation proceeds flow to the District in the year after Certificate of Occupancy (C.O.)

Unincorporated area taxable investment estimated at: (*uninflated cost estimate*)

- \$30,000,000 with C.O. in 2024
- \$15,000,000 with C.O. in 2026
- \$15,000,000 with C.O. in 2030
- \$15,000,000 with C.O. in 2031
- \$15,000,000 with C.O. in 2034

Potential Development Projects within District based upon staff discussions with Developers (Total Taxable Investment @ \$210,000,000)

Value estimates based upon 2021 projects in Meridian

- Project A- Phase 1: C.O. in 2025 ~ \$15,000,000
- Project A - Phase 2: C.O. in 2027 ~ \$30,000,000
- Project B: C.O. in 2027 ~ \$20,000,000
- Project C - Phase 1: C.O. in 2028 ~ \$15,000,000
- Project C - Phase 2: C.O. in 2030 ~ \$30,000,000
- Project D - Phase 1: C.O. in 2028 ~ \$30,000,000
- Project D - Phase 2: C.O. in 2029 ~ 10,000,000
- Project D - Phase 3: C.O. in 2033 ~ \$20,000,000
- Project E: C.O. in 2032 ~ \$15,000,000
- Project F: C.O. in 2035 ~ 25,000,000

Other properties within District will generate \$500,000 in taxable investment annually

Minimum of 10% of annual revenue allocation yield will be paid to the Meridian Development Corporation for administrative costs

Balance of Revenue Allocation yield will be available for capital investment and program expenses

### Notes

Note 1: (Non-equalized) 2021 Assessed Values Used in forecast.

Note 2: MDC will receive revenue allocation funds in 2042, but that amount has not been considered in determining economic feasibility.

Note 3: The 17 acre parcel at Meridian Road and Cherry is currently outside the city limits but is seeking annexation.

Note 4: It is anticipated that the annexation will be completed prior to plan adoption

## Northern Gateway District Cash Flow Analysis

	A	B	C	D	E	F	G	H	I	J	K	L
1												
2		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
3	Beginning Balance	\$ -	\$ 75,000	\$ 88,172	\$ 68,002	\$ 18,303	\$ 39,744	\$ 65,332	\$ 63,555	\$ 75,958	\$ 241,661	\$ 119,736
4	Source of Funds											
5	Total Revenue Allocation	\$ -	\$ 38,172	\$ 79,830	\$ 125,301	\$ 333,941	\$ 475,588	\$ 598,223	\$ 912,403	\$ 1,215,703	\$ 1,428,075	\$ 1,756,969
6	MDC Inter-District Loan *	\$ 75,000		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Total Funds Available	\$ 75,000	\$ 113,172	\$ 168,002	\$ 193,303	\$ 352,244	\$ 515,332	\$ 663,555	\$ 975,958	\$ 1,291,661	\$ 1,669,736	\$ 1,876,705
8												
9	Use of Funds											
10	District Operating Expenses	\$ -	\$ 25,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
11	Repay Inter-District Loan @ 5%	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ 12,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12	Capital & Program Expenses		\$ -	\$ -	\$ 75,000	\$ 250,000	\$ 400,000	\$ 550,000	\$ 850,000	\$ 1,000,000	\$ 1,500,000	\$ 1,700,000
13	Total Use of Funds	\$ -	\$ 25,000	\$ 100,000	\$ 175,000	\$ 312,500	\$ 450,000	\$ 600,000	\$ 900,000	\$ 1,050,000	\$ 1,550,000	\$ 1,750,000
14	Ending Balance	\$ 75,000	\$ 88,172	\$ 68,002	\$ 18,303	\$ 39,744	\$ 65,332	\$ 63,555	\$ 75,958	\$ 241,661	\$ 119,736	\$ 126,705
15												
16		2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	Total
17	Beginning Balance	\$ 126,705	\$ 140,411	\$ 145,587	\$ 157,697	\$ 138,975	\$ 170,261	\$ 158,933	\$ 112,733	\$ 139,785	\$ 148,614	
18	Source of Funds											
19	Total Revenue Allocation	\$ 1,863,706	\$ 2,055,176	\$ 2,362,110	\$ 2,631,278	\$ 2,781,286	\$ 2,938,672	\$ 3,103,800	\$ 3,277,052	\$ 3,458,829	\$ 3,649,551	\$ 35,085,665
20	MDC Inter-District Loan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000
21	Total Funds Available	\$ 1,990,411	\$ 2,195,587	\$ 2,507,697	\$ 2,788,975	\$ 2,920,261	\$ 3,108,933	\$ 3,262,733	\$ 3,389,785	\$ 3,598,614	\$ 3,798,165	\$ 35,160,665
22												
23	Use of Funds											
24	District Operating Expenses	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 975,000
25	Repay Inter-district Loan @ 5%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 112,500
26	Capital & Program Expenses	\$ 1,800,000	\$ 2,000,000	\$ 2,300,000	\$ 2,600,000	\$ 2,700,000	\$ 2,900,000	\$ 3,100,000	\$ 3,200,000	\$ 3,400,000	\$ 3,600,000	\$ 33,925,000
27	Total Use of Funds	\$ 1,850,000	\$ 2,050,000	\$ 2,350,000	\$ 2,650,000	\$ 2,750,000	\$ 2,950,000	\$ 3,150,000	\$ 3,250,000	\$ 3,450,000	\$ 3,650,000	\$ 35,012,500
28	Ending Balance	\$ 140,411	\$ 145,587	\$ 157,697	\$ 138,975	\$ 170,261	\$ 158,933	\$ 112,733	\$ 139,785	\$ 148,614	\$ 148,165	
29												
30	Assumptions											
31	Initial District Start-up costs supported by MDC Inter-district Loan of \$75,000 to be repaid at 5% Interest											
32	A minimum of 10% of annual TIF yield dedicated to Meridian Development Corporation for District operating Expenses, capped at \$50,000, Yr.											
33	Land Values will increase at an average of 8% annually for 5 years then at 4% over the remaining life of the District											
34	Improvement Values will increase at a rate of 10% for 5 years then at 5% over the remaining life of the District											
35	Includes \$90,000,000 in taxable investment on the property currently located in unincorporated Ada County but will be annexed to the City of Meridian prior to development											

Attachment 6  
Agricultural Operation Consent

4837-9029-4001, v. 7



## AGRICULTURAL OPERATION CONSENT FORM

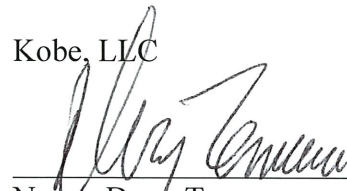
COMES NOW Doug Tamura, Member of Kobe, LLC, an Idaho limited liability company ("Kobe, LLC"), and states that Kobe, LLC owns that certain property generally described as Parcel Identification Number S1201449707 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated May 2021, entitled Northern Gateway Urban Renewal District (Proposed) Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Doug Tamura, Member of Kobe, LLC, an Idaho limited liability company, hereby provides his consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 18<sup>th</sup> day of AUGUST, 2021.

Kobe, LLC



Name: Doug Tamura

Title: Member

STATE OF IDAHO                    )  
  ) ss:  
County of Ada                    )

This record was acknowledged before me on 8/18/21 (date) by Doug Tamura on behalf of Kobe, LLC in his capacity as its Member.

(stamp)



David Wray  
Notary Public  
My Commission Expires on 12/21/25

**EXHIBIT A**

**PARCEL NUMBER**

S1201449707

**ADDRESS**

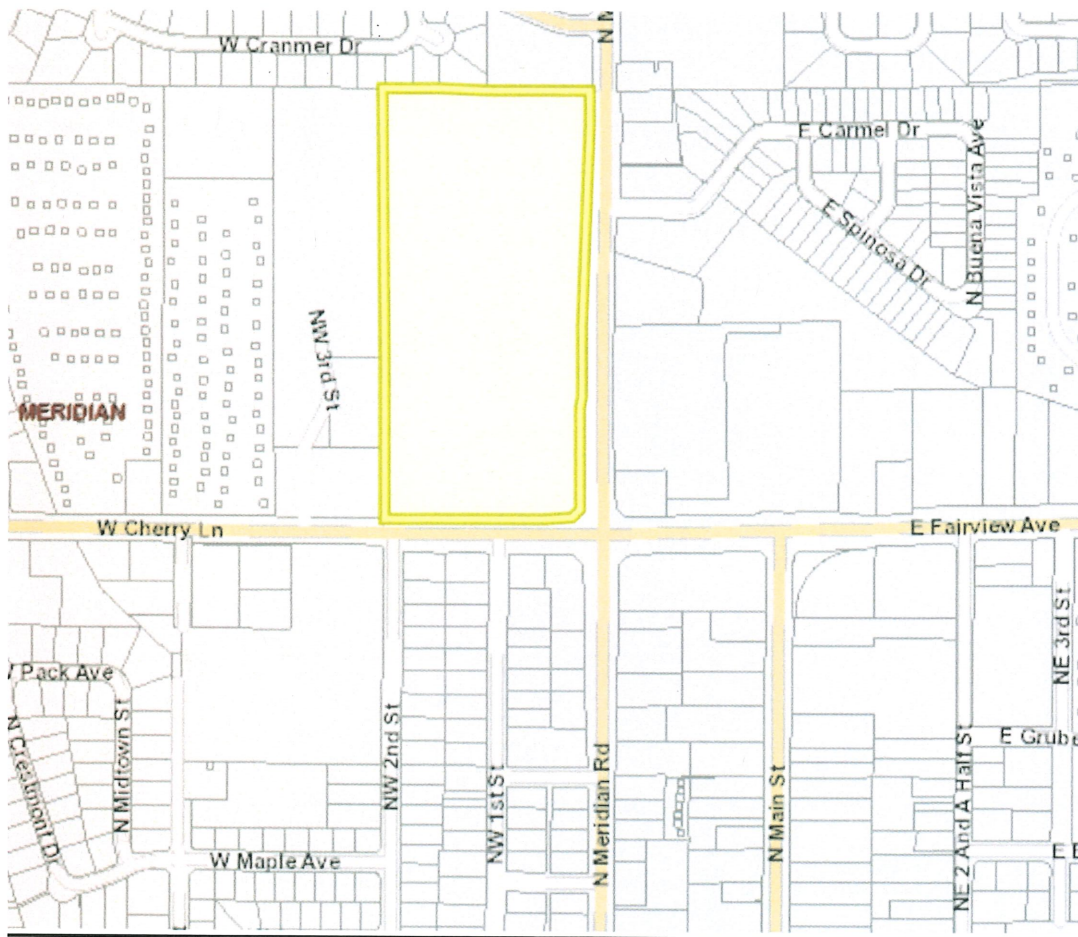
104 W. Cherry, Meridian, ID 83642

**DESCRIPTION**

PAR #9707 @ SE COR SE4SE4

SEC 13N 1W

#449705-B



**EXHIBIT B****EXCERPTS OF STATUTES****IDAHO CODE §§ 50-2018(8) AND (9)**

(8) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare. Provided however, this definition shall not apply to any agricultural operation, as defined in section [22-4502](#)(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section [63-1701](#)(4), Idaho Code, absent the consent of the forest landowner, as defined in section [63-1701](#)(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

(9) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section [50-2008](#)(d), Idaho Code, shall apply; and provided further, that any disaster area referred to in section [50-2008](#)(g), Idaho Code, shall constitute a deteriorating area. Provided however, this definition shall not apply to any agricultural operation, as defined in section [22-4502](#)(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section [63-1701](#)(4), Idaho Code, absent the consent of the forest landowner, as defined in section [63-1701](#)(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.



**IDAHO CODE § 50-2008**

50-2008. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT. (a) An urban renewal project for an urban renewal area shall not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area or a combination thereof and designated such area as appropriate for an urban renewal project.

(b) An urban renewal agency may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to an urban renewal agency. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within sixty (60) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within said sixty (60) days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.

(c) The local governing body shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

(d) Following such hearing, the local governing body may approve an urban renewal project and the plan therefor if it finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; (3) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as

a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

(e) An urban renewal plan may be modified at any time: Provided that if modified after the lease or sale by the urban renewal agency of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the urban renewal agency may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

(f) Upon the approval by the local governing body of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area, and the urban renewal agency may then cause such plan or modification to be carried out in accordance with its terms.

(g) Notwithstanding any other provisions of this act, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under 42 U.S.C. section 5121, or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of subsection (d) of this section and the provisions of this section requiring a general plan for the municipality and a public hearing on the urban renewal project.

(h) Any urban renewal plan containing a revenue allocation financing provision shall include the information set forth in section 50-2905, Idaho Code.



## IDAHO CODE §50-2903(8)

(8) "Deteriorated area" means:

(a) Any area, including a slum area, in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(b) Any area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, results in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

(c) Any area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.

(d) Any area which the local governing body certifies is in need of redevelopment or rehabilitation as a result of a flood, storm, earthquake, or other natural disaster or catastrophe respecting which the governor of the state has certified the need for disaster assistance under any federal law.

(e) Any area which by reason of its proximity to the border of an adjacent state is competitively disadvantaged in its ability to attract private investment, business or commercial development which would promote the purposes of this chapter.

(f) "Deteriorated area" does not mean not developed beyond agricultural, or any agricultural operation as defined in section 22-4502(1), Idaho Code, or any forest land as defined in section 63-1701(4), Idaho Code, unless the owner of the agricultural operation or the forest landowner of the forest land gives written consent to be included in the deteriorated area, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

**EXHIBIT C**  
**ELIGIBILITY REPORT**

4837-6502-2952, v. 1





# Northern Gateway Urban Renewal District (Proposed)

## Eligibility Report

Prepared for

The City of Meridian  
and  
The Meridian Development Corporation  
May 2021



Kushlan | Associates  
Boise, Idaho

**Introduction:** Kushlan | Associates was retained by the Urban Renewal Agency of the City of Meridian, Idaho, also known as the Meridian Development Corporation (the “MDC”) to assist in their consideration of establishing a new urban renewal district<sup>1</sup> in the City of Meridian, Idaho, and its area of operation.

Elected Officials serving the City of Meridian are:

Mayor:	Robert Simison
Council President:	Treg Bernt
Council Vice President:	Brad Hoaglund
Council Members:	Joe Borton
	Luke Cavener
	Liz Strader
	Jessica Perreault

City Staff

Community Development Director:	Cameron Arial
---------------------------------	---------------

Idaho Code § 50-2006 states: “URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the “urban renewal agency” that was created by resolution as provided in section 50-2005, Idaho Code, before July 1, 2011, for the municipality...” to carry out the powers enumerated in the statutes. The Meridian City Council adopted Resolution 01-397 on July 24, 2001 bringing forth those powers within the City of Meridian.

The Mayor, with the confirmation of the City Council, has appointed nine members to the MDC Board of Commissioners (the “MDC Board”). The MDC Board currently oversees the implementation of three urban renewal districts. Two are focused on the revitalization of downtown Meridian. The first, the Meridian Revitalization Plan Urban Renewal Project (the “Downtown District”) was established by the City Council’s adoption of Ordinance No. 02-987 on December 3, 2002. The second district, the Urban Renewal Plan for the Union District Urban Renewal Project (the “Union District”) was established with the adoption of Ordinance No. 20-1882 on June 9, 2020. Both the Downtown District and the Union District are focused on redevelopment activities in and around the City’s downtown core. The third district, the Urban Renewal Plan for the Ten Mile Road- A Urban Renewal Project (the “Ten Mile District”) was established by Ordinance No. 16-1695 adopted on June 21, 2016, and is focused on economic development outside of the City’s core to support implementation of the Ten Mile Interchange Specific Area Plan.

The current membership of the Commission is as follows:

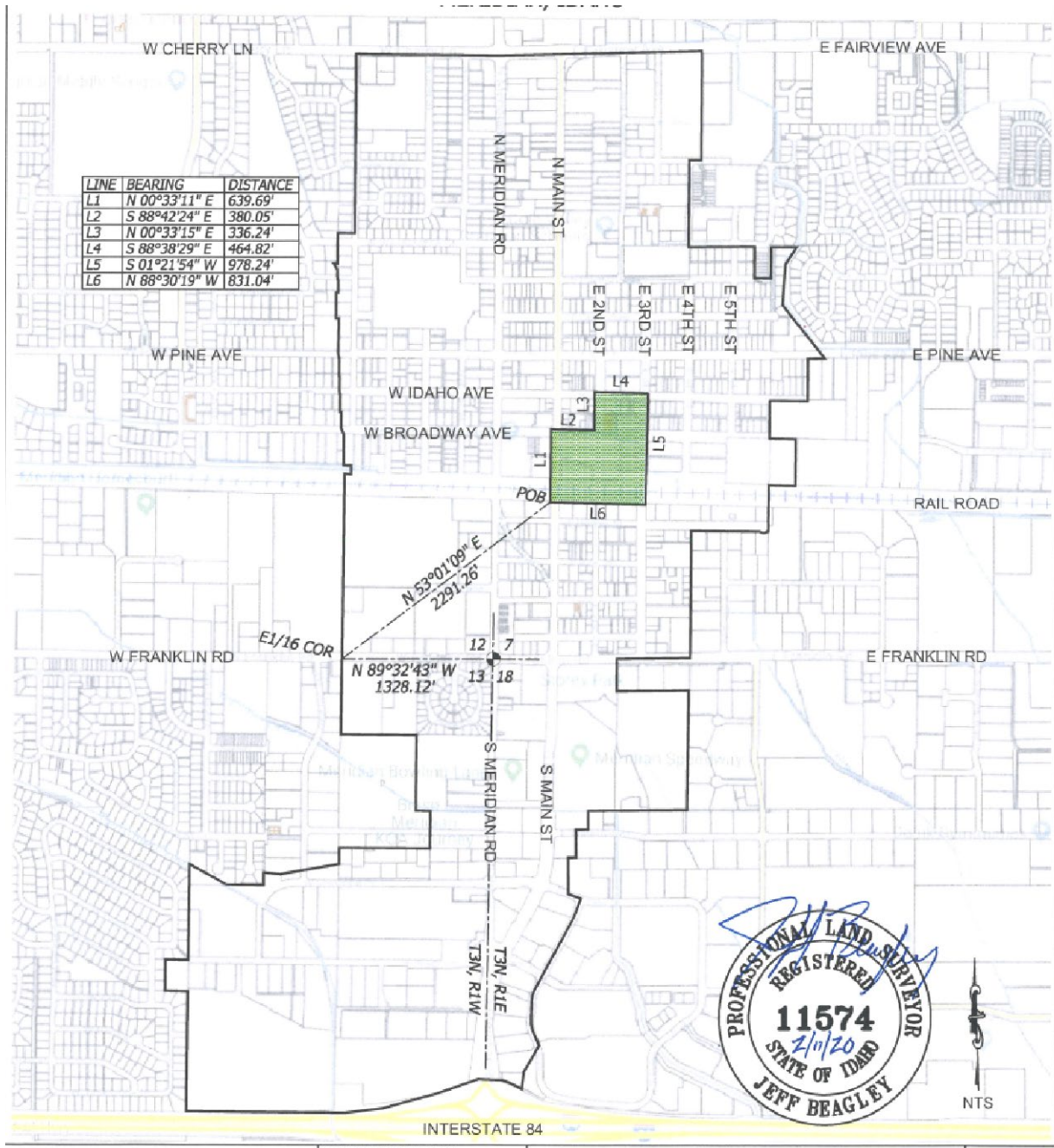
Chair:	David Winder
Vice Chairman	Nathan Mueller
Secretary/ Treasurer	Steve Vlassek
Commissioners	Dan Basalone
	Rob McCarvel
	Treg Bernt
	Tammy deWeerd
	Diane Bevan
	Kit Fitzgerald

<sup>1</sup> Throughout this Study, urban renewal/revenue allocation area will be referred to as an “urban renewal district.”

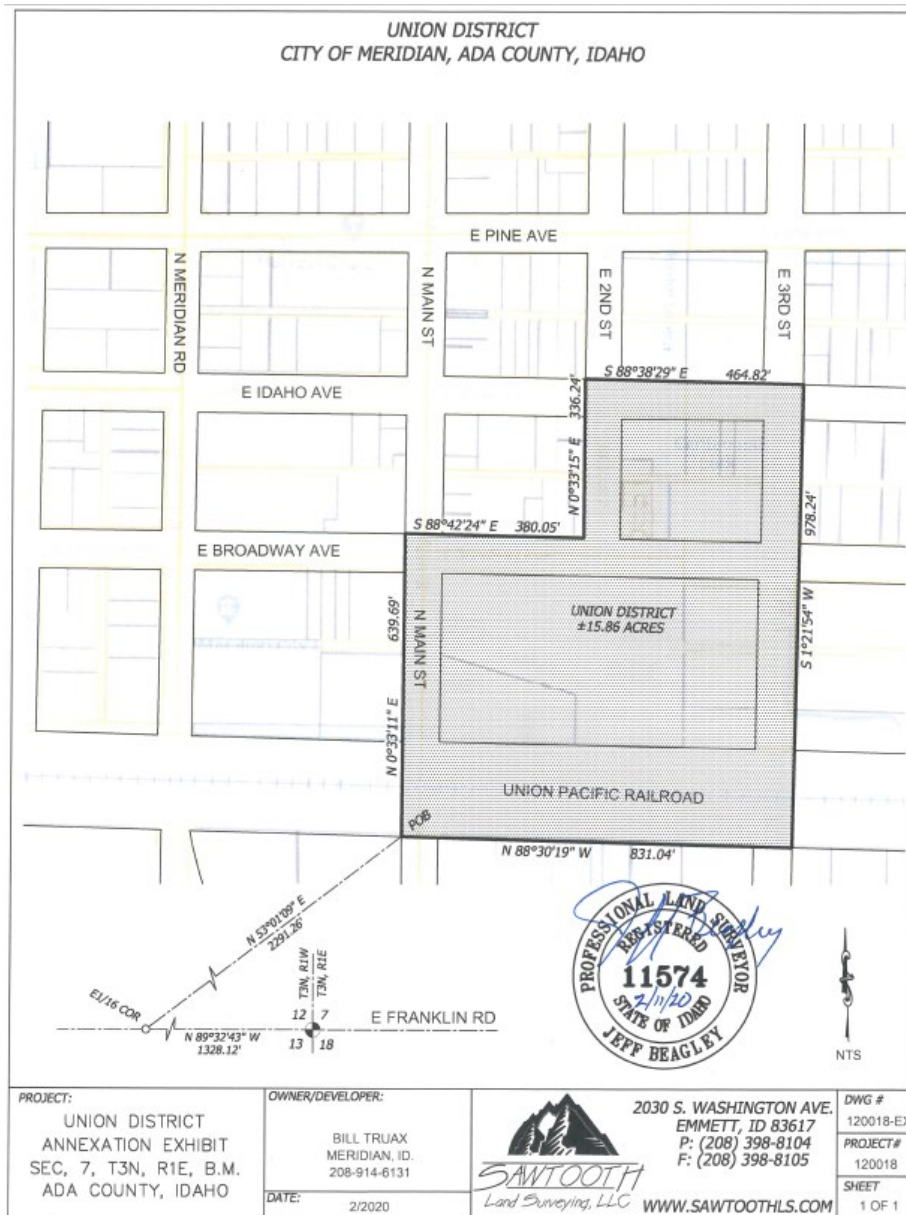
Staff:  
 Urban Renewal Administrator:  
 Legal Counsel:

Ashley Squyres  
 Todd Lakey

### Map of the Downtown District (excluding shaded area)

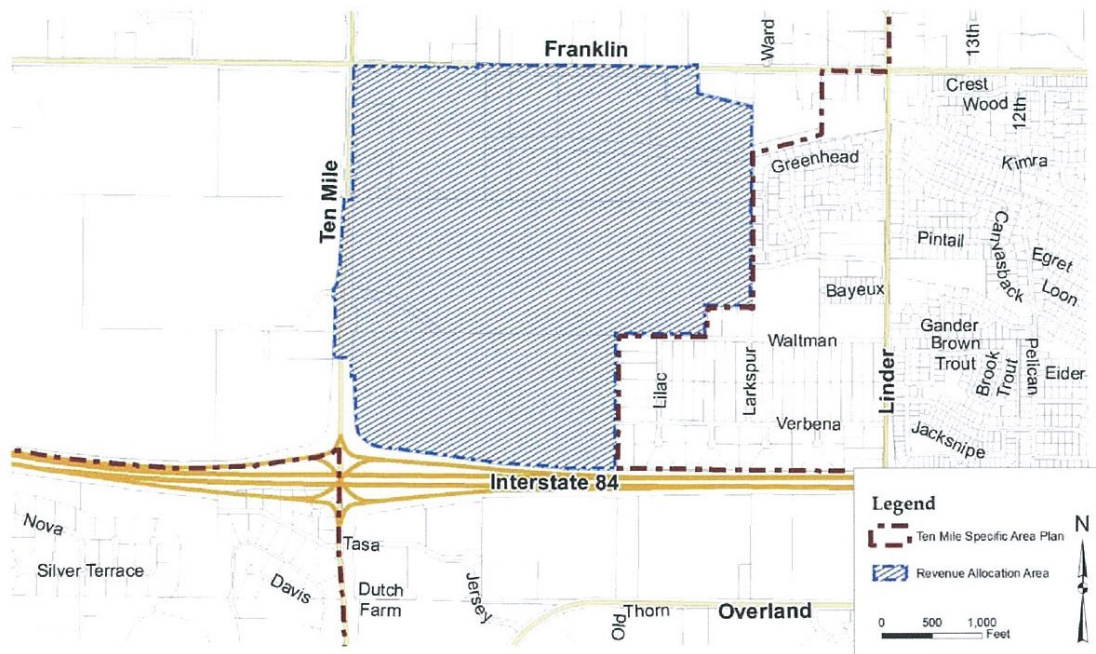


## Map of Union District





## Map of Ten Mile Road District



## Background:

While Native Americans inhabited the area for centuries, the development of the community of Meridian, as we know it today, evolved through the late nineteenth century. European settlement started in the 1880s and was originally located on a farm owned by the Onweiler family. A school was opened in 1885. The U.S. Postal Service established a mail drop along the Oregon Short Line Railroad and the site was named Hunter after its superintendent. Community activity grew around this mail stop focused on the railroad. In 1893 an Odd Fellows lodge was organized and called itself Meridian, acknowledging that it was located on the Boise Meridian the primary North-South survey benchmark for Idaho. That name grew in primary use as the name of the settlement and the Village of Meridian was incorporated in 1903 with a population of approximately 200.

The economy had traditionally been focused on the support of the surrounding agricultural activities. A major creamery was established in the community in 1897 to support the nearby dairies. Fruit orchards were located throughout the area.

Meridian was a significant stop on the Interurban electric railway from 1908 to 1928. This service provided convenient access for passengers and freight in both easterly and westerly directions.

Throughout most of the 20<sup>th</sup> century, Meridian remained a relatively quiet community focused on its agricultural roots. US Census Bureau data, reflects a 1910 population of 619 people growing to 2,616 by 1970. However, starting in 1970 the pace of growth in Southwest Idaho quickened and Meridian's growth initially reflected, and then exceeded

the regional rates by significant margins. Over the past twenty-five years the rate of growth has been startling by any reasonable standard. The following table reflects that population growth over the city's history.

1903 (Incorporation Estimate)	200
1910	619
1920	1,013
1930	1,004
1940	1,465
1950	1,500
1960	2,100
1970	2,600
1980	6,658
1990	9,596
2000	34,919
2010	75,092
2020	114,200
2021 (Estimate)	129,555

When income statistics are compared to statewide numbers, the population of Meridian compares favorably with the rest of Idaho in these categories. The median household income in Meridian is \$71,389, approximately 28% above the statewide figure of \$55,785. Per capita money income for the Meridian population is \$33,328 as compared to the statewide number of \$27,970. The percentage of the Meridian population below poverty level is 8.6% as compared to the statewide number of 11.2%.

**Investment Capacity:** Cities across the nation actively participate in the economic vitality of their communities through investment in infrastructure. Water and sewer facilities as well as transportation, communication, electrical distribution and other systems are all integral elements of an economically viable community. Idaho cities have a significant challenge in responding to these demands along with the on-going need to reinvest in their general physical plant to ensure it does not deteriorate to the point of system failure. They face stringent statutory and constitutional limitations on revenue generation and debt as well as near total dependence upon state legislative action to provide funding options. These strictures severely constrain capital investment strategies.

The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and the Local Economic Development Act are some of the few that are available to assist communities in their efforts to support economic vitality. New sources of State support are unlikely to become available in the foreseeable future, thus the City of Meridian's interest in exploring the potential for establishing another urban renewal district is an appropriate public policy consideration.

The City of Meridian initially established its Urban Renewal Agency in 2001. As noted above, the Downtown District's exclusive focus, limited by the boundaries of the district, is on the traditional downtown area of Meridian. The Ten Mile District was created in 2016 and was designed to support the implementation of the Ten Mile Interchange Specific Area Plan. A third urban renewal district was created in 2020 from an area de-

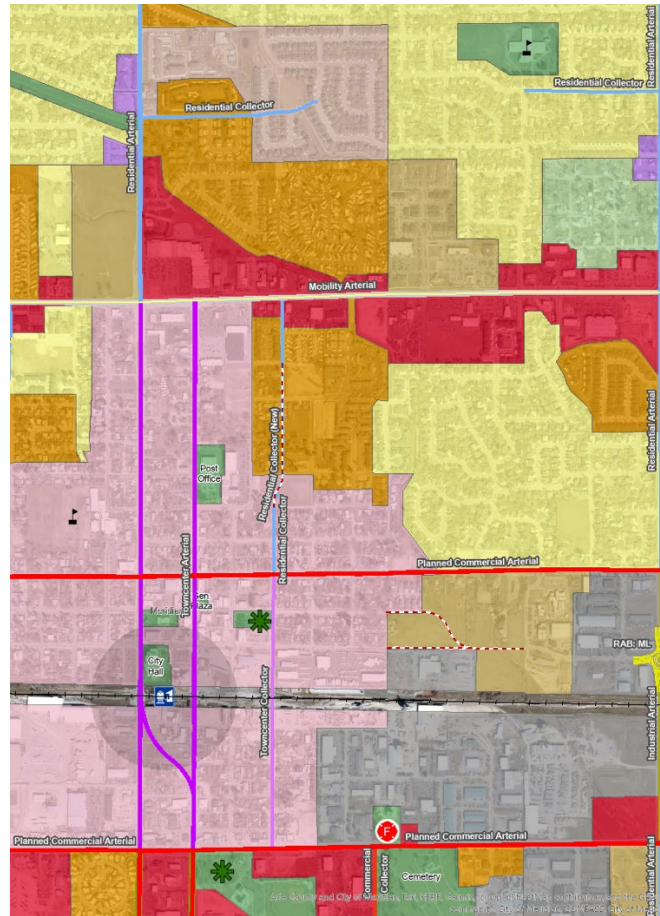
annexed from the original Downtown District to support a significant mixed use-project. The Northern Gateway Urban Renewal District would, if approved by the MDC Board of Commissioners and Meridian City Council, would remove 133 parcels from the existing Downtown District<sup>2</sup> and combine those with other properties and rights-of-way north of Fairview Avenue and southeast of Fairview Avenue to establish a new district. One large property (Kobe property ~ 17.64 acres) currently under consideration for inclusion in the district remains outside the city limits and in unincorporated Ada County. To include this parcel in a district under the jurisdiction of MDC, an agreement would be required between the City and Ada County to permit this inclusion. Should annexation of this parcel be effectuated prior to the establishment of the district by the City Council, no agreement would be required.

#### Comprehensive Plan:

The City of Meridian Comprehensive Plan, updated in 2019 calls for a mixture of Office, High Density Residential, Commercial and Mixed-Use development in the Study Area under current review. The Study Area is in transition from a predominately single-family residential area dating back to the early years of the community. While many of the residences remain in their original use, many others have been converted to office uses creating a patchwork of uses with more intense commercial activity along the arterial streets.

---

<sup>2</sup> The Second Amendment to the Meridian Revitalization Plan seeking to deannex certain parcels from the existing Downtown District, including those parcels that are contemplated to be considered for inclusion in the proposed Northern Gateway District, has been approved by the MDC Board and submitted to the City for its consideration.



## Steps in Consideration of an Urban Renewal District:

The first step in consideration of establishing an urban renewal district in Idaho is to define a potential area for analysis as to whether conditions exist within it to qualify for redevelopment activities under the statute. We have called this the “Study Area.”

The next step in the process is to review the conditions within the Study Area to determine whether the area is eligible for creating a district. The State Law governing urban renewal sets out the following criteria, at least one of which must be found, for an area to be considered eligible for urban renewal activities:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]



4. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
7. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)]
9. Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)]
10. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

If the Eligibility Report finds that one or more of the conditions noted above exists within the Study Area, then the Agency may accept the findings and forward the Eligibility Report to the City Council for their consideration. If the City Council concurs with the determination of the Agency, they may direct that an Urban Renewal Plan be developed for the area that addresses the issues raised in the Eligibility Report.

The Agency then acts to prepare the Urban Renewal Plan for the new District and establishing a Revenue Allocation Area to fund improvements called for in the Plan. Once the Plan for the District and Revenue Allocation Area are completed, the Agency Board forwards it to the City Council for their consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning Commission to determine whether the Plan, as presented, is consistent with the City's Comprehensive Plan and make a corresponding finding. At the same time, other taxing entities levying property taxes within the boundaries of the proposed Urban Renewal District are provided a thirty-day opportunity to comment on the Plan to the City Council. While the taxing entities are invited to comment on the Plan, their concurrence is not required for the City Council to proceed with formal consideration.

Based on legislative changes to Idaho Code § 50-2908(2)(a), effective July 1, 2020, the Ada County Highway District (ACHD) is allocated all of the taxes levied by ACHD within a revenue allocation area first formed or expanded to include property on or after July 1, 2020 (including taxes levied on the base and increment values), which would apply to this proposed district, if formed. However, ACHD and MDC may enter into an agreement for a different allocation, which agreement shall be submitted to the State Tax Commission and to the Ada County Clerk by ACHD as soon as practicable after the parties have entered in the agreement and by no later than September 1 of the year in which the agreement takes effect. In the case of the Northern Gateway Study Area, the affected taxing districts for those properties located within the city limits of Meridian are:

- The City of Meridian
- The West Ada School District (School District No. 2)
- Ada County

- Emergency Medical District/Ada County Ambulance
- Mosquito Abatement District
- The Ada County Highway District
- Meridian Library District
- Meridian Cemetery District
- Western Ada Recreation District
- College of Western Idaho

For the parcel located in unincorporated Ada County, the affected taxing districts are:

- The West Ada School District (Joint School District No. 2)
- Ada County
- Emergency Medical District/Ada County Ambulance
- Mosquito Abatement District
- The Ada County Highway District
- Meridian Library District
- Meridian Cemetery District
- Western Ada Recreation District
- College of Western Idaho
- Meridian Fire District
- Pest Extermination District

Once the Planning and Zoning Commission makes their finding of conformity and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

The City Council must also find that the taxable value of the district to be created plus the Base Assessed Value of any existing Urban Renewal / Revenue Allocation Area does not exceed the statutory maximum of 10% of the citywide assessed valuation.

If the City Council, in their discretion chooses to proceed, they will officially adopt the Urban Renewal Plan and Revenue Allocation Area and provide official notification of that action to the affected taxing districts, County Assessor and Idaho State Tax Commission.

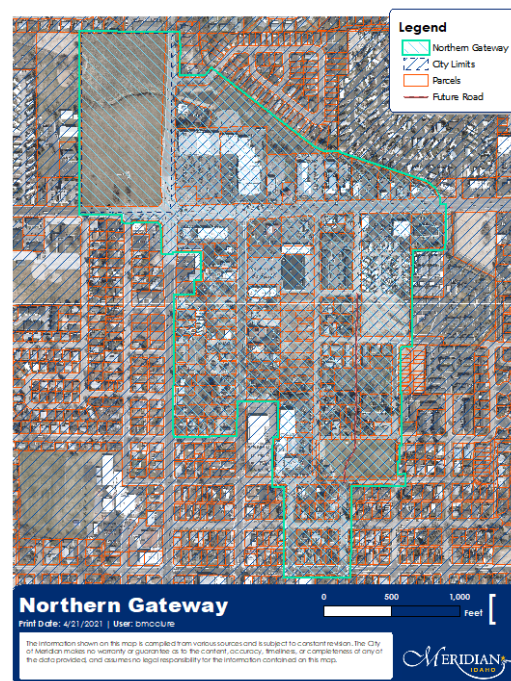
The Agency then proceeds to implement the Plan.

### **Description of the Northern Gateway Study Area:**

The Study Area subject to the current review is generally located in the central part of Meridian, northeast of the City's downtown core, and is generally bounded by Meridian Road on the west to the intersection of Meridian Road and W. Cherry Lane travelling west and E. Fairview Avenue travelling east. The Study Area then includes a large 17.64-acre parcel (Kobe Property) bounded by W. Cherry Lane to the south and Meridian Road to the east. The Study Area also includes the commercial area east of Meridian Road and north of Fairview Avenue. The eastern boundary extends south along NE 5<sup>th</sup> Avenue and then over to what would be NE 4<sup>th</sup> Street if extended, and then over to NE 3<sup>rd</sup> Street. The southern boundary extends to E. Pine Avenue between NE 3<sup>rd</sup> Street and NE 2<sup>nd</sup> Street, and then travels up NE 2<sup>nd</sup> Street and over E. Washington Avenue to connect back to Meridian Road.

The size and value information presented in **Attachment 1** was derived from the Ada County Assessor's on-line parcel information system<sup>3</sup>. The 2020 taxable value of the portion of the Study Area located in unincorporated Ada County, represents exceptionally low assessed value as compared to the more developed area surrounding it located within the corporate limits of the City of Meridian. Land values in the more developed, commercially zoned areas range from approximately \$5.00 to \$15.00 per square foot. The unincorporated agricultural land reflects a current assessed value of \$.04 per square foot consistent with assessed values assigned to agricultural properties in the broader area. As a comparison, the vacant parcel across Meridian Road within the city limits and zones for commercial purposes has an assessed value of \$8.50 per square foot.

## Northern Gateway Urban Renewal Area



## The Study Area

The Northern Gateway Study Area consists of one hundred fifty (150) tax parcels located in central Meridian, northeast of the City's downtown core, and generally east of Meridian Road and south of Fairview Avenue. A portion of the Study Area fronts the north side of Fairview Avenue east of Meridian Road and there is a 17.64 acre parcel (Kobe Property)

<sup>3</sup> For purposes of this Study, the 2020 taxable values were reviewed as at the time of this review the 2021 value information was not available. Use of the 2020 values provides a more conservative analysis as it is generally understood significant value increases will occur in 2021. Further, based on the adoption of H389, effective retroactive to January 1, 2021, the Homeowner Property Tax Exemption will increase to a maximum of \$125,000. This is anticipated to further reduce the base. Again, as the 2021 tax assessments were not yet available at the time this Study was prepared, the 2020 data has been used. The 10% analysis set forth below will ultimately be revisited in any further urban renewal plan.

located at the northwest corner of Meridian Road and Cherry Lane included as well. The Kobe Property is undeveloped and retains its historic agricultural use. The Kobe Property is currently located in unincorporated Ada County necessitating an inter-governmental agreement between MDC and Ada County to permit its inclusion within the boundaries of any future revenue allocation area. The area contains 105.63 acres in 150 separate tax parcels not including public rights-of-way. The properties within the Study Area carry zoning designations consistent with its historic usage. Commercial zoning designations are in place on 59.55 acres (56.4% of the district). Residential zoning of R-8 and R-15 predominate in the area. One parcel is zoned R-40. Commercial zoning is in place on 104 of the parcels. Residential zoning of R-8 occupies 11.61 acres, R-15 occupies 14.54 acres and R-40 occupies 2.29 acres. Properties designated as residential constitute 26.9% of the total acreage. The balance of the area is zoned Rural Urban Transition (RUT) in unincorporated Ada County. Ada County Assessor records show that 28 of the residential properties reflect a Homeowners Property Tax Exemption indicating they are owner occupied residences.

Nineteen (19) vacant parcels represent 28.75% of the total land area of the Study Area.

Religious and fraternal institutions and governmental entities occupy 13 tax parcels representing 8% of the total.

The Study Area is one of the older developed areas in the community. As noted above, Meridian was established in the 1880s and eventually incorporated as a Village under Idaho law in 1903. Most of the structures constructed as residences date to the first 20 years of the 20<sup>th</sup> Century and most predate 1960. Many of these residential structures have transitioned into commercial uses over time.

When the improvement value assigned to a parcel is less than or approaches the land value, a deteriorated or deteriorating condition is present. National real estate appraisal standards suggest that in an economically viable property, land value should contribute approximately 30% of the total value leaving 70% to the improvements. As that ratio shifts, with improvement value declining as a proportion of the total, a condition of disinvestment is determined to be present. At a point when the improvement value represents less than 50% of the total (i.e. improvement value is less than land value) such condition represents a “deteriorated condition” for the purposes of this analysis. We have assumed for this Study that those properties with improvement values less than 150% of land value approach the “deteriorated condition” and thus can be classified as “deteriorating” under the definitions in state law. With these benchmarks in mind, we find that 33 properties (20.4%) reflect improvement values less than land values and an additional 23 properties (14.2%) reflect improvement values less than 150% of land values. When considered together, 56 properties representing 34.6% of the total taxable parcels reflect a deteriorated or deteriorating condition.

Streets: Fairview /Cherry Lane, Meridian Road, Main Street and Pine Avenue constitute the backbone of the street network in the Study Area. These streets have received recent investment with their condition reflecting current urban standards. The 17.64-acre Kobe property has not been subdivided to accommodate the vision expressed in the City's Comprehensive Plan, so no street network has been established in this property which represents the largest single land holding in the Study Area. The 4.0-acre parcel located at the extreme northerly edge of the Study Area has no direct access to a public street and therefore is landlocked. The area south of Fairview reflects a fine-grained grid pattern

common to communities developed in the early 20<sup>th</sup> century. However, the grid is incomplete in a number of places. For example, NE 3<sup>rd</sup> Street is interrupted in three places. Similar interruptions can be found on Gruber Avenue, Bradley Avenue and Washington Avenue. Improvement conditions reflecting current City and ACHD standards are in place in parts of the Study Area, but significant portions still lack curb, gutter and sidewalks. Pavement conditions vary from Good to Poor. Sections of East Washington and East Carlton located east of NE 2½ Street appear to provide only half of the street width.

**Illumination:** Street lighting levels are inconsistent creating a hazard as drivers' eyes must frequently adjust to differing light levels potentially obscuring pedestrians and roadway obstructions. Spacing between standard lighting fixtures varies throughout the Study Area and some arterial sections have smaller-scale decorative lighting in lieu of the standard fixture.

**Sidewalks:** Pedestrian facilities are incomplete. Even where curb and gutter sections have been installed, sidewalks are often nonexistent. The fine-grained street grid pattern invites movements through the area on foot. Yet, in many situations in the Study Area, pedestrian traffic is forced to walk in the street due to a lack of facilities to accommodate that type of traffic.

**Storm Drainage:** Those areas without modern curb and gutter sections in place also do not provide a means to collect and dispose of storm drainage or snow melt. This condition allows for surface ponding undermining the integrity of the street surface and obscuring hazards in wet conditions.

**Water System:** A major portion of the Study Area is served by an 8" pipe grid providing looping for sufficient redundancy in case of a failure of a section of pipe. However, the City's Water System Master Plan notes several locations where 6" pipes remain in place and one location, north of Pine Avenue, on NE 2<sup>nd</sup> Street is served by a 4" pipe. These 6" and 4" pipes would provide insufficient capacity to support fire flows as the area redevelops as envisioned in the Comprehensive Plan.

**Sewage Collection System:** No deficiencies in this area were noted.

## **Analysis of the Study Area:**

A review of the Study Area reflects an area in transition. Much of the traditional housing stock has been converted to commercial uses and investment in multi-family structures has occurred in some instances. These investments reflect the vision expressed in the City's Comprehensive Plan. However, many of the residential structures remain in that use suggesting an area in transition. Substantial investment in public infrastructure throughout the entire Study Area will be required to support the achievement of the City's vision. The Kobe property will require investment as it currently has no infrastructure, other than the peripheral arterial streets, to support development consistent with the Comprehensive Plan. Meaningful progress may depend upon some level of public intervention to support the private investment envisioned in the Plan.

For the convenience of the reader, the statutory criteria are reiterated, at least one of which must be found to qualify an area for urban renewal activities. Those conditions are:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
4. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
7. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)]
9. Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)]
10. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

### **Analysis: Northern Gateway**

*Criterion #1: The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site:* We found that 33 properties (20.4%) reflect improvement values less than land values and an additional 23 properties (14.2%) reflect improvement values less than 150% of land values. When considered together, 56 properties representing 34.6% of the total taxable parcels reflect a deteriorated or deteriorating condition. Therefore, criterion #1 is met.

*Criterion #2: Age or Obsolescence:* Most of the structures within the Study Area date from the first half of the 20<sup>th</sup> Century. Most were constructed as residential buildings and while many having been converted to office uses, modern requirements for commercial use suggests the converted homes will eventually transition into more up-to-date office/commercial designs. A manufactured home community occupies land along NE 3<sup>rd</sup> Street that is designated for High Density Residential uses in the Comprehensive Plan. Over 28 acres in the Study Area, which is located in the central part of the City, northeast of the City's downtown core, remains vacant despite the City's articulated vision calling for a significantly more intense development pattern. Therefore, criterion #2 is met.

*Criterion #3: Predominance of Defective or Inadequate Street Layout:* As noted above, certain streets in the Study Area are interrupted creating breaks in the traditional street grid pattern, which impairs traffic circulation and mobility goals. Several sections do not meet current urban street development standards. Therefore, criterion #3 is met.

*Criterion #4: Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting:* One 4-acre parcel located north of Fairview Avenue has no direct access to a public right-of-way. The Kobe 17.67-acre parcel has not been subdivided to accommodate the development pattern envisioned in City planning documents. Large vacant parcels south of Fairview interrupt the historic grid pattern of streets. The small residential parcel sizes impair development consistent with the Comprehensive Plan as property assembly would be necessary. Therefore, criterion #4 is met.

*Criterion #5: Insanitary or Unsafe Conditions:* The lack of a complete system of sidewalks forcing pedestrians into the street creates an unsafe condition. This condition forces vehicles, bicycles and pedestrians to share roadways in an inconsistent manner and impairs multi-modal usages and overall mobility. Inconsistent street lighting patterns contribute to an unsafe driving situation. Therefore, criterion #5 is met.

*Criterion #6: Diversity of Ownership:* The ownership of the 105.63 acres in the Study Area is in the hands of one hundred fifty (150) entities. Such diversity of ownership creates significant issues with property assemblage necessary to support the goals of the City's Comprehensive Plan. Therefore, criterion #6 is met.

*Criterion #7: Tax or Special Assessment Delinquency:* According to Ada County Assessor records, no delinquencies exist. Therefore, criterion #7 is not met.

*Criterion #8: Defective or unusual condition of title:* No defective or unusual conditions of title are reflected in Ada County records. Therefore, criterion #8 is not met.

*Criterion #9: Results in Economic Underdevelopment of the Area:* Current uses within the Study Area are inconsistent with the goals set forth in the City's Comprehensive Plan. Additionally, as set forth above, a significant number of parcels reflect deteriorated or deteriorated conditions showing significant disinvestment in the Study Area. More than Twenty-eight (28.75) vacant acres in the central part of the City, one of the fastest growing communities in the nation, further suggests "Economic Underdevelopment" exists in the Study Area. Therefore, criterion #9 is met.

*Criterion #10: Substantially Impairs or Arrests the Sound Growth of a Municipality:* The State of Idaho, the City of Meridian and the Ada County Highway District have made substantial investment in the transportation and utility facilities serving this and the surrounding areas. The City of Meridian has expressed its vision for this area in the creation and adoption of the Comprehensive Plan, but without the capacity to provide full public infrastructure, the Study Area will remain an under-utilized area in the midst of the fastest growing area in the State of Idaho. Criterion #10 is met.

**Findings: Northern Gateway:** Conditions exist within the Study Area to allow the Board of Commissioners of the Meridian Development Corporation and the Meridian City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

### Summary of Findings

	Criteria	Met	Not Met
1	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site	X	

2	Age or Obsolescence	X	
3	Predominance of Defective or Inadequate Street Layout	X	
4	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting	X	
5	Insanitary or Unsafe Conditions	X	
6	Diversity of Ownership	X	
7	Tax or Special Assessment Delinquency		X
8	Defective or unusual condition of title		X
9	Results in Economic Underdevelopment of the Area	X	
10	Substantially Impairs or Arrests the Sound Growth of a Municipality	X	

**Analysis: Open Land Conditions:** In addition to the eligibility conditions identified above, the geographic area under review also considers the “open land” conditions. Idaho Code Section 50-2903(8)(c) states: “[a]ny area which is predominately<sup>4</sup> open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.”

The eligibility criteria set forth in Idaho Code Section 50-2903(8)(c) for predominantly open land areas mirror or are the same as those criteria set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b). “Diversity of ownership” is the same, while “obsolete platting” appears to be equivalent to “faulty lot layout in relation to size, adequacy, accessibility, or usefulness.” “Deterioration of structures or improvements” is the same or similar to “a substantial number of deteriorated or deteriorating structures” and “deterioration of site or other improvements.” There is also an additional qualification that the provisions of Idaho Code Section 50-2008(d) shall apply to open areas.

Idaho Code Section 50-2008 primarily addresses the urban renewal plan approval process and Idaho Code Section 50-2008(d)(4) sets forth certain conditions and findings for agency acquisition of open land as follows:

the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for

<sup>4</sup> The statutes governing urban renewal set forth in Title 50, Chapters 20 and 29, Idaho Code, do not provide any guidance as to the definition of “predominantly.” It is assumed for purposes of this Study that predominantly means more than 50% of the Study Area is “open land.” Less than 25% of the parcels within the Study Area could conceivably fall within an open land designation. While the Study Area includes parcels that likely qualify as “open land,” making the findings pursuant to Idaho Code Section 50-2903(8)(c) is not required.



housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

In sum, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

Basically, open land areas may be acquired by an urban renewal agency and developed for nonresidential uses if such acquisition is necessary to solve various problems, associated with the land or the infrastructure, that have delayed the area's development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout. All of the stated conditions are included in one form or another in the definition of a deteriorated area and/or a deteriorating area set forth in Idaho Code Sections 50-2903(8)(b) and 50-2018(9). The conditions listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and "the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area."

The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The size of some of the parcels, the lack of water and sewer facilities in the undeveloped portion of the Study Area; a nonexistent access and internal street system; an inadequate storm drain system; and lack of fire protection, are all conditions which delay development of the large undeveloped properties in the Study Area.

Based on the above analysis, to the extent the Study Area is "predominantly open land," which is not a defined term, obsolete platting/faulty lot layout and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

## Other Relevant Issues:

### Agricultural Landowners Concurrence:

The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for an agricultural operation without the express written consent of the property owner. An agricultural operation is broadly defined in Idaho Code § 22-4502(2) and means “an activity or condition that occurs in connection with the production of agricultural products for food, fiber, fuel and other lawful uses...” One method of determining whether there exists an agricultural operation on a parcel is the presence of an agricultural property tax exemption<sup>5</sup>. As of the date of this Eligibility Study, one parcel, the Kobe property, particularly located in the northwest corner of the Study Area, maintains assessed values consistent with other agricultural lands and appears, from a visual inspection, to be an active agricultural operation. As a result, property owner consent is required prior to final consideration of the proposed district’s creation.

## CONCLUSION:

Based upon the data and the conditions that exist within the Study Area as noted above, the Meridian Development Corporation Board and Meridian City Council may determine that the Northern Gateway Study Area is eligible for the establishment of an urban renewal district.

**10% Analysis:** In addition to the findings reported above, verification that the assessed value of the proposed Study Area is within the statutory limits is needed. State Law limits the percentage of values on the combined base assessment rolls that can be included in urban renewal / revenue allocation districts to 10% of the current assessed valuation of all taxable property within the City. According to Ada County Assessor records, the 2020<sup>6</sup> total certified value for the City of Meridian is \$13,230,528,301 (does not include operating property). This number does not reflect exemptions. Therefore, taking a more conservative approach, the net taxable value for this calculation is used. That number is \$10,375,837,804. As shown in the analysis in Table 1 the current taxable value of the entire Study Area is estimated to be \$68,832,947. This value then must be added to the Base Assessed Values of the Downtown District, the Ten Mile District and the Union District to test for the 10% limitation. Given that at this time the City and MDC are considering the potential creation of an additional urban renewal district (the Linder URD) and an amendment to the Union URD to add additional area pursuant to Idaho Code Section 50-2033, we added their assessed values to this analysis to provide decision makers with the scale of the various districts compared to the statutory limitation. The analysis for these purposes is presented in Table 1, below. The combined base assessment roll values remain well below the statutory limit.

**Table 1**

Statutory 10% Limitation Analysis
-----------------------------------

<sup>5</sup> With House Bill 560 (2020) effective July 1, 2020, eliminating the property tax exemption for agricultural land and replacing it with a method to value agricultural land, going forward the method to determine the existence of an agricultural operation will change.

<sup>6</sup> At the time this Study was prepared the 2021 values were not available. It is generally understood the 2021 values will increase; therefore, using the 2020 assessed values may be more conservative than the current conditions.

Area	Taxable Value	Percentage
Total City	\$10,375,837,804	100%
Downtown URD Base Value	\$146,334,050	1.41%
Ten Mile URD	\$ 39,539,125	0.38%
Union URD	\$2,144,360	0.02%
Proposed Northern Gateway URD	\$68,832,974	0.66%
*Proposed Linder URD	\$11,978,500	0.12%
*Proposed Union District Addition (est.)	\$3,414,100	0.03%
<b>Total UR Base Assessed Value Percentage</b>	<b>\$272,243,109</b>	<b>2.62%</b>

\*The MDC Board has considered and accepted the proposed Linder District Eligibility Study. The MDC Board is anticipated to consider the eligibility of the proposed Union District Addition in June.

The effect of creating this district on the capacity of the City and MDC to consider future districts should they choose to do so is also explored. The table below shows there is capacity to consider additional districts.

**Table 2**

<b>Remaining Urban Renewal Capacity</b>		
Maximum 10% Limitation	\$1,037,583,780	10%
Downtown URD	\$146,334,779	1.41%
Ten Mile URD	\$39,539,125	0.38%
Union URD	\$2,144,360	0.02%
Proposed Northern Gateway URD	\$68,832,947	0.66%
Proposed Linder URD	\$11,996,035	0.12%
Proposed Union District Addition (est.)	\$3,414,100	0.03%
<b>Available AV within limitation</b>	<b>\$765,340,671</b>	<b>7.38%</b>

**ATTACHMENT 1**

(Parcel Information)

4852-0604-1321, v. 6

Item #13.

Parcel Number	Site Address	Lot size Acres	Lot Size Sq Feet	Zoning	Total Land Assessed Value	Total Improvement Assessed Value	Total Taxable	Homeowners Exemption	Net Taxable Value
R6129020781	35 East Fairview Avenue	1.78	77406	Com Bus	\$ 967,600	\$ 1,714,000	\$ 2,681,600	\$ -	\$ 2,681,600
R6129020742	1615 N Main St	0.36	15812	Com Misc	\$ 189,700	\$ 126,300	\$ 316,000	\$ -	\$ 316,000
R6129020725	1603 N Main	0.68	29708	Com Bus	\$ 356,500	\$ 44,400	\$ 400,900	\$ -	\$ 400,900
R6129020670	1635 N Main	0.59	25700	Com Misc	\$ 308,400	\$ 581,100	\$ 889,500	\$ -	\$ 889,500
R6129020650	1519 N Main Street	0.72	31363	Com Misc	\$ 282,300	\$ 111,400	\$ 393,700	\$ -	\$ 393,700
R6129020611	1508 N Meridian RD	0.53	23087	Com Bus	\$ 127,300	\$ 156,100	\$ 283,400	\$ -	\$ 283,400
R6129020520	1434 N Meridian Rd	0.26	11238	Com Misc	\$ 112,400	\$ 172,800	\$ 285,200	\$ -	\$ 285,200
R6129020540	1428 N Meridian Rd	0.2	8712	Com Bus	\$ 91,400	\$ 121,200	\$ 212,600	\$ -	\$ 212,600
R6129020490	1422 N Meridian Rd	0.2	8712	Com Bus	\$ 91,400	\$ 173,200	\$ 264,600	\$ -	\$ 264,600
R6129020500	1423 N Main St	0.31	13504	Com Misc	\$ 121,500	\$ 187,300	\$ 308,800	\$ -	\$ 308,800
R6129020510	1414 N Meridian Rd	0.14	6184	Com Bus	\$ 79,500	\$ 135,200	\$ 214,700	\$ -	\$ 214,700
R6129020532	1402 N Meridian Rd	0.28	12284	Com Bus	\$ 96,400	\$ 132,700	\$ 229,100	\$ -	\$ 229,100
R6129020560	1332 N Meridian Rd	0.64	28096	Com Bus	\$ 210,700	\$ -	\$ 210,700	\$ -	\$ 210,700
R6129020360	1324 N Meridian Rd	0.4	17424	Com Bus	\$ 115,100	\$ 244,600	\$ 359,700	\$ 100,000	\$ 259,700
R6129020330	1308 N Meridian Rd	0.22	9583	Com Misc	\$ 105,400	\$ 5,100	\$ 110,500	\$ -	\$ 110,500
R6129020311	N Meridian Rd	0.07	2919	Com Misc	\$ 32,100	\$ -	\$ 32,100	\$ -	\$ 32,100
R6129020300	1304 N Meridian Rd	0.2	8712	Com Bus	\$ 91,400	\$ 140,500	\$ 231,900	\$ 100,000	\$ 131,900
R6129020295	1234 N Meridian Rd	0.68	29839	Com Bus	\$ 145,500	\$ 118,700	\$ 264,200	\$ -	\$ 264,200
R8193140010	1220 N Meridian RD	0.39	16945	Com Misc	\$ 152,500	\$ 332,400	\$ 484,900	\$ -	\$ 484,900
R6129020167	16 E. Washington Ave	0.23	9975	R-15	\$ 86,300	\$ 165,000	\$ 251,300	\$ 100,000	\$ 151,300
R6129020180	26 E Washington Ave	0.24	10454	R-15	\$ 91,400	\$ 108,600	\$ 200,000	\$ 100,000	\$ 100,000
R6129020195	38 E Washington Ave	0.16	6970	R-15	\$ 82,900	\$ 147,700	\$ 230,600	\$ 82,276	\$ 148,324
R6129020205	46 E Washington	0.16	6970	R-15	\$ 82,900	\$ 8,900	\$ 91,800	\$ -	\$ 91,800
R6129020215	1203 N Main Street	0.4	17424	Com Misc	\$ 191,700	\$ 82,600	\$ 274,300	\$ -	\$ 274,300
R8193140020	1225 N Main Street	0.44	19123	Old Town	\$ 115,100	\$ 215,000	\$ 330,100	\$ -	\$ 330,100
R6129020260	1233 N Main Street	0.22	9583	Com Misc	\$ 95,800	\$ 210,100	\$ 305,900	\$ -	\$ 305,900
R6129020320	1303 N Main Street	0.29	12632	Com Misc	\$ 126,300	\$ 64,200	\$ 190,500	\$ -	\$ 190,500
R6129020315	1311 N Main Street	0.54	23653	Com Misc	\$ 236,500	\$ 164,200	\$ 400,700	\$ -	\$ 400,700
R6129020341	1323 N Main Street	0.64	27878	Com Misc	\$ 278,600	\$ 231,400	\$ 510,000	\$ 100,000	\$ 410,000
R6129020370	1335 N Main Street	0.14	6098	Com Misc	\$ 61,000	\$ 167,600	\$ 228,600	\$ -	\$ 228,600
R6129020385	1403 Nmain Street	0.52	22521	Com Misc	\$ 225,200	\$ 100,000	\$ 325,200	\$ -	\$ 325,200
R6129020431	1409 N Main Street	0.23	10019	Com Misc	\$ 100,200	\$ 101,500	\$ 201,700	\$ -	\$ 201,700
R6129020450	N Main Street	0.27	11761	Com Misc	\$ 105,800	\$ 9,000	\$ 114,800	\$ -	\$ 114,800
R6129020420	N Main Street	0.3	13068	Com Misc	\$ 130,700	\$ -	\$ 130,700	\$ -	\$ 130,700
R6129020400	1423 N Main St	0.32	13939	Com Misc	\$ 139,400	\$ 227,400	\$ 366,800	\$ -	\$ 366,800
R6129020570	1515 N Main St	0.52	22651	Com Misc	\$ 226,500	\$ 143,400	\$ 369,900	\$ -	\$ 369,900
S1107223270	1682 N Main St	0.92	40075	Com Misc	\$ 521,000	\$ 493,200	\$ 1,014,200	\$ -	\$ 1,014,200
S1107223280	1626 N Main St	0.89	38768	Com Misc	\$ 310,100	\$ 981,000	\$ 1,291,100	\$ -	\$ 1,291,100
S1107223268	207 E Fairview Ave	1.1	48134	Com Misc	\$ 575,600	\$ 477,600	\$ 1,053,200	\$ -	\$ 1,053,200
S1107223200	1600 N Main St	2.72	118483	Com Bus	\$ 947,900	\$ 2,836,200	\$ 3,784,100	\$ -	\$ 3,784,100
S1107223350	1518 N Main St	0.62	27007	Com Misc	\$ 270,100	\$ 640,200	\$ 910,300	\$ -	\$ 910,300
S1107223370	1510 N Main St	0.28	12197	Com Misc	\$ 122,000	\$ 216,800	\$ 338,800	\$ -	\$ 338,800
S1107223380	1504 N Main St	0.25	10890	Com Misc	\$ 108,900	\$ 79,700	\$ 188,600	\$ -	\$ 188,600
S1107223400	1420 N Main St	0.35	15246	Com Misc	\$ 152,500	\$ 103,300	\$ 255,800	\$ -	\$ 255,800
S1107223420	1412 N Main St	0.35	15246	Com Misc	\$ 152,500	\$ 189,600	\$ 342,100	\$ -	\$ 342,100
S1107223435	1406 N Main St	0.72	31363	Com Bus	\$ 282,300	\$ 1,135,600	\$ 1,417,900	\$ -	\$ 1,417,900
S1107223480	1404 N Main St	0.35	15246	Com Bus	\$ 152,500	\$ 839,100	\$ 991,600	\$ -	\$ 991,600
S1107223500	1332 N Main St	0.35	15246	Com Bus	\$ 152,500	\$ 147,400	\$ 299,900	\$ -	\$ 299,900
S1107223510	1326 N Main St	0.35	15246	Com Bus	\$ 152,500	\$ 145,700	\$ 298,200	\$ -	\$ 298,200
S1107223520	1320 N Main St	0.35	15246	Com Bus	\$ 97,100	\$ 81,800	\$ 178,900	\$ -	\$ 178,900
S1107223530	1310 N Main St	0.35	15246	Com Bus	\$ 152,500	\$ 136,400	\$ 288,900	\$ -	\$ 288,900
S1107223599	1302 N Main St	0.51	22216	R-15	\$ 222,200	\$ 320,800	\$ 543,000	\$ -	\$ 543,000
S1107223160	1435 NE 2nd 1/2 Street	0.32	13939	Old Town	\$ 97,600	\$ -	\$ 97,600	\$ -	\$ 97,600
S1107223150	1431 NE 2nd 1/2 Street	0.32	13939	Old Town	\$ 97,100	\$ -	\$ 97,100	\$ -	\$ 97,100
S1107223125	1421 NE 2nd 1/2 Street	0.18	7841	Old Town	\$ 81,500	\$ -	\$ 81,500	\$ -	\$ 81,500
S1107223100	1421 NE 2nd 1/2 Street	0.48	21127	Old Town	\$ 147,900	\$ -	\$ 147,900	\$ -	\$ 147,900
S1107223090	1411 NE 2nd 1/2 Street	0.06	2744	Old Town	\$ 19,200	\$ -	\$ 19,200	\$ -	\$ 19,200
S1107223085	1411 NE 2nd 1/2 Street	0.16	7187	Old Town	\$ 50,300	\$ -	\$ 50,300	\$ -	\$ 50,300
S1107223082	1403 NE 2nd 1/2 Street	0.15	6534	Old Town	\$ 45,700	\$ -	\$ 45,700	\$ -	\$ 45,700
S1107223080	1403 NE 2nd 1/2 Street	0.24	10280	Old Town	\$ 72,000	\$ -	\$ 72,000	\$ -	\$ 72,000
S1107223070	1349 NE 2nd 1/2 Street	0.49	21344	Old Town	\$ 149,400	\$ -	\$ 149,400	\$ -	\$ 149,400
S1107223065	NE 2nd 1/2 Street	0.35	15290	Old Town	\$ 107,000	\$ -	\$ 107,000	\$ -	\$ 107,000
S1107223055	1331 NE 2nd 1/2 Street	0.25	10890	R-15	\$ 92,600	\$ -	\$ 92,600	\$ -	\$ 92,600
S1107223040	1323 NE 2nd 1/2 Street	0.33	14375	R-15	\$ 122,200	\$ -	\$ 122,200	\$ -	\$ 122,200
S1107223030	1313 NE 2nd 1/2 Street	0.33	14375	R-15	\$ 97,100	\$ 94,400	\$ 191,500	\$ -	\$ 191,500
S1107223020	1305 NE 2nd 1/2 Street	0.33	14375	R-15	\$ 97,100	\$ 74,700	\$ 171,800	\$ -	\$ 171,800
S1107223010	1237 NE 2nd 1/2 Street	0.33	14375	R-15	\$ 97,100	\$ -	\$ 97,100	\$ -	\$ 97,100
R7745460030	1225 NE 2nd 1/2 Street	1.35	58719	L-O	\$ -	\$ -	\$ -	\$ -	\$ -
R7745460040	1175 NE 2nd 1/2 Street	0.22	9409	L-O	\$ -	\$ -	\$ -	\$ -	\$ -
R7745460020	1153 NE 2nd 1/2 Street	0.53	23087	R-15	\$ -	\$ -	\$ -	\$ -	\$ -
R7745460010	200 E Carlton Ave	1.32	57281	L-O	\$ -	\$ -	\$ -	\$ -	\$ -
R6129010210	211 E Carlton Ave	0.32	13939	Old Town	\$ -	\$ -	\$ -	\$ -	\$ -
R1578000275	211 E Carlton Ave	0.14	6098	Old Town	\$ -	\$ -	\$ -	\$ -	\$ -
R1578000280	1029 NE Third St.	0.28	12197	Old Town	\$ 96,400	\$ 259,900	\$ 356,300	\$ 100,000	\$ 256,300
R1578000262	1013 NE Third Ave	0.15		Old Town	\$ 79,500	\$ 183,900	\$ 263,400	\$ -	\$ 263,400
R1578000264	234 E State Street	0.12		Old Town	\$ 71,100	\$ 171,900	\$ 243,000	\$ -	\$ 243,000

Item #13.

Parcel Number	Site Address	Lot size Acres	Lot Size Sq Feet	Zoning	Total Land Assessed Value	Total Improvement Assessed Value	Total Taxable	Homeowners Exemption	Net Taxable Value
R1578000270	226 E State Ave	0.14	6098	Old Town	\$ 79,500	\$ 153,300	\$ 232,800	\$ 100,000	\$ 132,800
R6129010205	216 E State Ave	0.08	3485	Old Town	\$ 71,100	\$ 77,100	\$ 148,200	\$ -	\$ 148,200
R6129010195	206 E State Ave	0.16	6970	Old Town	\$ 82,900	\$ 112,200	\$ 195,100	\$ -	\$ 195,100
R6129010190	1014 NE 2nd St	0.08	3485	Old Town	\$ 55,000	\$ 109,700	\$ 164,700	\$ -	\$ 164,700
R6129010170	211 E State Ave	0.32	13939	Old Town	\$ 102,800	\$ 50,100	\$ 152,900	\$ -	\$ 152,900
R1578000242	221 E State Ave	0.19	8276	Old Town	\$ 86,300	\$ 169,500	\$ 255,800	\$ 100,000	\$ 155,800
R1578000246	E State St	0.16	6970	Old Town	\$ 82,900	\$ 5,000	\$ 87,900	\$ -	\$ 87,900
R1578000251	237 E State Ave	0.18	7841	Old Town	\$ -	\$ -	\$ -	\$ -	\$ -
R1578000220	238 E Pine Ave	0.14	6098	Old Town	\$ 75,300	\$ 134,500	\$ 209,800	\$ 100,000	\$ 109,800
R1578000225	232 E Pine Ave	0.1	4356	Old Town	\$ 71,100	\$ 94,400	\$ 165,500	\$ -	\$ 165,500
R1578000230	226 E Pine Ave	0.1	4356	Old Town	\$ 71,100	\$ 127,500	\$ 198,600	\$ 100,000	\$ 98,600
R1578000235	220 E Pine Ave	0.11	4792	Old Town	\$ 75,300	\$ 104,300	\$ 179,600	\$ -	\$ 179,600
R6129000160	214 E Pine Ave	0.22	9365	Old Town	\$ 91,400	\$ 133,600	\$ 225,000	\$ -	\$ 225,000
R6129000150	914 NE 2nd St	0.16	6970	Old Town	\$ 79,500	\$ 121,500	\$ 201,000	\$ -	\$ 201,000
R5672000940	211 E Pine Ave	0.42	18208	Old Town	\$ 163,900	\$ 538,600	\$ 702,500	\$ -	\$ 702,500
R7596000010	235 E Pine Ave	0.53	23217	Old Town	\$ -	\$ -	\$ -	\$ -	\$ -
R7596000040	240 E Idaho Ave	0.47	20473	Old Town	\$ -	\$ -	\$ -	\$ -	\$ -
R5672000915	800 NE 2nd St	0.32	13939	Old Town	\$ -	\$ -	\$ -	\$ -	\$ -
S1107244450	1108 NE 2nd 1/2 St	3.55	154725	R-15	\$ -	\$ -	\$ -	\$ -	\$ -
S1107244600	1210 NE 2nd 1/2St	0.39	16988	R-15	\$ 97,100	\$ 50,400	\$ 147,500	\$ -	\$ 147,500
S1107244572	272 E Washington Ave	0.23	9975	R-15	\$ 86,300	\$ 91,500	\$ 177,800	\$ 100,000	\$ 77,800
S1107244550	302 E Washington Ave	0.36	15812	R-15	\$ 102,800	\$ 78,200	\$ 181,000	\$ -	\$ 181,000
S1107244500	312 E Washington Ave	0.48	21083	R-15	\$ 115,100	\$ 81,900	\$ 197,000	\$ 100,000	\$ 97,000
S1107244425	358 E Washington Ave	0.22	9583	R-15	\$ 91,400	\$ 62,500	\$ 153,900	\$ 93,450	\$ 60,450
S1107244410	372 E Washington Ave	0.44	19166	R-15	\$ 115,100	\$ 218,900	\$ 334,000	\$ -	\$ 334,000
S1107244400	1233 NE 4th St	1.08	47045	R-15	\$ 235,200	\$ 981,300	\$ 1,216,500	\$ -	\$ 1,216,500
S1107244650	1226 NE 2nd 1/2 St	0.36	15551	Old Town	\$ 77,800	\$ 277,000	\$ 354,800	\$ -	\$ 354,800
R8533900020	123 NE 2nd 1/2 St	0.17	7536	R-15	\$ 82,900	\$ 219,200	\$ 302,100	\$ -	\$ 302,100
R5518460010	NE 2nd 1/2 St	0.5	21562	R-15	\$ -	\$ -	\$ -	\$ -	\$ -
R5518460030	1260 NE 2nd 1/2 St	0	0	R-15	\$ -	\$ 119,900	\$ 119,900	\$ -	\$ 119,900
R5518460050	1266 NE 2nd 1/2 St	0	0	R-15	\$ -	\$ 113,700	\$ 113,700	\$ -	\$ 113,700
R5518460060	1278 NE 2nd 1/2 St	0	0	R-15	\$ -	\$ 121,200	\$ 121,200	\$ -	\$ 121,200
R5518460080	1296 NE 2nd 1/2 St	0	0	R-15	\$ -	\$ 115,000	\$ 115,000	\$ -	\$ 115,000
R5739800100	1304 NE 2nd 1/2 St	0.14	6098	R-15	\$ 75,100	\$ 109,500	\$ 184,600	\$ -	\$ 184,600
R5739800010	1312 NE 2nd 1/2 St	0.25	10860	R-15	\$ 86,300	\$ 191,700	\$ 278,000	\$ -	\$ 278,000
R5739800050	NE 3rd St	1.72	74923	R-15	\$ 206,000	\$ -	\$ 206,000	\$ -	\$ 206,000
R6492000005	1335 NE 4th St	0.31	13373	R-8	\$ 97,100	\$ -	\$ 97,100	\$ -	\$ 97,100
R6492000015	1330 NE 3rd St	0.14	6142	R-8	\$ 75,100	\$ 154,300	\$ 229,400	\$ -	\$ 229,400
R6492000045	1331 NE 3rd St	0.14	6142	R-8	\$ 75,100	\$ 154,300	\$ 229,400	\$ -	\$ 229,400
R6492000055	1328 NE 2nd 1/2 St	0.35	15246	R-8	\$ 97,100	\$ 161,900	\$ 259,000	\$ 100,000	\$ 159,000
R6492000065	1334 NE 2nd 1/2 St	0.14	6098	R-8	\$ 75,100	\$ 154,300	\$ 229,400	\$ -	\$ 229,400
R6492000075	206 E Badley Ave	0.18	7841	R-8	\$ 81,500	\$ 146,400	\$ 227,900	\$ -	\$ 227,900
R6492000085	1335 NE 3rd St	0.14	6098	R-8	\$ 75,100	\$ 154,300	\$ 229,400	\$ -	\$ 229,400
R6492000025	1336 NE 3rd St	0.14	6098	R-8	\$ 75,100	\$ 154,300	\$ 229,400	\$ -	\$ 229,400
R6492000036	371 E Badley Ave	0.16	7144	R-8	\$ 78,300	\$ 137,600	\$ 215,900	\$ 100,000	\$ 115,900
R6492000037	399 E Badley Ave	0.16	7144	R-8	\$ 78,300	\$ 156,300	\$ 234,600	\$ 100,000	\$ 134,600
R1366010075	1410 NE 2nd 1/2 St	0.26	11326	R-8	\$ 91,100	\$ 131,400	\$ 222,500	\$ 100,000	\$ 122,500
R1366010080	276 E Badley Ave	0.26	11326	R-8	\$ 91,100	\$ 194,100	\$ 285,200	\$ 100,000	\$ 185,200
R1366010070	1420 NE 2nd 1/2 St	0.38	16727	R-8	\$ 103,100	\$ 173,500	\$ 276,600	\$ 100,000	\$ 176,600
R1366010062	1432 NE 2nd 1/2 St	0.15	6534	R-8	\$ 75,100	\$ 130,300	\$ 205,400	\$ -	\$ 205,400
R1366010060	301 E Gruber Ave	0.11	4748	R-8	\$ 67,100	\$ 105,400	\$ 172,500	\$ -	\$ 172,500
R1366010065	303 E Gruber Ave	0.4	17293	R-8	\$ 103,100	\$ 169,400	\$ 272,500	\$ 100,000	\$ 172,500
S1107212707	403 E Fairview Ave	7.64	332886	R-8	\$ 1,952,900	\$ 2,191,500	\$ 4,144,400	\$ -	\$ 4,144,400
R1366010020	302 E Gruber Ave	2.29	99752	R-40	\$ 498,800	\$ 3,829,900	\$ 4,328,700	\$ -	\$ 4,328,700
R1366010013	1620 NE 2nd 1/2 St	0.25	11021	R-8	\$ 76,100	\$ 108,900	\$ 185,000	\$ 100,000	\$ 85,000
R1366010015	225 E Fairview Ave	0.3	12937	R-8	\$ 129,400	\$ 232,100	\$ 361,500	\$ -	\$ 361,500
R1366010005	227 E Fairview Ave	0.21	9191	CG	\$ 110,300	\$ 130,900	\$ 241,200	\$ -	\$ 241,200
S1107212556	519 E Fairview Ave	1.44	62639	C-G	\$ 626,400	\$ 1,001,200	\$ 1,627,600	\$ -	\$ 1,627,600
S1106346911	412 E Fairview Ave	0.46	20038	C-G	\$ 152,500	\$ 149,400	\$ 301,900	\$ -	\$ 301,900
S1106346900	400 E Fairview Ave	0.63	27443	C-G	\$ 237,300	\$ 126,100	\$ 363,400	\$ -	\$ 363,400
S1106346834	360 E Fairview Ave	0.47	20473	C-G	\$ 143,800	\$ 439,400	\$ 583,200	\$ -	\$ 583,200
S1106346832	300 E Fairview Ave	1.24	54014	C-G	\$ 480,900	\$ 836,700	\$ 1,317,600	\$ -	\$ 1,317,600
S1106346750	220 E Fairview Ave	0.75	32670	C-G	\$ 257,900	\$ 176,500	\$ 434,400	\$ -	\$ 434,400
S1106346540	216 E Fairview Ave	0.8	34848	C-G	\$ 290,100	\$ 618,200	\$ 908,300	\$ -	\$ 908,300
S1106336530	210 E Fairview Ave	1.75	76230	C-G	\$ 686,100	\$ 1,541,100	\$ 2,227,200	\$ -	\$ 2,227,200
S1106336410	200 E Fairview Ave	0.38	16553	C-G	\$ 165,500	\$ 213,300	\$ 378,800	\$ -	\$ 378,800
S1106336401	132 E Fairview Ave	1.46	63554	C-G	\$ 572,000	\$ 484,700	\$ 1,056,700	\$ -	\$ 1,056,700
R8956180200	34 E Fairview Ave	4.52	196717	C-G	\$ 1,672,100	\$ 5,560,000	\$ 7,232,100	\$ -	\$ 7,232,100
R8956180100	14 E Fairview Ave	0.48	20952	C-G	\$ 314,300	\$ -	\$ 314,300	\$ -	\$ 314,300
S1106336370	20 E Fairview Ave	3.85	167837	C-G	\$ 1,426,600	\$ 2,518,900	\$ 3,945,500	\$ -	\$ 3,945,500
S1106336197	1830 N Meridian Rd	1	43560	C-G	\$ 290,800	\$ 891,000	\$ 1,181,800	\$ -	\$ 1,181,800
S1106336086	55 E Carmel Dr	1.11	48352	C-G	\$ -	\$ -	\$ -	\$ -	\$ -
S1106336200	255 E Carmel Dr	4	174240	C-G	\$ 609,800	\$ -	\$ 609,800	\$ -	\$ 609,800
S1201449707	104 W Cherry Ln	17.64	768573	Ada RUT	\$ 27,500	\$ -	\$ 27,500	\$ -	\$ 27,500
		<b>103.34</b>			<b>\$ 26,665,100</b>	<b>\$ 44,343,600</b>	<b>\$ 71,008,700</b>	<b>\$ 2,175,726</b>	<b>\$ 68,832,974</b>

**Exhibit 4**

Summary of Ordinance No. \_\_\_\_\_

4849-8255-7437, v. 1

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

**CITY OF MERIDIAN ORDINANCE NO. 21-\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, APPROVING THE (OPTION A) URBAN RENEWAL PLAN FOR THE NORTHERN GATEWAY DISTRICT URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND THE AFFECTED TAXING ENTITIES; PROVIDING SEVERABILITY; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1:** It is hereby found and determined that:

- (a) The Northern Gateway District Project Area as defined in the Northern Gateway District Plan is a deteriorated area or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, development and redevelopment of the urban renewal area pursuant to the Northern Gateway District Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Northern Gateway District Plan conforms to the City of Meridian Comprehensive Plan as a whole.
- (e) The Northern Gateway District Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed-use components of the Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any children, residents, or businesses in the general vicinity of the urban renewal area covered by the Northern Gateway District Plan.
- (f) The Northern Gateway District Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development and redevelopment of the urban renewal area by private enterprises.



(g) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(l), the Northern Gateway District Plan provides a feasible method for relocation obligations of any displaced families residing within the Northern Gateway District Project Area.

(h) The collective base assessment rolls for the revenue allocation areas under the Existing Project Areas, the Proposed Project Areas and the Northern Gateway District Project Area, do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.

(i) The Plan includes the requirements set forth in Idaho Code § 50-2905 with specificity.

(j) The Northern Gateway District Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes (if any), land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code section 50-2018(9) and Idaho Code section 50-2903(8)(f), does not include any agricultural operations for which the Agency has not received written consent.

(l) The portion of the Northern Gateway District Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

(m) The portion of the Northern Gateway District Project Area which is identified for residential uses is necessary and appropriate as there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City.

(n) The McFadden Property was timely annexed into the City and may be included within the boundaries of the Northern Gateway District Project Area.

**SECTION 2:** The City Council finds that the Northern Gateway District Project Area does include a portion of open land, that the Agency may acquire any open land within the Northern Gateway District Project Area, and that the Northern Gateway District Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses. Provided, however, the City Council finds that for the portions of the Northern Gateway District Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

**SECTION 3:** The City Council finds that one of the Northern Gateway District Plan objectives to increase the residential opportunity does meet the sound needs of the City and will provide housing opportunities in an area that does not now contain such opportunities, and the portion of the Northern Gateway District Project Area which is identified for nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of City's Comprehensive Plan, to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

**SECTION 4:** The Northern Gateway District Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the November 23, 2021, hearing and incorporate changes or modifications, if any.

**SECTION 5:** The boundaries of the Northern Gateway District Project Area overlap the boundaries of the ACHD, which has the responsibility for the maintenance of roads and highways within the City. The Agency has negotiated an agreement with the ACHD pursuant to Idaho Code Section 50-2908(2)(a)(iv).

**SECTION 6:** The City Council declares that nothing within the Northern Gateway District Plan is intended or shall be interpreted to usurp the jurisdiction and authority of ACHD as defined in chapter 14, Title 40, Idaho Code. Further, pursuant to Section 40-1415, Idaho Code, ACHD has authority over the planning, location, design, construction, reconstruction, and maintenance of the City rights of way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads, and retaining walls. In the planning process, ACHD shall take into consideration the principles contained in the Plan.

**SECTION 7:** No direct or collateral action challenging the Northern Gateway District Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Northern Gateway District Plan.

**SECTION 8:** Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Ada County Assessor, and to the appropriate officials of Ada County Board of County Commissioners, City of Meridian, Ada County Highway District, West Ada School District, Ada County Ambulance/EMS, Meridian Cemetery Maintenance District, College of Western Idaho, Meridian Free Library District, Mosquito Abatement District, the Western Ada Recreation District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map indicating the boundaries of the Northern Gateway District Project Area.

**SECTION 9:** The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Northern Gateway District Plan, the equalized assessed valuation of which the City Council hereby determines is in and is part of the Northern Gateway District Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Northern Gateway District Plan.

**SECTION 10:** The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Northern Gateway District Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

**SECTION 11:** So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code section 50-2006 to designate itself as the Agency Board.

**SECTION 12:** This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2021, to the extent permitted by the Act.

**SECTION 13:** The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such determination shall not affect the validity of remaining portions of this Ordinance.

**SECTION 14:** The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

**SECTION 15:** All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

**SECTION 16:** Savings Clause. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

PASSED by the City Council of the City of Meridian, Idaho, this \_\_\_\_ day of December 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this \_\_\_\_ day of December 2021.

#### **EXHIBITS TO THE ORDINANCE**

Exhibit 1      A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating Conformity of the (Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project with the City of Meridian's Comprehensive Plan

Exhibit 2      Notice Published in the *Idaho Press*

Exhibit 3 (Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project

Exhibit 4 Ordinance Summary

### **SUMMARY OF NORTHERN GATEWAY DISTRICT PLAN**

The Urban Renewal Plan for the Northern Gateway District Urban Renewal Project (“Northern Gateway District Plan”) was prepared by the Urban Renewal Agency of the City of Meridian aka the Meridian Development Corporation (“MDC” or the “Agency”) pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”), and all applicable laws and ordinances and was approved by the Agency. The Northern Gateway District Plan provides for the Agency to undertake urban renewal projects pursuant to the Law and the Act. The Northern Gateway District Plan contains a revenue allocation financing provision pursuant to the Act that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 2021, to be allocated to the Agency for the urban renewal purposes. The duration of the Northern Gateway District Plan is for twenty (20) years and includes a termination process for the Northern Gateway District Plan.

The general scope and objectives of the Plan include are:

- a. The engineering, design, installation, construction, and/or reconstruction of streets and streetscapes, including but not limited to improvements and upgrades to portions of Northeast 2<sup>nd</sup> Street, Northeast 2 ½ Street, Northeast 3<sup>rd</sup> Street, Carlton Avenue, Washington Avenue, Main Street, Northeast 4<sup>th</sup> Street, Badley Avenue, Gruber Avenue, State Avenue, Pine Avenue, Meridian Road frontage north of Fairview, and Fairview Avenue frontage and related pedestrian facilities, curb and gutter, intersection and rail crossing improvements, and traffic signals;
- b. The engineering, design, installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state, and local regulations for storm water discharge and to support private development;
- c. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;
- d. The engineering, design, installation, construction and/or reconstruction of sidewalks and related pedestrian facilities, curb and gutter and streetscapes, including but not limited to improvements to portions of Northeast 2<sup>nd</sup> Street, Northeast 2 ½ Street, Northeast 3<sup>rd</sup> Street, Carlton Avenue, Washington Avenue, Main Street, Northeast 4<sup>th</sup> Street, Badley Avenue, Gruber Avenue, State Avenue, Pine Avenue, Meridian Road frontage north of Fairview, and Fairview Avenue frontage;

- e. The engineering, design, installation, construction, and/or reconstruction of utilities including but not limited to improvements and upgrades to the water distribution system, including extension of the water distribution system, water capacity improvements, water storage upgrades, sewer system improvements and upgrades, including extension of the sewer collection system, lift station, and improvements, and upgrades to power, gas, fiber optics, communications, and other such facilities;
- f. Removal, burying, or relocation of overhead utilities; removal or relocation of underground utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; undergrounding or piping of laterals; addition of fiber optic lines or other communication systems; public parking facilities, and other public improvements, including but not limited to fire protection systems, floodway and flood zone mitigation; and other public improvements that may be deemed appropriate by the Board;
- g. The engineering, design, installation, and/or construction of a public parking structure or structures and/or public surface parking lots and related public improvements;
- h. The acquisition of real property for public right-of-way and streetscape improvements, utility undergrounding, extension, upgrades, public parks and trails, pedestrian facilities, pathways and trails, recreational access points and to encourage and enhance housing affordability and housing diversity, enhance transit options and connectivity, decrease underutilized parcels, create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers for qualified developments;
- i. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code Section 50-2011, and any disposition policies adopted by the Agency;
- j. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility undergrounding extension and upgrades, public facilities, and to encourage and enhance housing affordability and housing diversity, enhance mobility options and connectivity, decrease underutilized parcels and surface parking lots, eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- k. The management of any property acquired by and under the ownership and control of the Agency;
- l. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- m. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;

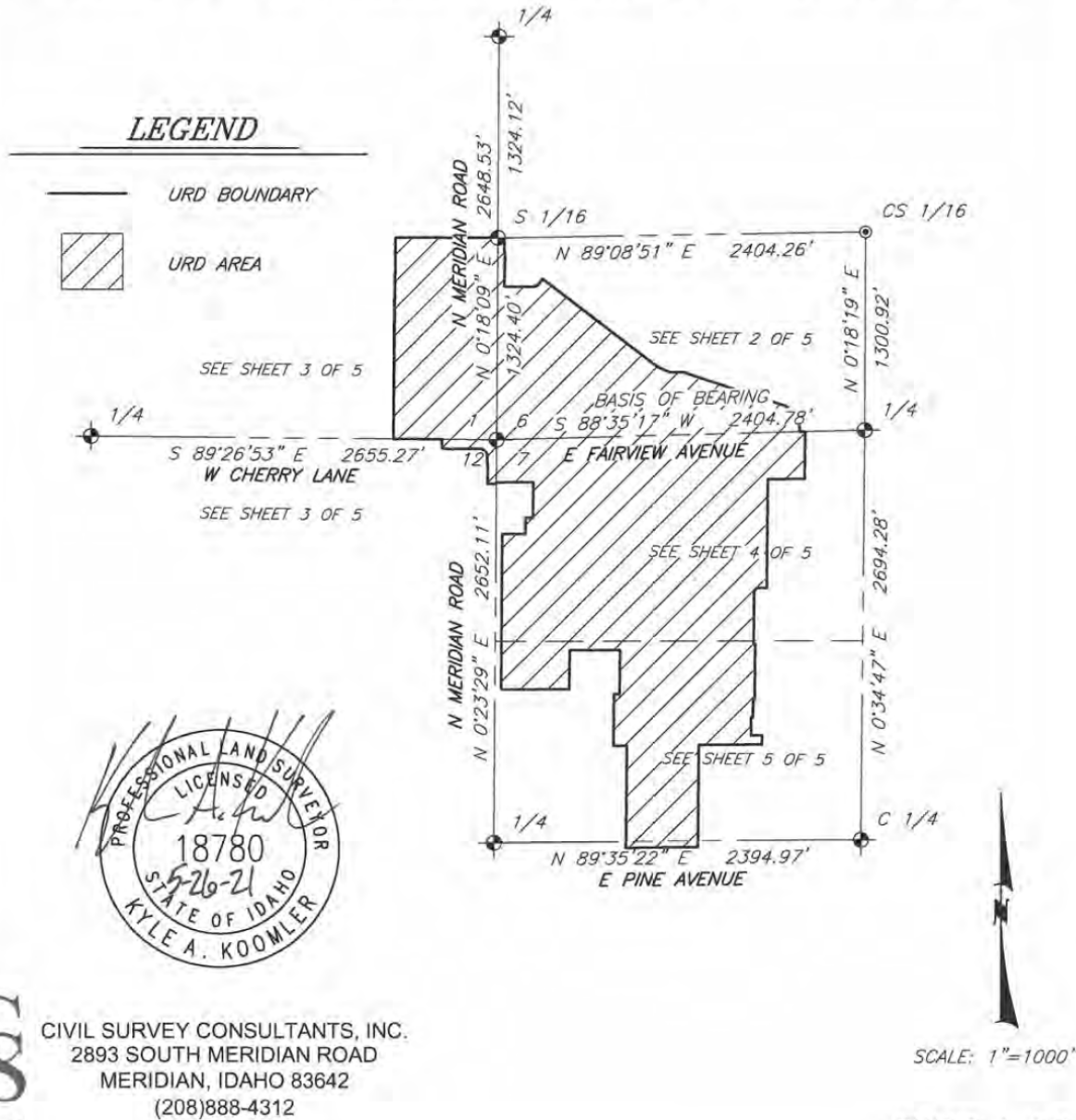
- n. The engineering, design, installation, construction, and/or reconstruction of below ground infrastructure to support the construction of certain municipal buildings pursuant to Idaho Code Section 50-2905A;
- o. The provision of financial and other assistance to encourage and attract business enterprise, including but not limited to start-ups and microbusinesses, mid-sized companies, and large-scale corporations;
- p. The provision of financial and other assistance to encourage greater density and a diverse mix of rental rates and housing options;
- q. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- r. The preparation and assembly of adequate sites for the development and construction of facilities for mixed-use residential (including affordable and/or workforce housing when and if determined to be a public benefit), commercial, office, retail areas, medical facilities, and educational facilities;
- s. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to redevelopment exist;
- t. In collaboration with property owners and other stakeholders, working with the City to amend zoning regulations (if necessary) and standards and guidelines for the design of streetscape, plazas multi-use pathways, parks, and open space and other like public spaces applicable to the Project Area as needed to support implementation of this Plan;
- u. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- v. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;
- w. The provision for relocation assistance to displaced Project Area occupants, as required by law, or within the discretion of the Agency Board for displaced businesses;
- x. Agency and/or owner-developer construction, participation in the construction and/or management of public parking facilities and/or surface lots that support a desired level and form of development to enhance the vitality of the Project Area;
- y. Other related improvements to those set forth above as further set forth in Attachment 5 to the Plan.

The Northern Gateway District Project Area and Revenue Allocation Area herein referred to is described as follows:

An area consisting of approximately 126 acres, inclusive of rights-of-way, and is generally east of Meridian Road and south of Fairview Avenue. A portion of the Project Area fronts the north side of Fairview Avenue east of Meridian Road.

The Project Area also includes a 17.64-acre parcel located at the northwest corner of Meridian Road and Cherry Lane, and as more particularly described in the Plan and depicted in the Map below:

SKETCH TO ACCOMPANY URBAN RENEWAL DISTRICT DESCRIPTION  
FOR MERIDIAN DEVELOPMENT CORPORATION LOCATED IN THE  
SE 1/4 OF THE SE 1/4 OF SECTION 1, AND IN THE NE 1/4  
OF THE NE 1/4 OF SECTION 12, TOWNSHIP 3 NORTH, RANGE  
1 WEST, ALSO BEING IN THE S 1/2 OF THE SW 1/4 OF  
SECTION 6, AND IN THE NW 1/4 OF SECTION 7, AND IN THE  
N 1/2 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 3 NORTH,  
RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO





Section 100 includes an introduction, the history and current conditions of the Project Area, as well as the purpose of activities.

Section 200 references the boundaries of the Project Area.

Sections 300 through 315 discuss the proposed redevelopment actions, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, relocation, demolition, and property disposition.

Section 401 discusses the type of land uses authorized in the Project Area.

Section 410 describes design guidelines for development.

The Northern Gateway District Plan also contains a significant section on financing. Among other sources, the Northern Gateway District Plan will utilize revenue allocation financing, authorized by the Act. This statute was approved in 1988 by the Idaho Legislature. Section 502 and Attachment 5 discuss revenue allocation financing and show how such financing has worked and would work in the Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Project Area that occur after January 1, 2021, will generate revenue for the Agency to pay project costs as set forth in the Northern Gateway District Plan. The assessed valuation of real and personal property on the base assessment roll is still available for use by the overlapping taxing districts, the Ada County Board of County Commissioners, City of Meridian, Ada County Highway District, West Ada School District, Ada County Ambulance/EMS, Meridian Cemetery Maintenance District, College of Western Idaho, Meridian Free Library District, Mosquito Abatement District, the Western Ada Recreation District, to finance their operations. The Northern Gateway District Plan authorizes the Agency to sell revenue bonds to finance project costs and to use annual revenue allocations to pay the debt service. Additionally, the Agency is authorized to fund projects on a pay-as-you-go basis, through participation agreements, and others as further set forth in the Northern Gateway District Plan.

The program outlined in the Northern Gateway District Plan emphasizes the installation of needed public improvements, including but not limited to street improvements, utility work, and other costs to encourage private development.

Attachment 5 describes in detail the cost and financing methods for complete repayment of the debt incurred used to finance projects and to also fund the additional described activities.

The Northern Gateway District Plan follows the underlying zoning classifications of the City.

Sections 600 and 700 describe cooperative activities by the Agency with the City.

The duration of the Northern Gateway District Plan is for twenty (20) years. A termination process is described in Section 800 of the Northern Gateway District Plan.

Sections 900-1200 include procedures for amendments, severability, reporting requirements and incorporation of attachments.

**ATTACHMENTS TO THE NORTHERN GATEWAY DISTRICT PLAN**

Attachment 1	Boundary Map of Northern Gateway District Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Legal Description of Northern Gateway District Urban Renewal Project Area and Revenue Allocation Area
Attachment 3	Private Properties Which May be Acquired by the Agency
Attachment 4	Map Depicting Expected Land Use and Current Zoning Map of the Project Area
Attachment 5	Economic Feasibility Study
Attachment 6	Agricultural Operation Consent

A full text of the Ordinance and the Northern Gateway District Plan are available for inspection at City Hall, City of Meridian, 33 East Broadway Avenue, Meridian, Idaho.

---

City of Meridian  
Mayor and City Council  
By: Chris Johnson, City Clerk

First Reading: 11/16/2021; Second Reading and Public Hearing: 11/23/2021; Third Reading: 12/7/2021

**STATEMENT OF MERIDIAN CITY ATTORNEY AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. \_\_\_\_\_**

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance No. 21-\_\_\_\_\_ of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A (3).

DATED this \_\_\_\_\_ day of December, 2021.

\_\_\_\_\_  
William. L.M. Nary, City Attorney

4832-0443-4685, v. 1



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing and Second Reading Continued from November 23, 2021 of Ordinance No. 21-1956: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project, Which First Amendment Seeks to Annex Certain Parcels to the Existing Union District Project Area; Which First Amendment Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; and Providing an Effective Date



# MEMO TO CITY COUNCIL

## Request to Include Topic on the City Council Agenda

**From:** Cameron Arial, Community Development      **Meeting Date:** November 23, 2021  
**Presenter:** Cameron Arial      **Estimated Time:** 10 minutes  
**Topic:** Official Public Hearing and Second Reading of Ordinance No. 21-1956: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project

### Recommended Council Action

This is the second reading of Ordinance No. 21-1956 approving the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project. This is also the official hearing to take public comment regarding the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project. There is no Council action required at this time. Council adoption of Ordinance No. 21-1956 is proposed to occur following the third and final reading on December 7, 2021.

### Background

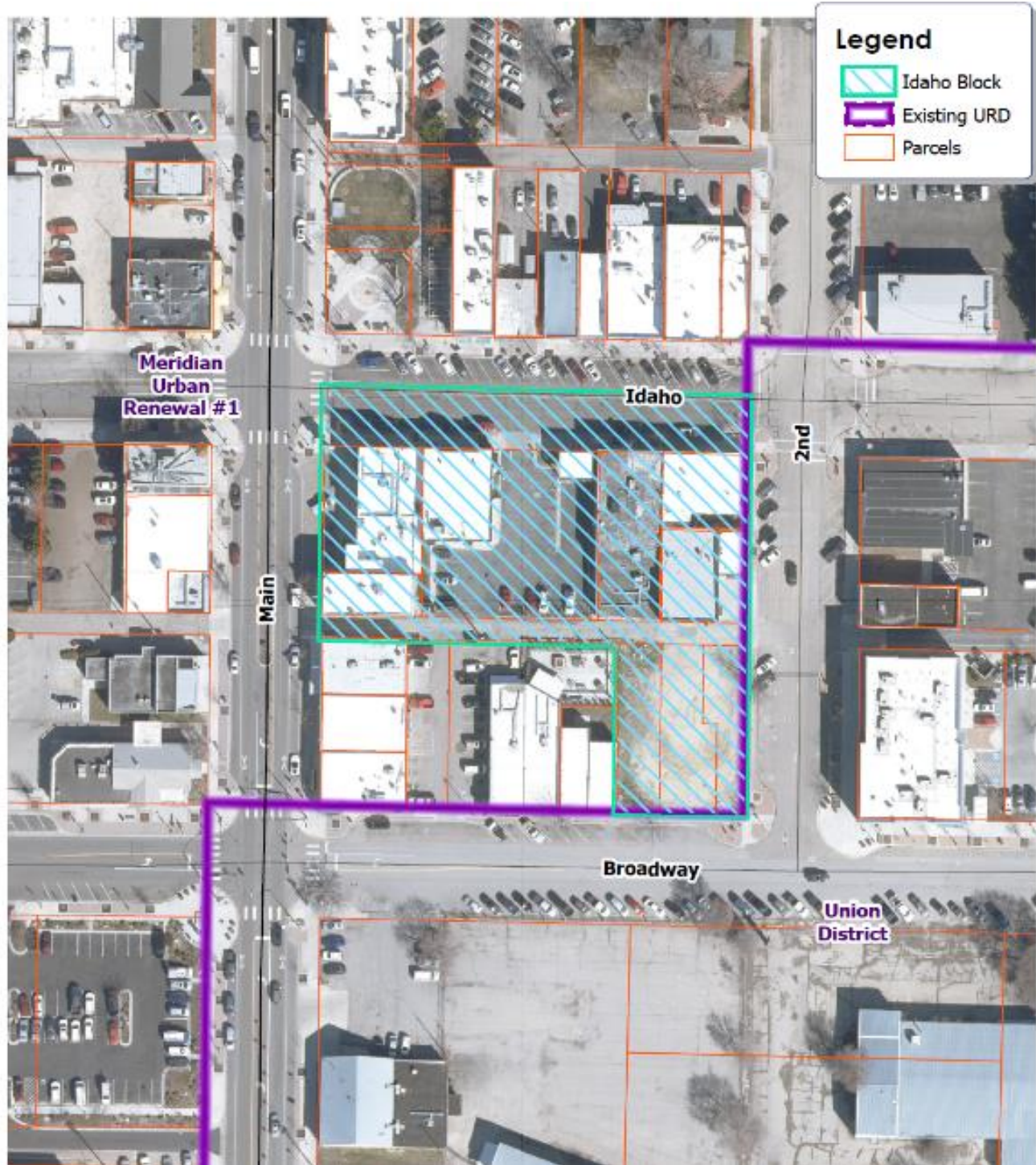
On July 13, 2021, the Second Amendment to the Meridian Revitalization Plan deannexed 11 parcels from the original downtown Meridian Revitalization District which will sunset in 2026. The existing Union District was established in June 2020. The proposed First Amendment to the Urban Renewal Plan for the Union District (the "First Amendment") provides for the annexation of those 11 parcels, often referred to as the "Idaho Block" into the Union District.

Annexation of the Idaho Block parcels will add 1.461 acres to the existing 16-acre Union District. Idaho Code allows for a one-time amendment to extend the boundary of an existing revenue allocation area if the new area is contiguous and not more than ten percent of the existing area.

The following required City and Meridian Development Corporation (MDC) actions and approvals have preceded this proposed ordinance approving the First Amendment to the Urban Renewal Plan for the Union District:

MDC Approval and Transmittal of Idaho Block Eligibility Report	June 9, 2021
City Council Approval of Eligibility Report	July 6, 2021
MDC Approval and Transmittal of First Amendment to the Union District Plan	September 22, 2021
Planning and Zoning Commission Confirmation of Conformance of First Amendment to the Union District Plan with City Comprehensive Plan	October 7, 2021

*First Amendment to the Union District Urban Renewal Plan – Idaho Block Annexation Area*



Based on activity, inquiries, and increased interest in the Idaho Block area, MDC retained Kushlan|Associates to assess the financial viability of the area and its annexation into the existing Union District. The financial viability of the annexation area is essential to also ensure the continued viability of the existing Union District. Major improvements anticipated to occur within the existing Union District boundaries include the Civic Block and Union 93 projects.

The First Amendment expands the identified improvements, shown in Attachment 5.1A. The new estimated cost of \$28,099,000 (\$12,315,000 was anticipated in the existing Union District Plan) includes potential environmental remediation; additional public parking, street, utility, and other public infrastructure improvements; as well as potential façade improvements.

Based on increased projected new private investment of \$225,737,000 (\$125,737,000 was anticipated in the existing Union District Plan), it is estimated that redevelopment and other activities in the Amended Project Area will generate tax increment revenue of \$25,389,904 over the 20-year life of the Plan (Attachment 5.2.A), an increase from the \$16,286,436 anticipated in the original Union District Plan.

MDC will retain its “pay-as-go” philosophy, carefully considering funding assistance for qualifying development costs and activities on a reimbursement basis, with a nexus to increased tax increment resulting from new private investment.

### **Future Actions**

This is the official public hearing and second of three required ordinance readings. The third reading and adoption of the First Amendment to the Urban Renewal Plan for the Union District are scheduled for December 7, 2021.

**CITY OF MERIDIAN ORDINANCE NO. 21-1956**

**BY THE CITY COUNCIL:**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, APPROVING THE FIRST AMENDMENT TO THE URBAN RENEWAL PLAN FOR THE UNION DISTRICT URBAN RENEWAL PROJECT, WHICH FIRST AMENDMENT SEEKS TO ANNEX CERTAIN PARCELS TO THE EXISTING UNION DISTRICT PROJECT AREA; WHICH FIRST AMENDMENT INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND THE AFFECTED TAXING ENTITIES; PROVIDING SEVERABILITY; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Meridian City Council and Mayor of Meridian respectively on or about July 24, 2001, adopted and approved a resolution creating the Urban Renewal Agency of Meridian, Idaho, also known as the Meridian Development Corporation (“MDC” or the “Agency”), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the “Law”), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the “Act”) upon making the findings of necessity required for creating said Agency;

**WHEREAS**, on October 8, 2002, the City Council (the “City Council”) of the City of Meridian, Idaho (the “City”), after notice duly published conducted a public hearing on the Meridian Revitalization Plan Urban Renewal Project, which is also referred to as the Downtown District (the “Downtown District Plan”);

**WHEREAS**, following said public hearing, the City Council on December 3, 2002, adopted Ordinance No. 02-987 approving the Downtown District Plan, making certain findings and establishing the Downtown District revenue allocation area (the “Downtown District Project Area”);

**WHEREAS**, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Ten Mile Road -A Urban Renewal Project (the “Ten Mile Plan”). The public hearing was continued to June 21, 2016, for further testimony;

**WHEREAS**, following said public hearings, the City Council adopted its Ordinance No. 16-1695 on June 21, 2016, approving the Ten Mile Plan, making certain findings and establishing the Ten Mile revenue allocation area (the “Ten Mile Project Area”);

**WHEREAS**, the City Council, after notice duly published, conducted a public hearing on the First Amendment to the Meridian Revitalization Plan Urban Renewal Project (the “First Amendment to the Downtown District Plan”);



**WHEREAS**, following said public hearing, the City Council adopted its Ordinance No. 20-1881 on June 9, 2020, approving the First Amendment to the Downtown District Plan deannexing certain parcels from the Downtown District Project Area and making certain findings;

**WHEREAS**, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Union District Urban Renewal Project (the “Union District Plan”);

**WHEREAS**, following said public hearing, the City Council adopted its Ordinance No. 20-1882 on June 9, 2020, approving the Union District Plan, making certain findings, and establishing the Union District revenue allocation area, which included the parcels deannexed pursuant to the First Amendment to the Downtown District Plan (the “Union District Project Area”);

**WHEREAS**, the City Council, after notice duly published, conducted a public hearing on the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project (the “Second Amendment to the Downtown District Plan”);

**WHEREAS**, following said public hearing, the City Council adopted its Ordinance No. 21-1933 on July 13, 2021, approving the Second Amendment to the Downtown District Plan deannexing certain parcels from the Downtown District Project Area and making certain findings (collectively, the Downtown District Plan, and amendments thereto, are referred to as the “Existing Downtown District Plan,” and the Downtown District Project Area, and amendments thereto, are referred to as the “Existing Downtown District Project Area”);

**WHEREAS**, the Existing Downtown District Plan, the Ten Mile Plan, and the Union District Plan are collectively referred to as the “Existing Urban Renewal Plans” and their respective revenue allocation project areas are collectively referred to as the “Existing Project Areas;”

**WHEREAS**, there are two additional urban renewal plans and their respective revenue allocation project areas that may or will be considered by the City Council prior to December 31, 2021, specifically, the Urban Renewal Plan for the Northern Gateway District Urban Renewal Project and the Urban Renewal Plan for the Linder District Urban Renewal Project, collectively referred to as the “Proposed Urban Renewal Plans” and their respective revenue allocation project areas are collectively referred to as the “Proposed Project Areas;”

**WHEREAS**, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

**WHEREAS**, an urban renewal plan shall (a) conform to the general plan for the municipality as a whole, except as provided in § 50-2008(g), Idaho Code; and (b) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions;

**WHEREAS**, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

**WHEREAS**, based on inquiries and information presented by certain interested parties and property owners, MDC commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

**WHEREAS**, in 2021, MDC authorized Kushlan | Associates to commence an eligibility study and preparation of an eligibility report for an area 1.461 acres in size, which area was deannexed from the Downtown District Project Area. The area is located generally in the central part of the City on the block bounded by Main Street on the west, Idaho Avenue on the north, NE 2nd Street on the east, and Broadway Avenue on the south. The area is adjacent and contiguous to the Union District Project Area. The eligibility study area is commonly referred to as the Idaho Block Annexation Study Area (the “Study Area”);

**WHEREAS**, MDC obtained an eligibility report entitled Idaho Block Annexation to Union District (Proposed) Eligibility Report, dated June 2021 (the “Report”), which examined the Study Area, for the purpose of determining whether such area is a deteriorating area, a deteriorated area, or a combination of both a deteriorating area and a deteriorated area, as those terms are defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

**WHEREAS**, pursuant to Idaho Code Sections 50-2018(8), (9) and 50-2903(8), which define the qualifying conditions of a deteriorating area and a deteriorated area, several of the conditions necessary to be present in such an area are found in the Study Area, i.e.,

- a. age or obsolescence;
- b. faulty lot layout in relation to size, adequacy, accessibility, or usefulness; obsolete platting; and
- c. diversity of ownership;

**WHEREAS**, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

**WHEREAS**, the Report finds there is no open land within the Study Area as contemplated in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d), and there are not any agricultural operation parcels subject to property owner consent pursuant to Idaho Code Sections 50-2903(8)(f) and 50-2018(8) and (9);

**WHEREAS**, the MDC Board, on June 9, 2021, adopted Resolution No. 21-027 accepting the Report and authorizing the Chair, Vice-Chair, or Administrator of MDC to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct MDC to prepare an urban renewal plan amendment for the Study Area, which plan amendment may include a revenue allocation provision as allowed by the Act;

**WHEREAS**, the City Council on July 6, 2021, adopted Resolution No. 21-2274, declaring the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29 of Title 50, Idaho Code, as amended, that such Study Area is appropriate for an urban renewal project, and directed MDC to commence preparation of an urban renewal plan amendment for the area designated;

**WHEREAS**, MDC seeks to amend the Union District Plan pursuant to Idaho Code Sections 50-2033 and 50-2903A(1)(a)(ii), which amendment contains provisions of revenue allocation financing, to redevelop a portion of the City pursuant to the Law and the Act, as amended;

**WHEREAS**, a modification is not deemed to have occurred under Idaho Code Section 50-2903A when there is a plan amendment to accommodate an increase in the revenue allocation area boundary as permitted in Idaho Code Section 50-2033. The First Amendment (defined below) is not a modification pursuant to Idaho Code Sections 50-2033 and 50-2903A(1)(a)(ii), and therefore, the base value of the existing Union District Project Area will not be adjusted upwards;

**WHEREAS**, in order to implement the provisions of the Act and the Law either MDC may prepare a plan, or any person, public or private, may submit such plan to MDC;

**WHEREAS**, MDC and its consultants have undertaken the planning process during 2021;

**WHEREAS**, pursuant to the Law and Act, as amended, the MDC prepared the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project (the “First Amendment”), and the corresponding additional urban renewal/revenue allocation area, as set forth in Exhibit 3 attached hereto, seeking to add the Study Area to the Union District Project Area and further, to provide updates to certain provisions and financial information from the Union District Plan, to provide an updated projection concerning the existing and additional improvements, projected expenses, and anticipated revenues through the Union District Plan termination;

**WHEREAS**, the area to be added to the Union District Project Area is shown on the “Boundary Map of the Additional Area” and described in the “Legal Description of the Boundary of the Additional Area,” which are attached to the First Amendment as Attachments 1A and 2A respectively;

**WHEREAS**, the Act authorizes MDC to adopt revenue allocation financing provisions as part of an urban renewal plan or plan amendment;

**WHEREAS**, the First Amendment contains revenue allocation financing provisions as allowed by the Act;

**WHEREAS**, MDC and the City Council reviewed and considered the proposed public improvements within the First Amendment during a joint meeting on August 24, 2021;

**WHEREAS**, the Agency Board considered all comments and information submitted to the

Agency during several earlier Board meetings throughout 2021, and the Board meeting held on September 22, 2021;

**WHEREAS**, on September 22, 2021, the Agency Board passed Resolution No. 21-038 proposing and recommending the approval of the First Amendment;

**WHEREAS**, the Agency submitted the First Amendment to the Mayor and City Council;

**WHEREAS**, the Mayor and City Clerk have taken the necessary action in good faith to process the First Amendment consistent with the requirements set forth in Idaho Code Sections 50-2906 and 50-2008;

**WHEREAS**, pursuant to the Law, at a meeting held on October 7, 2021, the Meridian Planning and Zoning Commission considered the First Amendment and found by P& Z Resolution No 21-03 that the First Amendment is in all respects in conformity with the City of Meridian Comprehensive Plan, as may be amended (the "Comprehensive Plan") and forwarded its findings to the City Council, a copy of which is attached hereto as Exhibit 1;

**WHEREAS**, the notice of public hearing of the First Amendment was caused to be published by the Meridian City Clerk in the *Idaho Press* on October 15 and 29, 2021, a copy of said notice is attached hereto as Exhibit 2;

**WHEREAS**, as of October 15, 2021, the First Amendment was submitted to the affected taxing entities and separately to the Ada County Highway District ("ACHD"), available to the public, and under consideration by the City Council;

**WHEREAS**, the City Council during its regular meeting of November 23, 2021, held such public hearing as noticed;

**WHEREAS**, as required by Idaho Code sections 50-2905 and 50-2906, the First Amendment contains the following information with specificity which was made available to the general public and all affected taxing districts prior to the public hearing on November 23, 2021, the regular meeting of the City Council, at least thirty (30) days but no more than sixty (60) days prior to the date set forth final reading of the Ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining

assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

**WHEREAS**, the First Amendment authorizes certain projects to be financed by owner/developer participation agreements and proceeds from revenue allocation. Revenue allocation bonds, or loans are permissible;

**WHEREAS**, appropriate notice of the First Amendment and revenue allocation provision contained therein has been given to the affected taxing districts and to the public as required by Idaho Code §§ 50-2008 and 50-2906;

**WHEREAS**, it is necessary and in the best interest of the citizens of the City, to adopt the First Amendment and to adopt, as part of the First Amendment, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the First Amendment, in order to: encourage private development in the urban renewal area; prevent and arrest decay of the Amended Project Area (as defined in the First Amendment) due to the inability of existing financing methods to provide needed public improvements; encourage the affected taxing districts to cooperate in the allocation of future tax revenues arising in the Amended Project Area in order to facilitate the long-term growth of their common tax base; encourage private investment within the City; and to further the public purposes of the Agency;

**WHEREAS**, the City Council finds that the equalized assessed valuation of the taxable property in the revenue allocation area as shown and described in Attachments 1A and 2A of the First Amendment is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the First Amendment;

**WHEREAS**, under the Law and Act any such plan should provide for (1) a feasible method for the location of families who will be displaced from the urban renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan should conform to the general plan of the municipality as a whole; (3) the urban renewal plan should give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of the children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan should afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise;

**WHEREAS**, if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; or (2) if it is to be developed for nonresidential uses, the local governing body shall

determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in the Law, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area;

**WHEREAS**, pursuant to Chapter 14, Title 40, Idaho Code, the ACHD is granted certain authority and jurisdiction over public rights of way within the Amended Project Area, as that term is defined in the First Amendment;

**WHEREAS**, ACHD also has the opportunity to provide comments on the proposed First Amendment;

**WHEREAS**, the base assessment roll of the area added by the First Amendment, together with the base assessment roll values of the Existing Project Areas, cannot exceed ten percent (10%) of the current assessed values of all the taxable property in the City;

**WHEREAS**, it is necessary, and in the best interests of the citizens of the City to adopt the First Amendment;

**WHEREAS**, the City Council at its regular meeting held on November 23, 2021, considered the First Amendment as proposed and made certain comprehensive findings.

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

**SECTION 1:** It is hereby found and determined that:

- (a) The area to be added to the existing Union District Project Area as defined in the First Amendment is a deteriorated area or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, development and redevelopment of the urban renewal area pursuant to the First Amendment are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The First Amendment conforms to the City of Meridian Comprehensive Plan as a whole.
- (e) The First Amendment gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the First Amendment and the need for

overall public improvements), and shows consideration for the health, safety, and welfare of any children, residents or businesses in the general vicinity of the urban renewal area covered by the First Amendment.

- (f) The First Amendment affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development and redevelopment of the urban renewal area by private enterprises.
- (g) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(1), the First Amendment provides a feasible method for relocation obligations of any displaced families residing within the Amended Project Area and there is not anticipated to be any activity by the Agency that would result in relocation.
- (h) The collective base assessment rolls for the revenue allocation areas under the Existing Project Areas, the Proposed Project Areas and the area added by the First Amendment, do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
- (i) The area to be added by the First Amendment does not exceed ten percent (10%) of the geographical area contained within the existing Union District Project Area, and the area to be added is contiguous to the existing Union District Project Area.
- (j) The First Amendment includes the requirements set forth in Idaho Code § 50-2905 with specificity.
- (k) The First Amendment is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes (if any) land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (l) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code section 50-2018(9) and Idaho Code section 50-2903(8)(f), does not include any agricultural operation requiring consent.
- (m) The portion of the Amended Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.
- (n) The portion of the Amended Project Area which is identified for residential uses is necessary and appropriate as there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of

decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City.

**SECTION 2:** The City Council finds that the area added by the First Amendment does not include open land, that the Agency may acquire land within the Amended Project Area, and that the Amended Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses.

**SECTION 3:** The City Council finds that one of the First Amendment objectives to increase the residential opportunity does meet the sound needs of the City and will provide housing opportunities in an area that does not now contain such opportunities, and the portion of the Amended Project Area which is identified for nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of City's Comprehensive Plan, to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

**SECTION 4:** The First Amendment, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the November 23, 2021, hearing and incorporate changes or modifications, if any.

**SECTION 5:** The boundaries of the area added by the First Amendment overlap the boundaries of the ACHD, which has the responsibility for the maintenance of roads and highways within the City. The Agency has negotiated an agreement with the ACHD pursuant to Idaho Code Section 50-2908(2)(a)(iv) for the area added by the First Amendment.

**SECTION 6:** The City Council declares that nothing within the First Amendment is intended or shall be interpreted to usurp the jurisdiction and authority of ACHD as defined in chapter 14, Title 40, Idaho Code. Further, pursuant to Section 40-1415, Idaho Code, ACHD has authority over the planning, location, design, construction, reconstruction, and maintenance of the City rights of way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads, and retaining walls. In the planning process, ACHD shall take into consideration the principles contained in the First Amendment.

**SECTION 7:** No direct or collateral action challenging the First Amendment shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the First Amendment.

**SECTION 8:** Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Ada County Assessor, and to the appropriate officials of Ada County Board of County Commissioners, City of Meridian, Ada County Highway District, West Ada School District, Ada County Ambulance/EMS, Meridian Cemetery Maintenance District, College of Western Idaho, Meridian Free Library District, Mosquito Abatement District, the Western Ada Recreation District, and the State Tax Commission a copy of this Ordinance, a



copy of the legal description of the boundaries of the area added, and a map indicating the boundaries of the area added.

**SECTION 9:** The City Council hereby finds and declares that the Revenue Allocation Area, as amended to include the additional area as defined in the First Amendment, the equalized assessed valuation of which the City Council hereby determines is likely to increase and/or continue to increase as a result of the initiation and completion of urban renewal projects pursuant to the First Amendment.

**SECTION 10:** The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the First Amendment, the City Council recognizes that it has no power to control the powers or operations of the Agency.

**SECTION 11:** So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code section 50-2006 to designate itself as the Agency Board.

**SECTION 12:** This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2021, to the extent permitted by the Act, for the area added by the First Amendment, with the existing Union District Project Area maintaining its base assessment roll as of January 1, 2020.

**SECTION 13:** The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such determination shall not affect the validity of remaining portions of this Ordinance.

**SECTION 14:** The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

**SECTION 15:** All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

**SECTION 16:** Savings Clause. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

PASSED by the City Council of the City of Meridian, Idaho, this \_\_\_\_ day of December 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this \_\_\_\_ day of December 2021.

**APPROVED:**

---

Robert Simison, Mayor

**ATTEST:**

---

Chris Johnson, City Clerk

**Exhibit 1**

A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating  
Conformity of the First Amendment to the Urban Renewal Plan for the Union District Urban  
Renewal Project with the City of Meridian's Comprehensive Plan

**CITY OF MERIDIAN****BY THE PLANNING AND  
ZONING COMMISSION****A RESOLUTION OF THE PLANNING AND ZONING COMMISSION FOR THE CITY  
OF MERIDIAN, IDAHO, VALIDATING CONFORMITY OF THE FIRST  
AMENDMENT TO THE URBAN RENEWAL PLAN FOR THE UNION DISTRICT  
URBAN RENEWAL PROJECT WITH THE CITY OF MERIDIAN'S  
COMPREHENSIVE PLAN**

WHEREAS, the Urban Renewal Agency of the City of Meridian (the "City"), Idaho, also known as Meridian Development Corporation (hereinafter "MDC"), the duly constituted and authorized urban renewal agency of the City, has submitted the proposed First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project (the "First Amendment") to the City; and

WHEREAS, the Mayor and Meridian City Council referred the First Amendment to the City Planning and Zoning Commission for review and recommendations concerning the conformity of said First Amendment with the City's Comprehensive Plan, as amended (the "Comprehensive Plan"); and

WHEREAS, on October 7, 2021, the City Planning and Zoning Commission met to consider whether the First Amendment conforms with the Comprehensive Plan as required by Idaho Code § 50-2008(b); and

WHEREAS, the City Planning and Zoning Commission has reviewed said First Amendment in view of the Comprehensive Plan; and

WHEREAS, the City Planning and Zoning Commission has determined that the First Amendment is in all respects in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF MERIDIAN, IDAHO:

Section 1. That the First Amendment, submitted by MDC and referred to this Commission by the Mayor and City Council for review, is in all respects in conformity with the City's Comprehensive Plan.

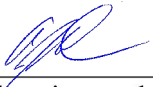
Section 2. That Exhibit A, the memorandum from Brian McClure, Comprehensive Associate Planner dated September 30, 2021, outlining the analysis supporting the determination that the First Amendment is in conformity with the City's Comprehensive Plan, is hereby adopted and incorporated as part of this Resolution.

Section 3. That the City Clerk is hereby authorized and directed to provide the Mayor and Meridian City Council with a signed copy of this Resolution relating to said First Amendment.

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

**ADOPTED** by the Planning and Zoning Commission of the City of Meridian, Idaho, this 7th day of October 2021.

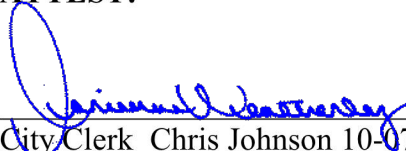
**APPROVED:**



\_\_\_\_\_  
Chair, Planning and Zoning Commission

By Andrew Seal Vice Chairperson

**ATTEST:**



\_\_\_\_\_  
City Clerk Chris Johnson 10-07-2021

By Adrienne Weatherly, Deputy City Clerk

4810-4341-8296, v. 1

## **Exhibit 2**

Notice Published in the *Idaho Press*

## LEGAL NOTICE

**NOTICE OF REGULAR MEETING AND PUBLIC HEARING BY THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO TO CONSIDER THE FIRST AMENDMENT TO THE URBAN RENEWAL PLAN FOR THE UNION DISTRICT URBAN RENEWAL PROJECT OF THE URBAN RENEWAL AGENCY OF MERIDIAN, IDAHO, ALSO KNOWN AS MERIDIAN DEVELOPMENT CORPORATION**

NOTICE IS HEREBY GIVEN that on **Tuesday, November 23, 2021, at 6:00 p.m.** in City Council Chambers, Meridian City Hall, 33 E. Broadway Avenue, Meridian, Idaho, 83642, and/or in virtual meeting as may be noticed on the City's website ([www.meridiancity.org](http://www.meridiancity.org)), the City Council of the City of Meridian, Idaho ("City") will hold, during its regular meeting, a public hearing to consider for adoption the proposed First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project ("First Amendment"), concerning the Union District Urban Renewal Plan and Revenue Allocation Area ("Existing Union District Project Area") of the Urban Renewal Agency of Meridian, Idaho, also known as Meridian Development Corporation ("Agency"). The general scope and objective of the First Amendment is the addition of approximately 1.46 acres (including rights-of-way) of land contiguous to the northwestern boundary of the Existing Union District Project Area. The Urban Renewal and revenue allocation area boundary for the area to be added is coterminous and is hereinafter described.

The First Amendment proposes that the Agency undertake urban renewal projects, including identifying public facilities for funding, pursuant to the Idaho Urban Renewal Law of 1965, chapter 20, title 50, Idaho Code, as amended. The First Amendment being considered for adoption contains a revenue allocation financing provision pursuant to the Local Economic Development Act, chapter 29, title 50, Idaho Code, as amended, that for the area added will cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2021, to be allocated to the Agency for urban renewal purposes. The boundary of the additional area includes both urban renewal and revenue allocation areas. The Existing Union District Project Area contains a previously adopted revenue allocation financing provision pursuant to the Act that will continue to cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2020, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the First Amendment. The City Council will be considering the second reading of an ordinance to adopt the First Amendment at the meeting scheduled for November 23, 2021, at 6:00 p.m. An additional reading will follow consistent with the City's ordinance approval process. The First Amendment does not extend the duration of the Existing Union District Project Area.

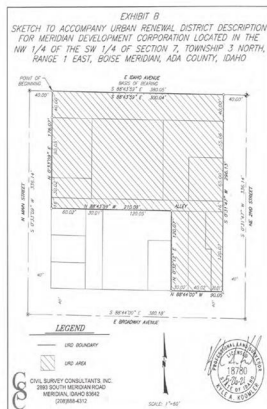
The general scope and objectives of the First Amendment are:

The First Amendment proposes improvements to public infrastructure and other publicly owned assets throughout the amendment area, creating the framework for the development of mixed-use, retail, office, commercial, and residential projects, as well as façade improvements, planning studies and installation and improvements to other public facilities, including, but not limited to, streets, streetscapes, water and sewer improvements, environmental and floodplain remediation/site preparation, public parking, other community facilities, parks, plazas, open space, and pedestrian/bike amenities, as more fully described in the First Amendment.

Any such land uses as described in the First Amendment will be in conformance with zoning for the City and the City's Comprehensive Plan, as amended. Land made available will be developed by private enterprises or public agencies as authorized by law. The First Amendment identifies various public and private improvements which may be made within the Amended Project Area.

The First Amendment shall add the following area to the Existing Union District Project Area described as follows:

An area consisting of approximately 1.46 acres (including rights-of-way) of land contiguous to the northwestern boundary of the Existing Union District Project Area and generally bounded by E. Idaho Avenue on the north, NE 2nd Street on the east, a portion of Broadway Avenue on the south, and E. Main Street on the west, an area referred to as the "Idaho Block" and as more particularly described in the First Amendment and depicted in the Map below:



Copies of the proposed First Amendment and the existing Union District Urban Renewal Plan are on file for public inspection and copying at the office of the City Clerk, Meridian City Hall, 33 E. Broadway Avenue, Meridian, Idaho 83642, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, exclusive of holidays. Costs for copying are outlined in Idaho Code Section 74-102. The proposed First Amendment can also be accessed online at <https://bit.ly/UnionFirstAmendment>. For additional assistance in obtaining a copy of the First Amendment in the event of business office interruptions, contact the office of the City Clerk at 208-888-4433.

At the hearing date, time, and place noted above (November 23, 2021, at 6:00 p.m.), all persons interested in the above matters may appear and be heard. Because social distancing orders may be in effect at the time of the hearing, written testimony is encouraged. Written testimony must be submitted at least five working days prior to the hearing. Oral testimony may be limited to three minutes per person. Information on assessing the meeting remotely will be posted on the published agendas, no later than 48 hours prior to the meeting at <https://meridiancity.org/agendas>. Additional information regarding providing testimony in compliance with any social distancing orders in effect may be obtained by calling 208-888-4433 or by email at [cityclerk@meridiancity.org](mailto:cityclerk@meridiancity.org).

Meridian City Hall is accessible to persons with disabilities. All information presented in the hearing shall also be available upon advance request in a form usable by persons with hearing or visual impairments. Individuals with other disabilities may receive assistance by contacting the City 24 hours prior to the hearing.

DATED: October 8, 2021.

Chris Johnson, City Clerk

October 15, 29, 2021

156880

### **Exhibit 3**

First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project



**FIRST AMENDMENT TO THE  
URBAN RENEWAL PLAN FOR THE UNION DISTRICT URBAN RENEWAL  
PROJECT**

**MERIDIAN URBAN RENEWAL AGENCY  
(also known as Meridian Development Corporation)**

**CITY OF MERIDIAN, IDAHO**

**Ordinance No. 20-1882  
Adopted June 9, 2020  
Effective June 19, 2020, publication**

**First Amendment to the Union District Plan  
Ordinance No. \_\_\_\_\_  
Adopted \_\_\_\_\_  
Effective \_\_\_\_\_ 2021, publication**

## BACKGROUND

This First Amendment (“First Amendment”) to the Urban Renewal Plan for the Union District Urban Renewal Project (the “Plan”) amends the Plan for the following purpose: to add approximately 1.46 acres (including rights-of-way) of land contiguous to the northwestern boundary of the Union District Project Area and generally bounded by E. Idaho Avenue on the north, NE 2nd Street on the east, a portion of Broadway Avenue on the south, and E. Main Street on the west, an area referred to as the “Idaho Block.” The scope of this First Amendment is limited to addressing the addition of the Idaho Block to the Union District Project Area. It is important to note this First Amendment to the Plan does not extend the Plan’s duration. The Plan terminates on December 31, 2040; however, revenue allocation proceeds will be received in 2041 pursuant to Idaho Code Section 50-2905(7).

This First Amendment to the Plan, seeking to add the Idaho Block to the Union District Project Area pursuant to Idaho Code Section 50-2033, is not deemed to be a modification under Idaho Code Section 50-2903A. “Modification shall not be deemed to have occurred when: . . . (ii) There is a plan amendment to accommodate an increase in the revenue allocation area boundary as permitted in section 50-2033, Idaho Code...” Idaho Code Section 50-2903A(1)(a)(ii).

Idaho Code Section 50-2033 permits an urban renewal agency, after July 1, 2011, to add area to an existing revenue allocation area one (1) time “so long as the total area to be added is not greater than ten percent (10%) of the existing revenue allocation area and the area to be added is contiguous to the existing revenue allocation area . . . .” Idaho Code § 50-2033. Contiguity cannot be established solely by a shoestring or public railroad right-of-way. *See* Idaho Code § 50-2033. The geographic area to be added to the Union District Project Area is contiguous to the existing Union District Project Area and is less than ten percent (10%) of the existing revenue allocation area, which is 15.86 acres.

A separate base assessment value will be established for the area to be added to the Union District Project Area, effective retroactive to January 1, 2021. The Agency will receive an allocation of revenues from the added area from any increases in value above the base value through the remaining years of the Plan. The base values for the original Union District Project Area will continue to be retroactive to January 1, 2020.

The area to be added to the Union District Project Area was deemed to be a deteriorated area and/or a deteriorating area under the Law and Act and, therefore, eligible for inclusion into the existing revenue allocation area pursuant to the Idaho Block Annexation to Union District (Proposed) Eligibility Report, prepared by Kushlan | Associates, dated June 2021 (the “Eligibility Report”). The Eligibility Report was submitted to the Agency, which by adoption of Resolution No. 21-027 on June 9, 2021, found the additional area to be eligible and authorized the transmission of the Eligibility Report and Resolution to the Meridian City Council, together with the Agency’s recommendation that the area be designated as appropriate for an urban renewal project, and seeking direction from the City Council to proceed with urban renewal plan amendment. The Meridian City Council, by adoption of Resolution No. 21-2274 on July 6, 2021, found the area under consideration to be a deteriorating area or a deteriorated area in the City, as defined by the Law and the Act, and authorized preparation of a plan amendment.

## AMENDMENTS TO THE PLAN

1. Definitions. Capitalized terms not otherwise defined herein shall have the respective meanings ascribed to such terms in the Plan.

2. The following defined terms are amended throughout the Plan as follows:

a. Delete “Project Area” and replace with “Amended Project Area” except where specifically referenced in this First Amendment.

b. Delete references to “Attachment 1” and replace with “Attachment 1, as supplemented by Attachment 1A” except where specifically referenced in this First Amendment.

c. Delete references to “Attachment 2” and replace with “Attachment 2, as supplemented by Attachment 2A” except where specifically referenced in this First Amendment.

d. Delete references to “Attachment 4” and replace with “Attachment 4, as supplemented by Attachment 4A” except where specifically referenced in this First Amendment

e. Delete references to “Attachment 5” and replace with “Attachment 5, as supplemented by Attachment 5A” except where specifically referenced in this First Amendment.

3. Amendment to List of Attachments. The List of Attachments on page iii of the Plan is amended by deleting the list of attachments and replacing it as follows:

Attachment 1	Boundary Map of Union District Urban Renewal Project Area and Revenue Allocation Area
Attachment 1A	Boundary Map of the Additional Area
Attachment 2	Legal Description of Union District Urban Renewal Project Area and Revenue Allocation Area
Attachment 2A	Legal Description of the Boundary of the Additional Area
Attachment 3	Properties Which May be Acquired by the Agency
Attachment 4	Map Depicting Expected Land Uses and Current Zoning Map of the Project Area
Attachment 4A	Map Depicting Expected Land Uses and Current Zoning Within the Area Added by the First Amendment
Attachment 5	Economic Feasibility Study
Attachment 5A	Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2021 Annexation

4. Amendment to Section 100 of the Plan. Section 100 is amended by deleting the last sentence of the first paragraph and replacing it as follows:

Attachments 1 through 5, as supplemented by Attachments 1A, 2A, 4A and 5A, attached hereto (collectively, the “Plan Attachments, as supplemented”) are incorporated herein and shall be considered a part of this Plan.

5. Amendment to Section 102 of the Plan. Section 102 entitled “Procedures Necessary to Meet State and Local Requirements: Conformance with Idaho Code Sections 50-2008 and 50-2906” is amended by adding new paragraphs to the end of the existing language as follows:

Subsequent to the adoption of this Plan in 2020, in 2021, the Agency retained a third-party consultant to review approximately 1.46 acres of land adjacent and contiguous to the Project Area for an eligibility determination for an urban renewal project. The area reviewed included land contiguous to the northwestern boundary of the Union District Project Area and generally bounded by E. Idaho Avenue on the north, NE 2nd Street on the east, a portion of Broadway Avenue on the south, and E. Main Street on the west (the “Idaho Block”).

The Idaho Block was reviewed and determined to be a deteriorated area and/or a deteriorating area under the Law and the Act and, therefore, eligible for inclusion into the existing revenue allocation area pursuant to the Idaho Block Annexation to Union District Eligibility Report (proposed), prepared by Kushlan | Associates, dated June 2021 (the “Eligibility Report”). The Eligibility Report was submitted to the Agency, which by adoption of Resolution No. 21-027 on June 9, 2021, found the additional area to be eligible and authorized the transmission of the Eligibility Report and Resolution to the City Council, together with the Agency’s recommendation that the area be designated as appropriate for an urban renewal plan amendment. The City Council by adoption of Resolution No. 21-2274 on July 6, 2021, found the area under consideration to be a deteriorating area or a deteriorated area in the City, as defined by the Law and the Act, and authorized preparation of a plan amendment. The 1.46 acres being added to the Project Area hereby creates the “Amended Project Area” as further described and shown in Attachments 1, 1A, 2, and 2A.

This First Amendment to the Plan (the “First Amendment”) adds certain parcels that were deannexed from the Downtown District Plan and Project Area in 2021 pursuant to the Second Amendment to the Meridian Revitalization Plan.

This First Amendment was prepared and submitted to the Agency for its review and approval. The Agency approved the First Amendment by the adoption of Resolution No. 21-038 on September 22, 2021 and

submitted the First Amendment to the City Council with its recommendation for adoption.

In accordance with the Law, this First Amendment was submitted to the Planning and Zoning Commission of the City. After consideration of the First Amendment, the Commission filed Resolution 21-06 dated October 7, 2021, with the City Council stating that the First Amendment is in conformity with the City's Comprehensive Plan.

Pursuant to the Law and Act, the City Council, having published due notice thereof, held a public hearing on the First Amendment. Notice of the hearing was duly published in the *Idaho Press*, a newspaper having general circulation in the City. The City Council adopted the First Amendment on \_\_\_\_\_, 2021, pursuant to Ordinance No. \_\_\_\_\_.

6. Amendment to Section 103 of the Plan. In Section 103, the term "Project Area" is now replaced with the term "Amended Project Area."

7. Amendment to Section 103 of the Plan. Section 103 of the Plan is amended by the addition of new Section 103.1 entitled "History and Current Conditions of the Expansion Area" as follows:

During 2021, the City, Agency, and other interested parties began to examine the need to expand the Project Area to include additional area adjacent and contiguous to the Project Area that continued to be underdeveloped.

The approximately 1.46 acres to be added to the Project Area includes eleven (11) tax parcels with an Old Town (OT) zoning designation and are located within the older developed area within the community. None of the parcels appear to be owner-occupied residences. Only the south half of Idaho Avenue between Main Street and NE 2<sup>nd</sup> Street is included. The area reviewed exhibited deteriorated conditions due to the age or obsolescence of the structures. The area is transitioning to a modern commercial center and the configuration of small lots does not accommodate modern commercial development rendering redevelopment economically infeasible. Similarly, the eleven (11) parcels range in size with the majority of lots under 5,000 square feet, which is an insufficient size to accommodate economical economic development. Diversity of ownership is also present, which makes land assemblage challenging. These above conditions result in economic underdevelopment of the area and are conditions that substantially impair and arrest the sound growth of the City.

The First Amendment embraces the principles set forth in the Plan and proposes improvements to public infrastructure and other publicly owned assets throughout the expansion area, creating the framework for the development of mixed-use, retail, office, commercial, and residential,

projects, as well as, façade improvements, planning studies and installation and improvements to other public facilities, including, but not limited to, streets, streetscapes, water and sewer improvements, environmental and floodplain remediation/site preparation, public parking, other community facilities, parks, plazas, open space, and pedestrian/bike amenities. The expansion area is underdeveloped and is not being used to its highest and best use due to age and obsolescence, as well as faulty lot layout in relation to size, adequacy, accessibility or usefulness, obsolete platting, and diversity of ownership. The foregoing conditions have resulted in economic underdevelopment of the expansion area and has arrested or impaired growth in the expansion area.

The preparation and approval of an urban renewal plan amendment including a revenue allocation financing provision, gives the City additional resources to solve the public infrastructure problems in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the Amended Project Area may be used by the Agency to finance a variety of needed public improvements and facilities. Finally, some of the new developments may also generate new jobs in the community that would, in turn, benefit area residents.

It is unlikely individual developers will take on the prohibitive costs of constructing the necessary infrastructure in the expansion area without the ability of revenue allocation to help offset at least some of these costs. But for urban renewal and revenue allocation financing, the proposed commercial, office, residential and related public improvements would not occur.

8. Amendment to Section 200 of the Plan.

a. Section 200 entitled “DESCRIPTION OF THE PROJECT AREA” is deleted and replaced as follows:

**DESCRIPTION OF THE AMENDED PROJECT AREA**

The boundaries of the Project Area and of the Revenue Allocation Area are shown on Attachment 1, Boundary Map of Union District Urban Renewal Project Area and Revenue Allocation Area, and are described in Attachment 2, Legal Description of Union District Urban Renewal Project Area and Revenue Allocation Area.

The boundaries of the area added to the Project Area, pursuant to the First Amendment, are shown on Attachment 1A, Boundary Map of the Additional Area, and are described in Attachment 2A, Legal Description of the Boundary of the Additional Area. Collectively, the Project Area, as amended, may be referred to as the “Amended Project Area.”

For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way or other natural boundary unless otherwise specified.

The attachments referenced above are attached hereto and are incorporated herein by reference.

9. Amendment to Section 301 of the Plan. Section 301 is amended as follows:
  - a. Section 301 is amended by deleting subsection (t) and replacing it as follows:
    - t. The construction and financial support of cultural facilities and the enhancement, installation and/or construction of parks, open spaces, plazas, and public recreational facilities;
  - b. Section 301 is amended by adding a new subsection (x) as follows:
    - x. The provision of financial and other assistance to encourage and support the Agency's façade improvement program
  - c. Section 301 is amended by adding a new subsection (y) as follows:
    - y. The funding in whole, or in part, any planning studies within the Amended Project Area.
10. Amendment to Section 302 of the Plan. Section 302 is amended by deleting the first paragraph and replacing it as follows:

Urban renewal activity is necessary in the Amended Project Area to combat problems of physical deterioration or deteriorating conditions. As set forth in greater detail in Sections 103 and 103.1, the Amended Project Area has a history of stagnant growth and development compared to the greater downtown area of the City based on deteriorated or deteriorating conditions that have arrested or impaired growth in the Amended Project Area primarily attributed to: underdeveloped properties; inadequate pedestrian and bicycle connectivity and mobility; the presence of a substantial number of deteriorating structures; deterioration of site; age and obsolescence; a predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; unsanitary or unsafe conditions; diversity of ownership; and defective or very unusual conditions of title. The Plan for the Amended Project Area is a proposal to work in partnership with public and private entities to improve, develop, and grow the economy within the Amended Project Area by the implementation of a strategy and program set forth in Section 301, as amended.

11. Amendment to Section 502 of the Plan.

a. Section 502 is amended by deleting the first sentence of the first paragraph and replacing it as follows: The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2020, for the original Project Area and effective retroactively to January 1, 2021, for the area added to the Project Area by the First Amendment.

b. Section 502 is amended by deleting the first and second sentences of the fifth paragraph and replacing them as follows: A statement listing proposed public improvements and facilities, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code Section 50-2905 is included in Attachment 5 for the Project Area, and as supplemented in Attachment 5A for the area added by the First Amendment. The information contained in Attachment 5 incorporated estimates and projections based on the Agency's and the consultants' knowledge and expectations at that time. The information contained in Attachment 5A necessarily incorporates estimates and projections based on the Agency's present knowledge and expectations and includes analysis and assessment based on the additional 1.461 acres added to the Project Area.<sup>1</sup>

12. Amendment to Section 502.1 of the Plan. Section 502.1 is amended by deleting Section 502.1 and replacing it as follows:

Attachment 5 consists of the Economic Feasibility Study for the Union District Urban Renewal Area prepared by Kushlan | Associates and SMR Development, LLC for the original Project Area. Attachment 5A consists of the Economic Feasibility Study for the area added to the Project Area by the First Amendment prepared by Kushlan | Associates. Portions of the data from Attachment 5 are restated in Attachment 5A to the extent additional information was available related to the timing of projects impacting revenue generation and project funding in the expansion area (collectively, Attachments 5 and 5A are referred to as the "Study"). The Study constitutes the financial analysis required by the Act.

13. Amendment to Section 502.3 of the Plan. Section 502.3 of the Plan is amended by the addition of new Section 502.3.1 entitled "Updated Ten Percent Value Limitation and the Ten Percent Geographic Limitation" as follows:

Under the Act, the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed taxable value for the entire City. According to the Ada County Assessor, the assessed taxable value for the City as of January 1, 2020<sup>2</sup> less

<sup>1</sup> See also Section 301 to the Plan, as amended.

<sup>2</sup> Due to the timing of the assessment process and creation of this Plan, the 2020 values have been used to establish compliance with the 10% limitation. Using the 2020 values, the total adjusted base value of the existing and proposed revenue allocation areas combined with the value of this annexation into the Project Area are less than 2.62% of



homeowners' exemption is \$10,375,837,804. Therefore, the 10% limit is \$1,037,583,780.

The adjusted base assessed value of each of the existing revenue allocation areas, plus the expansion area and the proposed revenue allocation areas, as of January 1, 2020, is as follows:

Downtown District <sup>3</sup>	\$146,334,050
Ten Mile District	\$39,539,125
Union District	\$2,144,360
Proposed Union District Project Area Amendment	\$3,414,100
Proposed Northern Gateway District	\$68,832,974
Proposed Linder District <sup>4</sup>	\$11,978,500
<b>TOTAL:</b>	<b>\$272,243,109</b>

The adjusted base values for the combined revenue allocation areas total \$272,243,109, which is less than 10% of the City's 2020 taxable value.

Further, Idaho Code Section 50-2033 provides that after July 1, 2011: "[a]n urban renewal plan that includes a revenue allocation area may be extended only one (1) time to extend the boundary of the revenue allocation area so long as the total area to be added is not greater than ten percent (10%) of the existing revenue allocation area and the area to be added is contiguous to the existing revenue allocation area but such contiguity cannot be established solely by a shoestring or strip of land which comprises a railroad or public right-of-way." The Project Area consists of approximately 15.86 acres; therefore, the 10% geographic limit is approximately 1.59 acres. The area to be added to the Project Area, which is adjacent and contiguous to the Project Area, consists of approximately 1.461 acres, which is less than 10% of the acreage included in the Project Area.

#### 14. Amendment to Section 502.7 of the Plan.

a. Section 502.7 is amended by adding a new sentence at the end of the second sentence of the second paragraph as follows: The addition of the geographic area to the Project Area pursuant to the First Amendment does not reset the base<sup>5</sup>; however, for the area added, the base value is the assessed value as of January 1 of the year in which the municipality approved the expansion or, in this instance, January 1, 2021.

---

the total taxable value of the City. Even assuming an increase in values for 2022, the combined adjusted base values of the revenue allocation areas would not exceed 10% of the current assessed taxable value for the entire City.

<sup>3</sup> Less area deannexed by the First Amendment to the Meridian Revitalization Plan Urban Renewal Project, and the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project.

<sup>4</sup> May not be established until calendar year 2022.

<sup>5</sup> See Idaho Code Sections 50-2903A(1)(a)(ii) and 50-2033.

b. Section 502.7 is amended by adding a new footnote following the fourth sentence of the second paragraph as follows: House Bill 389 passed during the 2021 Legislative Session, effective in significant part as of January 1, 2021, further limits a taxing entity's ability to increase the property tax portion of its budget. The Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2021 Annexation, included as Attachment 5A, has considered the impact of House Bill 389 on the Project's overall feasibility.

c. Section 502.7 is amended by adding a new footnote following the first sentence of the fifth paragraph as follows: House Bill 389 amended Idaho Code Sections 63-802 and 63-301A limiting the value placed on the new construction roll and available to a taxing district for a budget capacity increase. This could result in lower levy rates over time.

d. Section 502.7 is amended by deleting the last sentence of the fifth paragraph and replacing it as follows: Upon termination of this Plan, as amended by the First Amendment, and the Amended Project Area, the taxing entities will be able to include a percentage<sup>6</sup> of the accumulated new construction roll value in setting the following year's budget (subject to any applicable cap) pursuant to Idaho Code Sections 63-802 and 63-301A.

e. Section 502.7 is amended by adding new paragraphs following the end of the seventh paragraph as follows:

Pursuant to the First Amendment and Attachment 5A concerning the expansion, as 2021 certified levy rates are not determined until late September 2021, the 2020 certified levy rates have been used in Attachment 5A for purposes of the analysis.<sup>7</sup> Those taxing districts and rates are as follows:

<u>Taxing Districts:</u>	<u>Levy Rates:</u>
The City of Meridian	.002230856
The West Ada School District (School District No. 2)	.000014472
Ada County	.002149935
Emergency Medical District/Ada County Ambulance	.000118422
Mosquito Abatement District	.000021106
The Ada County Highway District	.000701539
Meridian Library District	.000430489
Meridian Cemetery District	.000048343
Western Ada Recreation District	.000037736
College of Western Idaho	.000124266
<b>TOTAL<sup>8</sup></b>	<b>.005877164</b>

<sup>6</sup> Pursuant to House Bill 389, 80% of the total eligible increment value is added to the new construction roll.

<sup>7</sup> Due to the timing of the taxing districts' budget and levy setting process, certification of the 2021 levy rates did not occur until this First Amendment had been prepared and considered by the Agency. In order to provide a basis to analyze the impact on the taxing entities, the 2020 levy rates are used. Use of the 2020 levy rates provides a more accurate base than estimating the 2021 levy rates.

<sup>8</sup> Net of voter approved bonds and levies.

House Bill 587, as amended in the Senate, effective July 1, 2020, amends Idaho Code Section 50-2908 altering the allocation of revenue allocation funds to the Agency from the Ada County Highway District levy<sup>9</sup>. This amendment will apply to the expansion area<sup>10</sup> added by this First Amendment and provides: “[i]n the case of a revenue allocation area first formed or expanded to include the property on or after July 1, 2020, all taxes levied by any highway district, unless the local governing body that created the revenue allocation area has responsibility for the maintenance of roads or highways” will be allocated to the applicable highway district, which in this case is the Ada County Highway District.

However, amended Idaho Code Section 50-2908 further provides the highway district and Agency may enter into an agreement for a different allocation. A copy of any agreement is required to be submitted to the Idaho State Tax Commission and to the Ada County Clerk by the Ada County Highway District as soon as practicable after the parties have entered into the agreement and by no later than September 1 of the year in which the agreement takes effect. The Agency intends to work with the Ada County Highway District to enter into an agreement allowing the Agency to retain the revenues from the highway district levies for the expansion area. No agreement is required for the original Project Area.

The Study has made certain assumptions concerning the levy rate. The levy rate is estimated to be 10% lower than the combined 2020 certified levy rate to adjust for the impact of House Bill 389, as well as considering the rapidly increasing property values. The levy rate is anticipated to remain level for the life of the Project Area. As the actual impact of the property value fluctuations on the levy rate is unknown, the Study has assumed a combined conservative levy rate of .0053. Land values are estimated to inflate at 8%/year for five (5) years and then inflate at a rate of 4%/year for the remaining duration of the Project Area. Improvement values are estimated to inflate at a rate of 10%/year for five (5) years, and thereafter are estimated to inflate at a rate of 5%/year for the duration of the Project Area. Estimated new development is anticipated occur annually and be fully on the tax rolls from year 2025 through 2029. If the overall levy rate is less than projected, or if expected development fails to occur as estimated, the Agency shall receive fewer funds from revenue allocation. The Study has also considered the timing of the original projects identified in the Plan and pushed back the completion timeline where necessary to account for current market conditions.

---

<sup>9</sup> Senate Bill 1107, as amended in the Senate, effective July 1, 2021, made a corresponding amendment to Idaho Code Section 40-1415(3) to address the responsibility for funding certain urban renewal projects.

<sup>10</sup> The amendment to Idaho Code Section 50-2908 does not apply to the original Project Area.

15. Amendment to Section 800 of the Plan. Section 800 is amended by adding a new sentence at the end of the first paragraph as follows: The addition of parcels to the original Project Area pursuant to this First Amendment has no impact on the duration of this Plan.

16. Amendment to Plan to add new Attachment 1A. The Plan is amended to add new Attachment 1A entitled “Boundary Map of the Additional Area,” attached hereto.

17. Amendment to Plan to add new Attachment 2A. The Plan is amended to add new Attachment 2A entitled “Legal Description of the Boundary of the Additional Area,” attached hereto.

18. Amendment to Plan to add new Attachment 4A. The Plan is amended to add new Attachment 4A entitled “Map Depicting Expected Land Uses and Current Zoning Within the Areas Added by the First Amendment,” attached hereto.

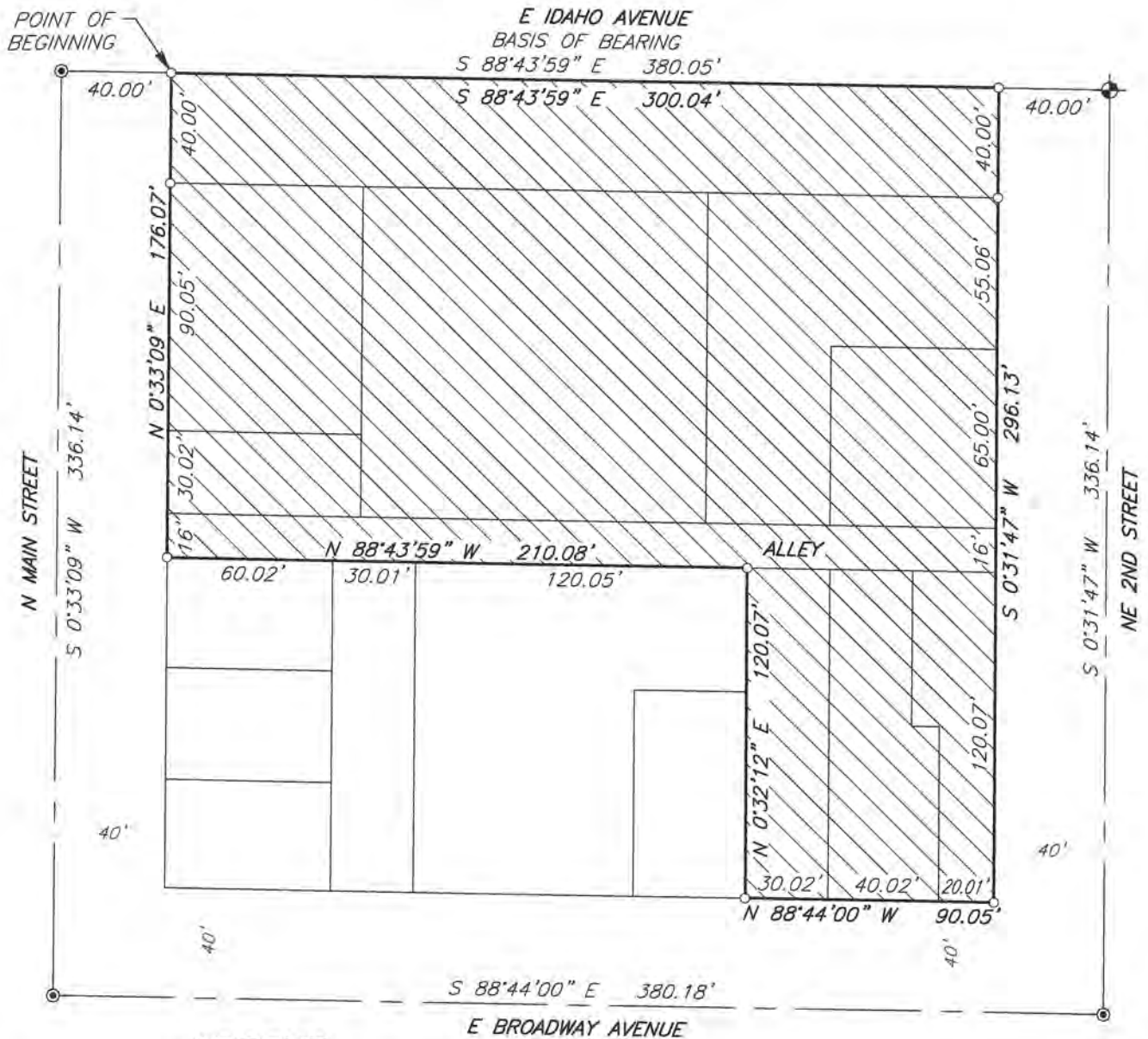
19. Amendment to Plan to add new Attachment 5A. The Plan is amended to add new Attachment 5A entitled “Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2021 Annexation,” attached hereto.


20. Union District Plan Remains in Effect. Except as expressly modified in this First Amendment, the Plan and the Attachments thereto remain in full force and effect.

Attachment 1A  
Boundary Map of the Additional Area

## EXHIBIT B

SKETCH TO ACCOMPANY URBAN RENEWAL DISTRICT DESCRIPTION  
FOR MERIDIAN DEVELOPMENT CORPORATION LOCATED IN THE  
NW 1/4 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 3 NORTH,  
RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

**LEGEND**

- URD BOUNDARY
-  URD AREA



CIVIL SURVEY CONSULTANTS, INC.  
2893 SOUTH MERIDIAN ROAD  
MERIDIAN, IDAHO 83642  
(208)888-4312



SCALE: 1"=60'



Attachment 2A  
Legal Description of the Boundary of the Additional Area

**EXHIBIT A  
URBAN RENEWAL DISTRICT BOUNDARY DESCRIPTION  
FOR  
MERIDIAN DEVELOPMENT CORPORATION**

**IDAHO BLOCK**

A description for Urban Renewal District purposes located in the NW 1/4 of the SW 1/4 of Section 7, Township 3 North, Range 1 East, Boise Meridian, and being a part of Block 4 of the amended plat of the *TOWNSITE OF MERIDIAN* as found in Book 1 of plats at Page 30 in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the intersection of N Main Street and E Idaho Avenue, from which a brass cap monument marking the intersection of NE 2nd Street and E Idaho Avenue bears S 88°43'59" E a distance of 380.05 feet;

Thence S 88°43'59" E along the centerline of said E Idaho Avenue a distance of 40.00 feet to the POINT OF BEGINNING;

Thence continuing S 88°43'59" E a distance of 300.04 feet to a point on an extension of the easterly boundary of said Block 4;

Thence leaving said centerline S 0°31'47" W a distance of 40.00 feet to a point marking the northeasterly corner of said Block 4;

Thence continuing S 0°31'47" W along said easterly boundary a distance of 256.13 feet to a point marking the southeasterly corner of said Block 4;

Thence N 88°44'00" W along the southerly boundary of said Block 4 a distance of 90.05 feet to a point marking the southwesterly corner of Lot 8 of said Block 4;

Thence leaving said southerly boundary N 0°32'12" E along the westerly boundary of said Lot 8 a distance of 120.07 feet to a point marking the northwesterly corner of said Lot 8;

Thence N 88°43'59" W along the northerly boundary of Lots 1 – 7 of said Block 4 a distance of 210.08 feet to a point on the westerly boundary of said Block 4, said point being the northwesterly corner of Lot 1 of said Block 4;

Thence N 0°33'09" E along said westerly boundary a distance of 136.07 feet to a point marking the northwesterly corner of said Block 4;



Thence continuing N 0°33'09" E on an extension of said westerly boundary a distance of 40.00 feet to the POINT OF BEGINNING.

This parcel contains approximately 1.461 acres.

NOTE: This description was prepared using record information including Record of Surveys, Subdivision Plats and Deeds acquired from the Ada County Recorder's office. No field survey has been performed.

Prepared by: Kyle A. Koomler, PLS  
Civil Survey Consultants, Incorporated  
May 26, 2021

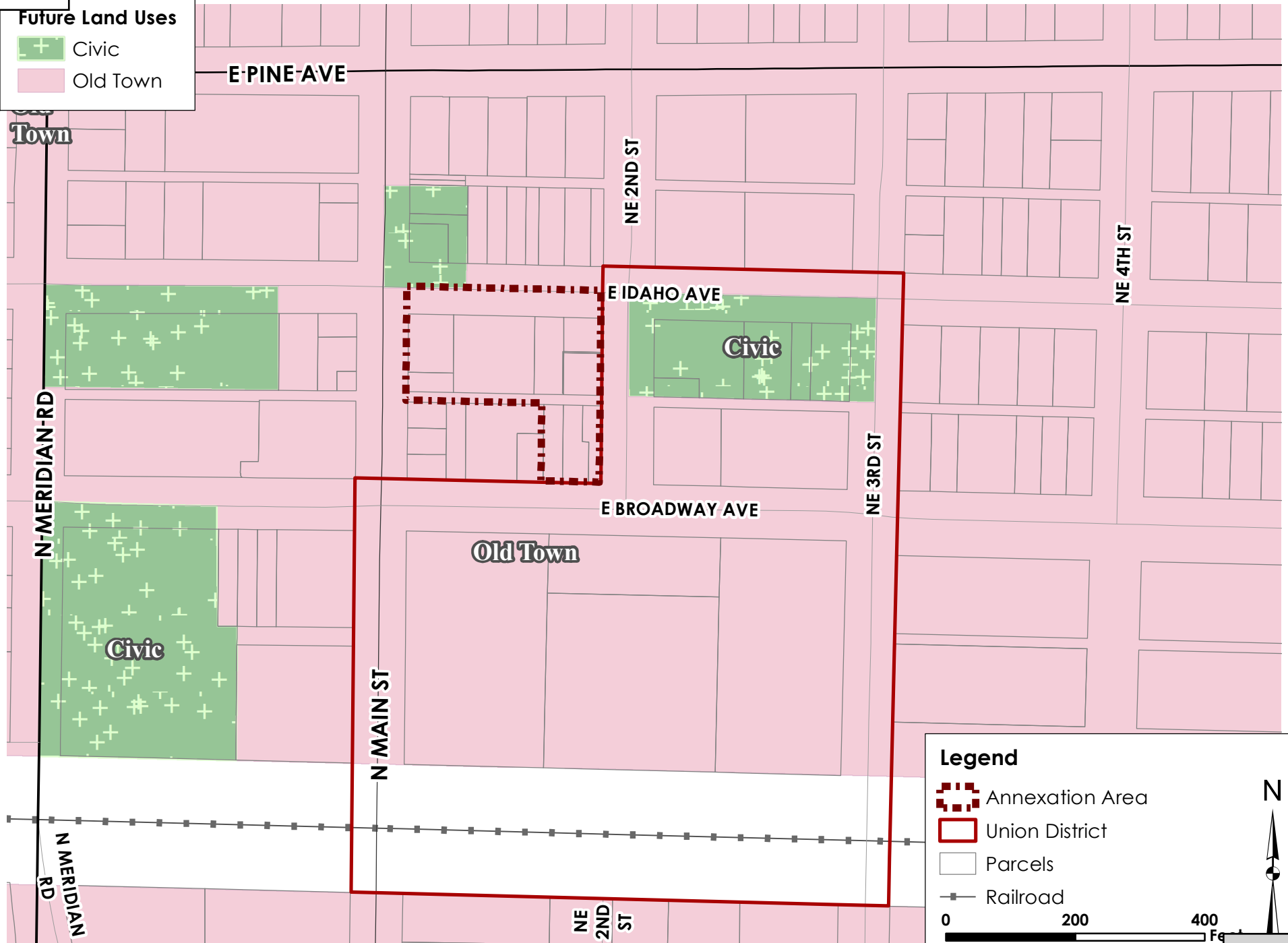


Attachment 4A  
Map Depicting Expected Land Uses and Current Zoning Within the Areas Added by the First  
Amendment





Item #14.

### Future Land Uses

-  Civic
-  Old Town



### Legend

-  Annexation Area
-  Union District
-  Parcels
-  Railroad

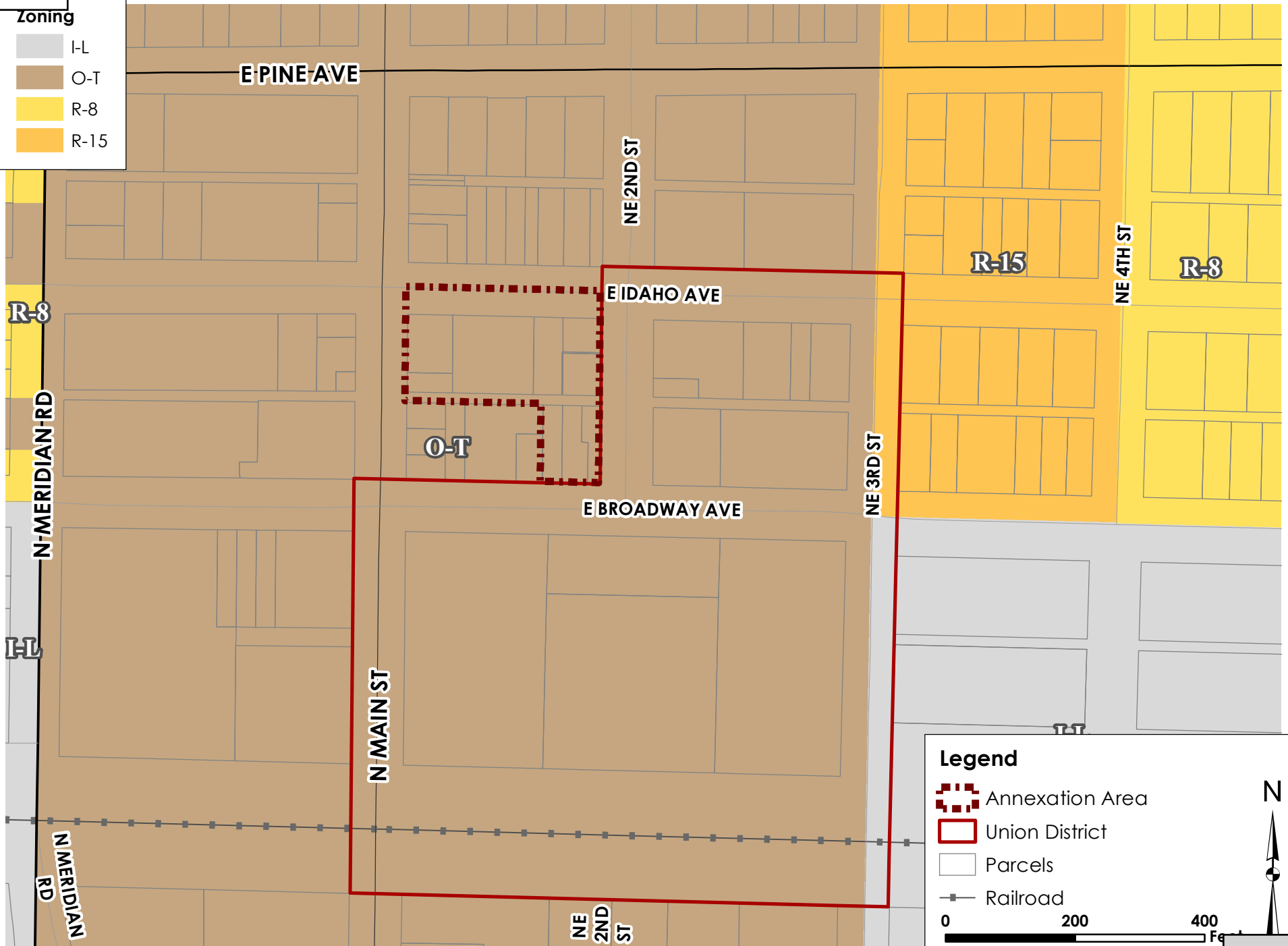
0 200 400 Feet

N

Item #14.

**Zoning**

- I-L
- O-T
- R-8
- R-15



**Legend**

- Annexation Area
- Union District
- Parcels
- Railroad

0 200 400 Feet

N

Attachment 5A  
Supplement to the Economic Feasibility Study:  
Financial Analysis Related to the 2021 Annexation

4835-4848-9712, v. 7

## ATTACHMENT 5.1A

### Public Improvements within the Revenue Allocation Area

This attachment includes a projected list of proposed public works or improvements within the Union District Project Area, as amended by the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project (the “First Amendment”), which added approximately 1.46 acres to the Union District Project Area pursuant to Idaho Code Sections 50-2903A(1)(a)(ii) and 50-2033 (the “Amended Project Area”). This Attachment 5A, the Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2021 Annexation, is intended to address the scope of projects related to the expansion area; however, portions of the Economic Feasibility Study may be restated if additional information is available related to the timing of projects impacting revenue generation and project funding in the expansion area. The proposed improvements within the Amended Project Area include improvements to streets, utilities, and other public rights-of-way amenities as well as construction and/or improvements to parks, plazas and open space, a community center, façade improvements, public parking (structured and surface parking), property acquisition to support development and/or redevelopment goals, and brownfield and/or environmental clean-up.

The Union District Improvement List set forth below identifies needed investments to support private investment in capital facilities. Capital facilities generally have long useful lives and significant costs. The overall project and the infrastructure to support it are all consistent with the vision articulated in the City of Meridian Comprehensive Plan, Destination: Downtown Plan, the future land use map and as required in City development regulations. The cost estimates provided by owner/developers and the City are based upon prices for similar construction in the area.

Estimated costs expected to be incurred in implementing the Urban Renewal Plan for the Union District Urban Renewal Project (the “Plan”) as amended by the First Amendment are as follows:

#### **Union District Improvement List**

Community Center Construction	<u>\$6,450,000</u>
Net District Cost Construction	<b>\$6,450,000</b>
Community Center Site Improvements	\$1,615,000
Structured Public Parking	<u>\$4,250,000</u>
Sub-Total	<b>\$5,865,000</b>
Total Community Center Cost	<b>\$12,315,000</b>

Proposed Public Infrastructure, including Engineering, Design, Installation, Construction, and/or Reconstruction of:

Improvements to 3rd Street	
Improvements to Broadway Avenue	
Intersection Improvements and Rail Crossing Safety Enhancements	
Pedestrian improvements	
Streetscape Improvements	
Sewer Infrastructure Improvements	
Water Infrastructure Improvements	
Electrical Distribution Improvements	
Right-of-Way Landscaping Improvements	
Utility Relocations	
Lateral Relocation and Improvements	
Irrigation and Drainage Improvements	
Public Improvements Sub-total	<b>\$1,215,000</b>
Additional Public Parking	<b>\$3,810,000</b>

#### **Other Eligible Public Infrastructure Improvements**

Façade Improvements	\$750,000
Property Acquisition	\$3,500,000
Public Plazas, Parks & Open Space	\$3,000,000
Environmental Remediation	\$2,250,000
Idaho Avenue Improvements	\$1,000,000
Planning Studies	\$259,000
Grand Total	<b>\$28,099,000</b>

The projects and estimated costs have been derived from Galena Opportunity Fund and updated by the City and the Meridian Development Corporation (MDC) based upon similar works being carried out in the broader community and existing market conditions. The costs related to the expansion area improvements are estimated in 2021 dollars and are not inflated. Costs will likely vary from the costs detailed here, as they will be subject to inflation and further project refinement and timing. The cost estimates used in this analysis are considered estimates for the purpose of financial planning.

The Amended Project Area is estimated to generate \$25,389,904 in tax increment revenue between 2020 and 2040<sup>1</sup> in addition to the initial \$100,000 loan from the MDC to activate the program. Additional potential sources of funding for the identified projects may include funding in the amount of \$3,800,000 from the City to support the Community Center project recognizing the City is not committing funds to this Project and any commitment

<sup>1</sup> As the Idaho property tax system provides for taxes being paid in arrears, Revenue Allocation funds will be received in FY 2041. However, the final year of income has not been considered in determining the economic feasibility of the Union District, as amended.

would occur through the City's appropriations/budget process. Further funding may be available through grants.

The total from all sources is estimated to be \$29,289,904. There are presently \$28,099,000 of project costs identified in the Union District Improvement List provided by developers, property owners and the City. The fiscal analysis generally assumes projects will be implemented by developers as part of certain private developments within the Union District Project Area, as amended, specifically related to the Meridian Station Project and the Civic Block Project as contemplated in the original Plan, and the Idaho Block project in the expansion area. It is assumed that the developers will be reimbursed through Owner Participation Agreements (OPA) from resources derived from the Amended Revenue Allocation Area established by the Union District Project Area, as amended by the First Amendment. Projects are also anticipated to occur on a pay-as-you-go basis, in addition to funding from other public entities, if available, and any available grant funding.

Administrative costs over the 20-year life of the district are estimated at \$920,000 or approximately 3.16% of total estimated revenue. The initial inter-district loan to support startup costs is assumed to be repaid at 5% simple interest for a total obligation of \$115,000<sup>2</sup>.

The total estimated expenditures equal \$29,134,000, leaving a \$155,903 positive program balance of at the end of the 20-year term. See attached cash flow analysis for detailed estimates.

The Plan, as amended by the First Amendment, provides for the Plan and Amended Project Area to extend through its maximum term of 20 years. This First Amendment will constitute the one-time annexation to the Union District Project Area as permitted in Idaho Code 50-2033.

Secure funding includes revenue allocation funds and is money MDC is highly likely to receive. The funds may not be in MDC's possession at the beginning of the Plan period, but it is virtually certain that MDC will receive the funds. MDC may need to take specific actions to generate the funding, but those actions are within its powers. Despite the high probability of secure funding, no project can proceed until a specific, enforceable funding plan is in place.

Potential funding is money that might be received by MDC. In every case MDC is eligible for the funding, and the source of funding exists under current law. However, each potential funding source requires one or more additional steps or decisions before MDC can obtain the resources, and the ultimate decision is outside of MDC's independent control. The City's potential capital contribution and grant funds are an example of potential funding. Thus, potential funding is not assumed in determining financial feasibility.

---

<sup>2</sup> The amount of revenue allocation proceeds dedicated to the administration of the Union District, as amended [\$802,183 shown in Forecast] is supplemented by the Inter-district loan to produce the full amount over the life of the District.



Unfunded projects, or portions of projects lack secure or potential funding. At this time, all projects are anticipated to be funded.

The amount of tax increment contributed to the project will vary depending upon the actual cost of infrastructure.

The Plan, as amended by the First Amendment, proposes certain public improvements that will facilitate development in the Amended Project Area. The overall investment package could be funded from a variety of financing methods and sources. The primary method of financing MDC's obligation will be through the use of tax increment revenue (i.e., incremental property taxes from the revenue allocation area). This Plan, as amended by the First Amendment, anticipates that at least a portion of the tax increment revenue will be used to reimburse an owner/developer through a negotiated agreement for some or all of the eligible improvement costs or through direct investment by MDC.

Other sources of funding for project may include, but are not limited to:

- Local Improvement District (LID)
- Business Improvement District (BID)
- Development Impact Fees
- Franchise Fees
- Grants from federal, state, local, regional agencies and/or private entities
- Other bonds, notes and/or loans
- Improvements and/or payments by developers

The total project costs and the amount of tax increment are estimates. The estimated project costs and revenues are based on MDC's present knowledge and expectations supported by detailed information from property owners, developers, City and MDC staff and MDC's consultants based in part upon current construction projects in the broader community.

### Summary of Projects

Based on the Union District Improvement List, as amended by the First Amendment, set forth above, the estimated total costs for the public improvements are \$28,099,000.

**Cost of Operations and Improvements by Year (2020-2041)**

<b>Year</b>	<b>Secure Funding (TIF &amp; MDC Loan)</b>	<b>Potential Funding</b>	<b>District Operating Expenses</b>	<b>MDC Loan Debt Service</b>	<b>Funds for Program, Capital, and Debt Service Expenses</b>	<b>Total Project Liabilities</b>
2020	\$75,000	\$0	\$25,000	\$0		\$25,000
2021	\$25,000	\$0	\$25,000	\$0		\$25,000
2022	\$3,430	\$0	\$25,000	\$0		\$25,000
2023	\$7,167	\$0	\$25,000	\$0	\$0	\$25,000
2024	\$11,237	\$0	\$20,000	\$0	\$0	\$20,000
2025	\$390,630	*\$3,800,000	\$50,000	\$0	\$4,100,000	\$4,150,000
2026	\$676,794	\$0	\$50,000	\$115,000	\$475,000	\$640,000
2027	\$1,003,700	\$0	\$50,000	\$0	\$900,000	\$950,000
2028	\$1,187,991	\$0	\$50,000	\$0	\$1,100,000	\$1,150,000
2029	\$1,381,483	\$0	\$50,000	\$0	\$1,350,000	\$1,400,000
2030	\$1,452,136	\$0	\$50,000	\$0	\$1,400,000	\$1,450,000
2031	\$1,526,307	\$0	\$50,000	\$0	\$1,500,000	\$1,550,000
2032	\$1,604,171	\$0	\$50,000	\$0	\$1,550,000	\$1,600,000
2033	\$1,685,912	\$0	\$50,000	\$0	\$1,550,000	\$1,600,000
2034	\$1,771,724	\$0	\$50,000	\$0	\$1,800,000	\$1,850,000
2035	\$1,861,809	\$0	\$50,000	\$0	\$1,800,000	\$1,850,000
2036	\$1,956,381	\$0	\$50,000	\$0	\$1,900,000	\$1,950,000
2037	\$2,055,662	\$0	\$50,000	\$0	\$2,000,000	\$2,050,000
2038	\$2,159,889	\$0	\$50,000	\$0	\$2,100,000	\$2,150,000
2039	\$2,269,306	\$0	\$50,000	\$0	\$2,250,000	\$2,300,000
2040	\$2,384,174	\$0	\$50,000	\$0	\$2,324,000	\$2,374,000
2041	\$0	\$0	\$0	\$0		\$0
<b>Total</b>	<b>\$25,489,903</b>	<b>\$3,800,000</b>	<b>\$920,000</b>	<b>\$115,000</b>	<b>\$28,099,000</b>	<b>\$29,134,000</b>

Note: This analysis anticipates a positive fund balance of \$155,903 the end of the project.

\*Potential City contribution to the Community Center Project. Not a binding commitment. Any City funding would be subject to annual appropriations/budgeting considerations.

## ATTACHMENT 5.2A

### Economic Feasibility Study

The Plan, as amended by the First Amendment, is economically feasible because the proposed development is sufficient to fully cover the anticipated cost of the redevelopment program.

The economic feasibility of the Plan, as amended by the First Amendment, is based on the following factors:

- The amount of development anticipated in the Amended Project Area
- The timing of the proposed taxable development
- The nature of the proposed development
- The amount of tax revenue to be generated by the proposed development
- The cost of public improvement projects.
- If revenue equals or exceeds project costs, the Plan is economically feasible.

The following is a summary of the analysis and estimates of the factors used to determine the economic feasibility of the Plan, as amended by the First Amendment.

#### The Economic Feasibility Analysis

##### Summary:

Over the course of the Plan and the Union District Project Area, as amended by the First Amendment, \$25,389,904 of Tax Increment Revenue is estimated to be generated using the development scenarios proposed by property owners/developers within the Union District Project Area, as amended by the First Amendment, the City and MDC, in consultation with its consultants. The Economic Feasibility Study assumes 10% of annual revenue allocation area proceeds, or TIF revenue, will be used for administration of the Union District Project Area, as amended by the First Amendment, with that amount capped at \$50,000 per year, for a total of \$920,000 for administration costs over the 20-year lifespan of the District.

The attached spreadsheets entitled “Union District Revenue Model, as amended by the First Amendment” and “Union District, as amended by the First Amendment, Cash Flow Analysis” gives a more detailed outlook on the revenues and expenses of the development scenario.

The following assumptions were made in the formulation of the Financial Feasibility Analysis:

- Land Value Increase @ 8%/Year for 5 years then 4%/year through the remainder of the term
- Improvement Value Increase @ 10%/Year then 5%/year through the remainder of the term,

- Tax Rate reduced by 10% and then held constant through the life of the Plan
- Total Cost of Improvements over the life of the project: \$28,099,000
- Tax rate does not include levies excluded pursuant to Idaho Code 50-2908, such as voter approved bonds/levies after 2007, judgment levies or the School District Plant or supplemental levies excluded by law.

The Economic Feasibility Analysis shows that the project will generate adequate funds within the Amended Project Area to fund the necessary capital improvements.

4831-7174-6294, v. 6

Year	Land Value (+8% annually for 5 years then 4%)	Impr. Value (+10% for 5 years then 5%)	Total Assessed Value	Annual New Const. Value on tax roll	Cum. New Const Value + Inflation @ 10% and 5%	Cumulative Homeowners' Exemption	Taxable Value	Increment Value (H - Base Value)	Levy Rate (-10%)	Tax Increment Yield	Admin Costs (10%)	Funding for Capital Projects / Debt Service
2020	\$ 4,033,200	\$ -	\$ 4,033,200	\$ -	\$ -	\$ -	\$ 4,033,200	\$ -	0.0053			
2021	\$ 4,355,856	\$ 2,987,700	\$ 7,343,556	\$ -	\$ -	\$ -	\$ 7,343,556	\$ -	0.0053	\$ -	\$ -	\$ -
2022	\$ 4,704,324	\$ 3,286,470	\$ 7,990,794	\$ -	\$ -	\$ -	\$ 7,990,794	\$ 647,238	0.0053	\$ 3,430	\$ 343	\$ 3,087
2023	\$ 5,080,670	\$ 3,615,117	\$ 8,695,787	\$ -	\$ -	\$ -	\$ 8,695,787	\$ 1,352,231	0.0053	\$ 7,167	\$ 717	\$ 6,450
2024	\$ 5,487,124	\$ 3,976,629	\$ 9,463,753	\$ -	\$ -	\$ -	\$ 9,463,753	\$ 2,120,197	0.0053	\$ 11,237	\$ 1,124	\$ 10,113
2025	\$ 5,926,094	\$ 4,374,292	\$ 10,300,386	\$ 70,747,000	\$ 70,747,000	\$ -	\$ 81,047,386	\$ 73,703,830	0.0053	\$ 390,630	\$ 50,000	\$ 340,630
2026	\$ 6,163,138	\$ 4,593,006	\$ 10,756,144	\$ 50,000,000	\$ 124,284,350	\$ -	\$ 135,040,494	\$ 127,696,938	0.0053	\$ 676,794	\$ 50,000	\$ 626,794
2027	\$ 6,409,663	\$ 4,822,656	\$ 11,232,320	\$ 54,990,000	\$ 185,488,568	\$ -	\$ 196,720,887	\$ 189,377,331	0.0053	\$ 1,003,700	\$ 50,000	\$ 953,700
2028	\$ 6,666,050	\$ 5,063,789	\$ 11,729,839	\$ 25,000,000	\$ 219,762,996	\$ -	\$ 231,492,835	\$ 224,149,279	0.0053	\$ 1,187,991	\$ 50,000	\$ 1,137,991
2029	\$ 6,932,692	\$ 5,316,979	\$ 12,249,671	\$ 25,000,000	\$ 255,751,146	\$ -	\$ 268,000,816	\$ 260,657,260	0.0053	\$ 1,381,483	\$ 50,000	\$ 1,331,483
2030	\$ 7,209,999	\$ 5,582,828	\$ 12,792,827	\$ -	\$ 268,538,703	\$ -	\$ 281,331,530	\$ 273,987,974	0.0053	\$ 1,452,136	\$ 50,000	\$ 1,402,136
2031	\$ 7,498,399	\$ 5,861,969	\$ 13,360,369	\$ -	\$ 281,965,638	\$ -	\$ 295,326,007	\$ 287,982,451	0.0053	\$ 1,526,307	\$ 50,000	\$ 1,476,307
2032	\$ 7,798,335	\$ 6,155,068	\$ 13,953,403	\$ -	\$ 296,063,920	\$ -	\$ 310,017,323	\$ 302,673,767	0.0053	\$ 1,604,171	\$ 50,000	\$ 1,554,171
2033	\$ 8,110,269	\$ 6,462,821	\$ 14,573,090	\$ -	\$ 310,867,116	\$ -	\$ 325,440,206	\$ 318,096,650	0.0053	\$ 1,685,912	\$ 50,000	\$ 1,635,912
2034	\$ 8,434,680	\$ 6,785,962	\$ 15,220,642	\$ -	\$ 326,410,472	\$ -	\$ 341,631,113	\$ 334,287,557	0.0053	\$ 1,771,724	\$ 50,000	\$ 1,721,724
2035	\$ 8,772,067	\$ 7,125,260	\$ 15,897,327	\$ -	\$ 342,730,995	\$ -	\$ 358,628,322	\$ 351,284,766	0.0053	\$ 1,861,809	\$ 50,000	\$ 1,811,809
2036	\$ 9,122,949	\$ 7,481,523	\$ 16,604,472	\$ -	\$ 359,867,545	\$ -	\$ 376,472,018	\$ 369,128,462	0.0053	\$ 1,956,381	\$ 50,000	\$ 1,906,381
2037	\$ 9,487,867	\$ 7,855,599	\$ 17,343,467	\$ -	\$ 377,860,922	\$ -	\$ 395,204,389	\$ 387,860,833	0.0053	\$ 2,055,662	\$ 50,000	\$ 2,005,662
2038	\$ 9,867,382	\$ 8,248,379	\$ 18,115,761	\$ -	\$ 396,753,969	\$ -	\$ 414,869,730	\$ 407,526,174	0.0053	\$ 2,159,889	\$ 50,000	\$ 2,109,889
2039	\$ 10,262,077	\$ 8,660,798	\$ 18,922,876	\$ -	\$ 416,591,667	\$ -	\$ 435,514,542	\$ 428,170,986	0.0053	\$ 2,269,306	\$ 50,000	\$ 2,219,306
2040	\$ 10,672,561	\$ 9,093,838	\$ 19,766,399	\$ -	\$ 437,421,250	\$ -	\$ 457,187,649	\$ 449,844,093	0.0053	\$ 2,384,174	\$ 50,000	\$ 2,334,174
				<b>\$ 225,737,000</b>						<b>\$ 25,389,904</b>	<b>\$ 802,183</b>	<b>\$ 24,587,721</b>

**Assumptions:**

**Values based on Ada County Assessor 2019 Data for original District properties (latest available) then 2020 values for Idaho Block expansion area**

**Land values inflate at 8% per year for 5 years, then 4% for the remainder of the Plan term**

**Improvement values inflate at 10% per year for 5 years then 5% for the remainder of the term**

**Tax Rate reduced by 10% in consideration of impacts of HB389; anticipation of potential further modifications to the property tax system; and the further termination of the Idaho Block Annexed to original Union District in 2021**

**New construction values based upon developer's estimates**

**Earliest C.O for private development projects will be in 2024**

**Residential units will not be owner occupied and thus not subject to the Homeowners Property Tax Exemption**

**Residential units will all be market rate rental units**

**10% of annual Revenue Allocation yield will be paid to Meridian Development Corporation for administration - Capped at \$50,000/year**

**Balance of Revenue Allocation Yield will be available for capital investment and/or program expenses**

**City of Meridian, subject to available funds pursuant to annual appropriations and budgeting, may provide \$3,800,000 in 2025 to support development of a Community Center within the District. This does not represent a commitment by the City; rather is included to assess potentially available funds to support projects.**

**Union District, as amended by the First Amendment,  
Cash Flow Analysis**

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
<b>Beginning Balance</b>	\$ -	\$ 50,000	\$ 50,000	\$ 28,430	\$ 10,597	\$ 1,834	\$ 42,464	\$ 79,258	\$ 132,958	\$ 170,949	\$ 152,432
<b>Source of Funds</b>											
<b>Total Revenue Allocation</b>	\$ -	\$ -	\$ 3,430	\$ 7,167	\$ 11,237	\$ 390,630	\$ 676,794	\$ 1,003,700	\$ 1,187,991	\$ 1,381,483	\$ 1,452,136
<b>MDC Inter-District Loan *</b>	\$ 75,000	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>City Community Center Contribution</b>						\$ 3,800,000					
<b>Total annual Funds Available</b>	\$ 75,000	\$ 75,000	\$ 53,430	\$ 35,597	\$ 21,834	\$ 4,192,464	\$ 719,258	\$ 1,082,958	\$ 1,320,949	\$ 1,552,432	\$ 1,604,568
<b>Use of Funds</b>											
<b>District Operating Expenses</b>	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 20,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
<b>Repay Inter-District Loan @ 5%</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 115,000	\$ -	\$ -	\$ -	\$ -
<b>Program, Capital and Debt Service Expenses</b>		\$ -	\$ -	\$ -	\$ -	\$ 4,100,000	\$ 475,000	\$ 900,000	\$ 1,100,000	\$ 1,350,000	\$ 1,400,000
<b>Total Use of Funds</b>	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 20,000	\$ 4,150,000	\$ 640,000	\$ 950,000	\$ 1,150,000	\$ 1,400,000	\$ 1,450,000
<b>Ending Balance</b>	\$ 50,000	\$ 50,000	\$ 28,430	\$ 10,597	\$ 1,834	\$ 42,464	\$ 79,258	\$ 132,958	\$ 170,949	\$ 152,432	\$ 154,568
	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	Total
<b>Beginning Balance</b>	\$ 154,568	\$ 130,875	\$ 135,046	\$ 220,958	\$ 142,682	\$ 154,491	\$ 160,872	\$ 166,534	\$ 176,423	\$ 145,729	
<b>Source of Funds</b>											
<b>Total Revenue Allocation</b>	\$ 1,526,307	\$ 1,604,171	\$ 1,685,912	\$ 1,771,724	\$ 1,861,809	\$ 1,956,381	\$ 2,055,662	\$ 2,159,889	\$ 2,269,306	\$ 2,384,174	\$ 25,389,903
<b>MDC Inter-District Loan</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000
<b>City Community Center Contribution</b>											\$ 3,800,000
<b>Total Funds Available</b>	\$ 1,680,875	\$ 1,735,046	\$ 1,820,958	\$ 1,992,682	\$ 2,004,491	\$ 2,110,872	\$ 2,216,534	\$ 2,326,423	\$ 2,445,729	\$ 2,529,903	\$ 29,289,903
<b>Use of Funds</b>											
<b>District Operating Expenses</b>	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 920,000
<b>Repay Inter-district Loan @ 5%</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 115,000
<b>Program, Capital and Debt Service Expenses</b>	\$ 1,500,000	\$ 1,550,000	\$ 1,550,000	\$ 1,800,000	\$ 1,800,000	\$ 1,900,000	\$ 2,000,000	\$ 2,100,000	\$ 2,250,000	\$ 2,324,000	\$ 28,099,000
<b>Total Use of Funds</b>	\$ 1,550,000	\$ 1,600,000	\$ 1,600,000	\$ 1,850,000	\$ 1,850,000	\$ 1,950,000	\$ 2,050,000	\$ 2,150,000	\$ 2,300,000	\$ 2,374,000	\$ 29,134,000
<b>Ending Balance</b>	\$ 130,875	\$ 135,046	\$ 220,958	\$ 142,682	\$ 154,491	\$ 160,872	\$ 166,534	\$ 176,423	\$ 145,729	\$ 155,903	

**Union District, as amended by the First Amendment,  
Cash Flow Analysis**

<b><u>Assumptions</u></b>	
Initial District Start-up costs supported by MDC Inter-district Loan of \$100,000 to be repaid at 5% Interest	
10% of annual TIF yield dedicated to Meridian Development Corporation for District operating Expenses, capped at \$50,000, Yr.	
Land Values will increase at an average of 8% annually for 5 years then at 4% over the remaining life of the District	
Improvement Values will increase at an average of 10% annually for 5 years then at 5% over the remaining life of the District	
\$28,124,000 available for District Program Expenses, Capital Investment and Debt Service *	
* Includes \$3,800,000 City of Meridian contribution to Community Center; not a binding commitment	



**Exhibit 4**

Summary of Ordinance No. \_\_\_\_\_

4832-4104-2941, v. 1

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

**CITY OF MERIDIAN ORDINANCE NO. 21-\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, APPROVING THE FIRST AMENDMENT TO THE URBAN RENEWAL PLAN FOR THE UNION DISTRICT URBAN RENEWAL PROJECT, WHICH FIRST AMENDMENT SEEKS TO ANNEX CERTAIN PARCELS TO THE EXISTING UNION DISTRICT PROJECT AREA; WHICH FIRST AMENDMENT INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND THE AFFECTED TAXING ENTITIES; PROVIDING SEVERABILITY; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1:** It is hereby found and determined that:

- (a) The area to be added to the existing Union District Project Area as defined in the First Amendment is a deteriorated area or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, development and redevelopment of the urban renewal area pursuant to the First Amendment are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The First Amendment conforms to the City of Meridian Comprehensive Plan as a whole.
- (e) The First Amendment gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the First Amendment and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any children, residents or businesses in the general vicinity of the urban renewal area covered by the First Amendment.
- (f) The First Amendment affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development and redevelopment of the urban renewal area by private enterprises.
- (g) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(l), the First Amendment provides a feasible method for relocation obligations of any displaced families residing within the

Amended Project Area and there is not anticipated to be any activity by the Agency that would result in relocation.

(h) The collective base assessment rolls for the revenue allocation areas under the Existing Project Areas, the Proposed Project Areas and the area added by the First Amendment, do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.

(i) The area to be added by the First Amendment does not exceed ten percent (10%) of the geographical area contained within the existing Union District Project Area, and the area to be added is contiguous to the existing Union District Project Area.

(j) The First Amendment includes the requirements set forth in Idaho Code § 50-2905 with specificity.

(k) The First Amendment is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes (if any) land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(l) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code section 50-2018(9) and Idaho Code section 50-2903(8)(f), does not include any agricultural operation requiring consent.

(m) The portion of the Amended Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

(n) The portion of the Amended Project Area which is identified for residential uses is necessary and appropriate as there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City.

**SECTION 2:** The City Council finds that the area added by the First Amendment does not include open land, that the Agency may acquire land within the Amended Project Area, and that the Amended Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses.

**SECTION 3:** The City Council finds that one of the First Amendment objectives to increase the residential opportunity does meet the sound needs of the City and will provide housing

opportunities in an area that does not now contain such opportunities, and the portion of the Amended Project Area which is identified for nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of City's Comprehensive Plan, to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

**SECTION 4:** The First Amendment, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the November 23, 2021, hearing and incorporate changes or modifications, if any.

**SECTION 5:** The boundaries of the area added by the First Amendment overlap the boundaries of the ACHD, which has the responsibility for the maintenance of roads and highways within the City. The Agency has negotiated an agreement with the ACHD pursuant to Idaho Code Section 50-2908(2)(a)(iv) for the area added by the First Amendment.

**SECTION 6:** The City Council declares that nothing within the First Amendment is intended or shall be interpreted to usurp the jurisdiction and authority of ACHD as defined in chapter 14, Title 40, Idaho Code. Further, pursuant to Section 40-1415, Idaho Code, ACHD has authority over the planning, location, design, construction, reconstruction, and maintenance of the City rights of way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads, and retaining walls. In the planning process, ACHD shall take into consideration the principles contained in the First Amendment.

**SECTION 7:** No direct or collateral action challenging the First Amendment shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the First Amendment.

**SECTION 8:** Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Ada County Assessor, and to the appropriate officials of Ada County Board of County Commissioners, City of Meridian, Ada County Highway District, West Ada School District, Ada County Ambulance/EMS, Meridian Cemetery Maintenance District, College of Western Idaho, Meridian Free Library District, Mosquito Abatement District, the Western Ada Recreation District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the area added, and a map indicating the boundaries of the area added.

**SECTION 9:** The City Council hereby finds and declares that the Revenue Allocation Area, as amended to include the additional area as defined in the First Amendment, the equalized assessed valuation of which the City Council hereby determines is likely to increase and/or continue to increase as a result of the initiation and completion of urban renewal projects pursuant to the First Amendment.

**SECTION 10:** The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of

Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the First Amendment, the City Council recognizes that it has no power to control the powers or operations of the Agency.

**SECTION 11:** So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code section 50-2006 to designate itself as the Agency Board.

**SECTION 12:** This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2021, to the extent permitted by the Act, for the area added by the First Amendment, with the existing Union District Project Area maintaining its base assessment roll as of January 1, 2020.

**SECTION 13:** The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such determination shall not affect the validity of remaining portions of this Ordinance.

**SECTION 14:** The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

**SECTION 15:** All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

**SECTION 16:** Savings Clause. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

PASSED by the City Council of the City of Meridian, Idaho, this \_\_\_\_ day of December 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this \_\_\_\_ day of December 2021.

### **EXHIBITS TO THE ORDINANCE**

- Exhibit 1      A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating Conformity of the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project with the City of Meridian's Comprehensive Plan
- Exhibit 2      Notice Published in the *Idaho Press*
- Exhibit 3      First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project

## Exhibit 4 Ordinance Summary

**SUMMARY OF THE FIRST AMENDMENT TO THE URBAN RENEWAL PLAN FOR  
THE UNION DISTRICT URBAN RENEWAL PROJECT**

The First Amendment (“First Amendment”) to the Urban Renewal Plan for the Union District Urban Renewal Project (“Plan”) was prepared by the Urban Renewal Agency of the City of Meridian aka the Meridian Development Corporation (“MDC” or the “Agency”) pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”), and all applicable laws and ordinances and was approved by the Agency. The First Amendment amends the Plan and the existing Project Area to add approximately 1.46 acres of land (including rights-of-way) adjacent and contiguous to the northwestern boundary of the existing Project Area. The First Amendment proposes that the Agency undertake urban renewal projects, including identifying public facilities for funding pursuant to the Law and the Act. The First Amendment contains a revenue allocation financing provision pursuant to the Act, that for the area added will cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2021, to be allocated to the Agency for urban renewal purposes. The boundary of the additional area includes both urban renewal and revenue allocation areas. The existing Project Area contains a previously adopted revenue allocation financing provision pursuant to the Act that will continue to cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2020, to be allocated to the Agency for urban renewal purposes.

The First Amendment does not extend the Plan’s duration. The Plan terminates on December 31, 2040; however, revenue allocation proceeds will be received in 2041 pursuant to Idaho Code Section 50-2905(7).

The general scope and objectives of the First Amendment area are limited to addressing the annexation of the additional area into the existing Project Area, recognizing certain portions of the Economic Feasibility Study may be restated to the extent additional information is available related to the timing of projects impacting revenue generation and project funding in the expansion area:

The First Amendment proposes improvements to the Amended Project Area generally including streets, utilities, and other public rights-of-way amenities as well as construction and/or improvements to parks, plazas and open space, a community center, façade improvements, public parking (structured and surface parking), property acquisition to support development and/or redevelopment goals, planning studies and brownfield and/or environmental clean-up.

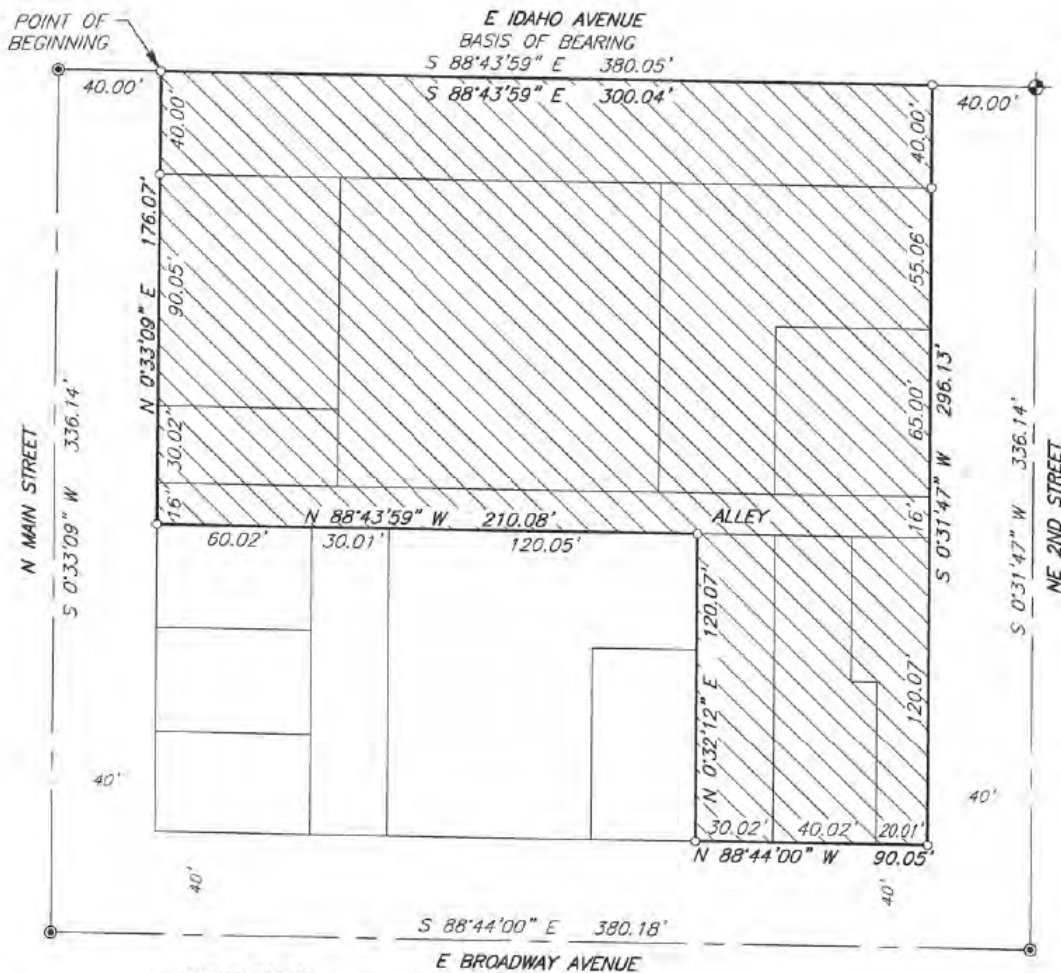
Any such land uses as described in the First Amendment will be in conformance with zoning for the City and the City’s Comprehensive Plan, as amended. Land made available will be developed by private enterprises or public agencies as authorized by law. The First Amendment identifies

various public and private improvements which may be made within the Amended Project Area.

The area added to the existing Union District Project Area and Revenue Allocation Area by the First Amendment is generally described as follows:

An area consisting of approximately 1.46 acres (including rights-of-way) of land contiguous to the northwestern boundary of the Union District Project Area and generally bounded by E. Idaho Avenue on the north, NE 2nd Street on the east, a portion of Broadway Avenue on the south, and E. Main Street on the west, an area referred to as the “Idaho Block” and as more particularly described in the First Amendment and depicted in the Map below:

**EXHIBIT B**  
**SKETCH TO ACCOMPANY URBAN RENEWAL DISTRICT DESCRIPTION**  
**FOR MERIDIAN DEVELOPMENT CORPORATION LOCATED IN THE**  
**NW 1/4 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 3 NORTH,**  
**RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO**



**LEGEND**



CIVIL SURVEY CONSULTANTS, INC.  
 2893 SOUTH MERIDIAN ROAD  
 MERIDIAN, IDAHO 83642  
 (208)888-4312



SCALE: 1"=60'



Section 100 is amended to update references to the Plan Attachments, the procedural history and history of the area added by the First Amendment.



Section 200 is amended to update references to the Amended Project Area maps and legal descriptions.

Sections 300 is amended to update the proposed redevelopment actions.

The First Amendment also updates the revenue allocation financing provisions in Section 500. Among other sources, the First Amendment will utilize revenue allocation financing as authorized by the Act.

Increases in assessed valuation of real and personal property in the area added by the First Amendment that occur after January 1, 2021, and for the existing Project Area that occur after January 1, 2020, will generate revenue for the Agency to pay project costs. The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts, Ada County Board of County Commissioners, City of Meridian, Ada County Highway District, West Ada School District, Ada County Ambulance/EMS, Meridian Cemetery Maintenance District, College of Western Idaho, Meridian Free Library District, Mosquito Abatement District, Western Ada Recreation District to finance their operations. The First Amendment authorizes the Agency to sell revenue bonds to finance project costs and to use annual revenue allocations to pay debt service, as well as developer/owner participation agreements and revenue allocation proceeds.

Attachment 5 is supplemented to include the financial analysis related to the 2021 annexation and describes in detail the cost and financing methods for complete repayment of any debt incurred used to finance projects and to also fund the additional described activities for the area added by the First Amendment.

The First Amendment follows the underlying zoning classifications of the City.

The First Amendment does not extend the duration of the existing Plan and Project Area, which will terminate on December 31, 2040, except for any revenue allocation proceeds received in calendar year 2041, as contemplated by Idaho Code § 50-2905(7).

#### **ATTACHMENTS TO THE FIRST AMENDMENT**

Attachment 1A	Boundary Map of the Additional Area
Attachment 2A	Legal Description of the Boundary of the Additional Area
Attachment 4A	Map Depicting Expected Land Uses and Current Zoning Within the Area Added by the First Amendment
Attachment 5A	Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2021 Annexation

This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2021, to the extent permitted by the Act.

Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Ada County Assessor, and to the appropriate officials of Ada County Board of County Commissioners, City of Meridian, Ada County Highway District, West Ada School District, Ada County Ambulance/EMS, Meridian Cemetery Maintenance District, College of Western Idaho, Meridian Free Library District, Mosquito Abatement District, Western Ada Recreation District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the area added, and a map indicating the boundaries of the area added.

A full text of this ordinance and the First Amendment are available for inspection at City Hall, City of Meridian, 33 East Broadway Avenue, Meridian, Idaho.

---

City of Meridian  
Mayor and City Council  
By: Chris Johnson, City Clerk

First Reading: 11/16/2021; Second Reading and Public Hearing: 11/23/2021; Third Reading: 12/7/2021

**STATEMENT OF MERIDIAN CITY ATTORNEY AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. \_\_\_\_\_**

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance No. 21-\_\_\_\_\_ of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A (3).

DATED this \_\_\_\_\_ day of December, 2021.

---

William. L.M. Nary, City Attorney



## AGENDA ITEM

**ITEM TOPIC:** Approval of Johnson St Right-of-Way Vacation (H-2021-0079) by Hawkins Companies, Located on the south side of W. Waltman Ln. approximately 1/8-mile west of S. Meridian Rd., between 235 and 295 W. Waltman Ln.

A. Request: Vacation of an Ada County Highway District (ACHD) right-of-way (i.e. Johnson St.) located between 235 and 295 W. Waltman Ln.



# PUBLIC HEARING INFORMATION

---

**Staff Contact:** Sonya Allen

**Meeting Date:** November 30, 2021

**Topic:** Approval of Johnson St Right-of-Way Vacation (H-2021-0079) by Hawkins Companies, Located on the south side of W. Waltman Ln. approximately 1/8-mile west of S. Meridian Rd., between 235 and 295 W. Waltman Ln.  
A. Request: Vacation of an Ada County Highway District (ACHD) right-of-way (i.e. Johnson St.) located between 235 and 295 W. Waltman Ln.

---

**Information Resources:**

[Click Here for Application Materials](#)

# STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT



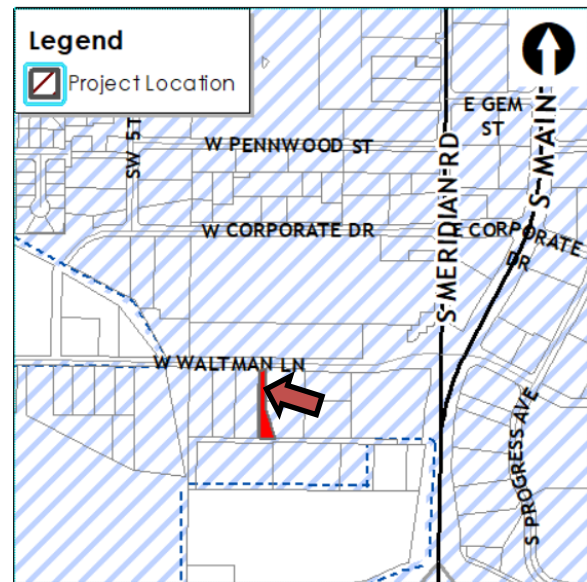
HEARING DATE: 11/30/2021

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner  
208-489-0573

SUBJECT: H-2021-0079  
Johnson Street ROW

LOCATION: Between 235 & 295 W. Waltman Ln., in the SE ¼ of Section 13, T.3N., R.1W.



### I. PROJECT DESCRIPTION

Request to vacate 0.431-acre of ACHD right-of-way (ROW) consisting of Johnson Street.

### II. APPLICANT INFORMATION

#### A. Applicant:

Ethan Mansfield, Hawkins Companies – 855 W. Broad Street, Boise, ID 83702

#### B. Owner:

Hawkins Companies – 855 W. Broad Street, Boise, ID 83702

#### C. Representative:

Same as Applicant

### III. UNIFIED DEVELOPMENT CODE

Per UDC Table 11-5A-2, vacation of ROW requires approval from City Council at a public meeting.

### IV. STAFF ANALYSIS

The Applicant owns the parcels adjacent to the ROW proposed to be vacated and wishes to develop the area with commercial uses. As-is the location of the road interferes with the development plan. With development of the area, the access driveway/street is proposed to be relocated approximately 50-feet to the west (see Section VI.B).

A legal description and exhibit map of the ROW proposed to be vacated is included in Section VI.A.

A [relinquishment letter](#) was received from Idaho Power stating they have no facilities in the area proposed to be vacated. The Public Work's Dept. verified there are no water or sewer mains located in the area proposed to be vacated; therefore, the proposed vacation will not impact City utilities.

*Note: The ACHD Commission approved the request to vacate a parcel of land being a portion of S. Johnson Ln. (Resolution No. 2369) and release of an existing 30-foot wide public ROW easement (Inst. 108123386) on November 10, 2021.*

## **V. DECISION**

### **A. Staff:**

Staff recommends approval of the vacation of right-of-way as proposed by the Applicant.

## VI. EXHIBITS

### A. Legal Description & Exhibit Map of Right-of-Way Proposed to be Vacated



June 18, 2021  
Project No. 20-176  
Right-of-Way Vacation  
S. Johnson Lane  
Legal Description

#### Exhibit A

A parcel of land for a right-of-way vacation being a portion of the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at a brass cap marking the East 1/4 corner of said Section 13, which bears S89°26'10"E a distance of 2,642.64 feet from a 5/8-inch rebar marking the Center 1/4 corner of said Section 13, thence following the northerly line of said Northeast 1/4 of the Southeast 1/4, N89°26'10"W a distance of 921.02 feet;  
Thence leaving said northerly line, S01°00'56"W a distance of 25.00 feet to a 5/8-inch rebar on the easterly right-of-way line of S. Johnson Lane and being the **POINT OF BEGINNING**.

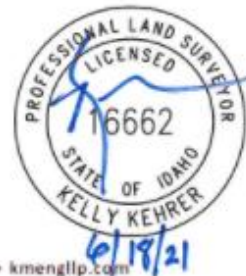
Thence following said easterly right-of-way line the following five (5) courses:

1. S01°00'56"W a distance of 209.19 feet to a 5/8-inch rebar;
2. 27.67 feet along the arc of a curve to the left, said curve having a radius of 75.00 feet, a delta angle of 21°08'09", a chord bearing of S09°33'07"E and a chord distance of 27.51 feet;
3. S20°07'11"E a distance of 91.56 feet;
4. 46.12 feet along the arc of a curve to the right, said curve having a radius of 125.00 feet, a delta angle of 21°08'21", a chord bearing of S09°33'00"E and a chord distance of 45.86 feet to a 5/8-inch rebar;
5. S01°01'09"W a distance of 2.58 feet to the southerly right-of-way line of said S. Johnson Lane;

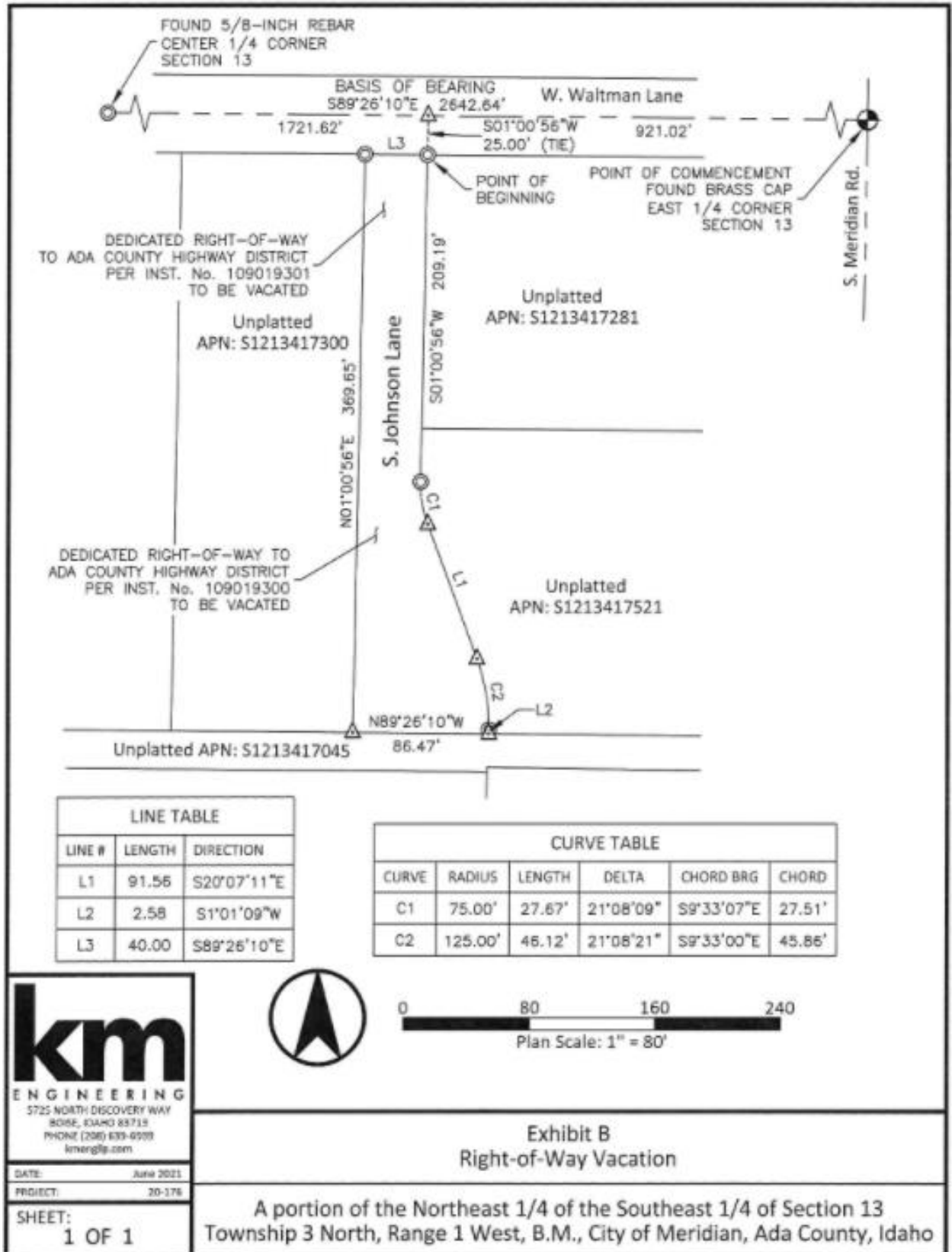
Thence leaving said easterly right-of-way line and following said southerly right-of-way line, N89°26'10"W a distance of 86.47 feet to the westerly right-of-way line of said S. Johnson Lane;  
Thence leaving said southerly right-of-way line and following said westerly right-of-way line, N01°00'56"E a distance of 369.65 feet to a 5/8-inch rebar on the northerly right-of-way line of said S. Johnson Lane;  
Thence leaving said westerly right-of-way line and following said northerly right-of-way line, S89°26'10"E a distance of 40.00 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 18,770 square feet (0.431 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.

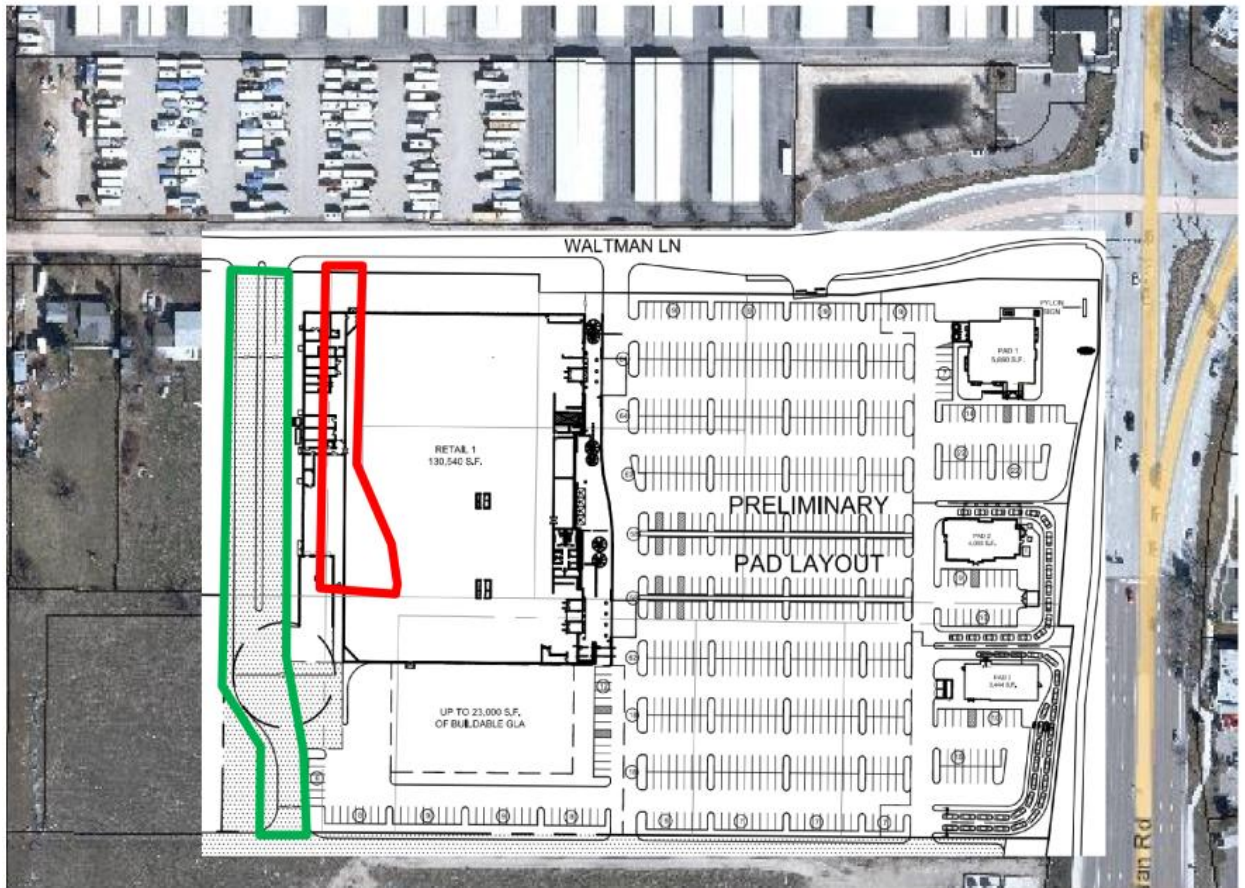


5725 North Discovery Way • Boise, Idaho 83713 • 208.639.6939 • kmengllp.com





B. Future Access Driveway/Street Location





## AGENDA ITEM

**ITEM TOPIC:** Public Hearing Continued from November 23, 2021 for Fast Eddy's at Eagle (H-2021-0068) by Steve Eddy, Located at 3775 N. Eagle Rd.

A. Request: Modification to the Existing Development Agreement (H-2018-0006 - Inst. #2018-042029) to remove the requirement for the driveway along the west side of the retail store to be extended to the north property boundary for future extension and interconnectivity in accord with UDC 11-3A-3A; and a cross-access/ingress-egress easement to be provided to the property to the north (Parcel #R4582530202, 13984 W. Jasmine Ln.).



# PUBLIC HEARING INFORMATION

---

**Staff Contact:** Sonya Allen

**Meeting Date:** November 30, 2021

**Topic:** **Public Hearing** Continued from November 23, 2021 for Fast Eddy's at Eagle (H-2021-0068) by Steve Eddy, Located at 3775 N. Eagle Rd.

- A. Request: Modification to the Existing Development Agreement (H-2018-0006 - Inst. #2018-042029) to remove the requirement for the driveway along the west side of the retail store to be extended to the north property boundary for future extension and interconnectivity in accord with UDC 11-3A-3A; and a cross-access/ingress-egress easement to be provided to the property to the north (Parcel #R4582530202, 13984 W. Jasmine Ln.).

---

## Information Resources:

[Click Here for Application Materials](#)

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

# STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT

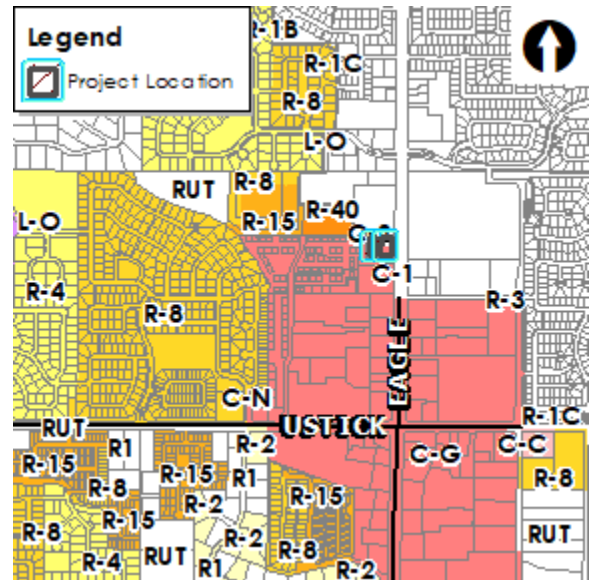


HEARING 11/30/2021  
 DATE: *Continued from: 11/23/2021*

TO: Mayor & City Council  
 FROM: Sonya Allen, Associate Planner  
 208-884-5533

SUBJECT: H-2021-0068  
 Fast Eddy's at Eagle

LOCATION: 3775 N. Eagle Rd., in the SE ¼ of  
 Section 32, Township 4N., Range 1E.



### I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (H-2018-0006 - Inst. #2018-042029) to remove the requirement for the driveway along the west side of the retail store to be extended to the north property boundary for future extension and interconnectivity in accord with UDC 11-3A-3A; and a cross-access/ingress-egress easement to be provided to the property to the north (Parcel #R4582530202, 13984 W. Jasmine Ln.).

### II. SUMMARY OF REPORT

- A. Applicant:  
Steve Eddy, Fast Eddy's – 2151 N. Greenview Ct., Eagle, ID 83616
- B. Owner:  
Same as Applicant
- C. Representative:  
Same as Applicant

### III. STAFF ANALYSIS

The UDC (11-3A-3A.2) requires cross-access easements to be granted to adjoining properties where access to a local street is not available unless otherwise waived by City Council. The abutting property to the north fronts on a state highway (N. Eagle Rd./SH-55) and does not have access via a local street. Thus, the reason the driveway access and easement were required. Without this access, the undeveloped parcel to the north would have no access other than the state highway until such time as the property to the west (i.e. Delano Subdivision) develops, which granted a [cross-access easement](#) to them through their multi-family development for access via the future extension of N. Centrepont Way.

The driveway was required to be constructed and an access easement granted with development of this site prior to issuance of the first Certificate of Occupancy (see provisions in Section V). The Applicant did not wish to construct the driveway or provide an access easement at that time so the Planning Division recommended the Applicant apply for an amendment to the DA to remove the requirements. A temporary Certificate of Occupancy was issued in order for the Applicant to apply for an amendment, which has since expired.

The Applicant proposes to meet with the property owner to the north at the time of development to see if it makes sense to both of them to install an access at that time. *Note: An assisted living facility was approved to develop on the abutting property to the north through a Conditional Use Permit ([CAR20-00004](#) & [PUD20-00008](#)) for a Planned Residential Development in the City of Boise. This approval will expire on March 9, 2022 if a building permit hasn't been obtained by that time; or unless a time extension is approved. The site plan approved with the PUD depicts a driveway access to this site for cross-access/ingress-egress.*

Because this is a UDC requirement, Staff cannot waive the requirement and therefore, cannot support the request. The UDC *does* allow for a Council waiver to this standard if deemed appropriate by City Council.

#### **IV. DECISION**

##### **A. Staff:**

Staff recommends denial of the modification to the DA as proposed; however, City Council has the authority to waive the requirement in UDC 11-3A-3A.2 and approve the Applicant's request if they deem appropriate.

**V. EXISTING DEVELOPMENT AGREEMENT PROVISIONS PROPOSED TO BE REMOVED:**

5.1

- d. The driveway along the west side of the retail store shall extend to the north property boundary for future extension and interconnectivity in accord with UDC 11-3A-3A.
- e. A cross-access/ingress-egress easement shall be provided to the property to the north (Parcel #R4582530202, 13984 W. Jasmine Ln.) with development of this site in accord with UDC 11-3A-3A.2. A recorded copy of said easement shall be submitted to the City prior to issuance of the first Certificate of Occupancy on the site.



## AGENDA ITEM

**ITEM TOPIC: Public Hearing** Continued from November 23, 2021 for Regency at River Valley Phase 3 (H-2021-0059) by Bach Homes, Located at 3270 and 3280 E. River Valley St. and 2480 N. Eagle Rd.

Request: Modification to the existing Development Agreements (Inst. #113005608 – SGI and Inst. #2020-062947 – Bach Storage) to remove the property from the existing agreements and create one new agreement for the development of a 134-unit multi-family project.



# PUBLIC HEARING INFORMATION

---

**Staff Contact:** Sonya Allen

**Meeting Date:** November 30, 2021

**Topic:** **Public Hearing** Continued from November 23, 2021 for Regency at River Valley Phase 3 (H-2021-0059) by Bach Homes, Located at 3270 and 3280 E. River Valley St. and 2480 N. Eagle Rd.

- A. Request: Modification to the existing Development Agreements (Inst. #113005608 – SGI and Inst. #2020-062947 – Bach Storage) to remove the property from the existing agreements and create one new agreement for the development of a 134-unit multi-family project.

---

**Information Resources:**

[Click Here for Application Materials](#)

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



November 3, 2021

Meridian Community Development Department  
ATTN: Sonya Allen, Associate Planner  
33 East Broadway Avenue, STE 102  
Meridian, ID 83642

RE: Regency at River Valley Phase III  
Continuation of H-2021-0059, held on October 19, 2021

Dear Sonya,

On October 19, 2021, the Meridian City Council heard an application to remove existing Development Agreements (Inst. #113005608 & #2020-062947) in support of a new 134-unit multi-family housing project, known as Phase III of the "Regency at River Valley". The Subject Property is located at 3270 and 3280 East River Valley St. and 2480 North Eagle Road.

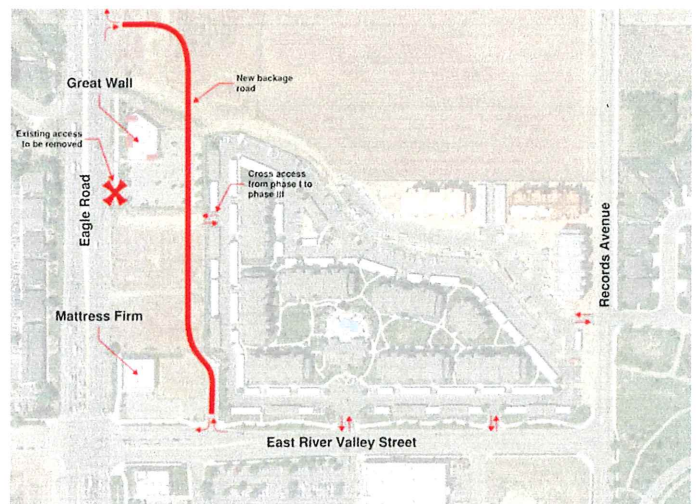
At the October 19<sup>th</sup> City Council meeting, council members had questions and concerns regarding the following items:

- Traffic generated from the new phase, and safety of existing access,
- Additional student to West Ada School District,
- Existing Development Agreement modification, and creation of new Development Agreement,
- Suitability for a multi-family housing project on Eagle Road, and
- If the new phase would meet the Development Code requirements (open space, off-street parking, landscaping, open space and site amenities) in the Conditional Use Permit review.

After due deliberations, City Council moved to table the hearing to the regularly scheduled City Council hearing scheduled for November 23, 2021. In preparation for that meeting, I offer the following narratives for the issues that I heard at the October 19<sup>th</sup> hearing.

### TRAFFIC

The existing project benefits from two full access points to East River Valley Street, and the proposed new phase of the development anticipates tying into an existing Right-In/Right-Out access to East River Valley Street that currently provides access to a Mattress Firm retail store located at 2420 North Eagle Road. That access drive will continue to serve the retail store, the new phase of Regency, and extend north to the Great Wall restaurant property located at 2590 North Eagle Road. Of note, the Great Wall has a temporary access to Eagle Road that will be closed once the "backage road" is improved. Discussions with Caleb Hood set the expectation that the "backage road" would extend from East River Valley Road to the north, past the Great Wall restaurant, where it will tie into a new access point on Eagle Road. We feel that access on and off the property will be greatly enhanced with this new road alignment.



Another item that was discussed at the October 19<sup>th</sup> meeting was the existing access point to Regency at River Valley a properly functioning access point? The following link from the Idaho Transportation Department “Safety Dashboard” shows that from January 1, 2016, to December 31, 2020, there have been a total of four documented traffic accidents at the main entrance to Regency at River Valley St., all of which were limited to “property damage” and did not involve personal injury.

[https://itd.numetric.net/itd-safety-dashboards#/?view\\_id=2](https://itd.numetric.net/itd-safety-dashboards#/?view_id=2)

A Traffic Impact Study was scoped with ITD and has been submitted for their review. Key findings from the TIS included:

- Acceptable Levels of Service at all intersections,
- Closure of the existing access to Eagle Road was taken into consideration,
- The backage road connection from River Valley Street to a northerly access to Eagle Road was considered,
- Signal timing adjustments may be required to achieve maximum efficiency, and
- No other mitigations were required or recommended.

(See Exhibit 1: “Summary of Key Findings” from that TIS.)

## **STUDENTS**

West Ada County School District provided comments stating that an additional 14 students would reside within the new phase of development. Bach Homes would defer to the School District’s expertise on this issue but would add that this development is aimed towards young professionals. This type of demographic is anticipated due to the type of “quality of life” amenities, and the number of studio and 1-bedroom units that will be provided.

## **DEVELOPEMNT AGREEMENT MODIFICATION**

The subject property is currently encumbered with two separate development agreements. One DA was in anticipation of a retail strip and restaurant with drive-through; the other DA was in anticipation of storage units being improved on the two vacant lots fronting on Eagle Road.

Bach Homes is seeking to no longer be subject to the terms of the two existing Development Agreements replacing them with the proposed Development Agreement Provisions contained within the Staff Report.

(See Exhibit 2: “Development Agreement Provisions”.)

That DA will direct the development under the following requirements:

- Development of the property shall be generally consistent with the submitted conceptual plans,
- Existing access to Eagle Road from Great Wall restaurant property will be closed,
- A reciprocal “Cross-Access” agreement will be recorded to benefit all properties involved,
- 10-wide multi-use pathway along Eagle Road frontage (easement and improvements),
- A Conditional Use Permit, Certificate of Zoning Compliance and administrative Design Review process will be required for the proposed 134-unit complex proposed on the subject property.

We would also propose that an easement from Phase I of the Regency at River Valley be drafted to allow all amenities provided within the existing phases (pool, pet park, BBQ stations, Clubhouse, 24-hour fitness facility, and covered picnic areas) be available to residents within Phase III. That easement shall recorded with the Ada County Recorders office prior to the issuance of Occupancy Permits for Phase III.

### **MULTI-FAMILY HOUSING ON EAGLE ROAD**

Tenants of Phase I and II of The Regency at River Valley enjoy very comfortable living environments and are not negatively impacted from traffic on Eagle Road. Being located near shopping, recreational facilities (Julius M. Kleiner Memorial Park), public transportation and employment areas, this property meets many of the goals and policies identified in the Meridian Comprehensive Plan for high-density housing. Construction standards implemented by the Uniform Building Code establish a buildings quality, safety and energy performance for years to come because initial design and construction decisions determine operation and maintenance costs for the life of the building. The requirement of quality materials and designs will help mitigate the impacts of noise being generated in the general vicinity.

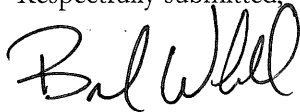
Per the staff report submitted, "High density residential (i.e. "apartments") uses are desired in the Mixed Use – Regional Future Land Use Map (FLUM) designation especially when located adjacent to SH – 55/Eagle Rd. and employment centers such as those along the Eagle Road corridor. The proposed development will be a third phase of the existing apartments to the east and will contribute to the mix of commercial (retail, restaurants, ect.), office and civic (Kleiner Park, Senior Center) uses in the area."

### **CONDITIONAL USE PERMIT**

Multi-family housing projects located in the General Commercial and Community Commercial zones are reviewed and approved through the Conditional Use Permit process. Staff will fully review the application for completeness and review the application submission to the existing standards contained within the Meridian Zoning Code. Staff will then make a recommendation to the Planning Commission before the public hearing.

The request is to release the subject property from the current Development Agreements and create a new Development Agreement to support the development of a 134-unit multi-family project. We are confident that Staff and the Planning & Zoning Commission will find that great attention to detail has been implemented into our CUP application, and we are excited to provide another 134 living units to the city of Meridian.

Respectfully submitted,



Brandon Whallon, ACIP  
Bach Homes  
Pre-Development Manager



## SUMMARY OF KEY FINDINGS & RECOMMENDATIONS

### Project Conditions

- The development will consist of apartment dwelling units
- The project is anticipated to generate approximately 676 weekday daily trips, including 45 trips in the morning peak hour, and 55 trips in the evening peak hour

2021	Background	Plus Project
<b>Assumptions</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• <b>South Project Access / River Valley Street:</b> Trips from the proposed Jewelry Store to the north of the project as well as cut-thru from the adjacent apartments was assumed at this access</li> </ul>
<b>Findings</b>	<ul style="list-style-type: none"> <li>• Acceptable LOS at all study intersections</li> </ul>	<ul style="list-style-type: none"> <li>• Acceptable LOS at all study intersections</li> </ul>
2023	Background	Plus Project
<b>Assumptions</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• <b>South Project Access / River Valley Street:</b> Trips from the proposed Jewelry Store to the north of the project as well as cut-thru from the adjacent apartments was assumed at this access</li> </ul>
<b>Findings</b>	<ul style="list-style-type: none"> <li>• Acceptable LOS at all study intersections</li> </ul>	<ul style="list-style-type: none"> <li>• Acceptable LOS at all study intersections</li> </ul>
<b>Mitigations</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• None. Signal timing adjustments may become necessary to prevent excessive westbound queueing past the South Access / River Valley Street intersection in future years.</li> </ul>

## EXHIBIT 2: PROPOSED DEVELOPMENT AGREEMENT

## VI. DEVELOPMENT AGREEMENT PROVISIONS

1. Development of the subject property shall no longer be subject to the terms of the Development Agreements for Bach Storage (H-2019-0121, Inst. #2020-062947) and SGI (AZ-12-010, Inst. #113005608).
2. Development of the subject property shall be generally consistent with the conceptual development plan shown in Section V.B.
3. Direct access to the site via N. Eagle Rd./SH-55 is prohibited per UDC [11-3H-4B.2](#).
4. A cross-access easement shall be granted to the properties to the north (Parcel #S1104233802), east (Parcel #R0748300100) and south (Parcel #R7476320010) for access via E. River Valley Street. A copy of the recorded easements shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for this site.
5. A 10-foot wide multi-use pathway shall be constructed along N. Eagle Rd. and E. River Valley St. within a public use easement; pedestrian lighting and landscaping shall be installed along the pathway consistent with the Eagle Road Corridor Study per the standards listed in UDC [11-3H-4C.3](#).
6. A public pedestrian easement for the multi-use pathway shall be submitted to the City, approved by City Council, and recorded prior to issuance of the first Certificate of Occupancy on this site as set forth in UDC [11-3H-4C.3](#).
7. Future development shall comply with the design standards listed in the Architectural Standards Manual.
8. A conditional use permit is required to be submitted and approved by the Planning and Zoning Commission for the proposed multi-family development in the C-C and C-G zoning districts as set forth in UDC Table 11-2B-2. The proposed use is subject to the specific use standards listed in UDC 11-4-3-27 Multi-Family Development.
9. A Certificate of Zoning Compliance and administrative Design Review applications shall be submitted to and approved by the Planning Division prior to submittal of a building permit application(s).

evening.

Bernt: Small donation from Tate's? Whatever.

Barton: I will ask.

Bernt: Thanks, Mike.

Barton: Good. Thank you.

## **ACTION ITEMS**

**18. Public Hearing Continued from September 28, 2021 for Regency at River Valley Phase 3 (H-2021-0059) by Bach Homes, Located at 3270 and 3280 E. River Valley St. and 2480 N. Eagle Rd.**

- A. Request: Request: Modification to the existing Development Agreements (Inst. #113005608 – SGI and Inst. #2020-062947 – Bach Storage) to remove the property from the existing agreements and create one new agreement for the development of a 134-unit multi-family project.

Bernt: All right. That takes us to Item No. 18 of tonight's agenda. It's a public hearing number H-2021-0059. Turn the time over to staff.

Hood: Thank you, Mr. President, Members of the Council. I'm not Sonya Allen. I am Caleb Hood. I am going to present this project for her and actually the next one as well. So, bear with me a little bit here, but I think I have got my bearings and understand the two projects I'm going to present tonight. The first one being Regency at River Valley. So, this -- this project was actually continued from your September 28th hearing, but you really didn't have a hearing. It was re-noticed for tonight. The applicant did add some conceptual additional units for this project. So, new notices went out. This is only a development agreement modification request. The site consists of 2.57 acres that are currently zoned C-C and C-G. We had that earlier and now I'm not seeing that slide. So, I'm going to have to orient you or pull up Google Earth a little here. But there is zoning -- again, split zoning on the property, C-C and C-G, located at 3270 and 3280 East River Valley Street and the other address is 2480 North Eagle Road. So, this is just north of River Valley Street. The Co-Op and the other Bach project, the Regency at River Valley, their first two phases, are directly east and there is a Mattress Firm right on the corner there. There is a signal at this intersection. So, this is the undeveloped land just off of that driveway. And I apologize, but the zoning and the comp plan somehow got -- that slide got taken out. So, there are two existing development agreements on this site -- and when I say this site, one of them -- one development agreement applies to the site -- again, directly due east of the Mattress Firm and, then, the other development agreement is the larger properties that are to the north. This has a comp plan designation of mixed use regional currently. That northern portion of the site is already entitled with a

self service storage facility and the southern portion had not only the retail building that -- that is out there currently today, again, right here is an existing building, but the conceptual plan -- see if I can move you all out of the way. The conceptual plan had a future potential drive through building that was also a part of that -- that development agreement that currently is on the books. This Option A is no longer really viable, because, again, the mattress store went in here. So, really you are looking at Option B. So, it would modify the development agreement to not have the drive through use, but use this driveway to get to the majority of the project that you see on the upper end of this site. So, the summary, again, is to replace both of those development agreements with one new development agreement for the -- for the subject property and give conceptual approval for a multi-family project, again, which would essentially be the third phase of the Regency at River Valley, which you can see some of that project just on their conceptual site plan with the Bach storage project, consisting of 134 apartment units in concept and a mix -- that would include a mix of studio one and two bedroom units. The buildings are conceptually five feet tall. So, again, I keep saying conceptually, because this would require a future conditional use permit, if Council is so inclined to, basically, vacate the two existing development agreements and create this new one that would open the door for them to come back in with a CUP for multi-family on this site. I will just note that there may be changes to -- here is the submitted conceptual plan that they have submitted. Additional changes may be necessary. Staff did not do a detailed comprehensive review of the site. So, again, that will occur with the CUP, so just a disclaimer or note that when -- if a conditional use permit for multi-family is proposed on the site some additional changes may be necessary. It's my understanding Sonya did do some of the initial calculations for parking and open space and amenities and things like that, but we have not done that detailed review. Same thing with the elevations. We haven't gone through that whole process of evaluating the project for full compliance with -- with city standards. So, staff is supportive of the proposed development agreement modification and has included the recommended development provisions in Section 6 of the staff report. I know Brandon Whallon is here from Bach Homes. So, with that I will turn it over -- back to you, Mr. President, with any questions.

Bernt: Thank you, Caleb. Any questions for Caleb?

Perreault: Mr. President?

Simison: Ms. Perreault.

Perreault: Caleb, thank you very much. I'm curious if you could share some more detail with us on staff's recommendation for approval on this. It seems to me that from a zoning standpoint -- I mean I'm understanding -- I'm understanding the recommendation, but I -- from a function standpoint I'm not completely understanding the support of putting residential just so close up to a state highway. I just want to understand from staff's perspective the support of that.

Hood: Yeah. I appreciate that question and I'm not -- this is going to be me now and not Sonya. But we have talked about it. So, from my perspective this -- this site -- the two

lots certainly on the north anyways. I will leave the -- the one that's just east of the mattress business out of what I'm about to say, because that one I'm not as familiar with, but I know that the two sites where the -- where the multi-family project sits on the concept plan, we have been talking about that site for a long time and one of the problems with that site is access. So, any viable retailer tells us anyways that they need -- they need -- want direct access to Eagle Road for anything to happen there. So, that's -- at least the feedback we are hearing is a lot of the reasons it's sat there this long is because of the access restrictions and problems that it creates to get out -- and I will just say I mean that's really close to the signal at River Valley, too. So, turning even left into this site is going to be difficult. So, it's very nice that there is cross-access with the first two phases of Regency, so motorists, primarily, can get through that project and back and forth and use their main entrance that's just off screen here to get to and from that collector roadway. I will also say, you know, obviously, it's entitled right now with -- with storage. It's tough. I will say the last -- the last storage concept we saw was fairly attractive, but that's something else along an entryway corridor with 40 or 50 thousand cars a day that are driving by, it's kind of hard to make it look nice and feel like part of the community. So, I get it. I mean I will be honest, I live within a half mile of Eagle Road. I can hear it. So, your question, you know, is it an ideal location? For some it is, because there is a lot of things around here, including Eagle Road, which has access, again, to entertainment and jobs and recreation very close. So, on the face of it -- again, not for everybody to live that close, but there -- there is a future transit corridor here where I think density makes some sense. So, again, just all those things where we really -- we are trying to get maybe some retail out here or -- or an office complex just that really never took hold and I'm not saying that residential is the best, but I think that this works and I'm satisfied with it anyways.

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: Thank you very much, Caleb. I appreciate it. That was very helpful. I -- I would like to ask the applicant if they would answer that same question when they come forward.

Strader: Mr. President?

Bernt: Ms. Strader.

Strader: Thanks. Maybe just a process question. So, doing this as a DA modification seems a little bit different, because it's such a huge change in use. So, I was just curious from the Planning Department's perspective, doing this as a DA modification, is there any part of our normal process that's not as robust or that we wouldn't see something coming kind of de novo in front of us?

Hood: So, Mr. President, Council Woman Strader, yes, and so there is -- and it's kind of tough. I mean you would like to see the package deal; right? You had a similar discussion



on a project -- Hickory and Fairview recently where the plat was coming and we are going to -- we are going to change the development agreement modification first and, then, we will come back with the subdivision. So, there is a little bit of -- and that's why even looking at, you know, section six of the development agreement maybe is a little too specific. I think there is disclaimers in there that say, you know, conceptual site plan and -- and -- but it does say this many number of units and five story buildings and so that's -- if approved this would only go to the Planning and Zoning Commission, if you approve the development agreement modification. It would not come back to Council. Now, again, it needs to -- whatever comes back in with that CUP still gets reviewed for compliance with city code, but unless appealed it would -- you guys would not see it.

Hoaglund: Mr. President?

Bernt: Mr. Hoaglund.

Hoaglund: Just a quick question, Caleb. Whether it's a storage unit or multi-family, I remember we spent a lot of time on cross-access easement to the business on the north. That does still exist. I think I saw in one of the earlier slides it said cross-access agreement easement, so --

Hood: Yes. Mr. President, Councilman Hoaglund, yes, and I'm sorry I didn't point that out. I was a little flustered that there wasn't the -- the zoning and comp plan maps in the presentation. But, yeah, you can conceptually see that and, again, in Section 6 of the staff report there is a new development agreement provision that requires both cross -- three -- three way cross access, basically, to the north, which is the China Buffet and, then, tying in with the other phase of Regency. So, you can see that -- I know the shading is a little bit difficult, but you can see some that cross-access to those projects and, then, again, across all three of these parcels out to the public street at River Valley.

Hoaglund: Okay. Thanks, Caleb.

Bernt: Perfect. Let's turn the time over to the -- the applicant for their --

Whallon: Council President and Members of the Meridian City Council, my name is Brandon Whallon with Bach Homes located at 1650 State Street, Draper, Utah. 84020.

Johnson: Mr. Whallon, can you -- can you -- sorry. Can you pull the microphone to you? It's -- make sure we hear you.

Whallon: Yes. Thank you for the opportunity to share our proposal with you. As Caleb stated, this would be the third phase of the Regency at River View. The first two phases have been very successful and Bach saw the opportunity to purchase those two parcels that fronted along Eagle Road. They had self storage appropriated for that, but, then, thought that there might be a higher and better use of that property and so with that cross-access easement from River View they thought that a multi-family residential development on this property would make sense and they had good success with phase

one and phase two and they also felt that this building located right next to those existing phases and would be able to benefit from the amenities that were provided, the pool and the clubhouse and so we thought that really would relate well to the two phases that are currently improved out there. So, that's why they are before you today is to amend that DA from the storage units to allow this five story multi-family housing project. We think that, yes, there is some noise that is generated from Eagle Road, but we can use sound attenuation construction practices to attenuate or lower that sound presence as much as possible and we think that the presence of the building itself out on Eagle Road will be a member of the community and the neighborhood that will be a strong presence and it will look good from Eagle Road, from both citizens and people passing through. So, with that we think that this is an opportunity to provide an additional 134 units on the property, which would represent the highest and best use of the property with the access challenges that it has, as Mr. Hood stated. We recognize that we will have to go through a conditional use permit process, which will have a design review element associated with it. So, we are prepared to bring forward a building that -- that we can present as using materials that are aesthetically pleasing and durable. So, with that we support all of the staff's work and their recommendation of approval and I would stand for any questions that you may have.

Bernt: Any questions?

Strader: Mr. President?

Bernt: Ms. Strader, is that you?

Strader: Thank you, Mr. Whallon. Appreciate you coming before us. You know, what I don't -- this is a very preliminary plan. I assume it would look a lot like your other phases. but what I don't see here is any kind of green space in the middle. I understand it fronts Eagle Road. I don't know how realistic that is. But certainly here in this middle portion I think there would be some sort of an opportunity there. Did you have excess open space in phases one and two of your other projects that you feel -- you know, are -- help me understand how you are going to tackle the open space requirements and amenity requirements that we would normally ask for.

Whallon: We -- we are looking at that and we know that a calculate -- Chair -- Mr. President of the Chair and Members of the Council, we recognize that there are open space requirements and that is something that we are going to address in the site plan. This was something that was generated with a good faith effort to meet all of the requirements. We are hopeful that there would be some form of flexibility to recognize that it's right next door to two phases that do have outdoor barbecue stations, a kiddie play area, that both in the water and dry land, swing sets and such. Pools. So, there -- there are some amenities in the existing phases that these people will benefit from, but we would like to green it up as well in the parking field and along Eagle Road. So, that is something that we do want to address. But we were hopeful that we could work with staff to come to some form of an understanding that if maybe we met at 85 percent of the standard of open space that the previous two phases could lend open space to make up

for that 15 percent or some kind of calculation like that.

Strader: Mr. President?

Bernt: Ms. Strader.

Strader: So, that -- that makes me a little nervous personally as a Council Member, because I think it's important that we are kind of raising our bar on the standards that we are holding in the city and I don't have a whole package in front of me right now. Like I can't see the open space calculation from your previous phases and I'm a control freak, everybody knows that about me, so it will go to Planning and Zoning, but it wouldn't come back before us and I'm a little bit -- don't get me wrong, I totally would rather have multi-family on a transportation corridor that looks greater than self storage, but I'm a little bit nervous that we are not seeing the complete package of information that we would normally see at this phase because of the way it's being done process wise. So, it's just something that I'm going to have to wrestle with. But that is a concern that I have. I think there might be an opportunity for you to put some kind of courtyard or something in the middle I would hope. I'm going to chew on that for a bit.

Hoaglund: Mr. President?

Bernt: Mr. Hoaglund.

Hoaglund: Mr. President. Thank you, Mr. Whallon. Appreciate your presentation. And like Council Woman Strader, I -- I think this is a better use than -- than storage and I just want to find out actually from Mr. Hood, if you wouldn't mind, just to give -- we know the details aren't there, that if this were to be approved tonight that would move forward and you guys would look at it and that open space issue, just from a large picture where it's another phase of an existing development, is that doable to work things to make it work somehow? What -- because if there is going to be a lot of obstacles there, you know, that's -- that's kind of a tipping point. So, can you give us some general idea of how that might move forward?

Hood: Yeah. Mr. President, Councilman Hoaglund. Yeah. I appreciate your last comment about, you know, a general idea, because I'm not exactly sure how we will move forward. We don't have the details in front of us now. But I can use some past examples of how this potentially could move forward and I was just rescanning Sonya's staff report and it does call it out, you know, the standards listed for open space and amenities will be evaluated and that's really where we start is this is looking at it as a standalone parcel that needs to comply on its own with those amenities. In the past, though, there -- we have allowed some of that transfer. Some of that, though, we do push back and say, well, that's a bait and switch. If you proposed 18 percent open space and now it drops down to 15 and you count it for this project, well, then, that's not the same project anymore that we approved previously. So, it is a conditional use permit and I think the starting point is comply on -- again, as a standalone phase, but with the conditional use permit there -- a case could be made that you have got the barbecue pits and the pools and those types

of things, so maybe there is an amenity package that is better than maybe the open space percentage, but it's a higher quality of, you know -- you know, maybe it's a tiered open space or something. I don't know what they are going to design, but I guess long story short is there -- there is a conversation that occurs and, again, with the conditional use permit there is some flexibility to say this seems appropriate for that development. But the starting point will be city code and we will expect going into it that this phase complies with the amenities and open space requirements.

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: Caleb, because this is in a commercial zone is it still going to be required to have the same buffer between the highway and the residential as they would if it was residentially zoned?

Hood: Yeah. Council President, Council Woman Perreault, yes. I'm just going to -- I want to double check to see if that is actually a development agreement provision. But, yes, it is not -- the landscape buffer on arterials is specific to the classification of the roadway, not based on -- on zoning.

Perreault: Okay.

Hood: So, let me just double check and make sure that's in here somewhere. But even if it's not it would still be a standard provision of code. I see the pathway. I don't actually see the 25 foot wide landscape buffer called out as I scan the DA provisions. But, yes, that will be a requirement.

Nary: Mr. President?

Bernt: Mr. Nary.

Nary: So, Mr. President, maybe I just need some clarity from the applicant. What I thought the ask here was is to create a development agreement separate and apart from the recurrent Regency at River Valley. So, I'm not sure -- I'm not wanting to disagree with Caleb, but I don't know how we borrow somebody else's open space in a different development agreement that you are not bound to and they are not bound to provide you anything. So, I'm a little unsure how to craft that into a DA where -- it is another phase, but it's separate owners, separate agreements. There is nothing -- we would have to amend the other development agreement to require them to provide you cross use. Is that what you are proposing, too? Because I -- I don't -- I'm not totally sure in my head today how to make that make sense. I see what's written on your staff report, but I don't see how we get to where you are proposing to have a shared or borrowed or blended arrangement. So, maybe you could help me understand what you are thinking.

Whallon: Council President, Members of the City Council and Mr. Nary, yes, so our

proposal is for this property to be released from the existing development agreement, go through the conditional use permit and develop another development agreement specific to this parcel. It was our intent to meet all of the standards and conditions of the zoning code for a multi-family residential development located within this district. In that event that we are struggling to provide that open space requirement for the code, that the code requires, we were -- would entertain the discussion with staff. Is there the ability to share some of these facilities. We did -- not that it matters to the City of Meridian, but we have a very successful project out in Nampa that we did just off of Garrity behind the Station. Shopping center. It's called the Station at Gateway on Happy Valley and Stamm Road and we just did a 110 unit phase two to that, because it just lends itself well. It's going to use the same access as the existing development does. The leasing will be done out of the clubhouse and all of the residents have the ability to come use the pool and the barbecue station. So, that is working in that instance. To say that would work perfectly here or not is -- is another discussion. But that was our intent to meet the standards standalone on this property. In that event where we fall a little bit short, they were hoping that by allowing these residents full access to all of the amenities that are provided in the existing phase one and phase two of the Regency at River View, that that would be found acceptable in that event that we asked for it. I'm not saying that we are going to ask for that. I'm saying that we are going to try to meet all of the standards and conditions of the zoning code for a standalone parcel.

Nary: So, Mr. President, if I could follow up. I guess my question, sir, though, is once we craft a new development agreement you are -- you are no longer part of the other one and they are no longer a part of you. So, there is nothing in that agreement that requires them to provide you anything. No cross-access, no cross-shared uses, nothing and you will have your own agreement. So, I guess it feels a little premature to me without having some level of agreement and some modification to the existing Regency at River Valley development agreement that maintains that shared access, maintains that shared use and that way if you are close with that addition, it doesn't -- like Caleb said, it doesn't diminish the percentage to a significant degree for the other portion that's already developed. So, I guess it's not -- in my common experience I can recall where we did another phase with a different owner, that has its own independent development agreement, to somehow use some of the uses from the adjacent properties that are already developed. I don't know how we do that. So, to me it seems a little premature without some agreement from the first development, as well as some idea of what those shared uses are going to be for us to craft something at this point. I guess -- I don't think I can get there with you.

Borton: Mr. President?

Bernt: Mr. Borton.

Borton: I appreciate legal counsel's comments. It's kind of spot on on this one. The concept has legs. I get what you are trying to do and why. But it's just not cooked, quite frankly, to make a decision. I think with the DA being the only time this Council sees it, those specifics will have to be there. You look at this project if it came in with phase one

and two it certainly would have questions on the connectivity to the amenities in phase one and two; right? You can clearly see there -- if you are going to walk to the pool, right, you got to get out, go through the parking lot, down the street and you can't -- the connectivity you would normally see admittedly is not there. So, to even contemplate waiving amenities through sharing, all of that would have to be ironed out in writing, part of the DA. None of that's done yet. So, if you could get there -- it's just not there and I don't think we could act on it. I couldn't support this as presented, just because of those uncertainties and Mr. Nary's -- he is spot on with that -- that guidance and caution. Just trying to be frank with some of those problems.

Whallon: Mr. President, Council Member Borton, we are coming through the front door with the expectation that this parcel, even if it requires a redesign of what you are seeing here, we will meet all of the standards contained within development code for the City of Meridian. Does this plan today meet those standards? We are not sure. As Caleb said, we didn't do a full evaluation of the number of units, the amount of open space required, the landscaping. This was just a presentation of highest and best use, what would a five story apartment building fronting on Eagle Road look like? So, our in-house architects drafted up something. Did we have enough parking to provide for that? Yes, it looks like we do. So, it hasn't been finalized and it was our impression that going back through the conditional use permit process, that would be where the city, staff, and the Planning and Zoning Commission had the ability to review the project and ensure that it met all of the standards. So, what we have before you today -- we are not saying this is exactly what we will build, this was a visual representation of a multi-family housing project, instead of a storage facility on these two parcels. So, we wanted to excise it out, because the current approval is for storage on this property. The current development agreement. So, we just want to reel back the development agreement and not required those storage units to be built on Eagle Road and come back before the Planning and Zoning Commission, through a review from the staff, for a multi-family housing project, meeting all of the standards of the City of Meridian development code.

Borton: So, would it be -- would it be accurate to characterize it like a phase one of one?

Whallon: Yes, sir.

Borton: And -- because I think your references to phase one and two of River Valley kind of maybe confused it, at least for me. That really what you are asking for is this is a standalone -- exclude any reliance on anything to do with property to the east. This would have all of the amenities, parking features, designed to be a truly independent singular project.

Whallon: Mr. President of the Council, Council Member Borton, yes, that is correct.

Borton: Okay.

Hood: Mr. President? And if that's the desire of the Council, I mean you could make that explicit provision in here, right, that talks about it being a standalone project and that goes

to some of the previous discussion, too, about -- not that they couldn't have agreement amongst themselves to share those amenities, but it would have to be a standalone project on its own merits. That way if -- if this phase one of one is sold to someone else it still has all the required open space and amenities potentially. You could make that a DA provision.

Nary: Mr. President?

Bernt: Mr. Nary.

Nary: I could ask one more question then. And I'm looking at the existing approved development agreement, Option A and B that Caleb showed previously. I don't see cross-access in the location that's shown on your newer drawing. Is there cross-access required in those two locations already existing in the River Valley one and two development agreement? Because, otherwise, you are only building your side of the gate, not theirs. If they don't want to put it -- if they don't want to put a gate there I don't have any means to stop them from doing that. So, they have to provide you cross-access, just like you would have to provide it to them.

Whallon: Mr. President, Members of the Chair -- City Council and Mr. Nary, the ownership for phase one, phase two, and the proposed phase three is the same. Bach Homes owns all three and at this point as we develop this new property, phase one of one, at that point in time we could provide the amenities and an access, pedestrian and vehicular, to tie the two projects together and, then, put the cross-access easements in place. So, that's something that is still within our ability and capacity to do as the ownership of all three parcels would be under the same ownership.

Nary: So, I just want to be clear of what the ask is then. You are asking ultimately to amend the existing development agreement to maintain cross-access, as well as require cross-access on the new piece?

Whallon: If -- I don't see any reason for us -- we are going to lease probably out of the existing clubhouse, so there has to be some form of cross-connectivity between the phases. So, they didn't anticipate this phase when -- when they constructed phase two. They thought that was going to be the terminus. So, I think that with this new phase three or phase one of one, tying the -- the projects together as much as possible would be beneficial. That way people can -- can go between the phases without having to go out onto River View, they could just stay within the development and that would be easier both for the residents of the development and on the community's transportation system.

Nary: So, Mr. President, Members of the Council, again, I'm not trying to take over the conversation here, but -- so, when the original approval was done for the storage units, it was very clear to the city by the property owners -- by Bach, I guess, or River Valley, they did not want vehicular cross-access. They only wanted pedestrian access and that's it. And that was very limited. Because it was storage units. So, for security and such. So, there was no -- there was no vehicular access. That was not limited, because it was only

the storage unit. That has to remain for this to work and so we will have to amend the existing one. We can't just take you out completely. We have to amend the one that exists, as well as create a new one for this parcel and if you are the property owner of both, that's fine, we could do that, but I wanted to make clear if that's what you are asking, that's what we have to have.

Whallon: Yes. Mr. Mayor, I would like to just elevate the point that when they were viewing it as a storage unit they wanted that as separate properties and now that they are looking at, hey, this makes sense for a residential development, a third phase or phase one of one, that ties in and relates to the existing, the attitude or the thought of connectivity changes at that point in time.

Bongiorno: Mr. President?

Bernt: Mr. Bongiorno.

Bongiorno: Mr. President, Council, also -- and Mr. Nary, when the storage building was going to be they -- they were required to have secondary access and this building will definitely require secondary access. So, they are going to have to have something to get a secondary access to the building. So, it's going to be required by me.

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: Can I change the topic just a bit? I'm pretty familiar with Regency and kind of how vehicles move through that. It's not the smoothest and the entrance -- the main entrance for -- for Regency is -- is odd and, in my opinion, not exceptionally safe. So, now we are going to add an additional three to four hundred vehicles. If you have two per unit, let's say, that are going to be using that same entrance to come into this whole complex. Am I understanding that correctly?

Whallon: Mr. President, Council Woman Perreault.

Perreault: Perreault.

Whallon: Perreault. Sorry. This has a new access point that was closer to the mattress store and the proposed drive-through restaurant. That will be their main access point to this phase and so it will be a new access point that they are using, not the existing one that -- that you mentioned that struggles.

Perreault: Is -- is that a right-in, right-out only or --

Whallon: It would be a right-in, right-out only.

Perreault: Okay. So, if someone's coming and wants to turn left -- left from -- I can't



remember the name of the street that runs to the south here off of 55. They are going to have to still go into the main entrance; correct? Am I -- am I understanding that correctly?

Whallon: I think they would have to travel east on River View and --

Perreault: Correct.

Whallon: -- do a U-turn to come back and -- yes -- yes, into the property.

Perreault: Okay.

Bernt: Any other questions for the applicant?

Cavener: Mr. Mayor? Or Mr. President.

Bernt: Mr. Cavener.

Cavener: Is it Mr. Whallon?

Whallon: Yes.

Cavener: Appreciate kind of you walking us through this. I want to touch on I guess one other subject. One that's giving me a little bit of pause and I'm sure you reviewed the staff report and all the agency letters and so the letter from West Ada School District is always kind of one of the first places that I go and look and I know that they use a very generous calculation for multi-family. Even so, I think where they -- this would generate maybe they assume 14 additional students and that doesn't sound like a lot, except for when we have got a high school that's already significantly overcapacity and I'm -- I'm always sensitive to -- if we know a school is over capacity, why would we start looking at another residential unit that would only add more students? Can you help walk through why this project meets that high threshold of adding more students to an already taxed high school?

Whallon: So, Mr. President, Members of the City Council, I think that there is a change in demographics and single family homes generate -- you know, families want to live in single family homes. People that choose to live in an apartment complex typically are -- maybe they are waiting a little bit longer to get married. Maybe they are waiting a little bit longer to have children. But 134 units in a multi-family housing project will not generate the number of students that 134 single family homes will generate. So, in this instance it's 134 units, but the people that are choosing to live in this environment are the people that are waiting longer to get married and waiting longer to have children.

Cavener: Mr. President?

Bernt: Mr. Cavener.

Cavener: Mr. Whallon, that may have been true in 2005 or 2006, but -- and maybe that's

how it is in Draper, but in Meridian we are seeing a lot of single families that are living in in multi-family projects and -- and clearly at least your sister property anticipated that because there is pools and playgrounds, amenities not just for -- for single people, but for families and so I will just be -- I think for a lot of the reasons that we have heard tonight I'm struggling with this particular piece and I think it's added on top of it that we have at least got at least one school that's already at capacity. It makes me at least take pause if this is -- I know you said it's the highest and best use. I guess I haven't got to that same conclusion yet.

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: I apologize, I really do want to revisit the access conversation, just -- Mr. Nary leaned over to me and encouraged me to ask Caleb if he would, please, pull up an aerial view of Regency one -- phases one and two and how the vehicles would flow through. This is -- I think this is critical as we are discussing any kind of requirements we would put into a DA.

Whallon: If I may as Caleb is pulling that up, I may have misspoke that this would be a right-in, right-out only. I'm not sure of the spacing requirements that ACHD would require of this and so there could be the possibility for it to be a three-quarters movement, right-in, right-out, left-in, which would lend itself well to that coming from Eagle Road, being able to make a left hand turn in.

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: That River Valley Street already has a barrier there, so I'm pretty sure it's -- it's likely going to be a right-in, right-out. I can't say that unequivocally -- unequivocally either, because I'm not the highway department, but there already is an existing barrier that you can't make a left -- make a left turn on. But I don't know exactly what would be -- and maybe this is a question for staff. What would be the appropriate request to make of an applicant to show the safety factor of using the -- the entrance for the other -- the other part of the development, if we -- if they are going to in some way be tied together with access through the DAs. I don't know what it is we would ask to show that safety factor. I just know my own personal experience, having spent time in there, it's -- I would have a hard time adding that many more vehicles coming through how it's currently being accessed. So, I think the staff is possibly bringing something up for us.

Hood: Sorry, Mr. -- Mr. President, Council Woman Perreault. I got some of the labels, I can't figure out how to get off. So, you will have to bear with me a little bit. But here is the existing -- oh, sorry. Sorry. I'm out of practice. Thank you. All right. You don't see that now? So, here is the existing -- the Regency project phases one and two. Here is the site that we are talking about this evening with the existing access point. We can

zoom in to the center median there today -- and, again, that was part of the conversation. I heard some of it while I was looking up the map. I think that's -- some of that is still to be determined by ACHD. They will look at the stacking. I mean that's something -- if we are going to allow left's in here you got to have a stacking and I think you are getting pretty close to the intersection here. So, there may be an opportunity for a left out of the site. I'm not a traffic engineer, but I don't see a left-in probably working in this location. So, Mr. Whallon mentioned a U-turn. You could potentially do a U-turn or as we have been talking about could come through their project and -- and up. I can zoom in and out however far you would like me to go. The safety concern that you have, I did not pull or ask police to look in their database to see if there had been any crashes. You know, I do see -- again, I live near this area. There is pretty high pedestrian traffic, obviously, at this intersection driveway, with the co-op and some of the shopping and the rest of The Village there. I do not know -- this has not come to our attention at the Transportation Commission in the past couple of years. There was a request a few years ago -- a couple few years ago to put a crosswalk here, but the volumes -- at that time ACHD did not warrant that and there is not one there today. There is multiple questions there and I don't feel like I have touched all of them, so if you could, please, tell me where you want to zoom in or out to or what you -- what else I can address that would be appreciated.

Borton: Mr. President?

Bernt: Mr. Borton.

Borton: Maybe you mentioned -- to compound it, do I recall that the Eagle Road access just south of the Great Wall goes away when there is that connectivity?

Hood: Correct.

Borton: Yeah. So, that funnels that through this as well.

Perreault: Mr. President?

Simison: Ms. Perreault.

Perreault: If I might recommend when -- when you come before us again, because I anticipate this will be continued, if nothing else than to change the application to address the issues with the DA. That -- that potentially the property managers that are on site there can come and have some discussion with us about the flow of traffic through the project. I have driven through here -- I don't even live in the area, just know people that live in there that where there has been vehicles that have backed out into the -- the drive aisle because of how the parking is designed. There is a lot of turns. You kind of wind through here and there is some blind corners and whatnot and so I just -- I have concerns from a pure practical standpoint about putting 139 more units in that allocation and having them all be accessed through the same existing access that the -- the current property has.

Bernt: I appreciate the comments this evening with -- from Council. I -- the dialogue has been great. I appreciate the presentation. Staff did excellent job. For me personally -- and this is -- this is a tough ask. I don't -- I don't -- I don't disagree that what you are proposing isn't the highest and best use for this property. My number one concern is access, especially with the amount of traffic -- the amount of units that you are going to be building. I just don't know how you overcome that. Anytime when you have to do a semi U-turn to get into the main access point to your property causes me to pause, frankly. So, I don't -- I don't mind continuing this, but that's -- that's where I stand right now. But, you know, we are probably a little bit premature offering our guidance and -- without taking public comment. So, maybe it's time to see if there is anyone online or anyone that's available here at City Hall to offer any public comment. Ralph? No?

Johnson: Mr. President, there was someone signed in in person, but I don't believe he is here any longer and there is nobody online.

Bernt: Okay. No public comment? Okay. Back to you.

Whallon: So, Council President, Members of the City Council, I appreciate your comments and for what I have heard is that we need to ensure that there is a buffer along Eagle Road, that there needs to be open space at the amount required by code. Also cross-connectivity between the existing two phases, which would amend the existing DA that would allow provisions for -- at a minimum pedestrian, if not vehicular cross-access between the phases to be a requirement of the property and I think you would also like to hear from the property managers on how access in and off of the property is conducted and so I'm prepared to -- if we would continue this to come back with answers to those questions.

Bernt: Sounds good. What -- what day would you prefer?

Whallon: Well, I live in Boise, so any -- any Council meeting that you guys would like to have us back. I think that we can get to work on this and we can have visual representations done in two weeks time. I don't know if that's too quick to come back or -- we are at your leisure. We would come back -- whenever you would make time for us we would come back as soon as possible.

Bernt: I think that -- I think that wouldn't be a terrible idea. It's just a matter of what that looks like for our staff to be able to create new -- new information for a presentation. So, I'm going to punt to Caleb to see what that looks like for him and, then, we will make a decision.

Hood: Yeah. Mr. President, I appreciate that. Honestly, I don't know how much of what Mr. Whallon -- how he just summarize that -- what you expect staff to do with that information, if anything. So, if you would like us to take that and address that or just him present that to you without -- without staff's input -- if -- if us, then, we typically do need 15 days from when we receive that information to write up the memo to get it into the packet. So, I would prefer --

Bernt: And I think Council would be in agreement that we would want you to be involved and you would -- we would want you to craft something that would be in our best interest and so we are looking at an open date of 11/16 and we do have one public hearing on the 23rd and so -- of November. So, what does that look like for you, Caleb? Is that enough time?

Hood: Again, if two weeks and, then, another two weeks for us to analyze that. So, roughly a month. I didn't -- I don't have a calendar in front of me and I -- I heard your dates, but I wasn't -- I mean we are right around Thanksgiving anyways; right? I don't know what the -- I don't know what the clerk has on those agendas, but we can make that work.

Bernt: So, I -- I would -- I would entertain a continuance to November 23rd from a member of Council.

Perreault: Mr. President? We take public comment at -- at that hearing as well?

Bernt: Yeah. It's still open.

Perreault: I move that we continue file number H-2021-0059, to the hearing date of November 16th? Is that correct?

Bernt: Or the 23rd.

Perreault: November 23rd?

Bernt: I would prefer the 23rd.

Perreault: Okay. So, that the applicant can provide additional information to us that was previously stated.

Bernt: I have a motion. Do I have a second?

Borton: Second the motion.

Bernt: I have a motion and a second to continue this application to 11/23. Any discussion?

Borton: Mr. President?

Bernt: Mr. Borton.

Borton: Part of that process in prep for that hearing, I think it would be really helpful -- you probably already planned on doing so, but to coordinate with city legal counsel and have some of those specific DA provisions lined out. I know there is a lot of moving parts, but this one's a little unique. So, that would make it more productive.

Hoaglund: Mr. President?

Bernt: Mr. Hoaglund.

Hoaglund: Question for Mr. Nary. I was wondering how far along that DA process can they go or is it just points that these will be placed into the DA or are we actually going to look at a DA?

Nary: So, Mr. President, Members of the Council, Council Member Hoaglund, we wouldn't have a DA prepared yet. We don't really do that until there is findings to work from. But we certainly can have a conversation with either myself or one of my other deputy attorneys on what language we think is necessary. I think we have kind of spelled out a little bit tonight. Again, we need that cross-access from both sides. We need to make sure -- it appears there is only one access point currently. So, we need some assurance that that's going to remain and, then, also that if there is going to be the potential agreement between phase one and two and phase three for shared use of facilities, then, we want that also spelled out, because that would have to be in both agreements as well. So, I think we can talk about language and, then, we can get more into detail, but we need to at least get the concept down.

Bernt: All right. I have a motion and a second on the -- on -- on the table. All those in favor signify by saying yes -- aye. Any nay? It looks like the motion passes. Thank you.

MOTION CARRIED: ALL AYES.

**19. Public Hearing for Hatch Industrial (H-2021-0026) by Hatch Design Architecture, Generally Located on the East Side of N. Linder Rd. and the North Side of W. Franklin Rd., South of the Railroad Tracks, and at 160 N. Linder Rd.**

- A. Request: Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 42 +/- acres of land from Mixed Use – Community to Industrial.
- B. Request: Annexation of 1.59 acres of land with an I-L (Light Industrial) zoning district with a request for City Council approval of a reduced buffer width to residential uses from 25 feet to 5 feet.

Bernt: Moving on to Item No. 19. We have a public hearing for Hatch Industrial. That's item number H-2021-0026. Turn the time over to the staff.

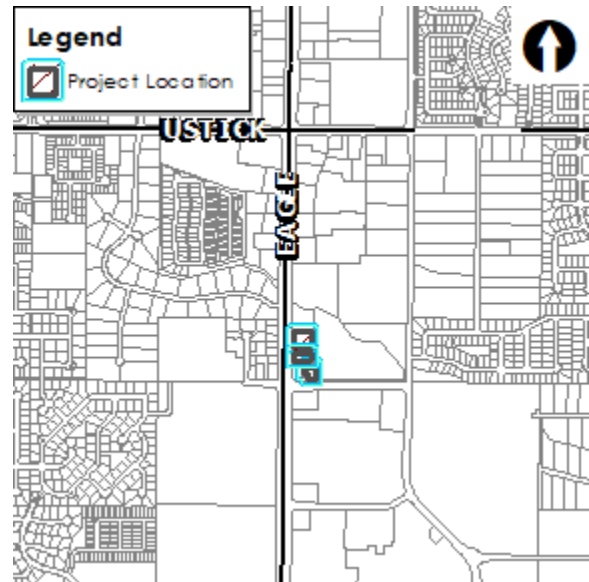
Hood: Me again, Mr. President, Members of Council. The application you have before you for this project is actually twofold. There is the Comprehensive Plan map amendment and an annexation. Just a quick side note, because the last time I presented to Council I also had a comp plan map amendment. There is actually one more in the queue. We talked about that last time. So, this -- these were all submitted by that June deadline, but

## STAFF REPORT

### COMMUNITY DEVELOPMENT DEPARTMENT



HEARING 11/30/2021  
 DATE: *Continued from 9/28/21, 10/19/21 and 11/23/21*  
 TO: Mayor & City Council  
 FROM: Sonya Allen, Associate Planner  
 208-884-5533  
 SUBJECT: H-2021-0059  
 Regency at River Valley Phase 3  
 LOCATION: 3270 & 3280 E. River Valley St. & 2480 N. Eagle Rd., in the NW ¼ of Section 4, Township 3N., Range 1E.



#### I. PROJECT DESCRIPTION

Modification to the existing Development Agreements (AZ-12-010, Inst. #[113005608](#) – SGI; and H-2019-0121, Inst. #[2020-062947](#) – Bach Storage) to remove the subject property from the existing agreements and create one new agreement for the development of a 134-unit multi-family project (i.e. Regency at River Valley Phase 3).

#### II. SUMMARY OF REPORT

- A. Applicant:  
 Brian Carlisle, Bach Homes – 11650 State St., Ste. 300, Draper, UT 84020
- B. Owner:  
 Shon Rindlisbacher, Bach Homes – 11650 S. State Street, Draper, UT 84020
- C. Representative:  
 Same as Applicant

#### III. STAFF ANALYSIS

The existing Development Agreements for the subject property requires the northern portion of the site to develop with a self-service storage facility (Bach Storage) and the southern portion with a 10,150 square foot multi-tenant retail store (Option A) or a 2,879 square foot restaurant with a drive-through (Option B) (SGI).

The Applicant proposes to replace both of those DA's with one (1) new DA for the subject property with a new conceptual development plan. A multi-family development is proposed to develop on the site consisting of 134 apartment units on 2.57 acres of land in the C-C and C-G zoning districts. A mix

of studio, 1- and 2-bedroom units are proposed at a gross density of 52 units per acre. The multi-family structure is proposed to be 5-stories tall with parking and an entry lobby on the first floor.

Off-street parking will be required per the standards listed in UDC Table [11-3C-6](#) for multi-family developments. Qualified open space will be required per the standards listed in UDC 11-4-3-27C; in phased developments such as this, common open space is required to be provided in each phase consistent with the requirements for the size & number of dwelling units. Common open space and site amenities are proposed to be shared between all phases of Regency at River Valley. Compliance with the specific use standards listed in UDC [11-4-3-27](#) for multi-family developments is required and will be reviewed with the conditional use permit application. Adjustments may be necessary to the concept plan to comply with these standards.

A subsequent conditional use permit (CUP) application is required to be submitted and approved for the proposed multi-family development in the C-C and C-G zoning districts. Development is subject to the specific use standards listed in UDC 11-4-3-27 for multi-family developments. A detailed review will take place with the CUP application to determine consistency with the specific use standards and other UDC standards.

High density residential (i.e. apartments) uses are desired in the Mixed Use – Regional Future Land Use Map (FLUM) designation especially when located adjacent to SH-55/Eagle Rd. and employment destination centers such as those along the Eagle Road corridor. The proposed development will be a third phase of the existing apartments to the east (i.e. Regency at River Valley) and will contribute to the mix of commercial (retail, restaurants, etc.), office and civic (Kleiner Park, Senior Center) uses in the area. For this reason, Staff is supportive of the proposed DA modification and has included recommended provisions for the new DA in Section VI.

#### IV. DECISION

##### A. Staff:

Staff recommends approval of the modification to the DA as proposed by the Applicant.

##### B. The Meridian City Council heard this item on October 19, 2021. At the public hearing, the Council moved to continue the subject MDA request to November 23, 2021 (continued to November 30<sup>th</sup> due to lack of a quorum).

##### 1. Summary of the City Council public hearing:

- a. In favor: Brandon Whallon, Bach Homes
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: None
- e. Staff presenting application: Caleb Hood
- f. Other Staff commenting on application: None

##### 2. Key issue(s) of public testimony:

- a. None

##### 3. Key issue(s) of discussion by City Council:

- a. Multi-family use along Eagle Road; entitlement process; open space and amenity provisions; school impacts; sharing of amenities and open space from previous phases and how that works; traffic flow, vehicular access/cross-access; and DA modification for the property to the east.

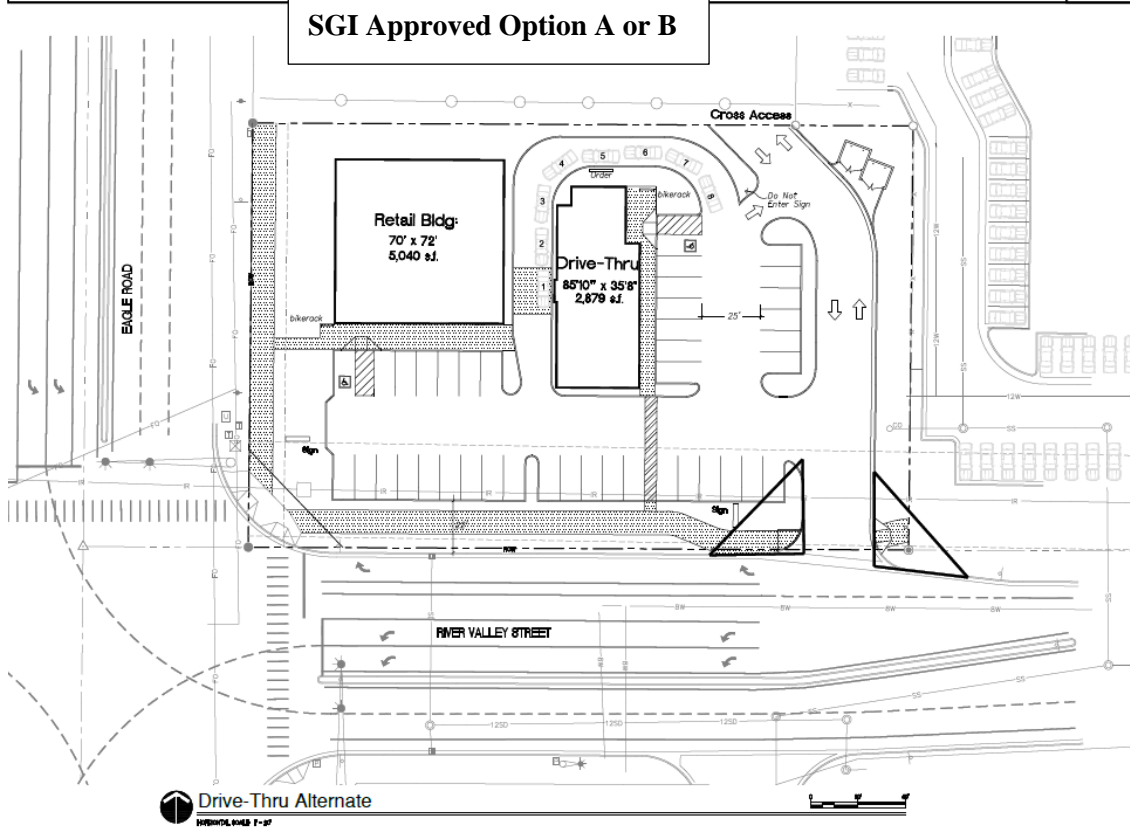
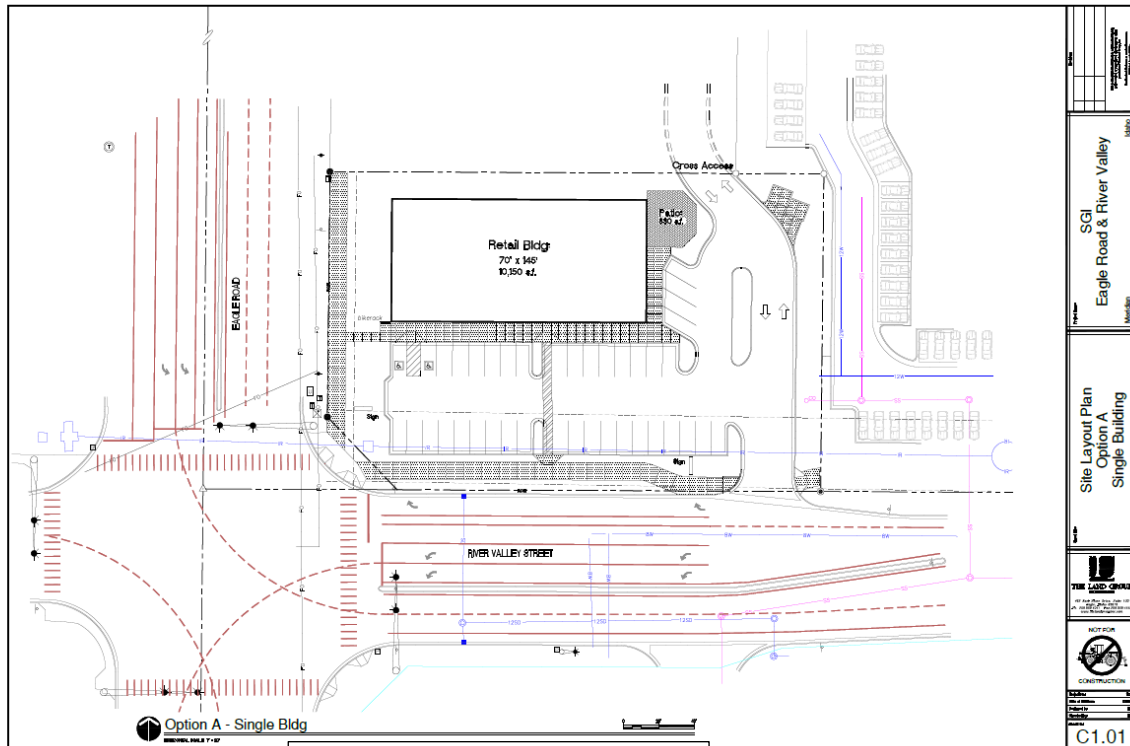
##### 4. City Council change(s) to Staff recommendation:

- a. None

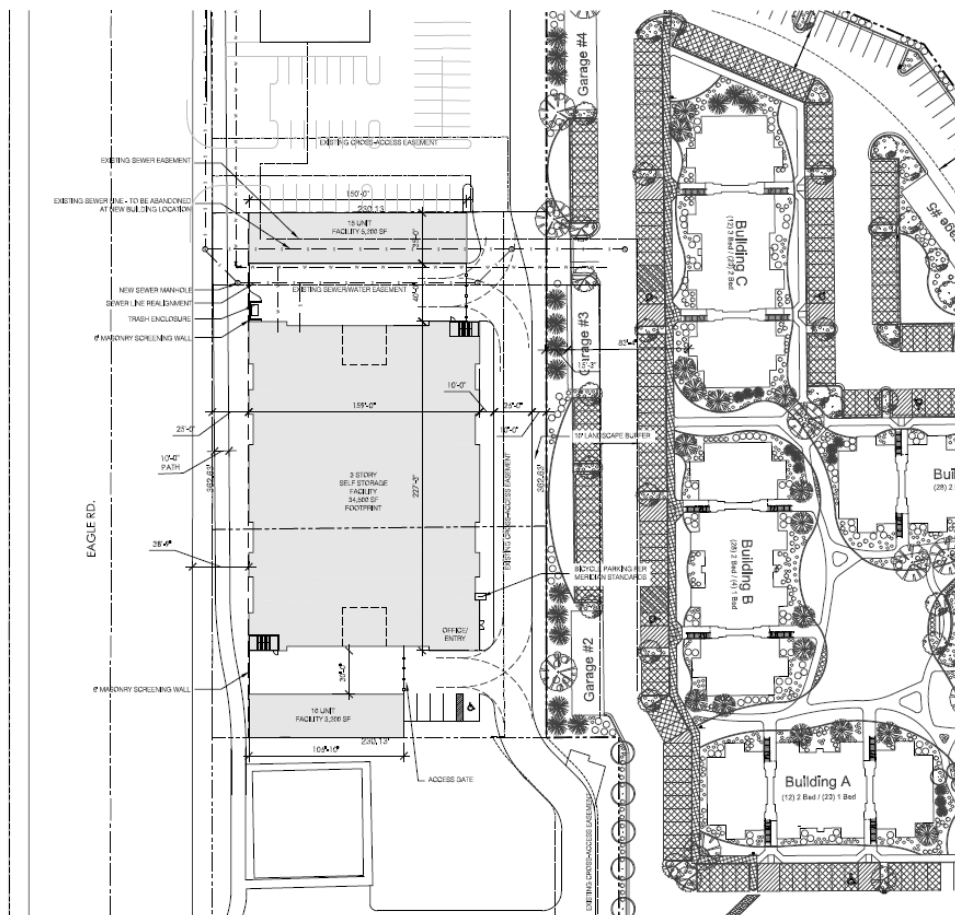


## V. EXHIBITS

### A. Existing Approved Conceptual Development Plans (dated: 12/13/18)



## Bach Storage Approved Conceptual Development Plan



SITE INFO:

SITE AREA: 83,415 SF (1.91 ACRES)

NORTH BUILDING: 5,200 SF

LARGE BUILDING: ~100,000 SF  
SOUTH BUILDING: 3,200 SF

**PARKING REQUIRED:** \_\_\_\_\_

STORAGE FACILITY - ~90,000 SF - 0 STALLS  
OFFICE SPACE - 1,000 SF - 2 STALLS

PARKING PROVIDED: 5 STALLS (1 ADA)

BICYCLE STALLS REQUIRED: 1

BICYCLE STALLS PROVIDED: 1



A PROJECT BY  
**BACH HOMES**

## DRAWING

SQUARE FOOTAGE:	
BASEMENT:	0
HALL FLOOR:	0
UPPER FLOOR:	0
GARAGE:	0
TOTAL SQ.:	0
TOTAL SF:	0

DATE: 10/10/2010	PG: 1301211
REV: 10/10/2010	

[illegible][illegible]

10

LOT NO.

--	--

--	--

BACH STORAGE - 2500 N Eagle Rd. Meridian, ID

10-1-2019 SCALE: 1" = 30'-0"





### C. Legal Description for Property Subject to New Development Agreement



August 9, 2021  
 Project No. 21-159  
 Bach Investments, LLC  
 Conditional Use Permit  
 Legal Description

#### Exhibit A

A parcel of land being Lot 2, Block 1 of Rivervalley Retail Subdivision (Book 106 of plats, pages 14591-14593) and a portion of the Southwest 1/4 of the Northwest 1/4 of Section 4, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the West 1/4 corner of said Section 4, which bears S00°36'00"W a distance of 2,611.39 feet from a found brass cap marking the Northwest corner of said Section 4, thence following the westerly line of said Section 4, N00°36'00"E a distance of 180.44 feet;

Thence leaving said westerly line, S89°24'00"E a distance of 70.00 feet to a found 1/2-inch rebar marking the Northwest corner of said Rivervalley Retail Subdivision, on the easterly right-of-way line of North Eagle Road and being the **POINT OF BEGINNING**.

Thence following said easterly right-of-way line, N00°36'00"E a distance of 363.50 feet to a found 5/8-inch rebar;

Thence leaving said easterly right-of-way line, S89°23'52"E a distance of 230.02 feet to a found aluminum cap on the westerly boundary line of Bach Subdivision (Book 113 of plats, pages 16608-16611);

Thence following said westerly subdivision boundary line the following four (4) courses:

1. S00°33'50"W a distance of 217.06 feet to a found aluminum cap;
2. S00°36'08"W a distance of 145.00 feet to a found 5/8-inch rebar on the northerly boundary line of Rivervalley Retail Subdivision;
3. S89°45'23"E a distance of 49.86 feet;
4. S00°36'08"W a distance of 180.00 feet to the northerly right-of-way line of East River Valley Street;

Thence leaving said westerly subdivision boundary line and following said northerly right-of-way line, N89°45'23"W a distance of 129.75 feet to the westerly boundary line of said Lot 2;

Thence leaving said northerly right-of-way line and following the westerly boundary line of said Lot 2 the following three (3) courses:

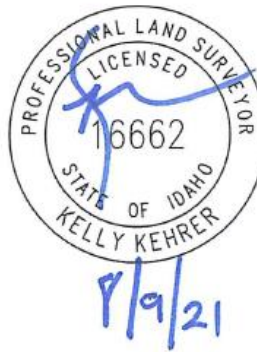
1. N00°14'37"E a distance of 51.69 feet;
2. N89°39'28"W a distance of 39.00 feet;
3. N00°08'13"E a distance of 128.24 feet to the northerly boundary line of said Rivervalley Retail Subdivision;

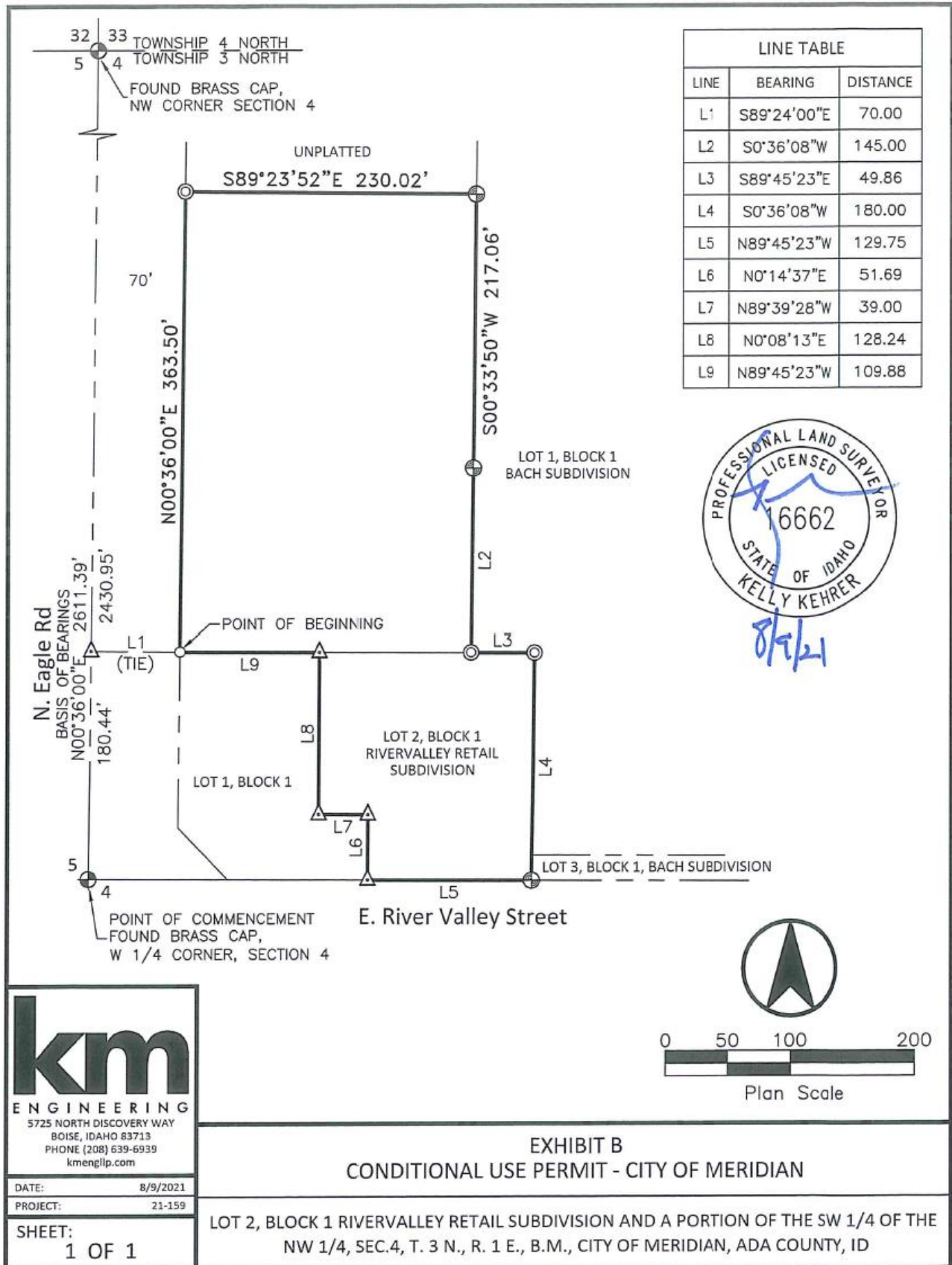


Thence leaving the westerly boundary line of said Lot 2 and following said northerly subdivision boundary line, N89°45'23"W a distance of 109.88 feet to the **POINT OF BEGINNING**. Said parcel contains 2.570 acres, more or less, and is subject to all existing easements and/or rights-of-way of record.

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.





## VI. DEVELOPMENT AGREEMENT PROVISIONS

1. Development of the subject property shall no longer be subject to the terms of the Development Agreements for Bach Storage (H-2019-0121, Inst. #2020-062947) and SGI (AZ-12-010, Inst. #113005608).
2. Development of the subject property shall be generally consistent with the conceptual development plan shown in Section V.B.
3. Direct access to the site via N. Eagle Rd./SH-55 is prohibited per UDC [11-3H-4B.2.](#)
4. A cross-access easement shall be granted to the properties to the north (Parcel #S1104233802), east (Parcel #R0748300100) and south (Parcel #R7476320010) for access via E. River Valley Street. A copy of the recorded easements shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for this site.
5. A 10-foot wide multi-use pathway shall be constructed along N. Eagle Rd. and E. River Valley St. within a public use easement; pedestrian lighting and landscaping shall be installed along the pathway consistent with the Eagle Road Corridor Study per the standards listed in UDC [11-3H-4C.3.](#)
6. A public pedestrian easement for the multi-use pathway shall be submitted to the City, approved by City Council, and recorded prior to issuance of the first Certificate of Occupancy on this site as set forth in UDC [11-3H-4C.3.](#)
7. Future development shall comply with the design standards listed in the Architectural Standards Manual.
8. A conditional use permit is required to be submitted and approved by the Planning and Zoning Commission for the proposed multi-family development in the C-C and C-G zoning districts as set forth in UDC Table 11-2B-2. The proposed use is subject to the specific use standards listed in UDC 11-4-3-27 Multi-Family Development.
9. A Certificate of Zoning Compliance and administrative Design Review applications shall be submitted to and approved by the Planning Division prior to submittal of a building permit application(s).