



## **CITY COUNCIL REGULAR MEETING**

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Tuesday, November 23, 2021 at 6:00 PM

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### **Agenda**

#### **ROLL CALL ATTENDANCE**

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

#### **PLEDGE OF ALLEGIANCE**

#### **ADOPTION OF AGENDA**

#### **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

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

#### **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.*

- [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

***Item will be continued to November 30, 2021***

- [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

***Item will be continued to November 30, 2021***

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



***Item will be continued to November 30, 2021***

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.).

- 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.

***Item will be continued to November 30, 2021***

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.

**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.

**ADJOURNMENT**



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the October 19, 2021 City Council Regular Meeting

**Meridian City Council**

**October 19, 2021.**

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, October 19, 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, Caleb Hood, Mike Barton, Kyle Radick, Berle Stokes, 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 (Left at 6:12 p.m.)	

Simison: Okay. Council, I will call the meeting to order. For the record it is October 19, 2020, at 6:02 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 is the community invocation. Mr. Clerk, do we have any sign-up?

Johnson: Mr. Mayor, we did have any sign-up this week.

**ADOPTION OF AGENDA**

Simison: Okay. Then with that we will move on to the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move we adopt the agenda is published.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

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

- 1. Approve Minutes of the October 5, 2021 City Council Work Session**
- 2. Approve Minutes of the October 5, 2021 City Council Regular Meeting**
- 3. Apex Southeast Subdivision No. 1 Full Release of Sanitary Sewer and Water Main Easement**
- 4. Detached Baron Black Cat Pedestrian Pathway Easement**
- 5. Detached Baron Black Cat Sanitary Sewer Easement No. 1**
- 6. Oaks North No. 9 Sanitary Sewer and Water Main Easement**
- 7. Well 11b Flush Line Water Main Easement**
- 8. Final Plat for Quartet Northeast No. 2 (FP-2021-0050) by Brighton Development, Inc., Located Approximately ¼ Mile South of W. McMillan Rd. and East of N. Black Cat Rd.**
- 9. Final Order for Edington Commons No. 2 (FP-2021-0048) by Conger Group, Located on the East Side of N. Linder Rd., North of W. Ustick Rd.**
- 10. Final Order for Inglewood Subdivision No. 2 (FP-2021-0037) by McNeil Engineering, Located at 3220 E. Victory Rd.**
- 11. Findings of Fact, Conclusions of Law for Oaks North and Oakmore DA Modification (H-2021-0058) by Toll Southwest, LLC, Located on Over 200 Acres on the North Side of W. McMillan Rd., Between N. Black Cat Rd. and N. McDermott Rd.**
- 12. Approve Bid and Award Multi-Year Contract Between the City of Meridian and Univar Solutions for Polymer Chemicals at WRRF for the Not-to-Exceed Amount of \$250,000.00 Per Fiscal Year**
- 13. Ground Lease Between the City of Meridian and West Ada School District for Municipal Water Well Lot**

14. **Resolution No. 21-2292: A Resolution of the Mayor and the City Council of the City of Meridian, Establishing the Reappointment of Rand Spiwak to Seat 3 and Mark Nelson to Seat 2 of the Meridian Solid Waste Advisory Commission; and Providing an Effective Date**
15. **Resolution No. 21-2293: A Resolution of the Mayor and the City Council of the City of Meridian Reappointing Blaine Johnson to Seat 2 and Jody Ault to Seat 7 of the Meridian Historic Preservation Commission; and Providing an Effective Date**

Simison: Next 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 adopted and agreed to.

MOTION CARRIED: ALL AYES.

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

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

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

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

Johnson: Mr. Mayor, we did not.

Simison: Okay. Then with that we will move on to Resolutions. So --

Cavener: Mr. Mayor? Sorry, I don't mean to interrupt. There at least was somebody -- I think in the audience that was raising their hand that wanted to maybe do the public forum and I didn't know if --

Bernt: That's okay.

Simison: Typically that's not how we do it. We do need to sign up in advance for public forum items. I would rather we keep with that process without going down that direction.

## **RESOLUTIONS [Action Item]**

**16. Resolution No. 21-2294: A Resolution of the Mayor and the City Council of the City of Meridian Reappointing Jo Greer to Seat 6, Keith Bevan to Seat 8 and Appointing Mandi Roberts to Seat 7 of the Meridian Parks and Recreation Commission; and Providing an Effective Date**

Simison: Okay. Next item up is Resolutions. Item 16 is Resolution No. 21-2294. Council, this is a resolution to reappoint two members to our Parks and Recreation Commission, Jo Greer and Keith Bevan and a third member Mandi Roberts, who is taking the place of one of our members who stepped down or did not want to seek reappointment. Commission President Greer and myself, we met with Mandi Roberts, who is here before you tonight to be considered and if you are looking for someone that can really bring experience into the -- into the commission through practical real life experience, I think we hit a home run quite frankly. You know, having someone with landscape architect -- architecture and who has been through public processes through her professional career, that can really bring that element to the commission and, quite frankly, I'm sure Mike would love to have some -- even as an ad hoc consultant for some of the work that we have -- we have got a lot of work going on in the -- in the Parks and Recreation Department generally, but as a -- as a commission member I think that she will be a valuable asset to them and add a very important skill set to them, as well as just a love for the community and a love for parks as a general standing. So, with that I would be happy to answer any questions before -- asking to see the approval and Mandi is here in the audience and can come and speak up afterwards if so inclined. Do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Resolution No. 21-2294, resolution of the Mayor and the City Council, City of Meridian, to reappoint Jo Greer to Seat 6, Keith Bevan to Seat 8 and appoint Mandi Roberts to Seat 7 of the Meridian Parks and Recreation Commission and providing an effective date.

Cavener: Second.

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

**MOTION CARRIED: ALL AYES.**

Simison: Thank you very much. Mandi, would you like to come forward and make any

comments?

Roberts: Thank you so much, Council Members. I wasn't really prepared to make any formal remarks, but I just want you to know that I'm very happy and honored to serve the community and it's been -- while I have traveled around the world and worked throughout the Pacific Northwest and -- and West, it's good to be home and it's good to be in this -- working in this capacity for the community and I look forward to having a lot of meaningful involvement and contributions to our future. So, thank you.

Simison: Thank you, Mandi. All right. With that, Council President Bernt, I'm going to turn the meeting over to you for the rest of the evening.

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

### **17. Parks and Recreation Department: Meridian Road Island Beautification Discussion**

Bernt: Got it. Thank you, Mr. Mayor. On to Item No. 17, Department/Commission Reports. Turn the time over to Mike Barton.

Barton: Good afternoon, Mayor and Council. Thanks for the opportunity to come to talk to you this evening about a potential beautification project that's close to downtown. I have got a couple exhibits that I think Chris is pulling up right now. So, we will just kind of pause here and -- yeah, it looks like it's on. Just give me another second here.

Borton: Hey, Mike? Question for you. What is orange and sounds like a parrot?

Barton: I don't know. What is the orange and sounds like a parrot?

Borton: Carrot.

Bernt: Mr. Borton?

Borton: Mr. Bernt.

Bernt: Do you have a follow up joke to that?

Barton: I will just -- I will pause and wait -- wait for another joke? Are we ready to roll? Okay. Let's go. So, about a year ago we were asked to look into the possibility of beautifying this remnant parcel downtown that was -- when the split corridor developed there was a couple of parcels that ACHD took over and landscaped and Parks and Rec maintains those. One of them has a piece of art in it. The other one to the north is landscaped and Nine Mile Creek goes through and it's fairly attractive -- attractive as an entry to the city. There is one piece, though, however, that's not landscaped and it is kind of an eyesore, chronically full of weeds and goat heads, so we were -- have been in contact with the property owner over the last year and they thought they might develop it



and we just kind of paused and periodically checked in with them about the possibility of either a purchase or a license agreement to allow us to make these improvements and it would be a one year license agreement that renewed automatically every year until the point in time that there was a legitimate development application that came before the city. Developing this piece of property would be difficult because of floodplain issues and the Nampa-Meridian easement that goes through it and, then, also access. Their only point of access is off Ada Street. So, they can't take access off -- off Meridian Road. So, we are looking for direction this evening from you if -- about entering into a one year license agreement with the property owner that would renew automatically year to year until the time that there is a legitimate development application that comes before the city. If there is a desire to do this, we could bring back a budget amendment for the cost of the landscaping, the cost of the maintenance, and a license agreement with Nampa-Meridian. If that were the case we could bring that budget amendment back and have this installed -- finished by late spring of '22. We could as an alternate -- I didn't put it on the slide here, but we could bring this through the regular budget process next year if that's your desire as well. So, I will stop there and be happy to answer any questions that you have.

Bernt: Thanks, Mike. Questions from Council?

Perreault: Council President Bernt?

Bernt: Ms. Perreault.

Perreault: So, if the city were to invest improvements in this and we had a license agreement, how would the -- would the owner benefit from that if they chose not to continue in the license agreement with us? Essentially would they receive those -- receive those improvements for free or how would that work that we would protect the investment, if not owning the property?

Barton: Yeah. Council President and Council Woman Perreault, that's -- that's a good question and we haven't really thought through that much, but we could put that in a license agreement that -- I mean if we made those improvements, the only way that they would -- that they could go back in or -- or not renew the license agreement is if there was a development application in front of the city. So, they would have to be serious. They couldn't just say -- they couldn't kick us out.

Perreault: Okay. So, it would be a permanent scenario.

Barton: Yeah. It would renew automatically year over year until the time that there is a development application. From what I understand with the current floodplain issues and some of the initiatives to open up Nine Mile Creek and -- and minimize or reduce or eliminate that floodplain in downtown Meridian, it's five plus years at least and likely could be longer. So, I think that's what -- the investment we are looking at as a -- you know, worst case goes away in five years.

Borton: Mr. President?

Bernt: Mr. Borton.

Borton: Mike, I think it's a great idea. We have talked about this for some time. This is probably the only solution for this outparcel, the entryway into our downtown. So, I think the investment makes sense. Whether it's done now or as part of the budget, I would say now only if there was some risk that the stars wouldn't align, right, in the summer. If we have got all the parties in agreement to doing it, then, I would be comfortable with a budget amendment while you have it lined up.

Barton: Council President and Councilman Borton, the only risk would be not being able to execute it late next fall or next fall. So, it would -- it would be an entire year before it was finished. I mean it would be spring of '23, instead of '22, so --

Borton: And Mr. President?

Bernt: Mr. Borton.

Borton: I think it is just collateral benefit. You do some small project like that, it's -- it's -- it sends the right message to adjacent property owners and just the beautification of one property begets the next and it just -- it sends the right leadership message for what downtown should look like, so --

Nary: Mr. President?

Bernt: Mr. Nary.

Nary: Mr. President, Members of the Council, to sort of piggyback on Mike's other answer to the prior question, the city I don't believe owns the ground that the art piece is on either. That big triangle piece. I don't believe we own that. I think ACHD owns it.

Barton: Correct.

Nary: Yeah. And so we don't have any ownership interest, but we have a 90,000 dollar art piece on it. So, if there was ever a need that they needed that for a road improvement or something like that, that process would be -- would have to stop and we would have to move it. So, I think Mike's idea, if they are willing to do that, and basically allow us that license agreement, with the only -- really the termination factor being an application to change the road, make a road improvement, change the irrigation, whatever, then, I think -- I think that could certainly be a doable agreement we could craft.

Perreault: Mr. President?

Bernt: Mrs. Perreault.

Perreault: So, Mike, if -- if a member of -- if anyone were to vandalize that property or remove something the city has placed or not being an owner, how does that work? And

maybe this is a question for Mr. Nary. How does that work legally to pursue reparation for something along those lines? Is that part of the license agreement as well, that we, then, take on sort of ownership rights in that sense -- somebody drives over it -- I mean that's some expensive landscaping; right?

Barton: Let's -- hypothetically, if somebody went out there and decided to spin cookies in the middle of it and tear up the grass, we would -- we would be -- have to repair it, because I think that falls under the maintenance category and we wouldn't be fulfilling our end of the duty if we didn't repair it. We wouldn't -- it would be -- you know, we would have to maintain it.

Cavener: Mr. President?

Simison: Mr. Cavener.

Cavener: Mike, I'm in agreement. I think it's a terrific idea. I think bring a budget -- I would be supportive of a budget amendment if it was brought forth now, as opposed to waiting until the budget cycle, in part because I think that this may be a -- almost a pilot or a step forward in terms of maybe seeing a community beautification budget line item come forth on an annual basis. I start to think of, you know, the spot between Ten Mile and Black Cat on Cherry or on McMillan between Linder and Ten Mile where we have got some pretty well developed out pieces of land, but are just kind of weed areas in part because either the waterway or -- or issues with current residential homes that we could potentially use this as a pilot, show that it works, and, then, maybe take a little piece of Meridian each year at a time and clean it up and get it looking better.

Bernt: Good idea.

Hoaglund: Mr. President?

Bernt: Mr. Hoaglund.

Hoaglund: My two cents. I'm in favor moving forward and doing the budget process. So, I think it's a great idea. We need to -- we need to do that and make that all look good. That is an entryway.

Bernt: Mr. Nary, what type of action are we looking for tonight? Just some head nods and that's -- was that good enough?

Nary: Mr. President, yeah. I think at this point I think it's good enough. We will -- we will get with Mike -- I will probably have Mr. Baird craft an agreement and, then, contact -- is that the irrigation district or -- okay. So, yes. So, Tate's Rents owns that piece. So, we will speak with them and we will just begin the process. But you will get an agreement back.

Barton: Bring back a license agreement and a budget amendment the same -- same

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

they have kind of gotten stretched out with continuances and things through the process. So, there is still one more off a Locust Grove that was approved I think last week, the week before, by Planning and Zoning, so you will see that in a few more weeks. But we did group those and looked at them all concurrently, but they are on different tracks and so just, again, a quick side note there. So, the -- the two applications include about a 42 acre comp plan map amendment and, then, an annexation and zoning of approximately 1.59 acres of land that's currently zoned R-1 in Ada county. So, the -- the properties are located, as you can kind of see here, on the east side of Linder Road, north of Franklin, south of the railroad tracks. So, here is the railroad track. So, it is all the properties with frontage on Linder Road between Franklin and the railroad tracks. There are some existing businesses in here. Childcare facility. A woman's birthing center. Some -- some vacant parcels and, then, some single family homes kind of along that frontage there. On the other side you can see this --

Hoaglund: Caleb, sorry to interrupt, but --

Hood: Not showing it.

Hoaglund: -- we are still on the --

Hood: Please -- yeah. Stop me earlier. I'm sorry.

Hoaglund: We are just trying to have you practice more and get back into the rhythm.

Hood: Well, hopefully, I painted a nice picture. Linder Road. Railroad tracks. Franklin. That's where we are at.

Bernt: Isn't there a song about rhythm?

Hood: All right. Sorry about that again. So, all the properties are, again, located between Franklin and the railroad tracks. On the other side of the road is our existing industrial type of uses. So, you have autobody repair, storage, some other, again, industrial type users on the other side of the road and, then, again, on this side of the road there are some existing businesses on -- along the frontage and -- and the MUC is actually shown on -- on the middle graphic, the future land use map graphic. You can see it better in the aerial, I guess, the existing warehouses and industrial buildings. So, this frontage is really kind of sandwiched in between two industrial -- ones more of a park and the other one is just more standalone complexes, I guess, for lack of a better term there. I do want to point out, again, Comprehensive Plan map amendment and annexation, but the annexation is only for the 1.59 acres. The roughly 40 acres that are left this -- any action tonight will not change the zoning for any of those properties. So, they are what they are and would require a future application to change any of those. Again, the comp plan map amendments to go from MUC or mixed use community to industrial. The concurrent application is for annexation to I-L. So, again, industrial on the 1.59 acres. And move this a little bit. Which is kind of in the middle of that overall -- that overall site. So, you can see that a little bit here on the zoning map. The two parcels -- there, again, roughly



halfway in between Franklin and the railroad tracks. So, these are the only two parcels that are proposed for the annexation. All the rest of them are subject to the comp plan map application. The applicant did submit a conceptual development plan and, again, I'm going to use some similarities to the last project, although different. A conceptual development plan shows roughly a 20,000 square foot industrial building, with some potential warehouse and flex space. Again, same thing, this would be subject to all current city codes and standards for design review, certificate of zoning compliance if approved in the industrial zone. We didn't -- we did not receive and they are not required -- conceptual building elevations. So, we haven't done that review on the structure itself. But they would be required to comply with the architectural standards manual after zoning to industrial. A little bit more that's shown on this plan. There is a 30 foot wide utility easement on the -- on the east side of this property for Idaho Power. There is the parking that would be necessarily -- would be necessary for the project. Obviously, one access point to Linder. I will point out they are showing cross-access and staff is supportive of that. So, we can limit access points to the arterial roadway. Linder as well. So, appreciate that. The cross-access is shown and, again, there is a development agreement provision that requires that. I will also note the last -- the last thing I have to note is that the applicant is requesting some relief from the standard 20 foot -- 25 foot wide landscape buffer requirement between industrial. So, this is zoned industrial. There are two residences north and south of this property. Still zoned in the county, but they are existing residences and our code would require a 25 foot wide buffer between those uses to an industrial -- on an industrial property. They are proposing requesting that you approve tonight five feet on either side. They have submitted letters of support for that request from each of those adjacent property owners. So, from the north Mr. Reimer submitted consent and to the south Mr. Olson submitted consent. So, if you want to look at DA provision D on page 12 of the draft staff report for the development agreement, it calls that out, but I would request, if you are so inclined to approve that reduction in landscape buffer, our code does require that you take specific action on that. So, if you could make in any motion for approval -- address the landscape buffers anyways, that would certainly help. And I know that Mr. Jeff Hatch is here this evening, so I think I will stop there and he can cover any gaps I may have made in the presentation. But, Mr. President, I will turn it back to you.

Bernt: Thank you, Caleb. Any questions for staff?

Perreault: Mr. President?

Simison: Ms. Perreault.

Perreault: Caleb, I -- for some reason this -- I was having a hard time wrapping my head around some elements of this. So, the application for the annexation, if that's approved, then, essentially, the applicant could just submit for a building permit. I mean they wouldn't need -- there isn't anything else that would need to be done; right? So, the request for the reduced buffer being -- being made with -- without actually knowing the function of the space -- legitimately knowing the function of space, because right now it's all completely conceptual and how do we -- like give us some guidance here on how to

make that consideration? Because even if the current residents that live there are approving it, you know, if -- if the applicant uses the building for something that's a more intense use than what they are describing here and we have approved this five foot buffer for these residences, I mean how do we -- help us understand how to kind of think through that I guess.

Hood: So, Mr. President, Council Woman Perreault, I think that's a legitimate concern. I guess I would say -- and, again, I'm not Sonya, so I don't know if this went into all of her analysis or not, but I do think there is a high probability that these other parcels will redevelop in the near future and so the requirement for the 25 foot buffer will someday no longer be needed, because you are going to have industrial to industrial to industrial and some of those residents will -- will, again redevelop. I didn't note, but I'm sure most everyone -- if not everyone knows that Linder Road in this area was -- was widened and it's got curb, gutter, sidewalk now and a very nice corridor that can accommodate larger vehicles and larger trucks and so, again, I think it's one of those areas where we do want some more industrial in the city. It makes a lot of sense to have more industrial. We are not trying to push the homes out necessarily, but when the existing homeowner says we are okay with a five foot buffer there, you know, I don't -- I don't know that that's your concern. If we have that property owner saying, yep, we are good with five feet, it is there for their benefit and I don't think it benefits the city or anyone else in the public to have a wider than that buffer. But there is some risk, to your point. They could sell and someone else wants to live there for another 20 years and you are -- and they are stuck with a five foot landscape buffer, so there -- I guess to answer your question there is some risk. I can't remove all of that -- the questions in your mind. This could be a more intense -- it could be more intense than warehousing and flex space. So, again, there is some potential for nuisance in this location. But, again, when we get letters from those property owners I tend to go, okay, well, you understand you are getting a five foot -- one more -- sorry. One more -- one more point to that. It does not reduce the setback requirement. So, it can only be the parking up to there. They couldn't put the building within five feet. So, the building would still be 25, 30 feet, whatever that -- whatever that setback requirement is. So, I don't know if that helps or not, but there is a little bit of separation anyways from those uses.

Bernt: Anymore questions for staff? Seeing none, we will invite the applicant to come up and hear from them.

Hatch: Jeff Hatch with Hatch Design Architecture. Address is 200 West 36th Street, Boise, Idaho. 83714. Good evening, Mr. President and Council Members. Thank you for your consideration of our annexation application this evening. I do have a presentation. Can everybody hear me? Okay. Sometimes I stand too far back. I just want to make sure, so --

Johnson: Keyboard. Not the mouse on that.

Hatch: Caleb did a great job kind of recapping the project, but we wanted to just clarify again at our P&Z hearing was a gentleman there that was thinking we were annexing his

property, because it was involved in the future land use amendment, so I just wanted to clarify that the two subject properties would be annexed. The balance of it is just an overlay modification of that future land use map amendment. With that we have currently the Cream Line Industrial Park to the east. We have railroad tracks to the north and we have a range of industrial uses to our direct west, as well as an irrigation canal to the south. So, just kind of zooming in a little bit, you can see -- you know, we are kind of surrounded by similar proposed uses -- industrial uses, you know, mechanic and flex spaces and things of that nature in this area. Some larger and some smaller. You know, the -- the request for the reduction in the setback that Commissioner Perreault had some questions or concerns on, I would like to elaborate a little bit. To achieve what -- what staff wanted us to provide to justify that reduction took us about 12 months. Just prior to our P&Z hearing, the date of the Planning and Zoning hearing, the gentleman to the south happened to be in town at Cabela's. He's building a house remotely in some place that doesn't have cell phone reception or e-mail in Idaho and we just happen to catch him and the property owner of this subject application ran down, met with him, clarified the intent, kind of -- he was like, oh, yeah, I remember these e-mails and things and thanks for meeting with me. And so we were able to achieve that -- that signature, as well as the one to the north. You know, a couple public hearings on -- on this -- or neighborhood meetings on -- on this proposed project and, you know, with that I wanted to make sure, one, we have the buy in from the adjacent neighbors that are directly affected, but, two, when the properties to the north and south are developed, we are still going to be maintaining the setbacks and the landscape buffers required for the industrial zone and so just kind of looking at, you know, achieving, you know, the concerns of the neighbors now, but achieving the concerns of the city as these parcels are developed in the future. The proposed project and the application and some of -- and just for clarification we did provide a floor plan and conceptual elevations that staff recommended be kind of tied to this application, so that we don't have, you know, just a general idea out there, we have a proposed project and something that goes with this approval as far as documentation of what our intent is and so we have a multi-flex building proposed. It would be industrial in nature, but we do have more of a street presence or retail on the frontage and, then, kind of a large garage space for -- for multiple uses to each of the -- those businesses. So, with that the proposed elevations that have been provided showcase a concept of something that's a little bit more retail in nature towards the street. So, we have a lot more glazing that you would see across the street or in the tilt-up buildings elsewhere. Something that's going to raise the standard of industrial buildings along this corridor. So, you know, as the balance of it is built out along Linder, hopefully, we are kind of helping set that standard and that bar for the City of Meridian. With that I will stand for any questions.

Bernt: Any questions for Mr. Hatch? Ms. Perreault.

Perreault: Which of -- I imagine that you came forward with the comp plan map amendment -- in talking with staff probably city saw that as an opportunity to -- to bring that forward. I don't know what the -- the owners of those other parcels -- what their involvement has been in this process, but has there been any conversation with any of the neighbors as you have gone through this in terms of -- if there -- if there is going to be

industrial development, future development -- there is some county parcels here, some -- some that are already annexed -- how that would play out? Some of these parcels aren't very big and I would assume that some of them would have to be -- that there -- that some of the parcels will have to be purchased by the same owners to come forward with request for projects. So, are they -- are most of them an acre or less and -- really what I'm trying to get at is we look at changing the comp plan amendment. Is it even possible for these to become industrial use, just based on how they are owned, how they are currently divided in parcels, and maybe that's a question for staff as well. Just generally is it possible to even -- to practically make these industrial -- make this an industrial area with those current factors?

Hatch: Caleb, could we go back to the overall -- this new map that I had in my presentation? That might be helpful for this conversation. While he's pulling that up -- so, in our particular case we merged two parcels to be able to do a fairly large double tiered industrial building. If you took our concept and just did it with a single row, you could achieve that on the same size parcels on either side. You would reduce the -- the width -- or the depth of those units that we are looking at. We take the same building, split it in half and reduce it by ten feet on each side for the depth of those units, you could do this within the property with a lot line adjustment on these two parcels. So, the parcel to the south of the -- on this proposed parcel could easily achieve industrial building, just in and of itself. The one on the north in that particular case of the parcels that we were just talking, would be a little bit more problematic. So, if we go back to the balance of the parcels in question, the one directly north of us could be achievable. The one on the far north could be achievable. Some of the ones in between may need to be merged over time and in many cases some of those are owned by the same property owners. So, I think there are ways to that. You can see to the very northwest there is an industrial building right up against the train tracks, which is comparable in size to some of the other parcels that are subject to the one in question.

Hood: Mr. President, can I build on that answer just a little bit if you don't mind. Maybe I'm picking it up from Chris a little bit here. Let's see. So, if you look on the screen now you can see -- this is kind of the other piece of that puzzle -- back to the potential to rezone or redevelop the properties -- the properties that have the call outs there have all consented to the comp plan map change. The other three we haven't received anything, but they haven't opposed it. So, we have a vast majority of them that are interested to some degree to redevelop their -- their properties with industrial uses.

Hatch: Just to clarify on that, the far northern parcel came to the P&Z hearing. We did discuss with him in person. He was like, well, okay, it seems like it's better, because right now what I'm working on next to a train track doesn't make a lot of sense. So, it seems like it's cleaning up stuff for me as well. He didn't have any opposition at that hearing.

Bernt: Anymore questions for the applicant? Mr. Clerk, do we have anyone online or is there anyone here present in City Hall that would like to make public testimony?

Johnson: Mr. President, nobody online.

Bernt: Ralph, I'm going to give you a second option. Ralph says no. Okay. Speak now or forever hold your peace, Ralph. Okay. Changed his mind. All right. Any last questions from the applicant? Oh, sorry.

Strader: I just want to double check if Kyle had something for Public Works -- or hopefully Kyle is not waiting for me, because I just sent him an e-mail. Oh, my God. I'm so sorry. I have been trying to e-mail you not to wait for me. This could go forever. Who knows. Hopefully not, but --

Bernt: No?

Strader: No.

Bernt: Okay. If you would like to come up and finish, Mr. Hatch.

Hatch: I thank you, again, for your questions and concerns for this project and Meridian just went through a Comprehensive Plan a couple of years ago and so we don't take these requests very lightly. During that there was a lot of concern with growth, especially on housing. One thing that I felt was, you know, kind of sidelined a little bit was the -- the evident need for industrial land in Meridian. At that time we presented to Council a separate project, but similar incident. Happened to be kind of a -- an over look at the parcels that looked good for -- for light industrial. In that case, you know, the thing you can do every ten, 20 years is request the Council direct. In this case went through the application process to make the same. I think this involves the immediate neighborhood quite a bit more. It's a more intimate process for the rezone and I think it in this case helped encourage coordination with that local neighborhood to make sure this was an informed decision. Thank you.

Bernt: Thank you. What's the pleasure of Council?

Cavener: Mr. President?

Bernt: Mr. Cavener.

Cavener: I don't have any other comments or questions, concerns, so I move we close the public hearing on number 19, Item H-2021-0026.

Strader: Second the motion.

Bernt: I have a motion and a second to close the public hearing for Item No. 19, H-2021-0026. Any discussion? Any discussion? All right. All those in favor for that signify by saying aye. Perfect. Motion passes. Okay.

MOTION CARRIED: ALL AYES.

Cavener: Mr. President?

Bernt: Mr. Cavener.

Cavener: I want to commend Mr. Hatch. Appreciate -- nice seeing you first off. Appreciate you being here before us and just commend you on your work and engaging the neighbors and kind of being proactive on that. I think that's probably one of the reasons why we had an empty chambers tonight. So, unless there is any debate or discussion, I'm happy to move that we approve Item No. 18, Regency River at Valley, Item number 2021 -- oh, sorry. Sorry. That's -- reading the wrong one. Sorry, folks. Item 19, Hatch Industrial, H-2021-0026 as presented, including all staff and applicant testimony, including the request to reduce the landscape buffer to residential use from 25 feet to five feet as referenced in the applicant testimony.

Bernt: I have a motion by Mr. Cavener. Do I have a second?

Perreault: Second.

Bernt: Second made by Ms. Perreault. Any discussion on the motion?

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: I echo Councilman Cavener's statements. We do need that industrial and our economic development department has -- has looked and searched long and hard for places for us to bring that into the community. So, thank you for the work that you have put into allow us to -- to partner with us to do that. Really appreciate it.

Hoaglund: Mr. President?

Bernt: Mr. Hoaglund.

Hoaglund: Real quick just -- yeah. This is an area in transition. We know which way it's going. It's going industrial. It's always great to put more industrial property into Meridian and I want to thank you, Mr. Hatch. I really like the design of that look. You have got that building, the length going back and more glazing along Linder Road, which -- which is an important corridor and it's very nice looking. So, appreciate that effort that you put into it.

Bernt: I echo the sentiments of Council as well. Thank you, Mr. Hatch, for your diligent work. All right. We have a motion and a second on the table. All those in favor signify by saying aye. Any nay? Motion passes. Thank you.

MOTION CARRIED: ALL AYES.

## **FUTURE MEETING TOPICS**

Bernt: Last item of the evening. Future meeting topics. None? Okay.

Cavener: Mr. President?

Bernt: Mr. Cavener.

Cavener: Perhaps maybe just a conversation, either as a future meeting topic or a conversation for you with the Mayor, just outlining our policies and procedures about the public comment portion of our meeting. I think -- I think we all got a letter from a citizen who tried to testify tonight and was a little frustrated or confused about what that process is. Just so it's transparent and consistent, so that those that are planning to comment they are planning to be here right at the meeting, that there is a pathway for them to sign up in advance and maybe even a grace period, so that if they get here right at 6:00 they have the opportunity to provide that feedback.

Bernt: Point taken. Thank you. Anyone else?

Hoaglun: Mr. President?

Bernt: Mr. Hoaglun.

Hoaglun: I move that we adjourn.

Cavener: Second.

Bernt: I have a motion and a second to adjourn. All those in favor signify by saying aye. Aye. Motion passes. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 7:34 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 9, 2021 City Council Work Session



**Meridian City Council**

**November 9, 2021.**

A Meeting of the Meridian City Council was called to order at 4:35 p.m., Tuesday, November 9, 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, Todd Lavoie, Karie Glenn, 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 (5:03 p.m.)
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, I will call the meeting to order. For the record it is November 9th, 2021, at 4:35 p.m. We will begin this afternoon's Council work session with roll call attendance.

**ADOPTION OF AGENDA**

Simison: Next item is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adopt the agenda as published.

Hoaglund: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**CONSENT AGENDA [Action Item]**

1. **Approve Minutes of the October 19, 2021 City Council Special Meeting**
2. **Approve Minutes of the October 26, 2021 City Council Work Session**
3. **Approve Minutes of the October 26, 2021 City Council Regular Meeting**

- 4. Overland Daycare Water Main Easement**
- 5. Precision Storage Water Main Easement**
- 6. Prevail Subdivision No. 3 Pedestrian Pathway Easement**
- 7. Rock & Armor Physical Therapy and Sports Performance Water Main Easement No. 1**
- 8. Southridge Apartments Phase 2 Sanitary Sewer and Water Main Easement**
- 9. Final Order for Quartet Northeast No. 2 (FP-2021-0050) by Brighton Development, Inc., Located Approximately ¼ Mile South of W. McMillan Rd. and East of N. Black Cat Rd.**
- 10. Findings of Fact, Conclusions of Law 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.**
- 11. Findings of Fact, Conclusions of Law for Trust Storage Subdivision No. 2 (SHP2021-0007) by B&A Engineers, Located on Parcel R8535800100 at the Southeast Corner of the S. Locust Grove Rd. and E. Overland Rd. Intersection**
- 12. Development Agreement Modification Between the City of Meridian and Endurance Holdings, LLC (Owner/Developer) for Briar Ridge Subdivision (H2021-0036), Located on the West Side of Meridian Rd. Between W. Lake Hazel Rd. and W. Amity Rd. (Existing DA Inst. #2016-007070)**
- 13. Agreement Between the City of Meridian, Ada County, and the Ada County Sheriff's Office for Use of Sheriff's Community Service Participants**
- 14. Cost Share Agreement Between the City of Meridian and the Idaho Transportation Department (ITD) for Utility Modifications in Conjunction with the ITD SH-16, I-84 to US 20/26 and SH-44 Project**
- 15. Project Agreement Between City of Meridian and the Nampa and Meridian Irrigation District for Future State Highway 16 Water Main Improvements**
- 16. Purchase Order 22-0114 to DMH Enterprises for Fiscal Year 2022 Plumbing Plan Review and Inspection Services in the Not-to-Exceed**

**Amount of 455,555.00 and Authorize Procurement Manager to Sign Purchase Order**

- 17. Purchase Order 22-0106 to Fire Code Consultants Northwest for Fiscal Year 2022 Fire Plan Review and Inspection in the Not-to-Exceed Amount of \$530,000.00 and Authorize Procurement Manager to Sign Purchase Order**
- 18. Purchase Order 22-0111 to Keller Associates for Fiscal Year 2022 Electrical Plans Examining in the Not-to-Exceed Amount of \$255,000.00 and Authorize Procurement Manager to Sign Purchase Order**
- 19. Sole Source Purchase of G&W Insulated Pad Mounted Switch Gear and Associated Parts Through G&W Electric Company**
- 20. Task Order 11147.F to Brown & Caldwell for Digester 6 Services During Construction in the Not-to-Exceed Amount of \$882,227.00 and Authorize Procurement Manager to Sign the Associated Purchase Order**
- 21. Task Order 11230.E to Brown & Caldwell for WRRF Aeration Basin 1-4 Retrofit and 9-10 Upgrade Project in the Not-to-Exceed Amount of \$494,185.00 and Authorize Procurement Manager to Sign the Associated Purchase Order**
- 22. Task Order 11278.a to J-U-B Engineers for Sewer Master Plan Updates for the Not-to-Exceed Amount of \$244,300.00**
- 23. Finance Department: Fiscal Year 2022 Budget Amendment in the Amount of \$10,000.00 for Additional Funding to Complete the Annual Audit for the City of Meridian**

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 adopted.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

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

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

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

#### **24. Meridian Police Department Report and Idaho Humane Society Presentation on Fiscal Year 2022 Animal Control Services and Animal Shelter Agreement**

Simison: So, we will move on to Department/Commissioner Reports. First item up is Item 24, Meridian Police Department report and Idaho Humane Society presentation on fiscal year 2022 Animal Control Services and Animal Shelter Agreement and turn this over Mr. Colaianni. Or -- would you like to say your first -- introduce yourself with your new title officially?

Bernt: El Capitan.

Colaianni: Is this one --

Simison: Yes.

Colaianni: Okay. Scott Colaianni with the Meridian Police Department. Thanks for having me tonight.

Simison: Is that Captain with the Meridian Police Department? Okay.

Colaianni: We will say that. I'm just Scott. We have a report tonight from the Idaho Humane Society and before I bring them up I want to kind of tee some information up and just give you a quick overview of how we got here and talk a little bit about some history before I bring them up. For those of you that haven't been here for a long time -- not all of you, but some of you, in 2013 we operated animal control shelter and animal control in this city. Over time it evolved up to a couple of people and we had a truck and we impounded animals only -- or dogs only and our impound was out at the wastewater treatment center. In 2014 the city negotiated a contract with the Idaho Humane Society to take over animal control operations for the city to include shelter services and we were no longer in the animal control business. We worked with the Humane Society, in concert with Boise, Kuna, Eagle and Ada county, and contracts with all those agencies that the Idaho Humane Society had and it was kind of one unified agreement that they developed for all the cities and provided services to all those cities. Same agreement went on for

years. In this particular year they reached out to us, kind of late in the game after the budgetary process had been fully vetted, with a contract where there was a cost increase and so once we had that information, myself and Captain Berle Stokes and Emily Kane from the attorney's office went out to Idaho Humane Society and paid a visit to look at their operations and understand more what they did and why costs were increasing and talk about communication, talk about expectations moving forward when it came to budgetary things and, you know, I think it's safe to say, you know, we own this a little bit on our side, they own a little bit of it. They admit to that. We have to do better. One of the things we have done is working with Karen Wooddell in Finance to make sure we put a tickler out there, so moving forward in the future there will be a placeholder where we can reach out and have those communications with IHS to understand where the contract is at as we plan for the budget of the police department. But there -- as you will hear from the presentation, there is a lot of information we gathered about their labor costs, vet services, overhead, how they triage their calls that come in from citizens, service expectations -- all these things we had some pretty high level conversations about and I walked away, to be honest with you, fairly impressed with all the changes that they have made over the years with their service delivery and the things they are trying to do to reduce their overhead to try and reduce their response times and do things more efficiently, more effectively and I will -- I will let them discuss that with you. They have looked at the contract and as I will let them discuss is they have reduced the cost and so tonight I have Dr. Jeff Rosenthal, the chief executive officer. Leann Gilberg. She's the chief financial officer. And Tiffany Shields, she's the director of animal control services and we also have Andrea here, who is our resident animal control officer, who lives in the city. So, she's here as well. So, I'm going to go ahead and turn it over to them and we will go from there.

Simison: Thank you. Doctor, thank you for being with us.

Rosenthal: I am Jeff Rosenthal. I'm the CEO of the Idaho Humane Society and I live in Boise, Idaho. Thank you, Mr. Mayor and Council, and thank you for the staff that came out and met with us. That was a very helpful meeting as well. In starting off I just want to tell you the status of our current contracts. As of last week we have agreement with all of our municipal partners, I guess with the exclusion of Meridian. That's why we are here tonight. And the status of that is that we recognize this timing issue and we do take the lion's share of -- of -- of those mistakes. As was pointed out, there were a number of factors leading to the delay this year, including in some of our municipal partners -- not necessarily Meridian, but in particular Boise, a lot of turnover, everything from people being out from COVID to et cetera. Anyway, we got the message. This can't happen again. We will be back at the table very early next year and working with all of the communities. You know, we did a lot of work a couple years ago when we transitioned into a two facility model, meeting with all of the municipal partners pretty much monthly for about a year and a half and that's kind of where the -- the current contract was modified and we need to get back to that table. I think the last couple of years things have fallen off for various reasons. In point of fact, the Idaho Humane Society, because we are going to keep with the current contract until the end of the first quarter, so into the beginning of next year. We will be feeling quite a bit of pain from that delay and that mistake. We will

be taking on an additional 50,000 dollars in cost on our behalf -- on our half. I wanted to spend a minute just with a broad overview of how the contracts work, because I recognize it's been a few years and we have quite a few new faces around the Council and I know that the typical perception might be that -- that the communities are paying the Idaho Humane Society to provide a service. I think from my perspective it really is more of a cost sharing agreement. Let me pull up that the document. The Idaho Humane Society, as I mentioned, now runs two facilities. Our overall budget for FY-22 -- yeah. So, we are in operation in fiscal year 2022 of 8.9 million dollars. We have a Bird Street facility. It's a facility we completed two years ago. And no part of that facility was paid for by city contracts. That's the Idaho Humane Society's main facility. It has a 5.3 million dollar budget. It comprises a facility, staff and vehicles. Again, that's all paid for by the Idaho Humane Society. Then we have our Dorman Street facility. That's our admission facility. That's where we run animal control out of. That's where all the strays come to. That's where we have a limited medical clinic that provides care for strays and animals that are brought in and redeemed by the public and that consists of a facility, staff, and vehicles and the overall budget for that building and -- and staff is 3.6 million dollars roughly. IHS pays for about 25 percent of that operation. We are kicking in 920,400 dollars in FY-22, leaving the contracting parties, Kuna, Meridian, Boise, unincorporated Ada county, et cetera, paying 3.7 million dollars. So, it's about a 75-25 percent split. The animal control specific payroll -- these are folks that -- that just do animal control services, just municipal services, represents 796,000 dollars in FY-22. That's about 40 percent. And, then, the rest of that payroll that is part of this program at Dorman Street, that makes up about 60 percent of that payroll and that's a shared cost, so we are -- we are all splitting the cost of those. The municipalities are splitting that with the Idaho Humane Society. It makes a lot of sense. So, one animal caretaker in a kennel, you don't have to fully employ that, we are sharing those expenses. Kind of important to I think understand that, that 40 percent, 60 percent. From time to time we talk about what if -- what if the cities decide to do their own field enforcement and they could certainly do that and in many communities that's how it happens. That would alleviate about 40 percent that would be made up by the communities, then, employing that part, but you still got that roughly 60 percent of the back end, the hospital, the facility and everything else there. So, payroll as a percent of the animal control budget makes up about 75 percent. That's the cost driver. This is a highly labor intensive operation and the main expense that we -- that we incur is on payroll. Operating costs about 25 percent. How do we derive the contract -- the contract? And this is done very transparently with our liaisons in -- in the city finance. We look at the overall expenses. We have various allocations, generally based historically on how many strays we take in versus how many owner-relinquished pets historically the Humane Society has said, you know, when people from the public bring their pets in, we typically take care of that end of it. Strays are more a government responsibility. That's one of the things. There is various assumptions and allocations. A field animal control officer, like I said, is going to be fully costed to the city contracts and, historically, that split over the past two years has had Meridian, in terms of the animal control budget that's not covered by IHS, at about 21 percent. So, I wonder if we could just switch over to that next one, because I don't seem to be able to control it here. This next document just tracks the history of the contract and you will notice that those expenses and animal contract revenue from FY-16, which is starting in this first column, and, then, heading over to about

FY-19, are pretty comparable. They look like the typical annual increases that you see in departments and that's what we experienced during those years. You will also see that at the end of the day that loss of contracts, that's that increased subsidy that at least by our allocation method we ended up putting in over and above what I guess we thought we should have based on the math and, then, this -- this transition from 2019 to '20, that's where we moved -- or '19 to '20, that's where we moved into this two facility model and that required a reallocation of expenses where the municipalities in unincorporated Ada county, we are going to need to fund a larger percentage of the Dorman Street facility, because we had basically vacated with a lot of our programs that used to cover some of those costs and that came about, like I said, through about a year and a half of negotiations. Boise city hired a facilitator to help drive the process. We had a lot of interaction and we worked out the agreement and so that was about a 34 percent jump in one year. After that, the following year -- and this was largely due to some of the reductions in service that we had because of COVID, we actually experienced a decrease in the contract of about three percent and I guess one of the things that occurred with that timing issue this year was that -- I'm not sure we ever really got back on track after the big transition and I think it was not as noticeable, because everybody's costs went down and so no one cared, frankly. At least from my perspective. And so now this year going into FY-22 we have an 8.9 percent increase and about 161,000 dollars of that is the payroll. Let me just mention a couple things about the payroll. I don't think it's a surprise really. I think all of you are aware of the wage inflation we have seen over the last year and how difficult it has been to keep employees and it's especially been the case for the Idaho Humane Society. In August of 2020 the average hourly wage we were paying our shelter positions, animal care attendants -- these are the folks that care for the animals in the kennels and do various functions, was 11.35 and last year we were able to increase that to 14.06. Animal control officers in 2020 were making 13.50 on average and this year we have been able to increase that to an average of 16.63. I will just note that nine years ago when Meridian contracted with the Idaho Humane Society the average pay for a Meridian animal control officer was 16.50, just for some perspective. Our front desk staff was making 11.58 average in 2020. Now we have got them up to 13.34. Vet techs have gone from 13 to nearly 16 dollars. Veterinarians, which are part of the shelter payroll, went from 36.96 to 46.44. We are in the midst of a massive veterinary shortage. Succinctly, in 2020 we had about 23 percent of our employees making ten dollars or less. So, those wages had to increase and they increased rather quickly. In an ordinary year I would have been very proud of what we were able to accomplish for our employees, but, frankly, in an environment where folks drive by fast food restaurants that are paying more, it's hard to feel that good about it, but that is the reason for this jump. It is almost -- it -- it is in most -- for the most part the necessity to get payroll up to a living wage and I'm afraid for some of the employees this is as close to a living wage that we can at the moment. Looking at the operational costs, I think we have actually done a really good job containing expenses. Overall increase of about 6.8 percent, which is about 43,000 dollars overall. And if you look down there at repair and replacement, you see an 81,000 dollar budget number that's being ascribed to the contracts and that number -- we are going to see that increase here over the years, because we now have a building that is aging and it's primarily serving a municipal purpose. It's going to have to be maintained in large part by the -- the communities. So, that results in that overall animal control budget of 2,697,401

for FY-22 and if we look at this next sheet drilling down -- specifically to what you are interested in is what's going on with the City of Meridian. So, in FY-21 here on the right hand we had the contract in FY-21 of 511,903 and the number we are asking for for FY-22 is 576,827. That has been reduced 21,641 from the original request. We will be funding that for this quarter, which, of course, we are already in. So, that number represents 22 percent of the overall contract, what's being split among all the communities, and that is to serve 26 percent of our total population that we serve. For this community that makes up about 22 percent of field calls annually based on last year and, then, initially the average for the past three years. That's how that was derived. By the way, when we talk about payroll, we have held our FTEs at exactly the same as the previous year. We are not adding any additional employees onto the work -- to the workforce. This is all wage increases. As was mentioned, I have Leann Gilberg here, the CFO, so she is here to answer any detailed financial questions you might have that I might not be able to answer, but I also have Officer Shields here and Tiffany Shields took over our animal control operation -- how long has it been, a couple years now? Yeah. She has made some significant improvements in processes and efficiencies. She runs animal control day to day and runs the admissions facility, so she's here to provide you some information about performance measures, about some of the questions you have about response times, and, really, anything else, but I will stand for any questions that you have at the moment.

Simison: Thank you. Council, just one quick thing. Just to bring everyone up to speed, the -- also the facility that you are using in Boise is the Boise city facility that you are on a lease on anymore for the --

Rosenthal: No.

Simison: That's no longer the case?

Rosenthal: Yeah. And kind of a trigger for me. No. It's --

Simison: Understand --

Rosenthal: It was often perceived, Mr. Mayor and Council, that this is a Boise city facility. We have a 40 year lease on the property that we built the facility on. We built the facility with almost all Idaho Humane Society funds. Because I kept hearing this from folks who were just maybe a little misinformed, I re-read the lease recently just to firm in my mind there is nothing in that lease that requires us to do anything for the municipalities. It really is our facility. We often refer to it as the community's facility, the municipal facility, but in point of fact we own and operate that facility and we still have another 16 years to do that and there is nothing in that lease I think that suggests --

Simison: So, the lease is the property only, but you --

Rosenthal: Yes. The property belongs to the airport and, to tell you the truth, that is why we -- when we did the capital campaign, because we didn't have support from the



municipalities at that time, we did choose to buy a separate piece of property that is our own and that's where we invested 16 million dollars, basically, in a new facility. So, I think moving forward, because we really are viewing this as kind of a joint powers operation, a partnership -- yeah, the facility belongs to us, but I think we all need to work together and come up with the best long-term strategy to maintain, improve, or transition that facility. I think we are open to getting around the table and looking far into the future, because the building does have a finite life before these systems begin to fail and, in fact, we are investing quite a bit into the HVAC system, because for a number of years we have really been on a razor's edge in terms of things failing at the hot time of year.

Simison: Thank you. Councilman Hoaglund.

Hoaglund: Yeah, Mr. Mayor, thank you. Mr. Rosenthal, just -- as I'm listening I'm, you know, trying to process and get all this information coming back on Council. When I served previously it was under the old -- old system. So, it's taking me a while to connect some of the dots, but you had mentioned something about 40 percent, that if we were to do the animal control portion -- can you explain that a little more? I wasn't --

Rosenthal: Yeah.

Hoaglund: -- sure what that --

Rosenthal: Sure.

Hoaglund: -- entailed.

Rosenthal: And that's a ballpark. But, essentially, when you look at the field enforcement staff, these folks out in the field, you look at some of the front-end staff that pretty much do nothing but deal with the public for animal control business, the dispatchers and the administrator, that's that proportion, that if I were to extract field enforcement from my operation that's what I would experience, basically, at Dorman is a reduction in payroll of about 40 percent. But everything else -- all that care that goes into those animals that you really cannot -- you can't operate field animal control without a place to go. I think we all understand that. The animals have to go someplace. The people have to go someplace. They have to have a place to reclaim their animals. We have to have a place for medical care. That still makes up the larger portion of the contract. So, I guess arguably it is true, many communities work with Humane Societies that simply do sheltering operations and, then, the -- the animal control officers work for city and county and it's that kind of a relationship. But if you project for it -- I think what I was trying to get to is sometimes I get the impression from folks in government that they think they can just easily replace all this by just hiring a couple of officers and getting code enforcement to do a few extra dog calls and -- and that's just not the case. You are -- unfortunately, you are stuck with having to have some responsibility for facility and animal care, along with picking animals up, writing tickets and et cetera. And in terms of the cost sharing agreement, I think the other perception is it really is a shared responsibility based on some allocations and assumptions, which are always going to be imperfect. We all got

around the table in 2019 and agreed, well, it's not perfect how we are divvying this up, but it's the best we can come up with at the time. I think the other perception I would like to get away from is there is sometimes the -- we go out and pick up Fluffy and Sparky and Rover in Meridian and we accumulate a lot of data. There is a lot of data that goes behind that. We know each of the animals has a digital record that includes where it came from, what happens to it, all the care. Every single person who laid hands on it. It's, basically, all there in the record and, then, what happened to the animal. Did it get euthanized? Did it go back to the owner? Did we adopt it out? All that's there. But at the end of the month we don't generate an invoice based on what we did with Fluffy and Sparky and neither do we, if we come out to Meridian, and deal with Mrs. Jones' dog who is going after Mrs. Smith's chickens. Yes, we have a lot of data behind that. We know when the person was dispatched. We know how long it took. We know who did what and how long it took. But we are also not generating a bill for that service. It's just each of us parties around the table contributing what we think is a fair share for keeping the thing going.

Hoaglund: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I just was running some percentages here on Meridian's specific costs and it looks like our portion -- dollar amount of our portion from '18 to '22, which is really about four years, has gone up about 34 percent, but our population increase has only gone up 33 percent and our calls have gone down 18 percent. So, I'm trying to understand that 30 percent -- 33 percent increase to our contract in four years, when our -- yes, we have had a population increase, but the actual calls being responded to are less, but the percentage of the contract is staying the same. So, can you help me understand that? It seems like that's a really significant -- almost 200,000 dollar jump in four years to the city, when the number of calls have decreased by almost 20 percent.

Gilberg: Mr. Mayor and Councilmen, my name is Leanne Gilberg and I'm the chief financial officer. As I was sitting here listening, one of the things that I realized that somebody might pick up on is that FY-18 and '19 numbers actually look really low and the reason for that is that when we took over the animal control contracts we basically purchased the vans that Meridian had for animal control services and so you guys got a credit to the tune of like 60 or 80 thousand dollars per year for those first couple of years towards your bills, so that 380 and that 390 is not reflective of the total cost of the service. It's actually more like, you know, four -- let's say 464 -- 440 to 460, I don't remember the exact number. So, the increase isn't quite as bad as what you are seeing and thinking it is. It's because those animals -- those vans were there. And, then, to your question and your point about fiscal year '19 to fiscal year '20, there was a significant jump, about 60,000 I believe it was, from '19 to '20 and, again, that goes back to what Dr. Rosenthal was saying about we went to a two facility model and when we were in one facility we had our adoption center, our public veterinary center and our animal control services running out of that one facility. So, animal control was picking up approximately one third

of the cost of the facility. So, the utilities, the lease and that kind of stuff. Well, when we went to a two facility model animal control is really the primary function out of that building and so that's where the cost allocation went up and that's when we did the series of meetings in order to walk through that and explain that it was becoming a municipal facility -- a more municipal based facility and so instead of -- instead of IHS taking on approximately two-thirds of the cost of that building, we are now taking on a much lower portion of it. Does that answer your question?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. The first portion of my question, yes. I guess what I don't understand is in the presentation. You had said that the -- the building on Bird Street is entirely paid for by contracts, but -- or not paid for by contracts. Excuse me. So, then, what -- how would the two facility model be affecting the fees that are collected?

Gilberg: So, the Dorman facility is completely -- and I shouldn't say completely. As Dr. Rosenthal noted, the Dorman facility is now at 75 percent paid with the contracts. Bird is not covered at all under the contracts. But prior to us opening the Bird Street facility we shared in a much larger portion of the cost of the Dorman facility, because we were running adoptions out of that and our public veterinary practice. Whereas now those functions are done at Bird Street. So, because we are not using the Dorman facility to the extent that we were, a much larger portion of the Dorman Street facility cost is allocated to the contracts, which is why you saw the increase from '19 to '20. I'm not doing a very good job of explaining myself.

Perreault: So, then, was there a change in the service that was provided to us? Because location is important, but it's -- that's what I guess what I'm not tracking. It seems to me like if our cost is going up it's because we have either additional demand or we have additional services being provided to us or the facility is -- expenses are higher and you are just passing that on to the municipalities.

Gilberg: Well, it's kind of a combination of all. I mean as I believe -- Tiffany, do you want to -- as Tiffany will get into, we have increased our service level.

Rosenthal: Mr. Mayor and Council, the negotiation that occurred was, essentially, that the responsibility for the physical plant needed to be passed on to the municipalities. Arguably we could relocate all of our operations -- quote, unquote, Humane Society operations to this new facility. So, essentially, we just simply could not afford to subsidize the municipal operation to the extent that we had in the past and I could not take this facility and my board would not allow me to take this facility and say, hey, we are going to continue to fund it to the extent we have using our donation dollars to fund basic government responsibilities. So, that's just the reality of how that -- that worked out and I guess I would argue, based on the previous years prior to that shift, that we were oversubsidizing from our donor dollars and I realize there is a gray area in there always

between what's the mission of the municipalities in providing services and caring about animals and wanting a good community and what's the mission of the Idaho Humane Society and in most parts it's -- it's interlocked. We are all on the same page. The bottom line is that if you go to most communities that are probably peer communities to Meridian around the country, they are pretty much -- if they are running their own operation they are doing almost as much as the Humane Society is doing. In other words, you are just taking on the -- they just take on everything, including a lot of the things that, frankly, we pay for on your behalf. That's kind of how I would say that in a rather candid manner.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Would it be possible for Tiffany to come up? Because I have seen her try to come up I think four times and I feel like we need her voice in this discussion.

Simison: As long as -- that's up to the presenter on how they use their time. For the record, Councilman Cavener did join us at 5:03.

Rosenthal: Yes. Officer Shields has done a fantastic job for us. Came to us from a major animal control operation in San Diego. Just an amazing place. And -- yeah. Sorry, you are a Californian. I grew up here. That's why. But -- but just to -- on that annual report from Meridian, which is in your -- I just want to point out that per capita number of 451 -- there is always questions about why are the costs going up? Why is this? It's also important to look out to your peer communities and see what does it cost to do it yourself and I will just leave that in your hands.

Shields: As he said, my name is Tiffany Shields and I am the director of animal control services and I just want to say up front I'm so excited to be here to talk to you guys and I appreciate your time and I hope I'm not going to take too much of it, but one of the things I wanted to direct is that what extra services are we getting? What -- what are we getting for this money and what changes we have made for that and one of the things that Dr. Rosenthal talked about was the mission; right? And before I came here I read Meridian's mission that says Meridian will deliver superior service through committed, equipped employees dedicated to the stewardship of the public's resources, while being a vibrant, livable and connected community. I think that's what we want. That's what I want to provide for you guys. So, I took over this in the middle of COVID, so I didn't really get the chance to come out and meet people. I don't know if you guys have seen, but we have revamped animal care and control a little bit. This is our new design that we have on our vehicles, our new designs in our lobby, because the Dorman facility is animal care and control. So, when you come into the Dorman facility you are going to see this sign, because we are there for the surrenders, we are there for the strays, we are there so people can redeem their animals. If you didn't know, that facility is open seven days a week, 8:00 a.m. to 6:00 p.m. We have been open like that through this whole thing, no matter what our staffing was or what we are doing. Dispatch answers the phones seven days a week 8:00 a.m. to 6:00 p.m. We are a 24 hour operation. So, you do have animal

control officers on call from 8:00 o'clock at night until 6:00 a.m. also. So, those are services that the Meridian citizens get through these contracts. So, some of the improvements that we have made since separating the shelters -- have you guys ever been to Dorman when they were together? And maybe you came in and there was a long line for adoptions out the door and you just want to drop off the stray that's in your car that you are hoping is not chewing up the back of your seat; right? Well, we don't have that problem anymore, because we are not doing adoptions out of there. We don't have people going in there looking at the animals, walking through. The cats that we need to supervise anymore. We don't have that. So, we are very dedicated just to intake. Okay? One of the things that we have done to improve service is to be more efficient. We have changed our priority levels and priority calls. We have new programs for handling certain calls. Like, for example, a barking dog call. Those are really fun. You can ask the captains. I'm sure they have been out on a few of them. Citizens are very passionate about it. It disturbs their peace. They want officers out there right then. But there is other calls. There is Fluffy getting attacked by the neighbor's dog. There is someone who got bit by a dog and we need to do a quarantine. So, we have changed our procedures, where now we have a barking dog letter that we send out initially, because most of the time when you go out on a barking dog no one's home. That took the time of the officer to drive all the way over there. You know, gas, the vehicles, everything. But now we got a letter that they are going to get in their mailbox and that letter is informative to them. It tells them ways to change it -- that change the behavior. It tells them the codes that they are violating, that sort of thing, to try to gain compliance that way. We also have assigned areas. So, the officers are assigned certain areas and they stay in those areas to help with our response times. The other thing about the Dorman facility being the animal control facility, that also means that the front desk staff is answering phone calls. In the past I know that there was complaints about communication in the past, that you could get voicemail when you called in; right? Well, now I have a dispatcher answering the phone. If he's on the phone that phone rolls over to the front desk people. They answer that phone call. They have been trained to take bite reports, they have been trained to take animal control calls. So, again, the increase in their wages, they are doing additional duties, so we can be sure that everybody is getting good customer service and reaches someone. The other thing that the Humane Society has invested in that we didn't have previously is all the officers have cell phones now. So, citizens can reach the officers directly. No more going through dispatch or trying to go through, see which day they are on duty. They have voicemail, you can leave a voicemail for them. They also all have e-mail. So, if you have -- if you got bit by a dog and the officer wants your report, you can e-mail it to them and you can be in communication with them on your case directly. You don't have to go through the dispatcher. We invested in radios. All the officers wear radios now. So, dispatch can reach an officer directly for a priority one call and get them rolling as fast as they can. We also added -- this was actually a request by Ada county, but we have a night drop kennel. So, if Meridian PD has a stray late at night and they don't want to wait for the officers, ETA, maybe my officer lives way downtown in Boise, they can go to the shelter and place the animal in the night drop kennel. We will give them the code. And, then, the officer comes directly to the shelter to bring the dog inside. So, that was another time saving thing that we did. I have also been working really hard with improving our relationships with BPD, Meridian PD, Eagle and the Ada County

Sheriff. I went to briefings -- at all Meridian PD briefings to go over with the officers what we are doing, how our services improved. How do you reach my officer? What my expectations are for my officers to be there. I did that with BPD, Ada county, all of them. So, we also have been sending our officers to training right beside your MPD officers and code enforcement officers. So, we have also invested -- we now have an FTO program that has three phases before an officer goes out into the field. The other big investment that I don't know if you guys know about, but prior to January 2020 all we had for reporting was PetPoint. So, they were unable -- PetPoint was unable to provide the kind of stats that Boise city wanted. So, we invested in Omnigo, which is a patrol software. So, it records every call that we go out on and I send monthly reports to the city clerk every month and I'm also including the captains now, that is part of our accountability and every month you can see what our average monthly response time is to priority one calls for all jurisdictions. You can see in those reports how many calls we had for Boise city if you want to look over on their page and see how many calls we service for them and the calls are all listed by category. So, you can see how many barking dog calls we did. How many aggressive dog calls we did. How many check conditions. You can see that in those reports and you know how many there are. And, then, we have the most detailed report -- there is one report that just has everything. You can see the time my officer arrived on the call, when they left the call, how much time they spent on the call. And there is code for how they resolved the call. So, you can see that. And if you need me to look that up -- if you are like -- if you were -- happen to look at those calls in Meridian, there was a call and it says the result was a citation on an injured animal and you are like why would they cite someone with an injured dog? Well, I can look up that call for you and I can let you know, oh, the officer went out there, the dog wasn't injured, but it was at large, so we issued a citation to the owner for that. We have also developed community policing. So, we try not to resort immediately to citations, we try to educate, we try to warn and, then, that makes our citations stronger in the end if we can tell the judge, look, we have tried to work with this owner, we have told them they have got to keep their dog confined, so -- we have also invested in a lot of equipment and if you also didn't know that citizens can file reports for animal control online 24/7 and all the animals that we have impounded are on our website. So, the citizens that are missing pets can go on our website, see if their dog is at our shelter with a photo posted. That happens immediately as soon as they are impounded.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question -- just general question, being a newer Council Member. Is there an element of cost recovery? And, I'm sorry, Director Shields, you may not be the right person. I don't know who the right person is to answer that. But, you know, do we have an element of cost recovery? Are we offsetting the dog and pet licenses and that revenue to the city with the cost of this? If an owner -- sometimes it's not your fault, like if a crocodile appears in your yard; right? But like if your dog is attacking another dog you are responsible for that. Like does that owner pay for that to help offset the cost of service? Or how does that work?

Shields: So, with citations the fee goes to the court and that's why we are like it's -- it is punitive. We -- I guess we could bring up impound fees for Meridian. Your guys' impound fee, if we pick up a dog in Meridian city, we take it all the way back to the shelter. We may house it for five days and the owner comes and gets it, it's ten dollars. The city of Boise, if your dog is unlicensed and unaltered, it's 90 dollars, so -- and that's true if I pick up that dog six times, the owner is like no big deal. It's ten dollars and they licensed it -- we do charge them licensing and stuff and I do believe she would know -- Boise does get those impound fees back. We do pay that back. I think with licensing I think we share it 50-50, but, yeah, I would love for you guys to look at your impound fees, because sometimes when we impound a dog we want that to -- I mean have an impact so they want to keep their dog home. Dogs that are running on the street unaltered cause more bites. They also can breed while they are on the street, causing more unwanted puppies that could be on the street at another time. So, it is definitely something that I hope you guys would look into and maybe there could be cost recovery in that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. That was really helpful. That was eye opening. I -- I don't want -- I don't want to take the discussion down a different road it wasn't meant to go, but I'm sort of looking at --

Simison: For another -- for another day.

Strader: Okay. Another day. We noted that. Thank you.

Simison: Council, any additional questions at this time? Okay. Thank you very much.

Shields: Thank you. If you guys ever see my reports and want them explained or one on one, please, don't hesitate to reach out to me.

Simison: Council, from a -- from a process standpoint just trying to -- I'm going to look at Mr. Nary. The contract is being worked on by your office. It's not been put on an agenda yet, to my knowledge.

Nary: I think -- Mr. Mayor, Members of the Council, I think we are waiting to get the direction tonight.

Simison: Right.

Nary: And, then, see where we go from there. I think it's -- I think it's been --

Simison: Yeah. So, from a practical standpoint when the contract comes forward and you all agree to it, you know, I will look to our CFO and police department, but we could probably GL the money from personnel savings to offset the costs and not do it unless

Todd tells us we need to do it a different way and come back with the budget amendment. If you approve the contract for those additional funds. So, one way or the other, we either can use money we have spent or come back and do a budget amendment and do it either way. But that would be the next steps, so you all are aware.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just a couple of thoughts on that. My first reaction is a budget amendment -- I think it's just more transparent, for better for worse, to show that as an expenditure, but the new contract, I assume, would have language which gets us on the right schedule that it's, you know, through --

Simison: That was included, yes.

Borton: -- September 30 that we are going to be provided requests before an X date, so it all happens in April and May of every year as part of our budget process, so we get on the --

Simison: And that has been included in the contract.

Borton: All right.

Simison: All right. Thank you very much.

Strader: Mr. Mayor? Sorry.

Simison: Council Woman Strader.

Strader: Would the issue of the impound fees be included within that contract or is that a totally separate discussion that Meridian sets?

Simison: I would argue it's a separate policy conversation with Council --

Strader: Fair enough.

Simison: -- in a lot of different ways. But yes. Captain?

Colaianne: Before we wrap up here I wanted to -- I didn't give you an opportunity if you had any questions from the police side of the house before or after the presentation. Your point that is a discussion we had -- a different discussion as far as costs and impound fees and that is a separate thing that we have already talked about with Emily. But if you had any questions or anything from the police side of the house for me.

Perreault: Mr. Mayor?



Simison: Council Woman Perreault.

Perreault: Just in general are there any issues that you are running into that -- that the Humane Society isn't able to service or help with?

Colaianne: No. I -- you know, from -- like was talked about, we went up there to look at their operations. Animal control -- and this goes way back when I started in '96 and I'm not going to go clear back there, but it can be a very contentious thing collecting animals. I mean I always joke that you could write someone a ticket for speeding or parking, but take their dog and it's on and -- and so we are happy with the service. It's never going to be a service where you don't have complaints or there aren't things that get missed or it takes a while to get there, but I feel comfortable after touring and seeing how they are dispatching calls and they are prioritizing, there is logic there. There is a lot of logic in how they are -- on how they are approaching their business for us and so we are comfortable with where we are at now with animal control. We have run the numbers before years ago about, you know, should we do this thing ourselves? Can we do the whole thing, build a building, you know, hire a few people and do it someplace else and the numbers just didn't run out -- it didn't work. It was -- it was more for us to do it and there is a lot of pain points and a lot that goes into doing your own thing. A lot of pain points and stuff that you wouldn't even think about and so, you know, anytime that that discussion comes up it's just like, you know, hiring your own janitorial service, rather than contracting that out. Hiring prosecutors, rather than contracting that out. The devil is in the details and right now what they are doing and the services we are getting from them is working for us.

## **25. Finance Department: Third-Party Billing Proposal and Discussion**

Simison: Okay. Council, anything else? Thank you very much. Our next item on the agenda, Finance Department third-party billing proposal and discussion. We will just kick this off. You have seen paperwork coming from Mr. Lavoie, so I don't know how much he wants -- you want him to go over all that again or just have a conversation over what is being considered at this point in time?

Lavoie: Mayor, Members of Council, again, appreciate you giving us opportunity to continue our discussion and dialogue on third-party billing. To get us kind of where we are today, this is a follow up to our October presentation. So, we have presented this topic to you twice now. We have had plenty of discussions. We have had collaboration. We have answered questions. You guys have provided us input on where we are today. So, middle of October we presented to you. Since, then, Karie and I have reviewed both workshops, notated things -- about 15 or 16 comments and questions presented by you, the legislative branch, to us for consideration and thoughts. We have actually met with a handful of you or -- you Council Members in person to get more input, more collaboration and more dialogue on what we are presenting and there was a comment by Jessica just today on an e-mail. This seems to have changed a lot and the answer is yes. That's what this process is for, is to discuss our proposal, get input from you guys, go back and work out a proposal that might work best for the city and the citizens. So, that's where

we are today. We have taken your input, we have listened to your thoughts, we have engaged you and we have reviewed the questions and that's where we are today. I presented to you a one-page document that I think summarizes where the changes are. A couple of weeks ago I put an e-mail out that this represents -- the e-mail was a little rough. I mean I -- again, trying to put this all in words is a little difficult. So, I tried a different approach, more visual approach. Hopefully this one makes more sense. In general we have four major changes as the document that I provided you today. Four major changes that I will discuss with you. The original proposal is on the left. The new proposal that we would like to present to you for consideration is on the right. The major changes. We used the term let's disband all third-party billing last time. We want to kind of use that word, but not use it as drastic as it was originally. We would like to continue to offer third-party billing services to our customers in the form of only with a property management company. So, that's that first line segment. So, instead of just eliminating the whole proposal, we will continue to offer third-party billing services to property management companies. With that the property management companies that have an existing third-party billing agreement, no changes to them, other than one -- one minor change, what we think is minor. When a property management company is acting on behalf of a property owner and there is a tenant or tenants -- multiple tenants -- in the past they have asked us to conduct a final read. So, if there is a tenant swap they can kind of do a mathematical calculation on the best estimate of what monies are due to the existing or the prior tenant versus what the new tenant would be. We would like to eliminate that process and allow the tenant to move in and out as they need and allow the property manager to determine what value of expenses to collect from the previous tenant or the future tenant. So, it would eliminate that process. But the third-party billing would still be intact. Any existing third-party billings that currently exist would stay in existence until a property is sold or a property -- change in a property management company. So, if a property owner has a renter for seven more years, we are still going to acknowledge the property third-party billing as it is. We are going to let them run out until there is a transition in the property. Those are the three major changes that I can talk about on those top three. The fourth one is delinquency notices. Again, we worked with you guys and said, hey, can we get delinquency notices to our physical addresses and the answer is yes. So, we will go ahead and conduct that change, because currently we do not provide that extra service. We will go ahead and add that to the to do list. And, then, the last three items are no changes from our original proposal that we started a couple months ago to today and those were the -- no changes to the commercial properties or those multi-unit complexes with multiple dwelling units with only one water meter type of situation. Eliminate the 20 fee. We are still promoting that -- elimination of that fee. And, then, water -- utility billing would reallocate the current staffing resources that we have and allocate them to other services to be more proactive in our customer service. So, again, that's the quick four minute version of what changes occurred. And, again, I tried to give you a visual of it. We provided an e-mail a few weeks ago of these changes and we are here to discuss this. Again, we are open to any ideas. That's what we are here for and we are eager -- we are happy to answer any questions, address any questions and present to you any thoughts or concerns. So, again, Mayor, stand for any questions.

Simison: Mr. Nary, could you speak to the property management company element? Last time we spoke I know there was concerns over how that would be defined, applied, or otherwise.

Nary: So, Mr. Mayor, Members of Council, so when I spoke with -- with Karie and Todd I said one of the concerns I would have is really is no universal definition of what a property manager did and so there is always the potential that the property owner is going to say Bill Nary is my property manager for this address and I have really no way to combat that. So, to me that's a concern, because if it's not a concern to MUB they don't anticipate that being a significant impact to them. That's certainly their call. But we don't have any other way to define it. If we want to try to define it. I imagine there is probably lots of definitions out there. I don't know what they are, but there certainly isn't in the state of Idaho. So, right now if a person said I'm entitled to do this, because my tenant is really my property manager, I don't really have a way to context that, so I think they would be entitled to get an agreement. So, if that's not an issue that's certainly not a legal problem from our end.

Lavoie: Mr. Mayor. Again, Bill, when we talked about this we would like to try to find some definitions. Would it be a registration with the state of Idaho? Simple as that. We would be able to recognize that. If you -- in this example if Bill would like to make his renter a property management company, then, we will have to acknowledge it. Is it going to create an issue for us? We don't think so. But we would like to see if we can maybe utilize the state of Idaho's registration of businesses as a -- maybe a leaning point. If so, then, we can validate that Todd Lavoy is a registered owner of a property management company in the state of Idaho and works on behalf of Mr. Nary. Are there other options? Yeah. I agree with Mr. Nary that defining it would be very difficult to do. But we don't see much of an issue with property owners asking every tenant to be their own property management company. Again -- but we will find out. It's all speculation. We are all trying to figure out what the right answer is.

Perreault: Mr. Mayor?

Simison: And just one more thing, just -- Council knows where I am on this issue, so I'm not going to belabor my points, but I do think the issue of no fee whatsoever is an underlying concern that I -- that I have, because there is still a cost to whatever we do in this element and while -- if Council is fine with having no fee for the next year until Todd figures out -- Mr. Lavoie figures out how many of these there are, but people are going to change property management companies. There is a cost, even to those -- those elements, because I -- you know, that is what people are going to do and it will have a -- some impact. So, waiving all fees and not having any fees for any of this would be an underlying thing that -- at least in this proposal, if you were to go that direction, ask you to reconsider that element. Council Woman Perreault.

Perreault: Thank you very much. But I agree with that. That was -- there is about three things I want to mention. I agree that -- to keep the fee. I don't think that's prohibitive in any way and I think it's very fair to request that if -- so, there is a cost, obviously, to us servicing that, even on the property manager's behalf. Is it possible, instead of having

property manager have to prove that that's what they do or having a registration with the state, that property manager would sign some sort of agreement that they will take responsibility for communicating the bill to the -- to the occupant. They are not necessarily taking responsibility for the payment of the bill, obviously, but they are taking responsibility for communicating that bill to -- or making sure that the -- you know, something in writing from them that says, hey, so information is going to get passed onto the occupant and every one of the property managers knew -- knew going forward -- obviously, we can't go back and do it with the existing ones -- or we could, but that would be too complicated. So, that was a thought. And I don't know whether it actually solves the problem or not, but it seems to me like if you have direct responsibility taken by the property management company to communicate with the occupant, that's even cleaner than just them saying that they -- that they operate as a property manager. The other thing is I personally don't think it's necessary to send the delinquency notifications to the occupants that have a property manager. My concern was that there are landlords that will opt out of that, not have a property manager at all and that those would be the individuals -- they are not required to have one. They can continue to have that bill sent to themselves, but that's where I have concerns that the occupant would not know about the -- the bill not getting paid. Not the -- not the occupants that actually have property managers overseeing it. So, from a cost standpoint, a staffing standpoint, it doesn't seem to me like there would be that many notices -- we wouldn't need to send on a regular basis to -- if we are basically saying, hey, you have to have a property manager to do this and it's going to take time for us to eventually get there, but when we do, then, essentially, those delinquency notices are going to be very nominal. Am I understanding that correctly?

Lavoie: Right now the City of Meridian does not have a large delinquency issue. So, agreed, so that we don't see this expanding our delinquency concerns in the future. So, we agree with you there. Again, we think it -- it would be just go ahead and be best practice that we send delinquency and notices to all physical addresses, regardless of ownership or not. It's just a customer service thing we can do.

Perreault: Okay.

Lavoie: But we think that's the case.

Perreault: How much staff time do you anticipate this changing? So, right now we are at 1.25. Do we anticipate keeping that allocation to stay servicing this?

Lavoie: If the proposal regarding -- if we went to this proposal -- it's a fair question. We don't know what the answer is. Yes, we think the paperwork associated property management is going to be very nominal and hence why we proposed the zero dollar rate. You know, Karie can come up here and expand. I think we spend maybe ten minutes on that process. So, we can calculate a ten minute fee for you. Again, we can do that. But we don't spend much time. The biggest fee was always collected for the chasing of the individual tenant and finding the property owner who might be in Florida, trying to get them to coordinate -- coordinate the proper paperwork, whereas if I'm working with just a property management company, they are pretty quick on going here -- here it

is and, really, we are done. It's only ten minutes of work, but -- so, we don't see a lot of time there. 1.25 FTEs, you know, we will reallocate and always look at. If we need the resource we keep the resource. If we don't need the resource going forward we present to you we don't need the resource and we eliminate a staff. We have no problem going all the way to that extreme. But right now we still need the 1.25 FTEs for this.

Glenn: And I just wanted to reiterate the question regarding the property management verification. I am already in the works of creating --

Simison: Karie, can you just get closer to the mic.

Glenn: I am currently working on a one page document for property managers to accept that role and their responsibilities. So, that will be what I can add that bullet point to verify that they are sharing the information with their tenant.

Lavoie: On that, again, we still will have to work with Legal on. We just want to make sure that the property manager does not have the ability to start subletting the property. So, there is a lot of concerns and once a property owner gives that right to somebody we need to make sure that we protect our residents at some level. That's why we are leaning on his property management company, because they have that restrictions or that rights to it. But once you give those kinds of rights to an individual, like me -- we want to make sure we protect the resident, because we don't want me to start managing the property in what I believe is right and we want to protect them as well. But we will work with Legal on all that language.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a couple things. I think overall it makes sense. I like the updated proposal. I guess I just have two questions. Not sure if we are allowing existing third-party agreements to stay active and keep that going. If the incentives really make sense, I would think for the ones that continue a processing fee is appropriate. Maybe that would help incentivize them to move off of that or some sort of a time frame. You can always come back and we can always figure it out later if you find you have a hundred that are still in that bucket of like the third -- the second column, number three --

Lavoie: I'm happy to address that. So, the fee itself would only be used when you transition. So, we don't -- actually don't want to charge an ongoing monthly service fee. It's only when a property changes. That's the only time we would -- we incur extra costs and that's the only time we would charge a fee to the property owner. So, we want to stay away from a monthly fee. Once Joe Borton has a property third-party agreement with somebody and it lasts for ten years, we actually have really limited expenses, because they have a working relationship, we don't really spend any extra time. It's when the property owner changes hands multiple times.

Strader: That makes sense. I guess -- maybe just a quick follow-up question. So, maybe -- and maybe this is sort of getting into the verbiage of the definition of property manager. I guess maybe a question I had is is there a reason that we can't say, you know, it's -- we are more making a transition as a city and it's property managers approved by the city and some level of discretion? Is there a reason legally that we can't, you know, take that approach? Sorry, Bill, I know you are -- is there a reason we can't say we are making a transition and the category that's allowed to do this are property managers approved by the city. They have to sign the form and, you know, submit -- declare a certain number of things and we can Google them on the Secretary of State's website and make sure they are property managers.

Nary: So, Mr. Mayor, Members of the Council, Council Member Strader, there is no registration today. There is nothing. There is no regulation of property management in the state by the state. So, there isn't any place to register to do that and we don't require business registry either. So, there really isn't that check that we are talking about that exists. So, we would either have to define it or what a court normally does -- because if it's not clearly defined, they just look in the dictionary. What's a property manager? A person that manages property. That's probably what a court is going to do. So, we are not going to probably get very far unless we want to be more specific. But, again, we don't license it, the state doesn't license it, there was a very large criminal investigation that ended up with people in prison for fraudulently managing property out of Meridian. So, it is something that is out there. It doesn't happen much. This one was very significant. It was investigated by ISP. So -- so, there really isn't that backstop. So, it really is -- I mean, again, we can tell probably -- can use the term property management company, but I don't know legally if I can define that beyond a person that manages property.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to further clarify, though, I guess my question is is there a reason that can't -- we can't have within the city's discretion to approve property managers who are eligible for this service? Like can we put that within our discretion to approve them? In the very very unlikely event -- I -- this seems so far removed; right? Like someone's going to have their tenant register as -- like it just seems really far removed to me.

Nary: Well, in theory -- Mr. Mayor, Members of the Council, Council Member Strader, that's what it is now; right? Technically the -- when we do these -- these billing arrangements the owners are saying that person will accept the bill and pay it. If they don't I will pay it. So, they are accepting that responsibility. So, they are kind of already doing that. It's -- it's -- we can certainly -- I would like to do some research first, because we do have to have a governmental nexus to just create a regulatory scheme. We can't just regulate it because we feel like it. We actually have to have a reason to be able to do that. The problem you are going to have is, again, what's the problem you are trying to solve and if the state doesn't choose to do it, why do we need to do it? And that's what

you are going to get pushback from is why do I have to pay a fee or register or anything to do something that nobody else regulates anywhere. So, we certainly could look into that if that's the direction of the Council, if you want us to do that, to create a method to license or register for these types of activities, but I couldn't give you an answer today.

Glenn: Mayor and Council Woman Strader, I believe in my mind that's why I was developing the payment -- or property management acceptance is to have at least a one page form, a document that acknowledged that they were taking on that role, regardless of whether it be a customer or an individual. But it has not -- I mean I'm currently working on it to replace the renter's addendum, but I have not presented it to -- to Bill to have Legal review it yet. But it's a lot of the same terminology. Rather than saying tenant -- rather than saying as a tenant I agree to -- it's as a property manager I agree to -- with the bullet points.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Just some feedback. And that seems to make a lot of sense to me. So, since it's an agreement or voluntarily entering into to do future agreements, you designed this form; right? That just makes sense. I don't think we need to create like an in-depth scheme to regulate property managers, Mr. Nary. I think we are good.

Simison: I guess I would go back to the question, though, then. If every tenant is going to be able to enter into these agreements themselves, which they will be able to -- I'm sorry, they will be able to, I don't think that you are going to be able to exclude them to do it. How are we doing this and, then, say we are not going to charge people for basically doing what we are currently doing, even though we are not charging an adequate amount for what we are currently asking to be done. Yeah. That was a circle. But it's -- it still begs the question. Where are we going and what are we trying to do and/or why? Or is it better to keep doing the service and just recover our costs for it? You know, the full way. Council, the last time we talked you talked about doing this in a public hearing, inviting the community to -- to come. That was the direction that you wanted them to come back and put this in front of you. I don't know what this ordinance looks like at this point in time personally, if it's written or so still needs to be written, but was our intention to do outreach, so the people -- once we wrote it, do the outreach, and, then, schedule the public hearing. So, that probably will be after the new year would be my guess. Just as we are coming into where we are with what do we even have scheduled with other Council meetings. So, we can continue down that path if that's the way you would like to go at this point in time.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: It was my understanding -- and Finance is welcome to correct me, but the purpose of bringing this before us was to eliminate the chasing down of -- really acting as the property manager in the sense of trying to collect those funds and, then, doing the third readings. If -- if I'm understanding this updated proposal correctly, we are still, essentially, taking out those -- those activities that were causing the most heartache. Is that true or is that not the perception that -- that your department's at?

Glenn: That is correct.

Perreault: Okay. So, we are still accomplishing what it is that you, essentially, set out to accomplish?

Glenn: Yes.

Perreault: With the updated proposal.

Simison: Until tell every person who is in the house registers as a property manager and now we are in agreement with them and going through these processes.

Borton: Mr. Mayor?

Simison: Yes, Councilman Borton.

Borton: I guess to close -- or until they don't.

Simison: Yeah.

Borton: It might not ever happen.

Simison: It might not happen.

Borton: So, to answer that question, let's schedule a public hearing. I thought that's where this was headed. I thought all of the design and purpose behind the original proposal made sense and we are going to track and we will see what works and what doesn't and now that it's -- it's been modified to try and create some compromise and consensus, I'm supportive of the updated proposal as well. At least to be presented at a public hearing. We can argue this all day long. It's just -- I trust your judgment from my perspective. This solves more things than it might hurt, but if there is unforeseen problems that arise, like the Mayor's describing, we will revisit this and bring it up in the summer and the fall and say, hey, we made this one change, it's not working like we intended, let's pivot back and we will be responsive. But, by all means, let's move on with it.

Perreault: Mr. Mayor?

Simison: Council Woman Strader.



Perreault: I don't -- I don't think --

Simison: I'm sorry. Perreault.

Perreault: I would be honored -- I'm honored to call -- be called by her name. I don't think that the -- that the property manager taking responsibility has to be that complicated. You have the owner sign the document. You have the person taking responsibility to send the document and it says on there that it can't be the occupant. That doesn't seem to me like it has to be that complicated.

Lavoie: All good discussions for -- yeah. We will see where it goes.

Strader: Mr. Mayor?

Simison: I think from -- just from a practical -- we are moving forward. They will continue to work on the ordinance. There will be outreach to the community before public hearing is scheduled or in time for people to get the information for the public hearing. So, if Council is still interested in moving forward, that's where we are going. We don't need to go any further tonight. Okay. All right. Do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn.

Simison: Have a motion to adjourn. All in favor signify by saying aye. Opposed nay. The ayes have it. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 5:51 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 9, 2021 City Council Regular Meeting

## **Meridian City Council**

**November 9, 2021.**

A Meeting of the Meridian City Council was called to order at 6:04 p.m., Tuesday, November 9, 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, Alan Tiefenbach, 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, call the meeting to order. For the record it is November 9th, 2021, at 6:04 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 up is our community invocation, which tonight will be delivered by Vinnie Hanke of Valley Life Community Church. If you would all, please, join us in the community invocation or take this a moment of silence and reflection.

Hanke: Good evening, Mr. Mayor, Members of City Council. Thank you for the opportunity to be with you again tonight and pray for you. Let's pray. God, we thank you for this evening. We thank you for the fair city you have granted us the privilege to live in. We ask now that you would grant wisdom and discernment to those members of the Council as they lead and those members of the community as they speak. God, as we approach the holiday season we ask for a spirit and a sense of joy and gratitude would be among our citizens here. We continue to lift up those, Father, on the front lines as they serve our community in the hospitals and in the medical profession, in law enforcement and fire protection, Father, and our teachers and community leaders. We ask that you would help us to be a city that would love our neighbors and it would bring glory to your name. I asked these things through Christ, amen.

**ADOPTION OF AGENDA**

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

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would like to make a motion to adopt the agenda as published.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

**PUBLIC FORUM – Future Meeting Topics**

Simison: Next up is our public forum. Mr. Clerk, we had someone sign up this evening?

Johnson: Mr. Mayor, we have one gentleman signed in. James Thompson, discussing downtown parking.

Simison: Mr. Thompson, if you would come forward and be recognized for three minutes.

Thompson: My name is James Thompson. Been -- I grew up in Meridian, Idaho, most of my life. Went to Meridian High School. Went away for a little bit and I have been watching how fast you have been growing and so my main concern that I'm looking at is -- I'm watching all this development in this area and, you know, like the apartment unit I have been looking at it, looking at the plans, and right now you guys have one parking spot per unit and on top of that there is a bunch of retail units down there. Who knows what that retail facility could bring. You know, if it's a Starbucks or something like that, you never know what kind of boom would that bring. My concern with all that is in talking to some of the owners that are down here, there is a big concern of the impact of the economy of our business people, any -- anything -- or even just like my wife and I to come down and visit and be here, it's turning into a place where it's -- it's not as enjoyable or pleasant, because you are -- you can't find a parking spot, you know, or the parking spots are -- you know, they are -- they are full. There is a lot of construction. I know that in a -- in a sense when you have construction going on there is always discomfort in that and that's part of growth, but with growth I'm wanting to ask you guys what is the plan that you guys are going to have for like the apartment units that are coming in? Because for one -- because if you look and you can -- you can Google it and it says the average amount of vehicles per household is two. That's -- that's straight from Google and so with one -- this is just the residents there, not visitors, but residents right there, there is going to be

an influx, theoretically, of a hundred cars that are going to have nowhere to park and so these are not just people coming from the rural areas, they are people that are planted here that are coming in -- and this is all -- I mean, of course, this is all theory, you know, but the concern I have is like what plans do we have to make sure that we can keep our local businesses alive and, you know, what -- I mean I don't know how to -- any other way to put that. But that's my main concern is what -- I mean are we going to look at -- are we looking at parking structures? Are we -- you know, is there people we can team up with, other businesses that are willing to chip into that? Because I know that part of being a community -- it's like, hey, if we can look and save money, if there is businesses that are willing to chip in to say, hey, we are willing to partner with it -- I know there is a church over here, they might be willing to partner with a built -- a structure and I don't know if that's something that you guys have -- and I yield my time for questions or -- you know.

Simison: We really don't get into a dialogue at this point in time, but I can tell you if you can give -- give the clerk your information we can follow back up with you offline with our -- or you can talk to Councilman Bernt and he can fill you in on all -- where we are going, but to, hopefully, answer some of your questions, but appreciate the information and thoughts.

Thompson: Okay. So, there -- so, you are -- what you are saying is you guys don't have a plan right now?

Simison: No. What I'm saying is the public forum is for you to convey that information, but it's not an agenda item listed, so it's not a conversation back and forth at this time. But we can have a conversation offline.

Bernt: Sir? Sir?

Johnson: Mr. Thompson?

Bernt: Write me an e-mail.

## **PROCLAMATIONS [Action Item]**

### **1. Family Court Awareness Month**

Simison: Okay. Thank you. All right. Next item up is a proclamation for Family Court Awareness Month. I'm going to go down to the podium and I will be joined by Christy Martin and Renee Swithin McClaskey. So, if you want to join me at the podium. So, as was mentioned, this is a proclamation for Family Court Awareness Month. So, I'm just going to go ahead and read my proclamation and, then, we will hear from Christy and Renee about the organization's impacts on this issue. Whereas the mission of One Mom's Battle, OMB, in the Family Court Awareness Month committee is to increase awareness on the importance of a family court system that provides child safety -- or prioritizes child safety and acts in the best interest of children and whereas FCAMC works to increase awareness on the importance of education and training on domestic violence,

childhood trauma, and post-separation abuse for all professionals working within the family court system and whereas the judges and other family court professionals are educated by the FCAMC on the empirical data and research that is currently available, including research such as the adverse childhood experiences study, the Saunders study and the Meier study and whereas the FCAMC is fueled by the desire for awareness and change in the family court system, while honoring the children in the United States who have been murdered by a parent after a custody court rejected the other parent's plea for protection. Therefore, I, Mayor Robert E. Simpson, hereby proclaim November 2021 as Family Court Awareness Month in the City of Meridian and urge our residents to learn ways to prioritize child safety and act in the best interest of children. Would you like to come forward?

McClaskey: Thank you. My name is Renee McClaskey and this is Christy Martin and we are honored to accept this proclamation on behalf of Family Court Awareness Month. Twelve years ago my sister Tina, the founder of this movement, entered the family court system naively believing that child safety was prioritized. My sister's safety and my niece's safety was not prioritized. They were repeatedly placed in harm's way. Finally, after six years my sister's concerns were all validated, but what she and her daughters went through to get to that point is unacceptable. We must do better. Our children are our future. Heidi de Leone, a Meridian resident, was viciously murdered in 2019. Heidi was a member of my sister's support group. She reached out to my sister for help in December of 2018 and less than two weeks later she was murdered. She feared for her life daily and expressed concerns to the family court system for years. Had they listened sooner she may be standing here with us today. We would like to dedicate this proclamation to Heidi's daughters and we thank the City of Meridian for standing with us and proclaiming November as Family Court Awareness Month.

Martin: We know that domestic violence is about power and control. The desire to maintain power and control doesn't mysteriously vanish when the relationship ends, it transitions into post-separation abuse and the family court system becomes the platform. The need for power and control often escalates and the desire to hurt the healthy parent and win at all costs become the driving force. The children become the pawns and the weapons. Most family court judges have no training in domestic violence or trauma. Our lives and our children's lives are literally dependent on the court becoming educated on these issues. We believe that the first step towards change is awareness. I'm grateful to Meridian and to the state of Idaho for joining the list of almost 200 cities, counties, and states that have proclaimed November as Family Court Awareness Month. Thank you for standing with us to recognize the importance of court -- a court system that prioritizes child safety. Thank you.

## **ACTION ITEMS**

- 2. Request for Reconsideration of City Council's Decision of Wells Street Assisted Living/Andorra Subdivision (H-2021-0024) by Jamie Koenig of Babcock Design, Located at 675, 715 and 955 S. Wells St.**

Simison: Thank you again for being here. Council, with that we will move on to our Action Items for this evening. First item up is a request for reconsideration of City Council's decision of Wells Street Assisted Living/Andorra Subdivision, H-2021-0024. I will turn this over to Mr. Nary.

Nary: Thank you, Mr. Mayor, Members of the Council. You have before you a request for reconsideration of the decision that was made by this Council a few weeks ago on the Andorra Sub and the Wells Street annexation. The decision at that time was denial of the project. They have properly filed a request for reconsideration, which is required by code for them to ask. It's up to this Council and, basically, your decision point is either to approve the request for reconsideration, schedule it for a new public hearing. Deny the request for reconsideration and that's the end of it as far as the city's perspective at this time. And the third option is to review the findings, make amendments or changes to the findings that you think are necessary. We reviewed the findings. We helped draft the findings. We are comfortable that the findings meet the legal requirements that are necessary and are defensible, but it's your decision on whether or not you want more or a different outcome or if you want to have a new hearing. So, it's your decision. As you know this really isn't a hearing in that sense. The applicant is here. They have their counsel here, but they -- this is not a dialogue. This is simply a if you have questions, if you want some clarity, if you are unclear about something, it's your option to ask that question, but, other than that, it's really a decision and that's where we are.

Simison: Thank you, Mr. Nary. Council, questions, comments, actions, motions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I was just going to say I was absent at that meeting, but I have read the minutes of the meeting and fully understand the -- what took place and -- and the decision that was reached and I certainly respect the decision of this group that -- whatever they direction they determine to go, as they did at that meeting. So, just wanted to put that on the record.

Simison: Thank you, Mr. Hoaglund.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: The letter submitted by Givens Pursley -- I appreciate the feedback and context provided by Mr. Nary. I don't see any reason for me to change the recommendation of denial that I made I think at that meeting. With that, Mr. Mayor, I would move that we deny the reconsideration request for the Wells Street Assisted Living/Andorra Subdivision, Item No. H-2021-0024.

Perreault: I second that motion.

Simison: I have a motion and a second to deny the request for reconsideration. Is there any discussion on the motion? If not, ask the Clerk to call the roll.

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

Simison: All ayes. Motion carries and the request for reconsideration is denied.

MOTION CARRIED: ALL AYES.

### **3. Public Hearing for Proposed Winter/Spring 2022 Fee Schedule of the Meridian Parks and Recreation Department**

Simison: So, with that we will move on to Item 3 this evening -- is a public hearing on proposed Winter-Spring 2022 Fee Schedule of the Meridian Parks and Rec Department and we will open this public hearing with Mr. White.

White: Mayor and Council, thanks for having me tonight. In front of you, like Mr. Mayor just said, the 2022 Winter-Spring activity and class fees. Listed on there you will see the increased percentage at the request of Councilman Cavener. Note that some of the increases -- percentages went up based on -- we went from an 80/20 split to 70/30 split, just to cover our costs when it comes to different facilities and things. On top of that there is also a combination of -- depending on the class, how many days are in the -- in the session or the dates in the class, things like that went from -- there was five Tuesdays in the class compared to four, those types of things. So, fees are what they are there. With that I will stand for questions.

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

Johnson: Mr. Mayor, we did not online. I did not check the back of the room. I will do that.

Simison: If there is anybody that would like to provide testimony on this item, if you would feel free to come forward in the audience at this time. If you are on online and you would like to provide testimony you can use the raise your hand feature and we can also bring you in. Seeing no one coming forward, nobody online, do I have a motion to close the public hearing?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just for clarification purposes, do we make a motion to adopt the resolution



and that's the only motion that's necessary?

Simison: After we close the public hearing.

Perreault: Oh. Mr. Mayor, I move that we close the public hearing.

Cavener: Second.

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

MOTION CARRIED: ALL AYES.

**4. Resolution No. 21-2296: A Resolution Adopting New Fees of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date**

Simison: Item 4 on the agenda is now Resolution No. 21-2296.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Resolution No. 21-2296, adopting new fees of the Meridian Parks and Recreation Department and authorizing Meridian Parks and Recreation Department to collect such fees and providing an effective date.

Cavener: Second.

Simison: I have a motion and a second to approve Resolution No. 21-2096. Is there any discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, staff. Appreciate you guys putting in the increase and I like seeing some of those new classes. I don't know what this tree climbing thing is, but I'm interested in learning more about it. So, appreciate it.

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

MOTION CARRIED: ALL AYES.

**5. Public Hearing for Settlers Square (H-2021-0072) by Brighton Development, Inc., Located on the Northwest Corner of W. Ustick Rd. and N. Venable Ave., Adjacent to the Mid-Mile Mark Between Linder Rd. and Meridian Rd.**

- A. Request: Modification to the Existing Development Agreement (Inst. #2016-097989) for the purpose of entering into a new agreement to incorporate a new concept plan consisting of commercial and residential uses

Simison: Next item up is a public hearing for Settlers Square, H-2021-0072. I know the applicant has requested this to be continued. I assume you want to open it at this time?

Bernt: Mr. Mayor?

Simison: Have that conversation. Okay. Well, I'm going to start by opening the public hearing for Settlers Square, H-2021-0072, and turn this over to Councilman Bernt.

Bernt: Thank you, Mr. Mayor. I -- since we are -- since we opened the public hearing for this one issue I would like to recuse myself from further discussion with regard to this item. So, thank you for that time.

Simison: All right. Perfect. Thank you. Alan?

Tiefenbach: Mr. Mayor, Members of the Council, Alan Tiefenbach, associate planner, standing in for Joe this evening. This was a request to modify an existing concept plan basically at the northwest corner of Ustick and Venable. The original development agreement required a hundred percent commercial and they wanted to amend this to allow a mix of multi-family and commercial. When the staff wrote the staff report we were recommending denial. Based on that recommendation of denial the applicant wanted to see if they could work out the issues and are requesting a continuance until November 23rd.

Simison: All right. So, Council, you have at least heard the rationale. We do have the applicant on. Would you like to hear from the applicant as well at this time? Seeing none, at this point in time. Mr. Clerk, we did have some people who signed up to provide testimony on this item tonight?

Johnson: Yes, Mr. Mayor. Four people signed in to wish to testify.

Simison: Okay. So, Council, I guess that begs the question, if we want to hear from the public as well or if they are -- depending on what date is potentially selected if they are able to return and provide testimony at that time or not.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would prefer to -- to wait on the public testimony, so that the applicant can respond to any concerns the public presents.

Hoaglund: Mr. Mayor?

Simison: Councilman --

Hoaglund: Hoaglund.

Simison: -- Hoaglund. Thank you.

Hoaglund: No. I think if this -- if there is going to be changes to this I think -- as long as we can make sure they have that information in advance to review it. Their testimony may change. I don't know. And just have to see what -- what their updated plan would be. So, I think that way we can -- everyone can speak to what's in front of us, instead of speaking to something that will no longer be in front of us. So, I think as long -- and, Alan, I think we will be good in having that out in enough time for that hearing for folks to review it; is that correct?

Tiefenbach: Yes, sir.

Hoaglund: Okay.

Simison: And I think that is a good differentiation than just they can't be here, the project, taking testimony versus the project is going to be different.

Tiefenbach: Correct. We are not sure exactly what the proposal is going to be yet, which is why it might be a little premature to have too much public discussion until we know what their revised proposal is going to be.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate when our public take time out of their busy schedule to come down and testify and it can always be a little surprising when there is a continuance requested. When I look at the request to date it's a -- for many folks a holiday week. I don't know the likelihood of the folks that are here to testify, if they are going to be able to attend on the 23rd and wouldn't want to take away their ability to provide that feedback and so I -- I guess maybe, Mr. Mayor, a straw poll of those in attendance if the 23rd also works for them or maybe you want to wait until a little bit later in December, so that those that made time to be here tonight are able to attend to provide their testimony with the updated information.

Simison: Okay. And there is also the remote option for people as well if they can't be here in person. That's the beauty of our new system. Is the 23rd the date that -- I know we do have a busy calendar on the 23rd already anyways. Mr. Clerk, do you want to weigh in on --

Johnson: You do have four public hearings on the 23rd. Two of them are related to urban renewal.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: My gut reaction is the first Tuesday of December would be better. I mean we have got staff reports to get out, get to the public, let them digested it and I think it would -- it could only help in light of what was talked about with the weekend or the holiday week, so --

Simison: Can we find out if that works for the applicant, who is in the room?

Johnson: Mr. Mayor, Mr. Wardle is online. He should be able to speak.

Wardle: Mr. Mayor, Council, Jon Wardle. Can you hear me?

Simison: Yeah. You are muffled, Jon.

Wardle: Sorry about that. Sorry. Bad connection tonight. It appears you want -- you are asking for the first week in December, like December 7th; is that correct?

Simison: Correct.

Wardle: That would be fine.

Simison: Okay. All right. Thank you, Jon. So, for those who signed up with the audience, December 7th. Yes. Let's see if -- yeah. All right. Well, then, with that do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we continue the public hearing for Settlers Square, H-2021-0072, until December 7th.

Perreault: Second that motion.

Simison: I have a motion and a second to continue this item until December 7th. Is there

any discussion?

Strader: Mr. Mayor?

Cavener: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Or maybe just some discussion. I think I heard maybe from a couple people in the back of the room that that day does not work and that they strongly prefer to testify. I would hate for someone who showed up and that day doesn't work -- to not have that opportunity in person. I personally would like to open the public hearing and allow them to do that.

Simison: What -- what I heard was today would be great. I didn't hear that they could not be here on that day, just today would be great, but --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The trade-off -- and then -- and remote testimony is great if it's an option, but the trade-off is if we hear testimony today it might be about a project that isn't what's actually before us, so we don't know exactly what to do with the testimony that's provided. So, it kind of cuts both ways. If -- if there is an opportunity to participate on the 7th, even if it's remote, it's probably more substantively on point to what's ultimately presented in light of the reason for this continuance. So, that's generally why we bumped it when the -- when the need for the change is, because the application is not quite cooked yet, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would just like to mention that anyone is welcome to send in an e-mail to the city, a handwritten letter to the city, a voice message to the city and we do look at all of those prior to our hearings as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: There is a motion on the floor, so I don't know how that works, but I would move that we open the public hearing and take testimony from anybody that's --

Simison: We would have to -- have to do that and, then, I'm going to ask staff to present and this is not our staff member to present. Then I'm going to have to ask the applicant

to present as well. So, just so we understand, we are going to not get a good project, because we don't even have our staff member in the room either, so -- but let's -- let's go with the disposition of the motion and the second.

Hoaglund: Mr. Mayor, I did specifically make the motion because of the fact that we are going to hear testimony on something that may not be relevant and that's a waste of their time and I know we have got options for them to provide testimony. It doesn't -- if there is a substantial change -- you know, there might be things related to traffic and that sort of thing that might be similar, but overall I just would like the comments to be specific to the project that we will be considering at that time. That's my -- my only reason for doing it. It's not to exclude anybody, but it's certainly to make sure that testimony is relevant to what we are considering.

Simison: Well, we do -- as mentioned we have a motion and a second we have to dispose of that either by vote or by the motion and second maker withdrawing their motions, so -- then with that I will ask the clerk -- all those in favor of continuing the public hearing, please, say aye. Opposed nay?

Cavener: Nay.

Strader: Nay.

Simison: The ayes have it. We will continue the public hearing and that's when we will take public testimony on this item. Thank you.

MOTION CARRIED: THREE AYES. TWO NAY. ONE RECUSED.

- 6. Public Hearing 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**
  - A. Request: To expand existing wood products business located at 220, 300 and 330 S. Adkins Way by
  - B. Annexing 255 and 335 S. Locust Grove Rd. with the I-L zoning district.
  - C. Modification of the Medimont Development Agreement for the purpose of creating a new development agreement for the subject properties and removing the requirement for an internal landscape buffer.
  - D. A Future Land Use Map Amendment to designate 355 and 255 S. Locust Grove from Mixed-Use Community to Industrial, and 385 and 381 S. Locust Grove from Mixed-Use Community to Commercial

Simison: Next item on the agenda is a public hearing for Intermountain Wood Products Expansion, H-2020-0042. We will open this public hearing with staff comments.

Tiefenbach: Good evening, Mr. Mayor, Members of the Council. Alan Tiefenbach, associate planner with the City of Meridian. This is a proposal for an annexation of three acres of land with the I-L zoning district, request for a DA modification and two future land use amendments. So, the existing property -- the proposal consists of six properties. So, one, two, three, four, five, six and they are located near the East Franklin Road-South Locust Grove intersection. Two of these properties, these two here -- hopefully you can see. It looks like you can see my pointer. These two properties here are already in the city. These two properties here are presently in the county and zoned RUT. And, then, there is also these two properties here -- and I'm going to talk about that a little more. These properties are only being proposed for a future land use map amendment. They are really not part of this development proposal. But, again, I will talk about why they are being included. So, to the north of the property these -- these two here, if you can see my pointer, these are the ones that are being proposed for annexation. To the north of that is zoned RUT. It's existing rural residential. To the east over here is R-15 and C-N. To the south, which is down here, is zoned C-C. It recently was approved for a childcare facility, the Learning Tree, and, then, to the west over here this is all an existing office park. So, the two lots that are being proposed for annexation, these two -- or sorry. The two lots that were -- that are presently in the city, they contain an existing business and these were annexed in 1996 and platted as what was known as the Medimont Subdivision No. 2. There was a conditional use that was approved for this. It was for a whole -- wholesale building materials building and that was approved in 2001 and the CZC was approved in 2003. The two parcels proposed to be annexed and zoned to I-L -- that's what you see here. These properties are being proposed in order to do an expansion of the existing business and, again, these are presently in the county and they are not platted. The two additional lots down here proposed for a future land use amendment -- and, again, I will go into more detail about that. These -- 385 and 381 South Locust Grove, these were annexed in 1999 and CZCs were issued for that existing daycare in 2012 and 2017. Once again, although these lots are being included as part of the Comprehensive Plan land use map amendment, they are not part of this development and I will go through in specificity. Trying to get this thing to move for me here. Why is this not working? Okay. There we go. Okay. So, again, here is a summary of requests. The first is to annex two properties into the city with the I-L zoning to construct a 59,000 square foot and some change square foot warehouse. So, these are the existing buildings that are here. These are the two properties that are being proposed for annexation. This would be the warehouse that they want to build. The other proposal is for a development agreement modification and the reason why is they want to remove a requirement for a permanent 20 foot wide landscape planting strip. This long blue sliver here, this is what is shown on the plat right now. The existing meet the Medimont development subdivision -- the development agreement required that there be a permanent planting strip in there. And, again, I will go into more detail about that. And the third request is for future land use map amendments. So, the first amendment is to change the designation of the properties to be annexed, which would be these two here, from mixed use community to industrial to allow the zoning for the warehouse. This is

what is existing now. Here is what is being proposed tonight. The second map amendment involves these two properties down here. And, again, this is where that existing Learning Tree facility is. These -- these properties are being designated -- or also designated for mixed use community to commercial and the reason why these -- that we are changing the land use map amendment here is when we talked to the applicant about this we didn't think that it was a good idea to have these two little enclave pieces zoned mixed use community. It made more -- it was a cleaner thing to do to rezone -- to re-designate these to be commercial to fit with the rest of the commercial to the south and to the west. So, it's merely just a cleanup, so you don't have too little floater pieces here that are -- that are designated for mixed use community. So, that's the only reason that they are included into this tonight. Okay. So, I'm going to talk a little bit about this proposal now. So, again, the area is presently designated for mixed use community under the future land use map. To the east of the subject property, across South Locust Grove, is single family attached, that's what you see over here. There is also a religious institution, which you can see here. There are commercial and office uses to the south. Down here. And directly adjacent to the west, all of this, is a 27 acre industrial park, including the -- the buildings that are part of the existing business. Adjacent to the north here are two existing single family residences and north of those is a two and a half acre property zoned R-4, with a development agreement that allows 95 multi-family units. Also this now is a large ACHD detention pond. When this was approved for the 95 units it was all one big piece. Since, then, it's been subdivided off. So, it's probably not going to fit 95 units. Kind of a side note there. Given the existing development in the vicinity, the size of the remaining undeveloped properties and that the UDC require a site circulation to occur from a local street, staff does not believe that the subject properties have the accessibility and are viable for the integrated walkable synergistic development that's anticipated by the plan for mixed use community. Staff does believe a plan amendment is appropriate to allow a change to industrial designation for the subject properties and a commercial -- commercial designation for the properties to the south. So, again, that would be these properties down here. However, staff does have -- does have reservations about how it would interact with the existing properties to the north and -- and in the future what kind of issues, if any, it would cause for the rest of the properties to the north being recommended -- still being designated for mixed use community. Okay. For the DA modification. The existing businesses within the Medimont development agreement. So, this here is the existing business in this building here and this is all an industrial subdivision called Medimont Development Agreement and that DA requires a permanent 20 foot wide landscape planting strip along the east boundary. That is this long sliver that you see here. This -- until recently all of this was owned by the property owners association. This was required, because all of this -- at the time that that subdivision was done all of this was residential. There was really probably no intentions of anything other than residential at that time, so this landscape strip was required to buffer the industrial from the residential uses. This proposal would create a new development agreement for the subject properties and would remove the requirement for this buffer in this little area directly adjacent to the subject properties. Again, like I said, this buffer was in a common lot and it was owned by the Stonebridge Owners Association. In February of 2021 the portions of the common lot between the existing business and the parcels to be annexed -- so, again, if you can see my little red pointer -- basically in this area here. This was



deeded to the applicant. Unfortunately, it was done improperly. They didn't go through a subdivision in order to do that, so it's not a proper subdivision. The applicant is going to be required to be able -- to have to do a short plat in order to merge those in and the reason why is because it was actually subdividing this parcel. This was one large piece. When they merged this in they are actually cutting that piece of property in half and in order to cut it in half like that you are actually doing a subdivision, so it is required to do a short plat. In addition to that, when staff went out on a site visit, all of the trees that were initially planted here had been cut down. They were laying in the front of the property. Staff requested that they -- and staff noted to the applicant that those trees were part of the DA requirement. You can't cut down the trees. Staff requested that the applicant account for all those trees that had been removed and the applicant responded that 11 trees have been removed in this area, ranging in diameter from 11 and a half inches to 20 inches to a total of 169 inches. So, one of our conditions of approval is that that number of caliper inches be provided in addition to what the regular landscaping requirements are. Are you following me so far with all this? I know it's complicated. I'm seeing head nods. Good. Okay. Site plan. In the staff report, the original one that you had, staff noted that although we support the use in the future land use map amendments, that there were issues to be worked out with the concept plan and elevations and the reason why is with the original version of the concept plan there was -- we had issues with access. In particular -- and this is one of the things we will ask for you to discuss tonight -- is primary access coming off of Locust Grove. Excuse me. This was the original one. Primary access coming off of Locust Grove. There also at the time was not access provided to the north and to the south and our regulations say that if you are on an arterial street that if you have the ability to provide access to adjoining properties you are supposed to do that. The residential buffer on the original concept plan did not meet the requirements. The loading bay that you see here was too close to the adjacent residential properties. It has to be more than 300 feet. Again, like I said, there wasn't cross-access that was provided and all of the parking was provided between the front of the building and the street and our site and design standards say that no more than 50 percent of the parking can be between the building and the street, so you are not looking at a sea of parking and cars. And also there was some questions about whether the building met modulation requirements. Meaning you have to -- you have to vary the -- the wall plains. If you look at this site plan you will see it's very square. In response to the staff report -- pretty much on the day of the Planning Commission meeting the applicant provided us an updated concept plan. That's the concept plan that you see here on the right-hand side of the page. All of those issues, except for one, have been resolved. So, the residential buffer has been widened. The loading bay has been moved to be further than 300 feet. There was cross-access that has been provided down to the south, although it's still not shown to the north. All of the parking has been broken up, so it is not in front of the building and since then you can see how the building now modulates. With that when we went to the Planning Commission we said that we were okay now with the concept plan as it was being proposed. The only issue that we had, first of all, is that it still did not show access to the north and the second was that staff was still noting that primary access was coming off of South Locust Grove and per our requirements it's supposed to be closed. I know that that was one of the -- the issues that the applicant had was they didn't want to close its access. Staff's comment to the applicant and to the

Planning Commission was if the Planning Commission wanted to deliberate on this and say they supported keeping the South Locust Grove access, staff would not oppose this. The Council has the ability to waive the requirement. So, if the Council wants to waive the requirement and allow this South Locust Grove access again -- again the staff did not strongly oppose this. This was merely an issue of regulations. ACHD did review this and ACHD did not have any concerns with this. Our big concern was trucks and whether or not there would be big trucks coming in and out of there. I know that the one person that submitted public testimony at hearing did have some comments about trucks. I'm not sure if they are here this evening. The last thing I wanted to talk about was in the original staff report the first version of the elevations almost all of it was metal siding. There was -- there was no accents. There were facade sections that were longer than 50 feet without modulation. There was roof lines that didn't have breaks and it was possible it wasn't meeting the fenestration requirements. So, what you see here on the top was the original version that went to the Planning Commission. Again, on the day of the Planning Commission applicant submitted elevations that were significantly better than the original ones. In general, when we are talking about elevations in building design, this is something that's usually worked out with staff and the applicant outside of the hearing. It's something we do at the certificate of zoning compliance and we make sure that it meets the ASM requirements, but we were calling out the original elevations, because we didn't want them to get approved in the hearing as they were when they were so far from -- from being -- to the ASM. What we see on the bottom now, what you are looking at, we believe they have made a huge amount of progress. We think that probably with a little bit of back and forth we could get it there. Staff has received two letters. One letter expressed -- expressed numerous concerns. It was by a property owner that lives in the subdivision to the east, right about the center of that subdivision. That was in regard to traffic, lighting, safety, loss of property values. The other letter that I received was from the property owner that is to the south. They -- their concerns were -- they wanted to make sure that access was provided, because they have an access easement here. They only saw this version of the concept plan. The most recent version of the concept plan does provide that access, so I don't know if the adjacent property owner now has seen that. I would assume that they would be in favor of that, because that's what they were asking for. With that staff recommended approval with the conditions listed in the staff report, with the addition that -- the site plan now we support the site plan. The only change we would recommend is that the Council debate whether they want to have access off of South Locust Grove and we would still need to see a northern access connecting to the northern properties, even if they are not going to be developing -- developing those northern properties for some time, they would need to provide an access easement. At the Planning Commission on October 7th the Planning Commission moved to recommend approval. They also liked the most recent version of the concept plan, the one that I showed you tonight, dated October 7th. They supported keeping the South Locust Grove access open. With that I have concluded my presentation. Certainly happy to offer any clarification or answer any questions, Council.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you so much, Alan. It is a complicated one, so I'm sure all I will get us going down a rabbit hole just to start out. My biggest concern -- I want to kind of put the annexation and expansion of this business to the side for a second. I hate changes to the Comprehensive Plan and the FLUM. I know we are limiting that now. I think to twice a year or once a year. I think we had some that were grandfathered in. Maybe this fits in that category. My question is describe the ownership of all of the parcels that are affected by the changes to the FLUM, because I'm concerned that there isn't common ownership of all of these -- maybe I'm just not following it in the application, but I would hate for us to be making changes to the FLUM affecting property that may not be aware of the changes and that's my main concern.

Tiefenbach: Very reasonable question. Thank you. Okay. So, the -- if you can see the bottom right, the two properties that you see in gray here, those are the ones that are being proposed by the applicant. The two properties you see here that are being recommended for change to commercial were also co-applicants on this application. So, even though they are not part of this development, they actually did sign the application and did -- did submit affidavits of legal interest. So -- so, they are on board and okay -- okay with it.

Simison: Council Woman Strader.

Strader: Mr. Mayor. Thank you. That clears it up. It wasn't clear to me -- just trying to follow all the addresses, like which ones were on board. Okay.

Tiefenbach: Very little of this is clear. This is very difficult.

Strader: Fair enough. And so, then, I guess my next question would be what -- how did this FLUM amendment come to be or is this -- like this is from our old process and this application has been ongoing since earlier in the year -- or help me understand how we ended up with a FLUM amendment.

Tiefenbach: Yeah. There is -- there is a regulation now that says you can only amend the FLUM -- and I'm -- off the top my head -- you know it more than I do. This was grandfathered in. So, this application came in before that requirement happened. So, they -- they got in right before you passed it.

Strader: Sorry. One more.

Simison: Council Woman Strader.

Strader: And so do we have any kind of different outreach than normal -- than our normal notifications to property owners considering we are doing a FLUM -- considering a FLUM amendment outside of what will now be the go forward cadence for City Council?

Tiefenbach: Actually, there isn't a posting that is required for a future land use map amendment, so there was actually more notification that happened with this. If we were just changing the future land use map we wouldn't have had to post this, but because this was actually a specific piece of property, all the property owners within 500 feet were notified. There was a sign posting that went up. So, anybody that was around this area would have been notified that this was one of the things that was being proposed.

Strader: Thank you.

Simison: Councilman Bernt.

Bernt: Thank you, Mr. Mayor. Just one question. Thank you for that presentation. Although complicated, very clear. My -- my question is regard to the property to the north. You mentioned in your presentation that there would -- leaving those properties as mixed use community might be an issue. Can you, please, let us know what your concerns are with leaving the properties to the north mixed use commercial?

Tiefenbach: I guess -- there are only -- it was more -- we weren't sure -- I guess our concerns were we weren't really sure how this was going to interact. What we would be left with was just these properties here, mixed use commercial. We already know that this one here -- or sorry. That this one here is zoned to allow apartments. So, it, basically, comes down to these little two properties here are being designated for mixed use community. I think more than likely what you will see in the future will be some sort of proposal to designate that to something else, but we are not sure now how all this would integrate and function if it really was proposed, someone wanted to do some kind of mixed use community proposal. It doesn't have great access. It's not big enough. We are not sure if the way that it's already built out and what's already being there is -- is copacetic with a mixed use community type project, but there are some questions. We are not sure how this would play out in the future. I don't have a solid answer for you. I just wanted -- it was -- it was discussed and thought we would mention that we are just not sure what that would mean in the future if these ones to the north were still a mixed use community. It was -- it was a reservation more than a statement. But that said we do -- we do support -- we do support the proposal.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: One last follow up. Were the property owners to the north notified? Did they know of this -- of this proposed change of use?

Tiefenbach: Yes, sir, they do. The property owner directly to the north -- they will give you her name. I can't remember. She came into the Planning Commission hearing, was very supportive of this project. Her only concern, which is why I brought this up to you, is she didn't understand exactly the way the process worked and she thought that we were making them put access into her property and all we were doing is saying that they had

to provide an easement, so that when those -- if and when those properties develop in the future, whether it's ten years or 20 years, that now there is access. So, she didn't understand that. But she did come into the hearing -- and I'm sure they can -- they can expand on it, talk about them being very good neighbors and that they would work with her very well.

Bernt: Mr. Mayor, that's all.

Simison: Council Woman Perreault.

Perreault: Thank you, Mr. Mayor. Alan, you mentioned that the changes in the original staff report that were made and, then, the applicant followed up the day of the original Planning and Zoning Commission meeting, so the public didn't -- that testified didn't have opportunity to review those changes made by the applicant and the Commission did not have an opportunity to fully review those changes made by the applicant; is that right?

Tiefenbach: Ms. Council Person, Members of the Council, actually, the Planning Commission did get to review it. We -- we had time to tell them -- basically exactly what I just did to you, to tell them what the changes were. The changes that they implemented made it a better project, but didn't significantly change it. So, it took the parking off the street. It did more modulation to the building. It -- there was still some question about where the Locust Grove access would occur. It pushed the outdoor activity area into being in conformance with the code. Originally it was too close to the residential. So, none of the changes that were being recommended by staff would have really made a significant difference. In fact, it would have made it a better project. The only difference was that we were asking the applicant to provide northern and southern access and, again, the property owner to the north already knew about that access. The property owner to the south actually commented on the original plan and complained that there wasn't any access. So, there really aren't any changes that would affect anybody adversely, only positively.

Perreault: Mr. Mayor, a follow up.

Simison: Council Woman Perreault.

Perreault: In my opinion -- and I will make this short, because the applicant still needs to share. The -- a number of conditions in the original staff report were so significant that if those were fulfilled we might not even be looking at the same concept and so I just have a lot of concern about that. So, hopefully, when we hear from the applicant we can kind of address that and if you have anything to share about that statement I just made I would appreciate it.

Tiefenbach: Again, really, the -- the significant changes where they modulated the building. They moved the parking off of the front. They moved the drive -- they move the outdoor loading aisle and they provided access to the north and the south. Those -- those were the issues that we had. All of those have been resolved, except that they still haven't

shown a northern access and Council should discuss whether they support the Locust Grove access.

Simison: Council, any additional questions for staff? All right. Ask the applicant to, please, come forward.

Brown: For the record Kent Brown. 3161 East Springwood, Meridian, Idaho. While we were discussing the recent changes that were made at the Planning and Zoning hearing, the staff report didn't come out really early and when we -- as soon as we knew about those changes we made those as quickly as possible and it was very easy to do for the most part. We had our loading dock closest to the northwest corner of our building and we moved it to the southwest corner of our building. So, that was the biggest part of the change. If you look on the screen, the Belveal Subdivision, that property is to the south of us. Alan has made reference that there is a daycare there. Brent Belveal and I did that subdivision just recently. There is a flex building that's supposed to go adjacent and parallel to Locust Grove and, then, there is parking behind and, then, when the tenant of the daycare leaves there will be a duplicate building in the back and there will be parking in the middle. If you go to the next one. One more. Here is the Belveal Subdivision. So, we have known where that access is. This is their access off of Locust Grove. So, that doesn't get interfered with and we have always known that that access was in the middle of their property and that we could accommodate that -- that location. If you go back to the first one again. The property owner to the north of us, those two properties are enclaves and they have been annexed. When we first started designing this project we approached the highway district, because access to Locust Grove is critical, and asked them where we wanted -- or where they wanted it. There is numerous locations. We could have put it to the north -- the very northeast corner and that could have been our shared access with that property to the north. The highway district said that they would prefer it to align with the BellaBrook Subdivision. That's where they wanted the entrance to be. So, we -- and that was where they -- they asked for it to be. I know Alan works on a number of projects, but the discussion about our access to Locust Grove -- the Planning and Zoning Commission doesn't have the right to grant that access, that's something that the Council has to do, and so we discussed operation of our building and that's why they agreed that they could support what we were doing. The Intermountain Woods people, their two main buildings over here off of Atkins, in between the two buildings is where customers come. Their customers are hardwood flooring people and cabinet makers. They supply hardwoods and so forth for those -- those types of uses. The new warehouse will not be having any customers. The customers are taking products, they are taking them off of Atkins. The only thing that will be coming in off of Locust Grove will be the few employees. There is -- there is approximately 12 that would work there. Some office people and some warehouse people. And, then, the reason that it's critical is how the entrances to the freeway are and how they can have trucks stack up off site and, then, schedule those trucks to come at a specific time, that they only operate between 8:00 and 5:00, so it's not after hours or extended hours. That's -- this building isn't a part of the day-to-day operation, it's just a warehouse to store their -- their -- their hardwood products. This strip between the two properties, there is an elevation difference in that area. Those -- those properties are going to be three feet higher. They are currently three

feet higher than the property that is being annexed and so there is not going to be a lot of cross-access. The Planning and Zoning Commission asked us to -- to provide a cross-access point. The use of this property -- when we approached in our meeting with the pre-application, staff brought up is that you have, basically, a 20 year business that's been operating in Meridian and has been successful and they are trying to expand and make that work for them. To me that's a success story for you in having this type of use for the different cabinet makers and your flooring people that have access to these wood products there. It's not generally where the general public come, but it is more of a contractor thing and all of that access that the general public and the unloading and loading for them is at -- off of Atkins. The unloading on this building -- if you go forward, Alan.

Tiefenbach: Forward up or forward down?

Brown: Down. Down again. Past Belveal. The next one.

Tiefenbach: Down?

Brown: One more. So, in this northwest corner is the one spot that we would have a ramp go in between the two properties, so that they could connect, because, otherwise, they are going to be at different elevations. But that's the only place that between those two properties that people would be able to connect. The parking stalls that are on the existing, they are going to remain. There is going to be no change to that parking. But the office is over here on the other side. I think I got one more, Alan, don't I?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Quick question. Quick question. Kent, when you say ramp you don't mean ramp. You mean -- you bet. You mean like actual --

Brown: It's going to have --

Borton: -- a section width for a vehicle to --

Brown: It's going to have to be some kind of ramp, because you are going to have three foot higher in elevation that you are going to be going up to. So, between the two properties, yeah, there will be --

Borton: The design for cars and trucks to safely utilize --

Brown: Well, forklifts and so forth, yeah, that they can do -- go through there. Yeah.

Borton: All right. Thanks.

Brown: Of what he showed and what he is showing is a lot smaller than --

Borton: Right.

Brown: -- what it would be. The architect is here and he can speak to that.

Borton: No. I just figured -- just clarifying that. Thanks.

Brown: We intend on providing an access to the north. We just need to work it out with that nice lady -- our landowner. We share that currently, those -- those existing properties not being annexed. There is a little strip. We currently have an access easement on that with her and that's where the previous owner always went. If you go to the second picture in this series, Alan.

Tiefenbach: Down?

Brown: Down. Up. Sorry about that.

Tiefenbach: Here?

Brown: Right there. Can you blow it up? That middle one up. So, in a line with the church's parking lot is her driveway and the house that used to sit on that northerly piece shared that same driveway and we have an access easement across that on her property and so we -- we have the ability to put it, we just need to know where it's most viable for that -- that adjoining property and understanding that is that you have limited access points that you are going to have on Locust Grove. If you go from Watertower, you go -- that first property that's on Watertower on the corner takes off -- access off of Watertower. Then the next one is the Belveal property and their access is on their southerly boundary. Then this one is -- why the highway district was okay with that is that we are basically halfway in between Watertower and Franklin Road and so they -- they looked at that being a good place to have a connection and, then, have these cross-access easements continue from the properties going -- going to the north, so --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: On that point, Kent, would you be -- I thought the condition would be that you would be providing the cross-access to the north, but wouldn't you also vacate the access easement that's on that property --

Brown: We --

Borton: -- because you wouldn't need it?

Brown: We are not going to need it and at some point we are going to have to -- what we



currently have is we have a joint agreement that we maintain it together. So, they -- they pay part of the taxes, they -- I mean it's not in their ownership name, but it's on the deed, it has a part of their property, and so they have an agreement and, yeah, eventually, when and if that property develops, yeah, we would release that and make that go away. But -- and because we don't have ownership of it, we didn't try to include that. I mean she says that she's ready to be gone, but I think she's got her -- her kids living with her and -- and so -- are there any questions that I can answer about this? As Treg knows, I'm -- I drive by here probably ten times a day, so I'm very familiar with it.

Simison: So, Kent, I'm going to play off of that, just for -- not the driving by. Following up a little bit on Joe's comment, a little bit on what Councilman Bernt mentioned before. Give me your years of experience and expertise and tell me what this section of property looks like redeveloping from Franklin up to the back of this tenant's property with accesses, with land use designations as you see them, with -- can -- can that retention pond be modified in the future, in your opinion? That's my big -- bigger concern is once you get this -- this northern cross-access what does the rest of this look like in the future?

Brown: So, there is going to have to be one more entrance into the property and it's going to have to be -- to even make that existing multi-family that's there on the corner. Bryce Peterson submitted that when I was on the Planning and Zoning Commission years ago and got that property approved for an apartment complex and they were three story buildings and, then, the highway district started doing improvements there and on Franklin and they also have a floodway that's there. So, the big part of the property has a pond that you can see the road going around and the other part is floodway. So, they couldn't put any improvements into that floodway and so they have got this strip of ground that is to the west side of them and, then, they have a strip equally sized and by themselves they can't develop. In the last year all of these property owners in this entire length have been contacted by multi-family people trying to put multi-family in there. Whether that happens -- that's a possibility, but they would have to -- they would have to have all three properties most likely to make that happen. You could do some commercial, but you are going to have commercial that is going to be further away from that intersection and what do you do with the existing residential that's already zoned there. It would be nice if that could be a part of that project and make that work, but it -- it is a difficult piece because of access and anytime that you get close to a major intersection like that, you got to be far enough away. The church has a park -- driveway on the north side of the building. That's probably as close as they could go to that intersection with an access, which just basically goes across to the property that already had multi-family on it. It could go to the center of the church, but that -- the highway district would probably have to speak about the distance there to go. Could it go from a commercial use? I mean your mixed use community wants people to drive and it's the depth of those properties that make having that type of use. Is it more reasonable that the industrial expands? I mean until Brian in our -- in our pre-app meeting -- I was expecting him to tell these clients, well, you tore down some houses and you tore down some trees and you might not be able to get industrial there and I know that that's the decision that you guys are wrestling with, but when you have limited industrial and you have a user that is proven up and realistically you can't look at them as out-of-state people, they have been here supplying the local people and they are

a part of the community and there is -- they are being successful and they -- could they expand to the north? Yeah. That would -- that would work. That was one of the discussion items that they had, but that owner isn't ready to sell and I -- that property to just to the north of them they just sold and they kind of like being a farm. They -- they have got six grow boxes out there and they view themselves as farmers. So, I don't know, I -- that's -- that's my experience. I can see it going in -- more going industrial and I can see mixed use continuing if you include all of them and -- and I know that the developers have tried to do it, because you get that property on the corner that already has existing residential, you really can't make that property work without having the properties to the north.

Simison: Thank you. I mean we have no idea what will happen, but least it gives Council an idea as you think about access and what would be moving forward and what areas and the importance of that north-south, et cetera. So, thank you. Council -- Council Woman Perreault.

Perreault: Thank you, Mr. Mayor. So, the size of this warehouse, it's about the size of an Albertson's. It's huge. So, I want to understand more about what is going to -- normally I wouldn't -- I wouldn't likely ask this question, except that it's just so big. More about what's going to happen inside of the warehouse, so that I understand more about kind of -- I still don't have a full grasp of the traffic flow. You addressed the number of staff that would be coming in. My assumption is is if they are doing more manufacturing, then, they are storing --

Brown: They are not doing manufacturing. They are storage. They are not doing --

Perreault: You had mentioned -- are they building cabinets there or --

Brown: No.

Perreault: -- are they storing items there?

Brown: Storage.

Perreault: So, do they have delivery trucks that are coming in and out during the day and is it --

Brown: The delivery trucks are dropping supplies off and -- and, then, leaving them as a warehouse. They are not manufacturing anything here. It is -- it is a hub that other of their properties would come and pick up stuff, but that's why we located it in between the two buildings, so that it's not seen by the public and the number of trucks isn't that many trucks, because they -- they don't have the -- they don't want that -- that congestion in their -- their operation. They have a -- even what they currently have they have an overhead covered, because of this -- the -- the nature of their wood, they don't want it to get damaged, so they have a covered area that they are unloading and loading stuff. So, realistically, the activity portion of this is sandwiched -- it's the Oreos filling in between the

two buildings, if you will, and so they are not seeing that as they are looking at -- at these properties. What they are going to see is a warehouse with some -- a few cars for the people that are working in that warehouse and, then, they will see -- you know, I don't know how often. One of the people from the plants here -- and he can talk about how often they -- but there is everything scheduled, so that it -- they are very organized in the fact of them showing up and leaving, that there is not this congestion. They don't want people stacked up on site and they want to be able to have access to the freeway and this provides that they can either get off at Meridian or they can get off at Eagle, in between the two and that's why this entrance onto Locust Grove is so critical, because you can go over and get to the Overland Road and access those also.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, I agree with you in regard to there -- there is probably -- you know, the customers aren't going to be down there, they are going to be on the other side. I'm there all the time and so I get it. But I think there is going to be a fair amount of trucks. I mean like Councilman Perreault mentioned, that's a -- that's a big warehouse and -- and there is going to be a lot of product going in and out of that place and so --

Brown: I wouldn't know --

Bernt: And I know you wouldn't know that. And they could speak to it. That's fine. That's fine. So -- but my question to you is is there a way to take those trucks off of Atkins and bring them down, instead of having big trucks go down Locust Grove? Is that a possibility?

Brown: Obviously it is. I mean they currently are going in there.

Bernt: Right. Don't mean to interrupt, Kent, but like I get how they are going in and they, for sure, receive trucks on the Atkins side. My question is can they -- can those trucks continue to go to Atkins, but is there a way from -- for the big trucks that go through Adkins and -- and deliver and unload and load at this new warehouse that you are proposing? From Atkins, not Locust Grove.

Brown: I could have them speak to that.

Bernt: Sure. Thank you.

Brown: Anything else?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question. We did receive some public testimony from somebody that lives nearby and I think you did address some of the questions about traffic, but maybe we will get into that some more. There was a concern about the lighting. I just wanted to give you an opportunity to address that. Is there -- I know our planning staff opt -- okay. Well, let's go there. If that's okay with you, Mr. Mayor?

Simison: Alan.

Tiefenbach: Just waiting for the go ahead, sir. Yes, some of the property owners that you are talking about there in this subdivision here, some of the things you had concerns about are just performance standards. If they put in lighting, the lighting has to be downcast and shielded. It's cut off to a certain amount of foot candles. That's all stuff that's done administratively. You can't have big bright lights shining at a house. We have requirements and when we look at the CZC we will make sure that their lighting is downcast and shielded. Again, if it meets -- if it's over 1,800 lumens, then, they have to do a photometric plan, all that. So, lighting is not going to be an issue.

Strader: Perfect. Thanks.

Simison: If you would like to state your name and address for the record.

Partridge: Kalon Partridge with Intermountain Wood Products.

Simison: Thank you.

Partridge: I -- to answer a couple of your questions, I guess. So, trucks I think are estimated between four and eight a day that would come in. Typically we would schedule them throughout the day, so they would come -- like one or two at a time we would unload them in the back and, then, they would come out the other side and leave. I don't believe it's realistic for them to come in on Atkins, primarily because of the elevation change. It would be -- it would restrict which direction the trucks can go and that would force all the trucks to -- they would go through Atkins and they would get onto this new property on the north side, which is exactly what we are trying to avoid with the loading dock moved to the south side, so --

Simison: Council, any additional questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Sorry we are getting so specific, but, you know, we do have members of the community that -- that would be asking the same questions.

Partridge: Sure.

Perreault: When you say trucks are you meaning semi trucks?

Partridge: Yeah. Semi trucks.

Perreault: I don't see a lot of semis on this section of Locust Grove generally. So, that's just -- I wanted to understand that. This isn't all that far from schools and there are pedestrians in this area quite often, so just wanted to --

Partridge: I don't know -- if I may, I don't know for sure, but I would guess at least half of the trucks that currently come into Atkins go on Locust Grove, because they come off of Eagle and the easiest access to our property is to come south and, then, go on Locust Grove. So, I think a good portion of the trucks are already driving through that area.

Simison: Council, any additional questions for the applicant?

Partridge: Thank you.

Simison: Thank you very much. Mr. Clerk, do we have anyone from the public signed up to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: Okay. If there is anybody in the audience who would like to provide testimony on this item if you would like to come forward at this time or if there is -- do we have anybody online with this? We did not have anybody online. So, if you would like to come forward and state your name and address for the record and you will be recognized for three minutes.

Xu: Mr. Mayor and Council, my name is --

Simison: If you can speak into the mic.

Xu: Sorry. Mr. Mayor and Council, my name is Danny Xu. I'm -- I'm a property owner across street, just right there in the Bellabrook Subdivision right across on Locust Grove. From the proposed development. I didn't get a chance to submit a -- you know, a statement before the meeting, so I just came from work. Yeah. So, basically, the question has been asked, I just want to repeat and emphasize as a property owner living nearby with three kids, small children, and I have significant concerns about the traffic and, of course, it's safety related and so it looks like, you know, the information that we just discussed that there will be fairly significant increase of traffic by semi trucks and my personal experience -- I have lived there for almost six years now at the beginning of the subdivision, across the street from there. I don't see a lot of semi trucks going back and forth -- at least within that section of Locust Grove. So, that is a pretty significant concern on my part and including my neighbors. I talked to a few of them. So, I just want to make sure that the City Council is aware of those concerns. Thank you.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Was it Daniel?

Xu: Yes.

Hoaglund: Yeah. I appreciate that -- that comment in the testimony and so I guess for us -- for me it's weighing the factor, okay, four to eight semi trucks, which would be on Locust Grove and, yeah, we don't -- you know, people don't want semi trucks. But if we leave it mixed use and it goes to residential and it goes to multi-family and all of a sudden you have 250 units and cars and from what I understand in reading the minutes for the semis, we are looking at limited office hours or warehouse hours, you know, 8:00 to 5:00 type of time frame. So, I'm weighing that versus a residential multi-family where you have cars at all hours and let's say it is a 250 unit facility or even retail, which you may be operating from 7:00 to 11:00 at night and so that's -- that's what we are trying to weigh. So, if I hear objection to four to eight semis, I'm thinking, well, what would the -- is their objection to having retail and -- in a mixed use community with apartment complexes and that sort of thing, which also has impact. So, what's your flavor? Pick -- pick your poison, I guess.

Xu: Right. That's a really good question. I think -- personally I think my personal preference will be, you know, I would lean towards the other side, which is the mixed use, including commercial, instead of industrial, semi trucks, traffic. That's just my take. I believe a lot of people share that, so -- yes. So, you know, it -- the other concern is that the proposed entrance to the new -- new property, new warehouse, it's -- as we see in the picture is, essentially, right across the street from the only entrance to my subdivision, so -- I mean that's the only entrance and exit for that subdivision or the cars, you know, going -- going in and out of that and when we -- you know, imagine that we actually try to drive out of the subdivision and, then, there is a semi truck coming out from the other side, that's -- yeah. That's my concern.

Hoaglund: Mr. Mayor, follow up?

Simison: Mr. Hoaglund.

Hoaglund: And, Daniel, I appreciate that input and -- and that's, again, why I'm weighing this thing is, okay, if their hours are 8:00 to 5:00 and there are four to eight -- is because it's a warehouse, it's not a long expanded time and when you leave at rush hour -- and let's see if you leave at 7:15 or 7:30, there shouldn't be any traffic and when you say -- and you have commercial or multi-family across there, you have got many cars going at the same time. That's why I'm trying to weigh this and thinking, well, there is a lot of advantages for going this route than the other route in terms of impacts to traffic and -- and impacts to your neighborhood of coming in and out. So, that's -- that's -- that's my

thinking on this, so --

Xu: There -- there is -- the reality is that there is already a lot of traffic on Locust Grove. You know, it's not like Eagle Road, but it's -- it's -- you know, because of Eagle Road I believe a lot of people try to avoid it, so they actually take Locust Grove. So, every day -- I mean if I get home early, like even before 5:00, you know, sometime during the noon, lunch hours, or starting, you know, after 3:30 when school is out, already have a lot of traffic. No semi trucks, but just ordinary traffic in that that section of Locust Grove. So, imagine -- you just mentioned that the office hour is like 8:00 to 5:00. So, definitely that overlaps the kind of rush hour and, then, you know, there is actually a long line of normal traffic because of the traffic lights, the wait, and -- and, then, you know, that's even -- you know, that started way before 5:00 o'clock and now you have semi trucks waiting to get out. That's -- you know, we are going to expect a lot of traffic jam there.

Hoaglun: Appreciate your input. Thank you.

Xu: Sure. You're welcome. Thanks.

Simison: Is there anybody else that would like to provide testimony on this item at this time from the public? Then would the applicant like to come forward for final comments?

Brown: For the record Kent Brown. 3161 East Springwood. When you look at the area and you take the area directly north on the north side of Franklin, that -- that's an industrial area and there is semi trucks, so -- and as I drive through there all the time I pick Locust Grove and, yeah, there is times when I don't pick it. I don't pick it between 4:30 and 6:00, because that's when that intersection is really backed up. When I first started going down there Locust -- Locust Grove was a dead-end road that just went past Treg's house and, basically, just stopped. It was a really nice road, because an ACHD employee lived up there and that road always got chipped sealed and was well taken care of. But the city like you are currently doing with Linder Road, got that overpass in and worked with Jabil, which was another one of my clients that did that in that area. This really works in this location. If you limit the access and say you can't come off of Locust Grove, they are going to be driving right past the same areas to get into Atkins, because you have to go -- you can either enter it from Watertower or you are going to enter it from Franklin. Either one they have got to go in there. Most likely they are going to drive up to Watertower, because turning there on Franklin Road closer to that intersection -- Franklin is busy all the time, too. So, I know that that is a challenge we -- we hear about traffic all the time. Councilman Hoaglun really hit it really well is -- I think it would be different if this was a different type of a warehouse, but these guys have a limited number of trucks that are coming. That's one of the things that I liked. And when -- when they approached me I kind of wondered about it, because I haven't had the best of luck doing things close to my home and having neighbors not like me and I like this project. I think that they are a good use here and -- and I don't view them being the traffic issue that people are concerned about and that's my final comments. Thank you. Council, questions?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Kent, you are one of the best. You know that. I just -- my other concern was -- I just -- I want it to be a good good looking building and --

Brown: So do I.

Bernt: You know, I don't want it to be a warehouse. Are you guys listening? Like I don't -- I don't want it to be like what your warehouses look on the other side. The reason why you get away with it is because it's industrial, it fits the mark. Don't make this look like your other facilities. And I'm not saying that they look bad, because they look great. But it matches everything else that's over there; right? This has -- you're right next to residential, you are right next to a thoroughfare that's going to be busy. Dress it up. Just do me a favor and dress it up. Don't make it look like a normal warehouse. I think -- I think that -- other than that I think that we are in good shape. Are we good? Okay.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, Kent, I guess I'm curious -- I don't necessarily see Intermountain Wood Products going anywhere anytime soon. They have been there for more than 20 years.

Brown: Right.

Nary: But would they be okay with the DA -- the modification we are talking about to include some of those limitations that fit their business? The hours of operation --

Brown: Definitely.

Nary: -- those types of things that way -- in case it were to change, so that we wouldn't be faced with a different project.

Brown: So -- so, I appreciate you bringing that up, Bill, because when I -- I read that first existing DA that's on their existing facility, the neighbors -- in fact, the sweet lady that lives to the north of us, she said, you know, they showed up in mass to stop that industrial development from going in against their -- their acre parcels that they had there -- two acre or three acre parcels and the developer Barnes proposed putting in the -- the buffer. Well, the buffer wasn't necessarily a common area lot, it was just the screening and as I read the conditions it said you just screen residential uses that are adjacent. When this becomes industrial we don't -- we don't need it, but I offered to the planning staff going we want a DA that covers all of our properties and so we -- we want to include that and definitely that's why I think it's very appropriate and your legal counsel is giving you a good direction that you can cover some of those concerns that you are having. By the time we put in all those extra trees that we had to mitigate that they cut down -- it's



interesting sitting here before the meeting they said that the forester had been out and talked to the neighborhood and said most of those trees were infested and were ready to be cut out anyway. They maybe could have not had to do as many as they are going to do now, but that's going to enhance the site and it's going to make it look nicer sooner, so -- anything else?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor and Kent. Yeah. To Mr. Nary's comment about hours of operation and whatnot, what is -- what is reasonable for -- for that? I mean it's not something you want to go into lightly and put limits on there to --

Brown: But that's inside the warehouse, not deliveries.

Simison: For the record that was stated 8:00 to 5:00. That's what they currently do. So, it's on the record. If you -- if you -- if you would like to come forward and add, so we can have it on the record, please.

Brown: You are going to have to live with it, so --

Partridge: Again Kalon Partridge. At times we do have trucks coming in at 7:00 to be unloaded and our -- our own delivery trucks going out would perhaps start at 7:00. Our --

Brown: Is that the Atkins side or -- I guess I'm asking the question, because you -- because the DA is going to be over both pieces. What you want to do is maybe limit the entrance off of Locust Grove to the 8:00 to 5:00, but have the other entrance be sooner, if you can live with that.

Partridge: Yeah. We -- that would help us be flexible, because our own delivery trucks would leave earlier perhaps at 7:00 to get on the road and those could leave out Atkins side.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I heard 7:00 to 5:00 p.m. for the warehouse off of Locust Grove access point?

Partridge: That's correct.

Hoaglund: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Ask this question for the applicant before the public hearing is closed, just in case. I want to understand more thoroughly from staff about the -- the north and south cross-access easements and what you need to see from the applicant to include that in the DA. Do you need an updated concept plan from them? Do you need something done legally? Do we need to have that short plat done before we do that? And perhaps this is a question for Mr. Nary as well. I want to understand the process, because I have some concerns about approving a DA modification without an accurate concept plan, if we are tying one to it.

Tiefenbach: Sure. I think those are reasonable. Bill Nary, that might be one for you. I mean if we can -- we are okay with the concept plan that you see here, except that it doesn't show a northern access. I'm not sure how specific the applicant wants to get about putting in the northern access, but that might be -- it may be a Bill Nary question.

Nary: So, Mr. Mayor, Members of the Council, so what we have done on many many occasions, because, again, the access is really going to be dependent on what the use is going to be. So, there will likely be some limitations on where you could logically put it from an engineering standpoint, but we would normally require in the DA that the -- basically the applicant agree to a future -- an easement for a future access point along their northern boundary and, basically, what happens is when that other party wants to develop, then, they work together to say it needs to be here or it's got to be there and where ever it's going to go and so it basically is recorded against in the DA that they will provide it. They will, then, determine later where the exact location is going to be.

Tiefenbach: If I could add north and south.

Nary: Yeah. We can do -- we can do that. But we -- we do that all the time. That's not a concern.

Brown: And most likely we would like to be closer to Locust Grove, but you have to have it outside the landscape buffer and the reason being is you don't like people wandering through your site going to some other property and so generally they are -- they are fairly -- going to be fairly close to Locust Grove, but outside the landscape buffer and out of parking stalls and so forth.

Simison: Council, any additional questions for the applicant? Okay. Thank you very much.

Brown: Thank you.

Simison: So, Council, any discussion before closing the public hearing?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: My gut tells me this is one of those we may want to leave it open just in case of scenarios as we discuss.

Simison: Yeah. Well, as you contemplate that for -- I think it's great to see an existing business have an opportunity to expand and grow in our community. We are seeing this from a lot of businesses and with the limited industrial and other challenges of wanting to stay consistent, going to industrial is a great thing in this location and, you know, if -- but for the already existing multi-family to the north with that pond, there -- there could be a good argument to make this all -- area all industrial, but that will -- we will let -- the market will determine what's available in this area, but I think in this property with these changes I think it makes good sense for a change.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Alan. Alan, what site plan are we approving for sure? Because I noted in staff recommendation that the site plan that was presented on October 7th hearing be the one that is approved? Is that still --

Tiefenbach: Correct. Yeah. It's the -- it's the one that was included in today's staff report that was dated October 7th. Same site plan that was provided to the Planning Commission. Really, the only changes that you are going to see to anything else would be a northern and southern access. Other than that we were fine with it. And for some discussion about the Locust Grove access.

Hoaglund: Right.

Tiefenbach: The -- since the staff report went out and the Planning Commission they made huge improvements that we no longer have concerns with the elevations or the site plan.

Hoaglund: Okay. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we close the public hearing.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You know, I -- I echo your comments from earlier. It's always wonderful to see existing Meridian businesses expand and grow and -- and to be successful. So, this is -- this is a true testament of that. Intermountain Hardwood have been a staple in our community for decades and so grateful for their success and their willingness to continue the investment in Meridian. I just hope that they dress it up, make it look good. Okay. All right. With that said I make a motion to approve Item H-2021-0042 with the following modifications: Making sure that there is a northern access. Not going to get too specific on where that is, but to make sure that there is one going forward. Is there any other -- okay. And -- I thought that was already stated. And the southern boundary as well. Anything else need to be stated? Is that good?

Nary: Limitation on hours --

Bernt: Okay.

Nary: -- on the Locust Grove access.

Bernt: 7:00 to 5:00? And making limited access to hours on the Locust Grove access point from the hours of 7:00 a.m. to 5:00 p.m., Monday through -- throughout the week.

Hoaglund: Mr. Mayor? And --

Simison: Let's him finish before you address any --

Hoaglund: Was that access or hours of operation?

Bernt: Hours of operation between --

Hoaglund: Okay. Thank you.

Bernt: -- 7:00 a.m. to 5:00 p.m. at the Locust Grove access.

Simison: Is there --

Hoaglund: I will second, Mr. Mayor. And for --

Simison: Motion and second. Is there discussion?

Hoaglund: Yes. Did we want to add in -- I think we have to -- Council needs to act on waiver to allow access off -- off of Locust Grove is one of the items that we need to include. And -- and, then, I -- I think we need to just make sure it's agreed to that the site plan is as presented on October 7th, just to cover all our bases, so --

Simison: Does the motion maker agree with those changes?

Bernt: Yes.

Simison: Does the second --

Hoaglund: Second certainly does.

Simison: -- support it from that standpoint? Excellent. Is there any further questions on -- do we have everything from everybody's point? Okay. 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.

MOTION CARRIED: ALL AYES.

Hoaglund: And, Mr. Mayor, I forgot to --

Simison: Councilman Hoaglund.

Hoaglund: -- do this during the discussion portion, but just, Daniel, appreciated your testimony and for us up here, having -- we do a lot of these around the city. We really did try to pick the lesser of the traffic impacts and I know we are talking about semi trucks, which, you know, causes consternation, but seeing what we see with multi-family and commercial and the impact that has on the roads, I hope you trust us that we really did want to do what was the least worst for your neighborhood. So, hopefully -- hopefully your neighbors will understand, so -- but appreciate you being here. Thank you.

## **ORDINANCES [Action Item]**

- 7. Ordinance No. 21-1953: An Ordinance (H-2021-0036 Briar Ridge Subdivision Rezone) for Rezone of a Parcel of Land Located in the Southeast ¼ Of The Northeast ¼ and the Northeast ¼ of the Southeast ¼ of Section 36, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho; Establishing and Determining the Land Use Zoning Classification of 40.992 Acres of Land from R-4 (Medium Low Density Residential) Zoning District to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: Thank you. Well said, Mr. Hoaglund. With that we move to Item 7 under Ordinances. Item No. 7 is Ordinance No. 21-1953. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related H-2021-0036, Briar Ridge Subdivision rezone, for rezone of a parcel of land located in the Southeast ¼ of the Northeast ¼ and the Northeast ¼ of the Southeast ¼ of Section 36, Township 3 North, Range 1 West, Boise meridian, Ada county, Idaho; establishing and determining the land use zoning classification of 40.992 acres of land from R-4 (Medium Low Density Residential) Zoning District to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Seeing no one, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1953 for Briar Ridge Subdivision with the suspension of rules.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

#### FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a housekeeping item. At some point in the future if we could revisit the fees that we charge for -- I'm forgetting the name, but, basically, when someone's pet -- impounding fee for pets that are found. That sounded like something we might want to talk about.

Simison: If not, do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 7:46 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

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

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

ATTEST:

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



## AGENDA ITEM

**ITEM TOPIC:** 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.





# MEMO TO CITY COUNCIL

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**Staff Contact:** Sonya Allen

**Meeting Date:** November 23, 2021

**Topic:** 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.

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**Request:**

Final plat consisting of 4 commercial building lots on 2.79 acres of land in the C-N zoning district.

**Information Resources:**

[Click Here for Application Materials](#)

# STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT



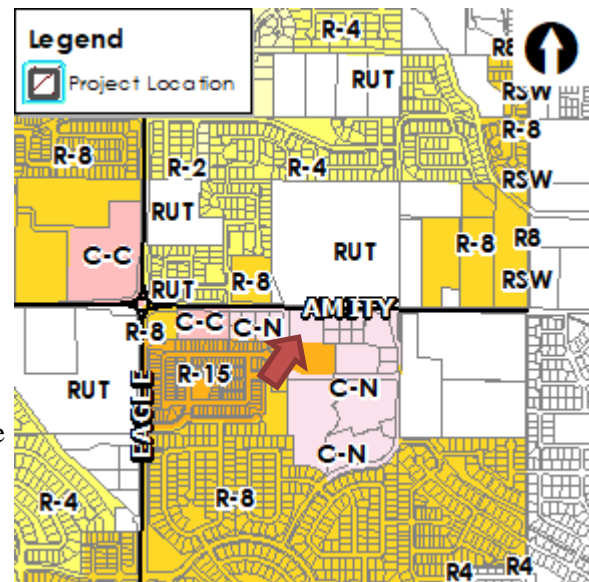
HEARING DATE: 11/23/2021

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner  
208-884-5533

SUBJECT: FP-2021-0055  
Hill's Century Farm Commercial No. 2

LOCATION: South side of E. Amity Rd.,  
approximately a 1/4 mile east of S. Eagle  
Rd. in the NW 1/4 of Section 33,  
Township 3N., Range 1E.



### I. PROJECT DESCRIPTION

Final plat consisting of 4 commercial building lots on 2.79 acres of land in the C-N zoning district.

### II. APPLICANT INFORMATION

#### A. Applicant:

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

#### B. Owner:

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

#### C. Representative:

Same as Applicant

### III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat (H-2016-0092) in accord with the requirements listed in UDC 11-6B-3C.2.

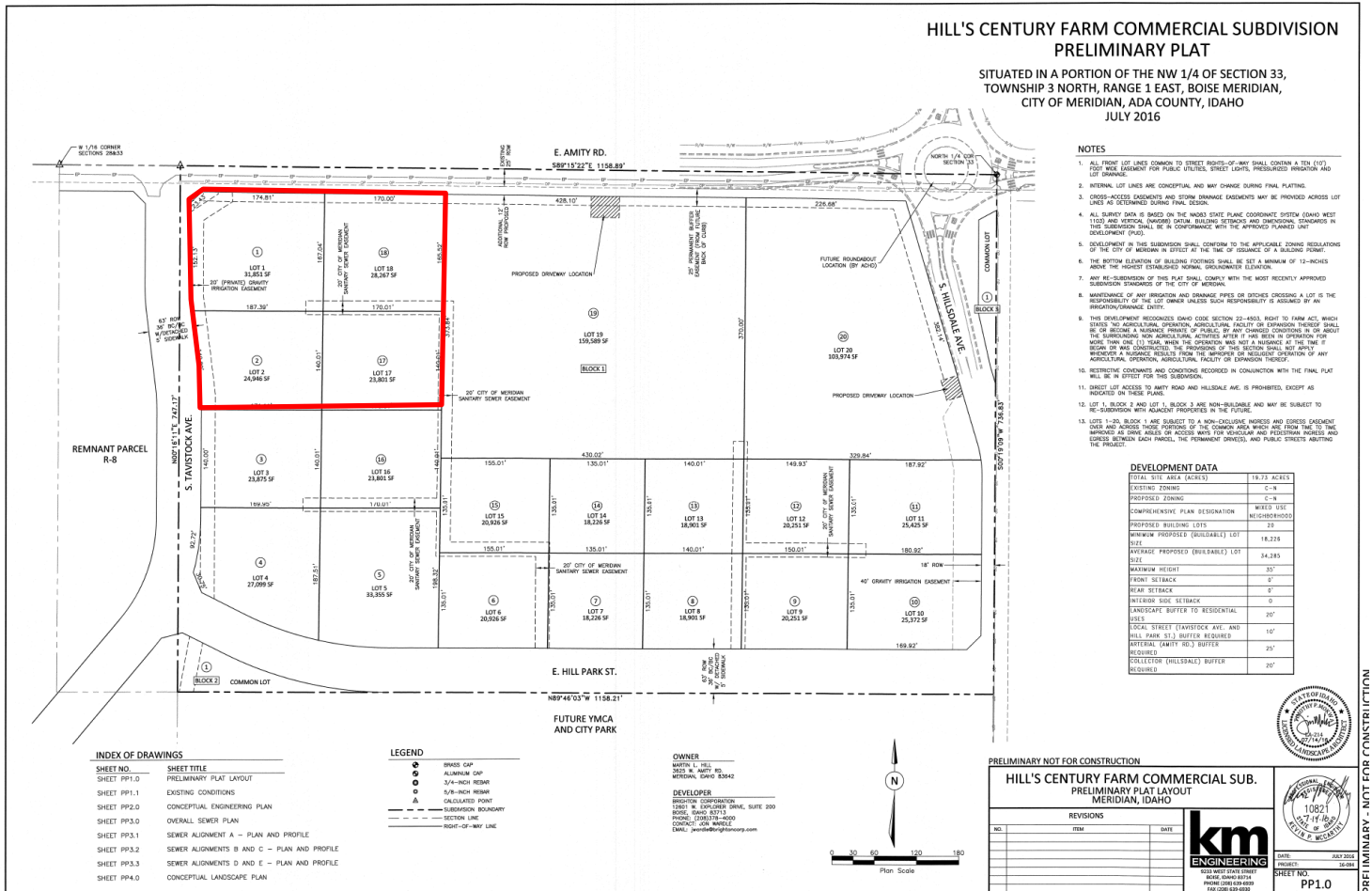
In order for the proposed final plat to be deemed in substantial compliance with the approved preliminary plat as set forth in UDC 11-6B-3C.2, the number of buildable lots cannot increase. Staff has reviewed the proposed plat and the number of buildable lots in this phase are the same as depicted on the approved preliminary plat; therefore, Staff deems the proposed final plat to be in substantial compliance with the approved preliminary plat as required.

## IV. DECISION

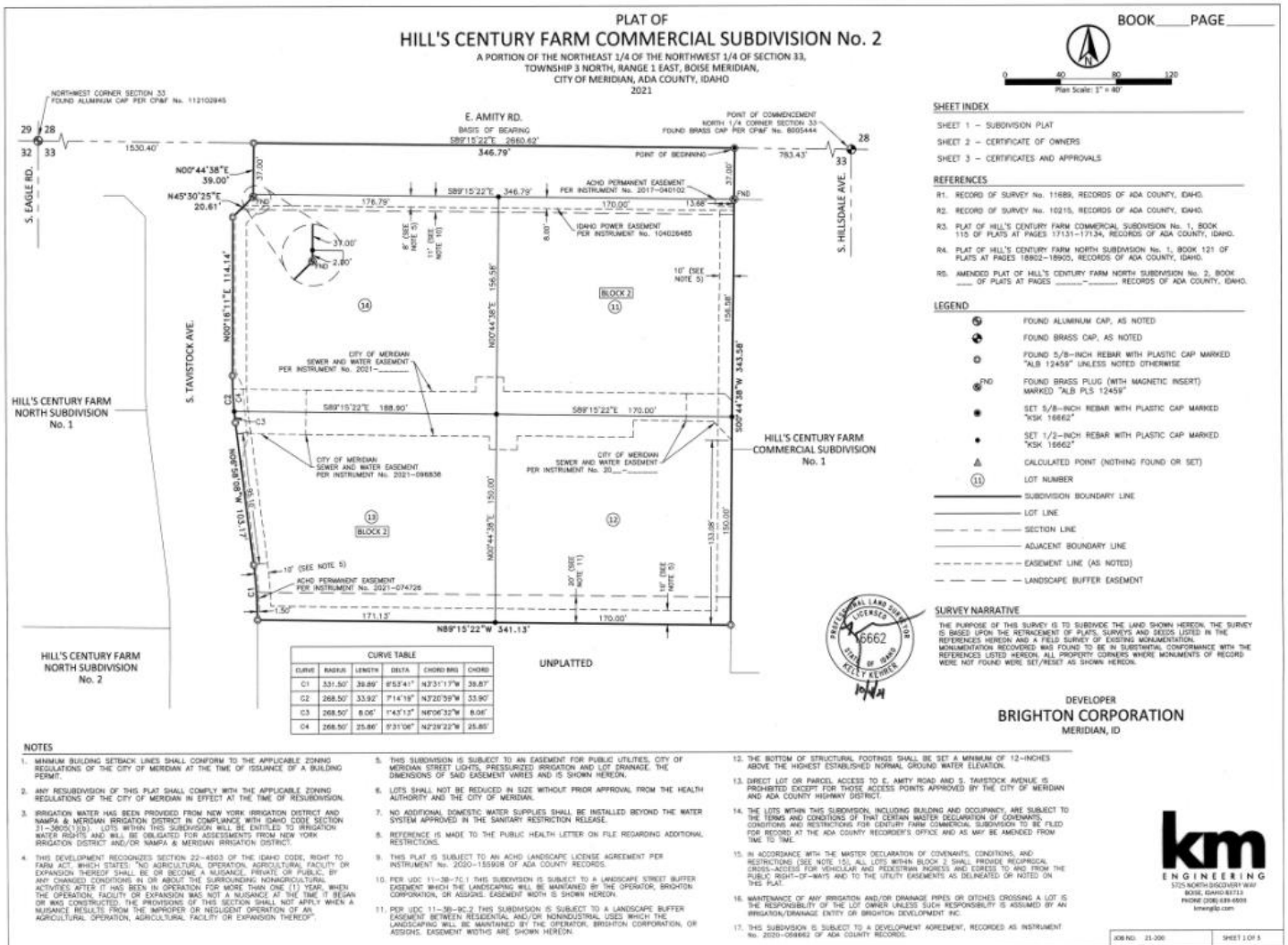
Staff recommends approval of the proposed final plat with the conditions noted in Section VI of this report.

## V. EXHIBITS

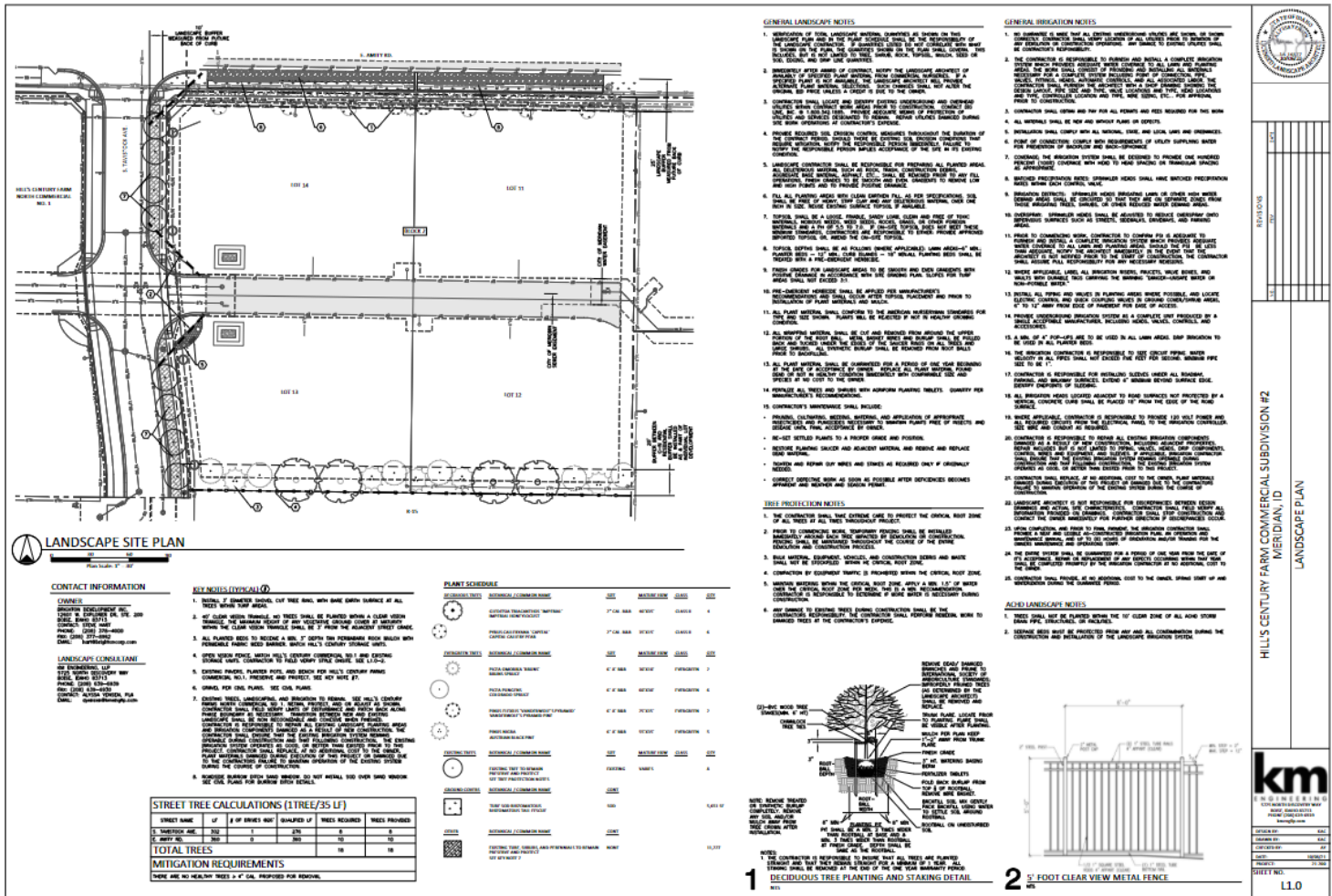
### A. Preliminary Plat (dated: 7/14/2016)



## B. Final Plat (dated: 10/4/21)



### C. Landscape Plan (dated: 10/6/2021)





## VI. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning Division

#### Site Specific Conditions:

1. Applicant shall meet all terms of the approved annexation (AZ-15-004, Development Agreement - Inst. #2015-061375; H-2016-0092 1<sup>st</sup> Addendum Inst. #2016-119080; H-2018-0127 2<sup>nd</sup> Addendum #2019-033207; and H-2019-0134 3<sup>rd</sup> Addendum #2020-059662); preliminary plat (H-2016-0092); and time extension (TED-2020-0004) applications approved for this site.
2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years of the City Engineer's signature on the previous phase final plat (as extended by TED-2020-0004 – by August 29, 2022); *or* apply for a time extension, in accord with UDC 11-6B-7.
3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
4. The final plat prepared by KM Engineering, stamped by Kelly Kehrer, dated: 10/4/2021, included in Section V.B shall be revised as follows:
  - a. Include a note granting a cross-access/ingress-egress easement between all lots in the proposed subdivision in accord with preliminary plat condition #1.1.1d and UDC 11-3A-3.
  - b. Include the recorded instrument number of the City of Meridian sewer and water easement graphically depicted on the face of the plat on Lots 12 and 14, Block 2.

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

5. The landscape plan prepared by Alyssa Yensen, KM Engineering, dated 10/6/2021, included in Section V.C, shall be revised as follows:
  - a. Depict shrubs in all street buffers, along with trees and vegetative groundcover, in accord with UDC [11-3B-7C.3a](#).
  - b. A minimum 10-foot wide street buffer is required along S. Tavistock Ave.; widen the buffer from 8- to 10-feet and depict landscaping within the buffer in accord with the standards listed in UDC 11-3B-7C.
  - c. A minimum 25-foot wide street buffer is required along E. Amity Rd., an arterial street; the entire buffer shall be landscaped in accord with the standards listed in UDC 11-3B-7C.

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

6. All existing structures on the site shall be removed prior to signature on the final plat by the City Engineer.
7. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and development agreement does not relieve the Applicant of responsibility for compliance.

### B. Public Works

#### General Conditions:

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

## Specifications.

2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.

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





## AGENDA ITEM

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

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



**In the Matter of the Request for Annexing 255 and 335 S. Locust Grove Rd with the I-L Zoning District, Modifying Development Agreement to Create New Development Agreement to Remove Internal Landscape Buffer Requirement, and Future Land Use Map Amendment to Designate 355 and 255 S. Locust Grove from Mixed Use Community to Industrial, and 385 and 381 S. Locust Grove from Mixed Use Community to Commercial, by Kent Brown Planning Services.**

**Case No(s). H-2021-0042**

**For the City Council Hearing Date of: November 9, 2021 (Findings on November 23, 2021)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of November 9, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of November 9, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of November 9, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 9, 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 9, 2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

#### C. Decision and Order

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

1. The applicant's request for annexation, zoning to I-L, development agreement modification and future land use map amendments is hereby approved per the conditions of approval in the Staff Report for the hearing date of November 9, 2021, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Preliminary Plat Duration

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

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

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

##### Notice of Development Agreement Duration

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

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

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

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

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

F. Attached: Staff Report for the hearing date of November 9, 2021

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

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

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

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

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

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

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

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

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

Attest:

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

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

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

**STAFF REPORT**

**COMMUNITY DEVELOPMENT DEPARTMENT**



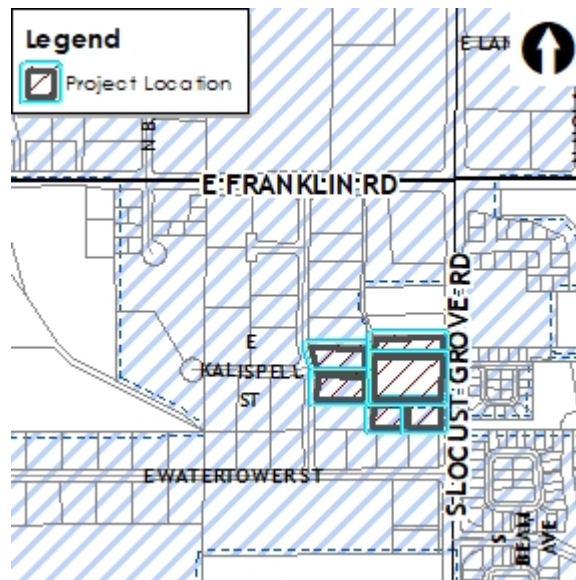
HEARING DATE: November 9, 2021

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner  
208-884-5533  
Bruce Freckleton, Development  
Services Manager  
208-887-2211

SUBJECT: H-2021-0042  
Intermountain Wood Products  
Expansion

LOCATION: The properties are located at 255, 335, 381, and 385 S. Locust Grove Rd, and 220, 300 and 330 S. Adkins Way, in the NE ¼ of the NE ¼ of Section 18, Township 3N, Range 1E.



## I. PROJECT DESCRIPTION

This is a request to expand an existing wood products business by annexing 3.1 acres of property with the I-L zoning district, and modifying the Medimont Development Agreement to create a new development agreement to remove a requirement for an internal landscape buffer. This application includes requests for two Comprehensive Plan Map Amendments. The first amendment is to change the designation of the properties to be annexed from mixed use community to industrial to allow zoning to I-L for the warehouse. The second map amendment involves the two properties to the south at 381 and 385 S. Locust Grove Rd (not part of the development) being designated from mixed use community to commercial to make them more consistent with the FLUM designations of surrounding properties to the south and west.

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details	Page
Acreage	3.1 acres	
Future Land Use Designation	Mixed Use Community	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Industrial (distribution and warehousing for wood products)	
Lots (# and type; bldg./common)	6 existing lots	
Phasing Plan (# of phases)	N/A	

Description	Details	Page
Number of Residential Units (type of units)	N/A	
Density (gross & net)	N/A	
Physical Features (waterways, hazards, flood plain, hillside)	No known unique physical features.	
Neighborhood meeting date; # of attendees:	June 3, 2021, 3 attendees	
History (previous approvals)	<p>The three lots containing the existing business were annexed in 1996 (DA Inst. #97072405) and platted as the Medimont Subdivision No. 2. (FP 99-010). A conditional use was approved for a wholesale building materials building in 2001 (CUP 01-035) and the CZC was approved in 2003 (CZC 03-007). The two parcels proposed to be annexed and zoned to I-L to allow for expansion of the existing business (255 and 335 S. Locust Grove Rd) are presently un-platted.</p> <p>The two additional lots proposed for a Comprehensive Plan Map Amendment (385 and 381 S. Locust Grove Rd) were annexed in 1999, and CZCs were issued for or the existing daycare in 2012 and 2017 (CZC 12-064, CZC A-2017-0191, MDA 09-002). Although these lots are being included as part of the Comprehensive Plan Map Amendment with this application, they are otherwise not part of the development.</p>	

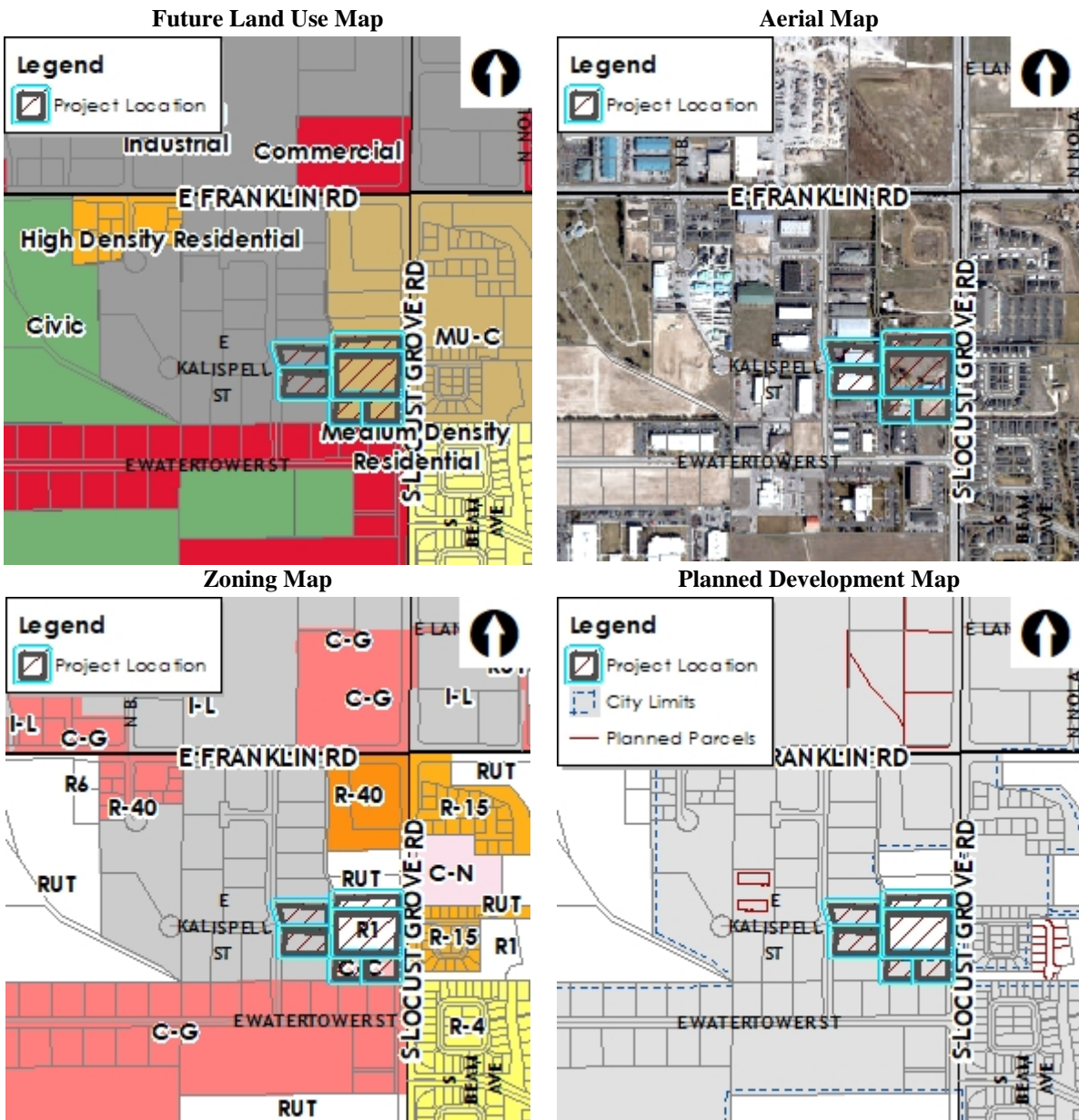
## B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access presently occurs from S. Locust Grove Rd (arterial) and S. Adkins Way (Local)	
Traffic Level of Service	Better than "E"	
Stub Street/Interconnectivity/Cross Access	Site plan only shows internal access to the west.	
Existing Road Network	S. Locust Grove Rd and S. Adkins Way	
Existing Arterial Sidewalks / Buffers	7' sidewalk already exists along S., Locust Grove Rd.	
Proposed Road Improvements	No improvements required	
Fire Service	No comments submitted	
Police Service	No comments submitted	
Wastewater		
<ul style="list-style-type: none"> <li>Distance to Sewer Services</li> </ul>	NA	
<ul style="list-style-type: none"> <li>Sewer Shed</li> </ul>	Five Mile Trunkshed	
<ul style="list-style-type: none"> <li>Estimated Project Sewer ERU's</li> </ul>	See Application	
<ul style="list-style-type: none"> <li>WRRF Declining Balance</li> </ul>	14.18	

Description	Details	Page
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Comments</li> </ul>	<ul style="list-style-type: none"> <li>Flow is committed</li> <li>Sewer is available from Locust Grove</li> <li>Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.</li> <li>Ensure no sewer services pass through infiltration trenches.</li> <li>If existing sewer main into the site is not used it must be abandoned at the manhole.</li> </ul>	
Water		
<ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>	0	
<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	3	
<ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>	See application	
<ul style="list-style-type: none"> <li>Water Quality</li> </ul>	No concerns	
<ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	<ul style="list-style-type: none"> <li>Any changes to public infrastructure must be approved by Public Works.</li> <li>If the existing water main stub is not used it needs to be abandoned at the main in Locust Grove.</li> <li>Water main will require a 20' utility easement.</li> <li>Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.</li> <li>Any well that will no longer be used must be abandoned according to IDWR requirements.</li> </ul>	



## C. Project Area Maps



## III. APPLICANT INFORMATION

## A. Applicant / Representative:

Kent Brown Planning Services – 3161 E. Springwood Dr, Meridian, ID 83642

## B. Owner:

Banks Group, LC – PO Box 65970, Salt Lake City, UT, 84165

#### IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	9/17/2021	
Radius notification mailed to properties within 300 feet	9/15/2021	
Sign Posting	9/17/2021	
Nextdoor posting	9/16/2021	

#### V. STAFF ANALYSIS

##### Background

The applicant proposes to annex 3.1 acres of property (the subject property) at 255 and 335 S. Locust Grove Rd. in order to construct a 59,300 sq. ft. +/- warehouse for their existing wood wholesale distribution business. The existing business is to the west of the subject properties at 300 and 330 S. Adkins Way. This request also includes a request for a development agreement modification and comprehensive plan map amendments.

The existing wholesale and distribution business was constructed in 2003 and is within the Medimont Subdivision (annexed in 1996). The Medimont DA has a requirement for a 20' planting strip along the eastern boundary of the plat area (intended as a residential buffer). This puts the required planting strip between the existing business and the properties intended for annexation and expansion. Accordingly, the applicant proposes a DA modification to remove the requirement for the planting strip in this area.

This application also includes a request for two comprehensive plan map amendments. The first amendment is to change the designation of the 3.1 acres of property to be annexed from mixed use community to industrial to allow zoning to I-L for the warehouse. The second map amendment involves the two properties to the south (1.32 acres total) at 381 and 385 S. Locust Grove Rd (already zoned C-C but not part of the existing business or expansion). Until recently this was the location of the Tree House Learning Center daycare. These properties are also designated for mixed use community but are directly adjacent to industrial designation to the west and commercial designation to the south along W. Watertower St. and S. Locust Grove Rd. At the pre-application meeting, staff informed the applicant that it was not preferable to pursue a land use map amendment that would leave a small enclave of mixed-use community designation and encouraged the applicant to work with the adjacent property owners to amend the map to commercial with the same application. There will still be approximately 7.2 acres of property remaining along this side of S. Locust Grove Rd designated for MU-C, staff is unsure how viable the remainder of this property will be for mixed use community development, particularly the two residential properties directly north of the subject property.

##### Annexation

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. To ensure the site develops as proposed by the applicant, staff is recommending a new development agreement as part of the annexation approval. The applicant has provided a new legal description of the property boundary subject to the new DA (see Exhibit VIII below).

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

Comprehensive Plan Map Amendments

The area is presently designated for mixed use community under the future land use map (FLUM). The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles). Employment opportunities for those living in and around the neighborhood are encouraged.

To the east of the subject property across S. Locust Grove Rd is single family attached (Bellabrook Subdivision) and a religious institution. There are commercial and office uses to the south, and directly adjacent to the west is a 27-acre industrial park. Adjacent to the north are two existing single-family residences, and north of those is a 2.4-acre property zoned R-40 with an existing development agreement for up to 95 multifamily units (Cobblestone Village AZ 99-005).

Given the existing development in the vicinity, the size of the remaining undeveloped properties, and that UDC 11-3A-3 requires site circulation to occur from a local street (S. Adkins Way) rather than an arterial (S. Locust Grove), staff does not believe the subject properties have the accessibility and are viable for the integrated, walkable, synergistic development oriented around open space that is anticipated by the Plan for mixed use community. Staff does believe a plan amendment is appropriate to allow a change to industrial designation for the subject properties and commercial designation for the properties to the south.

However, staff does have reservations with how the proposed development will interact with the remaining properties to the north which would still be designated for Mixed Use Community. The two properties directly north of the subject property are still in the County, the two properties north of those are within the City and zoned R-15. Staff has concerns with whether the proposed warehouse will limit future redevelopment in this area. Staff has not received any correspondence from the owners of either of those properties.

B. Development Agreement Modification

The existing Intermountain Wood Products buildings are within the Medimont Development Agreement, which was approved in 1997 (Inst. 97072405). Provision 4d requires a permanent 20-foot-wide landscaped planning strip along the east boundary landscaped with 6-8-foot-high scotch pines at a maximum distance of 15 ft. each. This was required to provide a screen for the adjacent residential properties, two of which are now proposed for the warehouse expansion. This proposal would create a new development agreement for the subject properties and would remove this requirement.

At the time the Medimont No. 2 Final Plat was approved a common lot (Lot 2 Block 2) was platted along the eastern perimeter of the subdivision for the purpose of this landscape screen. This common lot was owned and maintained by the Stonebridge Owners Association. In February of 2021 the portions of the common lot between the existing business and the parcels to be annexed were deeded to the applicant.

As the intent of the landscape strip was to buffer the adjacent residential properties from the industrial development, and the properties to be annexed are no longer proposed for residential, staff supports elimination of the DA requirement in this area. However, Lot 2, Block 2 (the common lot) was split improperly. This results in two common lots – a common lot strip north of

the subject properties, and a common lot strip south of the subject properties. Also, an unbuildable common lot is now being converted to a buildable lot for a warehouse. This makes the applicant ineligible for a parcel boundary adjustment and a short plat is necessary to legitimize the subdivision. This will require cooperation with the Stonebridge Owners Association that owns the remainder of the common lot. All the trees that were within this portion of the buffer have been removed, which should be addressed. This is discussed in the landscaping section.

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

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

*The subject property is surrounded by the City limits to the south, east and west. City water and sewer service is available and can be extended by the developer of the property proposed to be annexed with development in accord with UDC 11-3A-21.*

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

*The proposed industrial use will be required to provide a landscaped buffer along property lines adjacent to residential uses (i.e. to the north) with development per UDC Table 11-2C-3. No outdoor storage is proposed with this development.*

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

*Staff does have concerns regarding the present concept plan as will be discussed in the dimensional standards section below. Staff has red-marked on the concept plan that this plan should not be approved and future development should comply with all pertinent regulations and the Architectural Standards Manual.*

*In regard to the proposed use, with appropriate design the proposed warehouse should be compatible with the existing industrial uses to the west and the commercial uses to the south. The required buffer to residential land uses to the north should minimize conflicts between land uses. However, staff does have concerns regarding how industrial development on the subject property could affect future development potential for the properties to the north, which will still have the Plan designation of mixed-use community.*

- “Support infill development that does not negatively impact the abutting, existing development. Infill projects in downtown should develop at higher densities, irrespective of existing development.” (2.02.02C)

*The proposed infill industrial development should not negatively impact abutting uses as other industrial uses exist to the west, commercial to the south, and a landscaped buffer is required along the north property boundaries to residential uses which should minimize conflicts. As noted in the Architecture Section below, the building architecture as submitted should not be approved and the warehouse should meet all standards of the ASM at time of Certificate of Zoning Compliance (CZC).*

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

(3.03.03A)

*The proposed development will be required to connect to City water and sewer systems with development.*

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

*Curb, gutter and sidewalk has already been constructed along S. Locust Grove Rd and S. Adkins Wy, and in their staff report dated September 13, 2021 ACHD noted no additional road improvements were necessary. Hook-up to City water and sewer service is required with development.*

- Reduce the number of existing access points onto arterial streets by using methods such as cross access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity. (6.01.02B)

*The concept plan indicates primary access, including for trucks, occurring directly from S. Locust Grove, an arterial. Also, staff has recommended to the applicant that cross access be provided to the properties to the north and south, although the concept plan does not reflect this. Staff has addressed this in the conditions of approval.*

D. Proposed Use Analysis:

The applicant requests to annex and zone to I-L to allow a warehouse. This is an allowed use per UDC 11-2C-2.

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

There are specific use standards for a warehouse use per UDC 11-4-3-42. This includes a limitation on square footage of office and retail, and outdoor activity areas not being located within 300 feet of an adjacent residence or residential district. The 4,800 sq. ft. office area is well under the 25% limitation on office uses, but the concept plan reflects an outdoor loading area as close as 100 feet from the adjacent residential property to the north. At the time of the certificate of zoning compliance (CZC), the applicant will need to either move the loading bay to conform to the regulation or fully enclose the loading bay.

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

The I-L zoning district requires a 35 ft. street setback. A 25 ft. wide landscape buffer is required along S. Locust Grove Rd., which is the same width required for landscape buffers on any side bordered by residential. Building height is limited to 50 ft. The site plan as submitted does suggest the landscape buffer along S. Locust Grove Rd. is met, but the width of the residential buffer to the north does not meet UDC standards.

The site and design standards of UDC 11-3A-19 state that for properties greater than two (2) acres in size, no more than fifty (50) percent of the total off street parking area for the site shall be located between building facades and abutting streets. The concept site plan as submitted shows the entirety of the parking between the building and S. Locust Grove Rd.

UDC 11-3A-19 also requires an applicant to extend or improve streets, drive aisles, cross access easements or similar vehicular and pedestrian connections provided from adjacent properties. The concept plan as submitted does not provide access to the properties to the north and the south. As a condition of approval of the development agreement, staff is recommending cross access to these adjacent properties.

Staff does have concerns with the concept site plan as submitted because of the comments listed above. Staff has additional concerns regarding the size and visibility of the proposed warehouse



as would be viewed from S. Locust Grove Rd., and is unsure the building as shown would meet all the requirements of the Architectural Standards Manual (ASM). Although staff is overall supportive of annexation of the property for the purpose of the expansion, staff believes additional revisions need to be made to the site plan in order to be consistent with the regulations. Staff is not supportive of the concept plan as submitted.

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

The existing business presently takes access from two driveways off of S. Adkins Way, a local commercial street. The two properties to be annexed are currently both rural residential, each with a driveway access from S. Locust Grove Rd.

S. Locust Grove Road is classified as an arterial roadway and is improved with 5-travel lanes, bike lanes, vertical curb, gutter, and 7-foot wide sidewalk abutting the site. The concept plan as submitted shows access for this site occurring via a 40 ft. driveway directly from S. Locust Grove Rd. The applicant has mentioned employee, customer and truck access could occur at this driveway. ACHD has noted this proposal complies with all ACHD requirements. The Council can grant a waiver to allow the access, but staff prefers the applicant develop the site plan with internal circulation and send trucks through S. Adkins Way as previously discussed at the pre-application meetings.

Staff has concerns with access occurring from S. Locust Grove Rd. UDC 11-3A-3 states where access to a local street is available, the applicant shall reconfigure the site circulation plan to take access from such local street. Also, where access to a local street is not available, the property owner shall be required to grant cross-access/ingress-egress and extend or improve streets, drive aisles, cross access easements or similar vehicular and pedestrian connections provided to adjacent properties.

During the March 2021 Pre-Application meeting, it was mentioned to the applicant that the site plan as submitted should be revised to remove primary access from S. Locust Grove, access should be provided to the properties to the north and south, and it would be preferable for truck access to occur via the existing driveway from S. Adkins Way. The concept plan as submitted does not reflect any of these access points. As a condition of approval, staff recommends the access from S. Locust Grove Rd be closed, and the site plan be revised to indicate access from the north, south and west.

H. Parking (*UDC 11-3C*):

UDC 11-3C-6 requires one space for every 2,000 sq. ft. of gross floor area for industrial uses (warehouse). Based on a 53,350 sq. ft. warehouse and 4,800 sq. ft. of office space this amounts to 27 parking spaces required whereas 44 are provided. However, as mentioned above in the dimensional standards section above, the parking configuration as shown on the site plan does not comply with UDC 11-3A-19 in that all parking area is located between building facades and abutting streets.

11-3C-5 requires all off street parking areas to be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. When a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two (2) feet in length if two (2) feet is added to the width of the sidewalk or landscaped area planted in ground cover. The concept plan does not appear to meet either of these requirements.

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

8 ft. wide sidewalk exists along S. Locust Grove Rd. and sidewalk of at least 5 ft. exists along S. Adkins Way. ACHD has submitted a staff report and does not request any additional sidewalk improvements.

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

UDC Table 11-2C-3 requires a 25 ft. wide landscape buffer along arterial roads (S. Locust Grove Rd), 10 ft. wide buffer along local road (S. Adkins Way), and 25 ft. wide landscape buffers when sharing a property line with a residential use. There are also landscaping requirements (UDC 11-3B-8C) for parking lots, including not more than 12 parking spaces in a row without at least a 50 sq. ft. planter islands and a 5 ft. wide perimeter buffer adjacent to parking, loading or other vehicular use areas.

A landscape buffers meeting the minimum dimensions will be required along S. Locust Grove Rd. There is an existing landscape buffer along S. Adkins Way and the parking lot appears to meet minimum requirements. The residential landscape buffer to the north of the site does not appear to meet the minimum width of at least 25 ft. The properties to the south (381 and 385 S. Locust Grove Rd) are not part of the current development and are subject to a separate development agreement.

As mentioned in the DA modification section above, the existing Medimont Development Agreement has a requirement for a permanent 20 ft. wide planting strip along the eastern boundary of the subdivision, planted with 6-8 ft. high pines at no less than 15 ft. apart. When staff initially did the site visit for the pre-application meeting, staff discovered all trees that had been in this required planting strip between the existing business and the properties to be annexed had been cut down. Staff mentioned to the applicant these trees were a requirement of the final plat and DA and could not be removed without a DA modification. Staff requested the applicant account for all trees that had removed, and the applicant responded 11 trees had been removed in this area ranging in diameter from 11.5 in. to 20 in. to a total of 169 inches. As these trees were a requirement of the DA, staff recommends a condition that the applicant shall coordinate with the City Arborist to ensure an additional 169 caliper inches of trees meeting the minimum 6-foot height requirement be planted on the property in excess of other minimum landscaping requirements.

K. Waterways (*UDC 11-3A-6*):

There are no waterways known to traverse the property. There is an ACHD detention pond on another property approximately 500 feet to the north.

L. Fencing (*UDC 11-3A-6, 11-3A-7*):

The existing business has chain link fencing along the sides and rear of the facility. The properties to be annexed currently have, 3-strand wire, chain link and open split rail fencing. The concept site plan does indicate some of the existing fencing along the side property lines will remain. At time of CZC, the applicant will be required to submit a landscape plan that reflects all fencing meets the provisions of UDC 11-3A-7. This includes screening of any outdoor storage as required by UDC 11-3A-14.

M. Utilities (*UDC 11-3A-21*):

Connection to City water and sewer services is proposed in accord with UDC 11-3A-21. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances. See Section VI below for Public Works comments/conditions.

N. Building Elevations (*UDC 11-3A-19 | Architectural Standards Manual*):

Conceptual elevations have been provided with this submittal. The elevations do not meet the minimum requirements of the ASM. This includes nearly the entirety of the building materials being metal siding, lack of accents of at least 30% along the base of the building, façade sections longer than 50 ft. without modulation, rooflines longer than 50 ft. without roofline or parapet variations, and possibly not meeting the 30% fenestration requirement or fenestration alternatives. Staff recommends the conceptual elevations not be approved. Also, due to visibility of this property from S. Locust Grove Rd and that it is surrounded on three sides by commercial and residential development, staff recommends a DA provision that requires architecture comply with the commercial, not industrial standards.

## VI. DECISION

A. Staff:

Staff recommends approval of the proposed amendment to the Future Land Use Map, DA modification and Annexation with the requirement of a Development Agreement per the provisions in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard this item on October 7, 2021. At the public hearing, the Commission moved to recommend approval of the subject annexation, map amendment and development agreement modification request.

1. Summary of the Commission public hearing:

- a. In favor: Kent Brown
- b. In opposition: None
- c. Commenting: Kent Brown.
- d. Written testimony: A letter was received from Camy Donahue at 336 S. Truss Lane. She voiced concerns with decrease in property values, traffic, particularly for trucks, lighting, and landscaping.
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

- a. Commission discussed traffic, particularly the proposed access from S. Locust Grove Rd.

4. Commission change(s) to Staff recommendation:

- a. Commission noted the updated site plan that was presented at the meeting should be approved with a revision showing a northern cross access to the property at 255 S. Locust Grove Rd.
- b. Commission recommended approval with staff's recommendations and the additional recommendation that Council approve the S. Locust Grove Rd access.

C. The Meridian City Council heard these items on November 9, 2021. At the public hearing, the Council moved to approve the subject annexation, comprehensive plan map amendments and development agreement modification requests.

1. Summary of the City Council public hearing:

- a. In favor: Kent Brown
- b. In opposition: None
- c. Commenting: Kent Brown

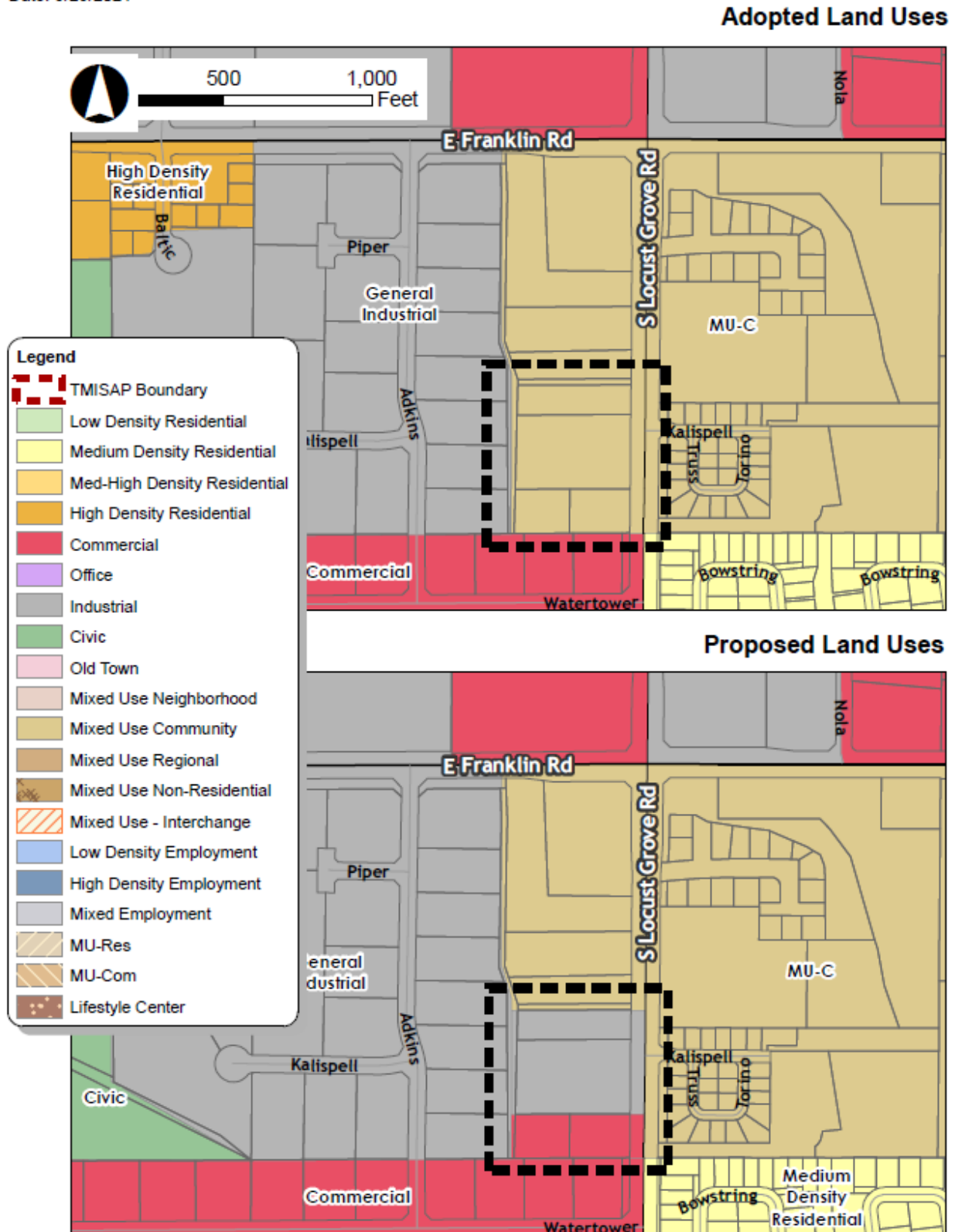


- d. Written testimony: An additional letter was received from Jeremy Peterson, owner of 381 and 385 S. Locust Grove. The letter expressed overall support but emphasized the importance of the subject property providing a southern connection and maintaining access from S. Locust Grove Rd.
  - e. Staff presenting application: Alan Tiefenbach
  - f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
  - a. One citizen testified on potential traffic impacts from trucks associated with the operation.
- 3. Key issue(s) of discussion by City Council:
  - a. Council discussed traffic, site access, size of building, hours of operation, and emphasized the importance of high-quality architecture.
- 4. City Council change(s) to Commission recommendation:
  - a. Council approved waiver from UDC 11-3A-3 to allow continued access from S. Locust Grove Rd, with a restriction that the hours of operation from this access were limited to 7AM to 5PM.
  - b. Council clarified the revised concept plan provided to the Planning Commission dated October 7, 2021 was the one that was being approved.

## VII. EXHIBITS

### A. Future Land Use Map – Adopted & Proposed Land Uses

Date: 6/29/2021



## B. Annexation Exhibit (date: June 8, 2021)

## ANNEXATION DESCRIPTION

A parcel of land described as Parcel 1 in Warranty Deed, Inst. No. 2020-012834, and all that certain Parcel described in Warranty Deed, Inst. No. 2019-121778, located in the Northeast 1/4 of the Northeast 1/4 of Section 18, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, ID, more particularly described as follows;

**COMMENCING** at the Northeast Corner of said Section 18, from which the East 1/4 Corner common to said Section 18 and Section 17, bears, South 00°00'39" West, (which is the basis of bearing for this description), for a distance of 2658.72 feet; thence along the common line of said Sections 18 and 17, South 00°00'00" East, for a distance of 828.49 feet, from which the North 1/16<sup>th</sup> corner common to Sections 18 and 17 bears South 00°00'00" East, for a distance of 501.09 feet; thence North 89°11'30" East, for a distance of 48.01 feet to the westerly right-of-way line of South Locust Grove Road as shown on Record of Survey No. 7075, Ada County Records, the **POINT OF BEGINNING**;

Thence South 00°00'00" East along said westerly right-of-way line of South Locust Grove Road, for a distance of 352.11 feet to the northerly boundary line of that certain Parcel shown on Record of Survey No. 10859, Ada County Records;

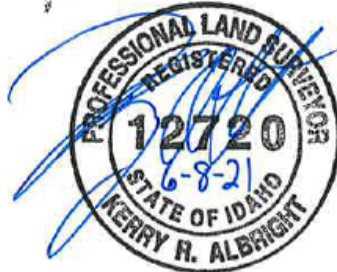
Thence along said northerly boundary line, South 89°08'55" West (formerly South 89°11'30" West), for a distance of 387.80 feet to the easterly boundary line of Medimont Subdivision, as recorded in Book 75, at Page 7794, Ada County Records;

Thence along said easterly boundary line, North 00°54'14" East (formerly North 00°55" East), for a distance of 352.53 feet;

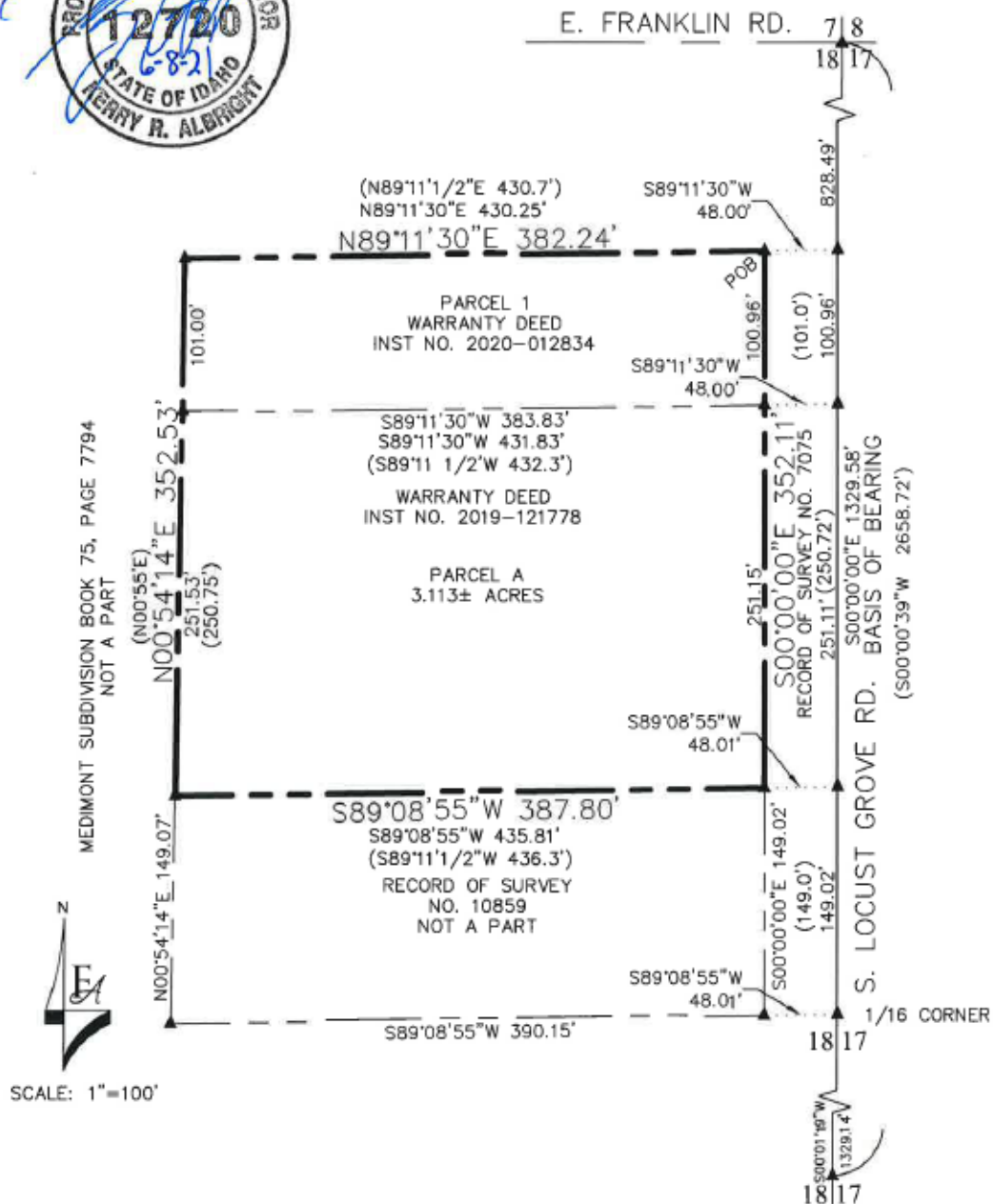
Thence North 89°11'30" East, for a distance of 382.24 feet to the **POINT OF BEGINNING**.

The above-described Parcel contains 3.113 acres, more or less.

Subject to easements of record and not of record.



ANNEXATION EXHIBIT MAP FOR  
INTERMOUNTAIN WOOD PRODUCTS  
LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 18, T. 3 N., R. 1 E., B.M.,  
CITY OF MERIDIAN, ADA COUNTY, IDAHO  
2021



**FORSGREN**  
*Associates Inc.*  
817 SOUTH LUSK STREET, SUITE 300, BOISE, ID 83708  
PH 208 342 3144 FAX 208 383 0819

ANNEXATION EXHIBIT

PROJECT NO.:	220158
SHEET NO.	1 OF 1

## C. DA Modification Legal Description and Exhibit (date: August 5, 2021)

## TOTAL BOUNDARY DESCRIPTION

A portion of Lot 2, Block 2 of Medimont Subdivision No.1, as recorded in Book 75, at Page 7794, Ada County Records, all of Lots 7, 8, and 9, Block 2 of Medimont Subdivision No.2, as recorded in Book 79, at Page 8453, Ada County Records, a portion of that certain parcel described as Parcel 1 in Warranty Deed, Inst. No. 2020-012834, and a portion of that certain Parcel described in Warranty Deed, Inst. No. 2019-121778, all of which is located in the Northeast 1/4 of the Northeast 1/4 of Section 18, Township 3 North, Range 1 East, Boise Meridian, Ada County, ID, more particularly described as follows;

**COMMENCING** at the Northeast Corner of Section 18; thence along the common line of Sections 18 and 17, which is coincident with the centerline of South Locust Grove Road, South 00°30'17" West, for a distance of 829.00 feet, from which a 5/8" rebar with a plastic cap, stamped "CSC PLS 5082," marking the North 1/16<sup>th</sup> corner common to Sections 18 and 17 bears, South 00°30'17" West, for a distance of 500.62 feet;

Thence, South 89°46'00" West, for a distance of 48.00 feet to the westerly right of way line of South Locust Grove Road, as depicted on Record of Survey No. 7075, the **POINT OF BEGINNING**;

Thence, along said right of way line, South 00°30'17" West, for a distance of 351.68 feet to its intersection with the northerly boundary line of that certain Parcel shown on Record of Survey No. 10859, Ada County Records;

Thence along said northerly boundary line South 89°39'34" West (formerly South 89°11'30" West), for a distance of 388.00 feet to the easterly boundary line of Lot 2, Block 2 of Medimont Subdivision, as recorded in Book 75, at Page 7794, Ada County Records, which bears North 01°25'43" East, for a distance of 1.00 feet from a found 5/8" rebar with a plastic cap, stamped "ISG PLS 7729," reference monument;

Thence along said easterly boundary line, South 01°25'43" West, for a distance of 0.44 feet to its intersection with the easterly prolongation of the southerly boundary line of Lot 9, Block 2, of Medimont Subdivision No.2, which bears North 01°25'43" East, for a distance of 0.56 feet from the aforementioned reference monument;

Thence North 89°01'17" West, along the southerly boundary line of said Lot 9, Block 2 and the easterly prolongation thereof, for a distance of 302.23 feet to a found 1/2" rebar with a plastic cap, stamped "GA LEE, PLS 3260," marking the southwest corner of Lot 9, Block 2, which is coincident with the easterly right of way line of South Adkins Way;

Continued on Page 2



## Total Boundary Description Page 2

Thence along the westerly boundary line of Lots 9 through 7, the following courses and distances:

North 00°58'43" East. For a distance of 118.88 feet to a found 1/2" rebar with a plastic cap, stamped, "GA LEE, PLS 3260," marking the beginning of a tangent curve to the left;

124.55 feet along the arc of said curve, having a radius of 329.00 feet, a central angle of 21°41'29", and a chord, which bears, North 09°52'01" West, for a distance of 123.81 feet to a found 1/2" rebar with a plastic cap, stamped "GA LEE, PLS 3260," marking the beginning of a reverse curve;

102.60 feet along the arc of said curve, having a 271.00 foot radius, a central angle of 21°41'29", and a chord which bears, North 09°52'01" West, for a distance of 101.99 feet to a found 1/2" rebar with no cap;

North 00°58'43" East, for a distance of 106.36 feet to a found 1/2" rebar with a plastic cap, stamped "GA LEE, PLS 3260," marking the northwest corner of said Lot 7, Block 2;

Thence, leaving said westerly boundary line, South 89°01'17" East, for a distance 320.13 feet along the northerly boundary line of said Lot 7 and the easterly prolongation thereof to a set 5/8" rebar with a plastic cap, "PLS 12720;" on the easterly boundary line of Lot 2, Block 2 of Medimont Subdivision;

Thence South 19°08'17" East, a distance of 79.97 feet along said easterly boundary line of Lot 2, Block 2, which bears, North 01°25'43" East, for a distance of 5.00 feet from a found 1/2" rebar with a plastic cap, stamped "GA LEE, PLS 3260, witness corner;

Thence South 01°25'43" West, for a distance of 18.96 feet to the northwest corner of that Parcel described in Warranty Deed, Inst. No. 2020-012834;

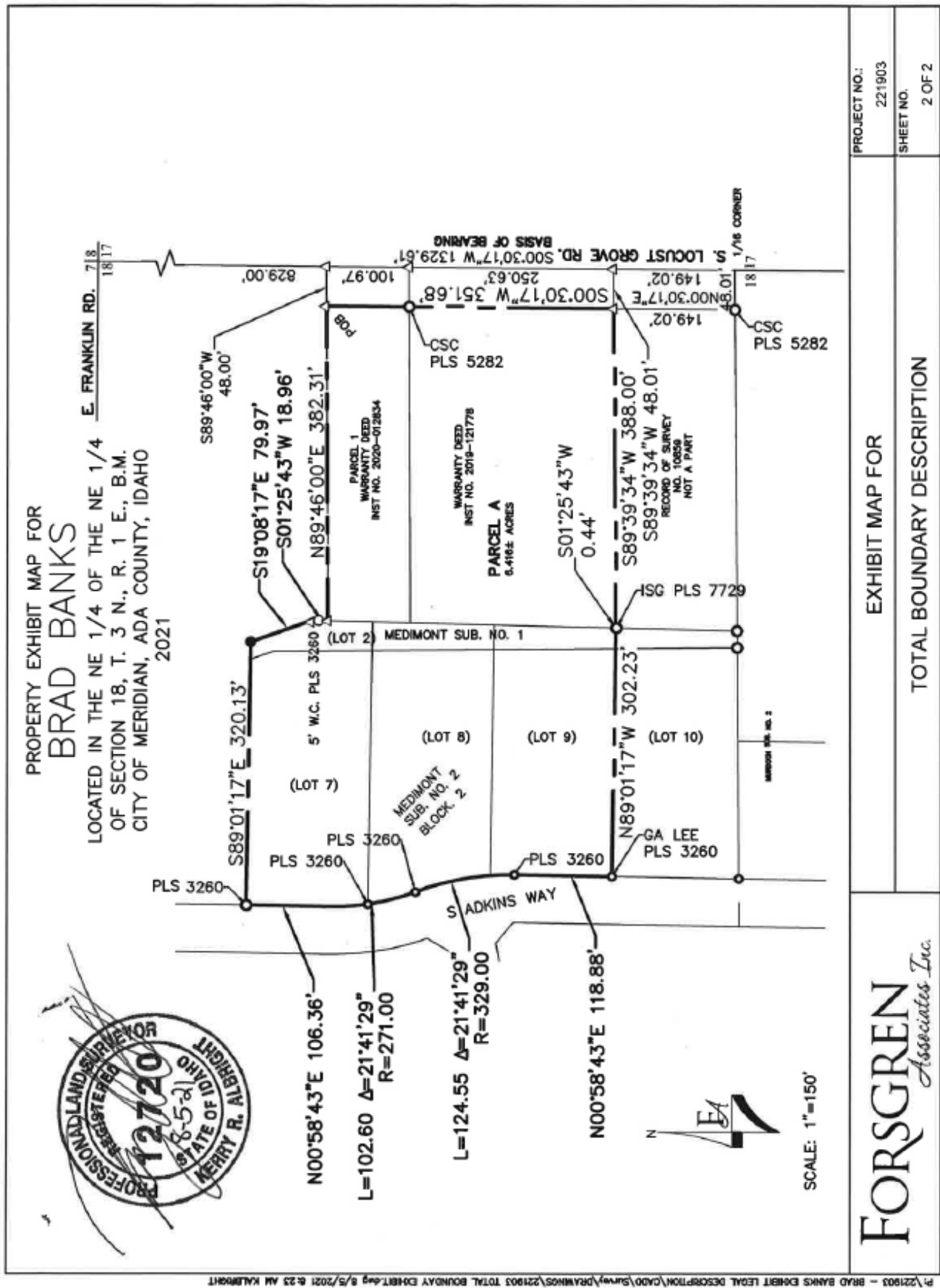
Thence North 89°46'00" East, a distance of 382.31 feet along the northerly boundary line of said Parcel to the **POINT OF BEGINNING**.

Containing 6.416 acres, more or less.

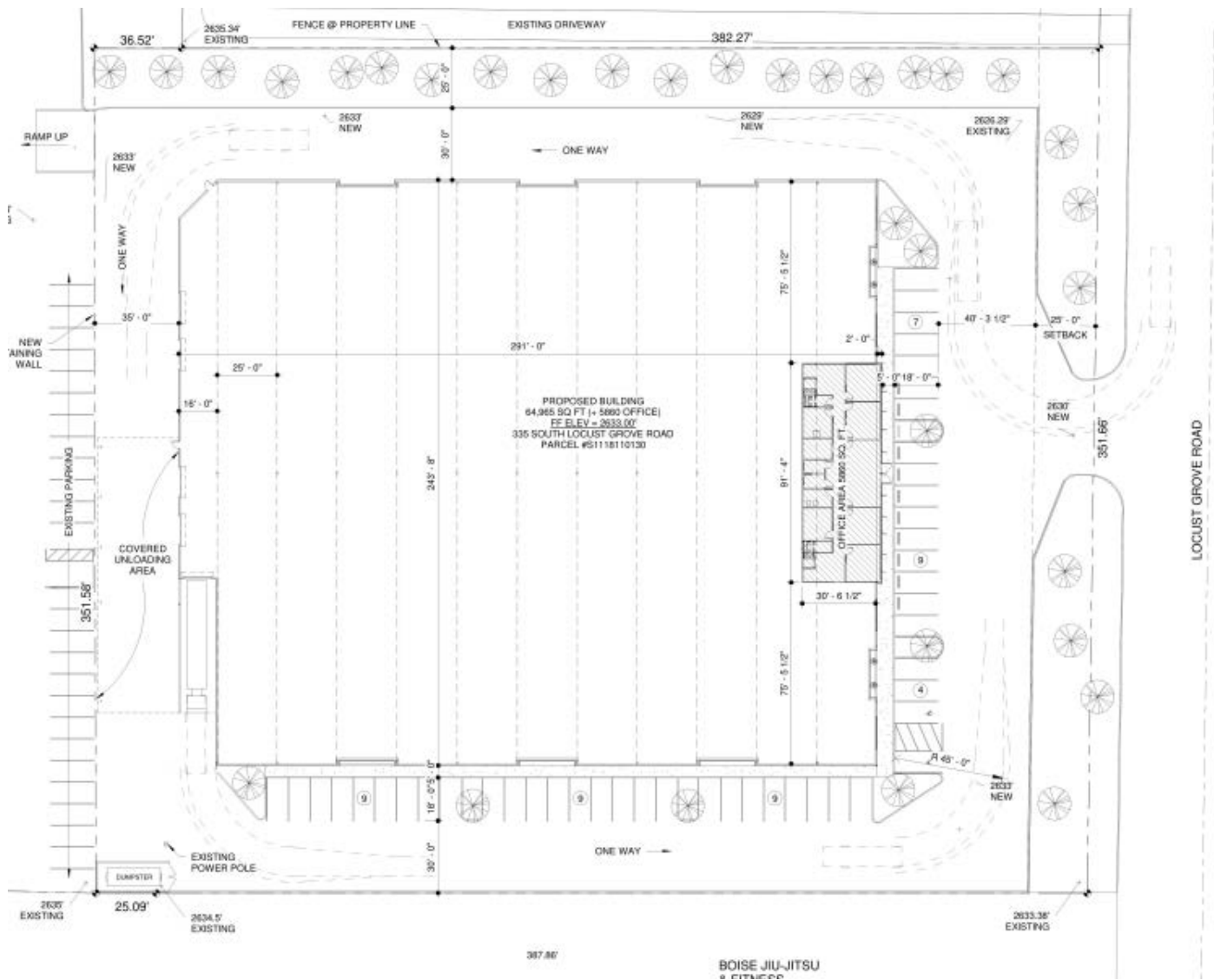
Subject to valid easements or reservations.

END OF DESCRIPTION.





D. Site Plan (date: ~~1/12/2021~~ **10/7/2021**)





E. Building Elevations (date: 1/12/2021) **NOT APPROVED**





## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

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

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 on the site shall comply with the non-residential design standards for commercial districts in the Architectural Standards Manual and the design standards listed in UDC 11-3A-19.
- b. **Future development of this site shall be generally consistent with the conceptual site plan dated October 7, 2021 included in Section VII and the provisions contained herein.**
- c. The S. Locust Grove Rd. access ~~shall be used for emergency access only, unless waived by City Council in accord with UDC 11-3A-3~~ **shall only be used Monday-Friday between 7AM to 5PM.**
- d. Cross-access easements shall be granted to the abutting property to the north (Parcel # S1118110071) and south (Parcels # R0879824125 and R0879824130); a copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application for this site.
- e. The applicant shall coordinate with the City Arborist on a mitigation plan to ensure an additional 169 caliper inches of trees removed from the property meet the standards set forth in UDC 11-3B-10.
- f. Prior to Certificate of Occupancy, the applicant shall complete a short plat to merge Parcel # S1118110105 and # S1118110130 as well as the portion of Lot 2, Block of the Medimont Subdivision that was deeded to the applicant.
- g. The applicant shall comply with the warehouse specific use standards set forth in UDC 11-4-3-42. The proposed outdoor loading area shall not be located closer than 300 feet from the adjacent residential property to the north or fully enclosed.
- h. A 25-foot wide landscape buffer shall be constructed on the northern boundary to residential land use as required per UDC Table 11-2C-3, landscaped per the standards listed in UDC 11-3B-9C, unless otherwise reduced by City Council.

### B. PUBLIC WORKS CONDITIONS

#### SITE SPECIFIC CONDITIONS:

2. Ensure sewer services do not cross infiltration trenches.
3. Ensure no permanent structures (trees, bushes, fences, buildings, car ports, trash enclosures, infiltration trenches, light poles, etc.) are built within a City utility easement.
4. Unused water or sewer service stubs or mains must be abandoned in accordance with current City standards.

#### GENERAL CONDITIONS:

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. IDAHO TRANSPORTATION DISTRICT (ITD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=234988&dbid=0&repo=MeridianCity>

**D. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237340&dbid=0&repo=MeridianCity>

**E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237150&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### A. Comprehensive Plan Map Amendment

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 amendment to the Comprehensive Plan, the Council shall make the following findings:

**1. The proposed amendment is consistent with the other elements of the Comprehensive Plan.**

*Council finds the proposed amendment from Mixed-Use Community to 3.1 acres of Industrial for 225 and 335 S. Locust Grove Rd. and 1.32 acres of Commercial for 381 and 385 S. Locust Grove Rd. is compatible with adjacent industrial uses in the area and is consistent with the goals and policies in the Comprehensive Plan as noted in Section V.*

**2. The proposed amendment provides an improved guide to future growth and development of the city.**

*As the adjacent development pattern is industrial to the west and commercial to the south, Council finds that the proposal to change the FLUM designation from Mixed Use – Community to Industrial and Commercial will provide an improved guide to future growth and development in this area and will be compatible with adjacent industrial uses.*

**3. The proposed amendment is internally consistent with the Goals, Objectives and Policies of the Comprehensive Plan.**

*Council finds that the proposed amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan as noted in Section V.*

**4. The proposed amendment is consistent with the Unified Development Code.**

*Council finds that the proposed amendment is consistent with the Unified Development Code.*

**5. The amendment will be compatible with existing and planned surrounding land uses.**

*If staff's recommendations are followed regarding design and compliance with UDC standards, Council finds the proposed amendments to Industrial and Commercial will be compatible with other existing industrial and commercial uses in the area.*

**6. The proposed amendment will not burden existing and planned service capabilities.**

*Council finds that the proposed amendment will not burden existing and planned service capabilities in this portion of the city. Sewer and water services are available to be extended to this site.*

**7. The proposed map amendment (as applicable) provides a logical juxtaposition of uses that allows sufficient area to mitigate any anticipated impact associated with the development of the area.**

*Council finds the proposed map amendment provides a logical juxtaposition of uses and sufficient area to mitigate any development impacts to adjacent properties.*

**8. The proposed amendment is in the best interest of the City of Meridian.**

*For the reasons stated in Section V and the subject findings above, Council finds that the proposed amendment is in the best interest of the City.*

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

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

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

*The Applicant is proposing to annex the subject property with I-L zoning and develop industrial uses on the property. Although the FLUM presently designates the areas for mixed use community, for the reasons listed in the Comprehensive Plan Map Amendment section above staff finds industrial use is appropriate in this area and supports a plan map amendment.*

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

*Council finds the proposed map amendment to I-L generally complies with the purpose statement of the I-L district in that it will encourage industrial uses that are clean, quiet and free of hazardous or objectionable elements and that are operated entirely or almost entirely within enclosed structures and is accessible to an arterial street (i.e. S. Locust Grove Rd.).*

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

*Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed industrial use should be conducted entirely within a structure.*

**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 City services are available to be provided to this development.*

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

*Council finds the proposed annexation is in the best interest of the City, if the applicant enters into a new development agreement and adheres to the DA provisions above.*



## AGENDA ITEM

**ITEM TOPIC:** Amended Findings of Fact, Conclusions of Law for McFadden Property (H-2021-0048) by Doug Tamura, Located at 104 W. Cherry Ln.



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



**In the Matter of the Request for Annexation and Zoning of 20.45 acres of land with the C-C (Community Business District) zoning district, by Doug Tamura.**

**Case No(s). H-2021-0048**

**For the City Council Hearing Date of: October 12, 2021 (Amended Findings on November 23, 2021)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of October 12, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of October 12, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of October 12, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of October 12, 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 October 12, 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 to C-C is hereby approved per the conditions of approval in the Staff Report for the hearing date of October 12, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

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 October 12, 2021.

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

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

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

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

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

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

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

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

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

Attest:

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

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

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

## EXHIBIT A

## STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT



HEARING 10/12/2021

DATE:

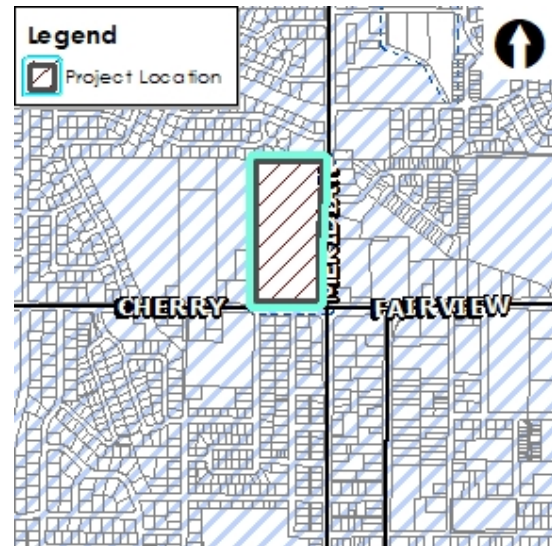
TO: Mayor &amp; City Council

FROM: Alan Tiefenbach

Bruce Freckleton, Development  
Services Manager

SUBJECT: H-2021-0048

McFadden Property

LOCATION: The site is located at 104 W. Cherry  
Lane, in the East ½ of the SE ¼ of the SE  
¼ of Section 1, Township 3N, Range  
1W.

## I. PROJECT DESCRIPTION

Annexation and zoning (AZ) of 20.45 acres of land with the C-C (Community Business District) zoning district. The main purpose for seeking annexation at this time is to ensure this area can be included as part of the Northern Gateway Urban Renewal Plan currently being developed by the Meridian Development Corporation (MDC).

## II. SUMMARY OF REPORT

## A. Project Summary

Description	Details	Page
Acreage	20.45	
Future Land Use Designation	Mixed Use Community (MU-C)	
Existing Land Use(s)	Rural Agricultural	
Proposed Land Use(s)	Mixed Use	
Lots (# and type; bldg./common)	One existing, future to be determined.	
Phasing Plan (# of phases)	2	
Number of Residential Units (type of units)	N/A	
Amenities	Amenities will be determined with future build-out. Staff is recommending a development agreement provision that requires detailed amenity, open space and circulation plans after construction of the first phase.	
Physical Features (waterways, hazards, flood plain, hillside)	Settler's Canal bisects the property east to west.	
Neighborhood meeting date; # of attendees:	June 23, 2021 - 6 Attendees	

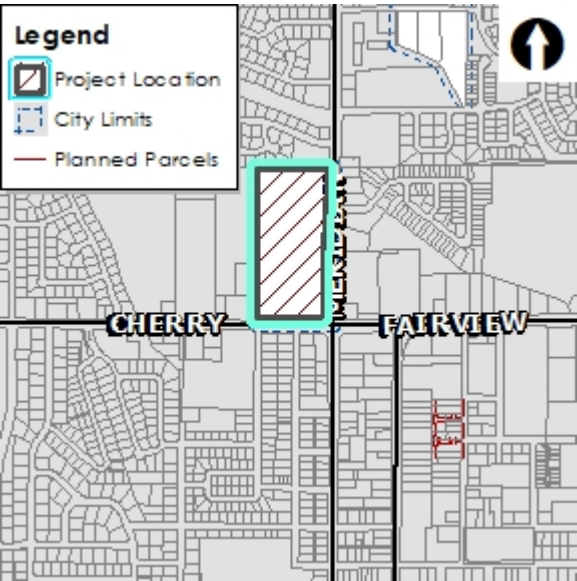
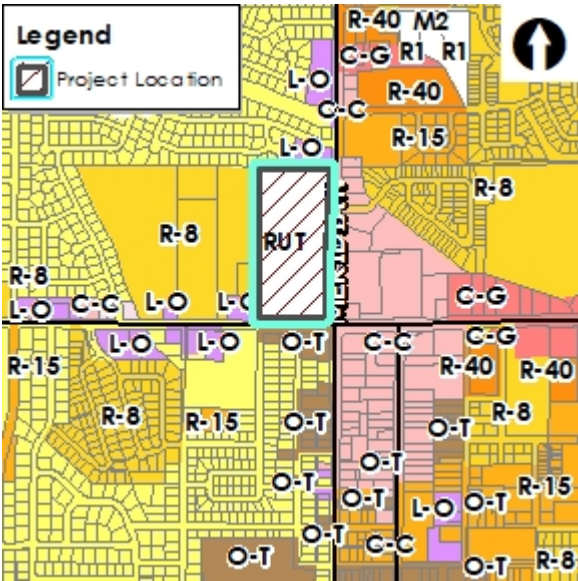
Description	Details	Page
History (previous approvals)	N/A	

## B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes (future proposals will require additional ACHD review).	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	N. Meridian Rd. and W. Cherry Ln. (both arterials).	
Traffic Level of Service	LOS > E	
Stub Street/Interconnectivity/Cross Access	First phase will rely on access from N. Meridian Rd. and W. Cherry Ln.	
Existing Road Network	N. Meridian Rd. and W. Cherry Ln. (both arterials).	
Existing Arterial Sidewalks / Buffers	There are no existing buffers. Existing sidewalk between 5'-7' exists along the N. Meridian Rd. /W Cherry Ln. Rd. frontage.	
Proposed Road Improvements	No proposed road improvements with the first phase.	
Distance to nearest City Park (+ size)	¾ miles to Settlers Park	
Fire Service		
•	No comments on this phase.	
Police Service		
• Distance to Police Station	No comments on this phase.	
West Ada School District		
• Distance (elem, ms, hs)	No comments submitted	
Wastewater		
• Distance to Sewer Services	N/A	
• Sewer Shed	South Black Cat Trunkshed	
• Estimated Project Sewer ERU's	See Application	
• WRRF Declining Balance	14.18	
• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Comments	<ul style="list-style-type: none"> <li>Sewer is available in N. Meridian Rd.</li> <li>Capacity availability will be determined when development is proposed for the property.</li> </ul>	
Water		
• Distance to Water Services	0	
• Pressure Zone	2	

Description	Details		Page
<ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>	See Application		
<ul style="list-style-type: none"> <li>Water Quality</li> </ul>	No concerns		
<ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	No changes to public water infrastructure. Any changes to infrastructure must be approved by Public Works.		

C. Project Area Maps





### III. APPLICANT INFORMATION

#### A. Applicant:

Doug Tamura – 1124 Santa Maria Dr, Boise, ID 83712

#### B. Owner:

Kobe LLC - 1124 Santa Maria Dr, Boise, ID 83712

### IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	8/27/2021	9/26/2021
Radius notification mailed to properties within 300 feet	8/25/2021	9/29/2021
Sign Posting	9/7/2021	9/29/2021
Nextdoor posting	8/26/2021	9/30/2021

### V. STAFF ANALYSIS

#### A. Annexation

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. A legal description and exhibit map for the annexation area and area of rezoning is included in Section VII. To ensure the site develops consistent with the Mixed-use Community design elements and future Northern Gateway concepts, staff recommends a development agreement to guide future development of the site.

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

The FLUM designates the property for Mixed Use Community. The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas tend to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles). Employment opportunities for those living in and around the neighborhood are encouraged.

The Comprehensive Plan describes components of what would be considered mixed use. Elements pertinent to this proposal include:

- *At least three types of land uses;*
- *Higher density residential development encouraged when there is a potential for an employment center;*
- *Mixed Use areas typically being developed under a master or conceptual plan; during an annexation or rezone request, a development agreement;*



- *In developments where multiple commercial and/or office buildings are proposed, the buildings should be arranged to create some form of common, usable area, such as a plaza or green space;*
- *Transitional uses and/or landscaped buffering between commercial and existing low- or medium-density residential development;*
- *Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools being expected;*
- *Being centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered; and,*
- *All mixed-use projects being accessible to adjacent neighborhoods by both vehicles and pedestrians. Pedestrian circulation should be convenient and interconnect different land use types. Vehicle connectivity should not rely on arterial streets for neighborhood access.*

In addition, the Plan discusses the following additional pertinent requirements for mixed use community:

- *Residential uses should comprise a minimum of 20% of the development area at gross densities ranging from 6 to 15 units/acre;*
- *Vertically integrated structures being encouraged;*
- *Unless a structure contains a mix of both residential and office, or residential and commercial land uses, maximum building size should be limited to a 30,000 square-foot building footprint. For community grocery stores, the maximum building size should be limited to a 60,000 square-foot building footprint;*

The applicant submitted a conceptual plan as part of this application. The Plan shows three buildings oriented to the W. Cherry Ln. / N. Meridian Rd. corner with parking in the front of the W. Cherry Lane frontages, 5 more buildings to the north along N. Meridian Rd. with parking to the back and to the side, and a Phase Two in the center which is intended for future commercial office, retail, hotel or multifamily uses.

The concept plan indicates restaurant, retail, hotel, office and multifamily family uses proposed for the site, which would be consistent with the requirement for at least three uses. Also, Phase Two does indicate a potential for a multifamily component, although there are no details provided at this time.

The applicant's narrative suggests their intent is to develop the buildings shown along N. Meridian Rd. and W. Cherry Ln. as an initial phase, with uses including a gas station with convenience store, additional retail or office, and multifamily and / or hotel uses as a second phase. The applicant proposes that before any specific use may be constructed within Phase II, a Development Agreement Modification must be approved that would include a conceptual plan for that area.

Staff does support a limited amount of commercial construction occurring in the short term at the SE corner based on the concept plan that has been provided thus far, but does have concerns allowing complete build-out along both arterials as presently shown. As the

intersection of W. Cherry Ln. and N. Meridian Rd. is intensely commercial, staff believes build-out in this immediate area could occur in the short term under the concept plan as shown and have limited impacts to the overall cohesiveness of the project. Also, because this intersection is so intensely commercial, staff believes it appropriate to have automobile-oriented uses directly at the intersection, with the buildings in this area providing a buffer for the buildings more internal to the project as well as allowing the buildings further to the north and along N. Meridian Rd. to transition to more integrated mixed use. Also, because this property would be the entrance into the Northern Gateway District, staff believes some type of entry or identity feature for this development appropriate.

**Based on the concept plan submitted by the applicant, staff recommends allowing development of the three commercial buildings along the W. Cherry Ln. frontage and south of the existing access at N. Meridian Rd. as the first phase of this development. A development agreement modification and detailed concept plans that are consistent with the mixed-use community designation of the Comprehensive Plan and the Northern Gateway District would be required prior to any additional development. However, as part of the first phase, staff recommends the development agreement require the building orientation account for a gateway or entry feature at the SE corner, near the intersection as will be discussed further in the qualified open space section.**

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

- Encourage diverse housing options suitable for various income levels, household sizes, and lifestyle preferences. (2.01.01)

*The Plan notes an intent of mixed use is to integrate a variety of uses, including residential. Residential uses should comprise a minimum of 20% of the development area at gross densities ranging from 6 to 15 units/acre. Although the intent of this application is to annex the property into the City so it is eligible to be included into the North Gateway Plan and for development of the first three commercial buildings, the applicant has indicated a residential component on the concept plan in a future phase. Types of housing and the density would be addressed in this future phase, but because this residential would be in a mixed-use center and at a higher density, it would likely lead to diversity in housing satisfying this goal.*

- Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City. (2.01.01G)

*As mentioned above, although residential is not planned with this current phase, given the nature and density of housing that would occur in this mixed-use center under future development, it would likely increase diversity in housing.*

- Locate higher density housing near corridors with existing or planned transit, Downtown, and in proximity to employment centers. (2.01.01H)

*The Destination Downtown Plan indicates W. Cherry Ln. as a future transit line, and N. Meridian Rd. is a major commercial corridor. The site is located on a major commercial intersection, with a range of services including a grocery store, directly across N. Meridian Rd. to the east. There are numerous employment opportunities in this area, and it is adjacent to what is still considered the Downtown Area.*

- Support redevelopment and infill opportunities Downtown. (2.09.01)

*The subject parcel is an enclave parcel with all surrounding land developed and existing infrastructure available. This would be considered infill development.*

- Develop concept plans of potential destination activities and promote appropriate development, infill, and redevelopment of activity centers. (2.09.03E)

*This application is to annex the property into the City so Meridian Economic Development Corporation can include the property into the new Northern Gateway Plan, and to allow the applicant to construct the first three buildings. As mentioned, a development agreement modification will be required for any future phases, which will include detailed concept plans. This project is eventually intended to be an activity center.*

- Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments. (3.07.02A)

*Staff is recommending a development agreement provision that will require the developer to submit a plan illustrating how pedestrian connections in the first phase area will tie to future phases of the development. A complete pedestrian circulation will be required as part of the development agreement modification for future phases.*

- Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.

*This project is intended to develop as a mixed-use center.*

- Focus development and redevelopment intensity on key transportation corridors. (3.07.02C)

*This property is located on the intersection of W. Cherry Ln. and N. Meridian Rd., both key transportation corridors, and W. Cherry Ln. is anticipated to eventually be a transit line.*

#### D. Existing Structures/Site Improvements:

The property is presently vacant, although it is being used for horse pasture.

#### E. Proposed Use Analysis:

At this time, proposed uses are only conceptual. However, the Applicant's concept plan depicts multi-family residential, commercial, hotel and office/retail uses. This application is requesting C-C zoning. All the above uses are principally-permitted except for multi-family residential, which is a conditional use in the C-C zoning district per UDC Table 11-2A-2.

As mentioned in the comprehensive plan analysis above, this property is recommended for mixed use community uses, with an intent to provide community-serving uses and dwellings seamlessly integrated into the urban fabric and an integrated variety of uses. Use requirements include at least three types of land uses, higher density residential, and at least 20% residential at gross densities ranging from 6-15 unit / acre, but a mixed-use designation is not intended for high density residential development alone. Vertically integrated structures are encouraged, but unless a structure contains a mix of both residential and office, or residential and commercial land uses, maximum building size should be limited to a 30,000 square-foot building footprint unless it is a grocery store, which can have a footprint up to 60,000 sq. ft. Plazas, open spaces, gathering spaces and similar should comprise at least 5% of the developable area.

As mentioned, based on the submitted concept plan, staff is amenable to supporting development of the first three commercial buildings along the W. Cherry Ln. frontage and south of the existing access along N. Meridian Rd. in the short term but believes more detailed concept plans should be approved before further buildout can occur in order to ensure this development is representative of the type of mixed-use development illustrated by the Plan. **In addition to the other DA requirements already listed, Staff recommends a DA provision that limits building footprints to 30,000 sq. ft or 60,000 sq. ft for a grocery store unless vertically-integrated**

**structures are proposed, a requirement that at least 20% of the square footage in future phases be residential, and at least 5% of the developable area being plazas, gathering places, etc. This would be in addition to any open space or amenity requirements for multifamily development.**

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

The concept plan indicates a wide range of commercial retail, office, hotel and multifamily uses. At time of development agreement modification or Certificate of Zoning Compliance proposed development will be reviewed against the specific use standards of UDC 11-4.

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

All future lots, buildings and public streets shall be required to meet all UDC dimensional standards. This includes property sizes, required street frontages, road widths, and development consistent with the mixed-use community principles listed in the Comprehensive Plan.

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

The property is presently served by two arterials - W. Cherry Lane and N. Meridian Rd. N. Meridian Road is improved with 5 travel lanes, curb, gutter, and 5- foot wide concrete sidewalk abutting the site. Cherry Lane is improved with 5 travel lanes, curb, gutter, and 7- foot wide attached concrete sidewalk abutting the site to the east of the existing driveway on Cherry Lane. There is 5- foot wide attached concrete sidewalk abutting the site to the west of the driveway. The concept plan shows 3 access points from N. Meridian Rd., one access from W. Cherry Ln., and a stub to the office park at 3537 Hunters Cir.

There are two existing curb-cuts providing access to the property. There is an existing 26-foot-wide driveway from N. Meridian Rd. approximately 500 feet north of Cherry Ln., and a 26-foot-wide curb cut driveway providing access from Cherry Ln. approximately 300 feet west of N. Meridian Rd. ACHD has responded that if a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. Cherry Ln. is a principal arterial and ACHD policy typically prohibits access from a principal arterial if access from a lesser classified street (N. Meridian Rd.) is available. ACHD has noted the existing access on Cherry Lane is not guaranteed to be allowed by ACHD as part of a future development application. If access is requested on Cherry Lane, an access analysis may be required to be submitted to ACHD for review prior to the submittal of the development application which may include a waiver. Staff notes the concept plan indicates the southern access being moved to the west, which would unlikely be supported due to spacing requirements with NW 3d St.

ACHD has responded a TIS will likely be required for this project. As the purpose of this present application is very preliminary at this time, staff will await conditioning the access points until such time that future development applications and a TIS are submitted. However, staff does have concerns with the three access points along N. Meridian Rd., whether ACHD would approve two additional accesses, and whether spacing for the northern access is adequate from W.

Willowbrook Dr. (as well as shifting the existing access along W. Cherry Rd. to the west).

Finally, future development in the area should also provide access to the west in accord with UDC 11-3A-3. NOTE: City Council has the ability to grant the proposed access points to the abutting arterials, however staff does recommend future decision should be deferred until ACHD has determined the appropriate access to this property, confirmed through a reviewed and approved traffic study.

Internal circulation should be consistent with the mixed-use goals of providing wider sidewalks, street trees, complete streets and providing accessible pedestrian connectivity. Also, the Destination Downtown Plan anticipates a future transit line along W. Cherry Ln. This should be

considered in future circulation and multi-modal plans. At time of Certificate of Zoning Compliance for the three buildings as recommended by staff, or during time of the development agreement modification for development of the remainder of the property, additional analysis will be required, and may require a TIS at a later date. **Staff is recommending a DA provision that the required DA mod for future development include a circulation plan that addresses future access points, internal and external automobile circulation, transit connectivity and locations of possible transit shelters, and multi-modal “complete street” design including pedestrian circulation plan consistent with mixed use development goals.**

I. Parking (*UDC 11-3C*):

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-5 for all uses other than single-family detached dwellings. Included in these standards are those for commercial and retail, office, and restaurant uses.

The Plan does encourage vertically-integrated mixed-use buildings. The concept plan does not indicate these types of buildings at this time. However, as already mentioned, staff recommends only allowing development of the three commercial buildings along the W. Cherry Ln. frontage and south of the existing N. Meridian Rd. access for the first phase. If vertically integrated buildings are proposed, there are specific parking requirements per UDC 11-3C-6. Future planning land use applications will determine the required number of parking spaces for all uses.

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

No multi-use pathways are proposed or required with this development. However, one of the main goals of a mixed-use designation is wider sidewalks, outdoor furniture, and safe non-motorized access and connectivity. **Staff is recommending a DA provision that prior to any development on the site, the applicant provide a plan illustrating how pedestrian connections in the first phase area will tie to future phases of the development.** A more comprehensive circulation plan will be required with future DA modifications so staff can analyze pedestrian circulation on the site once end-users are known for the proposed development.

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

Sidewalks are already existing along the W. Cherry Ln. and N. Meridian Rd. frontages. Future development projects on this site will be analyzed for compliance with the required sidewalk widths and locations.

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

No parkways are shown with the first conceptual plan, but any parkways associated with future development shall meet the requirements of UDC 11-3A-17.

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

A 25-foot wide landscape buffer is required adjacent to both W. Cherry Ln. and N. Meridian Rd., landscaped per the standards listed in UDC 11-3B-7C. Internal parking lot landscaping will be required per UDC 11-3B-8, and a residential landscape buffer will be required along the western and northern property lines which abut existing residential zone districts. **To ensure consistent and cohesive installation of landscape buffers, staff recommends a development agreement requirement that prior to any development of the site, a 25' wide landscape buffer shall be installed along the W. Cherry Ln. and N. Meridian Rd. frontages. This will require coordination with ACHD and the City regarding approved points of access. For any development beyond the first phase, staff recommends the applicant submit an open space plan that includes common useable areas, amenities, outdoor gathering places and plazas,**



**green spaces, and landscape buffering and transitioning between uses consistent with the objectives of the Mixed-Use Community designation.**

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

The Applicant has requested C-C zoning and has stated their intention of developing a mix of uses including retail commercial, office, restaurant, hotel and multifamily uses. In the C-C zone, multi-family residential is a conditional use and qualified open space will be required based on the square footages of units per the specific use standards in UDC 11-4-3-27 (the requirement for open space to be provided under both sections of code is currently under review by staff and the Open Space Committee; therefore, this statement may not be entirely accurate and the Applicant may have different standards that are required upon submittal of future land use applications).

As mentioned, plazas, open spaces, gathering spaces and similar elements are mentioned in the Mixed-Use Community policies. The Plan also mentions establishing distinct, engaging identities within commercial and mixed-use centers through design standards. Development of future phases will require a complete open space and circulation plan that addresses interior building orientation, common useable areas, outdoor gathering places and plazas throughout the development. **Staff recommends future development agreement modifications include a requirement for a prominent gateway and / or entry feature to announce the corner at the SE portion of the site. The applicant should coordinate with the City and MDC on this feature.**

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

As mentioned throughout this report, staff is recommending an entry feature or element at the southeast portion of the site, with open space, amenity and multimodal circulation plan required for future phases. Future multifamily development will require additional amenities as outlined in UDC 11-4-3-27.

P. Waterways (*UDC 11-3A-6*):

The Settlers Canal bisects the property east – west in approximately the center of the property. The canal will be required to be piped or designed as an amenity as required by UDC 11-3A-6.

Q. Utilities (*UDC 11-3A-21*):

Public services are available to accommodate the proposed development. All water and sewer is available in N. Meridian Rd.

R. Building Elevations (*UDC 11-3A-19* | *Architectural Standards Manual*):

No building elevations were submitted with this application. As stated above, staff is only supporting the development of the first three buildings directly at the southeast portion of this site with this application. These buildings will be required to meet minimum architectural standards as required in the Architectural Standards Manual (ASM). However, the purpose of the mixed-use designation is to promote compatible land uses within a close geographic area to create sense of place with innovative and flexible design encouraged. Architectural design principles of mixed-use developments include a cohesive design theme, pedestrian oriented features such as increased ground floor transparency (windows), awnings, porches or other overhangs, pedestrian lighting, building relationship in regard to scale, massing and orientation, façade differentiation, and 360-degree architecture. **To ensure consistency as the development builds-out, Staff is recommending a DA provision that requires buildings to incorporate cohesiveness in design. Conceptual building elevations will be required with the development agreement modification required for future phases.**

## VI. DECISION

### A. Staff:

Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement and the provisions noted in Section VII.A per the findings in Section IX of this staff report.

### B. The Meridian Planning & Zoning Commission heard this item on September 16, 2021. At the public hearing, the Commission moved to recommend approval of the subject annexation request.

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

- a. In favor: Doug Tamura
- b. In opposition: None
- c. Commenting: Doug Tamura
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

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

- a. Earl Rice, representing Church of God directly adjacent to property, voiced concerns with potential traffic, potential height of buildings, and potential uses that could go there.

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

- a. None

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

- a. None

### C. The Meridian City Council heard this item on October 12, 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: Doug Tamura
- b. In opposition: None
- c. Commenting: Doug Tamura
- d. Written testimony: Ashley Ford-Squyres with Meridian Development Corporation testified in favor of the application.
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

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

- a. None

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

- a. Council discussed concerns regarding allowing the first three buildings without a comprehensive concept plan, whether amenities and open space had been considered, whether a taller hotel had been considered on the corner, could the entire project be master-planned, whether the applicant has been working with Meridian Development Corporation, and if staff had considered the transit corridors that were designated in the area.

#### 4. City Council change(s) to Commission recommendation:

- a. City Council continued the case to October 26, 2021 for staff and the applicant to prepare findings and a development agreement that allowed annexation and zoning to C-C.
- b. Council conditioned the approval that prior to any development or building permit the applicant would submit a development agreement modification that included a

comprehensive concept plan(s) that addressed all of the issues discussed including land use, motorized and non-motorized circulation, transit corridors, building size and placement, open space and amenities, architecture, the recommendations of the Meridian Development Corporation and other pertinent planning documents, and is consistent with the principles of Mixed Use Community as described in the Comprehensive Plan.



## VII. EXHIBITS

### A. Annexation Legal Description and Exhibit Map

## **ELS** ENGBRITSON LAND SURVEYS, PLLC.

2251 S. Sumac Street, Boise, Idaho 83706

Telephone (208) 859-6032 [mike@elsurveys.com](mailto:mike@elsurveys.com)

28 June 2021

ELS Project No. 210603

Land Description for annexation

Contains 890,594 square feet or 20.45 acres more or less

### **EXHIBIT A**

The East ½ of the SE ¼ of the SE ¼ of Section 1, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at a found brass cap monument marking the SE corner of said Section 1 at the center line intersection of West Cherry Lane and North Meridian Road, the POINT OF BEGINNING from which a found aluminum cap monument marking the E ¼ corner of said Section bears N 00°18'02" E a distance of 2648.32 feet;

Thence westerly along the south line of said Section and the center line of West Cherry Lane N 89°27'04" W a distance of 675.50 feet to a point from which a found brass cap monument marking the S ¼ corner of said Section bears N 89°27'04" W a distance of 1979.77 feet;

Thence leaving said lines N 00°33'34" E a distance of 1324.25 feet to a found steel pin;

Thence S 89°27'32" E a distance of 669.51 feet to a found brass cap monument marking the S 1/16<sup>th</sup> corner on the East line of said Section 1 and the center line of said North Meridian Road;

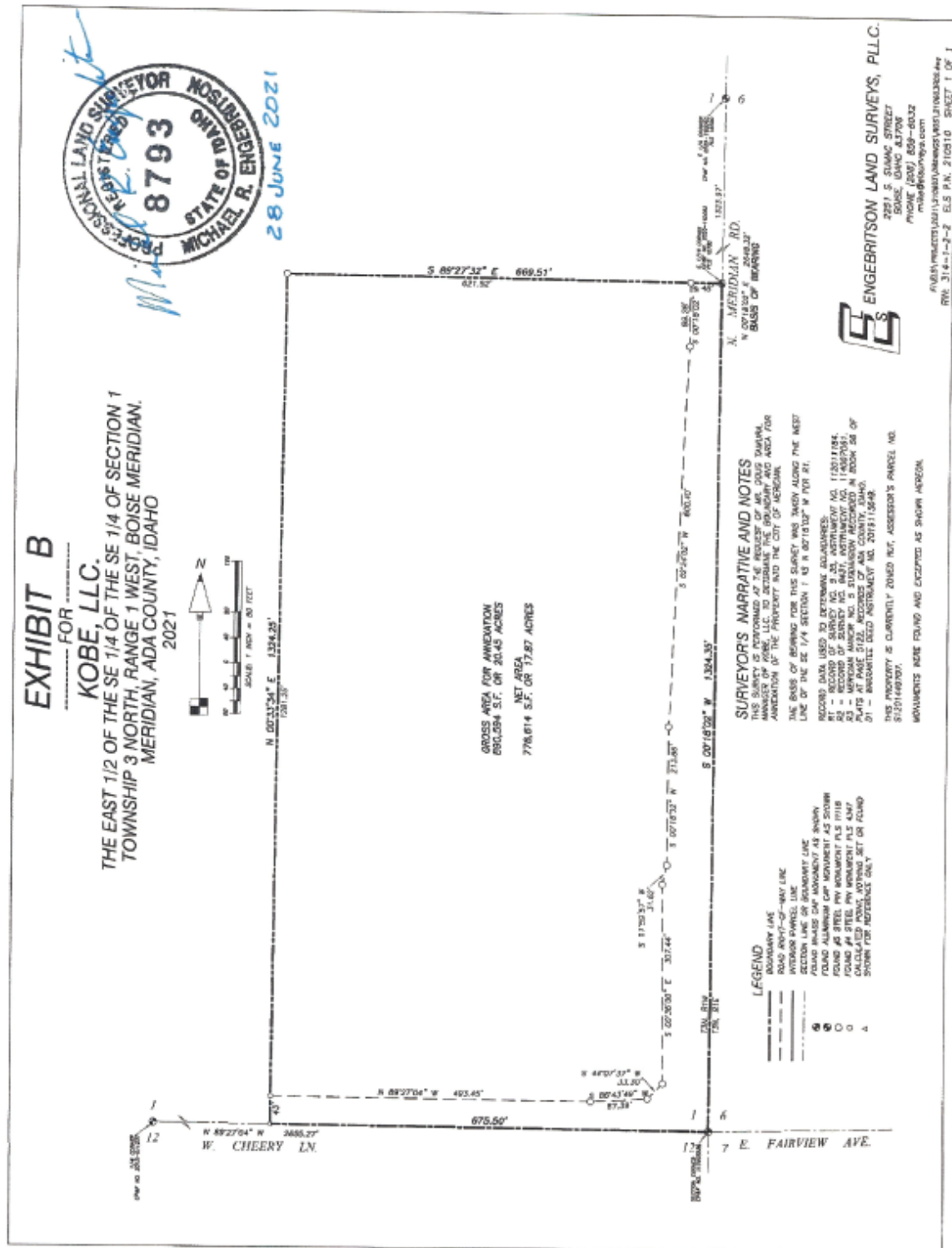
Thence southerly along said center line and Section line S 00°18'02" W a distance of 1324.35 feet to the POINT OF BEGINNING.

The above-described tract of land contains 20.45 acres more or less subject to all existing easements and rights-of-way.

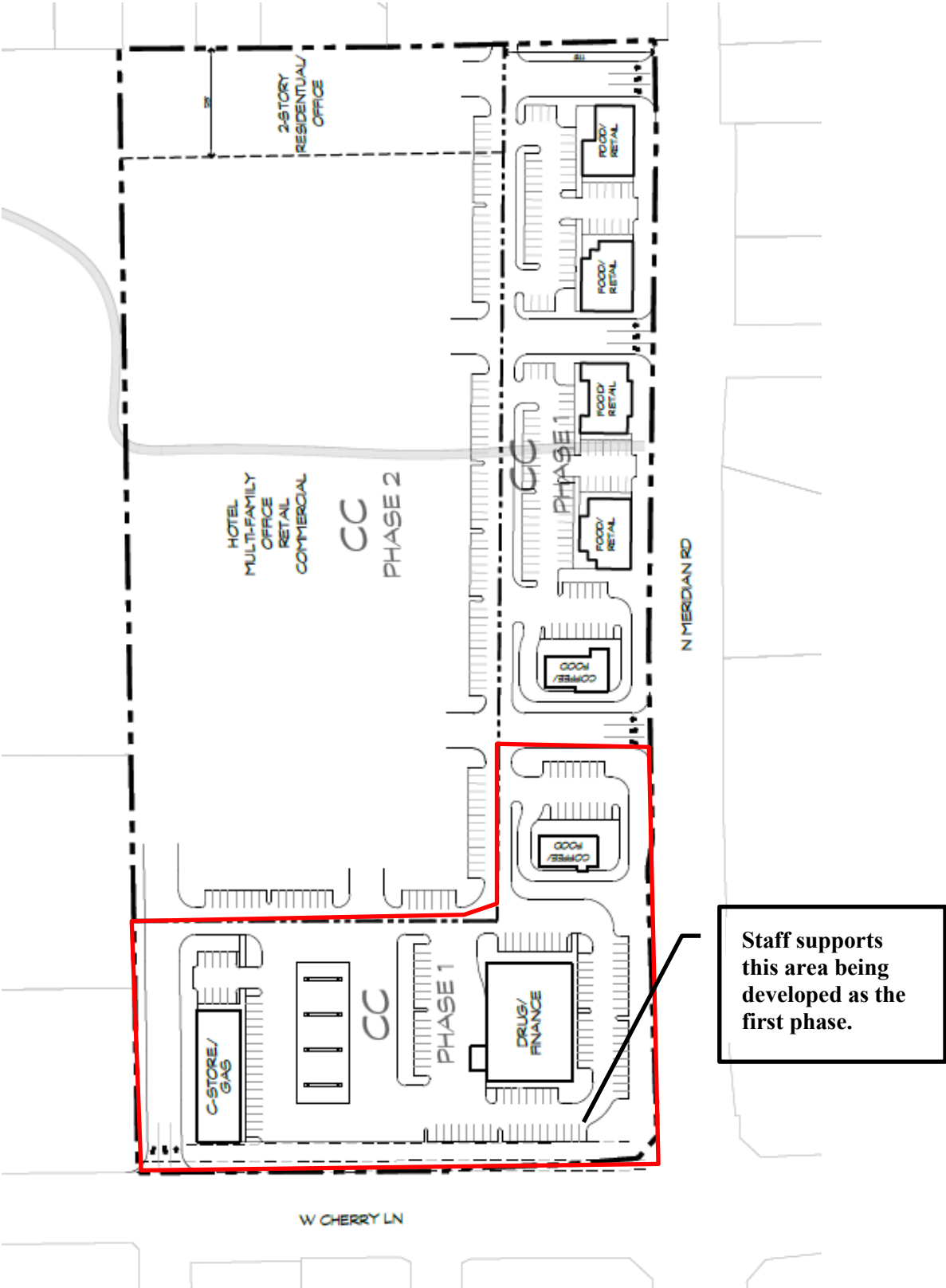
SEE EXHIBIT B ATTACHED AND MADE PART OF



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B. Site Plan (date: 8/20/2021) (NOT APPROVED)



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

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

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. **Prior to development or building permit, the applicant shall submit a development agreement modification that includes a comprehensive concept plan(s) that addresses all of the issues discussed including land use, landscaping, motorized and non-motorized circulation, transit corridors, building size and placement, entry features, open space and amenities, architecture, the recommendations of the Meridian Development Corporation and other pertinent planning documents, and is consistent with the principles of Mixed Use Community as described in the Comprehensive Plan.**
- ~~b. With first phase of development, the applicant may develop up to three (3) commercial buildings along the W. Cherry Ln. frontage and south of the existing access at N. Meridian Rd. as indicated on the attached concept plan with the following additional requirements:~~
  - ~~1. The applicant shall submit a plan illustrating how pedestrian connections in the first phase area will tie to future phases of the development with the first certificate of zoning compliance application.~~
  - ~~2. The applicant shall coordinate with the City and MDC on the design of an entry feature at the SE corner, near the intersection with the first certificate of zoning compliance.~~
  - ~~3. The developer shall install 25' wide landscape buffers along W. Cherry Ln. and N. Meridian Rd. in accordance with UDC 11-3B-7.~~
- ~~b. With any other phase of future development, the developer shall submit for a development agreement modification. At a minimum, the DA modification shall address the following provisions:~~
  - ~~1. A detailed concept plan that includes the following:~~
    - ~~a. General layout and configuration of buildings for the remainder of the site. Layout of buildings shall consider the principles of mixed use community, including arrangement to create some form of common, usable area, such as a plaza or green space, orientation of buildings to streetscapes to create pedestrian interest and enclosure of space, walkability and 360-degree design.~~
    - ~~b. A circulation plan for public and private streets including street cross sections that addresses future access points, internal and external automobile circulation, pedestrian circulation, transit connectivity and locations of possible transit shelters if future transit is projected in this area, and multi-~~

~~modal “complete street” design including pedestrian connectivity consistent with mixed use development goals.~~

- ~~c. Open space and amenity plan reflecting common useable areas, amenities, outdoor gathering places and plazas, green spaces, and landscape buffering and transitioning between uses consistent with the objectives of the Mixed-Use Community designation. At least 5% of the total developable area shall be plazas, gathering places, etc. This would be in addition to any open space or amenity requirements for multifamily development.~~
- ~~d. Conceptual building elevations indicating cohesiveness in building design, pedestrian and street oriented features, and 360 degree architecture.~~
- ~~c. Future development of the site shall comply with design concepts established for the new Northern Gateway District.~~
- 2. Building footprints shall be limited to 30,000 sq. ft or 60,000 sq. ft for a grocery store unless vertically integrated structures are proposed.
- 3. The development shall contain at least three types of land uses, which could include vertically integrated buildings as one of the uses.
- 4. Residential uses shall comprise a minimum of 20% of the development area at gross densities ranging from 6 to 15 units/acre. Other residential densities may be considered with a future development agreement modification.
- 5. The applicant shall comply with all provisions of 11-3A-3 with regard to access to streets. Access and the proposed street network shall be reviewed and approved by ACHD.

## **B. PUBLIC WORKS GENERAL CONDITONS**

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

4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standard 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 records 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. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded prior to applying for building permits.
10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.



17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at [http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272).
21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
22. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

## 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 annexation and proposed zoning map amendment to the C-C would be consistent with the Comprehensive Plan if all provisions of a Development Agreement are complied with.*

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

*Council finds the proposed zoning map amendment will allow for the development of multiple types of residential and commercial uses. This will contribute to the range of housing*

*opportunities and goods and services available within the City and more employment opportunities in the Downtown Area, consistent with the Comprehensive Plan and the purpose statement of the Mixed-Use Community designation.*

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

*As long as Commission's recommended conditions of approval are followed, Council would find this annexation and zoning should not be detrimental to the public health, safety and welfare.*

4. **The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and**

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

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

*The subject property is a 20.45 acre enclave property on an intensely commercial intersection surrounded on all sides by existing development. Additionally, the new Northern Gateway Urban Renewal Plan is being developed with this property. As long as the property develops consistent with the Mixed-Use Community principles as discussed above and Commission's recommended conditions of approval are followed, Council finds this annexation would be in the best interest of the City.*





## AGENDA ITEM

**ITEM TOPIC:** First Amendment to Professional Services Agreement Between the City of Meridian and Trauma Intervention programs, Inc. (TIP)



# MEMO TO CITY COUNCIL

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## Request to Include Topic on the City Council Agenda

**From:** Police Department

**Meeting Date:** November 23, 2021

**Presenter:** Lt. Caldwell

**Estimated Time:** 5 minutes

**Topic:** First Amendment to Professional Services Agreement with Trauma Intervention programs, Inc. (TIP)

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### Recommended Council Action:

Requests Mayor signature on agreement

### Background:

**FIRST AMENDMENT to PROFESSIONAL SERVICES AGREEMENT  
WITH TRAUMA INTERVENTION PROGRAMS, INC.**

This First Amendment To Professional Services Agreement With Trauma Intervention Programs, Inc. ("First Amendment") is made this \_\_\_\_ day of November, 2021 ("Effective Date"), by and between the City of Meridian, a municipal corporation organized under the laws of the State of Idaho (hereinafter "City"), and Trauma Intervention Programs, Inc., a nonprofit organization organized under the laws of the State of California ("TIP") (collectively, "Parties").

**WHEREAS**, on October 27, 2020, the Parties entered into an Agreement entitled, "Professional Services Agreement with Trauma Intervention Programs, Inc." ("October 27, 2020 Agreement") establishing the Parties' respective rights and responsibilities regarding the provision of comprehensive emotional and practical support services, on an as-needed basis, to victims of emergency situations and traumatic events;

**WHEREAS**, the Parties wish to extend the term of the October 27, 2020 Agreement;

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein and in the October 27, 2020 Agreement, TIP and the City hereby agree and contract as follows:

**I. Provisions modified.**

A. Section III of the October 27, 2020 Agreement shall be amended to read as follows:

**III. TERM.** This Agreement shall expire on September 30, 2022, unless earlier terminated or extended in the manner as set forth in this Agreement.

B. Section IV of the October 27, 2020 Agreement shall read as follows:

**IV. PAYMENT.** Within thirty (30) days of receipt of invoice; completed W-9 form; proof of insurance as required by this Agreement, City shall pay TIP a maximum amount of fifteen thousand, three hundred and forty-six dollars and eighty cents (\$15,346.80) for the services to be performed hereunder. It is understood by the Parties that this amount represents twelve cents per City resident (i.e. 106,410 persons times 00.12 cents per person). City shall not withhold any federal or state income taxes from any payment made by City to TIP under this Agreement. Payment of all taxes and other assessments on such sums shall be the sole responsibility of TIP.

**II. All other provisions in effect.** Except as expressly modified by this First Amendment or other duly executed amendment, all provisions of the October 27, 2020 Agreement shall remain in full force and effect. No other understanding, whether oral or written, shall be deemed to enlarge, limit or otherwise affect the operation of the October 27, 2020 Agreement or this First Amendment thereto.

**IN WITNESS WHEREOF**, the parties shall cause this First Amendment to be executed by their duly authorized officers to be effective as of the day and year first above written.

**TRAUMA INTERVENTION PROGRAMS, INC:**

  
Kymber Neal-Jenkins, Chief Executive Officer

**CITY OF MERIDIAN:**

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

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



## AGENDA ITEM

**ITEM TOPIC:** 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



# MEMO TO CITY COUNCIL

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## Request to Include Topic on the City Council Agenda

**From:** Sandra Ramirez **Meeting Date:** 11/23/2021  
**Presenter:** N/A **Estimated Time:** N/A  
**Topic:** Task Order 10650.e Well 31 Treatment Facility

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### Recommended Council Action:

Approve 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 and authorize Procurement Manager to sign the associated Purchase Order for the Not-to-Exceed amount of \$257,050.00.

### Background:

The specific well location (Kentucky Ridge Subdivision) has been experiencing water quality issues and the consultant will design a feasible treatment option and implement the preferred water treatment technology at Well 31.

## TASK ORDER NO. 10650.e

Pursuant to the

MASTER AGREEMENT FOR PROFESSIONAL SERVICES  
BETWEEN**CITY OF MERIDIAN (OWNER) AND JUB ENGINEERS, INC (ENGINEER)**

This Task Order is made this \_\_\_\_ day of November 2021 and entered into by and between the City of Meridian, a municipal corporation organized under the laws of the State of Idaho, hereinafter referred to as “City”, and accepted by J-U-B ENGINEERS, INC., hereinafter referred to as “Engineer” pursuant to the mutual promises, covenant and conditions contained in the Master Agreement (category 1d) between the above mentioned parties dated October 1, 2020. The Project Name for this Task Order is as follows:

**WELL 31 WATER TREATMENT FACILITY****PROJECT UNDERSTANDING-SUMMARY**

The City of Meridian (City) domestic water system experiences water quality issues related to the precipitation of iron and manganese from groundwater resulting in brown water events, reduced chlorine residuals, extended system flushing, and customer complaints.

The purpose of this project is to design a feasible treatment option and implement the preferred water treatment technology at Well 31 located in the Kentucky Ridge Subdivision in its community park north of W. Riodosa Drive, approximately 775 feet south of W. Victory Road. The City intends to construct a filtration system for the Well 31. Expected flows will range from 500 to 660 GPM.

The project will consist of:

- (1) Establishing iron and manganese removal criteria at Well 31.
- (2) Completing final design and preparing specifications for the procurement of an iron and manganese removal system from an equipment supplier using a competitive procurement process.
- (3) Completing final design and preparing a construction document package for the City’s use in obtaining bids for the construction and installation of the water treatment facility—the previously procured equipment and a building to house the equipment.

## **SCOPE OF WORK**

### **Task 1 – Project Management and Administration**

Provide the overall project planning, management, scheduling, coordination of efforts and the day-to-day administrative tasks required for this Task Order. Specific tasks include:

- Project setup (electronic folders, financial system, design team).
- Coordinate quality assurance and quality control process.
- Attend kickoff, 30% (PER), 50%, and 90% design project review meetings.

#### **Deliverables**

- Prepare written monthly progress reports. The reports will include the following items:
  - A written description of the progress of the work accomplished to date.
  - A summary of project issues and concerns that need to be resolved.
  - A summary of changes in contract amount or time (if applicable).
  - Monthly invoices for work completed.
  - Monthly progress reports and detailed invoices.
  - Meeting notes.

### **Task 2 – Pilot Test Review**

Provide assistance to the City for review of others' pilot testing plan. J-U-B will review the results of the pilot test and provide a brief tech memo summarizing design criteria to be used as the basis of design. Scope of Work and/or task order cost revisions may be required at that time.

The final tech memo will be provided to IDEQ as an attachment to the Preliminary Engineering Report (Task 7).

#### **Deliverables**

- Draft and final Well 31 Pilot Study Review and Basis of Design

### **Task 3 - Entitlements & Public Involvement**

Assist the City in obtaining a certificate of zoning compliance. If the preferred layout of new facilities does not meet setback or other dimensional requirements, J-U-B will assist the City in obtaining a variance. J-U-B will specifically provide the following:

- Certificate of Zoning Compliance – J-U-B will prepare the submittal package per Community Development Department requirements for obtaining a certificate of zoning compliance.
- Public Involvement – If authorized by the City, J-U-B will provide public involvement services that may include mailers, door hangers, or limited door-to-door visits.
- Variance Application – If required by the final design layout, J-U-B will prepare a variance application for submittal to the City of Meridian Community and



Development Services (CDS). This will include one (1) pre-application meeting with the City CDS staff.

#### **TASK 4 - Iron and Manganese Removal Equipment Procurement Package**

Prepare technical specifications to solicit bids for water treatment equipment for the Well 31 treatment project through a competitive procurement process.

Prepare draft performance specifications for the preferred equipment and review it with the City in a Workshop. It is anticipated that the specifications will likely include:

- A range of expected well water quality.
- The results of the Well 31 pilot testing.
- Well production and pressure information.
- Equipment performance requirements for removal of iron and manganese and other pertinent parameters.
- Requirements for identifying and defining treatment system operational and maintenance costs.
- Surface loading rates, number of cells, redundancy.
- Limitations on backwash flow and volume that are allowed.
- Requirements for a guaranty of treatment performance.
- Penalties for not meeting the treatment guarantee.
- Requirements for submittals, training, startup, and operations and maintenance manuals.

#### **Deliverables**

- Draft and final technical performance specification for treatment equipment in electronic (PDF & word) format.
- Process flow diagram and overall plan drawing of the equipment.

#### **Task 5: Equipment Procurement Bidding Assistance**

Assist the City during the procurement bidding process of the water treatment equipment in responding to technical questions from prospective bidders. J-U-B will assist the City's evaluation and selection of the proposed treatment equipment following the receipt of bids through the competitive bidding process. It is anticipated that the technical information to evaluate will likely include:

- Bidders' qualifications
- General product information
- General layout drawings
- Product performance information
- Treatment system operational and maintenance costs
- Example project installations
- References

The City will administer the equipment procurement process. J-U-B will assist the City in responding to technical questions that the City is unable to answer through the review of the Contract Documents.

## Deliverables

- Written responses to technical questions.
- Technical evaluation of treatment equipment submittals and concurrence of City's recommendation of award of procurement contract.

## Task 6: Survey and Mapping

Provide topographical survey and prepare base mapping for the design of the water treatment facility at the existing well site and for the drain line outfall alignment to the existing sanitary sewer trunk.

It is anticipated that the effort will include:

- **Research and Utility Request:** Research available land monuments, plats, records of survey, right-of-ways, and recorded easements on the project site. Contact utility companies prior to survey via Dig-line to request field locations of utilities and available utility mapping. Utilities will be shown to the extent they are visible in the field, or located by the utility or Owner. It is assumed that the City will provide Title Reports for all properties that will be encroached upon by the proposed project.
- **Survey Control:** Establish survey control at the site and along the outfall line alignment using: horizontal coordinate system, NAD 1983 translated to the Ada County G.I.S. system, and vertical control based on NAVD 1988. Right-of-ways (ROWs) will be established and shown on the base map using Ada County G.I.S. data. Any land monuments will be located and shown where found from visual observations during the field survey. Well 31 lot lines will be developed from field measurements and recorded plat information.
- **TBM:** Establish temporary construction benchmarks (T.B.M.s) at two locations on the Well 31 lot.
- **Topographic Survey:** Complete topographic survey as previously described herein. For the purposes of this scope and fee proposal, it is assumed that survey will include existing observable features such as building corners, sidewalks, fences, edge of roadways, power poles, and utility boxes, manholes and inverts, water valves, well head, found property pins, and structures. Existing utilities shall be located to the extent that they are visibly marked by the utility companies.
- **Base Mapping:** Prepare topographic mapping in Civil 3D 2020 at a 1" = 20' scale, 11"x17". Topographic features will be depicted using accepted J-U-B standard symbols. Topographic features will be shown on the design plans to the extent that they are found or field located by the utility companies, such as fences, utility poles, surfacing, utilities, edge of pavement, face of curb, sidewalks, striped roadway centerline, guard rails, signal poles, signs, mail boxes, face of retaining walls, telephone risers, large trees, and include monuments of record and physical survey of monuments and property pins that are found. Provide locations (X & Y coordinates) and elevation of local temporary benchmarks to be used on Project. Property lines will be shown based on Ada County G.I.S. mapping. Contours at one-half foot (1/2') intervals will be

generated. Roadway will be cross-sectioned at 50' intervals on centerline, edge of pavement, gutter, top of curb and natural ground near ROW.

#### Deliverables

- Base mapping pdf with 0.5-foot contours intervals of the project site, including the drain line outfall to the existing sanitary sewer.
- Legal description for City's use in securing a temporary construction easement.

### **Task 7: Preliminary Engineering Report**

Prepare a preliminary engineering report (PER) for the facility in compliance with IDEQ rules IDAPA 58.01.08, Section 503.

A preliminary design and report based on the City-selected equipment in Task 3 will be developed. The PER will address:

- Building and equipment layout and equipment selection
- New adjacent building versus building expansion
- Site layout
- 30% design drawings:
  - Title Sheet.
  - Site Civil Plan.
  - Design Criteria.
  - P&ID.
  - Building Layout & Concept Floor Plan.
  - Building Elevations.
- Verification of capacity in adjacent sanitary sewer to receive backwash water.
- Operation and maintenance considerations.
- Geotechnical evaluation (via subconsultant).
- An evaluation of the existing electrical service to the site to determine capability of existing service and transformer to accept the electrical loads associated with the demands for the planned new equipment, building, and associated appurtenances.
- Electrical standby power evaluation.

Based on the results of a review workshop with the City, a PER will be finalized for City and IDEQ approval. The PER will identify design criteria, site constraints, code requirements, permitting and entitlement requirements, a list of equipment to be provided in the facility along with their electrical requirements, and a description of the operation, maintenance, and control of the facility. A geotechnical report for use in footing/foundation and potential storm water facility design will be completed and included in the PER. Geotechnical field work will include two borings to a maximum depth of 20 feet at the site and installation of one groundwater observation well. A general building and equipment layout plan will be included. A conceptual level cost estimate will also be provided in the PER. Six (6) hardcopies of the PER will be submitted to the City for initial review. Following the City's review, the report will be updated and provided to the City for submission to the IDEQ as the Preliminary

Engineering Report for approval. J-U-B will incorporate applicable IDEQ comments and publish a final PER to IDEQ and the City.

#### Deliverables

- Draft PER for City Review.
- Final Draft PER for IDEQ Review.
- Final PER for City and IDEQ Approval.

### **Task 8: Design (50%, 90% and 100% Submittals)**

Prepare civil, mechanical, electrical, architectural and structural design and prepare plans and specifications for the construction of a treatment facility for iron and manganese removal at Well 31. The facilities included in the design will be as described in the PER from Task 7. Major design elements will include the following:

1. Iron and manganese removal equipment including filters, media, backwash controller, backwash flow meter, backwash flow control, pressure relief valve, piping, and other related appurtenances such as instrumentation.
2. Electrical power and controls for the new treatment facility and building equipment.
3. Lighting, heating, and ventilation for the new building. J-U-B will consult with Idaho Power Company (IPCo) contacts to determine best energy efficiency practices to be used for the facility, what opportunities exist for incentives or rebates from IPCo, and whether the incentives or rebates are worth pursuing. Best practices for energy efficiency will be followed regardless of incentives.
4. On-site yard piping improvements needed for the new treatment equipment.
5. Drain line to the existing sanitary sewer main.

Drawings and specifications will be submitted to the City for review and approval at 50%, 90% and 100% bid-ready completion. Up to six (6) hard copies of the 50% and 90% submittals will be provided to the City, and six (6) sets of the 100% submittal, plus an electronic copy of the 100% submittal, will be provided to the City. The City will submit final drawings and specifications to the IDEQ for review and approval. An engineer's opinion of probable construction cost will be updated and submitted with the 90% documents. The City may require up to five days for review of the 90% submittal and the State will require up to 30 days for review of the 100% submittal.

#### **Subtask 8.1: 50% Design**

Develop preliminary design plans based on the approved PER. The preliminary design plans will include a site plan, building floor plan, preliminary pump sizing, piping and equipment plan, building elevations, and preliminary electrical and control plan. The 50% design package will include preliminary technical specifications (not including architectural, mechanical or electrical) and a preliminary Opinion of Probable Construction Cost.

Provide 50% plans to City for initial review.

## **Subtask 8.2: 90% Agency Review Design, Plans and Specifications**

Finalize the design of structures, equipment, major plant piping, process and site plan to allow final detailing of the same during the 100% design activities. Specific activities, and work products from 90% design include the following:

### **Project Management**

- Conduct constructability review.
- Conduct operability review.
- Update engineer's opinion of probable construction cost.
- Coordination with treatment equipment vendor.

### **Civil**

- Finalize building and major site element horizontal locations.
- Finalize floor/control levels and finished grades.
- Define contractor staging, storage, and off-site access corridors.
- Prepare site grading, fencing, drainage, landscape and Temporary Erosion Sediment Control plans.
- Prepare yard piping and drain layouts.
- Prepare access road revisions to building.
- Prepare technical specifications.
- Senior staff will complete an internal QC review.

### **Architectural**

- Finalize building floor plan and elevations for building.
- Finalize the structural design concepts for the building.
- Review applicable codes for the building with City Building, Plumbing, and Electrical Officials and the Fire Marshal. Complete building and fire code analysis.
- Prepare technical specifications.
- Senior staff will complete an internal QC review.
- Architectural renderings are not included in this task. If, during the course of design, the City wishes to have architectural renderings done, those will be billed on a time and material basis.

### **Structural**

- Complete structural design for new building and selection of materials of construction.
- Prepare foundation, framing and roofing plan for building.
- Prepare final floor plan for building.
- Prepare sealed structural calculations.
- Prepare technical specifications.
- Senior staff will complete an internal QC review.

### **Process & Mechanical**

- Final major equipment sizing calculations.

- Final replacement pump selection and sizing.
- Coordinate with instrumentation and control system (I&CS) on completion of P&IDs.
- Coordinate with architectural and structural team on preparation of building layout
- Complete fire sprinkler design.
- Assemble catalog cut sheets for all major process equipment. Complete equipment data sheets or equipment list on all major equipment items.
- Coordinate with I&CS in the finalization of P&IDs.
- Finalize ancillary equipment sizing and line sizing calculations (chemical storage, feed and delivery systems, etc.).
- Finalize equipment selection (type, size, weight, and arrangement).
- Finalize selection of piping materials and sizes.
- Prepare technical specifications.
- Senior staff will complete an internal QC review.

### **HVAC/Plumbing**

- Energy compliance documents for the mechanical systems.
- Prepare mechanical specifications as required.
- HVAC load calculations and sizing of new HVAC systems as required.
- Ductwork sizing and layout.
- Subconsultant will coordinate with J-U-B and other subconsultants on applicable items for the City's SCADA integration.

### **Instrumentation and Control**

- Design to upgrade control system to current City standard.
- Develop P&ID.
- Develop design package to replace the existing control panel and reconnect existing instrumentation to the new control panel.
- Develop control panel drawings suitable for UL construction.
- Prepare instrumentation and control specifications as required.
- Subconsultant will coordinate with J-U-B and other subconsultants on applicable items.

### **Electrical**

- Service load and standby power calculations.
- Site lighting.
- Interior lighting.
- Power distribution.
- Variable frequency drive.
- Energy compliance documents for lighting systems.
- Coordinate with instrumentation and control system (I&CS) on completion of P&IDs.
- Prepare electrical specifications.

- Subconsultant will coordinate with J-U-B and other subconsultants on applicable items.

### **Asset Management Incorporation**

The new components will be identified and labeled on the plans per the nomenclature standards identified in the City's Asset Management policy. Assets involved will include pumps, valves, flowmeters, mechanical and electrical components, and other equipment as identified by the City. An inventory shall be prepared in a table and included with the technical specifications for use and implementation of tagging by the contractor.

### **Quality Control**

J-U-B and the subconsultants will perform quality control (QC) reviews by a senior engineer to provide an independent review of the 90% design prior to submittal to City.

### **90% Design Workshop**

J-U-B will conduct a design workshop to review the work products with the City's personnel and other key project staff. Workshop minutes, including the City's comments will be prepared and distributed to attendees. J-U-B will implement City and agency review comments from the 90% review as warranted. Completion of the final design will include plans, technical specifications, bid schedule and the Engineer's Opinion of Probable Construction Cost. These items will be submitted to the City for bidding purposes.

### **Subtask 8.3: 100% Contract Document Preparation**

Complete final technical contract drawings and specifications for competitive bidding. Key activities during this phase will include:

#### **Design Management**

- Conduct final reviews and incorporate 90% design review comments.

#### **Contract Document Completion**

- Prepare final construction drawings.
- Prepare final technical specifications.
- Prepare final calculations.
- Complete final checking and coordination review, agency permitting compliance reviews.

#### **Incorporation of Final Review Comments**

J-U-B will modify the contract documents to reflect all agreed upon 90% review comments from the City, IDEQ, ACHD and J-U-B's quality control review. The final documents will then be provided to the City for submission to the IDEQ for review and approval. These plans will be incorporated into the building permit package in Task 10.

#### **Deliverables**

- 50% Complete preliminary design Plans, six (6) copies at scale TBD to City.

- Preliminary Opinion of Probable Construction Cost.
- 90% complete design plans, specifications, and special provisions, six (6) hardcopies and one electronic copy at scale TBD to the City.
- Opinion of Probable Construction Cost.
- 100% complete bid-ready plans, specifications, and special provisions, six (6) hardcopies and one electronic copy at scale TBD to the City.
- Bid Schedule.
- Opinion of Probable Construction Cost.

### **Task 9: Bidding Assistance - Water Treatment Facility**

Assist the City during the bidding process for the construction of the new water treatment facility in responding to technical questions from prospective bidders.

The City will facilitate the bidding process. J-U-B will assist the City in responding to technical questions that the City is unable to answer through review of the Contract Documents for the City's use in preparation of addenda.

#### **Deliverables**

- Written responses to technical questions submitted during the bidding phase.

### **Task 10: Agency Coordination and Permitting**

Assist the City with the agency approval process. J-U-B will submit the plans, on behalf of the City, specifically limited to the following:

- DEQ Plan Approval. Complete the DEQ Checklist and submit copies of the design for review. J-U-B will make required changes to the plans and specifications based on their review.
- Ada County Highway District Plan Approval. Submit copies of the design to ACHD for review and approval.
- City of Meridian Building Permit. Complete the Building Permit application and submit copies of the design for review. J-U-B will meet with the Building Department to discuss their review of the plans, if necessary. Required comments will be integrated into the plans and resubmitted for review and approval. This process is estimated to take one (1) month. This excludes revisions that require modification to the base design.
- Kentucky Ridge Subdivision Homeowners Association. Coordinate with the HOA on building siting and architectural treatments. Three meetings are anticipated with HOA: one prior to design initiation, one upon completion of the PER, and one prior to 90% design completion.

## **ASSUMPTIONS**

While preparing our scope of services and fee schedule, we have made the following assumptions:



1. The City will provide to J-U-B the following for Well 31:
  - a. Updated water quality information for Well 31.
  - b. Standard City PLC specifications for incorporation into the project.
2. The City will provide the following during any bidding or procurement process:
  - a. All bidding and contract documents including, but not limited to: advertisement for bids, bid forms, contacts/agreements, condition of the contract, award, bonding and insurance requirements.
  - b. Incorporate J-U-B's technical specifications and drawings into Bidding and Contract Documents using the City's contracting boiler plate to bid procurement of the treatment equipment.
  - c. Provide all administration to bid and procure the iron and manganese removal water treatment equipment.
  - d. Incorporate J-U-B's technical specifications and drawings into Bidding and Contract Document using the City's contracting boiler plate to bid the construction and startup of the water treatment facility.
  - e. The City will distribute the Bidding and Contract Documents for the construction of the iron and manganese removal water treatment facility.
  - f. Following a review of the bids received for the construction of the water treatment facility, the City will award and execute a contract with the successful bidder.
3. The City will:
  - a. provide on-going review of J-U-B's work and timely consideration of design issues within a time acceptable to the City and J-U-B.
  - b. pay for all permits and fees needed for the project.
  - c. provide project manager to serve as a liaison with other City departments and divisions to facilitate the project reviews and approval process.
4. Assumptions:
  - a. The bidding of the iron and manganese removal water treatment equipment will be open to adsorptive types of water treatment systems that meet specified performance requirements.
  - b. The backwash water from the facility will be discharged to the existing sanitary sewer main in W. Riodosa Drive. There will be no backwash storage tank. It is assumed that the existing sanitary sewer trunk has adequate capacity to receive and convey the process backwash water. This will be verified in Task 7 by J-U-B.
  - c. Space is available on the existing lot for on-site storm water disposal.
  - d. Design of a contact chamber or detention tank is not included.
  - e. It is assumed that a fire suppression (sprinkler) system will be required.
  - f. The existing electrical service to the site is capable of accepting the electrical loads associated with the demands for this new equipment, building, and associated appurtenances. An evaluation to verify this assumption is included in Task 7 (preliminary engineering report).

- g. No design of offsite sewer, other than a segment from the treatment facility to the existing gravity immediately adjacent to the site, will be necessary.
  - h. Permanent easement acquisition is not required. A temporary construction easement (TCE) from the Kentucky Ridge HOA will be required. J-U-B will prepare TCE legal description for City's use in negotiating and acquiring the TCE from the HOA.
  - i. A SWPPP plan will not be required.
  - j. Three meetings will be held between the City and J-U-B's electrical/instrumentation/control subconsultant during the design phase, either concurrently with project review meetings or separately.
  - k. The filter panel, programming and startup will be provided by the manufacturer.
  - l. It is assumed that invoices from J-U-B to the City will be submitted by email or hard copy (mail).
5. Construction and Post-Construction Phase Services:
- a. Services during construction of the water treatment facility and post-construction phase services are not included in this Scope of Work. A separate scope of work and associated budget will be prepared after the bidding of the construction contract for the water treatment facility.
6. submit the 90% design plans and specifications to the following agencies for review: The City, IDEQ, ACHD and the Kentucky Ridge Subdivision HOA (see Task 10).
7. Services during construction of the water treatment facility and startup are not included in this scope of work. J-U-B will submit a separate scope and budget for these services prior to the start of construction activities.

## **TIME OF COMPLETION and COMPENSATION SCHEDULE**

The following schedule is based on a Notice to Proceed (NTP) from the City by November 2021 and resulting in Final Design being completed by December 2022. An NTP issued on a different date will change the schedule accordingly.

<b>COMPENSATION AND COMPLETION SCHEDULE</b>			
<b>Task</b>	<b>Description</b>	<b>Estimated Completion Date</b>	<b>Compensation</b>
<b>1</b>	Project Management and Administration	Ongoing throughout project	\$13,300
<b>2</b>	Pilot Test Review	14 days after NTP for this task	\$1,700
<b>3</b>	Entitlements & Public Involvement (if necessary)	Ongoing throughout project	\$2,350
<b>4</b>	Iron and Manganese Removal Equipment Procurement Package	21 days after NTP for this task	\$8,300
<b>5</b>	Bidding Assistance - Equipment Procurement	Dependent on City's Scheduling	\$4,000
<b>6</b>	Survey and Mapping	21 after NTP for this task	\$5,700
<b>7</b>	Preliminary Engineering Report	42 days after NTP for this task	\$50,300

<b>8</b>	Final Design for 90% and 100% Submittal	120 days after NTP for this task	\$150,300
<b>9</b>	Bidding Assistance - Construction of the Water Treatment Facility	Dependent on City's Scheduling	\$10,900
<b>10</b>	Agency Coordination, Meetings and Permitting	Ongoing through Tasks 7 through 9	\$10,200
<b>TASK ORDER TOTAL:</b>			<b>\$257,050.00</b>

The Not-To-Exceed amount to complete all services listed above for this Task Order No. 10650.e is two hundred fifty-seven thousand fifty dollars (\$257,050.00). No compensation will be paid over the Not-to-Exceed amount without prior written approval by the City in the form of a Change Order. No travel or expenses will be reimbursed through this agreement. All costs must be incorporated in the individual tasks within the Compensation and Completion Schedule above.

**CITY OF MERIDIAN**

BY: \_\_\_\_\_  
KEITH WATTS, Procurement Manager

Dated: \_\_\_\_\_

Council approved date: \_\_\_\_\_

City Project Manager:  
Kristina Keith

**J-U-B ENGINEERS, INC.**

BY:   
LISA BACHMAN, Area Manager

Dated: 11/09/21

# CONTRACT CHECKLIST

Item #8.

I. PROJECT INFORMATION			
Date: <u>10/4/2021</u>		REQUESTING DEPARTMENT <u>Public Works</u>	
Project Name: _____		<u>Well 31 Water Treatment</u>	
Project Manager: <u>Kristina Keith</u>		Contract Amount: <u>\$257,050</u>	
Contractor/Consultant/Design Engineer: _____		<u>J-U-B Engineers, Inc</u>	
Is this a change order?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Change Order No. _____			
II. BUDGET INFORMATION (Project Manager to Complete)		III. Contract Type	
Fund: <u>60</u> Department: <u>3490</u> GL Account: <u>96175</u> Project Number: <u>10650</u>  Will the project cross fiscal years?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Budget Available (Purchasing attach report): Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> FY Budget: <u>2022</u> Enhancement:    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  Construction <input type="checkbox"/> Task Order <input checked="" type="checkbox"/> Professional Service <input type="checkbox"/> Equipment <input type="checkbox"/> Grant <input type="checkbox"/>	
IV. GRANT INFORMATION - to be completed only on Grant funded projects			
Grant #: <u>n/a</u>	Wage Determination Received <u>n/a</u>	Wage Verification 10 Days prior to bid due date <u>n/a</u>	Debarment Status (Federal Funded) <u>n/a</u>
	Print and Attach the determination	Print, attach and amend bid by addendum (if changed)	<a href="http://www.sam.gov">www.sam.gov</a> Print and attach
V. BASIS OF AWARD			
<b>BID</b>		<b>RFP / RFQ</b>	
<b>Award based on Low Bid</b>		<b>Highest Ranked Vendor Selected</b>	
(Bid Results Attached)    Yes <input type="checkbox"/> No <input type="checkbox"/>		(Ratings Attached)    Yes <input type="checkbox"/> No <input type="checkbox"/>	
Typical Award    Yes <input type="checkbox"/> No <input type="checkbox"/>		Master Agreement Category <u>1A</u>	
If no please state circumstances and conclusion: <u>n/a</u>		Date MSA Roster Approved: <u>10/1/2020</u>	
Date Award Posted: <u>n/a</u>		7 day protest period ends: <u>n/a</u>	
VI. CONTRACTOR / CONSULTANT REQUIRED INFORMATION			
PW License <u>n/a</u>	Expiration Date: <u>n/a</u>	Corporation Status <u>Goodstanding</u>	
Insurance Certificates Received (Date): <u>Aug-21</u>	Expiration Date: <u>8/21/2022</u>	Rating: <u>A+</u>	
Payment and Performance Bonds Received (Date): <u>n/a</u>	Rating: _____		
Builders Risk Ins. Req'd:    Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, has policy been purchased? <u>n/a</u>		
<small>(Only applicable for projects above \$1,000,000)</small>			
VII. TASK ORDER SELECTION (Project Manager to Complete)			
Reason Consultant Selected <input checked="" type="checkbox"/> 1 Performance on past projects			
Check all that apply <input checked="" type="checkbox"/> Quality of work <input type="checkbox"/> On Budget			
<input checked="" type="checkbox"/> On Time <input type="checkbox"/> Accuracy of Construction Est			
<input checked="" type="checkbox"/> 2 Qualified Personnel			
<input checked="" type="checkbox"/> 3 Availability of personnel			
<input checked="" type="checkbox"/> 4 Local of personnel			
Description of negotiation process and fee evaluation: I reviewed the work breakdown and cost for this task order with engineering staff. JUB Engineers has provided similar services in previous years and this budget is in line with previous costs. The cost and work period are acceptable.			
Kyle Radek		10/4/2021	
Enter Supervisor Name		Date Approved	
VIII. AWARD INFORMATION			
Date Submitted to Clerk for Agenda: <u>November 10, 2021</u>	Approval Date _____	By: _____	
Purchase Order No.: _____	Date Issued: _____	WH5 submitted _____	
<small>(Only for PW Construction Projects)</small>			
NTP Date: _____			



33 E BROADWAY AVE, STE 106

TEL: (208) 489-0417

FAX: (208) 887-4813

CITY OF MERIDIAN

## Public Works

## Purchase Requisition

DATE OF REQUEST	10/4/2021
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**PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES. PACKING SLIPS, CARTONS AND CORRESPONDENCE RELATED TO THIS ORDER**

AVAILABLE BUDGET AMOUNT

**\$700,000.00**

IS BUDGET AMENDMENT REQUIRED?

No

CITY SUPPORT TICKET NO.

J-U-B Engineers, Inc.

2760 W Excursion Ln, Suite 400

Meridian, ID 83642

## PROJECT MANAGER

## Kristina Keith

**PAYMENT TERMS**  
**NET 30**

FREIGHT TERMS  
PREPAID

F.O.B.	
DESTINATION	

REQUESTOR

## Kristina Keith

**PROJECT NAME:** Well 31 Water Treatment

[illegible]

**NOTES:** Council Approval Date:

**\$257,050.00**

AUTHORIZED DEPARTMENT SIGNATURE

Item #8.

City Of Meridian  
Detailed Statement of Revenues and Expenditures - Rev and Exp Report - Sandra  
**60 - Enterprise Fund**  
**3490 - Water Construction Projects**  
From 10/1/2021 Through 9/30/2022

	Budget with Amendments	Current Year Actual	Budget Remaining	Percent of Budget Remaining
Capital Outlay				
96175 Well 31 Capital				
	800,000.04	0.00	800,000.04	100.00%
Carr... Carryforward	<u>7,475.88</u>	<u>0.00</u>	<u>7,475.88</u>	<u>100.00%</u>
Total Capital Outlay	<u>807,475.92</u>	<u>0.00</u>	<u>807,475.92</u>	<u>100.00%</u>
TOTAL EXPENDITURES	<u>807,475.92</u>	<u>0.00</u>	<u>807,475.92</u>	<u>100.00%</u>



## AGENDA ITEM

**ITEM TOPIC:** 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





# MEMO TO CITY COUNCIL

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## Request to Include Topic on the City Council Agenda

**From:** Emily Kane, Deputy City Attorney      **Meeting Date:** November 23, 2021  
**Presenter:** Bill Nary, City Attorney      **Estimated Time:** .5 minutes  
**Topic:** Resolution no. 21-\_\_\_\_: 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

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### Recommended Council Action:

Enact resolution and authorize the Mayor's signature

### Background:

Idaho Code section 50-412 states that upon receipt of the tabulation of votes by the Ada County Clerk, and the canvass of the election results by the Ada County Commission, the results of both shall be entered in the minutes of the proceedings of the Meridian City Council. By this resolution, City Council fulfills its ministerial duty pursuant to this statute to enter the election results into the Council minutes.



**CITY OF MERIDIAN**

**RESOLUTION NO. 21-2297**

**BY THE CITY COUNCIL:**

**BERNT, BORTON, CAVENER,  
HOAGLUN, PERRAULT, STRADER**

**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.**

**WHEREAS**, Idaho Code section 50-412 states that upon receipt of the tabulation of votes prepared by the Ada County Clerk, and the canvass of the election results by the Ada County Commission, the results of both shall be entered in the minutes of the proceedings of the Meridian City Council; and

**WHEREAS**, the Meridian City Clerk has received the attached tabulation of votes from the Ada County Clerk and the canvass of the Ada County Commission;

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

**Section 1.** That the Meridian City Clerk is hereby directed to enter into the minutes of the November 23, 2021 workshop of the Meridian City Council the attached tabulation of votes and election results of the election of Joe Borton to Meridian City Council Seat 2, Treg Bernt to Meridian City Council Seat 4, and Luke Cavener to Meridian City Council Seat 6 for the term 2022 to 2026.

**Section 2.** That this Resolution shall be in full force and effect immediately upon its adoption and approval.

**ADOPTED** by the City Council of the City of Meridian, Idaho, this \_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED** by the Mayor of the City of Meridian, Idaho, this \_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED:**

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

**ATTEST:**

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

STATE OF IDAHO

County of Ada

} ss

We, the commissioners of the county and state aforesaid, acting as a Board of Canvassers of Election, do hereby state that the attached is a true and complete abstract of all votes cast within this county at the MERIDIAN CITY MUNICIPAL ELECTION, held November 2, 2021 as shown by the records now on file in the County Clerk's Office.



Rod Beck (Chairman)

Ryan Davidson

County Board of Canvassers

Kendra Kenyon

ATTEST:

*Trent Tripple*  
Clerk

by Trent Tripple, Chief Deputy

STATE OF IDAHO

County of Ada

} ss

I, Phil McGrane, County Clerk of said county and state, do hereby certify that the attached is a full, true and complete copy of the abstract of votes cast as shown by the record of the Board of Canvassers filed in my office this 10th day of November, 2021.

County Clerk

by Trent Tripple, Chief Deputy



**Phil McGrane, JD, MPA**  
Clerk of the District Court

**Trent Tripple**  
Chief Deputy

400 N. Benjamin Ln., Ste. 100, Boise, Idaho 83704

Phone (208) 287-6860

Fax (208) 287-6939

STATE OF IDAHO }  
County of Ada } ss.

I, Phil McGrane, County Clerk of said county and state, do hereby certify that the attached is a full, true and complete copy of the abstract of votes for the candidates as they appeared on the election ballot on November 2, 2021 for the MERIDIAN CITY MUNICIPAL ELECTION as shown by the record of the Board of Canvassers filed in my office this 10<sup>th</sup> day of November 2021.

A handwritten signature in blue ink, appearing to be "Phil McGrane", enclosed within a blue oval.

County Clerk



# ADA COUNTY, IDAHO

## November 2021

### Consolidated Election

### 11/02/2021

Official Results

Registered Voters

65,149 of 274,027 = 23.8%

Precincts Reporting 147 of 147=100.0%

Official Results

Run time : 7:51:14 AM

Run Date: 11/10/2021

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#### BOISE CITY COUNCIL DISTRICT 1

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Luci Willits	3,134	55.9%	261	34.8%	230	48.7%	2,643	60.3%
David L Jones	535	9.5%	38	5.1%	48	10.2%	449	10.2%
Laura Metzler	1,937	34.6%	450	60.1%	194	41.1%	1,293	29.5%
Votes Cast:	5,606		749		472		4,385	

#### BOISE CITY COUNCIL DISTRICT 3

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Nicholas Domeny	199	2.0%	18	1.9%	27	2.6%	154	1.9%
Maria Santa Cruz-Cernik	383	3.8%	40	4.3%	28	2.7%	315	3.9%
Greg MacMillan	3,722	37.0%	250	26.6%	347	34.1%	3,125	38.6%
Lisa E. Sánchez	5,758	57.2%	632	67.2%	617	60.5%	4,509	55.6%
Votes Cast:	10,062		940		1,019		8,103	

#### BOISE CITY COUNCIL DISTRICT 5

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Steve Madden	1,260	18.7%	63	7.5%	110	14.6%	1,087	21.1%
Holli Woodings	3,317	49.2%	460	54.6%	432	57.5%	2,425	47.1%
Katie Fite	1,436	21.3%	226	26.8%	128	17.0%	1,082	21.0%
J. "Crispin" Gravatt	725	10.8%	94	11.2%	81	10.8%	550	10.7%
Votes Cast:	6,738		843		751		5,144	



**ADA COUNTY, IDAHO**  
**November 2021**  
**Consolidated Election**  
**11/02/2021**

Official Results

Registered Voters

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### EAGLE CITY COUNCIL (VOTE FOR TWO)

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Helen Russell	3,983	34.8%	345	26.9%	339	36.7%	3,299	35.7%
Marc "Captain" Degl'Innocenti	1,816	15.9%	313	24.4%	129	14.0%	1,374	14.9%
Melissa Gindlesperger	3,930	34.3%	291	22.7%	331	35.9%	3,308	35.8%
James Lemon	1,728	15.1%	333	26.0%	124	13.4%	1,271	13.7%
Votes Cast:	11,457		1,282		923		9,252	

### GARDEN CITY MAYOR

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
John G. Evans	1,559	57.4%	175	45.0%	143	52.4%	1,241	60.5%
Hannah Ball	1,155	42.6%	214	55.0%	130	47.6%	811	39.5%
Votes Cast:	2,714		389		273		2,052	

### GARDEN CITY CITY COUNCIL (VOTE FOR TWO)

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Teresa Jorgensen	1,354	26.7%	156	20.4%	138	27.1%	1,060	28.0%
Bill Jacobs	1,412	27.9%	172	22.5%	142	27.8%	1,098	29.0%
Greta Mohr	1,078	21.3%	194	25.4%	106	20.8%	778	20.5%
John McCrostie	1,221	24.1%	243	31.8%	124	24.3%	854	22.5%
Votes Cast:	5,065		765		510		3,790	



**ADA COUNTY, IDAHO**  
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**11/02/2021**

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### KUNA CITY COUNCIL (VOTE FOR TWO)

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Tyson Garten	478	16.1%	50	18.8%	28	12.6%	400	16.1%
Martha Drake	435	14.6%	63	23.7%	39	17.5%	333	13.4%
John B Laraway	730	24.6%	77	28.9%	57	25.6%	596	24.0%
Jeff Marler	587	19.8%	39	14.7%	50	22.4%	498	20.1%
Chris Bruce	740	24.9%	37	13.9%	49	22.0%	654	26.4%
Votes Cast:	2,970		266		223		2,481	

### MERIDIAN CITY COUNCIL SEAT 2

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Joe Borton	7,759	58.7%	1,248	80.8%	1,002	67.6%	5,509	54.0%
Hunter Wolf	5,467	41.3%	296	19.2%	480	32.4%	4,691	46.0%
Votes Cast:	13,226		1,544		1,482		10,200	

### MERIDIAN CITY COUNCIL SEAT 4

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Treg A. Bernt	6,832	51.0%	1,108	70.7%	852	56.8%	4,872	47.2%
Adam L. Nelson	6,560	49.0%	459	29.3%	647	43.2%	5,454	52.8%
Votes Cast:	13,392		1,567		1,499		10,326	



**ADA COUNTY, IDAHO**  
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**11/02/2021**

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Precincts Reporting 147 of 147=100.0%

### MERIDIAN CITY COUNCIL SEAT 6

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Luke Cavener	6,380	47.3%	1,145	72.8%	815	54.2%	4,420	42.4%
Scott Garbarino	785	5.8%	76	4.8%	112	7.5%	597	5.7%
Mike Hon	6,324	46.9%	352	22.4%	576	38.3%	5,396	51.8%
Votes Cast:	13,489		1,573		1,503		10,413	

### STAR CITY COUNCIL SEAT 3

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Kevan Wheelock	1,594	85.4%	107	79.9%	117	81.3%	1,370	86.3%
Ashley Freeman	272	14.6%	27	20.1%	27	18.8%	218	13.7%
Votes Cast:	1,866		134		144		1,588	

### KUNA SCHOOL TRUSTEE ZONE 3

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Eleanor Hurst	139	24.9%	27	40.3%	12	27.9%	100	22.3%
Kyrsti Bruce	223	40.0%	18	26.9%	17	39.5%	188	42.0%
Sallie Ann McArthur	196	35.1%	22	32.8%	14	32.6%	160	35.7%
Votes Cast:	558		67		43		448	





# ADA COUNTY, IDAHO

## November 2021

### Consolidated Election

### 11/02/2021

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#### KUNA SCHOOL TRUSTEE ZONE 4

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Kim Nixon	279	54.8%	39	79.6%	15	45.5%	225	52.7%
Mike Ambler	230	45.2%	10	20.4%	18	54.5%	202	47.3%
Votes Cast:	509		49		33		427	

#### WEST ADA SCHOOL TRUSTEE ZONE 1

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Lori Ann Frasure	3,563	64.2%	223	38.8%	378	59.2%	2,962	68.3%
Brent Hart	1,986	35.8%	352	61.2%	261	40.8%	1,373	31.7%
Votes Cast:	5,549		575		639		4,335	

#### WEST ADA SCHOOL TRUSTEE ZONE 3

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Anita M. Beckman	2,636	45.5%	524	66.4%	217	50.8%	1,895	41.4%
Angie Redford	3,152	54.5%	265	33.6%	210	49.2%	2,677	58.6%
Votes Cast:	5,788		789		427		4,572	

#### EAGLE FIRE COMMISSIONER DISTRICT 1

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Brad Pike, Sr.	5,199	100.0%	515	100.0%	409	100.0%	4,275	100.0%
Votes Cast:	5,199		515		409		4,275	





**ADA COUNTY, IDAHO**  
**November 2021**  
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**11/02/2021**

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### EAGLE FIRE COMMISSIONER DISTRICT 3

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
Kent Hemseri	1,284	22.1%	240	37.6%	91	20.0%	953	20.2%
Josh Tanner	4,522	77.9%	399	62.4%	363	80.0%	3,760	79.8%
Votes Cast:	5,806		639		454		4,713	

### BOISE CITY SEWER DISTRICT BOND

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
IN FAVOR	27,363	80.7%	3,445	87.4%	2,583	85.0%	21,335	79.3%
AGAINST	6,528	19.3%	498	12.6%	456	15.0%	5,574	20.7%
Votes Cast:	33,891		3,943		3,039		26,909	

### WEST ADA JOINT SCHOOL DISTRICT NO. 2 SUPPLEMENTAL LEVY

	Total Votes		Absentee Voting		Early Voting		Election Day Voting	
IN FAVOR	17,580	51.8%	2,388	62.9%	1,455	48.6%	13,737	50.6%
AGAINST	16,337	48.2%	1,411	37.1%	1,539	51.4%	13,387	49.4%
Votes Cast:	33,917		3,799		2,994		27,124	



## AGENDA ITEM

**ITEM TOPIC:** Police Department: Fiscal Year 2022 Net-Zero Budget Amendment in the Amount of \$43,000.00 for Traffic Enforcement Grant



# MEMO TO CITY COUNCIL

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## Request to Include Topic on the City Council Agenda

**From:** Police Department

**Meeting Date:** November 23, 2021

**Presenter:** Lt. Caldwell

**Estimated Time:** 5 Minutes

**Topic:** FY22 Traffic Enforcement Grant

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### Recommended Council Action:

Requests spend authority of \$43,000 for Grant award from ITD for Traffic Enforcement of overtime wages of \$35,000 and travel/training expense of \$8,000.

### Background:

Grant was awarded to the City on Oct 12, 2021, retroactive to Oct 1, 2021. Awarded after the FY2021 budget cycle was completed/approved.

FY2022

10/27/2021 1:41 PM

## City of Meridian FY2021 Budget Amendment Form



Please only complete the fields  
highlighted in Orange.

## Personnel Costs

Full Time Equivalent (FTE):

Fund#	Dept.#	G/L#	Proj.#	G/L# Description	Total
20	2123	41200	5008	Wages	
20	2123	41206	5008	PT/Seasonal Wages	
20	2123	41210	5008	Overtime	\$ 28,462
20	2123	41304	5008	Uniform Allowance	
20	2123	42021	5008	FICA	\$ 2,177
20	2123	42022	5008	PERSI	\$ 3,398
20	2123	42023	5008	Worker's Comp	\$ 962
20	2123	42025	5008	Employee Insurance	\$ -
Total Personnel Costs					\$ 35,000

## Amendment Details

Title: FY 22 Traffic Enforcement Grant  
 Department Name: Police  
 Presenting Department Name: Police  
 Department #: 2123  
 Primary Funding Source: 20  
 CIP#: n/a  
 Project #: 5008

Is this for an Emergency? ☐ Yes ☒ No  
 New Level of Service? ☐ Yes ☒ No

Clerks Office Stamp

Date of Council Approval

## Operating Expenditures

Fund#	Dept.#	G/L#	Proj.#	G/L# Description	One-Time	On-Going	Total
20	2123	57202	5008	DRE Training Travel Expenses	\$ 6,000		\$ 6,000
20	2123	57200	5008	DRE Training Registration	\$ 2,000		\$ 2,000
20	2123		5008				\$ -
20	2123		5008				\$ -
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20	2123		5008				\$ -
20	2123		5008				\$ -
20	2123		5008				\$ -
Total Operating Expenditures					\$ 8,000	\$ -	\$ 8,000

## Capital Outlay

Fund#	Dept.#	G/L#	Proj.#	G/L# Description	Total
20	2123		5008		
20	2123		5008		
20	2123		5008		
20	2123		5008		
20	2123		5008		
20	2123		5008		
Total Capital Outlay					\$ -

## Revenue/Donations

Fund#	Dept.#	G/L#	Proj.#	G/L# Description	Total
20	2123	33100	5008	Grant Revenue	\$ 43,000
20	2123		5008		
20	2123		5008		
Total Revenue/Donations					\$ 43,000

## Acknowledgement

Date

*[Signature]* 10/23/21  
 Department Director

APPROVED

By Todd Lavoie at 3:32 pm, Nov 04, 2021

BP 11/4/21

Chief Financial Officer

Approved Luke Cavener 5:04 pm 11/4/21

Council Liaison

*[Signature]* 11-4-21  
 Mayor

Total Amendment Request \$ (0)

Total Amendment Cost - Lifetime

City of Meridian ~~FY2021~~ Budget Amendment Form

Prior Year(s) Funding	Fiscal Year 2022	Fiscal Year 2023	Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Title:	Department Name:
Personnel	\$ 35,000						Police
Operating	\$ 8,000	\$ -	\$ -	\$ -	\$ -		
Capital	\$ -						
Total	\$ -	\$ 43,000	\$ -	\$ -	\$ -		
Total Estimated Project Cost: \$						43,000	

## Instructions for Submitting Budget Amendments:

- > Department will send Amendment with Directors signature to Finance (Budget Analyst) for review
- > Finance will send Amendment to Council Liaison for signature
- > Council Liaison will send signed Amendment to Mayor
- > Mayor will send signed Amendment to Finance (Budget Analyst)
- > Finance (Budget Analyst) will send approved copy of Amendment to Department
- > Department will add copy of Amendment to Council Agenda using Novus Agenda Manager

## Evaluation Questions

Please answer all Evaluation Questions using the financial data referenced above.

1. Describe what is being requested?

Spend Authority of \$43,000 for Grant award from ITD for Traffic Enforcement of overtime wages of \$35,000 and travel/training expense of \$8,000. This grant has a 25% match from the City equal to \$10,760. The match will be comprised of benefit costs (based on OT wages); mileage dedicated to traffic enforcements; and Officers' hours/wages city pays during Drug Recognition Expert (DRE) training.

2. Why was this budget request not submitted during the current fiscal year budget cycle?

The grant was awarded to the City on Oct 12, 2021, retroactive to Oct 1, 2021. Awarded after the FY21 budget cycle was completed/approved.

3. What is the explanation for not submitting this budget request during the next fiscal year budget cycle?

Grant award dates are for Oct 1, 2021 thru Sep 30, 2022; cannot wait until the next budget cycle without losing the grant funding

4. Describe the proposed method of funding? If funding is split between Funds (i.e. General, Enterprise, Grant), please include the percentage split. List the amounts and sources of anticipated additional revenue that will result from approval of this request.

Grant funding from the Office of Highway Safety through ITD. Revenue neutral budget request.

5. Does this request align with the Department/City's strategic plan? If not, please explain how this request was not included in the Department/City strategic plan?

Yes, continue to provide public safety via enhanced traffic enforcements and additional DRE's on the Meridian Police force.

6. Does this request require resources to be provided by other departments? If yes, please describe the necessary resources to be provided by other departments.

No.

7. Does this Amendment include any needed Equipment or Software that will utilize the City's network? (Yes or No)

No

8. Is the amendment going to result in the disposal of an asset? (Yes or No)

No.

9. Any additional comments?

Total Amendment Request \$ (0)

Every effort should be made to avoid reopening the budget for an amendment. Departments will need to provide back up and appear before the City Council to justify budget amendments. Budget amendments are intended for emergency or mandatory changes to the original balanced budget. Changes to the original balanced budget may cause a funding shortfall.





**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**  
P.O. Box 7129 • Boise, ID 83707-1129  
(208) 334-8000 • [itd.idaho.gov](http://itd.idaho.gov)

August 30, 2021

Tracy Basterrechea  
Meridian Police Department  
1401 E Watertower St  
Meridian, ID 83642

**RE: OHS Highway Safety Grant FFY 2022**

Dear Ms. Basterrechea,

In February 2021 the Office of Highway Safety (OHS) received your grant application for a Federal Fiscal Year (FFY) 2022 highway safety grant. The application has been reviewed and was recommended for approval by the Idaho Traffic Safety Commission (ITSC). The grant was included in the Highway Safety Plan and approved by the Idaho Transportation Board July 2021.

This agreement is funded under the NHTSA (National Highway Traffic Safety Administration) Federal grant program. Funding of this agreement is dependent upon the availability of federal funds as appropriated and obligated by the US Department of Transportation for FFY 2022.

The Federal Fiscal Year 2022 (FFY22) is October 1, 2021 through September 30, 2022. You will receive a formal grant agreement and upon signature of the agreement and associated documents, you will receive a notice to proceed at which time funds from the awarded grant may be expended.

The Office of Highway Safety appreciates your request and all that the Meridian Police Department does to keep Idaho's roads safe.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Dinnauer'.

Denise Dinnauer  
Grants/Contracts Officer

Cc: Brandon Frasier

**Program Name: Meridian Police Department-Enforcement**

**State Program: SPT2202**

**Funding: \$43,000**

**Match: \$10,750**

**CFDA (Catalog Federal Domestic Assistance): 20.600**

**FAIN (Federal Award Identification Number): TBD**



## AGENDA ITEM

**ITEM TOPIC:** City of Meridian Financial Report - October Fiscal Year 2022

# CITY of MERIDIAN FINANCE REPORT October 2021 - FY22

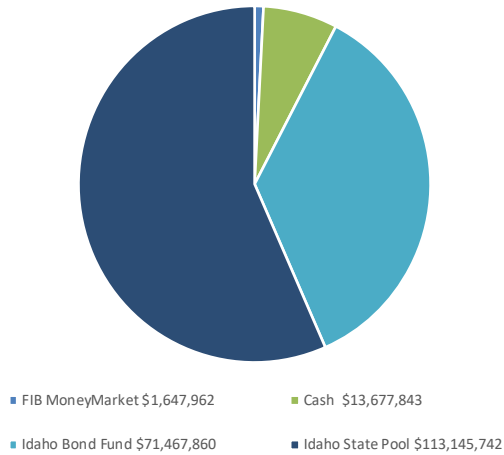
Report	PAGE #
Investment Graphs	2
Fund Balance	3



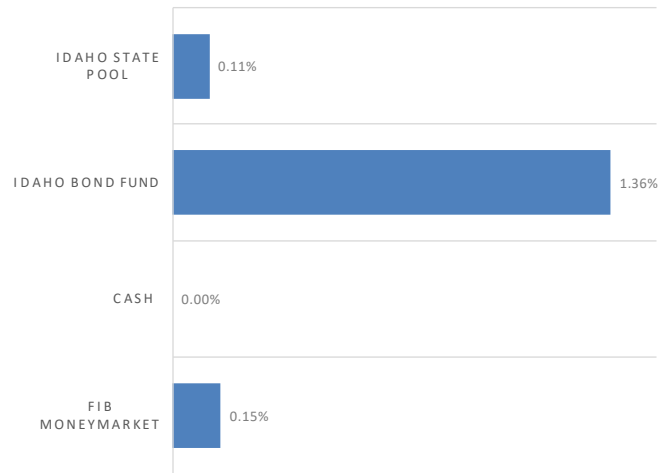




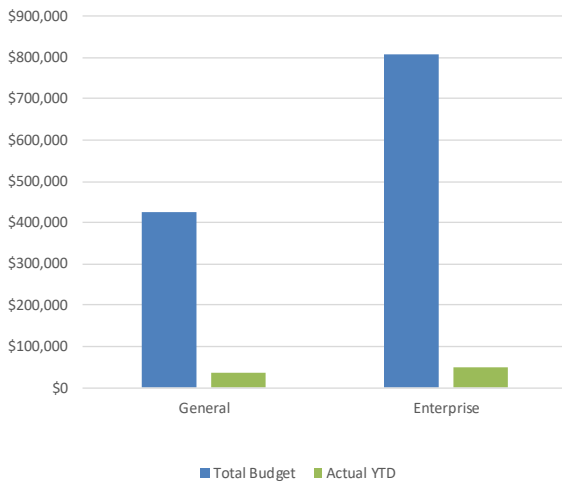
## City of Meridian Investment Portfolio



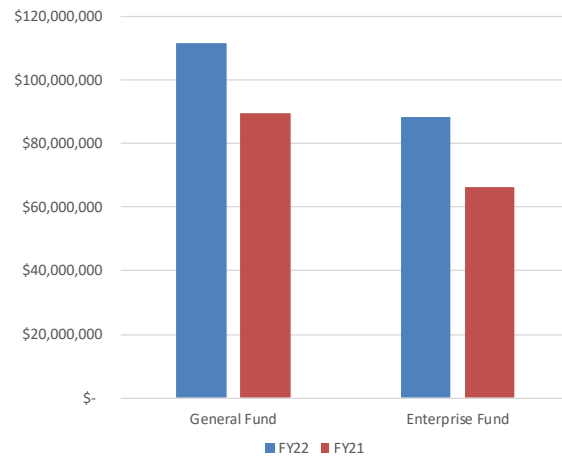
## CITY OF MERIDIAN INVESTMENT PORTFOLIO YIELD BY INVESTMENTTYPE



## City of Meridian Interest/Investment Income by Major Fund

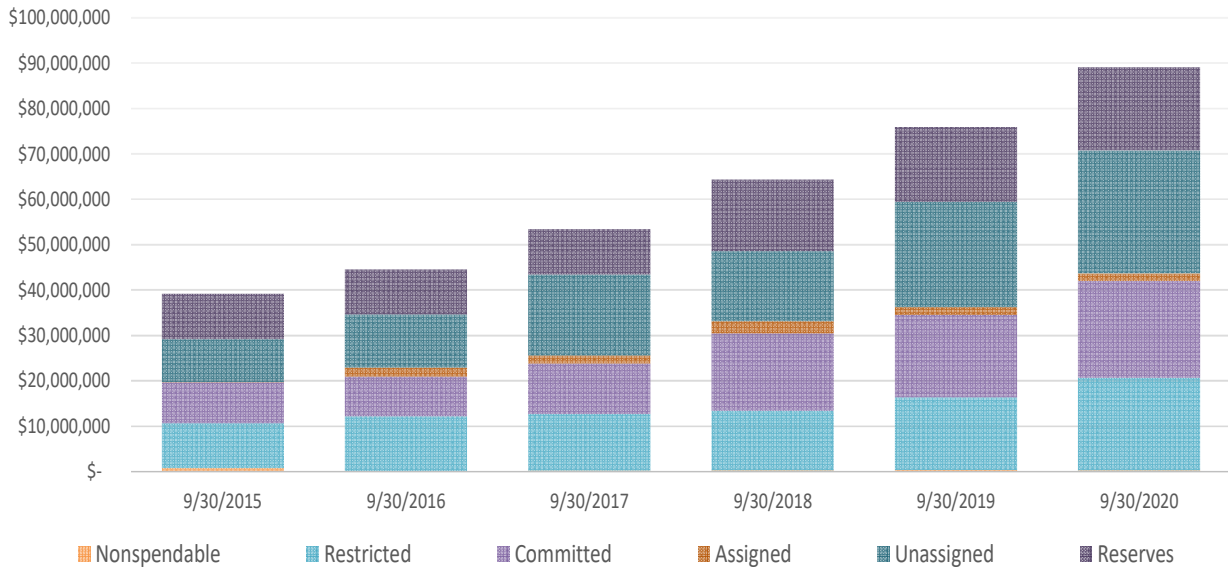


## City of Meridian Cash/Investments Balance by Major Fund

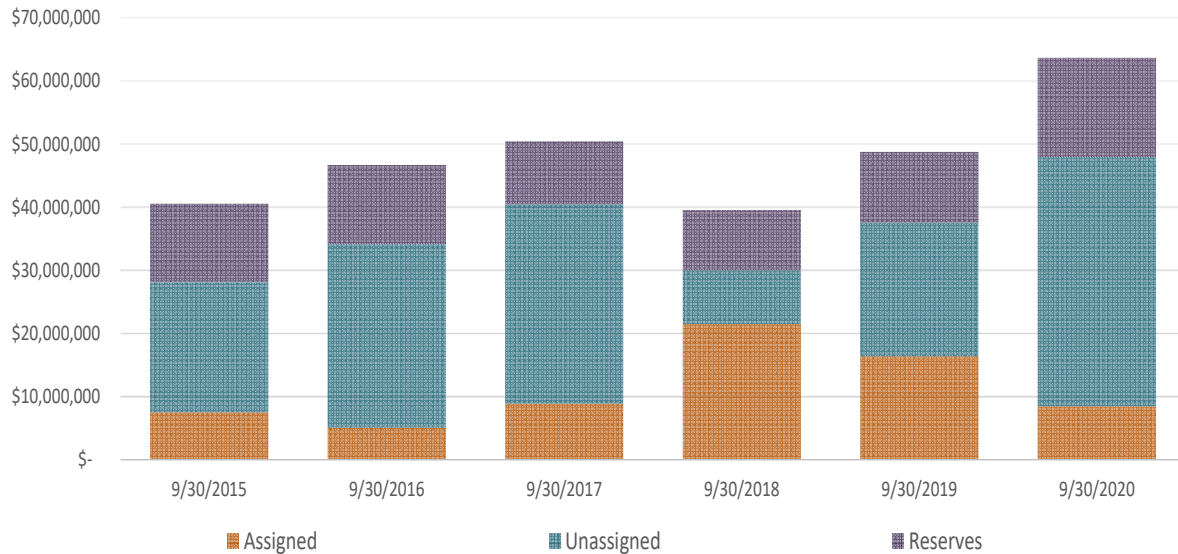




## GENERAL FUND BALANCE ALLOCATIONS



## ENTERPRISE FUND BALANCE ALLOCATIONS





## AGENDA ITEM

**ITEM TOPIC:** 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  
*Item will be continued to November 30, 2021*



# 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"):

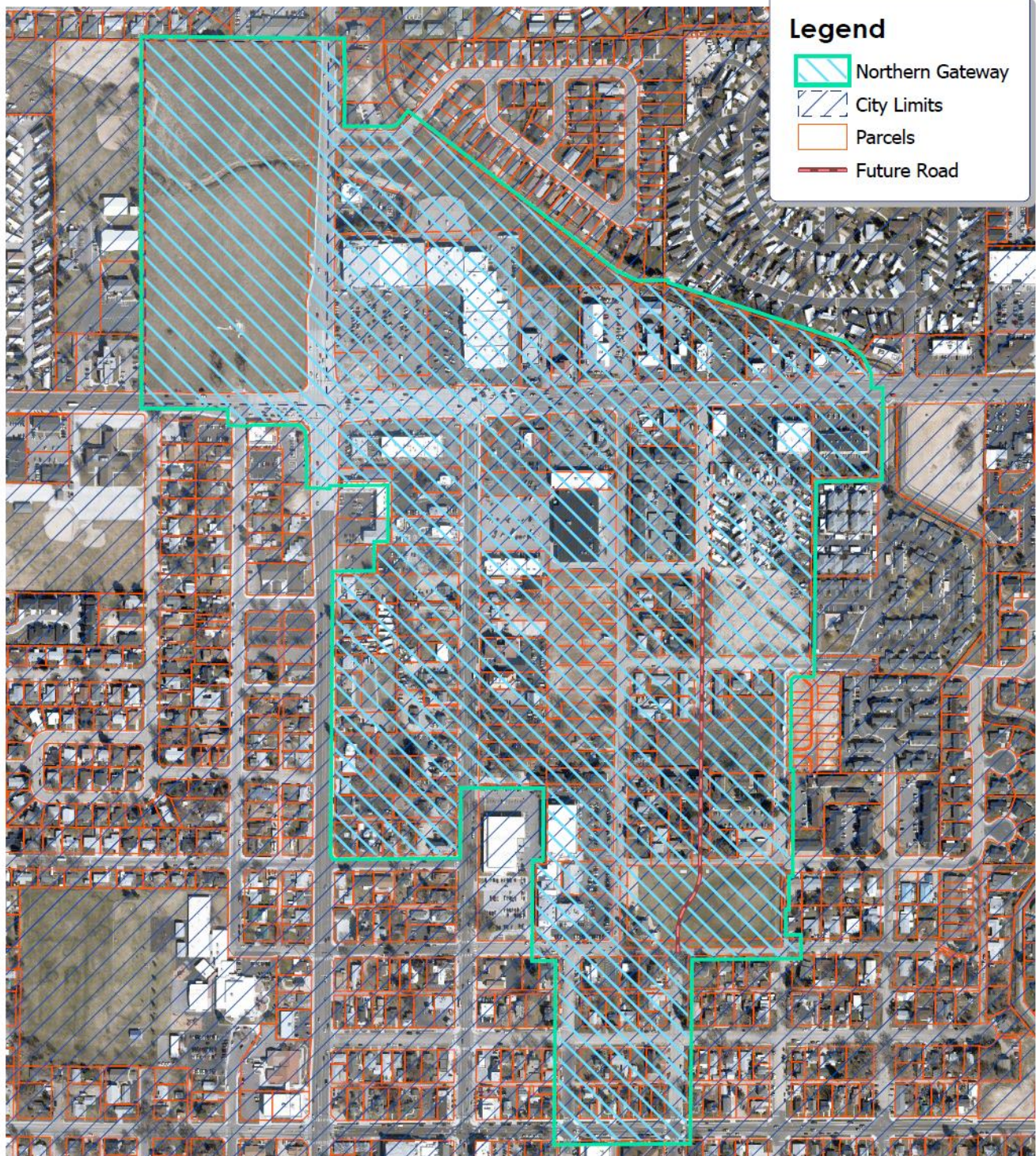
MDC Approval and Transmittal of Eligibility Report	June 9, 2021
City Council Approval of Eligibility Report	July 6, 2021
MDC Approval & Transmittal of Northern Gateway District Urban Renewal Plan	September 22, 2021
Planning and Zoning Commission Confirmation of Conformance of Northern Gateway Urban Renewal 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. \_\_\_\_\_**

**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:**

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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.

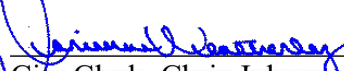
**ADOPTED** by the Planning and Zoning Commission of the City of Meridian, Idaho, this 7th day of October 2021.

**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;

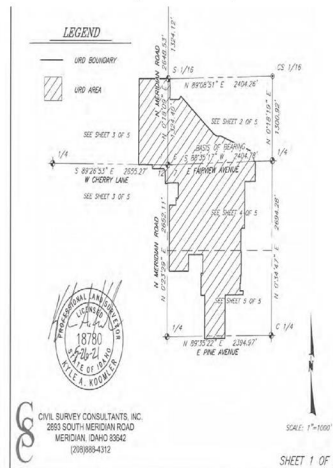
x. Agency and/or owner-developer construction, participation in the construction and/or management of public parking facilities and/or surface lots that support a desired level and form of development to enhance the vitality of the Project Area;

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 \_\_\_\_\_**

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### **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.

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<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.

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<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.

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<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.

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<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.

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<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.

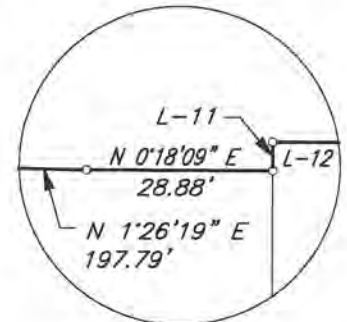
Attachment 1

Boundary Map of Northern Gateway District Urban Renewal Project Area and Revenue  
Allocation Area





SEE  
DETAIL B



DETAIL B  
NO SCALE

SCALE: 1"=300'

### LEGEND

URD BOUNDARY

URD AREA

CIVIL SURVEY CONSULTANTS, INC.  
2893 SOUTH MERIDIAN ROAD  
MERIDIAN, IDAHO 83642  
(208)888-4312

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 DATA

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C-1	52°04'52"	35.00	31.81	12.10	30.73	S 61°00'00" E

## EXHIBIT B (CONTINUED)

SCALE: 1"=300'

## LEGEND

— URD BOUNDARY



URD AREA



## LINE DATA

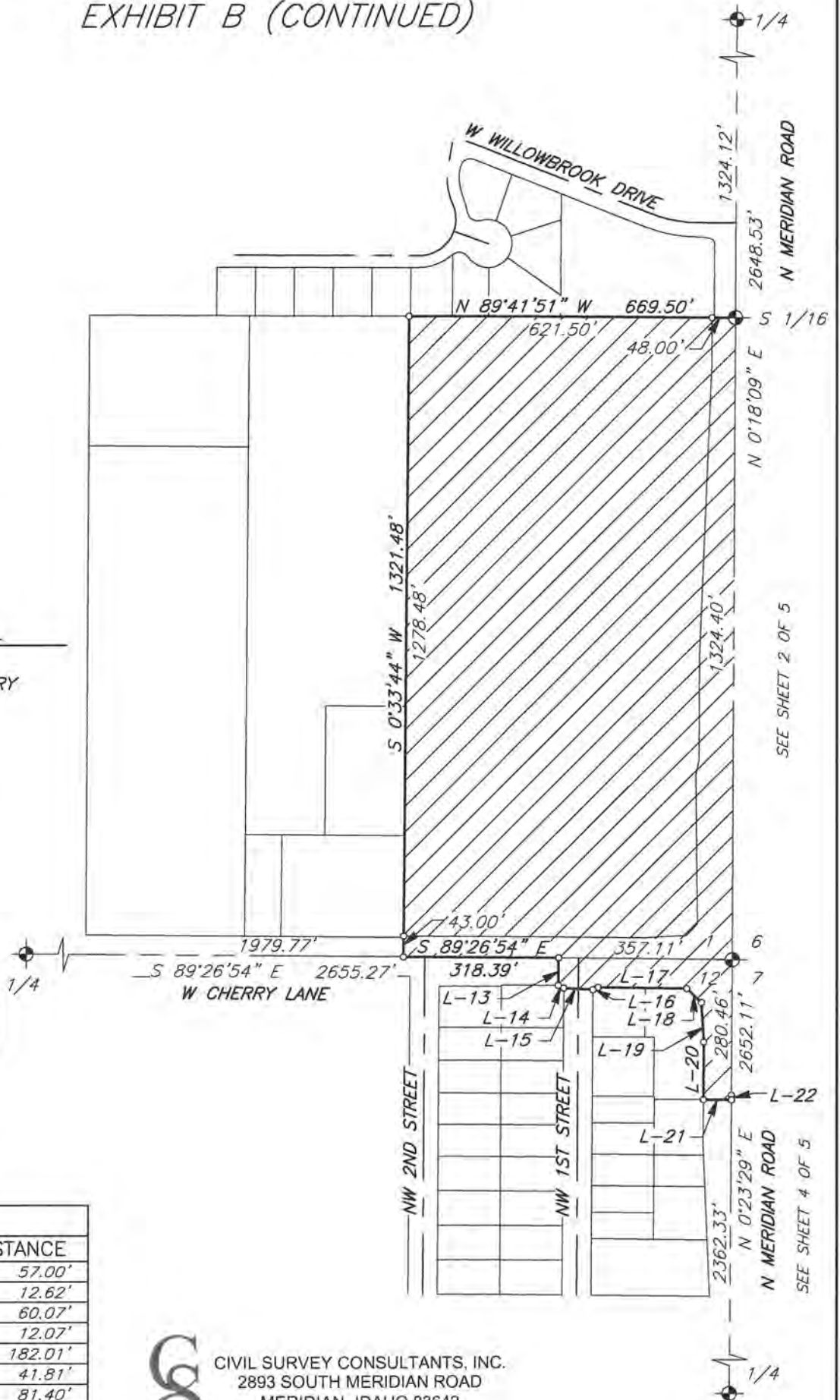
LINE	BEARING	DISTANCE
L-13	S 0°33'06" W	57.00'
L-14	S 62°43'15" E	12.62'
L-15	S 86°48'50" E	60.07'
L-16	N 66°24'13" E	12.07'
L-17	S 89°26'54" E	182.01'
L-18	S 45°34'48" E	41.81'
L-19	S 3°25'19" E	81.40'
L-20	S 0°23'29" W	119.26'
L-21	S 89°36'31" E	57.50'
L-22	N 0°23'29" E	9.32'



CIVIL SURVEY CONSULTANTS, INC.  
 2893 SOUTH MERIDIAN ROAD  
 MERIDIAN, IDAHO 83642  
 (208)888-4312

SHEET 3

Page 281



## 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

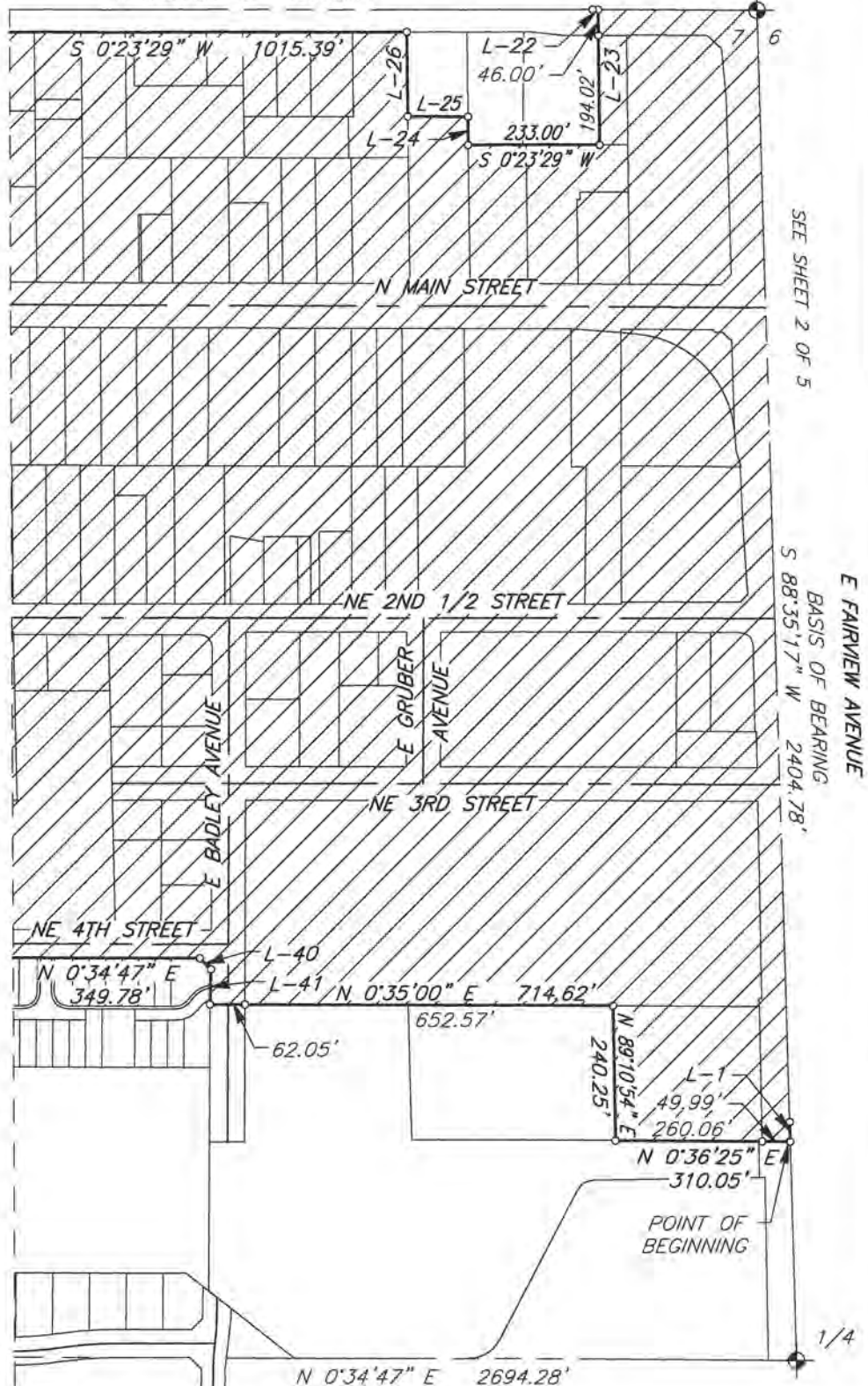
12 1

7 6

SEE SHEET 2 OF 5

E FAIRVIEW AVENUE  
BASIS OF BEARING  
S 88°35'17" W 2404.78'

SEE SHEET 5 OF 5



CIVIL SURVEY CONSULTANTS, INC.  
2893 SOUTH MERIDIAN ROAD  
MERIDIAN, IDAHO 83642  
(208)888-4312

SHEET 4



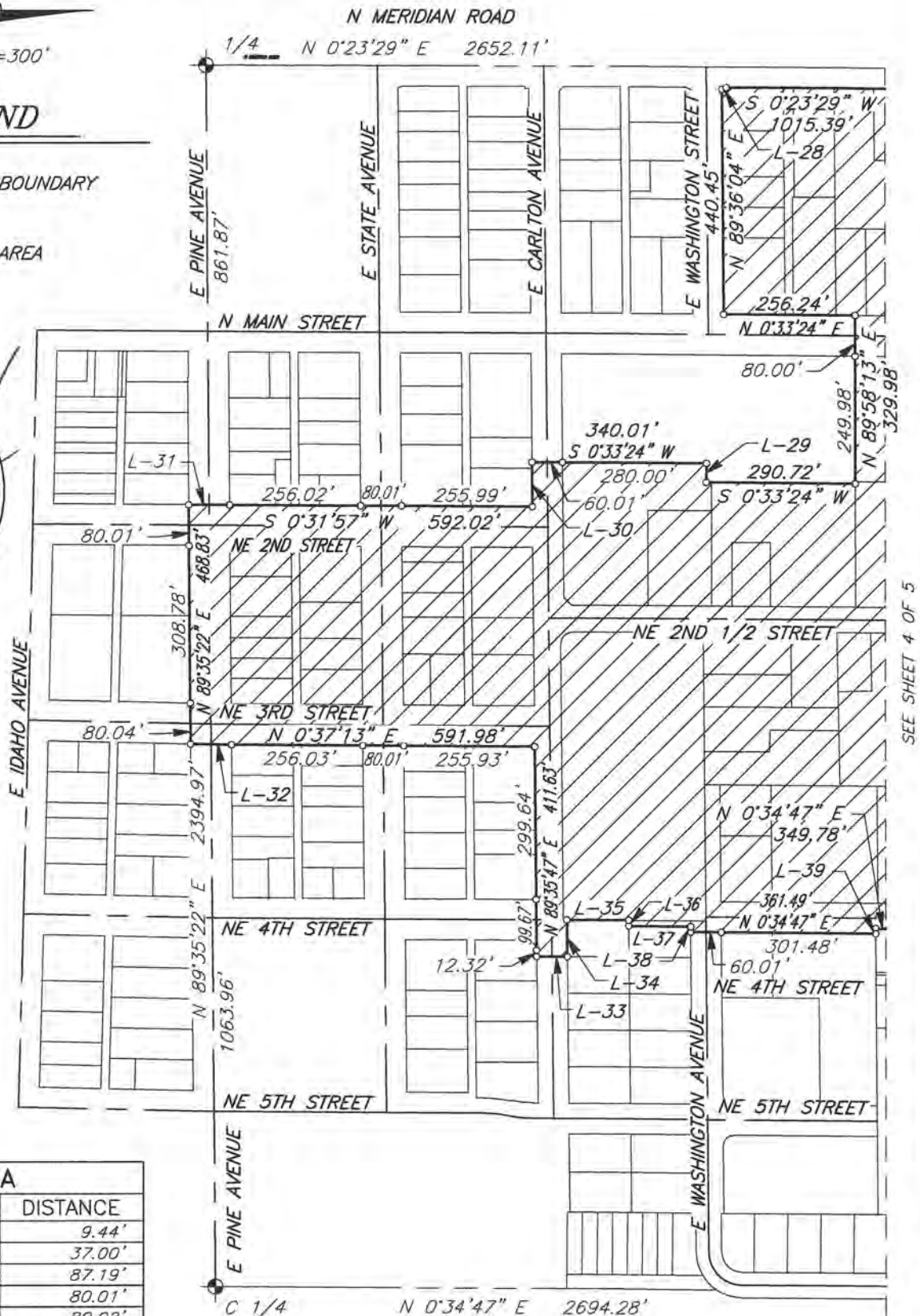
## EXHIBIT B (CONTINUED)

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







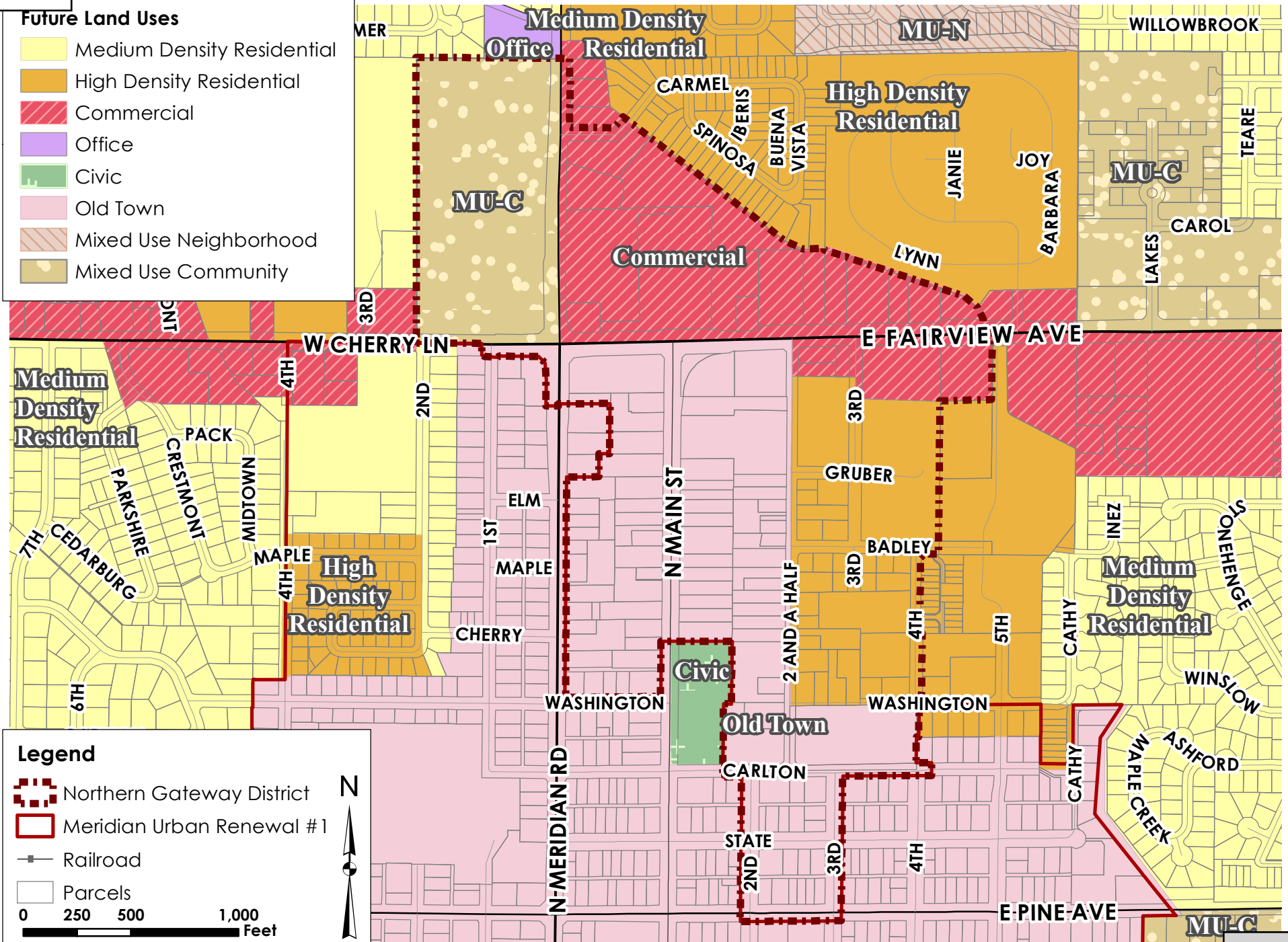
Item #12.

### 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



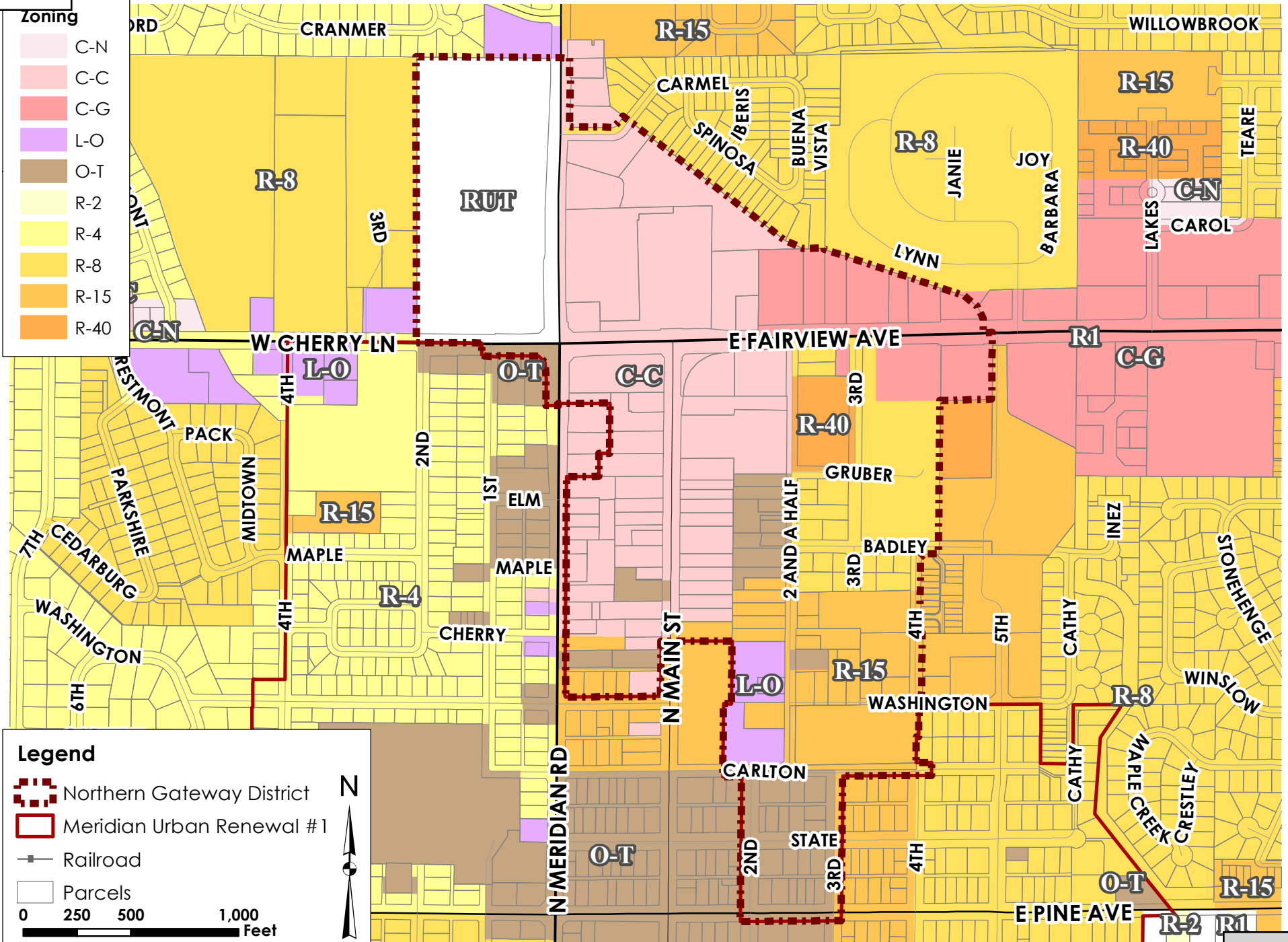
Item #12.

**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
Collector Roadways	<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

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<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.

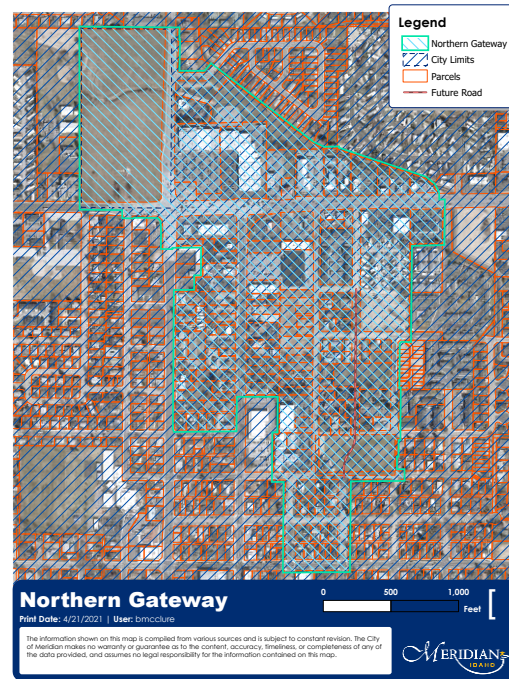
The Plan proposes certain public improvements that will facilitate development in the Project Area. The overall investment package will be funded from a variety of financing methods and sources. The primary method of financing MDC's obligation will be through the use of tax increment revenue (i.e., incremental 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.

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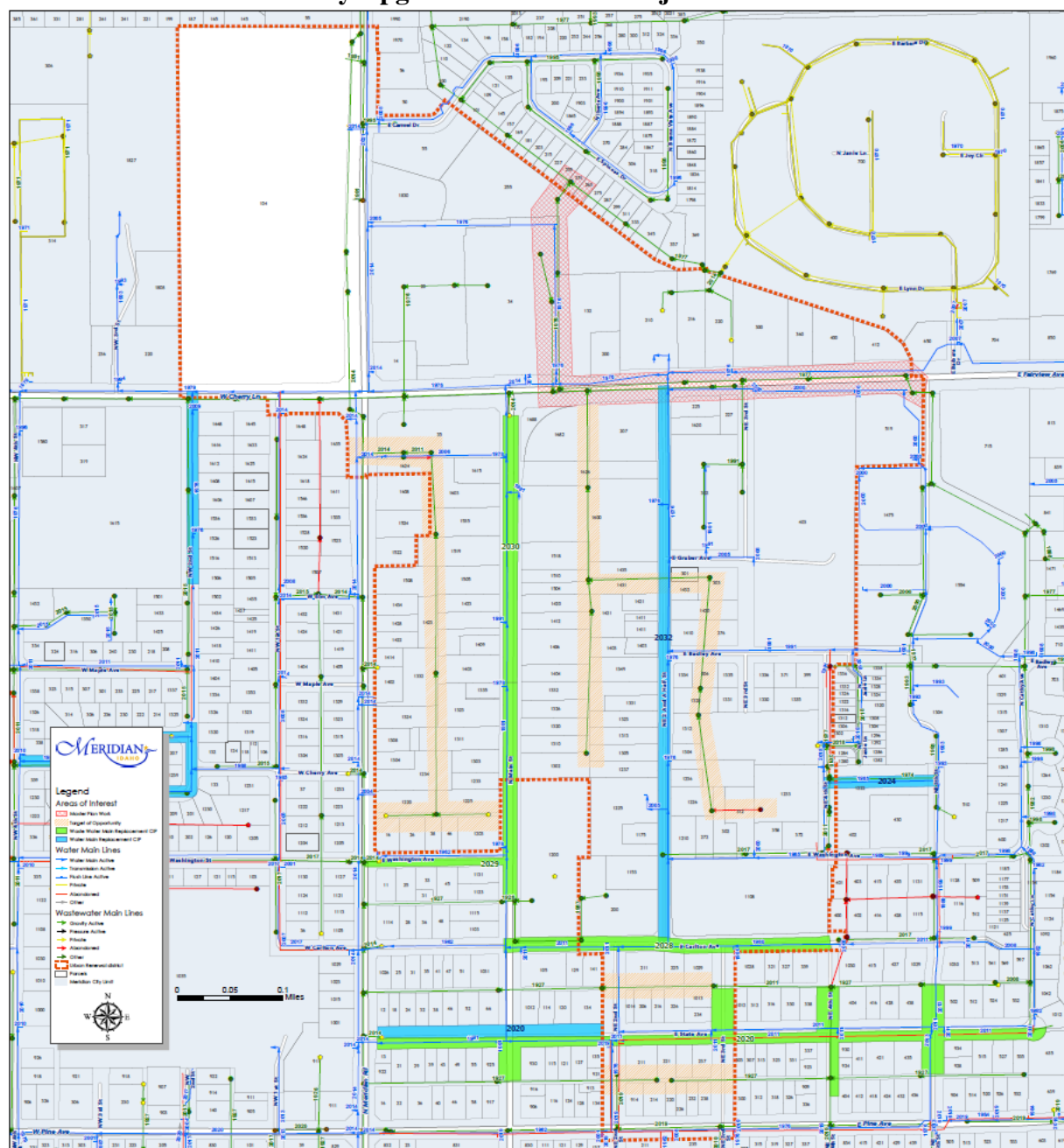
## Street Improvements – More Detailed Description

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

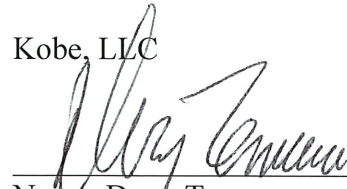
COMES NOW Doug Tamura, Member of Kobe, LLC, an Idaho limited liability company ("Kobe, LLC"), and states that Kobe, LLC owns that certain property generally described as Parcel Identification Number S1201449707 in the real property records of Ada County, Idaho, and more particularly described on Exhibit 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



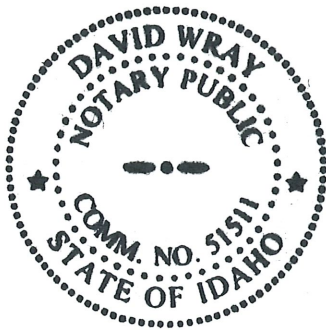
Name: Doug Tamura

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**

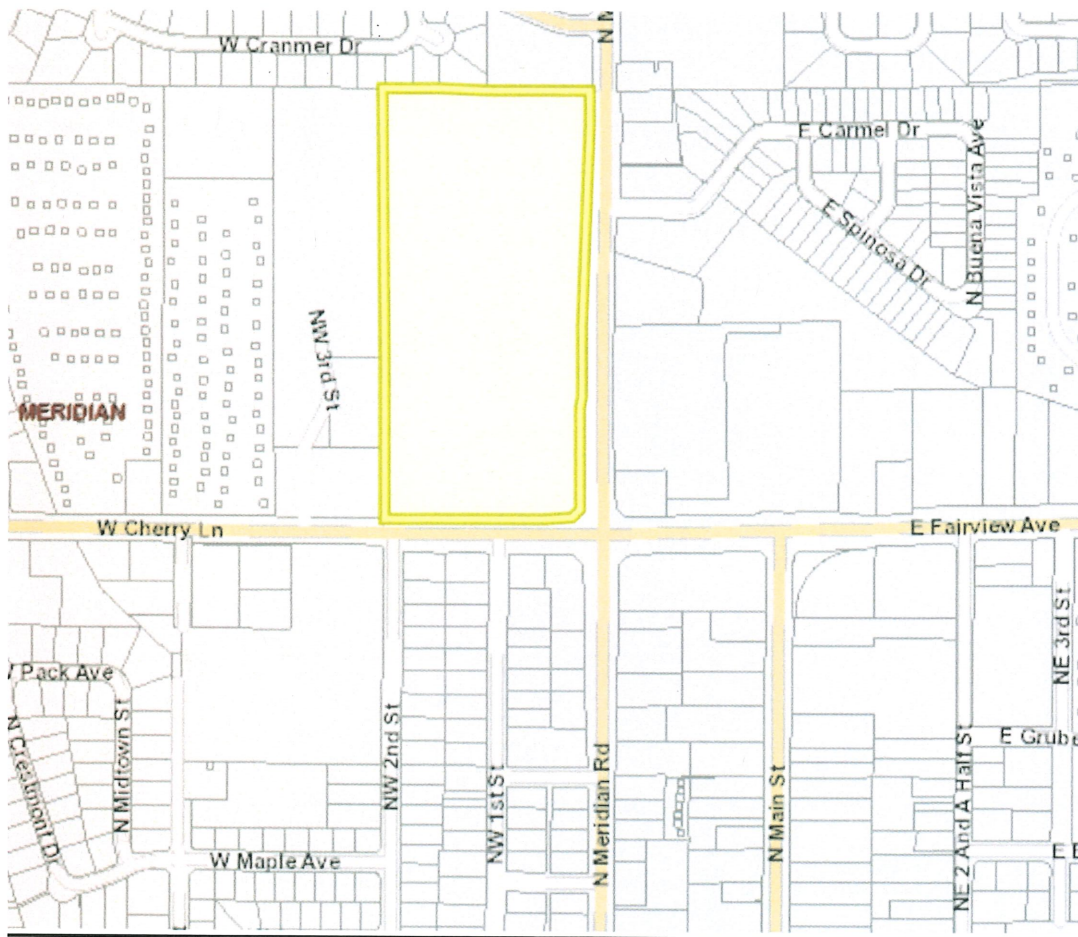
104 W. Cherry, Meridian, ID 83642

**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:

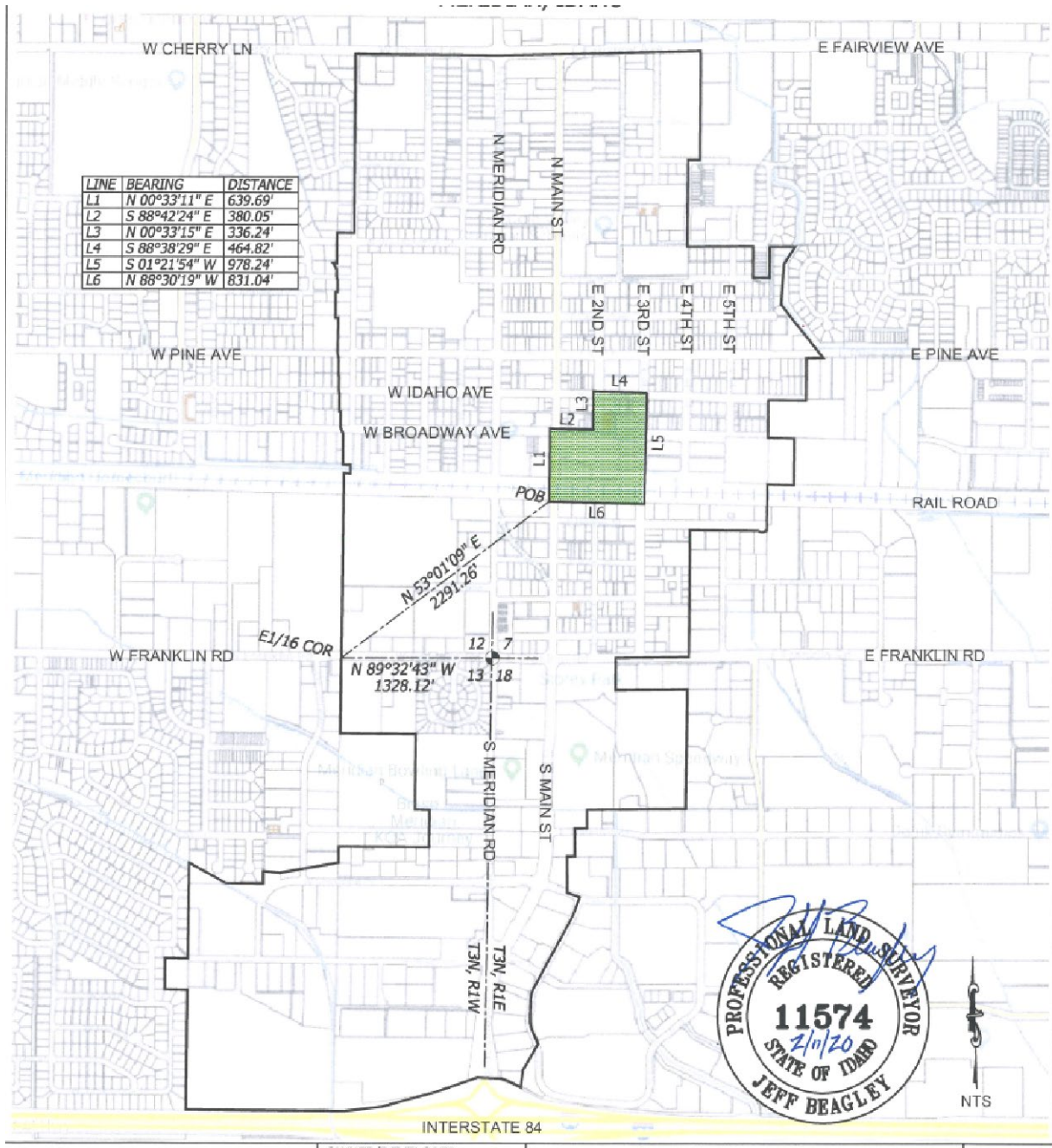
Chair:	David Winder
Vice Chairman	Nathan Mueller
Secretary/ Treasurer	Steve Vlassek
Commissioners	Dan Basalone
	Rob McCarvel
	Treg Bernt
	Tammy deWeerd
	Diane Bevan
	Kit Fitzgerald

<sup>1</sup> Throughout this Study, urban renewal/revenue allocation area will be referred to as an “urban renewal district.”

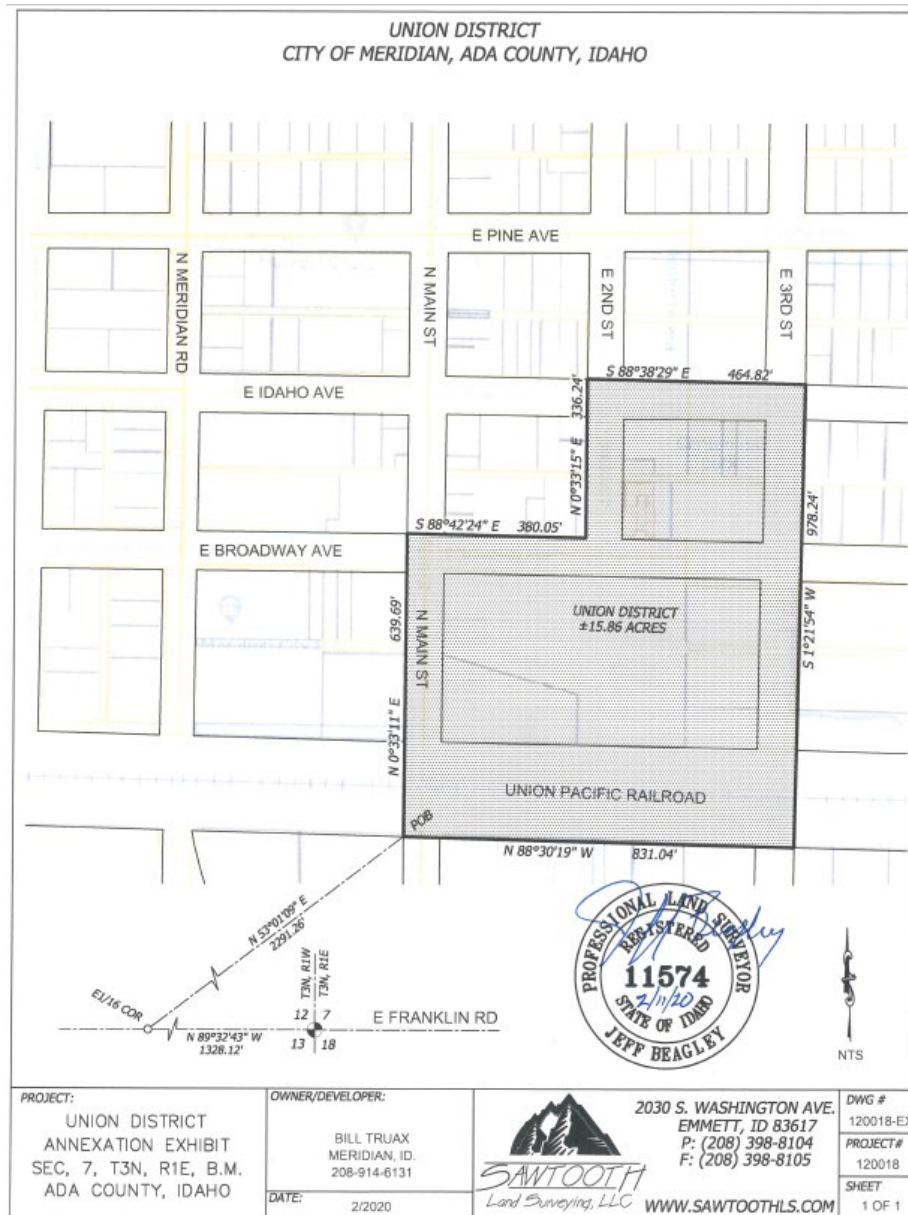
Staff:  
 Urban Renewal Administrator:  
 Legal Counsel:

Ashley Squyres  
 Todd Lakey

### Map of the Downtown District (excluding shaded area)

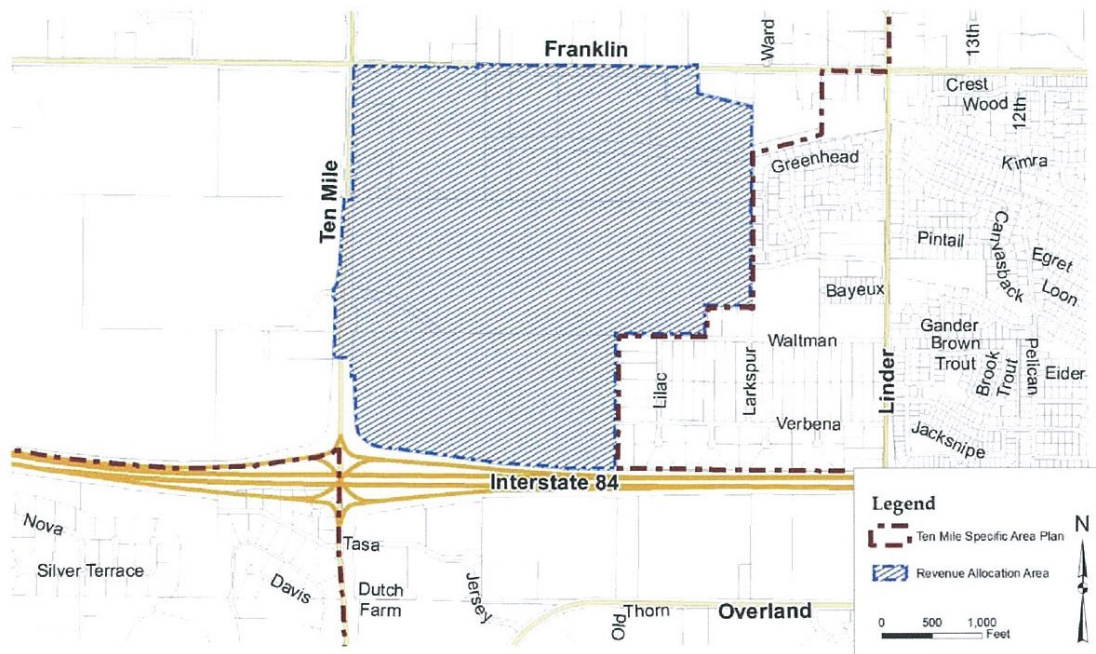


## Map of Union District





## 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-

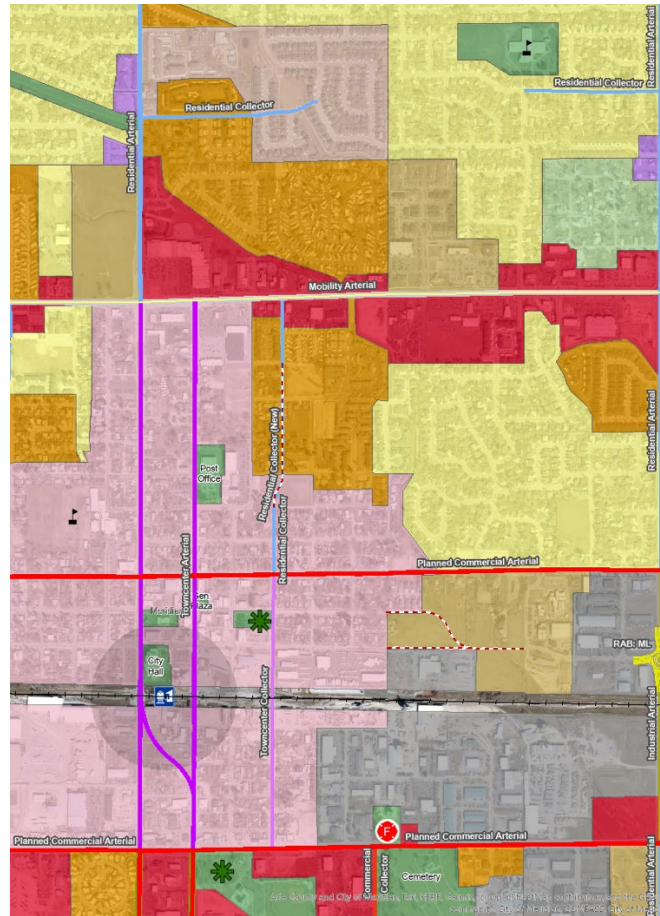
annexed from the original Downtown District to support a significant mixed use-project. The Northern Gateway Urban Renewal District would, if approved by the MDC Board of Commissioners and Meridian City Council, would remove 133 parcels from the existing Downtown District<sup>2</sup> and combine those 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.

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<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.

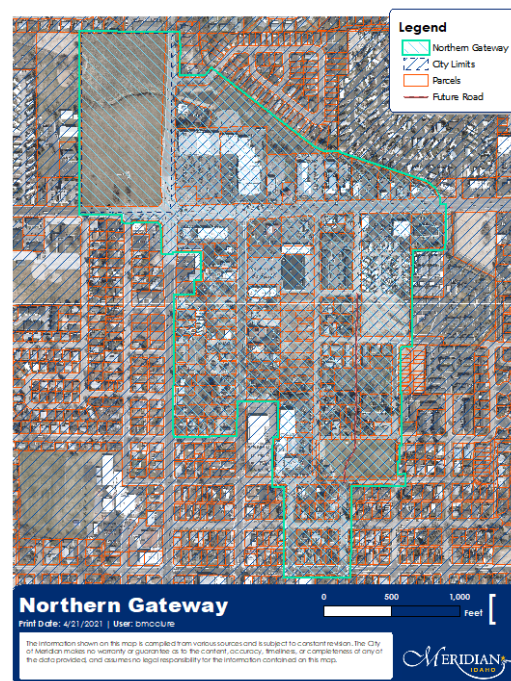
The Agency then proceeds to implement the Plan.

### **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
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<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 #12.

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 #12.

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;

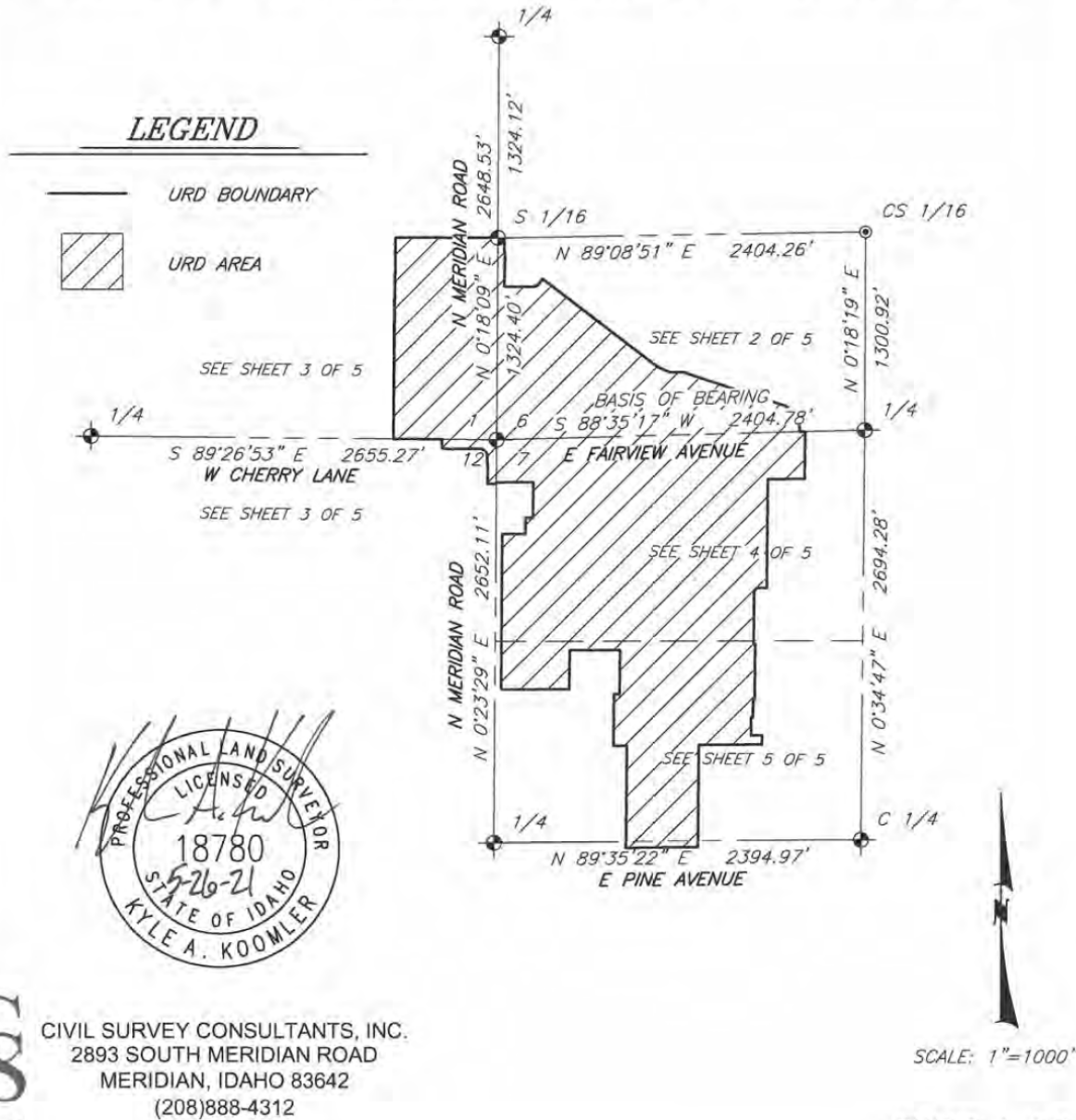
- n. The engineering, design, installation, construction, and/or reconstruction of below ground infrastructure to support the construction of certain municipal buildings pursuant to Idaho Code Section 50-2905A;
- o. The provision of financial and other assistance to encourage and attract business enterprise, 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.

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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 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

*Item will be continued to November 30, 2021*



# 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

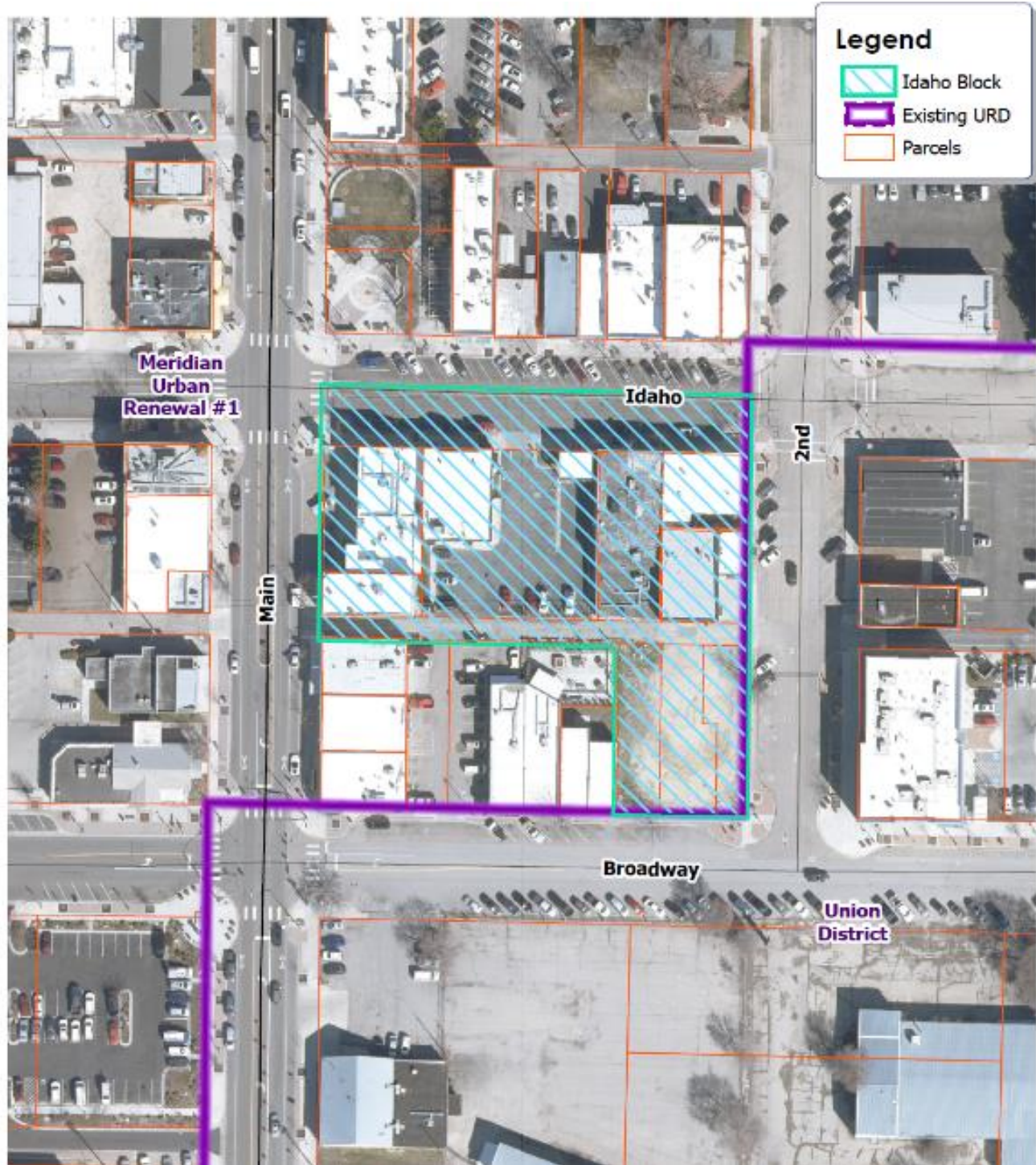
On July 13, 2021, the Second Amendment to the Meridian Revitalization Plan deannexed 11 parcels from the original downtown Meridian Revitalization District which will sunset in 2026. The existing Union District was established in June 2020. The proposed First Amendment to the Urban Renewal Plan for the 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. \_\_\_\_\_**

**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:**

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Robert Simison, Mayor

**ATTEST:**

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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.

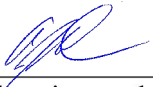
Section 2. That Exhibit A, the memorandum from Brian McClure, Comprehensive Associate Planner dated September 30, 2021, outlining the analysis supporting the determination that the First Amendment is in conformity with the City's Comprehensive Plan, is hereby adopted and incorporated as part of this 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.

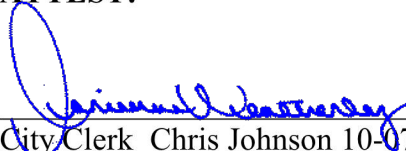
**APPROVED:**



\_\_\_\_\_  
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.

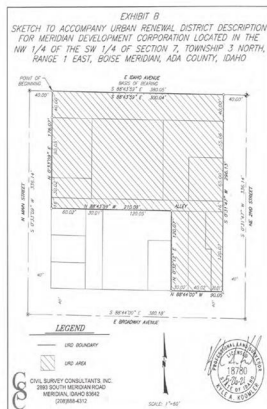
The general scope and objectives of the First Amendment are:

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.

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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.

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<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.

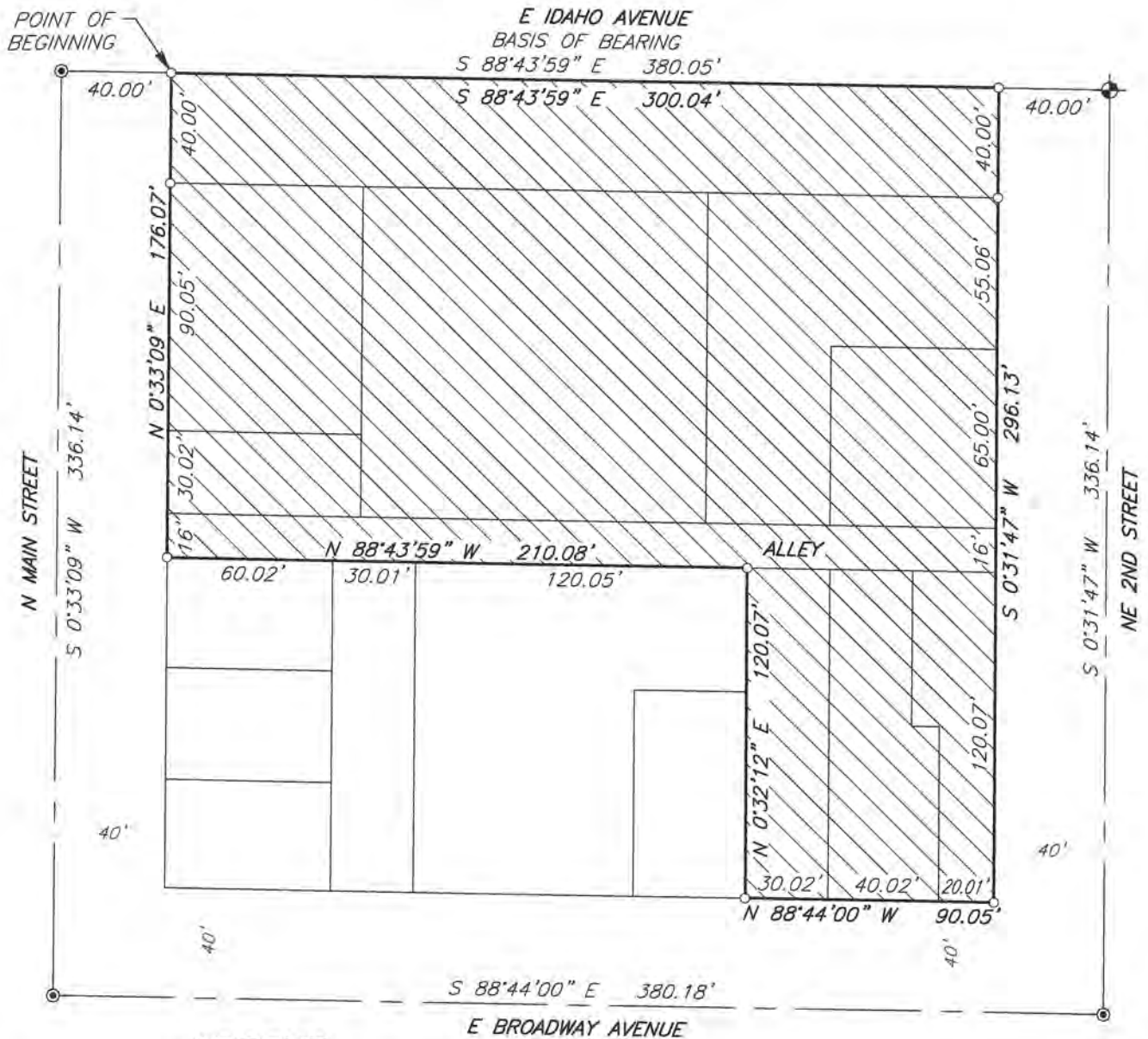
19. Amendment to Plan to add new Attachment 5A. The Plan is amended to add new Attachment 5A entitled “Supplement to the Economic Feasibility Study: Financial Analysis Related to the 2021 Annexation,” attached hereto.


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

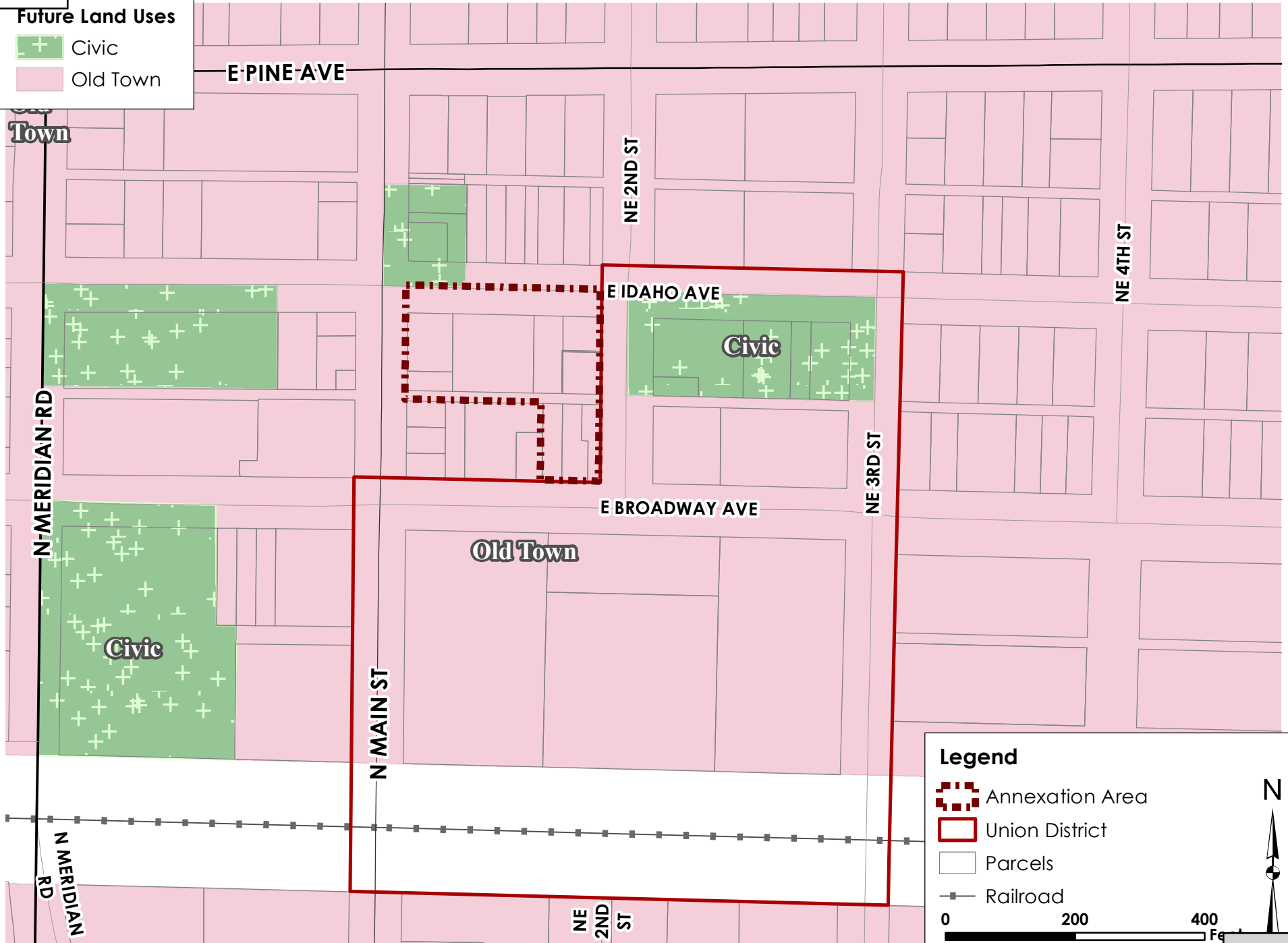


Attachment 4A  
Map Depicting Expected Land Uses and Current Zoning Within the Areas Added by the First  
Amendment





Item #13.

### Future Land Uses

-  Civic
-  Old Town



### Legend

-  Annexation Area
-  Union District
-  Parcels
-  Railroad

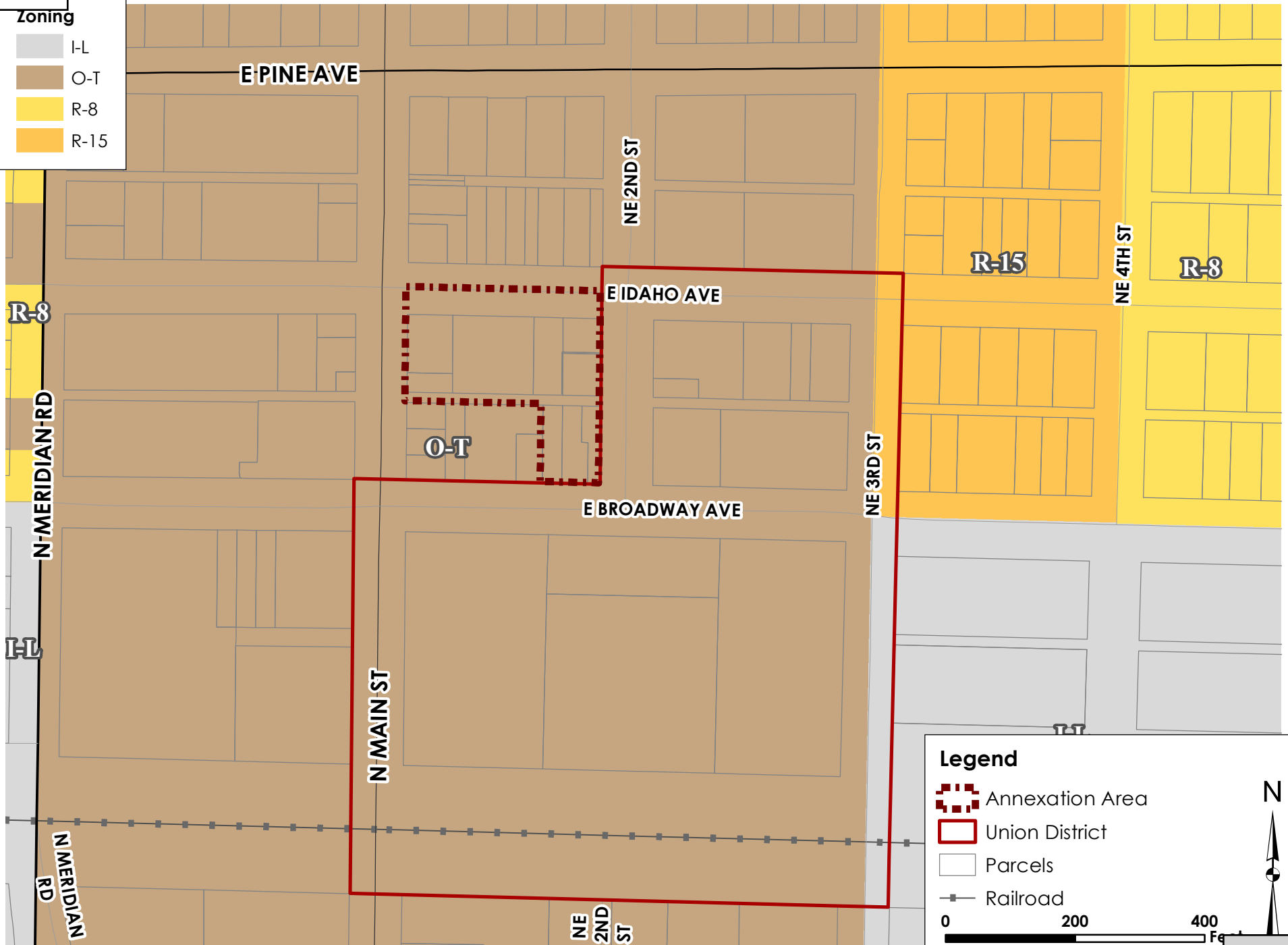
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Item #13.

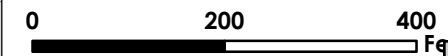
**Zoning**

- I-L
- O-T
- R-8
- R-15



**Legend**

- Annexation Area
- Union District
- Parcels
- Railroad



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.

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<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.

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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>

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.

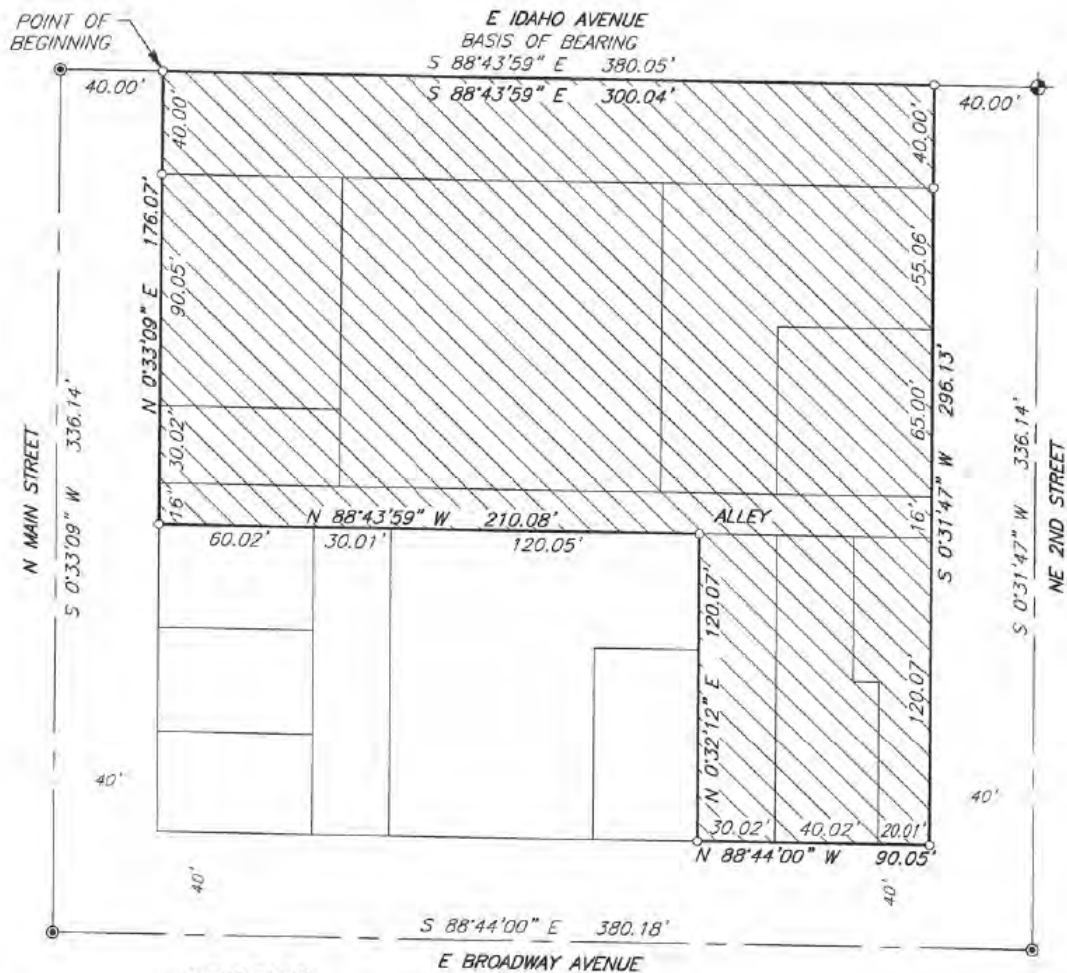
Any such land uses as described in the First Amendment will be in conformance with zoning for the City and the City’s Comprehensive Plan, as amended. Land made available will be developed by private enterprises or public agencies as authorized by law. The First Amendment identifies

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.

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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.

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William. L.M. Nary, City Attorney



## AGENDA ITEM

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

*Item will be continued to November 30, 2021*

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

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**Staff Contact:** Sonya Allen

**Meeting Date:** November 9, 2021

**Topic:** **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.).

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## Information Resources:

[Click Here for Application Materials](#)

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

## STAFF REPORT

### COMMUNITY DEVELOPMENT DEPARTMENT



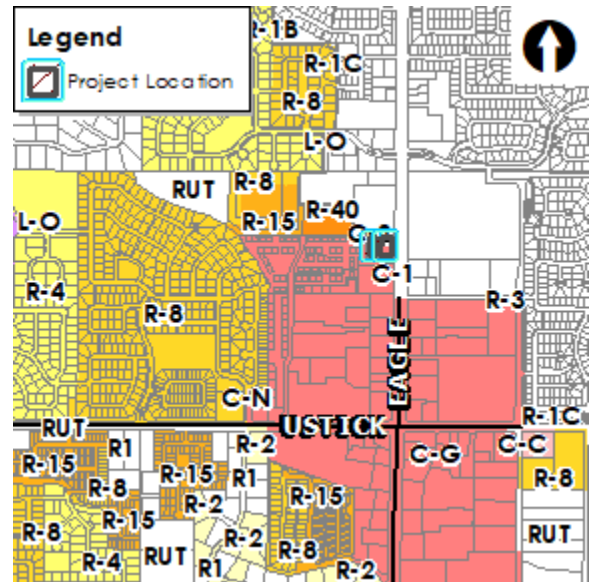
HEARING DATE: 11/23/2021

TO: Mayor & City Council

FROAM: 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 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.

*Item will be continued to November 30, 2021*

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.





# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** November 23, 2021

**Topic:** **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.

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**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.

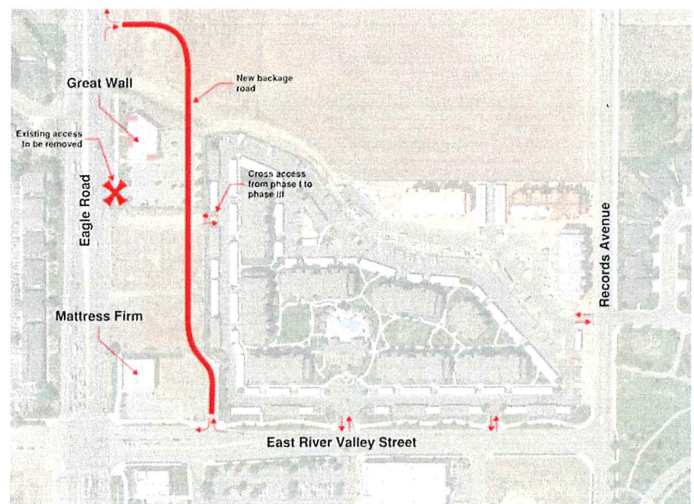
At the October 19<sup>th</sup> City Council meeting, council members had questions and concerns regarding the following items:

- 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.

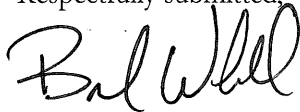
Per the staff report submitted, "High density residential (i.e. "apartments") uses are desired in the Mixed Use – Regional Future Land Use Map (FLUM) designation especially when located adjacent to SH – 55/Eagle Rd. and employment centers such as those along the Eagle Road corridor. The proposed development 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).

## STAFF REPORT

### COMMUNITY DEVELOPMENT DEPARTMENT



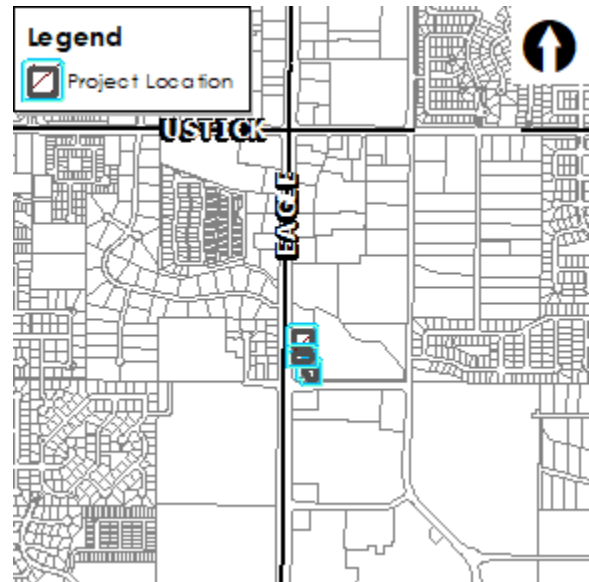
HEARING DATE: 11/23/2021  
*Continued from 9/28/21 and 10/19/21*

TO: Mayor & City Council

FROAM: 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.

##### 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.

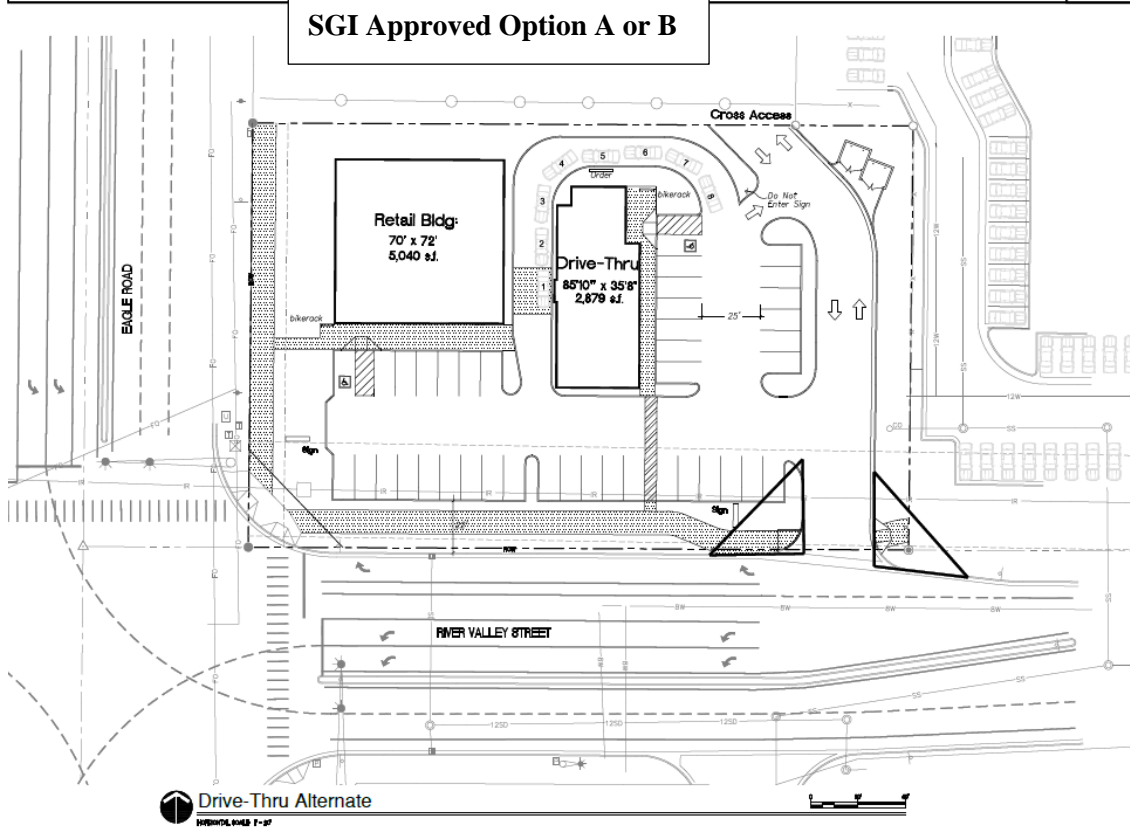
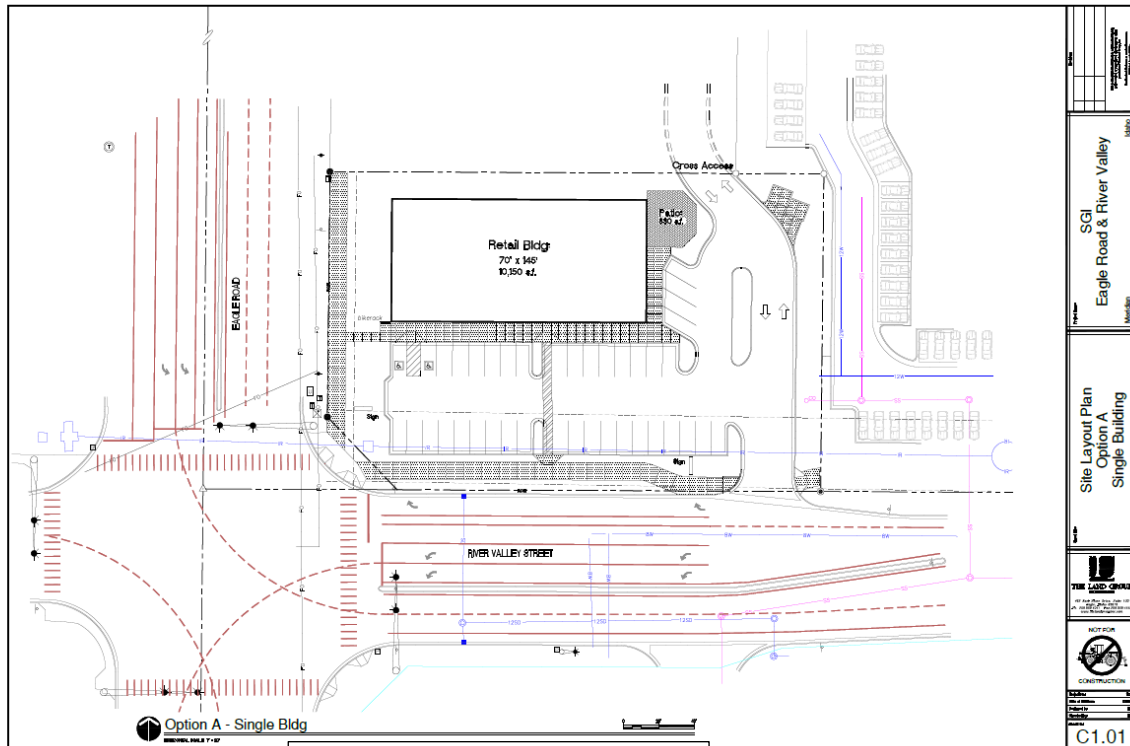
##### 4. City Council change(s) to Staff recommendation:

- a. None

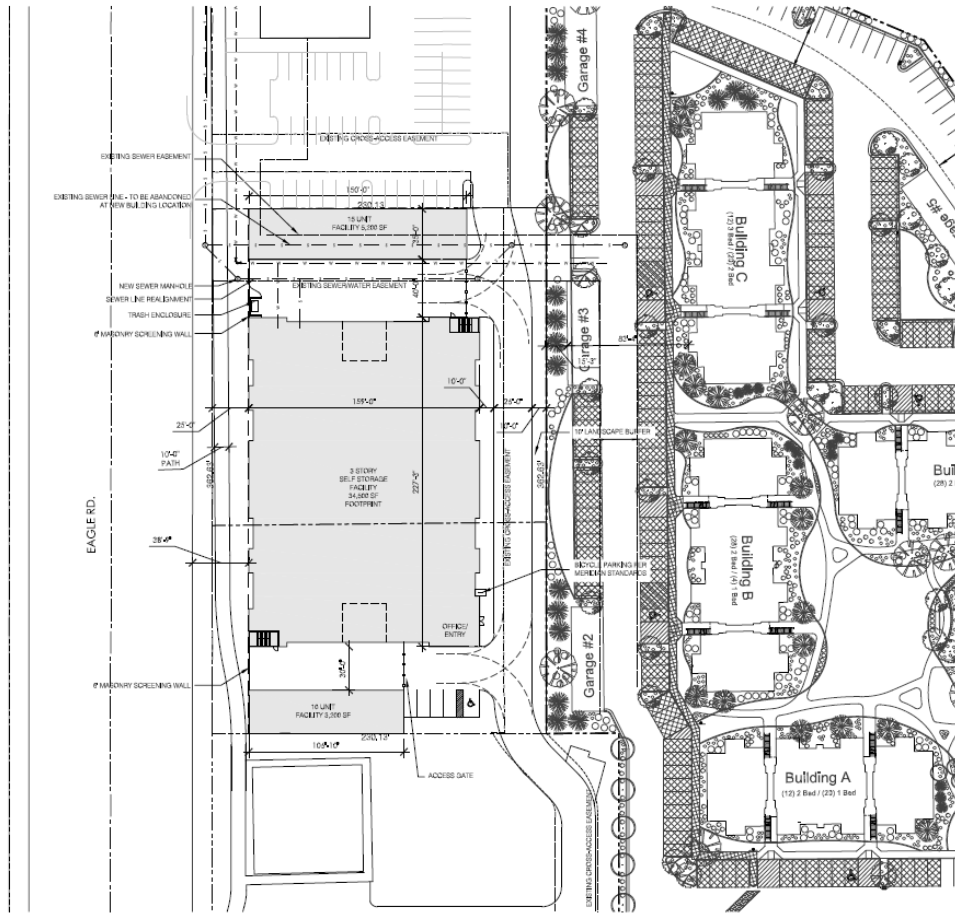


## V. EXHIBITS

### 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:  
 BUILDING: 108,400 SF  
 TOTAL: 108,400 SF

DESIGN: 10-1-2019

DATE: 10-1-2019

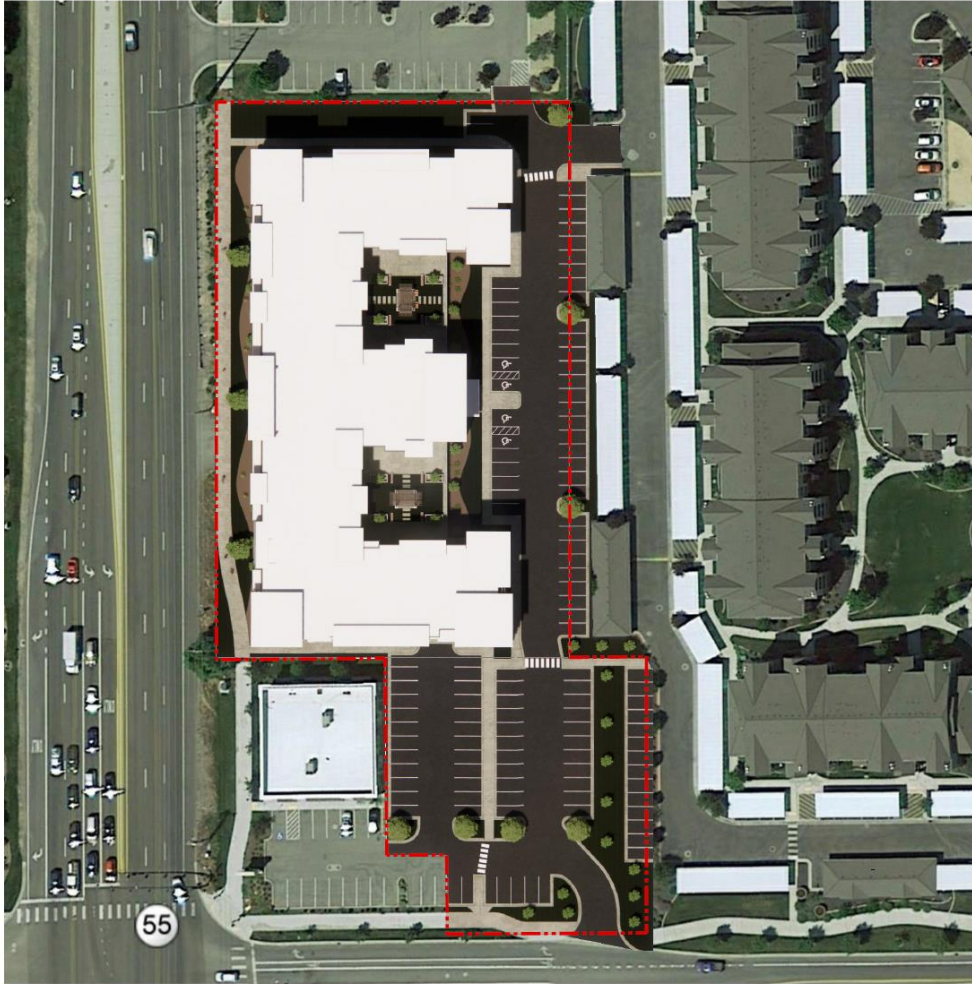
SHEET NO.

**BACH STORAGE - 2500 N Eagle Rd. Meridian, ID**

10-1-2019 SCALE: 1" = 30'-0"



## B. Proposed Conceptual Development Plan



**RIVER VALLEY PH. 3 - 2500 N Eagle Rd. Meridian, ID**

9/03/2021 SCALE: 1" = 30'-0"



SITE INFO:	
SITE AREA: 83,415 SF (2.56 ACRES)	
UNITS: 2B STACKED:	56
1B STACKED:	56
STUDIO:	16
TOTAL:	124 (48/AC)
PARKING STALLS:	115 SURFACE
	126 PODIUM (41,000 SF)
	241 TOTAL STALLS
	1.94 STALLS/UNIT

 <small>BACH HOMES, INC. 11100 South Gate Street Suite 100 Draper, Utah 84020 (801) 737-4389 www.bachhomes.com</small>
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A PROJECT BY <b>BACH HOMES</b> <small>THE BACH GROUP, A DIVISION OF THE BACH GROUP, INC.</small>
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REGENCY AT RIVER VALLEY PHASE 3
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SQUARE FOOTAGE: BASEMENT: MAIN FLOOR: UPPER FLOOR: GARAGE: TOTAL SFG: TOTAL SF:
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DRAWING NO: 111011 REVISION:
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LOT NO.:
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SHEET NO.:
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### 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:

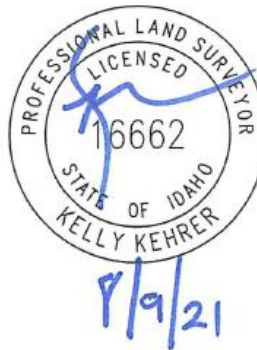
1. N00°14'37"E a distance of 51.69 feet;
2. N89°39'28"W a distance of 39.00 feet;
3. N00°08'13"E a distance of 128.24 feet to the northerly boundary line of said Rivervalley Retail Subdivision;

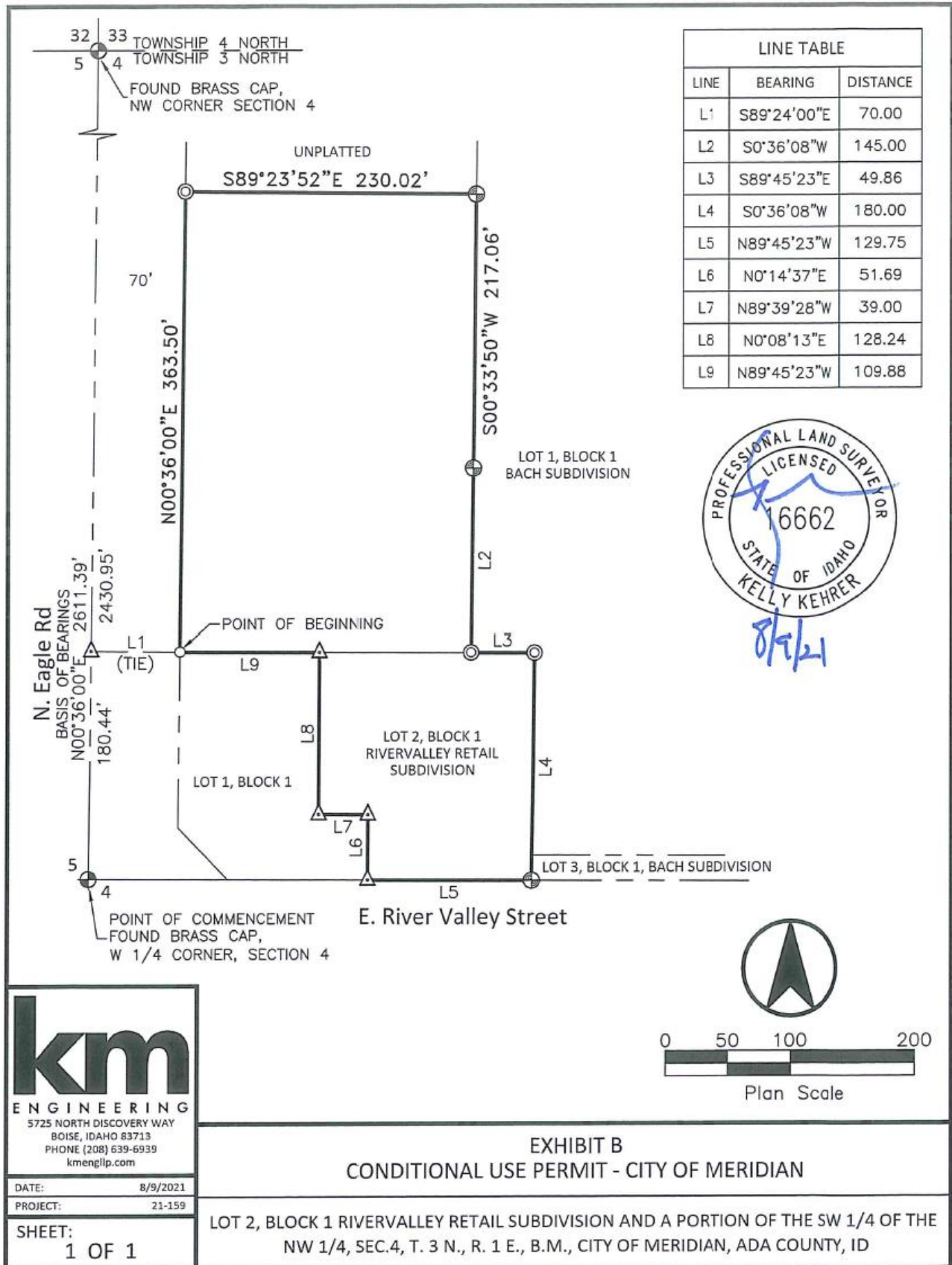


Thence leaving the westerly boundary line of said Lot 2 and following said northerly subdivision boundary line, N89°45'23"W a distance of 109.88 feet to the **POINT OF BEGINNING**. Said parcel contains 2.570 acres, more or less, and is subject to all existing easements and/or rights-of-way of record.

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).

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





## AGENDA ITEM

**ITEM TOPIC:** 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.

**CITY OF MERIDIAN ORDINANCE NO. A 21-1952**

**BY THE CITY COUNCIL:**

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

**AN 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.**

**BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MERIDIAN, COUNTY OF ADA, STATE OF IDAHO:**

**SECTION 1.** That the following described land as evidenced by attached Legal Description herein incorporated by reference as Exhibit “A” are within the corporate limits of the City of Meridian, Idaho, and that the City of Meridian has received a written request for annexation and re-zoning by the owner of said property, to-wit: *Kobe, LLC*.

**SECTION 2.** That the above-described real property is hereby annexed and re-zoned from RUT to C-C (Community Business) Zoning District in the Meridian City Code.

**SECTION 3.** That the City has authority pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to annex and zone said property.

**SECTION 4.** That the City has complied with all the noticing requirements pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to annex and re-zone said property.

**SECTION 5.** That the City Engineer is hereby directed to alter all use and area maps as well as the official zoning maps, and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance.

**SECTION 6.** All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

**SECTION 7.** This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

**SECTION 8.** The Clerk of the City of Meridian shall, within ten (10) days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman manner, including the lands herein rezoned, with the following officials of the County of Ada, State of Idaho, to-wit: the Recorder, Auditor, Treasurer and Assessor and shall also file simultaneously a certified copy of this ordinance and map with the State Tax Commission of the State of Idaho.

**SECTION 9.** That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, this**  
 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED BY THE MAYOR OF THE CITY OF MERIDIAN, IDAHO, this**  
 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**MAYOR ROBERT E. SIMISON**

**ATTEST:**

\_\_\_\_\_  
**CHRIS JOHNSON, CITY CLERK**

STATE OF IDAHO,       )  
                                   ) ss:  
 County of Ada         )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **ROBERT E. SIMISON** and **CHRIS JOHNSON** known to me to be the Mayor and City Clerk, respectively, of the City of Meridian, Idaho, and who executed the within instrument, and acknowledged to me that the City of Meridian executed the same.

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

(SEAL)

\_\_\_\_\_  
 NOTARY PUBLIC FOR IDAHO  
 RESIDING AT: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_



### **CERTIFICATION OF SUMMARY:**

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

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William L. M. Nary, City Attorney

### **SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. A 21-1952**

An Ordinance (H-2021-0048 – McFadden Property ) for annexation of a 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 the map published herewith; 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 an effective date. A full text of this ordinance is available for inspection at City Hall, City of Meridian, 33 East Broadway Avenue, Meridian, Idaho. This ordinance shall be effective as of the date of publication of this summary.

[Publication to include map as set forth in Exhibit B.]

## EXHIBIT A

**ELS** ENGBRITSON LAND SURVEYS, PLLC.

2251 S. Sumac Street, Boise, Idaho 83706

Telephone (208) 859-6032 mike@elsurveys.com

28 June 2021

ELS Project No. 210603

Land Description for annexation

Contains 890,594 square feet or 20.45 acres more or less

**EXHIBIT A**

The East ½ of the SE ¼ of the SE ¼ of Section 1, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at a found brass cap monument marking the SE corner of said Section 1 at the center line intersection of West Cherry Lane and North Meridian Road, the POINT OF BEGINNING from which a found aluminum cap monument marking the E ¼ corner of said Section bears N 00°18'02" E a distance of 2648.32 feet;

Thence westerly along the south line of said Section and the center line of West Cherry Lane N 89°27'04" W a distance of 675.50 feet to a point from which a found brass cap monument marking the S ¼ corner of said Section bears N 89°27'04" W a distance of 1979.77 feet;

Thence leaving said lines N 00°33'34" E a distance of 1324.25 feet to a found steel pin;

Thence S 89°27'32" E a distance of 669.51 feet to a found brass cap monument marking the S 1/16<sup>th</sup> corner on the East line of said Section 1 and the center line of said North Meridian Road;

Thence southerly along said center line and Section line S 00°18'02" W a distance of 1324.35 feet to the POINT OF BEGINNING.

The above-described tract of land contains 20.45 acres more or less subject to all existing easements and rights-of-way.

SEE EXHIBIT B ATTACHED AND MADE PART OF



K:\ELS\Projects\2021\210603\Admin\Legals\210603 Description.doc

